

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, July 16, 2013, at 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Reverend Tom Van Laningham, Care and Counseling Center of Georgia, offered the invocation.

**CALL TO ORDER**

Mayor Eva Galambos called the meeting to order at 6:05 p.m.

**ROLL CALL AND GENERAL ANNOUNCEMENTS**

**City Clerk Michael Casey** reminded everyone to silence all electronic devices at this time. Additionally, those wishing to provide public comment during either a Public Hearing or the Public Comment segment of the meeting are required to complete a public comment card. The cards are located at the back counter and need to be turned in to the City Clerk.

City Clerk Casey called the roll.

**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.

**PLEDGE OF ALLEGIANCE**

Mayor Eva Galambos led the Pledge of Allegiance.

**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.

**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 transfer Agenda Item No. 13-115 from the Consent Agenda and to New Business. Councilmember Sterling seconded the motion. The motion carried unanimously.

**PRESENTATIONS**

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

**Councilmember Dianne Fries** stated Bob Dallas with Georgia Bikes is in attendance to give a presentation to the City.

**Bob Dallas, Georgia Bikes**, stated Georgia Bikes is a statewide organization. He read the presentation which states, "Whereas, the City of Sandy Springs is a vibrant community, enhancing the quality of life and promoting economic development and strengthening the sense of community for its businesses and residents, capitalizing on new demographics and market trends. Whereas, the mission of Georgia Bikes is to improve bicycling conditions that promote bicycling throughout the State of Georgia. Whereas, the Board of Directors and thousands of supporters of Georgia Bikes are expressly heartfelt and appreciate the accommodation of bicyclists on Northridge Road over GA400. Whereas, the bridges are some of the most difficult and challenging and longest lasting endeavors that we create that have incredible impact as to whether they connect communities or not. Whereas, Georgia Bikes recognizes that this is an important regional corridor that connects not only the citizens of Sandy Springs, but the citizens from all throughout here, including me who lives next door in Dunwoody. I hereby let it be known that Georgia Bikes gives everlasting thanks and commends the City of Sandy Springs for its collaboration, leadership, and vision to do the right thing to help allow a bike lane to go onto the Northridge overpass over GA400." The presentation is signed by the Executive Director of Georgia Bikes, Brent Buice. The City Public Works staff, City Manager, and Assistant City Manager have worked incredibly with the Georgia Department of Transportation (GDOT). The plans were already put in place and it was brought to the attention of the GDOT planners that bike lanes would be a great addition. All of the City staff members worked hard to allow the bike lanes to be installed at a modest cost. Due to this, fifty years from now the communities will be connected. He thanked Mayor Galambos and City Council.

## PUBLIC HEARINGS

City Clerk **Michael Casey** read the rules for the Public Hearings segment of the meeting.

### **Ad Valorem Tax Rate**

**(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

**City Manager John McDonough** stated this agenda item is the first of three public hearings on establishing the millage rate. The millage rate is recommended to be the same as it has been since the inception of the City. The rate is set at 4.731 and this number is utilized in the City budget calculations for the FY14 budget.

**Mayor Eva Galambos** called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

There was no Council discussion.

**(Agenda Item No. 13-117)**

2. Windsor Parkway Realignment Project

**Assistant City Manager Bryant Pool** stated this item is a follow-up from the last City Council meeting on June 18, 2013. He discussed the history of the project, options, discussions, and highlighted key points. In the fall of 2012, the Georgia Regional Transportation Authority (GRTA) received notification of a Development of Regional Impact (DRI) related to the JLB property DRI2290. On November 6, 2012, he spoke to a few of the district Councilmembers that were affected by this, to discuss the City's point of view on comments and recommendations for the DRI. On January 30, 2013, GRTA issued the Notice of Decision (NOD) for the DRI. At that point, GRTA had made the decision of how improvements should be done to the systems and property. In mid February 2013, the City had different small group meetings and Council briefings and presented to the affected district Councilmembers the alignment options. On March 5, 2013, there was an Executive Session discussing this item. Council

reviewed the proposed options and the potential property acquisition. There was a consensus from the Council to further refine the plans for the auction site alignment. The proposed options were authorized for release to the public at that point. On March 28, 2013, there were community briefings at City Hall hosted by the Public Works Director, Garrin Coleman, to discuss the different roadway alignments. Present at the meetings from the various associations of neighborhoods were the Hedden Townhomes, Windsor Park Place, High Point Civic Association, and Brooks Cowles from Community Funeral Service. On May 10, 2013, there was a community meeting regarding the potential roadway alignments held at the North Fulton annex on Roswell Road. This meeting was facilitated by Trisha Thompson on behalf of the Council of Neighborhoods. At that meeting, City staff was present along with GDOT representatives, and representing the various association of neighborhoods were the Sandy Springs Council of Neighborhoods, High Point Civic Association, North Buckhead Civic Association, The Buckhead Neighborhood Planning Unit, Hedden Townhomes, Meadowbrook Neighborhood, Franklin Road Townhomes, and Windsor Park Place. On May 20, 2013 there was a discussion facilitated by the Chastain Park Civic Association. He and CIP Manager Marty Martin, and Councilmember Meinzen McEnery were in attendance to discuss the various alignments. At the June 18, 2013 City Council meeting a presentation was given on the Windsor Parkway alignment options. At that meeting Council requested more details from staff to discuss funding options. Council also heard public comments during the general public comment period. The presentation was posted on the City website on June 19<sup>th</sup>. On July 2<sup>nd</sup> there was another community meeting hosted by Public Works Director Coleman held at City Hall to discuss the various options. Those present at the meeting were the Hedden Townhomes, High Point Civic Association, and Sandy Springs Council of Neighborhoods. On July 12<sup>th</sup> at The Councilmember monthly zoning briefing, Council was provided updates on identified options for Windsor Parkway and the staff's recommended alignment, including a presentation. The presentation was then posted on the website as part of the public notification for tonight's meeting.

Assistant City Manager Poole stated he would discuss the project background and how it came about. There was a Roswell Road corridor designated as a Livable Community Initiative (LCI) in 2008. There was also a City transportation master plan that identified the need for the Windsor realignment in 2008, and which was identified in the 2027 Comprehensive Plan presented in 2007. The zoning application triggers reviews by GRTA and all of the participating agencies involved. On January 30, 2013, the Notice of Decision was issued. It is important to understand that based on that report, if the JLB project is approved, the City must construct the offsite transportation or risk losing State and/or Federal funding associated with transportation projects noted in the Notice of Decision attachment C. There has been discussion about that and trying to understand how that is worded and what it means. Along with staff, there was input to the DRI Notice of Decision that was solicited from the various groups such as the Atlanta Regional Commission, GDOT, and the City of Atlanta. Initially, there were recommendations to place a full traffic signal at Hedden Street. Staff immediately expressed concerns due to potential impacts to the community off of Hedden Street. This option was removed from consideration by staff. Staff was engaged and involved with GDOT and GRTA to receive the concerns and seek more neighborhood friendly alternatives. The City acquired the services of a transportation engineering consultant company named Michael Baker Corp., to study alternative alignments for Windsor Parkway at Roswell Road. Staff also acquired the services of a real estate consultant. That company helped to prepare the cost studies of potential property acquisitions for the properties involved. Staff also communicated these studies and efforts to the neighborhoods and property owners to seek their input throughout the timeline. This information was presented at the June 18<sup>th</sup> Council presentation.

From 2009 to 2013, there have been over 103 accidents at the current intersection. On average, there are 22 to 23 accidents yearly. He referenced the slideshow detailing the type of traffic accidents at the intersection. There were rear end, angle, head on, and pedestrian involved accidents, just to name a few. One of the highest types of traffic accidents at this intersection is the angle. There were 41 angle type collisions along with 39 rear end type collisions. These are significant incidents. Part of the realignment is to improve the situation. He discussed the operational summary and level of service. The level of service is on a scale from A-F. "A" is the best grade and "F" and is not good. An "A" means traffic is moving acceptable for the corridor and an "F" means grid-locked traffic and heavy congestion. A

comprehensive traffic analysis was conducted. He referenced three intersections that include a summary of the average level of service. The slide shows the condition currently and what is projected in 2027. At the intersection of Roswell Road and Windsor Parkway, the current level of service is a "D" in the a.m. and p.m. during rush hour periods. In the future, once the intersection is realigned, it is projected the level of service could increase to a "C". Some may say that level of service change is not significant. It is when discussing travel demands, timing, right-of-way, and cost effectiveness. At the intersection of Roswell Road and West Wieuca it is recommended for the westbound movement that a left turn lane be installed. The current level of service is "A" for the a.m. and p.m. The future projected level of service would be "A" and "B" both a.m. and p.m. The other point of discussion that is outside the City of Sandy Springs is what will happen on West Wieuca. At that location, there is an existing driveway entrance to the back side of the apartment complex off West Wieuca and the current level of service is an "A". Looking into the future, when the left turn lane is installed it will help maintain the level of service at an "A" at that location. He referenced a map of the current alignment of Windsor Parkway. The green cars are going northbound and southbound on Roswell Road. The yellow cars on Roswell Road are trying to turn left to go south onto Windsor Parkway. The red and yellow cars at the existing Windsor Parkway are queuing and stacking. This is the amount of cars that are currently backed up in this area daily. This drawing reflects the level of service at "D". The drawing represents 900 feet of cars waiting to turn left. That means all the cars cannot go through the traffic signal at one time. The traffic light will cycle several times before they will ever get their chance to turn left to go south on Roswell Road. He referenced a drawing on the right that shows staff's recommendation of the proposed Option #1B. This option would include a total of four lanes. This would be two left turn lanes going south onto Roswell Road and a straight combination right turn lane going north onto Roswell Road. In the proposed option the traffic will be a level of service "C". The drawings show the same amount of cars that are red on the previous drawing. If everyone does everything right, those cars can cycle through under one traffic signal cycle and make it through the intersection turning left to go south on Roswell Road. Some people want to know the difference between a level of service of "B" and "C". This is to try to help everyone understand the level of service and how Option #1B will help improve that. The level of service on Windsor Parkway is in the "E" and "F" range and is failing. There is 900 feet of cars waiting their turn to get through the intersection. At the intersection the overall rating is a level "D" and then being on Windsor Parkway the level of service is an "E" and "F". When discussing the current conditions there is the skewed angle of Windsor Parkway. That is not the best alignment. The best alignment is always to have a T intersection. This intersection has a split-phase traffic signal. At Windsor Parkway on the west side of Roswell Road, at the Windsor Parkway traffic signal, traffic moves first and comes to a stop. Then the east side right lane turns green. That is called a split-phase and is not the best way to move traffic. Also on Windsor Parkway there is a 2 lane approach with a left thru and right turn lane. Also, an issue is the separation between intersections. Ideally, for the best engineering design GDOT requires a minimum distance between traffic signals of 1,000 feet. This intersection is only 700 feet. When a car is turning, that 300 feet means an additional distance where stacking or queuing occurs. By moving Windsor Parkway approximately 300 feet to the north, you gain 300 more feet of space once you turn from West Wieuca onto Roswell Road going north at the next signal. The traffic volumes for left turns westbound from Windsor Parkway to southbound Roswell Road are at the threshold volume to warrant a dual left turn lane. There is enough volume turning left to go south onto Roswell Road to have a dual left turn lane, which is not there now. The future condition is projected to be a level "C". One reason is there would be a T intersection. The split-phase of the traffic signal would go away. There will be additional green light time. Windsor Parkway is proposed to have two left turn lanes. By having the two left turn lanes, those turning left to go south on Roswell Road should be able to make it through in one cycle, versus the three cycles it takes today. The separation and queuing would be more desirable and will help in the flow. The separation would be increased by 300 feet in order to get to the 1,000 foot minimum of the GDOT criteria. The new design does not reduce traffic volumes. However, it provides additional turn lanes and improved signal operation to manage the level of service at the intersection. There have been questions on what will happen on West Wieuca. He referenced a diagram that shows a dedicated left turn lane is required in the Notice of Decision from GRTA. The level of service "A" exists today. Installing an additional left turn will help maintain the level of service "A", not at the intersection of Wieuca and Roswell Road, but at driveway #3. The existing back driveway is in the general area

where the future JLB development will be. The Windsor Parkway intersection relocation Option #1A is identified as the auction site. This option shows five lanes that would include two left turn lanes, a straight thru lane over to the JLB property, and a dedicated right turn lane to go north on Roswell Road, as well as the thru movement to go east and west on Windsor Parkway.

**Councilmember Chip Collins** asked if there would be any significant improvement from Option #1B to #1A. He asked if the level of service would change to a "B".

Assistant City Manager Poole stated the intersection will function better by having a dedicated right turn lane. The possibility that the level of service will change from a "C" to a "B" could be marginal. Having a dedicated right turn lane obviously helps. Staff thinks Option #1B is the most cost effective approach for everyone. The pros and cons of Option #1A were discussed. Pros include the level of service, a 50 foot buffer from Windsor Parkway to the townhomes, and increased queuing length. Cons include the impact to the buffer or backyard of adjacent townhomes, the largest footprint of five lanes versus Option #1B of four lanes, the largest number of parcels impacted, and it has the second highest projected construction cost. The difference between Option #1B is the dedicated right turn lane going north onto Roswell Road would be removed for both Option #1B and Option #1A the alignment has been shifted as far south as it can go to minimize as much impact to the northern properties as possible. Pros of Option #1B include it reduces impact to the auction site and it has the lowest projected construction cost. Cons of Option #1B are that the project will still impact the buffer and backyards of townhomes and northern property owners. There would be a reduced level of service due to the lack of a dedicated right turn lane onto Roswell Road. Another option, Option #2, would be going through the restaurant site. He referenced the drawing that shows two dedicated left turn lanes going south onto Roswell Road and a dual straight and right turn lane as well the eastbound lane from Roswell Road onto Windsor Parkway. The pros of Option #2 include it would not impact the auction site, the project construction cost similar is to Option #1B, and it has the least amount of impact to homes on Hedden Street. Cons of Option #2 include the highest total construction cost, it displaces an active restaurant, it provides the least amount of queuing length along Roswell Road, and a reduced level of service overall due to the lack of a dedicated right turn lane and getting closer to West Wieuca.

The cost estimates were prepared by the consultant that did the preliminary concept designs, Michael Baker Corp. Staff used the GDOT mean item summary. A mean item summary includes every type of construction material used, whether it is concrete, stone, or asphalt. This method was used to come up with the cost for an equivalent type project as well as applying 10% contingency to cover any unforeseen or other impacts that would happen later on. The property valuations were prepared by Carr, Lawson, Cantrell, and Associates Real Estate by using the sales comparison approach for parcels under consideration. The business impact from HDH Advisors used a market range formula to assess the business enterprise value. Using the professionals and experts, staff came up with the estimated cost of the project options. Option #1A through the auction site is estimated to cost approximately \$4.4 million, Option #1B through the auction site is estimated to cost approximately \$3.7 million, and Option #2 going through the restaurant site is approximately \$5.7 million. There are different types of funding options. He referenced a slide showing the funding options. Impact fees of \$1,424,028, Development Authority Bond Financing \$2 million, capital contingency of \$500,000, the reallocation of T-0019 Roswell Road streetscape funds of \$2.3 million, and the reallocation of T-0034 Morgan Falls Road of \$1.5 million.

**Councilmember Karen Meinzen McEnerny** asked if the funding options are in order of priority.

**City Manager John McDonough** affirmed the options are in order of priority. Staff has prepared a draft resolution that would work from the top of the funding list to the bottom. The impact fee numbers are a combination of both the impact fees that would be generated by the construction of the project across the street, estimated to be mid \$600,000's, combined with City impact fees that have been collected to date and are available, and not otherwise pledged, totaling \$1.424 million. The development bond financing estimated at this point in time is based on the value of the project. That number would be generated as a result of the building of this project. Currently in the capital contingency is \$1.2 million. It is staff's

recommendation to allocate \$500,000 of the \$1.2 million and leave \$700,000 in contingency funds for other capital projects. The first three funding items total a little more than the estimated project cost. If the project comes in at the current estimated amount of \$3.7 million, the first three funding items would be enough to offset the cost of the project. If these items are not enough to cover the cost of the project, staff recommends continuing down the list. There will still be a large balance of \$2.3 million for the Roswell Road streetscape and it is unlikely to need to move into the T-0034 Morgan Falls Road funding.

Councilmember Collins asked if the City has ever done a Development Authority bond.

**City Attorney Wendell Willard** stated not on this type of bond. The City did one bond working with the Perimeter CID, which was for the Hammond half diamond project. The PCID sold a \$5 million bond and pledged both the DeKalb and Perimeter CID to fund the repayment of that bond.

Councilmember Collins asked how this bond would operate.

City Attorney Willard stated the bond is not a liability of the City or the Development Authority. This bond will work by having the developers pledge and assign what would be the savings received as a project approved under the Development Authority. There would be a limiting of the tax for a period of years. The Development Authority would take the savings obtained from the tax reductions and use that funding to retire the bond.

Councilmember Meinzen McEnery stated she is very familiar with the PCID bond. She is not familiar with the \$2 million being "backed" by the developers pledge of the savings received from the tax reduction. She asked about the tax reduction and savings.

City Manager McDonough stated there would be an abatement of the taxes that otherwise would have been paid based upon the value of the project. There is a declining scale in Fulton County which starts at 50% in year one. The abatement of 50% of the taxes decreases in 5% increments, depending on the duration, for a maximum term of ten years.

Councilmember Meinzen McEnery stated the entire project is going to get a tax abatement from the Development Authority.

City Manager McDonough stated that is possible. It would be at the direction of Council and upon approval and consideration of the Development Authority and tax assessor.

Councilmember Meinzen McEnery stated if all that happens, the developer will be able to pledge the reductions in taxes that start at 50% the first year and decrease so in year ten they will pay 100%. The tax savings the City will not receive will go into the payment for the offsite road improvement.

City Manager McDonough responded yes. That is staff's recommendation, because the taxes are tied directly to the new development and investment in that location. If the funds are available, it will offset the T-0019 and potentially the T-0034.

**Councilmember Dianne Fries** asked if public comment should be held at this time.

**Mayor Eva Galambos** stated the presentation is not yet complete.

Assistant City Manager Poole stated it is staff's recommendation that Council endorse the selection of Option #1B for the following reasons: due to the safety enhancements, the overall traffic operation improvements, and the cost effectiveness to the City and all involved.

Mayor Galambos thanked Assistant City Manager Poole for a very complete presentation.

Councilmember Meinzen McEnery asked if Option #1A and Option #1B accommodate the plans that have been submitted by the JLB core gateway project on the west side of the road.

Assistant City Manager Poole responded yes.

Mayor Galambos called for public comments in opposition to the application.

**Gordon Certain, 5110 N. Ivy Rd Atlanta, GA**, stated he is the President of the North Buckhead Civic Association, which is the fourth largest neighborhood in Atlanta with a population of 8,200 residents. Part of his neighborhood is within 300 feet of Windsor Parkway. The cars can get out from Windsor Parkway or across Roswell Road. The traffic light that exists now at the Walgreens will be removed. Everyone that comes from Atlanta to go to Walgreens will not be able to make a left turn across Roswell Road to get home. These drivers will cut thru Meadowbrook and the other neighborhood in the area. If Council approves this plan, please do something to help those people. The change in the road makes sense to have greater stacking space. The level of service will go from a "C" to a "D" when the JLB project is completed. It might be wise for new construction to be in this area, but place the rest of the construction elsewhere.

**Jennifer Rangel, 292 Windsor Road**, stated she is a resident that is at risk of losing property. She has spoken at the Council and Planning Commission meetings previously regarding this item. She is very disappointed by the coordination of the zoning and traffic process. She is disillusioned by the lack of transparency and a short term outlook with these plans. The displacement of the active restaurant is a pro, not a con. There are two sophisticated drive thru's in the JLB development. The impact fees are less than 1% of the funding, which is unacceptable. She asked if the City really wants a Popeye's restaurant at the City's gateway at the expense of homeowners' property. She asked if the City wants to sacrifice and compromise the traffic flow at Sandy Springs gateway for an inconvenient fast food restaurant. She asked if the City wants to be branded as the City that takes property away from its citizens when there are better long term alternatives. She is a new homeowner and within her first year here the City has welcomed her by taking an undetermined amount of land. She urged Council to approve Option #2 through the restaurant site. She asked that the noise pollution be mitigated by conducting a noise analysis. She asked about the overflow of the drainage and retention ponds that already have problems. She asked about the disruption of homeowners moving in and out of their driveways, when the City is saying this is already a safety issue. How do we prevent high speed high volume traffic from cutting through our neighborhoods that puts adults, children, handicapped individuals, and pets at risk? She urged Council to choose Option #2. She asked for greenspace, safe streets, and room for the traffic capacity. This is the best long term option for the citizens, City, and visitors coming through the Sandy Springs gateway.

**Susan Heard, 286 Windsor Parkway**, stated the residents never imagined when they heard about the JLB development that it would affect the neighbors. The neighbors feel as if they are the sacrificial lambs for the project by giving up their property. The restaurant option is much less invasive than Option #1B. She suggested the City hold a town hall meeting when projects this large arise. The residents are left to work it out with the developer. The residents have tried this, but City staff is needed at these meetings. The residents feel the City will make whatever decision they choose and dictate it to the residents rather than joining with the residents to make this type of decision. She asked Council to not turn the City back into Fulton County and work with the residents on important issues such as these.

**Trisha Thompson, 145 River North Drive**, stated she is Zoning Chairman for the Sandy Springs Council of Neighborhoods. This location has been considered since early this year. The City did not notify the residents until March 6, 2013. The hostility that has been created has even hurt JLB. When Hudson and John heard at the April 10<sup>th</sup> meeting at Mr. Hendrick's office from the neighbors that they

would be subject to eminent domain, Hudson and John got up and left the room. Both Hudson and John were astounded by the plan and had no idea this would happen. The hideous management of communication regarding this project does not reflect well at all, but should not be blamed on City staff. Director of Community Development Angela Parker, Planning and Zoning Manager Patrice Dickerson, and Director of Public Works Garrin Coleman are still held in the highest esteem by the neighbors. They are very fond of staff and what staff has done to try to help them. Whoever plotted this course deserves your censure. This has made the City look terrible. She urged Council to reach out to the neighborhoods who voted for Sandy Springs to be a City and who support Council. She asked that the City not take the residents' property.

**David Seidel, 284 Hedden Street**, stated his home is located very close to the proposed development. Option #1A and Option #1B have the greatest impact on his neighbors. On auction days there are cars parked on both sides of Hedden Street on the grass, and often blocking the fire hydrant in front of his house. The auction patrons leave their trash behind. Either Option #1A or Option #1B will decrease the size of the Gallery 63 and the number of parking spaces. This will force more cars to park on the surrounding neighborhood streets with his house and street being the closest. The City Council recently voted to approve the conversion of the church property on the Gallery 63 lot to a funeral home. As much as he was not in favor of getting a funeral home nearby, he made peace with the City's business oriented decision. However, he wondered why Council even bothered approving that application when they knew the current project was being considered. For Option #2, the slide shows similar construction costs to Option #1B. The following slides stated a \$2 million difference, so somewhere there is a mistake. He does not see how it is possible for the restaurant option to be \$2 million more expensive. It seems it would cost less to demolish a small fast food restaurant than a large church property. The presentation suggests that the grading, landscaping, and paving would be less involved and less costly than Option #1B. He wonder if the staff report is incorrect. As noted, this is a guestimate by a consulting firm. No definite numbers have been reviewed. He would like the consultant to reevaluate their findings. Option #2 is clearly the best option for the homeowners and the auction house. As elected officials, Council is charged with representing the citizens to the best of their ability. Only voting for Option #2 would show that Council has the best interest of the constituents in mind.

**Jane Kelley, 4590 Windsor Park Place**, stated she is in attendance representing Windsor Park Place HOA and the residents on Hedden Street, including the townhomes. She learned of the proposed relocation on Windsor Parkway in early March 2013. She participated in several nonpublic meetings with Director of Public Works Coleman on the subject to try and resolve the issues that GRTA raised. Until last month, there had not been a public forum for this issue. This forum was added at the end of a very long agenda at last month's Council meeting. Citizens were told as recently as two weeks ago that all three options were still being considered. On April 10<sup>th</sup> the developer was shocked to hear about three options when only one was mentioned to them. "The City told us to put our main entrance here", was their response. This is a lack of transparency at the minimum and incredibly disrespectful of the citizens who elected Council to office. The residents expected Council to protect them from Planning and Zoning decisions that favored developers at great costs to residents. Many people in the audience were tired of Fulton County's "high handedness" and believed Council's campaign promises when considering Cityhood. The trust of Council has been lost in many cases. The Public Works Department has treated the citizens very fairly. She thanked Director of Public Works Coleman and his staff. The recommended option places the greatest impact on her neighborhood. The neighborhood supports the restaurant option, Option #2. The cost in the staff report is merely a guestimate from consultants. Choosing an option should be delayed until the actual cost of one option can be compared to the other options. Her neighborhood realizes the project has been mandated by GRTA if the JLB development is approved. The City should not rush to choose an option until everyone gets a voice to choose the plans that benefit all.

Mayor Galambos asked the City Clerk how many more comments cards were turned in regarding this item.

**City Clerk Michael Casey** responded about eight.

Mayor Galambos stated the opposition has an extra five minutes to speak.

**Robin Beechey, 20 Willow Glen**, stated he represents the Willow Glen Condominium Association. The neighborhood is relieved that the diversion of funding from the Glenridge intersection is not being considered to be used for this project. Other associations that appreciate this are Round Hill, The Courtyards, The Glenridge, and Benton Hills. The neighbors are very uneasy that a large amount of taxpayer's money will be used to accommodate a private development. He asked why Popeye's was built when Windsor Parkway was being considered. He asked why a right turn lane is proposed for the present alignment of Windsor Parkway and why the funeral home was approved. We cannot get away from the fact Council would not be discussing this item tonight if it weren't to accommodate a private development that would only pay \$700,000 of impact fees. The neighbors share unease about the implied threat of eminent domain with Option #1A or Option #1B. The answer is to decrease the density of the JLB proposal and maybe make the Windsor Parkway realignment unnecessary. His wife's grandmother was a sentinel and her great great great grandfather was buried at this church, when it was a church.

**Pam Alexander, 311 Meadowbrook Drive**, stated she lives one block south of the proposed relocation of Windsor Parkway. As the City makes plans for the construction of the intersection, she asked staff to add measures to the plan that mitigate cut thru traffic on her neighborhoods streets. The alignment under consideration has cut through access to Walgreens to the east. Westbound Walgreens patrons will need to cut thru the Meadowbrook neighborhood to get there and any departing Walgreens customers will exit through the Meadowbrook neighborhood. She is not sure what appropriate mitigations will look like. Neighborhood residents are eager to meet with the Department of Public Works. The neighbors are looking forward to getting a better idea for safe and walkable streets.

**Penelope Mallone, 4655 Lake Forest Drive**, stated she has a problem with spending \$5 to \$6 million of taxpayers' dollars for about 650 feet of roadway to allow a developer to make millions in profits. She does not understand why this meeting wasn't held in March or April. Public input at that time could have made a difference in the option chosen, but now it appears to be too late for Sandy Springs homeowners to have influence in this matter.

**Andy Polan, 2996 Stonegate Trail Atlanta, GA**, stated he owns National Restaurant Development. He has not been notified by the City or talked to by anyone at this point, which surprises him. He is happy to cooperate with the City if they are interested in purchasing the Popeye's property from him. He would give up the restaurant. Option #1A and Option #1B would not work well if the restaurant is left in its current location.

Councilmember Meinzen McEnery asked Mr. Cowles if he had an opportunity to speak.

Mr. Cowles responded he did not speak, but did turn in a comment card.

Councilmember Meinzen McEnery asked if the owner of the lease for the funeral home could speak.

**Brooks Cowles with Community Funeral Service, LLC**, stated he made several requests to the City. He wonders if the City would have money to purchase Walgreens. He asked what the City considers construction and what property acquisition is. There is no disclosure to his company as to what that is. If the density of the JLB project and relocation is approved, he urges Council to choose the option that

includes the taking of Popeye's. As for his two trees that were so important to Council last year, he has not heard a mention of them, yet.

Mayor Galambos called for public comments in support of the application. There were no public comments.

Mayor Galambos closed the public hearing.

Councilmember Fries asked if the \$5 million Option #2 includes construction or includes right-of-way.

City Manager McDonough responded no. The methodology explained on the previous slide deals with construction costs, which are based on GDOT database estimates. The cost is also based on an appraised or associated value of land acquisition. The third methodology is associated with any business loss or business relocation. All those factors were considered and included in the sum total of the numbers in the presentation.

Councilmember Collins stated the Popeye's option is \$5.7 million and part of that number includes business loss and relocation. Everyone just heard for the first time from the Popeye's owner that he is willing to give up the restaurant and not looking for relocation costs to be paid, just money for the property.

City Manager McDonough stated Mr. Polan just stated that is incorrect.

Mayor Galambos stated she thinks what he said is that Mr. Polan has not been contacted yet.

Councilmember Collins stated he heard Mr. Polan state he is willing to give up the restaurant.

City Attorney Willard stated the land and building are owned by different people.

**Councilmember Gabriel Sterling** stated Mr. Polan is the business owner and not the property owner.

City Attorney Willard responded correct.

Mayor Galambos asked to what extent does Option #1B necessitate taking any portion of backyards.

Assistant City Manager Poole stated the preliminary estimates range in very small amounts. The range is 400 to 450 square feet on average for the townhomes.

Councilmember Fries stated instead of square foot terms, how far into the resident's backyards would the property be acquired. A measurement of 400 square feet is 4 X10. She asked if it would extend 50 feet from the edge of the property line or 100 feet.

Assistant City Manager Poole stated each one varies based on the curvature of the road. It would be unfair to say ten feet on average for every property. The acquisition of each property varies from ten to fifteen, or twenty feet. Staff plans to minimize that as much as possible.

Councilmember Fries stated looking at the diagram on page 14, the most property to be acquired on the furthest eastern property is 50 feet.

Assistant City Manager Poole stated the furthest orange line indicates an easement

Councilmember Fries asked if that is already City property.

Assistant City Manager Poole stated those are temporary easements. The right-of-way line is along the back side of the yellow line. The yellow line represents sidewalk. It is staff's intent that the right-of-way be at the back of the sidewalk.

Councilmember Fries stated the orange line is temporary easement, just so the project can be built, and then it will be returned to lawn.

Assistant City Manager Poole stated that is correct. The drawings are just concepts.

Councilmember Fries stated it is possible as the project moves forward to the construction/design phase that the easement could be less.

Assistant City Manager Poole stated that is possible. It is staff's intent to minimize the impact as much as possible.

Councilmember Collins stated there is obviously a significant impact when one approaches Roswell Road with respect to the neighborhood. He asked what the difference is on how much property has to be taken for Option #2 versus Option #1B. By comparing the pictures, there doesn't seem to be much of a difference.

Assistant City Manager Poole stated for Option 1#B the range is approximately 176 to 433 square feet.

**Councilmember Tibby DeJulio** asked what the size is of the lots.

Assistant City Manager Poole stated the average length of these properties is about 20 to 25 feet. For Option #2 the townhome impact average is about 350 square feet.

Councilmember Collins stated it looks like there may be less intrusion on Option #1B.

Assistant City Manager Poole stated that is correct.

Councilmember Collins stated the neighbors say Council should choose Option #2 because #1B will destroy their backyards. There is not much difference on the impact.

Assistant City Manager Poole stated there will be impacts with Option #2 as well. With either Option #1B or Option #2 the townhomes will be affected.

Councilmember Collins stated the acquisition of property for Option #1B compared to Option #2 is almost the same. The only option that would not affect them would be the City doing nothing at all.

Assistant City Manager Poole responded correct.

Councilmember Collins stated the question is whether the City is taking Popeye's or the funeral home.

**Councilmember John Paulson** asked about the subject of getting out of Walgreens parking lot and has staff reviewed this. There was discussion about Popeye's owner and land owners never being included. In the presentation is the cost estimate for each of the options. He asked for the basis of the estimate and how it was determined.

City Manager McDonough stated the City hired experts in these areas. Michael Baker Corp. created the draft design and utilized the GDOT mean summary, which is the list of costs associated with different construction options across the State. That was one component of the cost summary. There is also the cost of land by reviewing appraisals and tax valuations. The City used appraiser Dennis Carr who has been used for a number of projects in downtown Sandy Springs. Dennis Carr's firm prepared the associated land acquisition cost estimates. The third component is the impact to the business. City Attorney Willard was able to identify an expert in this area, HDH advisors, who assessed a range of valuations for the business. The City was given a conservative estimate based on that range. Between those three items they formed a basis for the cost estimates that are on the next slide.

Councilmember Meinzen McEnery stated she has a two part question. The first one is about eminent domain costs which are not in the business impact costs. On Option #1A and Option #1B and potentially Option #2 there could be concerns about the price that would be offered to acquire the land. There are two leasehold interests. Popeye's has a fee owner that has 50 years left on his leasehold to Mr. Clamp. There is a sandwich lessor that owns a 50 year lease held by the Clamps. Potentially again, no one knows the details, because staff has not had the opportunity to talk to the Popeye's business owner. Popeye's owns their building and has another 20 years on that lease.

City Attorney Willard stated the building is owned by the Clamps.

Councilmember Meinzen McEnery asked if eminent domain legal costs were considered in any of the alternatives.

City Attorney Willard stated for Option #1B or Option #2 there will be costs involved with acquisition of the properties. The difference is on Option #1B there is a building, but not an actual operating business, other than the auction business. Staff has had conversations with the owner of the property. With the other options there is an operating business, which is Popeye's. There would be a potential business loss and that amount is unknown. Staff has made educated professional estimations of what may be involved. Staff does not want to disclose the potential figures due to exposure.

Councilmember Meinzen McEnery stated the potential eminent domain legal costs are not included in the business impact.

City Attorney Willard stated the costs are included, but the costs would be pretty much the same whichever option Council chooses.

Councilmember Meinzen McEnery asked how HDH assessed value on a reasonable basis, if they did not talk to the Popeye's business owner. HDH does not know Popeye's revenue stream for that property. She asked if the City is getting a little ahead of itself using cost as the major reason for asking the taxpayers to support Option #1B. The \$2 million difference is the main reason, except for killing the deal, that staff is recommending Option #1B.

City Attorney Willard stated the City gave a professional the information available and they used their professional analysis of other documents as well. The professional looked at a fast food restaurant with the potential range of what gross income may be and made a recommendation of what they see to be the potential cost. There is no way of knowing what may be the cost until the actual taking of the property. The City would then negotiate for what may be the property owners desire expecting to get the greatest return possible for the loss of the business. It is doubtful there is a place for that business to relocate to that area. This would end up potentially being a full acquisition of the business. The difference in the auction location versus the funeral home is one is an operating business and one is a potential business.

The difference is a substantial loss for the operating business, but only potential income for the potential business.

Councilmember Meinzen McEnerney stated that is the \$2 million.

Councilmember DeJulio stated there may be a misconception about the taking of property. The City may need to acquire ten to fifteen feet of property from the homeowners on Hedden Street. He asked for an explanation of how the homeowners will be compensated.

City Attorney Willard stated there will be a valuation based on property values of that general area done through an appraisal. The City is responsible to make an offer of purchase based upon what is determined by the appraiser and the actual value of what is being acquired. This would include the fee taking, easements, and temporary easements. There would be a loss of temporary use of that portion of property, which will be done for the construction of roads.

Councilmember DeJulio stated the homeowners would be compensated for the temporary lack of use for their property. He asked if they would also be compensated for the decline of the overall value of the property due to the loss.

City Attorney Willard stated if that is what the appraiser determines. This would be called consequential damages.

**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.

Councilmember Fries stated all of these project options will require the taking of some backyard of the townhomes. Staff does not know the extent of the taking and it may be less. Some taking of the property is for sidewalks. The sidewalks could be eliminated and more buffer could be installed. The cost is considerably less with Option #1B. The third reason she supports Option #1B is because the stacking is so important on Roswell Road. This option would stretch the stacking ability to make the roads work better.

Councilmember Collins stated he initially had thoughts to favor one option, but now, after listening to the presentation, he has a different opinion. There are three questions that he is trying to answer. First, does the intersection need to be fixed at all. Staff stated the intersection is currently an "F". He was late to the meeting today because he drove through ten "F" intersections from Duluth to City Hall. Does this option accommodate developers, yes. This option also accommodates the long line of citizens that have to sit through three traffic light cycles every day. The intersection does need to be fixed. He asked what the best option is from a traffic engineering perspective. The engineers have stated the best option is Option #1B. The further away the new traffic signal is from Wieuca, the better the intersection will work. He asked if there are any other mitigating factors. Cost is a mitigating factor. There is a significant difference in cost that favors Option #1B. He is very attuned to harm to the neighbors. He was almost convinced Option #1B could not be chosen because the option is so much worse for the neighbors. After seeing the presentation, the acquisition of townhome property for Option #2 and Option #1B is almost the same. Would the City rather get rid of the Popeye's or affect the funeral home? Either way there will be a business loss. The Popeye's is an existing business. Four month ago many residents were before Council stating a funeral home was not needed at this location. No one wants to take property or a business. These are hard decisions that Council has to make. He will support Option #1B for all the reasons he just stated.

Councilmember Meinzen McEnerny thanked the Council on this item and the upcoming agenda item in spending time with her last week by telephone and meetings in person. There has been a lot of discussion regarding the issue of the impact on the neighborhood. All are surprised to learn that the major reason for Option #1B is that it is being recommended by transportation staff. All the pros and cons are from a transportation perspective. Missing are the cultural loss ramifications of losing a Georgia Historic Registry property that was built in 1914. Other losses include two incredibly precious specimen trees on that property and a low density economically viable leasehold by a business that is a business type that is known for high quality maintenance that will improve what is on that site today. This is not a public hearing on whether Council should support Option #1B or Option #2. This has already been determined. There was not a public hearing for the citizens to be able to share their opinions when the Council or staff made the decision in March and directed the developer to design their project according to Option #1B. She did hear this evening that Option #1A could be accommodating to the developer as well. The citizens have been left out of the process. It is now too late to defer this item and potentially look at real numbers that might reduce the amount of \$2 million as a rough estimate for the business loss. The attorneys for the funeral home could be involved and better information can be gathered. The City could have a gateway project that is truly a gateway, not three drive thru drug stores and a fast food restaurant. This area could be a first class long term lovely gateway utilizing Option #2, even if the cost is another \$2 million. She supports that versus paying \$1.5 million to add a retaining wall down to Morgan Falls Dam. She suggested the Morgan Falls Dam funding be removed from the priority list and replace it with gateway funding.

**Substitute Motion:** Councilmember Meinzen McEnerny 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.

Councilmember Sterling stated the Windsor Parkway realignment has been under discussion since prior to the City's inception. The topic was brought up by the City in 2007 and two studies 2008. One of the studies mentioned the intersection of Windsor Parkway and Roswell Road could be realigned, which would help improve safety and create a more traffic friendly framework. This subject has been discussed by the City over the past five years. The JLB project came to the City and a priority of Council is to redevelop old 'C' Class apartments. The apartments at the proposed JLB location were built in 1967. There are 436 apartment units currently. If these units were to be rebuilt at 436, the DRI would still apply. The DRI threshold number is 400 units. Even reducing the density would require the realignment of Windsor Parkway. Each one of the three options takes similar amounts of the backyards of the townhomes and he does not like that. He was the only vote against using eminent domain for the McCarr's restaurant about one month ago. Like Councilmember Collins stated, Council has to make tough decisions based on the information they have. Councilmember Meinzen McEnerny was in the Executive Session meeting in March and asked the question if she could discuss the project with the public. She was approved to discuss it with the public. Price and property purchases discussed in Executive Session cannot be discussed with the public; because that is the rule of Executive Sessions regarding any land purchases the City makes. Council discussed the basics of where the realignment might be in March 2013. He created an email in March to 1,453 residents in the City explaining some of the options for the project and realignment. At that time, there was already misinformation being given to the public about the project, because they were trying to kill a project and road improvement. These are things the City has to do for the long term. Even with the additional road volumes that are expected, the realignment will make the area and north Atlanta better. He would like the traffic staff to review the cut through to Walgreens for the Meadowbrook neighborhood and figure out a way to mitigate part of that.

Mayor Galambos stated she would like a traffic count for that area per hour.

Councilmember Sterling stated he wants to see that traffic count and use it as a way to mitigate the impact on the Meadowbrook neighborhood. He wants this project to have as little impact on the neighbors as possible. If realignment is not done, the City will lose Federal and State funding for this node. This is a vote that has been public for months. The cost has been available to the public for at least six weeks. The alignment project has been available to Council even longer. There has been ample opportunity for him to receive feedback from the public. Council has heard the voices of the residents and wants to impact as little of the neighborhood as possible. A decision has to be made on this project. Two million dollars of taxpayers money is a lot of money. If the funding goes the way he believes, an estimated \$3.7 million of the \$3.4 million from impact fees will be paid for by developers and mostly by the JLB developer. About \$300,000 will come from the City's contingency fund that is set aside for similar projects. If Option #1B is chosen, it will help protect the taxpayers. If the other route is chosen, more taxpayers' money will be used. Two million dollars is not a small amount of money. The City will spend \$3.3 million for every bit of road resurfacing next year. This is an important vote. He understands Councilmember Meinzen McEnery's passion about this item. In the briefing one month ago staff was asked about the specimen tree on the north side of the property and staff stated every step will be taken to protect the tree. The steps have to be taken to redevelop the apartments and get traffic moving. The traffic problems cannot be fixed all at one time, but instead over a period of time.

Councilmember DeJulio stated the project is located in his district. He received about a dozen emails supporting this project. He supports the project for a couple reasons. Councilmembers have a fiduciary responsibility on spending citizens' money. From the beginning, he stated he would probably be in favor of whatever is the least costly, yet effective, option for the project. He and Councilmember Sterling coordinated to meet with resident Jane Kelley in order to give her the maps for the project. This information has been available to the public for a long time. He is concerned with how to protect the Meadowbrook neighborhood. This neighborhood receives a lot of cut through traffic. The installation of two left turn lanes at the intersection of Glenridge and the Glenridge Connector, has tremendously improved the traffic. This change helped the traffic movement and decreased the traffic backup. By placing two left turn lanes on Windsor Parkway at Roswell Road, it will help keep drivers from cutting through Jolyn Place and Meadowbrook. When Sandy Springs became a City we wanted to improve traffic on Roswell Road. In order to improve traffic on Roswell Road there has to be some pain. In order to replace the apartments on Roswell Road there has to be some pain. We have to realize there are problems out there and how they can be solved. He feels for the people of his district that will lose part of their property. He does not think anyone will lose a substantial portion of their property. Council has tried to keep the politics out of this process. Council has depended on the professional staff to make recommendations regarding this project. From the briefings Council has had, what has been published on the web, from the massive amount of phone calls and emails staff has had, staff has received opinions from many sources on this project. It is time as Councilmembers to agree with the professional staff's decision. He would like to see a better restaurant than Popeye's as the entrance to the City. It is an operating business that has a right to operate. The professional staff that Council and the citizens depend on has come up with the recommendation of Option #1B. Council has to take into consideration that the \$2 million is the money of the citizens of Sandy Springs.

Councilmember Paulson stated this intersection does need to be improved. It was not number one on the Council's priority list. This development came up and it raised the intersection's visibility, as it should. The potential for this development and intersection is important. Staff does not make the cost numbers up. The numbers are acquired from professionals. He would rather not spend \$2 million extra dollars on this project when there are so many other projects the City could spend the money on.

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

**Resolution No. 2013-07-38**

Council took a five minute break at this point in the meeting.

## 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

**Manager of Planning and Zoning Patrice Dickerson** stated this item was heard at the June 18<sup>th</sup> City Council meeting and was deferred to the June 20<sup>th</sup> Planning Commission meeting. The Planning Commission is recommending approval subject to staff conditions as amended. The case was also heard by the Design Review Board in May and the Board recommended approval with conditions. Staff is recommending approval conditional of the rezoning use permit and concurrent variance request.

**Nathan Hendricks, representative of the applicant**, stated the property is located northerly on West Wieuca to the west of Roswell Road. Currently, the property is zoned A-1 classification and the applicant is requesting a rezoning of MIX. The proposed application will include 90,000 square feet of retail and 30,000 square feet of office. The multi-family request has been reduced from 700 units to 630 units. This reduction results in a per acre density of slightly under 30 units to the acre. The existing multi-family density on the property is slightly in excess of 20 units to the acre. The live/work neighborhood suggestion is for five units to the acre. The proposed application is considerably above that suggestion. On page 7 and 8 of staff's recommendations and report, it includes a dissertation of compliance regarding this request with the Windsor Parkway guidelines and policy. Staff recommends approval of this application. If the property is approved the application request would result in 849 bedroom units based on a 65/35 ratio of one and two bedroom units to the existing number of bedrooms of 812. Given the length of time for this item, his office has held many meetings regarding the project. There have been in excess of a dozen community orientated meetings. The outreach has resulted in High Point Civic Association and Cherokee Park Civic Association recommending the application.

**Hudson Hooks, JLB Partners**, asked if the Mayor would allow the opposition twenty minutes to speak.

**Mayor Eva Galambos** stated each side has fifteen minutes for public hearing.

Mr. Hooks stated he is the applicant for this project. His company is a developer of high end apartments. Currently, JLB has a project at Pharr Road and Peachtree Road in the City of Atlanta, named Elle. There has been tremendous success with this apartment complex and leasing began in November 2012. The project is at an 85% rental occupancy and expected to be full by the end of the summer. It is that level of product JLB is looking to put in Sandy Springs combined with Core Properties, their partner. Core Properties is the owner of The Forum and Avenues at Forsyth, which are high end retail properties around the City of Atlanta. The idea is to put together a high quality product of a boutique retail environment combined with residential and an organic grocer to provide an ultra-high end retail mixed use experience. This project began almost two years ago. It took eight months to assemble the property for the development. JLB originally began with a thirteen acre proposal. JLB was able to enter into a contract with the Versailles apartments. There have been thirteen formal meetings with the neighborhoods. In the beginning, the site plan started with a 50,000 square foot grocer. The meetings were held with ARC and GRTA and JLB was informed about Windsor Parkway. JLB then replaced their original architect in order to come up with a boutique style retail including an organic grocer and more restaurant space while shielding the neighborhood from the ugliness of the retail. Through that process and meeting with the neighborhoods studies were done to review the height of the buildings. Various planning was looked at to shield the Cherokee Park neighborhood from the project. Due to the in-depth discussion, there is

written support from Cherokee Park and High Point Civic Association. JLB has been working with a number of the Meadowbrook neighbors. Even though there is no written support, a number of residents in Meadowbrook support the proposed development. This project will give Sandy Springs a high end entryway it desperately needs. He referenced a slide from the presentation that included a grand boulevard through the middle of the project. The boulevard would accomplish a sight line through the middle of the project and includes ample space for restaurants and outdoor dining. The restaurants in this corridor will consist of upscale eating establishments. Fast food restaurants will not be part of this development. The idea is to keep the restaurants boutique in nature. The concept is more of a Dresden type development versus a town Brookhaven development. He referenced a diagram of the current property of 436 apartment units with approximately 812 bedrooms. The proposed development is asking for an increase of only 37 bedrooms. The commercial component is anchored by Sprouts, an organic grocer of 26,000 square feet, a CVS pharmacy, a wide array of boutique retail tenants, 18,000 square feet of unique restaurants, and 30,000 square feet of office and service tenants. He and John Graham both live in the area and Mr. Graham will be moving his office into the office space. The residential component consists of 630 units. This is a reduction of ten percent from what was originally applied for. The apartments will have condo quality interiors featuring stainless steel appliances, granite countertops, ceramic backsplashes, and garden tubs. There will be high end amenities that include swimming pools, internet cafes, business centers, and fitness centers. He referenced the site plan that tries to shield the single family apartments from the back of the retail. The stormwater runoff is currently untreated. JLB will treat the water and maintain it to City standards. The existing stream is encroached upon by paving and structures and has been used as a trash dump. The stream will be cleaned up along with restoring the stream banks. The landscape buffer between the abutting neighborhood and apartments is haphazard. JLB worked with the Cherokee Park neighborhood in strengthening the buffer and came up with creative ways to shield the proposed apartment building. The existing property has limited greenspace and the redevelopment would exceed City standards by 4%. Roswell Road frontage improvements are limited. New sidewalks to the City of Atlanta standard, street trees, pedestrian lighting, and street furniture will be installed along Roswell Road frontage. He referenced a drawing of the property where asphalt runs into the creek. JLB will remove the asphalt and replace it with vegetation and trees. The existing apartments are an eyesore to traffic entering Sandy Springs from Atlanta. This is a gateway project for Sandy Springs. The current tax revenue on the property is \$250,000 a year. The proposed tax revenue will be increased tenfold and that does not include sales tax revenue.

**Councilmember Dianne Fries** asked about ten foot ceilings versus nine foot ceilings in the apartment units.

Mr. Hooks stated the ceilings will be ten feet in height.

Citizens submitting public comment cards in support of this agenda item who did not speak: Greg Bennett and John Karnowski.

Mayor Galambos called for public comments in support of the application.

**Charles Beadles, Summit Engineering**, stated he is the engineer for the project and also has a vested interest, because he lives off Huntley Drive near Windsor Parkway. He has been working on this project for about two years. He has seen projects similar to these and their benefits to the community. The project will be a positive. He appreciates the realignment of Windsor Parkway.

**James Duffy Hickey, 5040 Vallo Vista Court**, stated he is a boardmember and officer of the High Point Civic Association. On June 27<sup>th</sup>, the Association sent a letter to the City Councilmembers. He read that letter which states, "Thank you for the work that has been done on the Sandy Springs gateway project at Roswell Road and Windsor Parkway. We also appreciate the efforts on the part of the developers who

listened to the impacted community to make changes to the original plan and to work in a trustworthy honorable way to a mutually beneficial new space that will enhance the City. The High Point Civic Association supports the zoning change required for the project, as amended by the Planning Commission in the June 18<sup>th</sup> meeting; specifically, and primarily, adherence to the maximum 630 apartments that were recommended.”

**Mike Mabry, 1115 Curry Drive**, introduced his daughter, Hannah Mabry, who will be in first grade this year at High Point Elementary School. Her older sister will be in second grade and younger brother will be in Pre-K. He supports the project because it will be more beneficial for the school than the apartments that are there now.

**Bill Gannon, 505 Taunton Way**, stated he has a message from Councilmember Sterling’s predecessor, Ashley Jenkins, which states, “Hello Council. I’m well aware of the gateway zoning application. I hope each of you will support it, I most certainly do. In fact, I am working on a \$68 million bond referendum for urban redevelopment which will be on the Marietta City ballot this fall. Any redevelopment of Roswell Road is a good thing.” This project is about schools in a large respect. Fifty-five percent of the tax dollars go to the schools. Seven years ago no one would help High Point Elementary except for the Mayor, Councilmember DeJulio, and Councilmember Meinzen McEnerny. This development will help the following neighborhoods: Glenridge Forest, Aberdeen Forest, Kayron, Hammond Hills, Evergreen Forest, Meadowbrook, and the townhomes that may lose some of their property. The development will help property values. He wants High Point Elementary to be like Sarah Smith in Atlanta. Property values on homes of \$300,000 should be worth \$600,000 and they can be, when improvements like this are made. Some of his friends stated this improvement may create a bad precedent. The precedent occurred seven years ago when the citizens voted for redevelopment. It was decided by Council if over five acres are assembled, a height of five stories can be approved.

**City Clerk Michael Casey** stated the fifteen minute time limit is up.

Councilmember Meinzen McEnerny asked if the time can be extended to twenty minutes.

Mayor Galambos asked if there is another civic association to be heard from.

City Clerk Casey stated there is one last speaker card in support from Joseph Heins.

Councilmember Fries stated a gentleman is standing waiting his turn to speak.

Mayor Galambos asked if the gentleman turned in a card.

**Steven Cadranel, 4028 Charrwood Trace**, stated he is in attendance on behalf of family members who own the property immediately to the south of the subject property. He is sympathetic to all the comments made this evening. The neighborhood supports the development and is excited about the enhancement it will bring to the entire Roswell Road corridor. The adjacent properties who are currently benefited by the traffic signal are not left behind by the development. The neighborhood has met with the applicant and he expects all will be able to work together. He hopes all benefits from this development continue south towards the ultimate Wieuca Road intersection.

**Councilmember Karen Meinzen McEnerny** stated it would be disadvantageous to not hear from the Cherokee Park Civic Association.

**Joseph Hines, 4771 Mystic Drive**, stated he is the President of the Cherokee Park Civic Association. The neighborhood learned about this project about one year ago. There was almost unanimous

displeasure with the project on how it was being implemented. The Association has worked closely with JLB over the last year. The modifications that have been requested by the Association have been incorporated into the current plans. At this point the Association is very supportive of the project. The neighborhood was polled and those who responded are 90% in support of the project.

Mayor Galambos called for public comments in opposition to the application.

**David Seidel, 284 Hedden Street**, stated he grew up in Atlanta and has lived here most of his life. In the 1970's and 1980's Sandy Springs was a great place to live. He followed the thirty year process of unincorporated Sandy Springs to the City of Sandy Springs. When he and his wife were looking to move closer into town they chose this City for a variety of reasons which added up to a better quality of life. They have two children that attend High Point Elementary, one entering the fourth grade and the other entering into first grade. His opposition is not specifically to the project, but to the density of the project. The density has been discussed at length in committees multiple times. At the time of the City's incorporation, everyone talked about what a positive thing this was for the City and residents of Sandy Springs. The following quotes were in the local news media prior to the formation of Sandy Springs. They are both attributed to then private citizen Eva Galambos. "One factor that lies behind almost all of this is the push for ever more density and development, more high rise office buildings, more high rise apartments, and to go with this, new and widened roads so people can access these developments." Over the past twenty years Sandy Springs has risen to a proliferation of towers that spew people into cars into the neighborhoods. Neighborhood opposition has not quelled the developer's appetites. "The current mania over new urbanism or smart roads promises to bring more fights about density", appeared in the Dunwoody Crier September 1999. Another quote concerning a specific zoning fight with the Fulton County Commission states, "This decision once more demonstrates the vulnerability of Sandy Springs residents and the inability to control their own destiny. A City Council elected by the people of Sandy Springs would never have acted in this high handed manor", Dunwoody Crier August 2001. He is sure the irony of these statements in the relation to the current situation is not lost on those present in this room. In the last couple of years, he has witnessed the Mayor and City Council voting time and again for business expansion at the expense of the constituents who elected them. Sandy Springs is rapidly becoming the Fulton County that was abhorred. How attractive will Sandy Springs be for future businesses when we are known more for our gridlocked roads and decreased quality of life? His sister lives off Dresden Road, which is very close to the wonderful new JLB development. It has noticeably increased traffic and the neighbors plan on lobbying for a new traffic plan because they are having more trouble turning left onto Dresden. In addition, another new apartment complex soon will be constructed that will affect that area. A friend of his that lives closer to Dresden has a lot of issues with cars from restaurants and shops parking on his street and in front of his house. His family has since moved, partly due to this. Clearly the truth has not entirely helped, as told by JLB. That development is much smaller than the proposed one in Sandy Springs and the traffic on Dresden is not as bad as it already is on Roswell Road. If you think this development will have minimal impact on the City streets, you are sorely mistaken.

**Jane Kelley, 4590 Windsor Park Place**, stated she is in attendance representing Windsor Park homeowners association and all of the residents on Hedden Street, including the townhouses. She actually believed the campaign promises when Sandy Springs was considering Cityhood. These promises included limiting growth to what is reasonable for the infrastructure, adhering to the Comprehensive Land Use Plan, and adhering to a 60/40 policy. To quote the Dunwoody Crier discussing zoning of the Roberts property by the Fulton County Commissioners from August 16, 2001, Eva Galambos stated, "Sandy Springs was shafted once again by the Fulton County Board of Commissioners. Violated the 60/40 policy, thus opening the flood gates to more apartments. Totally disregarded their policies enunciated in the comprehensive plan for Sandy Springs." This developer has devised a very clever way of seeking approval for massive density. The developer is temporarily combining a residential parcel with a

commercial parcel, which requires the overall density consideration and is later separating the parcels. Since JLB has disclosed this plan publicly, Council should be considering the residential density based on the nine acres it actually sits on. The 630 apartments on nine acres is 70 units per acre, and not 30. Since JLB has legally outwitted the system, the current density numbers should be considered. The residential portion is way outside of the City's Comprehensive Land Use Plan and does not belong in a live/work neighborhood district of the Windsor Parkway node. The building heights proposed are unheard of in this area. The development is not near a highway or a MARTA station. No one seems to care about setting precedence, except for the real estate attorneys and the developers. They are the ones that benefit, not the citizens of Sandy Springs. The approval of this development will set three bad precedents that include building heights, residential density, and inadequate parking. Everyone is discussing bedrooms, but ignoring the seven buildings of commercial space that is also proposed. The commercial space is more than twice as large as the Tuxedo Festival shopping center where Flipburger is, which is inadequately parked. That shopping center is 1 ½ times the size of the Roswell Road and Wieuca shopping center where Fresh Market is. The neighborhood also fears the impact on traffic in the area. According to the GRTA study, based on the 630 units and 120,000 square feet of commercial space, this will add over 8,500 cars on week days and over 10,300 cars on Saturdays. She asked how realigning Windsor Parkway, but adding 10,000 cars improves traffic. This development also goes against another Cityhood campaign promise adhering to the 60/40 rule. This rule means keeping a healthy balance of owner occupied houses versus rentals. The City is currently near a 50/50 balance at this point. This development will add 44.5% more apartments than currently exist on the property. Once this density is approved and the flood gates are opened, there is no way to shut them. Attorneys and developers will be submitting many zoning applications. The City spent quite a bit of money regarding the Scientology zoning case on legal fees. There would be more to come. The legal fees come out of the taxpayers' pockets. She was naïve to believe the campaign promises.

**Pamela Alexander, 311 Meadowbrook Drive**, stated the stretch of Roswell Road between Wieuca and Windsor Parkway is already overburdened with traffic congestion. That traffic continuously uses neighborhood streets to cut through. Adding density at this elevated level in this corridor will serve to exacerbate the problem. The neighborhood is excited about the redevelopment of the apartments into amenities that can be used and walked to. The level of the density needs to be considered.

**Manuel Elkourie, 60 Willow Glen**, stated he is President of the Willow Glen homeowners association. The Association has voted to oppose this rezoning request due to the negative impact of the high density. The neighborhood is not opposed to redevelopment in the area. The negative impacts to the neighborhood include the cost to the taxpayers and traffic jams on Roswell Road. The Windsor Parkway improvements will not improve the north south traffic on Roswell Road. At the proposed density, this development will generate an increase in traffic of 8,500 to 10,000 cars. The traffic in this area is backed up in the morning, at lunch, and in the evenings without any new development. Wieuca and Windsor Parkway are supposed to alleviate some of this traffic. They are not Roswell Road and they will not take the traffic off Roswell Road. The improvement of this intersection will improve the Windsor Parkway traffic only. There are no improvements in the plans to increase the traffic capacity of Roswell Road. Years ago a developer proposed a similar development, which is now Fountain Oak shopping center. The Fulton County Commissioners denied this development due to the excess density. The density was similar or less than is being proposed on this site. After working with the developer and being sued, the developers reduced the density and constructed a nice shopping center that is useful to the neighbors. He asked Council to deny this application due to the density and the traffic impact. If development occurs with no increase in capacity on Roswell Road, the gateway to the City will be closed in the morning, lunchtime, and in the evening.

**Penelope Malone, 4655 Lake Forrest Drive**, stated the Council and Mayor have an obligation to thoughtfully consider what is appropriate for the surrounding areas and the City's Comprehensive Land

Use Plan. There are no five story buildings within 1 ½ miles in any direction of this development. There are a few four story buildings and those are clustered around existing heavy duty transportation infrastructure such as GA400. Looking at the number of bedrooms and density, she does not believe this is the full story. The exiting residents have 0-1 cars per resident and this development will have 1-2 cars per resident or perhaps even more. She asked Council to support limiting this development to no more than four stories to protect the adjacent neighborhoods.

Mayor Galambos closed the public hearing.

**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 shall be limited to brick, stone, hardcoat stucco, or hardiplank; 2.c. Ceiling heights in residential units shall be a minimum of ten feet; 2.d. All units shall be individually metered and/or submetered; and with modifying condition 3.r. to read, no construction access permitted into or out of West Wieuca Road. Councilmember Sterling seconded the motion.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Office and associated accessory uses at a maximum density of 1,412.03 gross square feet per acre or 30,000 gross square feet, whichever is less.
  - b. Retail/Restaurant and associated accessory uses at a maximum density of 4,236.10 gross square feet per acre or 90,000 gross square feet, whichever is less.
  - c. No more than 630 residential units at a maximum density of 29.65 units per acre, whichever is less.
  - d. The maximum building height shall be four (4) stories on the exterior of all residential buildings adjacent to single family residential properties along the west property line or ~~60 feet, whichever is less~~, for the residential building for Phase I and five (5) stories on the exterior of all buildings adjacent to ~~nonresidential uses along the west property line, whichever is less~~, for the residential building for Phase 2 as shown on the site plan dated received June 20, 2013. (Use permit 201201766)
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on June 20, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.

- b. Exterior of all buildings should be limited to brick, stone, hard coat stucco, cementitious material and Hardiplank, with no wood.
- c. Ceiling heights should be ten (10) feet.
- d. All units shall be individually metered and/or sub-metered.

3. To the owner's agreement to provide the following site development standards:

- a. All project improvements required by Georgia Regional Transportation Authority (GRTA) and outlined in the Notice of Decision dated January 30, 2013, except for West Wieuca at Driveway 3(Construction of an eastbound left-turn lane along West Wieuca Road), shall be completed prior to the issuance of the first apartment unit certificate of occupancy.
- b. Unless the Developer can provide acceptable documentation to the City of Sandy Springs Director of Community Development that right-of-way cannot be obtained, construction of the eastbound left-turn lane along West Wieuca Road shall be required. Construction of said turn lane shall be completed prior to issuance of any building permit for phase II, (labeled on site plan dated June 20, 2013 as residential 2).
- c. A retaining wall shall be constructed in accordance with the proposed site plan, provided by the applicant dated received June 20, 2013 by the Department of Community Development, for the variance herein, showing a reduction in the 25 foot impervious surface setback to seventeen (17) feet to allow a retaining wall, where necessary to accommodate the portion of the encroachment only (Variance #1 201201766).
- d. To allow a second monument sign along the Roswell Road frontage (Variance #2 201201766).
- e. To reduce the required parking from 1,563 to 1,524 a reduction of 39 parking spaces. (Variance #3 201201766).
- f. Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration.
- g. The tributary buffer designated in condition 2.a. shall be planted and maintained subject to the City Arborist in order to ensure full screening of the proposed development from the abutting residences.
- h. All exterior lighting attached to the westerly and northerly building facades directly abutting and/or visible to single family residential properties shall be attached at no level above the first floor and shall be shielded so that the light source is not visible from the adjacent residences and is directed downward.
- i. All lighting along the westerly driveway (from West Wieuca Road to the entrance to the most northerly multi-family building) and any other lighting placed between the most westerly buildings and the westerly property line shall be at a height which can be screened by the zoning buffer and tributary buffer, as determined by the City Arborist, and be shielded so the light source is not visible from any residential properties.

- j. All parking lot lighting shall be shielded so that the light source is not visible from any single family residential property.
- k. A vegetative screening subject to the approval of the City Arborist shall be placed at the westerly end of the driveway aligned with the relocated Windsor Parkway in order to ensure that headlights can be screened from adjacent residences. This planting wall may be placed within the 10-foot improvement setback of the tributary buffer.
- l. Provide physical screening for the commercial loading docks so that noise can be abated to both Cherokee Park and to the proposed apartments.
- m. No detention facilities (above or below ground) shall be placed in the tributary buffer or the improvement setback.
- n. Traffic calming subject to the approval of the Director of Community Development shall be placed along the length of the driveway from the relocated Windsor Parkway intersection to West Wieuca Road.
- o. All property boundary fencing shall have a durable black coating to minimize its visual impact from the residential neighborhood to the west.
- p. No air conditioning units or other mechanical equipment shall be located between the face of the most westerly buildings and the westerly property line. All mechanical equipment located on rooftops shall be fully screened and shielded from adjacent residential properties.
- q. All dumpsters and trash containers for the residential buildings, as well as service areas, will be located within the buildings.
- r. No construction **and/or tractor trailer truck** access is permitted **to** or from West Wieuca Road.

**Councilmember Tibby DeJulio** stated there has been discussion regarding 60/40 and 50/50 zoning. He asked if the City has the legal power to determine the balance of owner occupied versus rental apartments.

**City Attorney Wendell Willard** responded no. The decision should be based on what is the appropriate and highest best use of the property. That is also a constitutional requirement that has to be met in looking at land use planning through the City's long range plans and zoning. There has been discussion regarding 60/40 and 50/50, but there is nothing in law that can be used to express those numbers as a policy.

**Councilmember Gabriel Sterling** stated he has seen many emails regarding the 60/40 and 50/50. Currently, in Sandy Springs the City has 43% apartments for residential housing, according to the United States census. There are a couple things that have been misstated publicly.

Councilmember DeJulio asked if the 43% is based on population or the number of apartments.

Councilmember Sterling stated the number is based on housing units. There are people saying that nine acres is where the residential part of this project will be located. That is incorrect. The residential will be placed on 12.31 acres. The commercial will be on nine acres. When looking at the market area of Midtown, Buckhead, and the Perimeter area, since 2008 there have been approximately 35 apartment projects that have been zoned and built. All of those apartments are denser than this proposed project.

The economics of this is a reality. The numbers range between 71, 67, 66, and 68. This is even if the 12.3 acres is used at 51 units per acre. Currently, the proposed plan includes 29.7 units. There is no variance for the residential parking. There is a small variance on the commercial parking of 39 spaces. There will not be a lot of overflow, especially with a CVS. This is inside the 10% variance staff is allowed to approve every day. The parking is already taken care of. One major item Council voted unanimously to approve as a policy at the last two Council Retreats is apartment redevelopment. The apartments at the current location are some of the oldest apartments in the City and they have a very high crime rate. At these apartments just within the last four months there have been a murder and a kidnapping. Being discussed is bringing high end smaller apartment units with a similar amount of bedrooms along with Sprouts, a high end organic grocer.

**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, hardcoat stucco, hardiplank, or cementitious materials and allow a maximum of two drive thru restaurants.

Councilmember Sterling stated Council has discussed redeveloping Roswell Road. If this project is approved, \$3.4 to \$3.7 million in taxes will come from the developers. When the City has to develop this area at a later time, the money will come from the Sandy Springs taxpayers. The Cherokee Park and High Point neighborhood voted in favor of this project. There are conditions on the application that limit a building abutting residential to four stories. Anything else can be five stories. That is already in the staff conditions. This is over \$100 million in investments and getting rid of a horrible set of apartments that impact the schools, crime, and entry into the City. The City needs better development. The Council voted unanimously for redevelopment of apartments and this is the best way to do it. The original plan that was submitted was not approved. Some developers have wanted to submit plans that include 900 apartment units and were told by the City that will not work. The public does not see every bad deal submitted to the City. This is a good deal for the City. He highly recommends Council vote in favor.

Councilmember Fries stated she still has not accepted the amendment and is pondering it.

City Attorney Willard stated Council should finish their comments and then the motion can be considered.

**Councilmember John Paulson** stated years ago a development occurred at the northern end of the City and at this time one of his children attended North Springs High School. There was development on the south side of Spalding Drive that was an apartment complex. It was an atrocious apartment complex that had shoot outs every night and mattresses on the ground. He would tell his children to avoid that area. The City's Police Department publishes crime maps of the City that show "red dots" of where crime occurs. In the 1990's, that apartment complex was a "red dot" cluster. The property was finally bought and redeveloped into townhomes. He checked the crime map in that area now and there is only "red dot". Redevelopment results in a lot of improvements when it comes to crime and the efforts of the Police Department. When looking at the current crime map of the proposed development, this is an area that has many "red dots". He is looking forward to this development for many reasons. Because it is an old apartment complex, it has outlived its usefulness. He likes the proposal for the development, but especially likes the added safety that will come when redeveloping these old apartments.

**Councilmember Tibby DeJulio** stated Mr. Elkourie brought up a couple of points he is going to make. About two months ago he was driving to City Hall for a 4:30 p.m. meeting. He was at the intersection of Roswell Road and Lake Placid. He sat there in his car and waited for four school buses to unload. It takes six minutes for one school bus to unload, since he timed it. He told the Sandy Springs Chief of Police years ago that he wants the school buses protected when they are on Roswell Road. Where this occurred was at the intersection of I-285 and Roswell Road when he was trying to go north. He sat there

for twenty four minutes. These two apartment complexes have 179 students at High Point schools. A school bus holds approximately forty students. He is not sure how long it takes to load a school bus, but to unload one it takes six minutes. That means every morning and afternoon there are 4 ½ school buses loading and unloading. Traffic is stopped on Roswell Road due to the school buses. He chooses to agree with the schools and homeowner associations. He and the Mayor have always been in favor of redeveloping the apartment complexes on Roswell Road. The apartment complexes on Roswell Road are at capacity. Developers and owners will not tear them down and put up single family houses, which is what he would like to see. Redevelopment has to be economically feasible. Behind his house is a new apartment complex that has 180 units and there is one student that lives in the apartments. For the proposed community many of the younger people moving into the one and two bedroom apartments may work from home. It is amazing how many people work from home 1-2 days a week now. It is amazing how many people will walk from their apartments to Caribou Coffee and this keeps cars off Roswell Road. If the community is a live/work place where people can work from home, they will drive less. The new development will be 1-2 bedroom apartments. He has recently been thinking about moving to an apartment. He would rent at least a 2 bedroom apartment, one room to sleep in and one room for an office. The younger people are working more from home and walking more. Less cars will be in this area and it will improve traffic on Roswell Road. It will help because Roswell Road won't be congested due to the school buses. He is in support of this application.

**Councilmember Chip Collins** stated this is an extremely important vote. Council has stated the goal is to redevelop the aging apartment complexes, but doing this is easier said than done. The City cannot afford to buy the apartment complexes. The City is relying on the developers such as JLB and Core Properties. This is the first time Council has been asked to approve such a redevelopment plan. Both companies have done a good job in setting a good example for other developers. Future developers need to engage the neighborhoods early and often and listen to them. After the developers listen to the neighborhoods, they should be prepared to be flexible. The developer came in with a plan that no one liked, they changed it and came back to Council with a better plan. He suggested other developers bring the City, high quality development plans that are unique and reflective of what the City is and what we want it to be. The proposed application does this. The plans should benefit the developer and the citizens of Sandy Springs. His goal is on his wife's birthday to have her beg him to stay in Sandy Springs to take her out to dinner instead of going to Midtown or Buckhead. The City will be getting four new dining options with this plan. The apartments seem to be the highest quality in the City. The traffic is the only issue. He likes the development, but if no one can get to it, it doesn't work. He asked if the future projections for traffic are taken into account with this development.

Mr. Hooks responded yes.

Councilmember Collins stated he spoke to a gentleman regarding the construction access in and out. The gentleman owns a business on West Wieuca. He stated the Planning Commission has conditions about prohibiting tractor trailers at the West Wieuca entrance. Staff stated that would not work.

Manager of Planning and Zoning Dickerson stated the Planning Commission recommendation was that no tandem vehicle access is permitted from West Wieuca. Staff asked for clarification from the Planning Commission on what that means. There is a condition that states no construction access.

Councilmember Collins stated he believes this should be a permanent condition stating no tractor trailers in or out of West Wieuca.

Councilmember Fries stated this is not a Sandy Springs street and that condition cannot be enforced.

Councilmember Collins stated a sign could be placed at this location.

Councilmember Fries stated a sign cannot be placed there.

Mr. Hooks stated the developer plans to self-impose that issue on the other developer. The developer will keep all construction traffic out of the area.

Councilmember Sterling asked about delivery traffic for the commercial side.

Councilmember Collins stated this is a condition of zoning.

**Councilmember Karen Meinzen McEnerny** stated Manager of Planning and Zoning Dickerson mentioned that the Planning Commission requirements have been included in the conditions. Conditions mentioned were numbers 1 – 3. She asked if the Planning Commission condition that not more than one drive-thru be permitted on the property is included in the conditions.

Manager of Planning and Zoning Dickerson stated that the Planning Commission had recommended approval with staff conditions as amended. Those conditions are the four the Planning Commission added.

Councilmember Meinzen McEnerny stated the Planning Commission recommended that there would be no more than one drive thru restaurant on the property. There would be no more than 630 apartment units, which is now part of staff conditions. All restaurants on the property should provide a minimum of ten parking spaces per 1,000. She asked if parking space requirements are in the conditions.

Manager of Planning and Zoning Dickerson stated it is not necessary to place that in in the conditions, because the zoning ordinance already requires that.

Councilmember Meinzen McEnerny stated the fourth condition is that no tandem vehicles have access. She supports Councilmember Collins friendly amendment request. She asked staff if they could demonstrate the amount of citizen involvement on how many materials have been submitted for the application.

Senior Planner Linda Abaray displayed the amount of materials that have been submitted to staff in opposition and in support of the application.

Councilmember Meinzen McEnerny asked Senior Planner Abaray if there are more materials by weight in opposition than there are in support.

Senior Planner Linda Abaray responded yes.

Councilmember Meinzen McEnerny stated there is a discrepancy on how many acres are going to be devoted to the residential component versus the commercial component. Both of the two property owners plan on bifurcating the ownership of the property, so the residential component can be converted into condos in the future. She asked how many acres are related to residential.

Manager of Planning and Zoning Dickerson stated staff has not analyzed that information. Staff does not deal with different parcels with this type of development, but considers the entire acreage.

Councilmember Meinzen McEnerny stated that is legally the way the City handles the policy. She asked the Mayor if the developer can answer that question.

Mayor Galambos responded yes.

Mr. Hooks stated the retail is approximately 9.01 acres. The residential Phase I is approximately 6.61 acres and Phase II is 5.7 acres, with 12.31 acres in total. The total site plan is 21.32 acres.

Councilmember Meinzen McEnery stated she previously heard it was 9 acres. She apologized if she ascribed that number to the wrong component. That does change the density from 70 units per acre to 51 units per acres, which is still considerably over what the City's Comprehensive Land Use Plan states. Councilmember Sterling also mentioned staff conditions 1.d., that no residential building adjacent to residential will be higher than four stories. She asked how this is interpreted. The northern half of the southern building is adjacent to residential. She asked how many stories are on the northern half of Phase II.

Manager of Planning and Zoning Dickerson stated anything adjacent to nonresidential would be permitted to be five stories. The building story number would have to decrease if it is adjacent to residential property.

Councilmember Meinzen McEnery stated the plans as shown attached to the lawyer's letter of intent show that the northern half is adjacent to the neighborhood. She asked if the northern half of the southern building is going to be four stories.

City Attorney Willard stated it will not make a difference what the current plans are. When the developers bring the building plans in for a permit, they will have to comply with the conditions.

Mr. Hooks stated the Phase II building is five stories all along the western side. The idea behind the four stories was to protect the neighborhood adjacent to the Phase I building that is the most intrusive to the neighborhood.

Councilmember Meinzen McEnery asked if it is clear the developer will have to reduce their story height on the northern part of Phase II and if they are aware of that.

**Director of Community Development Angela Parker** stated staff's recommended conditions called for four stories abutting all residential properties.

Councilmember Meinzen McEnery asked if that condition includes the northern half of the southern phase. The commercial building is on the southern end of the southern phase.

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

Mr. Hooks stated it has already been pointed out that this is the lowest density development inside this area for an apartment project within the last five years. That includes a five story project on the southern end of the property. The developer has made concessions and removed a story off of that building. That building needs to be five stories. The developer has an agreement with Cherokee Park, the most impacted neighborhood, that includes the five story condition.

Councilmember Meinzen McEnery asked if Council recognizes that only the southern part of Phase II touches a commercial property. It will still be five stories over a two story building.

Mayor Galambos asked if it was agreed to by the neighborhood association.

Councilmember Meinzen McEnery stated yes it was, but that is not her point. She asked if Council recognizes the developers will have to reduce their apartment unit count by the way it is written. If so, she will not bring forward her amendment.

Mayor Galambos asked City Attorney Willard if he would interpret the condition as it is now written with a building partially next to commercial and partially next to residential.

City Attorney Willard stated where the building abuts residential property, that would be constructing to the property line. That is an issue that may limit height.

Director of Community Development Parker stated the Phase I condition is written in two parts. Phase I is limited to four stories and Phase II is five stories.

Councilmember Meinzen McEnery asked if Councilmember Sterling agrees the condition does not apply to the southern half.

Councilmember Sterling responded yes.

Councilmember Meinzen McEnery stated she agrees with Councilmember Collins's comments regarding the quality of the developer, his products, listening to the neighborhoods, and working in a positive manner. In general, with all the information the City and public have received, she wants to see something different at that intersection. She is willing to accept changes to the comprehensive land use plan. This is a very exciting project. However, she would like to make a few changes. Before she recommends an amendment, she would like to discuss the density of the apartments. The apartments are too dense at 51.22 units per acres, which is the actual acreage upon which it will be built and potentially later converted to condos. There are only two existing locations in the City with density over 70 units per acre. The towers that had over 70 units per acre were at GA400 and I-285. The height of the apartment buildings adjacent to the neighborhood at five stories in the southern building is too high for adequate transition to a protected neighborhood. The City's Comprehensive Land Use Plan is two stories. Council has been very diligent in protecting the transition to single family neighborhoods. Council spent more than 30 minutes in May on how to make a two story townhome development less intrusive to the adjacent single family neighborhood. That neighborhood was no more than 1/8 of a mile from I-285. She asked how Council can be so inconsistent to consider voting tonight to support four and five stories adjacent to a single family neighborhood that is more than two miles from any major highway. Council should show fairness and consistency to all protected neighborhoods. Council should not pick which neighborhoods they choose to provide a two story transition to and which ones they don't. The City's Comprehensive Land Use Plan is being violated as the heights are limited to no more than two stories and the retail density to five. She asked if the zoning is consistent with the area and the existing uses. This is a valid legal precept upon which to suggest changes in this application. No, the zoning is not consistent. In fact there are no buildings of five stories or higher within two miles of this property. All of those properties are near major highways. She submitted a Perimeter study to all Councilmembers showing this. Except for Roswell Road, all surroundings streets are two lanes. Despite the GRTA requirement to improve West Wieuca and the Roswell Road, intersection the City of Atlanta has no plans to do so for many reasons. One reason is the lack of available of funds. Sandy Springs only has two minor road improvements at Mount Paran and Roswell Road and West Belle Isle. If Sandy Springs does not move forward with the Windsor Parkway improvement, it's not like the City will not receive more Federal funds for this area. She does support the need for the intersection. The surrounding uses are all two story commercial and residential, not five story residential and more than 4,000 square feet of commercial density. It is a fact that the closest four story building is in the City of Atlanta at Nancy Creek less than one mile away. The building's setback is at a 45 degree plane, which is Atlanta's requirement from the street and from the neighbors, so it can barely be seen. That is not the case here with the proposed apartments. These units are within 50 feet of residential lines, whose major protection are their own lots that include trees. Even if the intersection at Windsor Parkway and Roswell Road is improved, that still does not add capacity to Roswell Road, which cannot be widened. That means the intersection of Glenridge and Windsor Parkway can be cleared. Atlanta will not improve West Wieuca at Roswell Road.

The intersections will be cleared quickly. The estimated traffic is to be another 8,500 cars on the weekday and 10,000 on Saturday to be added to the daily through traffic of 33,000 cars. The cars will be on Roswell Road and trying to find a way to get off West Wieuca out of the traffic. The cars will go through the neighborhoods on Long Island Drive to West Wieuca.

Councilmember Fries stated she would like to discuss policy at the next meeting on how much time each Councilmember is allowed to speak.

Councilmember Meinzen McEnery stated a drive-through is not a quality retail product and they require physical separation from other retail uses due to their need to provide circular access around them. They cannot be a part of an otherwise high quality retail mixed use as shown on the developer's plans. She does not support any drive thru retail in beautiful projects such as this.

**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.

City Attorney Willard asked Councilmember Fries to restate the original motion.

Councilmember Fries stated her motion was 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 shall be limited to brick, stone, hardcoat stucco, or hardiplank; 2.c. Ceiling heights in residential units shall be a minimum of ten feet; 2.d. All units shall be individually metered and/or submetered; and with modifying condition 3.r. to read no construction access permitted into or out of West Wieuca Road. Councilmember Sterling seconded the motion.

Councilmember Sterling stated he offered a friendly amendment to modify condition 2.b. to read exteriors of all buildings should be limited to brick, stone, hardcoat stucco, hardiplank, or cementitious materials.

Councilmember Fries accepted the amendment. She said Councilmember Sterling made a motion to add the word "cementitious", but he did not add the condition regarding a drive-thru.

City Attorney Willard stated unless there is an objection, the amendment can be accepted.

**Motion to Amend the Motion and Second:** Councilmember Collins offered a second friendly amendment to 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.

Councilmember Meinzen McEnery stated she has an objection. The developers agreed to that on Phase I.

Councilmember Fries stated she would accept the friendly amendment to clarify that Council has agreed upon the four and five stories.

Councilmember Meinzen McEnery stated for Phase I she thinks Council is supporting the four stories on the northern building adjacent to residential.

Councilmember Fries responded yes.

Councilmember Meinzen McEnery asked why this language is being removed.

Councilmember Fries stated for the other five story building. She wants to make sure the motion is very clear.

Councilmember Sterling asked if staff can be consulted for clarification.

Director of Community Development Parker stated Cherokee Park's agreement is for four stories for the Phase I building and five stories for the Phase II building.

Councilmember Meinzen McEnery stated the condition states for the residential building for Phase I that it will be four stories.

Councilmember Fries stated the Phase I building will be four stories and Phase II will be five stories.

City Attorney Willard asked Councilmember Collins to restate his amendment.

Councilmember Collins stated the friendly amendment is to remove the following language from staff condition 1.d, "... adjacent to nonresidential uses along the west property line."

City Attorney Willard stated that will apply to Phase II.

Councilmember Collins responded that is correct. He read 1.d. that states, "the maximum building height shall be four stories on the exterior of all residential buildings adjacent to single family residential properties along west property line or sixty feet, whichever is less, for the residential building for Phase I, and five stories on the exterior of all buildings ...." He asked if there is a height requirement that is needed for the five stories.

Mr. Hooks stated one item JLB has been asked to provide is ten foot ceilings, which he is in agreement with. That will add two feet per floor and that will increase the height of the building to just over sixty feet for the four story building. The five story building will be seventy-five feet in height.

Councilmember Collins asked if the condition should be changed to sixty-two feet.

Manager of Planning and Zoning Patrice Dickerson stated the condition could be changed to four stories and five stories. The building code allows staff to address it that way.

Councilmember Collins restated condition 1.d., "the maximum building height shall be four stories on the exterior of all residential buildings adjacent to single family residential properties along west property line for the residential building for Phase I and five stories on the exterior of all buildings for Phase II, as shown on the site plan received June 20, 2013.

**Vote on 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 tandem truck access permitted into or out of West Wieuca Road. Councilmember Fries accepted the amendment.

Councilmember Collins asked if tandem truck means what Council thinks it means, because that is what the Planning Commission stated.

City Attorney Willard responded yes.

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

**Ordinance No. 2013-07-10**

Mayor Galambos stated the language is not tandem truck, but is tractor trailer instead.

Council took a five minute break at this point in the meeting

Councilmember Fries suggested imposing a two minute time limit for each Councilmember.

Mayor Galambos asked City Clerk Casey to track the two minute speaking time limit for each Councilmember.

**(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

**Manager of Planning and Zoning Patrice Dickerson** stated this item was heard at the May City Council meeting and was deferred to the June Planning Commission meeting. Staff recommends approval conditional of the rezoning request. The applicant has requested to withdraw the concurrent variance request. The Planning Commission is recommending approval subject to staff conditions.

**Nathan Hendricks, representative of the applicant**, stated the site plan before Council is the plan that was originally filed with the City. The original request was for concurrent variances within the screen buffer. During the period of modification and deferral the property has a revised plan. The applicant is requesting the concurrent variance request be withdrawn. The property as reflected on the site plan is completely outside the bounds of the buffer. The site plan has also gone through the review and analysis of the City traffic engineers. Should this be approved by Council, the land disturbance permit recommendation is a right in, right out, and left in, but no left out. The applicant is fully aware of this. The property is presently zoned at the O-I classification. The property includes a single family home that was to be an office use within the single family home. The single family home is boarded up and closed. The applicant is a Sandy Springs resident. Mr. Hendricks has represented the applicant for a number of years on different proposals. The applicant will be the developer and owner of the property. It is his intention to sell the units. If the market dictates, the applicant may rent the units out, if need be. He requested Council's approval of this application.

**Mayor Eva Galambos** called for public comments in support of the application. There were no public comments.

Mayor Galambos called for public comments in opposition to the application.

**Tochie Blad, 7320 Hunters Branch Drive**, stated she is speaking on behalf of the Sandy Springs Council of Neighborhoods. The property suffers from hardships that are unique to the property. These hardships consist of a lot that is restricted due to severe constraints of topography that drops sharply to a stream on the northerly end of the property. The property is .9 acres and only half of the acreage is buildable. From what is seen from the road, the house is a buildable site. The applicant wants to place nineteen very small units, compared to the previous agenda item that was approved. The site sits on the curb of Peachtree Dunwoody Road. There are two lanes at this location. They have realigned the entrance with Dunwoody Courtyards, which is the existing apartment complex next to the property. The meditation center that is located to the south of the property consists of four bedrooms. The MARTA station is also located in the area. The problem is the line of sight access. There will be a right turn in, right turn out, and then left turn with a two car stacking lane. If you are the third car and someone is coming around the curve there is potential for an accident.

**Ken Klatt, 415 Otter Creek Court**, stated he is the President of Glenmeadow homeowners association. The proposed plan in not being considered comprehensively. This is infill development. It should be considered what will happen to Peachtree Dunwoody Road. There are two lanes near his neighborhood. There have been discussions about expanding Peachtree Dunwoody Road to four lanes all the way or three lanes. When the conditions of zoning were negotiated with Dunwoody Place apartments across from his subdivision, those apartments committed to building a retaining wall at their cost if the road should be expanded in their direction. It is clear that the road will be expanded in the direction, which is the same side of the road we are discussing now. The overall plan for the area should be considered while considering this development.

**Trisha Thompson, 145 River North Drive**, stated she represents the Sandy Springs Council of Neighborhoods. She drives down Peachtree Dunwoody Road frequently. At the MARTA station on Peachtree Dunwoody Road there are two lanes. Just ahead are two lanes that all of a sudden turn into one lane. This is where the stacking occurs. There have been many people that have passed her car as she drives in the left lane where the lane she is on ends shortly. Drivers speed past her and cut in front of her. This area is where 5.6 cars per day are going to come out times 19 a day. That is the traffic generation given for this property. This area is dangerous for traffic. There are speed issues in this area. If this application is approved, the traffic will get worse. This property can be used as currently zoned. It would make a lovely office by demolishing the current building and constructing a new one. She asked Council to not jeopardize the safety of the citizens of Sandy Springs.

Mr. Hendricks referenced to page 7 of staff's review and analysis regarding where the City transportation planner speaks about the application. There are no concerns for the health, safety, and welfare of the citizens regarding approval of this application with a view towards transportation concerns. The limitation on transportation access into the property is recognized by the applicant. The entrance to the property will be a right in, right out, and left in only. To develop this property under the O-I zoning, it is conditioned to office use in the existing structure, which is boarded up and closed at this point. He asked the owner/developer to speak regarding the development.

**Councilmember Dianne Fries** asked about the entrance to the property.

Mr. Hendricks stated the entrance will be a right in, right out, and left in. There will be no left hand turn existing the entrance. He does not see that in the condition. He suggested the conditions contain that restriction.

**Javad Oskoei, JSB Homes and applicant**, stated he has lived in Atlanta since 1984 and is a resident of Sandy Springs. He has lived in the same house in Sandy Springs for more than twelve years. As Ms. Blad mentioned about the site distance, a civil engineer by the name of Rashad Smith studied this area.

He spoke to an architect that can handle this project. He travels the Peachtree Dunwoody Road area at least once a week. He has seen a passenger in a vehicle throw trash onto the subject property. That is one reason why he wants to install a fence. The plan has changed four times due to the stream buffer. Currently, the plan does not encroach on the stream buffer. Due to people littering on the property, he will place a condition that includes constructing a screen on the balconies. His experience includes having built more than 200 homes in the Atlanta area. He has worked with the cities of Roswell, Milton, and Alpharetta. City staff looked at the stream buffer and told him there is no issue. He will build quality units that include brick. He will place hard stucco around the windows with stone. Staff instructed him he could have no more than sixty feet in height for the building and this is the reason for the parking to be under the building including an elevator. This property is located within 500 feet of a MARTA station. Because of that there will be two bedrooms per unit. The calculation for the parking spaces should be thirty-eight. Due to a MARTA station being close by, the applicant is allowed a 15% variation. There will be 33 parking spaces with parking spaces for the guests. The property across from the subject property is 29 years old and is similar with four stories and the parking garage underneath. His project will be much nicer. He visited the property site and saw a homeless person living behind a small wall. The police placed a sign there. That building is one of the worst buildings on Peachtree Dunwoody Road.

Mr. Hendricks stated the site plan with the existing structure on the property encroaches into the stream buffer. The development proposed would be totally outside the stream buffer. The project is within the City's Comprehensive Land Use Plan and has the recommendation of approval from staff and the Planning Commission. He requested Council approve this application, and if they see fit, to approve the condition restricting movements for the access.

Mayor Galambos asked about ceiling heights and what type of appliances will be installed.

Mr. Oskoei stated when he spoke to staff they stated the four story building cannot be more than sixty feet. The entire floor except the bathroom will be hardwood. All the appliances will be stainless steel.

Mayor Galambos asked if the units will include granite counter tops.

Mr. Oskoei stated the whole counter top and bathroom will be granite. The living rooms will include tray ceilings along with nine foot ceilings.

Mr. Hendricks stated the units will have to individually metered or sub-metered.

Mayor Galambos closed the public hearing.

**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.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Multi-Family Units and associated accessory uses at a density of 19.59 units per acre or 19 units, whichever is less.
2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development on June 20, 2013. Said site plan must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
  - b. Exterior of all buildings should be limited to brick, stone, hard coat stucco, and Hardiplank, with no wood.
  - c. Ceiling heights should be nine (9) feet.
  - d. All units shall be individually metered and/or sub-metered.
  - e. A fence shall be installed with 2 ½ foot columns minimum made of brick and/or stone and placed every twenty-four (24) feet maximum along the Peachtree Dunwoody Road.
  - f. No left turn onto Peachtree Dunwoody.
  - g. All balconies adjacent to stream buffer shall be enclosed.
3. To the owner's agreement to provide the following site development standards:
- a. The owner/developer shall dedicate 80 feet of right-of-way along entire property frontage of Peachtree Dunwoody Road or, 40 feet as measured from the centerline or one foot from the back of sidewalk, whichever is greater, to the City of Sandy Springs.

**Councilmember Gabriel Sterling** stated the proposed project is in his district. The existing building is an eyesore while the proposed plan is within the City's Comprehensive Land Use Plan. In relation to the City's Comprehensive Land Use Plan, it was the intent of this Council when the plan passed in 2007 that this would not be a standalone parcel, but part of a larger parcel. He met with the applicant, who has done everything the City has asked of him. The traffic and safety concerns are an issue. The actual building being that close to a stream buffer is a safety factor.

**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, hardcoat 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/submetered; 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 onto Peachtree Dunwoody and; 2.g. Balconies facing stream buffer shall be enclosed. Councilmember Fries accepted the amendment.

**City Attorney Wendell Willard** asked what enclosed balcony means.

Councilmember Sterling stated enclosed balcony can be either screened or glass and needs to be physically enclosed.

**Councilmember Karen Meinzen McEnerny** asked staff if the line of sight at the entrance will cause stacking issues.

**Director of Transportation/Traffic Brad Edwards** stated there are no line of sight issues and the plan meets all safety requirements related to sight distance. Related to stacking, the trip generation is extremely low. There is not a problem with more than the amount of stacking distances for a left turn lane.

Councilmember Sterling asked if staff took into account the speed limit in relation to stacking. He understands the public comments regarding speeding on this hill.

Director of Transportation/Traffic Edwards responded yes, that is taken into account. A lot of the vegetation along the shoulder of the road is intended to be removed, which is part of the site plan. For the most part the vegetation is scrub pine. There will be a much greater sight distance compared to what is there currently.

Councilmember Sterling stated the driveway will be moved further south from what exists currently. He asked how many feet it will be moved.

Director of Transportation/Traffic Edwards stated it may be 24 feet.

Councilmember Sterling asked Director of Transportation/Traffic Edwards if he foresees that anyone driving up over the hill may get rear-ended.

Director of Transportation/Traffic Edwards stated this area meets all of the City's current safety standards.

**Councilmember Tibby DeJulio** stated the applicant seems to be a quality builder. The thing that bothers him the most about the plan is how small it is. He noticed there is adjacent property that is also zoned O-I.

Mayor Galambos stated that property is the meditation center. She asked if anyone has spoken to MARTA about incorporating the subject property into their land, but that is not up to Council.

**Councilmember Chip Collins** stated he does not travel this corridor often so he is not that familiar with it. He has heard mention of a deceleration lane and asked staff to speak to that.

Director of Transportation/Traffic Edwards stated on this project staff opted for a left turn lane. This would be a northbound left turn lane. The deceleration lane would have been uphill and the sight distance is appropriate so that a deceleration lane is not required, and the fact there will only be 19 units. The project will generate one vehicle every 3-4 minutes in the peak hour, so staff did not feel the need for a deceleration lane.

Mayor Galambos asked if Peachtree Dunwoody Road is ever widened, would there be enough land for construction.

Director of Transportation/Traffic Edwards stated he does not know the answer at this time.

Mayor Galambos asked if Council would be approving a building to be constructed that would inhibit the ability to add the extra lane.

City Attorney Willard stated the Council cannot be guided by that as their decision to approve the application or not. The City's Comprehensive Land Use Plan calls for use of this property from 12-20 units per acres.

Mayor Galambos stated the land is so small, less than one acre.

Councilmember Sterling asked if Council can take the size of the property into account.

City Attorney Willard stated there is the right to the use of this property.

Mayor Galambos asked if there is a minimum number of acres requirement.

City Attorney Willard responded no.

Director of Transportation/Traffic Edwards stated there is eighty feet of right-of-way near the property, which should be enough for a full section of roadway.

**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

**Manager of Planning and Zoning Patrice Dickerson** stated this item was heard at the June 18<sup>th</sup> City Council meeting and was deferred to allow the applicant time to continue conversations with the neighbors. Staff is recommending approval conditional of the rezoning request. The Design Review Board is also recommending approval of the request. The Planning Commission is recommending deferral. Staff would like to note one amendment to the conditions that have been included in the Council package and discussed with the applicant and the neighborhood. The first line of condition 3.c. should state, "Provide a visual screen within three years of issuance of the building permit..." Staff recommends approval conditional of the case.

**Nathan Hendricks, representative of the applicant,** stated this item is similar to one of the previous agenda items. This is an old and distressed apartment complex. There is a narrow amount of frontage on Roswell Road and an opening back to the rear. There was outreach with the immediately impacted residential neighborhood that is contiguous to the west, which is the Whispering Pines neighborhood. Mr. Cleveland has been the contact person for the Whispering Pines neighborhood. There have been numerous meetings and discussions with the neighborhood. The original application was for 275 units. The neighborhood feels more comfortable with 225 units. There have been modifications and amendments to the site plan as to how the detention is to be treated and fencing is to be installed. Whispering Pines and the applicant agreed upon 245 units and this is the application that is now before Council. The applicant is in attendance and will explain what is proposed for the development.

**Jason Shepard, 2550 Northwinds Parkway Alpharetta,** stated he is the architect representing Cortland Development. This parcel has very little frontage along Roswell Road. To the south of the parcel there is an existing townhouse development. To the west, there is a residential neighborhood the applicant has been working with to discuss density. There is a significant buffer against that residential neighborhood. There is a twenty foot rear setback and an additional fifty foot landscape buffer on the west side of the subject property, and an additional ten foot improvement setback. It is important to point out the existing property has buildings that run parallel to Roswell Road. There are also buildings that are very close to the existing property boundaries on all sides, especially to the residential side that is to the west and to the south. The new building will be moved back from where the existing two story structures are. The

proposed building will be a four story wood frame structure. There will be surface parking and some private garages underneath the building in a few locations. The building is orientated to break up the overall mass of the elevations on all sides. In addition, the building closest to Roswell Road has been turned perpendicular in lieu of parallel, which is how the existing building sits. This would create a serene entry off of Roswell Road that includes an open courtyard. The amenity component is very heavily landscaped, especially on the boundaries of this property. There will be very high end amenities that include clubrooms, click cafes, a fitness center, and business center. There will be a pool and courtyard and a potential connection to Abernathy Park. The building will be southern neo-classical with brick at the base, cementitious siding, and asphalt shingles.

**Mayor Eva Galambos** asked what will be the height of each floor in the units.

Mr. Hendricks stated the minimum interior height will be nine feet. There will be one and two bedroom units with anticipation to potentially to convert the units to condominiums. The units will be individually metered or submetered and include granite countertops and stainless steel appliances.

Mayor Galambos called for public comments in support of the application.

**Bill Cleveland, 6441 Wright Road**, stated he is a member of the Whispering Pines neighborhood association. This project is similar to a previous agenda item. The issues are the same including the overcrowding of the schools, public safety issues, and the density. Initially, the plan included 295 units and the neighborhood was concerned about the density. The Association met with Cortland numerous times. There were emails to the residents with the ongoing discussions. There were suggestions about converting the property into a condominium project or a luxury townhome project. The applicant looked at the cost of the suggested projects and the numbers did not work. The unit number has been reduced to 245, which the residents feel more comfortable with. The density of the existing complex is 112 units and the proposed is 245. The existing has many multi bedroom units that increase the number to 216. Cortland did their due diligence and found 36 makeshift units.

**Councilmember Gabriel Sterling** asked if the dining rooms were bedrooms.

Mr. Cleveland responded yes. The proposed development is fundamentally different in that it puts the emphasis on one bedroom units. One hundred and fifty-one units have only one bedroom while the remaining units have two bedrooms. This gives the neighbors comfort, along with the increased price points, to where some of the behavior and impact that is seen with the existing development will hopefully disappear. The neighborhood agrees, if Council approves this item.

**Alan Andrew, 6530 Wright Circle**, stated is the President of Whispering Pines neighborhood association. The Association met about four months ago with the developer after the Design Review Board meeting and took a proactive approach with the developer and applicant to improve the area. The Association saw a great need to move this project forward. A few items that were reviewed were the density, quality of the development, buffering setbacks, landscape, lighting suggestions, and height of the development. The adjoining neighborhoods were present as well. The stormwater improvements were reviewed as well. Traffic flow was not addressed, because it is a State highway. The neighborhood is in support of the project.

Mayor Galambos called for public comments in opposition to the application.

**Patty Berkovitz, 800 Crest Valley Drive**, stated she represents the Watershed Alliance of Sandy Springs. Before addressing the stormwater concerns, she will discuss a few critical points. This application calls for double the current number of units, 245 versus 112. The density per acre is 31.83, while the City Council's own Comprehensive Land Use Plan stipulates 20 units per acre or less. The

proposed target of one bedroom apartments would be single women. They must not have friends who will come over and need to park their cars, but instead will only be using mass transit. Given the danger to the precious watershed and damage to the neighborhoods, there is some question as to whether this project is located next to a marsh. She asked almost two months ago and never received an opinion from the City. Marshes by law are protected. Marshes protect areas from flooding. The neighbors in Sunnybrook have come close to losing their homes as the storms become longer and heavier. By the time the Watershed Alliance was involved, an agreement had been decided upon with the neighbors. For the sum of \$200,000, the applicant will build a pond on City property. No designs have been presented. The applicant would build the pond, maintain it, build sidewalks, and a bridge with a private gate to the apartments. The applicant would give up the stream and their 75 foot buffer to the northwest corner to the City and they would maintain the pond going forward. The private development will pay the bill. In exchange, no conditions were mandated for the stormwater devices to be installed to prevent water and automotive chemicals from the parking lot, rooftops, fertilizers, and other contaminants to flow untreated on the property into the streams. All the applicant has to do is maintain the City pond going forward. Maintain does not clarify to what extent. Much of the plan is still intact with conditions marked 3.e., 3.f., and 3.g. along with statements that are artfully designed so as not to reveal a full plan. Any mention of the money has been removed, so it is unclear who is responsible for that. All of these conditions are linked to the applicant receiving a land disturbance permit and receiving a certificate of occupancy. She asked what will happen to the children and pets playing in the gas and oil run off in the polluted creeks when they think they are playing in a safe neighborhood creek. They may get ill like the volunteers from Kennesaw State University that were working in Marsh Creek who ended up with rashes. The City has willfully violated EPD rules in the past and is still under suspension for issuing permits to itself. The process of this application procedure does sidestep this prohibition, but it does not protect the neighborhoods or watershed. Given time, a great stream project could be devised. It would be to the applicant's benefit in joining the City to create a boardwalk over the streams and remove the invasion species by hand, thus protecting the banks and the wildlife. This would be a great project for volunteers. The Watershed Alliance has organized similar projects and would be amenable to offering help. This could be a good community project, not something with a questionable appearance and an environmentally awful impact. Once everyone discussed the issue, the applicant and his engineer understood and were responsive to the Alliance's request that they keep their stormwater on their own property and treat it before releasing it into the stream. The applicant accepted that this is the responsible way to manage stormwater from a site, large or small. They responsibly added landscape island rain gardens and treated stormwater entering into their underground detention. They can proudly say they are using proper, progressive, and attractive methods. This will please the high end single young professional women who will be living here. All of this should be formalized in any declarations. A good solution environmentally and financially can be reached, but it is not what is before Council tonight. Further negotiations are needed to protect our streams and neighborhoods. The offsite activity should in no way be linked to the zoning, but brought forward sometime later when there is an actual plan by mutual agreement and with support of the community. Staff has declined to add oil and gas separators and add the underground detention and to stipulate the addition of the site plan supplied by the applicant. The site plan could demonstrate where the BMP's will go. The Alliance would like these added, if this project is approved. Under condition 2.a. the site plan is dated March 12<sup>th</sup>. The applicant has been kind enough to come up with a new site plan showing where all the stormwater BMP's are located. The Alliance would like this site plan added with the application.

Mr. Cleveland stated he has a special interest in stormwater and water quality. The City watershed improvement plan was passed in 2012. One element of the plan is a BMP that is within the confines of Abernathy Park. It was stated that Brown and Caldwell recommended a BMP knowing this was in marsh land that is not true, in the opinion of the Watershed Alliance. Ms. Berkovitz met with Director of Community Development Parker to consolidate all the opinions and interests in this plan. Ms. Berkovitz made recommendations that he supported and were incorporated into this plan. Somehow that is very

different than what was just presented to Council. There was no deal that Cortland would place anything on City land. He is not aware of anyone stating they would put a stormwater device on public land. He is very disappointed in these comments. There is a problem in this area where the water is ultimately dumped into Marsh Creek.

Mayor Galambos asked if Mr. Cleveland's conclusion is that the Public Works staff in the stormwater division is safeguarding the City's interests.

Mr. Cleveland stated Ms. Berkovitz did a great job on the recommendations that enhance the City's existing plan for Cortland. Staff rightly placed those recommendations in the zoning conditions.

Mayor Galambos closed the public hearing.

**Motion and Second:** 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 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.

Staff conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. Multi-Family Units and associated accessory uses at a density of **29.87** units per acre or **230** units, whichever is less.
  - b. Said property shall be limited to one (1) and Two (2) bedroom units, with no three (3) bedroom units.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development on March 12, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner / developer shall align with driveway across the street to avoid left turning conflicts subject to the Sandy Springs Traffic Engineer.
  - b. A six (6) foot high opaque wooden fence shall be installed along the westerly property line and at the point that said westerly property line intersects with the southeasterly side of the 75 foot stream buffer at the northwest corner of the subject property said fence shall run northeasterly fifty-five (55) feet off the southeasterly bank of the said stream to

the north property line. A minimum of eight (8) inches of clearance between the finished grade and the bottom of the fence shall be maintained along the buffer. The fence location shall be the subject to the approval of the Sandy Springs Arborist **to create the least amount of disturbance as possible.**

- c. Provide a visual screen by enhancing the natural undisturbed buffer with plantings along the westerly property line for the properties contiguous and to the west of the buildings. Said enhancement shall be constructed on the subject property subject to the approval of the Sandy Springs Arborist.
- d. Development shall comply with the Georgia Stormwater Management Manual Stormwater Runoff Quality Standard by providing practices that treat the water quality volume by infiltration and/or evapotranspiration including but not limited to rain gardens in parking lot islands, roof drains to garden areas, swales and driveway grate drains to direct stormwater to swales in a manner that reduces the volume of concentrated flow. Subject to stormwater concept plan **dated received July 15, 2013.**
- e. Prior to the issuance of a Land Disturbance permit, the owner shall dedicate a water pooling easement in the northwest corner of the property along the existing stream to accommodate a future City of Sandy Springs watershed improvement project.
- f. Prior to issuance of a certificate of occupancy for the last unit, a ten (10) foot wide concrete multi-use path with wooden boardwalk style stream crossing shall be constructed that connects the subject property, across property owned by the City of Sandy Springs, to the existing sidewalk on the south side of Abernathy Road.
- g. Prior to the issuance of a certificate of occupancy for the first unit, the property on which the multi-use path described above is constructed shall be cleared of invasive vegetation **and shall be landscaped to reasonable park standards** subject to the Director of Community Development.
- h. All common area lighting shall be downcast and lighting poles shall not exceed twenty (20) feet.
- i. Exterior of all buildings should be limited to brick, stone, hard coat stucco, and hardiplank, with no wood.
- j. Ceiling heights should be nine (9) feet.
- k. All units shall be individually metered and/or submetered.

**Councilmember Karen Meinzen McEnerny** asked what the mix of the units are.

**Jim Knight, Cortland Development,** stated the units will be a 60/40 mix with 60% being one bedroom.

Councilmember Meinzen McEnerny stated her concern with the project is a 30, or more, year old functionally obsolete apartment complex. She is happy that something is being done to get rid of the old apartments. There will be a 50% increase in density. She will not vote in favor of this item due to the additional units over the existing number. She is not overwhelmed by the quality of the development. The units could be converted to homeowner units at a future time. She will not support the project due to the growing imbalance of owner to rental units.

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

**Ordinance No. 2013-07-12**

Mayor Galambos stated she has been informed there may be questions about holding public hearings as late as 10:30 p.m. There is no way to finish the agenda tonight under the condition that the City is holding public hearings when people need to be at home in bed. She can postpone the items on the agenda until next Tuesday.

There was a consensus of Council to continue with the public hearing part of the meeting.

**(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

**Manager of Planning and Zoning Patrice Dickerson** stated this rezoning request was heard at the June Planning Commission meeting. The Commission is recommending approval subject to staff conditions.

**Nathan Hendricks, representative of the applicant**, stated the application is a request to change from AG-1 to R3-A zoning. This particular portion of Spalding Drive is under a land use plan of zero to one units to the acre. Being handed out to Council at this time is an evaluation of the immediately surrounding area. The applicant is asking for 1.6 units to the acre. Contiguous properties are 1.7 to the acre, 1.64 to the acre, and next to that is a property at 2 units to the acre. The oldest of the lot is 1.5 acres. Facing on Spalding next to the property is 1.66 acres and 2.3 acres. In addition, there is a schematic of all the lot sizes encircling the subject property. There is also a document that shows the letters of support. The properties that circle this property are in support of this application. Staff recommended minimum lot sizes along Spalding Drive of 27,000 square feet and along the east side of 25,000 square feet. If those were complied with, the property would go from a 6 lot to a 5 lot subdivision and the finances will not support that. The application is within the density. He requested approval of the application as requested by the applicant.

**Mayor Eva Galambos** called for public comments in support of the application.

**Albert Barrocas, 4050 Spalding Drive**, stated he is in favor of the application.

Mayor Galambos called for public comments in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

**Motion and Second:** 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.

**Councilmember John Paulson** asked why the entrance to the property is not centered. The photographs Council received earlier showed the entrance being centered.

**Brent Story, Highgrove Homes, LLC**, stated the parcel he is referring to is two properties. When the application was originally made, it was for the property to the west. At that time, the street had to be pushed as far east as possible to accommodate the sight distance. When the new property was added to make up the assemblage, the subdivision street had to be aligned as shown on the sight distance profile that was submitted to Council. That area will be a safe point for ingress and egress.

**Vote on the Motion:** The motion carried unanimously.  
**Ordinance No. 2013-07-13**

Mayor Galambos stated there was a request to hear an agenda item, since individuals have been waiting all evening for the item.

City Attorney Willard stated if public hearings are not being held, the remainder of the City Council meeting can go later. The courts recognize the reasonableness of the hour to hold a public hearing.

**(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

**Manager of Planning and Zoning Patrice Dickerson** stated staff is recommending approval of the zoning request. The Planning Commission heard the case at the June meeting and is also recommending approval.

**Jason Tillery, Domain Custom Homes**, stated he is requesting the rezoning of 514 Mount Vernon Highway to allow for 2 one plus acre parcels. This property will be used to build two single family homes.

**Councilmember John Paulson** asked if the lot fronts onto Mount Vernon on one side and Glen Errol on the other side.

Mr. Tillery responded yes.

**Mayor Eva Galambos** called for public comments in support of or opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Mayor Galambos asked why the other agenda item was skipped.

Manager of Planning and Zoning Dickerson stated this is the applicant that came from out of town and asked to be heard this evening instead of next week.

**Motion and Second:** Councilmember Meinzen McEnerny 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.

**Councilmember Karen Meinzen McEnerny** stated she wants to confirm no variances are being requested.

Manager of Planning and Zoning Dickerson responded that is correct.

**Vote on the Motion:** The motion carried unanimously.  
**Ordinance No. 2013-07-14**

Councilmember DeJulio asked if there are other individuals waiting to speak on an agenda item.

City Attorney Willard stated there is one more item that would need to be heard at this time. According to the Director of Community Development, the other items can be deferred to the next meeting.

**(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

**Manager of Planning and Zoning Patrice Dickerson** stated this item is a request to subdivide the property. Staff and the Planning Commission recommend approval.

**Chris Weathers, 6100 Lake Forrest Drive**, stated the subject property is 2.94 acres. He is requesting to rezone the property to allow it to be subdivided. The City's Comprehensive Land Use Plan suggests 1.03 units per acre and the application recommends one to two units per acre. He has no opposition that he is aware of and has met with all his neighbors. He asked for approval of this plan.

**Mayor Eva Galambos** called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

**Councilmember Chip Collins** asked if both driveways will be on Mount Vernon Highway.

Mr. Weathers responded yes.

**Motion and Second:** 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. There was no Council discussion.

**Vote on the Motion:** The motion carried unanimously.

**Ordinance No. 2013-07-15**

Councilmember Sterling recommended to staff that in the future the single family zoning items be placed at the beginning of the agenda.

Mayor Galambos asked if the remainder of the meeting can be heard within fifteen minutes.

Mr. Hendricks stated he believes the next item can be presented in fifteen minutes.

**(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

**Manager of Planning and Zoning, Patrice Dickerson** stated staff is recommending approval conditional of the rezoning use permit and concurrent variances for the property. The case was heard at the June Planning Commission meeting and they recommend approval subject to staff conditions.

**Nathan Hendricks, representative of applicant**, stated this application is a request to rezone from MIX to MIX. The 3.8 acres is a portion of an overall sixteen acre parcel of land that was rezoned in Fulton County to the MIX designation. In 2005, there was a zoning modification to the property that included everything but the 3.8 acres. The 3.8 acres is a standalone entitled to a 310,000 square foot office building. This request is for 180 multi-family units with 12,000 square feet of office and 12,000 square feet of retail. The applicant had a consulting group that analyzes housing. The consultant determined that due to immediate proximity to "Pill Hill", upwards of 50% of the tenants will be renters from the medical community. At least 25% of the residents will be walking to the medical community. Northside

Hospital is in favor the application. The Highwoods speak favorably of the application as well. The sixteen acre plan is part of the master plan of the mandatory association restrictions and covenants for a density level of 11.16 units to the acre.

**Mayor Eva Galambos** called for public comments in support of or in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

Mayor Galambos asked about the association.

Mr. Hendricks stated it is a master association that governs the entire sixteen acres. The association has architectural review and control over the sixteen acres, including this property.

**Motion and Second:** 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 and subject to staff conditions, to allow for a mixed use development. Councilmember Fries seconded the motion.

Staff conditions:

- 1) To the owner's agreement to restrict the use of the subject property as follows:
  - a) Office, bank and associated accessory uses at a maximum density of 3,157.98 gross square feet per acre or 12,000 gross square feet, whichever is less.
  - b) Retail and associated accessory uses at a maximum density of 3,157.98 gross square feet per acre or 12,000 gross square feet, whichever is less.
  - c) No more than 180 residential units at a maximum density of 47.37 units per acre, whichever is less.
  - d) The maximum building height shall be sixty-eight (68) feet. (Use permit 201301000)
- 2) To the owner's agreement to abide by the following:
  - a) To the site plan received by the Department of Community Development on April 2, 2013. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of any Land Disturbance Permit. In the event the Recommended Conditions of Zoning cause the approved site plan to be substantially different, the applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of the first Certificate of Occupancy.
- 3) To the owner's agreement to provide the following site development standards:
  - a) Variance from Section 8.2.3.G.2 to reduce the parcel size from 10 acres to 3.8 acres. (CV-20130100 #1)
  - b) Variance from Section 4.23.1 to reduce the required ten (10) foot side corner landscape to five (5) feet. (CV-20130100 #2)

- c) Variance from Section 4.23.1 to reduce the ten (10) foot rear landscape strip to zero (0) feet. (CV-20130100 #3)

**Councilmember Karen Meinzen McEnerny** stated the applicant was very helpful in providing additional information on her request. The applicant plans on building the 180 units on 2.8 acres, which equates to 64.29 units per acres. This is the right location for this type of density, by GA400 and I-285. She supports this application.

**Vote on the Motion:** The motion carried unanimously 5-0 (Councilmember DeJulio recused himself).  
**Ordinance No. 2013-07-16**

City Attorney Willard stated the next item is a zoning modification. According to Director of Community Development Parker, the River Corridor agenda items can be deferred to the next City Council meeting. If Council chooses to, they may continue the meeting with the other business items.

Councilmember Fries stated the applicant for the Hilton Atlanta Perimeter application has been here all evening waiting.

### **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

**Manager of Planning and Zoning Patrice Dickerson** stated staff recommends approval conditional of this item. Staff recommends deletion of the five year renewal with the addition of a requirement for a six month inspection.

**Trev Carter, representative of the applicant,** stated the homeowners association is in favor of the application. The request is to delete the 2008 rezoning requirement that the application be renewed after five years. Hilton Atlanta Perimeter uses the tent for overflow purposes and has been in this location since 2002. The condition was placed on the application in order to see if there are any complaints. Hilton has received no complaints to his knowledge and staff has received no complaints. He asked the request be approved to eliminate the condition.

**Mayor Eva Galambos** asked if the applicant accepts the condition for the inspection.

Mr. Carter responded yes.

Mayor Galambos called for public comments in support of the application.

**Gary Russell, 703 Gordon Court,** stated he is the Vice President of the association adjacent to the subject property and the members are in favor the application.

Mayor Galambos called for public comments in opposition to the application. There were no public comments. Mayor Galambos closed the public hearing.

**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. There was no Council discussion. The motion carried unanimously.

**Ordinance No. 2013-07-17**

Staff conditions:

the Mayor and City Council at the July 16, 2013 hearing, subject to the following conditions:

1. To the owner's agreement to restrict the use of the subject property as follows:
  - a. A 224-room hotel (with a restaurant) and associated accessory uses.
  - b. The maximum building height shall be 6 stories. (U08-007)
  - c. A 4,000 square foot outdoor tent facility.
  - d. The hours of operation for the outdoor tent facility shall be 8:00AM to 11:00PM.
  - e. ~~The owner/developer shall resubmit a petition to renew the use permit (U08-007) for the tent after five (5) years from the date of the Mayor and City Council approval August 19, 2008.~~
  - e. Should the property be sold to a franchise other than the Hilton Hotel Corporation the tent facility shall be removed.
  - f. Should the tent be replaced the new structure shall be brought into compliance with the Sandy Spring building and fire code regulations in effect at the time of construction.
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated May 6, 2008. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
  - a. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
  - b. To reduce parking spaces from 280 spaces to 202 spaces. (CV08-011)
  - c. To reduce the required ten (10) foot improvement setback along the north property line to five (5) feet. (CV08-011).
  - d. ~~The tent will be inspected annually by the City of Sandy Springs Department of Community Development and Fire Department.~~
  - e. An inspection report shall be submitted every six (6) months that certifies that the structural integrity of the tent and the flame retardant membrane meet the most current Sandy Springs building and fire code regulations. Said inspection must be conducted by a private professional engineer. Failure to comply with this condition will require that the tent facility be removed.

City Attorney Willard stated Council can receive public comment, but if they wish to defer the other items they can do so by adjourning to a time certain.

**PUBLIC COMMENT**

**Chavis Ferguson, 225 Lake Summit Drive**, stated he wants to discuss the partial opening of Lake Forrest Drive. His neighbors asked him to speak on the engineering aspect. There are three major issues with this area. One issue is the City has already acknowledged the risk of a landslide and blocked half of the street. There is a risk of trees and other things falling on the road. He asked the Public Works staff to work with engineering representatives from the communities that surround that area. Secondly, a number of drivers are taking the risk by taking the shortcut. He asked Public Works to work with the community to come up with a solution. Thirdly, cars are driving past the detour signs and are tearing up the front of his neighborhood. He requested that the neighborhood work with Public Works staff within the next two weeks to come up with resolutions for the road closure.

**Susan Yoesock, 785 Lake Summit Drive**, stated she is in attendance representing the Lake Forrest Summit Community Association. There are falling trees behind her HOA black vinyl chain link fence. The fence runs from the beginning of the entrance to the neighborhood onto the steep hill. The HOA attorney sent City legal staff correspondence regarding the HOA concerns. The HOA does not agree with the southbound lane opening of Lake Forrest Drive. There is a tremendous amount of turnaround traffic at her neighborhood entrance. She sat at the entrance from 1417 to 1537 on Friday. She photographed eighteen vehicles during this time frame and observed another 8-10 vehicles turnaround. That is roughly 30 vehicles in a one hour time frame. This is private property.

**Councilmember John Paulson** asked if the neighborhood driveway is being used.

Ms. Yoesock stated the cars are turning around in the entrance to the subdivision.

**Mayor Eva Galambos** stated the cars did not know they would be in this situation while driving. She asked if once drivers realize the road is partially blocked this issue will diminish.

Ms. Yoesock stated the road has been closed for about three weeks. This amount of traffic through the neighborhood entrance will cause premature asphalt wear. Her HOA spent \$36,000 resurfacing asphalt in the neighborhood. The entrance was a large part of this project. During the time she sat at the entrance on Friday, a Georgia Power bucket truck and a wrecker towing a car came through the neighborhood entrance. The entrance is not designed for this type of equipment. There is now more damage to the neighborhood. This will be the third damage incident. There are also line of sight issues when the residents turn left out of the neighborhood, because the barricades have been moved so far out in order to keep drivers from going northbound on the southbound lane. It is very difficult for residents to see when driving out of the neighborhood. Any help that staff can give the neighborhood is most appreciated.

Mayor Galambos stated staff is trying to improve the problem. This is not an easy situation and staff is doing the best they can.

**Councilmember Karen Meinzen McEnerny** stated it would be helpful to have a meeting with the Public Works staff, residents that live on Stewart Drive, Chevaux Court, and Maryeanna Drive. The residents of Stewart Drive and Maryeanna Drive are happy the road is closed. This is a public safety issue. She asked staff to organize this meeting at City Hall.

**Assistant City Manager Bryant Poole** stated he will organize this meeting.

Councilmember Sterling asked if the Allen Park agenda item needs to be heard this evening.

**Assistant City Manager Bryant Poole** stated this agenda item is time sensitive.

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

### **River Corridor**

**(Agenda Item No. 13-126)**

11. **RC-13-05SS** (2915 Coles Way)  
*(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)*

### **UNFINISHED BUSINESS**

There was no unfinished business.

### **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

**Director of Transportation/Traffic Brad Edwards** stated this item is the second and final phase of the Off System Safety improvement program. This addresses the deficiencies on Spalding Drive. The first phase was approved at the June 18<sup>th</sup> meeting. This is a GDOT program that enhances the safety on local roadways and funds improvements such as signage, striping, and raised pavement markers. GDOT reimburses the City 100% for materials and cost while the City provides the labor. Phase I, which was already approved, coupled with Phase II, will upgrade all the signs and striping for the entire length of Spalding Drive and Roswell Road to Winters Chapel Road. The two projects together encompass about eight miles of roadway. The Phase II value is \$77,708.13, which is reimbursable by GDOT and the only monetary match is labor. The value of Phase I was about \$85,000. The total value of both projects is \$163,000.

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No.13-129, to 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

**City Manager John McDonough** stated Council has had the briefings on these items. Staff is prepared to answer any questions.

**Councilmember Karen Meinzen McEnerny** asked what the effect of this item will be on the tree canopy and how many specimen trees will be lost.

**Director of Community Development Angela Parker** stated the majority of the tree loss along the corridor is within existing GDOT right-of-way. There will be some tree loss on the eastern end of the park, but the majority of it is in the right-of-way.

**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

**Mayor Eva Galambos** stated she is nominating Mark Rosenthal to the Economic Development Advisory Committee. Mr. Rosenthal is the Manager of Recruitment in human resources at Northside Hospital.

**Motion and Vote:** Councilmember DeJulio moved to approve the Nomination of Mark Rosenthal to the Economic Development Advisory Committee. Councilmember Collins seconded the motion. There was no Council discussion. The motion carried unanimously.

**Resolution No. 2013-07-41**

**REPORTS**

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

**EXECUTIVE SESSION – Litigation and Real Estate**

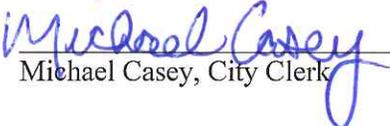
There was no Executive Session.

**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.

Date Approved: August 6, 2013

  
\_\_\_\_\_  
Eva Galambos, Mayor

  
\_\_\_\_\_  
Michael Casey, City Clerk