



CITY COUNCIL

Eva Galambos, Mayor

John Paulson – District 1

Dianne Fries – District 2

Chip Collins – District 3

Gabriel Sterling – District 4

Tibby DeJulio – District 5

Karen Meinzen McEnery – District 6

Tuesday, December 17, 2013

Summary Minutes

6:00 PM

A) INVOCATION – Rabbi Brad Levenberg, Temple Sinai

B) CALL TO ORDER – Mayor Eva Galambos

Mayor Eva Galambos called the meeting to order at 6:07 p.m.

C) ROLL CALL AND GENERAL ANNOUNCEMENTS

Mayor: Mayor Eva Galambos present

Councilmembers: Councilmember John Paulson, Councilmember Dianne Fries, Councilmember Chip Collins, Councilmember Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present.

D) PLEDGE OF ALLEGIANCE – Mayor Eva Galambos

E) APPROVAL OF MEETING AGENDA

Motion and Vote: Councilmember Fries moved to approve the Regular Meeting agenda for December 17, 2013, with the removal of Agenda Item No. 13-242. Councilmember Paulson seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 13-226)

1. Meeting Minutes:
 - a) December 3, 2013 Regular Meeting
 - b) December 3, 2013 Work Session

(Michael Casey, City Clerk)

(Agenda Item No. 13-227)

2. **AM11-004** - 5600 Roswell Road (SR 9), Applicant: Sembler, to modify condition 2.a. of RZ07-019 by modifying the site plan
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-228)

3. **AM11-005** - 1130 Hightower Trail, *Applicant: Community Action Center*, modification request to delete condition 3.f. of Z84-066 related to signage
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-229)

4. **AM12-001** - 5167 Lake Forrest Drive, *Applicant: Rodney Taylor*, to delete conditions 3.a., 3.b., 3.d. and 5.a. of Z05-0027 to allow construction of a single family residence
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-230)

5. **201201855** - 7955 Colquitt Road, *Applicant: Farahnaz-Ghasemshahs*, to modify condition 3.a. of Z99-0032 to modify the building setback along GA-400
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-231)

6. **201203397** - 510 Avignon Court, *Applicant: Joseph E. Denny*, to modify condition 1.h of Z82-0146 to allow an addition to a single family residence
(Angela Parker, Director of Community Development)

(Agenda Item No. 13-232)

7. **201303246** - 5776-5880 Glenridge Drive, *Applicant: Pulte Homes*, to modify condition 3.a.i. of 201300437 related to the six (6) foot earthen berm
(Angela Parker, Director of Community Development)

Motion and Vote: Councilmember DeJulio moved to approve the Consent Agenda for December 17, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

G) PRESENTATIONS

1. Paul Harris Fellow in the Rotary International Foundation – Jim Squire, The Rotary Club of Sandy Springs
2. Sparkle Sandy Springs Winner - Mayor Eva Galambos
3. Special Presentation to the City Council - Mayor Eva Galambos
4. Annual Financial Audit Report - Mauldin & Jenkins, LLC

H) PUBLIC HEARINGS**Alcoholic Beverage License****(Agenda Item No. 13-233)**

1. Approval of Alcoholic Beverage License Application for Stars & Strikes at 8767 Roswell Road Sandy Springs, Georgia 30350. Applicant is John Canouse for Consumption on Premises Wine, Malt Beverage & Distilled Spirits
(Presented by Finance Director, Karen Ellis)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-233, Alcoholic Beverage License Application for Stars & Strikes at 8767 Roswell Road Sandy Springs, for Consumption on Premises of Wine, Malt Beverage & Distilled Spirits. Councilmember Sterling seconded the motion. The motion carried unanimously.

Rezoning

(Agenda Item No. 13-234)

2. **201301778** - 611, 641, 661 Mabry Road, *Applicant: Estate of Herbert H. and Colleen B. Mabry and Estate of Maxine P. Cullom*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 20 lot subdivision. Councilmember Meinzen McEnery recused herself from this agenda item.
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilmember Sterling moved to approve Agenda Item No. 13-234, 201301778 - 611, 641, 661 Mabry Road, *Applicant: Estate of Herbert H. and Colleen B. Mabry and Estate of Maxine P. Cullom*, to rezone from R-2 (Single Family Dwelling District) to R-4 (Single Family Dwelling District) to allow for a 13 lot subdivision with the following conditions:

1) The developer/builder shall use a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ among others the use of differing front elevations, architectural styles, building exterior, setbacks or other similar techniques to provide a more pleasing appearance to the subdivision. Exteriors of homes constructed on the subject property must be brick, stone, cedar shake, or cement based material such as hardiplank. The developer/builder agrees to construct homes with a minimum of four (4) sided brick or stone water-table. A water-table shall be defined as brick or stone up to the front floor plate of the home.

2) There shall be a maximum of thirteen (13) single family lots in the proposed development. The property shall be zoned R4-A with a minimum lot size of 12, 000 sq. ft. The lots adjoining the north, south, and west property lines, shall meet the minimum square footage under the R3 Zoning Classification, which is a minimum of 18,000 sq. ft. lots. All lots in the community shall have the setbacks of R4-A.

3) Applicant agrees to the creation of a mandatory homeowners association. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all the common areas, entrance areas, and detention area contained within the proposed residential community. Applicant also agrees to join the Spalding Woods Homeowners Association.

4) The detention pond for the proposed development shall be fenced with a black, vinyl-clad chain link fence, a minimum of four (4) feet in height, with landscaping to the exterior for the purposes of visual screening. The landscaping for the detention pond shall be approved by the Sandy Springs Arborist during the plan review process, as well as, the Board members of the Spalding Woods HOA. The fencing and landscaping shall be installed as soon as the detention pond is constructed.

5) Applicant agrees to install a construction fence around the perimeter of the subject property to secure access to the subject property during the initial development and construction. To also change condition 4 to state wrought iron instead of vinyl-clad chain link fence. Councilmember Fries seconded the motion.

Friendly Amendment to the Motion #1: Councilmember Fries offered a friendly amendment to the motion to include staff recommended items 3. a, b, and c. as conditions 6. a, b, and c. Councilmember Sterling accepted the friendly amendment to the motion.

Friendly Amendment to the Motion #2: Councilmember Paulson offered a friendly amendment to the motion to include the site plan that was received by staff on December 17, 2013. Councilmember Sterling accepted the friendly amendment to the motion.

Vote on the Motion: The motion as amended carried 5-0 (Councilmember Meinzen McEnery recused)

Ordinance No. 2013-12-22

(Agenda Item No. 13-235)

3. **201302883** - 180 Allen Road & 185 Cliftwood Drive, *Applicant: Fulton-Allen Road Associates, LLC*, to rezone from O-I (Office & Institutional District) conditional to A-L (Apartment Limited District) for the development of a 248-unit apartment building, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-235, 201302883 - 180 Allen Road & 185 Cliftwood Drive, *Applicant: Fulton-Allen Road Associates, LLC*, to rezone from O-I (Office & Institutional District) conditional to A-L (Apartment Limited District) for the development of a 248-unit apartment building with concurrent variances and subject to: 1) all Planning Commission recommendations 2) condition 3a To the owner's agreement to provide the following site development standards: "Reserve for the City of Sandy Springs the necessary property to construct the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the City Center Master Plan Street Network. All building setback lines shall be measured from the dedication, but at no time shall a building be allowed inside the area of reservation; however, Owner/Developer shall be permitted to install driveway and other improvements as shown on site plan received by the Department of Community Development on September 19, 2013. Eighteen (18) feet from the interior east property line, subject to the approval of the Director of Community Development" 3) with the thirteen (13) conditions agreed upon with the neighborhood. Councilmember Collins seconded the motion. The motion carried unanimously.

Ordinance No. 2013-12-23**(Agenda Item No. 13-236)**

4. **201302885** - 183 Mystic Place, *Applicant: Alan N. Larsen*, to rezone from O-I (Office & Institutional District) conditional to O-I (Office & Institutional District) for the development of an office building, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember De Julio moved to defer consideration of Agenda Item No. 13-236, 201302885 - 183 Mystic Place, *Applicant: Alan N. Larsen*, to rezone from O-I (Office & Institutional District) conditional to O-I (Office & Institutional District) for the development of an office building, with concurrent variances, to the January 21, 2014, City Council meeting. Councilmember Sterling seconded the motion. The motion carried unanimously.

Use Permit**(Agenda Item No. 13-237)**

5. **201302865** - 700 Mount Vernon Highway, *Applicant: Congregation B'nai Torah*, Use permit to allow building additions to the existing synagogue and preschool, with concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-237, 201302865 - 700 Mount Vernon Highway, *Applicant: Congregation B'nai Torah*, a Use permit to allow building additions to the existing synagogue and preschool, with concurrent variances, along with the conditions stated in the letter from Congregation B'Nai Torah signed by Natalie Sarnat and Russell

Arouh, dated October 24, 2013, as submitted to staff. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2013-12-24

Text Amendment

(Agenda Item No. 13-238)

6. An Ordinance to Amend Article 3, Definitions, Article 12B, Sandy Springs Overlay District, and Section 28.2 Land Use Petitions, of the Sandy Springs Zoning Ordinance
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilmember Fries moved to approve the addition of Section 12B.7.C to prohibit new automotive uses in the suburban district north of the intersection of Roswell Road and Dalrymple Road up to the river; and to defer the remaining proposed amendments for a total of 90 days per the Planning Commission's recommendations, specifically, to defer the remaining proposed amendments for 60 days to the Planning Commission and then come back to Council on March 18, 2014; and place a moratorium on new automotive uses in the entire City until the proposed amendment changes come from the Planning Commission and City Council. Councilmember Meinzen McEnery seconded the motion.

Councilmember Fries withdrew her original motion.

Motion #2 and Second: Councilmember Fries moved to approve the addition of Section 12B.7.C to prohibit new automotive uses in the suburban district north of the intersection of Roswell Road and Dalrymple Road, north to the river, and to defer the remaining proposed amendments for 60 days to the Planning Commission and then another 30 days to the March 18, 2014, Council meeting. Councilmember Sterling seconded the motion.

Councilmember Fries withdrew her second motion and returned to her original motion.

Motion #3 and Vote: Councilmember Fries moved to approve the addition of Section 12B.7.C to prohibit new automotive uses in the suburban district north of the intersection of Roswell Road and Dalrymple Road north to the river; to defer the remaining proposed amendments for 60 days to the Planning Commission and for a total of 90 days coming back to the Council on March 18, 2014; and to also place a moratorium on new automotive rezoning applications for the next 90 days in the entire City until the proposed amendment changes come from the Planning Commission and the City Council on March 18, 2014. Councilmember Meinzen McEnery seconded the motion. The motion carried unanimously.

Ordinance No. 2013-12-25

I) UNFINISHED BUSINESS (none)

J) NEW BUSINESS

(Agenda Item No. 13-239)

1. Acceptance of the Donation of a Right of Way Deed on Riverside Drive from Renee' L. Kaswan for the T-041 / Riverside Drive Re-Alignment with Johnson Ferry Road Project
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember DeJulio moved to approve Agenda Item No. 13-239, the Donation of a Right of Way Deed on Riverside Drive from Renee' L. Kaswan for the T-041 /

Riverside Drive Re-Alignment with Johnson Ferry Road Project. Councilmember Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2013-12-85

(Agenda Item No. 13-240)

2. Acceptance of the Donation of a Conservation Easement on Riverside Drive from Renee' L. Kaswan
(Presented by City Attorney, Wendell Willard)

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 13-240, the Donation of a Conservation Easement on Riverside Drive from Renee' L. Kaswan. Councilmember Sterling seconded the motion. The motion carried unanimously.

Resolution No. 2013-12-86

(Agenda Item No. 13-241)

3. Consideration of Issuance of Task Order to Groslimond Tennis Services, Inc. for the Operation of the Sandy Springs Tennis Center
(Presented by Director of Recreation and Parks, Ronnie Young)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-241, Issuance of a Task Order to Groslimond Tennis Services, Inc. for the Operation of the Sandy Springs Tennis Center. Councilmember Fries seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-242)

4. Consideration of a Resolution Adopting the City Center Street Network
(Presented by Director of Community Development, Angela Parker)

This item was removed from the agenda at the beginning of the meeting.

K) REPORTS

1. Mayor and Council Reports
2. Staff Reports

L) PUBLIC COMMENT

M) EXECUTIVE SESSION – Litigation and Real Estate

Motion and Vote: Councilmember DeJulio moved to enter into Executive Session to discuss litigation and real estate matters. Councilmember Fries seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive Session began at 8:40 p.m.

Motion and Vote: Councilmember DeJulio moved to adjourn Executive Session. Councilmember Paulson seconded the motion. The motion carried unanimously, with Councilmember Paulson, Councilmember Fries, Councilmember Collins, Councilmember Sterling, Councilmember DeJulio, and Councilmember Meinzen McEnerny voting in favor of the motion. Executive session adjourned at 8:58 p.m.

N) ADJOURNMENT

Motion and Vote: Councilmember DeJulio moved to adjourn the meeting. Councilmember Fries seconded the motion. The motion carried unanimously. The meeting adjourned at 9:00 p.m.