



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, July 16, 2013

Summary Minutes

6:00 PM

A) INVOCATION – Reverend Tom Van Laningham, Care and Counseling Center of Georgia

B) CALL TO ORDER – Mayor Eva Galambos

Mayor Eva Galambos called the meeting to order at 6:05 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 July 16, 2013. Councilmember Sterling seconded the motion. The motion carried unanimously.

F) CONSENT AGENDA

(Agenda Item No. 13-115)

1. Meeting Minutes:
 - a) June 18, 2013 Regular Meeting
(Michael Casey, City Clerk)

Motion and Vote: Councilmember Fries moved to change Agenda Item No. 13-115 from the Consent Agenda to the Regular Meeting agenda. Councilmember Sterling seconded the motion. The motion carried unanimously

G) PRESENTATIONS

1. Presentation to City of Sandy Springs by Georgia Bikes – Councilmember Fries

H) PUBLIC HEARINGS

(Agenda Item No. 13-116) (First Public Hearing – no vote taken)

1. An Ordinance of the Mayor and Council of the City of Sandy Springs, Georgia, to Fix the Ad Valorem Tax Rate of the City of Sandy Springs for Fiscal Year 2014; and for Other Purposes
(Presented by City Manager, John McDonough)

(Invitation for Public Comment)

(Agenda Item No. 13-117)

2. Windsor Parkway Realignment Project
(Presented by Assistant City Manager, Bryant Poole)

(Invitation for Public Comment)

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 13-117, Windsor Parkway Realignment Project resolution as provided to Council at this meeting and choosing Option #1B. Councilmember Sterling seconded the motion.

Substitute Motion: Councilmember Meinzen McEnery moved to defer Agenda Item No. 13-117, Windsor Parkway Realignment Project, to the August 6, 2013, City Council meeting. The motion failed for lack of a second.

Vote on the Original Motion: The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

Resolution No. 2013-07-38

Rezoning

(Agenda Item No. 13-118)

3. **201201766 (DRI)** - 4550, 4558, 4586, 4616 Roswell Road, *Applicant: JLB Partners*, To rezone from A-1 (Apartment District) to MIX (Mixed Use District) to allow a mixed-use development (residential, office, and commercial), with a use permit and concurrent variances
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 13-118, 201201766 (DRI) - 4550, 4558, 4586, 4616 Roswell Road, *Applicant: JLB Partners*, to rezone from A-1 (Apartment District) to MIX (Mixed Use District) to allow a mixed-use development (residential, office, and commercial), with a use permit and concurrent variances, with the following additional conditions: 2.b. Exteriors of all buildings should be limited to brick, stone, hard coat stucco, or Hardiplank; 2.c. Ceiling heights in residential units should be a minimum of ten feet; 2.d. All units shall be individually metered and/or sub metered; and with modifying condition 3.r. to read no construction access permitted into or out of West Wieuca Road. Councilmember Sterling seconded the motion.

Friendly Amendment: Councilmember Sterling offered a friendly amendment to the motion to modify condition 2.b. to read exteriors of all buildings should be limited to brick, stone, hard coat stucco, Hardiplank, or cementitious materials. Councilmember Fries accepted the amendment.

Substitute Motion: Councilmember Meinzen McEnery moved to approve Agenda Item No. 13-118, 201201766 (DRI) - 4550, 4558, 4586, 4616 Roswell Road, *Applicant: JLB Partners*, To rezone from A-1 (Apartment District) to MIX (Mixed Use District) to allow a mixed-use development (residential, office, and commercial), with a use permit and concurrent variances, with staff's recommendations and restricting the use of the subject property to a maximum building height for the single family properties of four stories or 60 feet, whichever is less, adjacent to residential properties, which would mean the northern part of the southern property for Phase II. The motion failed for lack of a second.

Motion to Amend the Motion and Vote: Councilmember Collins moved to amend the original motion to remove the following language from staff condition 1.d: adjacent to nonresidential uses along the west property line, whichever is less. Councilmember Sterling seconded the motion. The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

Second Friendly Amendment: Councilmember Collins offered a friendly amendment to the original motion to modify staff condition 3.r. to read no construction or tractor trailer access permitted into or out of West Wieuca Road. Councilmember Fries accepted the amendment.

Vote on the Original Motion: The original motion stated by Councilmember Fries and as amended carried 5-1, with Councilmember Meinzen McEnery voting in opposition.

Ordinance No. 2013-07-10

(Agenda Item No. 13-119)

4. **201300397** - 6890 Peachtree Dunwoody Road, *Applicant: Javad Oskoei*, to rezone from O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District), with concurrent variances to allow 19 residential units
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Second: Councilmember Fries moved to approve Agenda Item No. 13-119, 201300397 - 6890 Peachtree Dunwoody Road, *Applicant: Javad Oskoei*, to rezone from O-I (Office and Institutional District) to A-L (Apartment Limited Dwelling District), with concurrent variances and staff conditions, to allow 19 residential units. Councilmember Paulson seconded the motion.

Friendly Amendment: Councilmember Sterling offered a friendly amendment to the motion to add the conditions: 2.b. Exteriors of all buildings shall be limited to brick, stone, hard coat stucco, and Hardiplank; 2.c. Ceiling heights in residential units shall be a minimum of nine (9) feet; 2.d. All units shall be individually metered and or/sub metered; 2.e. Fence shall be constructed with 2 ½ foot columns minimum made of brick and/or stone and placed every 24 feet maximum along the Peachtree Dunwoody Road facing; 2.f. No left turn out or to Peachtree Dunwoody and; 2.g. Balconies facing the stream buffer shall be enclosed. Councilmember Fries accepted the amendment.

Vote on the Motion: The motion as amended carried 5-1, with Councilmember Sterling voting in opposition.

Ordinance No. 2013-07-11

(Agenda Item No. 13-120)

5. **201300662** - 6558 Roswell Road, Applicant: Cortland Development, LLC, To rezone from A-O (Apartment-Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment Limited Dwelling District) to redevelop a 245 unit apartment complex
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Manager of Planning and Zoning Patrice Dickerson added the following text, with the agreement of the applicant, at the beginning of condition 3.c: provide a visual screen within three years of issuance of the building permit...

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 13-120, 201300662 - 6558 Roswell Road, Applicant: Cortland Development, LLC, To rezone from A-O (Apartment-Office District) and R-3 (Single Family Dwelling District) to A-L (Apartment Limited Dwelling District) to redevelop a 245 unit apartment complex, with staff conditions, and with the following modifications to staff conditions: 1.a. Multi-family units and associated accessory uses at a density of 230 units; last sentence of 3.b. The fence location shall be subject to the approval Sandy Springs Arborist such that the existing vegetation along the property line is as undisturbed as possible; 3.g. Shall be cleared of invasive vegetation and landscaped to reasonable park quality standards subject to the approval of the Director of Community Development; and last sentence of 3.d. Subject to stormwater concept plan dated and received July 15, 2013. Councilmember Sterling seconded the motion. The motion carried 5-1, with Councilmember Meinzen McEnery voting in opposition.
Ordinance No. 2013-07-12

(Agenda Item No. 13-121)

6. **201300677** - 4040 & 4100 Spalding Drive, Applicant: Highgrove Homes, LLC, to rezone from AG-1 (Agricultural District) to R3-A (Single Family Dwelling District) to develop 6 single family lots
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Paulson moved to approve Agenda Item No. 13-121, 201300677 - 4040 & 4100 Spalding Drive, Applicant: Highgrove Homes, LLC, to rezone from AG-1 (Agricultural District) to R3-A (Single Family Dwelling District) to develop 6 single family lots, subject to the requirements of the Zoning Ordinance with no zoning conditions. Councilmember Fries seconded the motion. The motion carried unanimously.
Ordinance No. 2013-07-13

(Agenda Item No. 13-123)

7. **201300996** - 514 Mount Vernon Highway, Applicant: Jason Tillery, to rezone from R-1 (Single Family Dwelling District) to R-2 (Single family Dwelling District) to allow the development of two (2) single family lots
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

Motion and Vote: Councilmember Meinzen McEnery moved to approve Agenda Item No. 13-123, 201300996 - 514 Mount Vernon Highway, Applicant: Jason Tillery, to rezone from R-1 (Single Family Dwelling District) to R-2 (Single family Dwelling District) to allow the development of two (2) single family lots. Councilmember Sterling seconded the motion. The motion carried unanimously.

Ordinance No. 2013-07-14

(Agenda Item No. 13-122)

8. **201300991** - 211 Mount Vernon Highway, Applicant: Chris Weathers, to rezone from R-1 to R-2A to allow the development of two (2) single family lots
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Collins moved to approve Agenda Item No. 13-122, 201300991 - 211 Mount Vernon Highway, Applicant: Chris Weathers, to rezone from R-1 to R-2A to allow the development of two (2) single family lots. Councilmember Fries seconded the motion. The motion carried unanimously.

Ordinance No. 2013-07-15

(Agenda Item No. 13-124)

9. **201301000** - 125 Glenridge Point, Applicant: South City Partners, LLC, to rezone from MIX (Mixed Used District) to MIX (Mixed Used District), with concurrent variances to allow for a mixed use development
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-124, 201301000 - 125 Glenridge Point, Applicant: South City Partners, LLC, to rezone from MIX (Mixed Used District) to MIX (Mixed Used District), with concurrent variances, to allow for a mixed use development. Councilmember Fries seconded the motion. The motion carried unanimously 5-0 (Councilmember DeJulio recused).

Ordinance No. 2013-07-16

Zoning Modification

(Agenda Item No. 13-125)

10. **201301406** - 6120 Peachtree-Dunwoody Road, Applicant: Hilton Atlanta Perimeter, to delete condition 1.e. of RZ08-013 to remove the requirement for renewal of the tent facility
(Presented by Manager of Planning and Zoning, Patrice Dickerson)

(Invitation for Public Comment)

Motion and Vote: Councilmember Fries moved to approve Agenda Item No. 13-125, 201301406 - 6120 Peachtree-Dunwoody Road, Applicant: Hilton Atlanta Perimeter, to delete condition 1.e. of RZ08-013 to remove the requirement for renewal of the tent facility. Councilmember Meinzen McEnerny seconded the motion. The motion carried unanimously.

Ordinance No. 2013-07-17

I) PUBLIC COMMENT

Motion and Vote: Councilmember Sterling moved to defer Agenda Item No. 13-126, Agenda Item No. 13-127, Agenda Item No. 13-128 and Agenda Item No. 13-115 to the August 6, 2013, City Council Regular meeting. Councilmember DeJulio seconded the motion. The motion carried unanimously.

(Agenda Item No. 13-126)

11. **RC-13-05SS** (2915 Coles Way)
(Presented by Director of Community Development, Angela Parker)

(Agenda Item No. 13-127)

12. **RC-13-06SS** (4900 Riverview Road)
(Presented by Director of Community Development, Angela Parker)

(Agenda Item No. 13-128)

13. **RC-13-07SS** (965 River Overlook Court)
(Presented by Director of Community Development, Angela Parker)

J) UNFINISHED BUSINESS *(none)***K) NEW BUSINESS****(Agenda Item No. 13-129)**

1. Authorize the Mayor to Sign the GDOT Agreement for the Off System Safety Project, Phase II (PI No. 0012749) for Signage Upgrade along Spalding Drive
(Presented by Director of Transportation/Traffic, Brad Edwards)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No.13-129, Authorize the Mayor to Sign the GDOT Agreement for the Off System Safety Project, Phase II (PI No. 0012749) for Signage Upgrade along Spalding Drive. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2013-07-39**(Agenda Item No. 13-130)**

2. Resolution to Accept Georgia Department of Transportation (GDOT) Mitigation Commitments for Allen Park
(Presented by Transportation Planner, Kristen Westcott)

Motion and Vote: Councilmember Sterling moved to approve Agenda Item No. 13-130, a Resolution to Accept Georgia Department of Transportation (GDOT) Mitigation Commitments for Allen Park. Councilmember DeJulio seconded the motion. The motion carried unanimously.

Resolution No. 2013-07-40**(Agenda Item No. 13-131)**

3. Nomination of a Member to Economic Development Advisory Committee
(Presented by Mayor, Eva Galambos)

Motion and Vote: Councilmember DeJulio moved to approve the nomination of Mark Rosenthal to the Economic Development Advisory Committee. Councilmember Collins seconded the motion. The motion carried unanimously.

Resolution No. 2013-07-41**L) REPORTS**

1. Mayor and Council Reports
2. Staff Reports
 - a) May Financial Report – Karen Ellis

M) EXECUTIVE SESSION - There was no Executive Session.

N) ADJOURNMENT

Motion and Vote: Councilmember Fries moved to adjourn the meeting. Councilmember Sterling seconded the motion. The motion carried unanimously. The meeting adjourned at 11:06 p.m.