

Work Session Meeting of the Sandy Springs City Council was held on Tuesday, December 2 2014, at 7:28 p.m., Mayor Rusty Paul presiding.

Councilmembers present: Councilman John Paulson, Councilman Ken Dishman, Councilman Graham McDonald, Councilman Gabriel Sterling, Councilman Tibby DeJulio and Councilman Andy Bauman.

STAFF DISCUSSION ITEMS

Public Works

1. Draft Report and Resolution for the Bicycle, Pedestrian and Trail Plan

Transportation Planner Kristen Wescott gave a PowerPoint presentation on the Bicycle, Pedestrian and Trail Draft Plan. (see attachment 1)

Councilman Andy Bauman stated there were discussions that the City might require developers in certain locations to include bicycle lanes on some sidewalks.

Transportation Planner Wescott stated the City could consider that, although the development ordinance does not address that.

Councilman Bauman asked how this plan differs from the sidewalk policy and is this intended to be separate scoring from the sidewalk policy.

Transportation Planner Wescott stated the bicycle, pedestrian, and trail plan is separate scoring. Staff ranked the arterial and collector streets. Most of the recommendations are for much larger projects.

Councilman Bauman stated connectivity to public schools has been included. He asked that connectivity to private schools be included as well and destinations of demand at the City limits.

Transportation Planner Wescott stated locations such as Chastain Park were included.

Councilman Gabriel Sterling stated for the City's A and B rankings the City is at 1%. He asked why the City is so low on the percentage and so high in fees regarding sidewalks.

Transportation Planner Wescott stated part of that is because the infrastructure that has been developed so far has been for sidewalks on one side of the street. The reason for the scoring has to do with the separation of the sidewalk from the edge of the pavement and moving the pedestrian infrastructure back further with a vegetated landscape area to make a better walking environment.

Councilman Sterling stated he was looking at the population map and it is much heavier near the City Center area and not the MARTA station area.

Transportation Planner Wescott stated she believes this has to do with the development around the MARTA station. The balance between employment and population is taken into consideration for this map. If there is employment and population in an area, then there will be a high score.

Councilman Sterling asked if anything was determined by the future land use or if this is being determined by the ARC population.

Transportation Planner Wescott stated the map looks at the balance of population and employment and major destinations. All the City's transit stations and stops were considered destinations as well.

Councilman Sterling stated if there is right-of-way available, the side paths could connect to more real bicycle facilities such as protected bicycle lanes. The number of access points needs to be looked at as well.

Transportation Planner Wescott stated a lot of the City streets are residential and low density single family homes. Widening the street will have a different impact than installing a wider sidewalk. People are already riding bicycles on the sidewalks, because they don't feel comfortable riding in the street. To get to Abernathy Greenway and the adjacent neighborhoods they may be more likely to use side paths.

Councilman Sterling asked why Peachtree Dunwoody's ranking for sidewalks and bicycle infrastructure was not ranked as high.

Transportation Planner Wescott stated if they are better facilities now, they will not rank as high as the ones that are worse. If a facility was ranked D, E, or F, the City will try to bring it up to a level of service C. The north end of that street has wider shoulders for decent bicycling.

Councilman Sterling asked if staff can install bicycling signs in this area.

Transportation Planner Wescott stated staff will look into that.

Councilman Sterling asked when the City's Comprehensive Land Use Plan will take into account using these policies.

City Manager John McDonough responded in 2017. Staff will look at the individual nodes in the Roswell Road area and make specific recommendations.

Councilman Bauman stated at times during the summer it gets pretty hot in the Atlanta area. He asked if there is a possibility to identify water station locations in order to fill water bottles.

Transportation Planner Wescott stated that can be looked at during the design phase of the project.

Community Development

1. Fee Schedule Revisions

Director of Community Development Angela Parker gave a PowerPoint presentation on the Development Fee Schedule Amendments. (see attachment 2)

Mayor Rusty Paul stated the City is using 2005 construction costs and all other jurisdictions are using 2014 construction costs.

Director of Community Development Parker stated she believes that is what is happening. Staff is recommending using current values and using a set method rate.

Councilman Gabriel Sterling asked about the fee schedule.

Director of Community Development Parker stated Council previously approved this schedule. If Council approves the proposed schedule, staff will bring a fee schedule back at the next meeting for final approval.

Councilman John Paulson asked if the proposed recommendations for the land disturbance is per acre disturbed or per acre of property.

Director of Community Development Parker responded per acre of property.

Councilman Sterling asked if the intention of the building permit fees is to cover the cost of inspections and processing.

Director of Community Development Parker responded yes.

Fire Chief Keith Sanders presented slides 11 – 13 of the presentation.

Councilman Sterling asked what the initial cost is for a fire inspection.

Fire Chief Sanders responded there is no fee.

Councilman DeJulio asked if the business owner corrects the first issue, will there be no charge and if the violation is not corrected, will there be a \$100 charge.

Fire Chief Sanders stated when the fire department does the inspection for the first time, a notification will be given on what violations have been found. Within thirty days the second re-inspection will take place and if all the violations have been repaired, there will be no fine, but if the violations are not corrected the business owner will receive the first \$100 fine.

There was a consensus of Council to move this item forward to the next City Council meeting.

2. 2015 Zoning, Use Permit and Variance Calendar

Director of Community Development Angela Parker gave a PowerPoint presentation on the proposed 2015 Zoning, Use Permit and Variance Calendar. (see attachment 3)

Councilman Gabriel Steering asked about the mechanism where the developers will create the plans before the plans go to the Planning Department. There are presently negotiations up until the deadline.

Director of Community Development Parker stated if Council concurs with these changes, staff will come back at the next meeting with a zoning calendar. That calendar will include a deadline for submittal of documents, which will be two weeks prior to the Planning Commission meeting.

Councilman Tibby DeJulio asked if two weeks prior to the Planning Commission meeting the plans will be set in concrete and there could be no changes.

Director of Community Development Parker responded yes. If there are changes to be made, the plan will need to go back to the Planning Commission.

City Manager John McDonough stated the Planning Commission will have the opportunity to defer the item one time. If additional negotiations or changes are to be made, the plan can be deferred.

Councilman DeJulio asked if the submittal process will start over again.

Councilman Sterling stated on one agenda item the whole road connection thing was not even discussed at the Planning Commission meeting.

Director of Community Development Parker stated that is because the Planning Commission recommended deferral on that item. The applicant came to the podium stating there was a lot of negotiations and they needed more time. That agenda item did not end up going back to the Planning Commission.

City Manager McDonough asked for the plan to be discussed where the public has an opportunity to participate.

Director of Community Development Parker stated there are two opportunities prior to the Planning Commission for citizens to have input. An application is filed and about three weeks later a Community Zoning Information Meeting (CZIM) is held. At that meeting citizens can see the proposed plan. The developer should also attend to hear comments from the community. Notices will have been mailed to every property owner within 500 feet of the subject property. The meeting will also be discussed at the week in review meeting. The next opportunity for public comment comes eight weeks into the process at the Community Developer Resolution Meeting (CDRM) which is five weeks after CZIM. This meeting is where issues and concerns have been identified. The purpose of this meeting is for there to be dialogue among the developer and citizens. The issues would include community issues along with staff issues that were identified. Those meetings hopefully are as effective as they would be if there was a deadline. The real action is when all involved see a printed copy of the recommendation and the Planning Commission does not recommend approval of the application. Often, that dialogue does not get serious until the application gets to Council.

Councilman DeJulio stated this process gives the public more influence in the outcome of the application process.

City Manager McDonough stated currently the whole process disadvantages the City because of these deadlines. At the last Council meeting developer negotiations were going on during the meeting and staff is trying to avoid that.

Councilman Sterling stated he is skeptical that these changes will change a lot of those situations.

Councilman John Paulson stated the original CZIM is held and everyone identifies what they want done and the developer agrees to a lot of conditions. If the developer comes back in five weeks for the CDRM and there has been no progress and the neighborhood states they will not support the project, what will happen then?

Director of Community Development Parker stated staff develops a recommendation and the case goes to the Planning Commission where a public hearing will be held and the Planning Commission will make a recommendation.

Councilman Paulson stated the Planning Commission will get the results of the CDRM. A developer can go to the Planning Commission and if the developer did not change their plans as requested by the citizens, the Planning Commission will take that, along with staff's recommendation, into account. The Planning Commission would then recommend deferral and the developer would request a thirty day deferral. He asked if this is why the deferral to the Planning Commission is being allowed rather than recommending denial of the application.

City Manager McDonough stated that will be left up to the Planning Commission if progress is being made. The Planning Commission would have the ability to defer the case for thirty days.

Director of Community Development Parker stated with this process a number of citizens may push the developers to make changes.

City Manager McDonough stated this process will make the developers do much more work on the front end rather than going before the Planning Commission without public input. Three weeks before City Council the developer tries to put a plan together. Staff will host training meetings regarding the proposed changes.

Mayor Rusty Paul stated the way the process currently operates, the real challenge is if the Planning Commission wants a project deferred, the only way to get it deferred is to recommend Council defer the item. The proposed process will give the Planning Commission the ability to work some of these issues out earlier in the process before the application gets to Council. If staff can get this done for the Planning Commission to defer applications, instead of asking the Council to defer, it may be a better process.

City Manager McDonough stated with the new process there are to be no changes to the application before it comes to the City Council.

Councilman Sterling asked if the developer's plan will be set forty-five days before the Council meeting, even if they want to move in a direction the Planning Commission suggested.

Director of Community Development Parker stated at the Planning Commission meeting the developer would indicate whether or not they intend to submit changes. If they submit changes, then the Planning Commission would recommend deferral of the item so those changes have the opportunity to go back to the Planning Commission again. The Planning Commission will be making a recommendation on the same application and conditions that Council will be seeing.

Councilman DeJulio asked how the neighborhoods can negotiate before they read the staff's report from the Planning Commission.

Councilman Paulson stated he thought staff's recommendation came as part of the CDRM.

Director of Community Development Parker stated staff's recommendation comes out the Thursday after the CDRM and about one week before the Planning Commission. The Planning Commission meeting is on Thursday and the staff recommendation is released on Thursday or Friday.

Mayor Paul asked if this gives the community six weeks to negotiate, if the Planning Commission defers the item.

Director of Community Development Parker stated not after the staff report.

Councilman Sterling stated if the Planning Commission defers an item, it will then come back to staff for negotiation. Whatever is recommended gives the neighborhood or developer leverage to negotiate before going back to the Planning Commission and before final submission to Council.

Councilman DeJulio asked if there can be more than one CDRM.

Director of Community Development Parker responded yes.

Councilman Sterling stated he is more than happy to support this, but not sure the new process will correct all behaviors.

Mayor Paul stated the process will require discipline on staff's part.

Councilman DeJulio stated consider if the developer at the CZIM meeting gains input from the neighborhood, from staff and the plans have not been changed five weeks later at the CDRM. Staff then makes a recommendation that because the developer has done nothing to accommodate the suggested changes, staff recommends denial. That information will go to the Planning Commission. The developer will then have a hard time pleading the case about not having enough time to negotiate with the neighborhood.

Councilman Sterling stated the CZIM is not a place to identify problems and negotiate. That is for the developer, citizens, and staff to look at the proposal.

Director of Community Development Parker stated at the CZIM there is input as well.

City Manager McDonough stated staff's goal is to make those sessions more productive and the City's goal is to act as the facilitator at those meetings.

Councilman Sterling stated he does like the idea of allowing the application to go back to the Planning Commission at least once.

Councilman Graham McDonald stated the City should not be recreating the wheel. He asked if there are best practices in local government regarding gathering public input, the administrative review process, and then the item going to the governing body in an efficient manner.

Director of Community Development Parker stated that she has not really looked into that as part of this process. In terms of the City's community meetings, Sandy Springs is unique because a lot of meetings are held. The City of Atlanta has an NPU system where the application goes before an NPU before proceeding, which is prior to the Planning Commission meeting.

City Attorney Wendell Willard stated he has concerns that the developer holds back conditions they would be willing to agree to until the plan gets to the Council. A new proposal that has not been through the proper process will not have been considered by the Planning Commission, neighborhoods, or staff.

Mayor Paul stated the City should have a logical process for considering application and currently there is not one. The proposed plan sounds good and if changes need to be made, they can be made as the plan progresses. He does not like it when Council defers agenda items and prefers order to be occurring during this process.

There was a consensus of Council to move this item forward to the next Regular City Council meeting.

3. Analysis of Impediments to Fair Housing Study

Director of Community Development Angela Parker gave a PowerPoint presentation on the Analysis of Impediment to Fair Housing. (see attachment 4)

Councilman John Paulson asked about the recommendation regarding exploring partnerships with Consumer Credit Counselling Services. He asked if the Community Assistance Center is already involved and if the City actively organizes counseling services for the residents.

Director of Community Development Parker responded no. The City will provide information regarding where residents can go to receive the services.

There was a consensus of Council to move this item forward to the next Regular City Council meeting.

4. MIXED Use District Zoning Ordinance Amendment

Director of Community Development Angela Parker gave a PowerPoint presentation on the MIXED Use Zoning Ordinance Amendment. (see attachment 5)

Mayor Rusty Paul stated he receives calls from many people who want to do projects in the City and they know the City wants mixed use. There are many items that are defined as mixed use that are 90-95% apartments and only 5-10% other uses. He asked how the City can define mixed use in a way that people understand what it is the Council is looking for without undermining the true market. There is a false market at the moment. The reason there are so many apartments being proposed is because that is the only thing developers can get financed. The market is being driven by regulators who have decided the only safe investment is multifamily.

Director of Community Development Parker stated the market is how the City ended up with all the commercial properties on Roswell Road. Staff will look to see what other jurisdictions have done. Another thing staff will look at is ensuring the retail is viable. The city of Austin, TX did a project where the lower level was constructed differently. This would allow the property to be converted to commercial uses when the demand warrants this use. The City wants to be flexible, but not end up with too many apartments with nothing else in City Center.

Councilman Gabriel Sterling stated as he understands how mixed use is currently defined, it is a residential application with one of three other designated uses.

Director of Community Development Parker stated there are two category requirements in the ordinance currently. One is a single structure development and then a multi structure development where four or five different buildings are located. With a single structure, one other use is allowed, and with a multi structure, two other uses are required. There could be a development where there is only one floor of residential.

Councilman Sterling stated the anchor should be residential as the defining item to make the development mixed use. The definition would include residential whether it is 100 units or three units, plus other uses.

Mayor Paul stated he is seeing a lot of apartment projects being proposed with fig leaf retail. The fig leaves are getting bigger, but they are still fig leaves.

Councilman Sterling stated he was told that all of the retail, even if it makes up thirty percent of the space, equates to zero dollars for the financing.

Mayor Paul stated that is a challenge he is not sure how to overcome, because every project being proposed has significant density and rental housing.

Councilman Tibby DeJulio asked if there has been a project proposed in the last six months that has not been residential, but instead retail or commercial. The last retail project that was proposed has been withdrawn.

Councilman Sterling stated there is retail on the JLB project and the Hines use permit was for retail.

Mayor Paul stated due to financing limitations this is a challenge. There is no question in his mind there may be a "bubble" in the market soon.

Councilman Paulson asked if the ten acre requirement will be a minimum or a guideline for decision making.

Director of Community Development Parker stated at this point staff wants to look to see what other jurisdictions have done. There has been a discussion to have larger parcels outside of City Center, but in City Center the parcels should be less than ten acres.

Councilman DeJulio asked if City Center can be excluded from the standards.

Mayor Paul asked if staff is having any luck finding someone to work with the developers on their retail plans.

Director of Community Development Parker stated staff is looking into that.

Mayor Paul asked that staff find an individual soon to assist with figuring out what the City's retail mix should be.

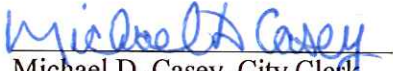
There was a consensus of Council to move this item forward to a future City Council meeting.

There being no further discussion, the meeting adjourned at 8:50 p.m.

Date Approved: December 16, 2014



Russell K. Paul, Mayor



Michael D. Casey, City Clerk