

**Work Session Meeting of the Sandy Springs City Council was held on Tuesday, November 19, 2013, at 8:42 p.m., Mayor Eva Galambos presiding.**

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

**STAFF DISCUSSION ITEMS**

**Community Development**

1. City Center Street Network

**Director of Community Development Angela Parker** stated in December 2012 the City Council adopted the City Center Master Plan. The plan includes significant enhancement to the street network focused primarily on traffic flow and walkability, but also reducing the block sizes within the City Center. The Master Plan includes two figures that show the City Center. One figure focuses on the street network as well as the walkable sidewalk network. Staff took those two documents that Council adopted and combined them into one drawing. She referenced the combined drawing. Staff is asking Council to readopt this street network or send direction to staff to present action to Council. The execution of the City Center Master Plan will occur primarily through public/private partnership as developments come in. The developers will potentially agree to the dedication of the right-of-way or build the project street network as part of their development. In some cases, the City will have to acquire land to build the network. The street network is key to the execution of the City Center Master Plan. Staff recommends Council direct the development of a resolution to bring this matter back to Council for action.

**Councilmember Karen Meinzen McEnerny** stated the plan is what the City needs in order to meet the need for walkability. Connectivity does not require a straight line road network. The City can be flexible in the future, if the City wants to curve the road or potentially have it located in another location that can have accessibility from across the street.

**Councilmember Gabriel Sterling** asked if these are technical drawings and do the streets have to be located in these specific areas or basically in the same area.

Director of Community Development Parker responded yes.

Councilmember Sterling stated the streets will only be installed when the City works with the owner of the land during redevelopment at the end of a life cycle of a property.

**Mayor Eva Galambos** stated there is a desire for the City to buy available properties when they come on the market. The City needs to work with the property owners, because they may have good ideas the City staff has not thought of. This plan should not be a concrete plan.

**Councilmember Dianne Fries** stated her concern is separating the blocks too much. When the City created the Comprehensive Land Use Plan and then a few years later, projects came about in the City, it was decided to encourage people to have larger parcels to redevelop. She is concerned when she sees a road going north/south and east/west and another road running north/south, all through one shopping center that is looking to be part of the redevelopment of the City's downtown area. Kroger might not agree to a redevelopment project for one or two of the buildings if they see the City wants a road right through the parking lot in front of the store. Customers would have to cross the street to go to the grocery store with their shopping carts. This plan is more than a conceptual plan.

Mayor Galambos stated before this plan is put into finality, it has to be negotiated with the property owners to make sure it works.

**Councilmember Tibby DeJulio** asked if staff has held meetings with the property owners. The gentleman that spoke earlier during public comment purchased the building located at Allen Road and Cliftwood. Part of one of the proposed streets goes through the back of Whole foods.

Councilmember Sterling stated most of the buildings will have useful lives. The owners will want to redevelop and have new road facings and additional rental spaces that are more walkable. The City will work with the property owners to achieve their goals and this street network at the same time.

Councilmember DeJulio asked if staff has had meetings with existing property owners to show them this network plan.

**City Manager John McDonough** stated staff has had meetings with the property owners that are currently discussing redevelopment. The City's intent is to build the street network for the City Center. Staff is in discussions with Steven Cadranel regarding his property and Kirk Demetrops regarding his property as well. Whenever staff gets word about a property owner that wants to redevelop their property, staff will talk to them about it to figure out a win/win for the both City and the property owner.

Mayor Galambos stated the redevelopment has to work for both parties.

City Manager McDonough stated this is a forty or fifty year plan for the future. The suburban strip will be transformed into a more walkable urban center of Sandy Springs.

**Councilmember Chip Collins** asked if this plan is the same grid that was part of the City Center Master Plan that Council already approved.

City Manager McDonough responded yes.

Councilmember Collins stated the plan is already in place. People are worried about what property owners or potential buyers or anyone else thinks. The City is not plowing any new ground by approving the traffic grid. The important issue is the City policy on what is being authorized on what can be done. The policy should state the City is completely flexible regarding changes that any property owners want to propose in connection with new development. The policy details are more important than whether or not this street network is approved.

City Manager McDonough stated there is an issue with the force of law with the street network. The City is not having the area surveyed or purchasing right-of-way. The right thing to do is to accomplish this on an incremental basis when redevelopment opportunities come available. Staff will move forward to develop the policy guidelines. They will be brought back to Council with public input from the property owners and talk about what makes sense from a forward thinking policy standpoint.

Councilmember Sterling stated the situation is some property owners are coming to the City. He asked what the fair thing is to do. Some say if a property owner approaches the City to discuss redevelopment, the City should not enforce eminent domain on that property owner, because it would discourage redevelopment on the other properties. He asked about the new streetscape.

City Manager McDonough stated the streetscape will include two travel lanes, on street parallel parking, a landscape strip, and a sidewalk.

Councilmember Sterling stated he does not see anything wrong with 38 ½ feet on one side and 38 ½ feet on the other, potentially with a reservation of rights. He is not sure how the City legally can do that.

Mayor Galambos asked what staff is doing regarding the Branch Property owner.

City Manager McDonough stated he and Assistant City Manager Poole met with the Branch Property owners many months ago regarding the street network and how it might work. More concerns were raised tonight that staff had not previously heard.

Councilmember DeJulio asked if the property owner owns the parcel all the way from Allen Road to Cliftwood.

**Director of Community Development Angela Parker** stated the property is on the south side of Allen Road and what was formerly a single family home was bought on Cliftwood.

Councilmember DeJulio asked if the formerly single family home is where the proposed street will be located.

City Manager McDonough stated that will be a small alley.

Mayor Galambos asked about the gentleman who said he owns the building that Knox Jewelers is in.

City Manager McDonough stated that is the gentleman that spoke earlier.

Councilmember Collins asked if Cadranel properties are two parcels on Allen Road with the road going right through the middle of it.

Director of Community Development Parker stated Mr. Cadranel's property is to the east of that location. His property is the one with the proposed alley.

Councilmember Collins stated Mr. Cadranel will have to give up right-of-way for the alley.

**Councilmember John Paulson** asked what staff is asking of Council.

City Manager McDonough stated staff is asking for Council's support to move forward with a specific policy recommendation. Council already adopted this street network and staff believes it is Council's intent to bring this plan to fruition over a period of time.

Mayor Galambos asked what are the policy recommendations.

City Manager McDonough stated staff will write the recommendations and bring them back to Council.

Mayor Galambos stated Council wants staff to negotiate with the property owners.

Director of Community Development Parker stated staff met with both of the property owners during the process of developing the City Center Master Plan. Mr. Cadranel and Mr. Demetrops came to the City and are ready to redevelop their properties.

City Manager McDonough stated there is a misperception the City will come in and buy the right-of-ways and build roads and that is not what will happen. The City is doing this on an incremental basis. The City needs the property owners to understand that Council has adopted this plan. The intent is over time,

as opportunities present themselves, the grid system will be connected downtown. Some of the roads will be built in two to five years and others may take as long as forty to fifty years.

Councilmember Collins asked about the alleys.

City Manager McDonough stated the alleys are primarily pedestrian.

Director of Community Development Parker stated the alleys are 37 feet wide and 18 feet of an alley can be placed on each side of a property.

Mayor Galambos asked if the alleys are similar to the ones located at the back of a yard.

City Manager McDonough responded no. The alley is mostly to create pedestrian connectivity. The term alley may need to be changed to walkway.

There was a consensus of Council for staff to move forward with creating the policy recommendations.

### CITY COUNCIL DISCUSSION ITEMS

#### 1. Tree Conservation Ordinance

**Councilmember Karen Meinzen McEnerny** stated this item reflects 6 ½ years of her efforts. Council was given documents regarding what was discussed at the last Work Session with the addition of another set of photos that show a lot of siltation located at 4830 Woodvale Drive. She appreciates the dialogue regarding the tree ordinance. Staff needs to get the policies related to the issues of the ordinance to the community. There are six points of policy changes she would like staff to address when this item is brought back to Council with ordinance language. The six points need to be in the public arena, so the development community can respond and the citizens who have been adversely affected. Director of Community Development Parker will also be bringing back ordinance changes. It is much better for those changes and her suggested changes to be brought back to Council at the same time. There should be something in the ordinance that focuses on preserving the existing trees and not just the tree canopy percent coverage. The ordinance allows boundary or fence line to fence line clear cutting except where tributaries are involved. She urged Council to include the subject of clear cutting in the ordinance. The character of the neighborhoods needs to be preserved, along with the rights of adjacent properties and down gradient properties. The six changes she is proposing apply mainly to Section 6. This section requires the site plan review that generally does not affect residential owners that are not undergoing new construction and only affects lots larger than 18,000 square feet. All lots of 18,000 square feet or greater require would allow that no more than 60% of the property be graded. The R-1 lots would require an undisturbed outer twenty-five foot side setbacks and require allow the rear property undisturbed setback to be twenty-five feet as well. Another suggestion is to increase the canopy percentage from 30% to 40% on the larger lots, which will protect the adjacent neighborhoods. Very rarely do R-1 lots under construction not meet the 30% canopy coverage. She would like to see 30% of the 40% canopy coverage be required in the front yard replantings to keep the character of the neighborhoods and of course there should be no ability to pay into the tree fund to make the mitigation of the 40%. There needs to be a way for adjacent property owners to protest removal of landmark trees whether they are in the setbacks or not. A good compromise is to allow this to go through the staff administrative appeal process. A suggested change that will be embraced by both commercial and residential owners is to preserve some of the older Historic trees greater than 40 inches trees by giving a tax rebate. As long as the tax rebate process does not encumber future Councils, it is workable. The process can include the pervious land underneath the canopy of a Historic tree that cannot be graded be given a tax abatement. What would come about from the tax rebate are people will apply for the tax abatement and their trees will be added to the Historic tree

registry. Yet, if a development permit comes to the City and the site plan shows a forty inch tree, it will be added to the plan at that point. Sandy Springs could create a public/private tree planting program. The City of Roswell has this type of successful plan. As long as the City allows tree bank funds to buy the tree and it is planted in the City's right-of-way, this plan would be feasible, including in residential neighborhoods. Another suggestion is that for new construction the individual applying for a permit would pay the additional cost of one set of plans and \$3 for a sign. At the time of building permit, they would have to post a sign in the yard that states "Notice of Building Permit Applied for". This alerts the neighbors and if they choose to go to City Hall and review the plans, they have that choice. She hopes that Council will allow all of her suggestions to go back to staff for ordinance draft language, so that a future Council can go through these items and agree on them or even change them, and include listening to the public as well. She asked what are the feelings of Council on her suggestions for revisions to the ordinance.

**Councilmember John Paulson** stated when staff is drafting the tree ordinance he would like Director of Community Development Parker to give Council her thoughts on the viability of Councilmember Meinzen McEnery's suggestions.

**Mayor Eva Galambos** stated these suggestions are entirely opposite of staff's.

**Councilmember Dianne Fries** asked if Director of Community Development Parker had Councilmember Meinzen McEnery's suggestions when she gave the tree ordinance presentation at the last meeting.

**Director of Community Development Angela Parker** responded yes.

Councilmember Fries stated if Council has something different in mind compared to staff's suggested ordinance changes, those ideas can be discussed. There were changes in the ordinance to the tree canopy study and the tree bank funds.

Councilmember Meinzen McEnery stated Director of Community Development Parker has suggested changes that are in a different document. She came to Council with additional comments based on her 6 and ½ years working on this as a Councilmember. She respectfully requested Council provide feedback on her suggested changes to the tree ordinance.

Councilmember Fries stated she thought that Council would discuss these possible change when the item comes before Council again.

Councilmember Meinzen McEnery stated she will no longer be a member of Council after December 2013 and would like Council's feedback at this time.

Councilmember Chip Collins stated he does not want to have another Work Session discussing the tree ordinance. The idea of a Work Session is to give direction on a particular item.

**Councilmember Gabriel Sterling** stated in comparing staff's proposed ordinance changes to the changes that Councilmember Meinzen McEnery proposed it appears they do not match up on the limitation of grading. The idea of allowing property owners to not grade more than 60% is going past the point of taking.

Mayor Galambos stated Director of Community Development Parker's position is the ordinance is fine the way it is now. Councilmember Meinzen McEnery is proposing adding R-3 zoning to this requirement, which is way too small of a property to limit grading to that extent. She asked if Council

agrees with Councilmember Meinzen McEnery's proposal of limiting grading or staff's recommendations.

Councilmember Paulson asked how staff's recommendations compare to the one that Councilmember Meinzen McEnery is proposing.

**City Manager John McDonough** stated Council asked staff to review and make recommendations on the tree ordinance. Subsequent to that, Councilmember Meinzen McEnery brought forward additional items for Council's consideration.

Councilmember Sterling stated some of the suggestions do match staff's suggested changes. The preservation of trees on large lots is already covered in the ordinance. On page 5 of staff's presentation it references the Woodvale lot. There are a lot of trees around the buffer and backyard, even with the swimming pool and tennis court being installed.

City Manager McDonough stated staff was asked to review the original request from Councilmember Meinzen McEnery. There are now additional suggested items to be included in the ordinance. It is only fair that staff have the opportunity to compare Councilmember Meinzen McEnery's suggested changes to what staff is proposing.

Councilmember Meinzen McEnery asked that staff review her suggested changes and come up with another discussion point, whether it be on the Council agenda or not. She is looking for ordinance language for her six points that can be brought into the public arena. The ordinance language should be drafted first and then sent to public hearings for the development community and residential public, and then come back to Council for actual discussion and voting. She wants this dialogue in the public forum for Council to hear how important it is to the community.

Mayor Galambos stated if these points are so important to the community, they will be brought up by the community when staff brings the tree ordinance language back to Council.

Councilmember Meinzen McEnery asked that this dialogue occur for the community and potentially have one more Work Session to allow more discussion.

City Manager McDonough stated if Council chooses, staff will take these recommendations and evaluate the language and try bringing this item back to Council in December or January 2014.

Councilmember Collins stated he is in favor of protecting from clear cutting for new development. There should be balance in the ordinance to protect the homeowners that have a lot of trees if they are not able to remove the trees.

Councilmember Meinzen McEnery stated she brought this information to Council September 3<sup>rd</sup> to approve the framework. She asked if this item can be brought back to Council on December 19<sup>th</sup>. Then again, it may be better to have a whole new Council look at the suggested changes.

There was a consensus of Council to move this item to a future Work Session meeting.

There being no further discussion, the meeting adjourned at 9:22 p.m.

Work Session Meeting of the City of Sandy Springs City Council

Tuesday, November 19, 2013

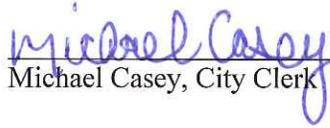
Page 7 of 7

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Date Approved: December 3, 2013



Eva Galambos, Mayor



Michael Casey, City Clerk