

**Regular Meeting of the Sandy Springs City Council was held on Tuesday, May 15, 2012, at 6:00 p.m., Mayor Eva Galambos presiding.**

**INVOCATION**

Rabbi Brad Levenberg, Temple Sinai, offered the innovation.

**CALL TO ORDER**

Mayor Eva Galambos called the meeting to order at 6:04 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 Gabriel Sterling, Councilmember Tibby DeJulio, and Councilmember Karen Meinzen McEnery present. Councilmember Chip Collins was absent.

**PLEDGE OF ALLEGIANCE**

Mayor Eva Galambos led the Pledge of Allegiance

**(Agenda Item No. 12-115)**

**APPROVAL OF MEETING AGENDA**

**Motion and Vote:** Councilmember Sterling moved to approve the Meeting Agenda for May 15, 2012. Councilmember Paulson seconded the motion. The motion carried unanimously.

**CONSENT AGENDA**

**(Agenda Item No. 12-116)**

1. Meeting Minutes:
  - a) May 1, 2012 Regular Meeting
  - b) May 1, 2012 Work Session
  - c) May 1, 2012 Budget Workshop #1

*(Michael Casey, City Clerk)*

**Motion and Vote:** Councilmember DeJulio moved to approve the Consent Agenda for May 15, 2012. Councilmember Sterling seconded the motion. The motion carried unanimously.

**PRESENTATIONS**

1. Holy Innocents 4th grade ideas for our City Hall and downtown – Mayor Galambos

**Jim Barton, Holy Innocents Reading Specialist**, stated the Holy Innocents students were assigned a writing project to write about their hometown. The students visited the proposed downtown Sandy Springs and studied similar sites as well. The students took notes on their research and constructed drafts. The project included seventy-six proposals for what the students think the future City center should look like. Five of the students read their personal executive summaries. A short video prepared by the school was played for all in attendance.

**Ansley Nichols, Holy Innocents 4<sup>th</sup> grade student**, gave the following City Hall and Park presentation: "Hello, my name is Ansley Nichols. Sandy Springs is such a wonderful, gorgeous City. We have no inviting, attractive place for the community to gather. For this reason, I propose that the City of Sandy Springs develop the old Target store property into a City Hall and park. I picture the old Target site turned into a vibrant, amazing park with an early American themed City Hall. There will be ample open green space, ornamental landscaping, and an elegant fountain in the middle. It would feature bathroom facilities, lighting, and comfortable benches. This park facility would not only be used by everyday visitors wanting to enjoy a relaxing day with friends, but also a great place for events to be held, such as a local Georgia farmer's market and vendors to sell produce. I believe that a park and City Hall would not only provide Sandy Springs with an amazing gathering place, it would also create a landmark location providing the City with a physical sense of place and an emotional identity."

**Alexa Marcontell, Holy Innocents 4<sup>th</sup> grade student**, gave the following Park presentation: "I propose a park. The City of Sandy Springs is a wonderful place that needs something. Some place to play, meet, and a place to love. Children of all ages need a place to play. They need a park. This idea will fill the needs for families all over the City of Sandy Springs. The park I imagine will have gardens, a fountain with a pond, trails, visitor facilities, and benching for reuniting close friends. This park will allow people to have a great time outside and to better enjoy all the wonders of nature and living in our amazing City."

**Freddie Reams, Holy Innocents 4<sup>th</sup> grade student**, gave the following City Landmark presentation: "The City of Sandy Springs is a beautiful place to live, but right now there is no landmark to know us by. I proposed that we need a great landmark like the Space Needle in Seattle. This will contain our landmark, ample green space, a fountain, and shops. This would become a recognizable symbol of Sandy Springs. The benefits of this would be the creation of a community gathering spot and a physical identity for our wonderful city."

**Setareh Khani, Holy Innocents 4<sup>th</sup> grade student**, gave the following Central Shopping District presentation: "The City of Sandy Springs is an amazing place to live, but right now it doesn't have a central shopping area to draw people in from everywhere to shop. There is not an attractive spot where they can come to enjoy a day of relaxing and shopping. That's why I propose a central shopping area where people can come, shop, and leave with a happy, relaxed face. They could go home and tell their family it was so fun and that they should come too. I would also include a decorative fountain where visitors can come make a wish. Also, there will be ornamental benches and lights around it. There will also be open green space where kids play, have fun, and have picnics. Just think about it, it will draw everyone."

**Abby Pilkenton, Holy Innocents 4<sup>th</sup> grade student**, gave the following Mixed-Use Town Center presentation: "As a fourth grader of Sandy Springs, I've been thinking this beautiful City needs a great – no awesome, fun, relaxing, mixed-use town center. I think this place needs to bring smiles to people's faces. It would be an expansive green space with trees, shops, restaurants, and vendors. It would include a vibrant amphitheater, pavilion, paths, and a sparkling lake with an island in the middle that has a carousel. People will come from miles around to enjoy a relaxing day here. There would be houses above the shops. You can bring your dogs. Events would be held. This town center will bring people, business, and new life to our wonderful city. And if they leave, they'd take a smile with them."

2. Proclamation for National Kids to Parks Day – Mayor Galambos

**Mayor Eva Galambos** called the following individuals to the front: Director of Recreation and Parks Ronnie Young; Rudy Evanson, Chief of Interpretation of the Chattahoochee River National Recreation Area/National Park Service; Sharon Griswold, Special Project Coordinator, City of Sandy Springs Recreation and Parks Department; Grace Griswold, Mount Vernon Presbyterian School student; Anna and Ryan Webber, Mount Vernon Presbyterian School students. She read the proclamation which states May 19, 2012, is the second National Kids to Parks Day organized and launched by the National Park Trust. National Kids to Parks Day empowers kids and encourages families to get outdoors and visit America's parks. It is important to introduce a new generation to our nation's parks. We should encourage children to lead a more active lifestyle to combat the issues of childhood obesity, diabetes, hypertension and hypercholesterolemia. National Kids to Parks Day is open to all children and adults across the country to encourage a large and diverse group of participants. National Kids to Parks Day will broaden children's appreciation for nature and the outdoors. The City of Sandy Springs has invested in the creation and development of community parks and playgrounds as a way of encouraging families and their children to enjoy outdoor recreation. She proclaimed May 19, 2012, as National Kids to Parks Day in Sandy Springs. We urge residents in the City of Sandy Springs to make time to take the children in their lives to a neighborhood, state or national park.

**Director of Recreation and Parks Ronnie Young** stated he would like to take the opportunity to invite everyone, their families, and friends to Hammond Park for a special day of activities on May 19<sup>th</sup> from 10:00 a.m. to 5:00 p.m. The event will include blow-ups, games, Fire Department Staff, and Police K-9 staff.

**Rudy Evanson, Chief of Interpretation for the Chattahoochee River National Recreation Area/National Park Service**, stated the National Park Service is proud to be a partner with the City of Sandy Springs for National Kids to Parks Day. This Saturday there will be walks in the park with a Park Ranger on the trail at Johnson Ferry north. There will also be a scavenger hunt activity for the children.

3. Proclamation for National Women's Health Week – Mayor Galambos

**Mayor Eva Galambos** called Mrs. Slimming to the front. She read the proclamation which states that National Women's Health Week was created by a group of public and private organizations dedicated to raising awareness of women's health issues. National Women's Health Week occurs the week following Mother's Day each spring. National Curves Day is held during the Thursday of National Women's Health Week as a local celebration of women taking responsibility for their own health through greater knowledge and understanding. The theme for 2012 is "It's Your Time," to remind women to make their health a top priority. Women are encouraged to receive regular checkups and preventative screenings, stay active, eat healthy, get enough sleep and avoid unhealthy behaviors such as smoking and not wearing a seatbelt. She proclaimed May 13 – 19, 2012, as Women's Health Week.

**Mrs. Slimming, Representative of Curves for Women**, thanked Mayor Galambos. There will be a walk on May 17<sup>th</sup> from the Dunwoody Curves to the Sandy Springs Curves while the Sandy Springs members are walking to the Dunwoody Curves location. This walking event will now be held every year.

**PUBLIC HEARINGS**

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

**Alcoholic Beverage License**

(Agenda Item No. 12-117)

1. Approval of Alcoholic Beverage License Application for Steve's Live Music at 234 Hilderbrand Dr Sandy Springs, Georgia 30328. Applicant is Steven Grossman for Consumption on Premises Wine, Malt Beverage, and Distilled Spirits

**Revenue Supervisor Brandon Branham** stated this item is a new application for consumption on premise of wine, malt beverage, and distilled spirits. The applicant has met all requirements and staff recommends approval.

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

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-117, Alcoholic Beverage License Application for Steve's Live Music at 234 Hilderbrand Dr Sandy Springs, Georgia 30328, for Consumption on Premises of Wine, Malt Beverage, and Distilled Spirits. Councilmember DeJulio seconded the motion. The motion carried unanimously.

### **Rezoning**

#### **(Agenda Item No. 12-118)**

2. **RZ12-001** - 165 Cliftwood Drive, *Applicant: Cliftwood LLC*, Rezone from O-I (Office and Institutional District) conditional to C-1 (Community Business District) to allow for additional uses on the property

**Manager of Planning and Zoning Patrice Dickerson** stated this item is a request to rezone the subject property from O-I conditional to C-1 (Community Business District). Staff recommends approval conditional, subject to conditions, with one modification to condition 1.b. Rather than listing the prohibited uses, the City Attorney's office recommended that the condition state that the property be subject to the C-1 uses listed as permitted and to the prohibited uses outlined in the overlay district. The Planning Commission heard the petition at the April 19<sup>th</sup> hearing and recommended approval subject to staff conditions.

**Pete Hendricks, 6085 Lake Forest Drive, Representative of the applicant**, stated this application is for a .40 acre tract of land. For the past eight to nine years a beautician's office has been located on this property. The applicant came to City staff to apply for new signage and at that time it was discovered that the beautician's use of the property is not allowed under the O-I zoning. The proposed zoning would allow the current business at this property to continue operating. The modification to condition 1.b. is acceptable to the applicant. There has been no opposition to the application either at the Community Zoning information meeting or the Community Developer resolution meeting. He respectfully asked Council to approve the application as conditioned by staff.

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

**Motion and Second:** Councilmember DeJulio moved to approve Agenda Item No. 12-118, RZ12-001 - 165 Cliftwood Drive, *Applicant: Cliftwood LLC*, Rezone from O-I (Office and Institutional District) conditional to C-1 (Community Business District) to allow for additional uses on the property, along with modification to condition 1.b. as indicated by staff. Councilmember Paulson seconded the motion.

Staff conditions:

1. To the owners' agreement to restrict the use of the subject property as follows:

- a. To the existing 2,193 square foot building. The applicant/owner may renovate and maintain the existing building on an as needed basis.
  - b. To Uses permitted in the C-1 Zoning District, excepting Adult Establishments, Businesses Performing Specified Sexual Activities, Massage Parlors, and Lingerie/Bathing Suit Modeling, Automotive parking lot, Automotive specialty shop, Church (temple or other place of worship), Funeral home, Automotive Repair Garage, Laundromat, Landscaping business (garden center), Laundry & dry cleaning shop, Millinery or similar trade whenever products are sold retail exclusively on the site where produced, Parking garage/deck, Parking lot, Plant nursery, Recycling collecting center, Repair shop not involving any manufacturing on the site, Service station, and Stadium shall be prohibited.
2. To the owners' agreement to abide by the following:
- a. To the site plan received by the Department of Community Development on January 26, 2012.
3. To the owner's agreement to provide the following site development standards:
- a. Ninety (90) days after approval of this petition RZ12-001, the owner/applicant shall dedicate the minimum right-of-way for Cliftwood Drive, which is 60 feet for a non-residential local street or 30 feet as measured from the centerline or one-foot from the back of sidewalk, whichever is greater. Additionally, the owner/applicant shall dedicate the right-of-way necessary to accommodate the Main Street District overlay, which includes a 2-foot wide brick paver and 9-foot wide sidewalk.
  - b. The subject property shall have only one curb cut on Cliftwood Drive.
  - c. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development dated January 26, 2012.

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

**Ordinance No. 2012-05-11**

### **Zoning Modification**

**(Agenda Item No. 12-119)**

3. **ZM12-001/CV12-003** - 1155 Hammond Drive, *Applicant: Hammond Center Joint Venture*, Modify the conditions of zoning case RZ08-014/U08-008/CV08-012 to amend the approved site plan, with concurrent variances

**Manager of Planning and Zoning Patrice Dickerson** stated the modification petition being presented is to amend the site plan approved for the subject property. This modification would be done by the creation of two out parcels at the corner of Peachtree Dunwoody Road and Hammond Drive. The request is also for four concurrent variances related to signage and landscaping. Staff is recommending approval of the zoning modification request and concurrent variances 1, 2, and 4; and denial of concurrent variance number 3. Staff received a letter dated May 10, 2012, from the Galloway firm, that attempts to interpret the zoning conditions and comments discussed at a meeting between staff and the applicant. Staff does not agree with the contents of the letter, so the applicant has indicated they will withdraw the letter.

**Woody Galloway, The Galloway Law Group, LLC**, stated he represents the applicant, Hammond Center Joint Venture, in the modification request. The request is for seven acres located at the southeast quadrant of Hammond Drive and Peachtree Dunwoody Road. The modification seeks to take the existing zoning of the property and change the site plan. The site plan was previously approved as an apartment complex over retail spaces. The new site plan shows retail at the corner, apartments in a separate building, and that the existing hotel will remain. The new site plan necessitated other changes that include signage and the location of the curb cut. A staff member from his office submitted a letter to the City staff on May 10, 2012. The letter was designed to alleviate confusion, but instead caused confusion. The applicant would like to withdraw the letter. There were no issues regarding this case while working with the Sandy Springs Council of Neighborhoods. He asked that Council approve the request subject to staff's recommended conditions.

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

**Councilmember Tibby DeJulio** asked Mr. Galloway to present the drawing of the site plan.

Mr. Galloway stated the proposed site plan is located at Peachtree Dunwoody Road and Hammond Drive. This shopping center is where The Derby is now located. The site would be a retail development and a low rise. The new site would include an apartment building and retail space in a separate building. It is difficult to finance vertically integrated mixed use development. In today's market there is a great interest in apartment development. The demand for apartments in this area is very strong. There is also a demand for low rise retail. There was not demand for 90,000 square feet of office and retail underneath apartments.

Councilmember DeJulio asked about the location of the parking.

Mr. Galloway explained where the parking lot will be located. The apartments will have high level amenities and could be converted to condominiums in the future.

**Councilmember Gabriel Sterling** asked about the square footage of the apartment units.

Mr. Galloway stated the apartments range in square footage. Sixty-five percent of the units will be one bedroom and thirty-five percent will be two bedrooms. No three bedroom units are proposed. The average square footage for each unit is 850. The units range in square footage from 600 square feet to 1,150 square feet. Individuals do not want roommates. Instead, they want high level finishes and resort quality amenities and they are willing to pay a higher cost per square foot.

Mayor Galambos asked to what extent the apartments include features for possible conversion in the future to condos. She asked about the height of the interior of the unit and granite countertops in the kitchen. She asked about the high level amenities.

Mr. Galloway stated the finishes will include stainless steel appliances, granite countertops, custom cabinetry, resort style amenities, sub-metered utilities, and a fitness center that will offer yoga and spin classes as well as the standard equipment. The height of the units will be ten feet from floor to floor between the units.

**Councilmember Dianne Fries** asked what the interior ceiling height of the units will be.

Mr. Galloway stated the ceiling heights will be a minimum of nine feet.

Mayor Galambos asked about the number of feet of frontage on Hammond Drive.

Mr. Galloway responded over 700 feet.

Mayor Galambos stated she is not happy that there may be three monument signs plus two vertical signs, one of which is on an apartment building. She asked where the sign will be located on the apartment building.

Mr. Galloway stated the Fairfield Inn sign is an existing sign. One of the blade signs was approved as part of the prior zoning. The blade sign will be to advertise the apartments. The variance would allow a second blade sign to match the other blade sign.

Mayor Galambos asked Manager of Planning and Zoning Dickerson to brief Council on the apartment sign ordinance.

Manager of Planning and Zoning Dickerson stated apartment buildings are allowed signage when they are within a mixed use development. The building would be allowed a wall sign. Council did recently approve a change to the Zoning Ordinance to allow projecting signs. The applicant would be permitted to have one projecting sign at the development.

**Councilmember Karen Meinzen McEnery** asked if the applicant would be permitted one projecting sign and one wall sign.

Manager of Planning and Zoning Dickerson responded no. The projecting sign would take away from the number of wall signs the applicant would be allowed.

Councilmember Meinzen McEnery stated potentially the applicant could move one blade sign and place it in the middle of the building, to allow for symmetry.

Mr. Galloway responded that could be done. The idea is to be able to see the sign when driving in either direction. The sign with the name of the apartment community is what is currently approved on the site. The applicant would like to add another sign at the end of the apartment building. He explained where the two signs would be located. The signs would be located about 500 feet apart.

Councilmember Sterling asked if a monument sign would be needed if there are two signs on the building.

Mr. Galloway stated the monument sign is at the entrance of the apartments.

Mayor Galambos stated there are three proposed monument signs on Hammond Drive, besides the two proposed signs on the building.

Mr. Galloway stated there will be one sign for the hotel, one monument sign for the apartments, and one monument sign for the retail businesses.

Councilmember DeJulio asked if the applicant wants three monument signs plus two blade signs.

Mayor Galambos stated there are two more monument signs on Peachtree Dunwoody Road.

Councilmember Sterling asked if there are a total of seven signs.

Mr. Galloway stated two of the signs are for the retail development. He explained the location of two monument signs.

Councilmember DeJulio asked about the distance between the two monument signs.

Councilmember Fries stated the distance between the signs looks to be about 180 feet.

Mayor Galambos stated it seems the area will be overburdened with five signs.

Mr. Galloway stated the blade signs will be on a five story building.

Councilmember Meinzen McEnery stated a blade sign would stick out from the building, so it can be seen from both directions. One blade sign in the middle would be able to be seen from both directions and would be better than two blade signs.

Mr. Galloway stated it is within Council's discretion to limit the blade signage.

Mayor Galambos stated according to the diagram, none of the monument signs on Hammond Drive are in front of the hotel. All the monument signs are west of the hotel.

Mr. Galloway stated the monument sign located at the entrance to the hotel shows the existing position of that entrance. The entrance will not change, nor will the location of the sign.

Councilmember Sterling stated that sign is not on the diagram.

Mayor Galambos stated in addition to what is in front of the hotel, there are three monument signs on Hammond Drive.

Mr. Galloway stated there is one sign on the corner of Hammond Drive and one at each entrance of the building.

Mayor Galambos stated there are two more signs on Peachtree Dunwoody Road. That is a lot of signs.

Councilmember Sterling stated the total number of signs is seven, but the signs advertise different things.

Mr. Galloway stated there are two signs on Peachtree Dunwoody Road, one towards the entrance and one at the corner. There is also one sign at each point of access along Hammond Drive.

Manager of Planning and Zoning Dickerson stated the hotel parcel is part of the zoning case. The hotel parcel and the two parcels at the corner are out parcels. Each of those out parcels would be allowed a sign by right. The center parcel, where the apartment building would be located, would be allowed a monument sign by right. Sign #1 is where the hotel advertising will be, along with the apartment advertising. There will be no other hotel sign. The sign at the traffic light would be the main sign for the center portion of the property and that would be allowed. On the corner out parcel showing signs #4 and #6, #4 would be permitted by right and #6 is the additional sign the applicant is asking for.

Mayor Galambos asked about sign #7.

Manager of Planning and Zoning Dickerson stated because that small piece is an out parcel, the applicant would be allowed a sign by right.

Mayor Galambos asked how parts of the property are out parcels when the application is one package.

Manager of Planning and Zoning Dickerson stated an applicant can request out parcels. The City Zoning Ordinance allows an individual to identify out parcels on the site plan and this is what the applicant has done.

Councilmember DeJulio asked if the parcels are connected and considered two parcels.

Manager of Planning and Zoning Dickerson responded yes.

Mayor Galambos stated Peachtree Dunwoody Road is so elegant. There are no signs on Peachtree Dunwoody except to the entrance of the Concourse.

Councilmember Meinzen McEnery asked if sign #6, #3, and #5 are additional signs.

Manager of Planning and Zoning Dickerson stated sign #6, the monument sign, and one of the blade signs is above and beyond what was originally approved.

Councilmember DeJulio asked if the applicant is allowed one blade sign.

Manager of Planning and Zoning Dickerson responded yes.

Councilmember Fries stated with the traffic on this road and the speed people drive, they may miss the sign when driving. She would rather drivers have two chances to see the sign by having two blade signs. The blade signs fit into the design of the structure.

Councilmember Sterling asked if staff is allowed judgment on what can be allowed as an out parcel.

**City Attorney Wendell Willard** stated judgment would meet the requirements of subdividing of properties.

Councilmember Meinzen McEnery stated she is concerned about the precedence of the additional signs on Hammond Drive. There is a monument sign in the center of the apartment property. There are three too many signs.

Councilmember Sterling asked if sign #6 will advertise the retail or the apartments.

Mr. Galloway responded that is a retail sign.

Councilmember Sterling stated there will be three signs for the retail.

Councilmember DeJulio asked if signs #4, #6, and #7 are all advertising the retail.

Mr. Galloway stated sign #4 is a project sign for the whole development. The project sign and out parcel sign can be located in two different areas.

Councilmember DeJulio asked if signs #4 and #7 are for the out parcels.

Mr. Galloway responded yes. Sign #6 is the extra retail sign.

Mayor Galambos stated all the monuments signs look like they have slots to place additional business names. The monument signs will advertise retail establishments within the development, otherwise why would there be the separate slots on the monument signs.

Mr. Galloway stated the signs are conceptual in design. The signs do have the ability to place more than one business name on them.

Councilmember Sterling suggested moving sign #4 to the other side of the corner and removing sign #6.

Councilmember Meinzen McEnery suggested eliminating one of the blade signs.

Councilmember DeJulio suggested allowing the applicant five signs and the applicant can decide which five signs they want.

Mayor Galambos stated the applicant is asking for two variances for two signs.

Mr. Galloway stated he understands signage is an issue. Mr. Munson, who is the owner of the retail, has indicated a willingness to remove either sign #4 or #6 from the site plan as long as the remaining sign is close enough to the corner to provide for visibility.

**Motion and Second:** Councilmember Fries moved to approve Agenda Item No. 12-119, ZM12-001/CV12-003 - 1155 Hammond Drive, *Applicant: Hammond Center Joint Venture*, Modify the conditions of zoning case RZ08-014/U08-008/CV08-012 to amend the approved site plan, with concurrent variances and with staff conditions, except for monument sign #6, which is to be removed, and the applicant must work with staff on the placement of sign #4. Councilmember Sterling seconded the motion.

Manager of Planning and Zoning Dickerson stated the applicant will be allowed certain signs by right. If Council does not want the extra projecting sign and the extra monument sign, staff requests that Council recommend denial of those signs.

**Substitute Motion and Second:** Councilmember Meinzen McEnery moved to approve Agenda Item No. 12-119, ZM12-001/CV12-003 - 1155 Hammond Drive, *Applicant: Hammond Center Joint Venture*, Modify the conditions of zoning case RZ08-014/U08-008/CV08-012 to amend the approved site plan, with concurrent variances, but not approving revised conditions 3.p. and 3.s. Councilmember DeJulio 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 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.
  - b. Retail and associated accessory uses at a maximum density of 6,925.21 gross square feet per acre or 50,000 gross square feet, whichever is less.
  - c. Restaurant and associated accessory uses at a maximum density of 2,770.08 gross square feet per acre or 20,000 gross square feet, whichever is less.

- d. No more than 400 residential units at a maximum density of 55.12 units per acre, whichever is less.
  - e. To a maximum 120-room hotel.
  - f. The maximum building height shall be 6 stories or 100 feet, whichever is less, for the mixed use building. (U08-008)
  - g. The maximum building height shall be 5 stories for the existing hotel. (U08-008)
2. To the owner's agreement to abide by the following:
- a. To the site plan submitted to the Department of Community Development dated received ~~February 3, 2009~~ **March 6, 2012**. 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 minimum design standards are:
    - Minimum front yard (Peachtree-Dunwoody Road): 15 feet
    - Minimum side corner yard (Hammond Drive): ~~20~~ **15** feet
    - Minimum side yard: 0 feet
    - Minimum rear yard: 20 feet
    - ~~Minimum heated floor area per dwelling unit: 800 square feet~~
  - b. 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 **one (1) foot from the back of future sidewalk** ~~ten and one-half (10.5) feet from back of curb~~, whichever is greater, to the City of Sandy Springs.
  - c. The owner/developer shall dedicate right-of-way ~~and provide improvements on~~ **along** Hammond Drive per the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates, to the City of Sandy Springs.
  - d. Install traffic signal at the location shown in the Hammond Drive Corridor Study, dated January 2008, by Kimley-Horn and Associates.
  - e. Install northbound right turn lane from Peachtree-Dunwoody Road onto Hammond Drive.
  - f. ~~The owner/developer shall close existing access points on Peachtree-Dunwoody Road; no direct access to Peachtree-Dunwoody Road shall be allowed.~~ **To allow the existing right-in only from Peachtree Dunwoody Road to temporarily remain until the future East/West Connector is constructed on the Palisades property at which time no direct access to Peachtree-Dunwoody Road shall be allowed.**
  - g. The owner/developer shall provide **no more than two (2)** direct access **points** to future roadway designated "East-West Connector" on adjacent property to the south and easements to allow access through Hammond Center development for traffic coming from adjacent property. ~~Number~~

and Exact location of access points to be determined by the Department of Public Works at time of LDP.

- h. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent properties. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future inter-parcel access along the entirety of the common boundaries of the property, prior to the issuance of an LDP.
- i. There shall be no more than three (3) access points on Hammond Drive. Final curb cut locations shall be determined by the Department of Public Works at time of LDP.
- j. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Department of Public Works at time of LDP.
- k. To allow a second freestanding sign (Sign #1) along the Hammond Drive frontage with a maximum sign face of thirty-two (32) square feet and a maximum height of six (6) feet (CV08-008).
- l. To allow for internal signs to be used as directional signage for the development (CV08-008). Said signs shall have a maximum sign face area of 20 square feet and shall have a maximum height of 6 feet.
- m. To allow wall signs to be up to twenty-seven (27) square feet for tenant spaces with less than thirty (30) linear feet of store front (CV08-008).
- n. To allow wall signs to extend up to twelve (12) inches from a wall, building, or structure with letters placed on a raceway (CV08-008).
- o. To allow Sign #1 and Sign #4 as shown on the site plan submitted to be setback zero (0) feet from the right-of-way as shown on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- p. To allow for a second double-sided, ~~fifty (50) square foot~~ projecting sign (Sign number 3 or Sign number 5) on the proposed multi-family building between the second and third stories ~~at the intersection of Hammond Drive and Peachtree Dunwoody Road (CV08-008)~~ as shown on the plans submitted (CV12-003#1).
- q. To delete the parking lot landscaping requirement for a 10-foot landscape island with a shade tree every sixth parking space in the existing surface parking lot which serves the existing hotel as shown on the sign plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- r. To reduce the required ten (10) foot landscape strip along the south property line adjacent to the proposed east-west connector on the Palisades development property to allow for interparcel access as shown on the site plan submitted to the Department of Community Development dated received December 19, 2008 (CV08-008).
- s. Variance from the Zoning Ordinance to allow a second freestanding sign (Sign number 6) along the Hammond Drive frontage for parcel I (CV12-003#2).

- t. Variance from Section 4.23.1. of the Zoning Ordinance to eliminate the required five (5) foot interior landscape strips along the lot lines of the proposed outparcels (CV12-003#4).
- u. The owner/developer shall provide pedestrian and bicycle circulation and facilities on site consistent with PCID Overlay District and proximity to Dunwoody MARTA Station.

Mayor Galambos asked if there was staff concern about the illumination of the signs.

Manager of Planning and Zoning Dickerson stated staff recommended denial, but that was not included in the conditions.

**Vote on Substitute Motion:** The motion carried 3-2, with Councilmember Fries and Councilmember Sterling voting in opposition.

**Ordinance No. 2012-05-12**

### **Text Amendment**

**(Agenda Item No. 12-120)**

- 4. **TA12-006** - An Ordinance to Amend Section 8.2, Mixed Use District, Section 4.23.2, Parking Lot Landscaping, and Section 12B.8, Main Street District Standards, of the Sandy Springs Zoning Ordinance

**Manager of Planning and Zoning Patrice Dickerson** stated these amendments are based on recommendations received from the Main Street Alliance in January 2012. Council directed staff to initiate the amendments. The amendments include changes to Section 8.2, mixed use zoning classification, Article 4.23.2, and Section 12B.8, the Main Street district standards related to parking. The amendment was heard at the March 27, 2012, Design Review Board meeting for the section in the overlay district and the Board recommended approval as presented by staff. The amendment was presented to the Planning Commission at the April 2012 meeting and they recommended approval as presented by staff.

**Councilmember Karen Meinzen McEnery** asked if the upcoming Master Plan process for the town center may result in recommendations for the Main Street standards in the town center.

Manager of Planning and Zoning Dickerson responded yes.

Councilmember Meinzen McEnery asked if this item could be a temporary change in the City's zoning.

Manager of Planning and Zoning Dickerson responded it could be.

**Mayor Eva Galambos** asked Director of Community Development Angela Parker to the front. She was not aware that Goody Clancy was getting into the detail of the City's Zoning Ordinance while working on the downtown project. She asked if that is part of Goody Clancy's charge.

**Director of Community Development Angela Parker** stated that out of the work that Goody Clancy does, staff will receive a form based zoning code recommendation. That was an option presented as part of the proposal and contract.

Mayor Galambos asked if the form based zoning code recommendation would change what the City does regarding landscape islands.

Director of Community Development Parker responded it very well could, and it could change much of what is in the ordinance now.

**Councilmember Gabriel Sterling** asked about a parking deck lot and if trees would be placed on the side of the parking lot.

Director of Community Development Parker stated a parking deck would be treated as a building. The landscaping would be located around the deck.

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

**Motion and Vote:** Councilmember Sterling moved to approve Agenda Item No. 12-120, TA12-006 - An Ordinance to Amend Section 8.2, Mixed Use District, Section 4.23.2, Parking Lot Landscaping, and Section 12B.8, Main Street District Standards, of the Sandy Springs Zoning Ordinance. Councilmember Fries seconded the motion. The motion carried unanimously.

**Ordinance No. 2012-05-13**

**Mayor Eva Galambos** stated there have been considerable discussions regarding the Main Street standards on where the trees and street lamps should be located. She asked about the progress made by the Main Street Alliance.

**Director of Community Development Angela Parker** stated when staff meets with the Main Street Alliance those are some of the items the consultant will be looking at. It would be better to wait on those items until the Master Plan is complete. These ordinance amendments are quick fixes that are important in order to move forward prior to the completion of the Master Plan.

Mayor Galambos suggested staff discuss inter parcel access with the consultants.

Director of Community Development Parker stated inter parcel access is one of the items that was in the Main Street Alliance study.

**UNFINISHED BUSINESS**

There was no unfinished business.

**NEW BUSINESS**

**(Agenda Item No. 12-121)**

1. Consideration of Approval of a Contract to Construct Hammond Park Parking Lot Expansion Subject to Validation and Approval by the Legal and Finance Departments

**Director Recreation and Parks Ronnie Young** stated this item is for consideration of approval for the Hammond Park parking lot expansion. This project will add sixty-eight new parking spaces to the parking lot. The bids were received late April 2012, and Matriarch Contractors was the low bidder at a cost of \$350,000. There were two alternatives being considered for the parking lot as well. One was additional parking on the entrance road, which staff is not recommending for approval. The cost of parking near the entrance road would be \$101,458. The other alternate option was the ADA ramp from the existing parking lot to the turf field, which staff is requesting approval for. The bid for the ramp is \$32,595. The total request for approval is \$382,595.

**Councilmember John Paulson** stated one of the paving contractors spoke to him regarding this project. The contractor mentioned a value engineering alternative that he proposed, due to drainage issues at the Hammond Park parking lot. He asked if staff received a bid for a value engineering alternative.

Director Recreation and Parks Young stated staff did not receive a value engineering alternative bid package. There were eight construction companies at the pre-bid meeting and only two submitted bids. Both companies bid the Belgard product.

Councilmember Paulson stated he heard there was another alternative that could do the same thing, but is less expensive. The contractor may not have submitted their bid.

**Motion and Vote:** Councilmember Fries moved to approve Agenda Item No. 12-121, Contract to Construct Hammond Park Parking Lot Expansion with Matriarch Contractors, Subject to Validation and Approval by the Legal and Finance Departments. Councilmember Paulson seconded the motion. The motion carried unanimously.

**Resolution No. 2012-05-36**

(Agenda Item No. 12-122)

2. Appoint Member to the Board of Appeals

**Mayor Eva Galambos** stated Ron Carpinella took a leave of absence. He has returned from Afghanistan and is ready to serve on the Board again. Al Pond replaced Mr. Carpinella while he was absent. Mr. Pond will continue serving on the Planning Commission Board.

**Motion and Vote:** Councilmember Meizen McEnery moved to approve Agenda Item No. 12-122, To appoint Ron Carpinella to Post 2 as a member of the Board of Appeals. Councilmember Sterling seconded the motion. The motion carried unanimously.

**Resolution No. 2012-05-37**

## **REPORTS AND PRESENTATIONS**

1. Mayor and Council Reports

**Mayor Eva Galambos** stated it is very important that the City follow the instructions of Goody Clancy regarding the public meetings. The meetings should be as open as possible. There was a complaint from a constituent regarding a Councilmember participating volubly at a meeting. The public feels that they were not able to speak freely at the meeting. She cautioned everyone to be extremely careful in not participating during the meetings.

2. Staff Reports

## **PUBLIC COMMENT**

**Eleanor Benson, 1271 Fairfield East, Dunwoody, GA** stated she was asked to discuss the issue of growlers. She is a co-owner of Moondog Growlers in Marietta, GA. She displayed to Council two different sizes of growlers and sample menus. She demonstrated to Council how the seal of the growler is applied with shrink wrap. Moondog Growlers has been in business since February 1, 2012, and she soon will open a growler store in Dunwoody, GA. She understands Council has concerns regarding growler stores. Sandy Springs City Council is considering glass only growlers. Plastic growlers are an option as well, which are great for taking beer to the pool or parks where alcohol is allowed. There was discussion regarding Sandy Springs having a 64 oz. growler limit. There is a growler size that is slightly larger than

64 ounces. The Sandy Springs proposed ordinance references “professionally sanitized”. She has a concern regarding the term “professionally sanitized”. When the growlers are sold to individuals, the individuals are told to clean the growlers and bring the containers back ready to be filled. She is not responsible for the sanitizing of beer growlers once they are sold and returned for a refill. She prefers that convenience stores not be allowed to sell growlers. Growler stores are similar to a wine boutique store. A growler store presents beers from around the world. The growler experience is much like the wine tasting experience.

**Councilmember Tibby DeJulio** asked how many varieties of beer are at Moondog Growlers.

Ms. Benson responded thirty and at the Dunwoody store there will be forty taps.

**Councilmember Gabriel Sterling** asked if her establishment sells bottled beer.

Ms. Benson responded no. Red Hare Brewery in Marietta only sells their beer in kegs, not in bottles. If an individual wants Red Hare beer, would have to go to a bar to enjoy the beverage. Another option is to fill a 32 oz. or 64 oz. growler at a growler store and take the beverage home. She is concerned about the Sandy Springs proposed ordinance that would allow a restaurant or grocery store to sell growlers. The purpose of ordinances is not only to bring safety and opportunity to the residents, but to draw businesses to the tax base.

**Councilmember Karen Meinzen McEnerny** asked Ms. Benson to describe a typical experience of a growler client.

Ms. Benson stated the client would walk in and see a wall of beer taps. Individuals are coming in with growlers they have previously purchased or they are looking at the display of various growler options at the store. Each of the two glass growler sizes costs \$4.99. The individual can trade out the growler that they purchased for another size when they visit the store again. If her business is providing the growler, they sanitize it. At Moondog Growlers the sampling of beer in the store is not allowed. At the new location in Dunwoody beer sampling will be allowed. Once the individual decides on a beer, the growler is then filled with that beer and sealed properly. The beer should last for 7-10 days unopened and refrigerated.

Councilmember Meinzen McEnerny asked Ms. Benson if she feels there is any merit in the Sandy Springs ordinance defining craft beer.

Ms. Benson stated she is not sure that defining the term is necessary.

**Mayor Eva Galambos** asked where the word growler originated.

Ms. Benson stated in England drinking beer was part of the meal. There was a brewery in town and someone would be sent to the brewery to purchase the ale. As the ale sloshed around in the bucket it would make a growling noise, which is how the term growler came to be.

(Agenda Item No. 12-123)

**EXECUTIVE SESSION - Litigation**

There was no Executive Session.

(Agenda Item No. 12-124)

**ADJOURNMENT**

Regular Meeting of the City of Sandy Springs City Council

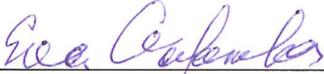
Tuesday, May 15, 2012

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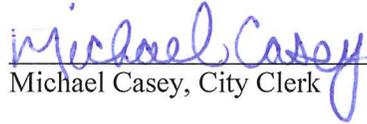
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**Motion and Vote:** Councilmember Sterling moved to adjourn the meeting. Councilmember Paulson seconded the motion. The motion carried unanimously. The meeting adjourned at 7:34 p.m.

Date Approved: June 5, 2012



Eva Galambos, Mayor



Michael Casey, City Clerk