



Planning Commission
January 15, 2009

Meeting Minutes

Board Members Present	Lee Duncan (Chair), Wayne Thatcher (Vice Chair), Don Boyken, Susan Maziar, David Rubenstein, Roger Rupnow, Bob Wiley
Board Members Absent	None
Staff Present	Nancy Leathers, Chris Miller, Patrice Ruffin, Linda Abaray, Julie Eldridge, Mark Moore, Terry Robinson, Jocelyn Stephens

CALL to Order	Lee Duncan called the meeting to order at 7:00 p.m.
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	APPROVAL OF AGENDA
	ACTION: Bob Wiley moved to recommend approval of the Agenda. David Rubenstein seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, Wiley for; Duncan not voting).
	PUBLIC COMMENT – None
	PREVIOUS MINUTES
	ACTION: Donald Boyken moved to recommend approval of the Minutes from the December 18, 2008 meeting. Bob Wiley seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, Wiley for; Duncan not voting).
	DEFERRED
1.	RZ08-014/U08-008/CV08-012 1155 Hammond Drive <i>Applicant: Hammond Center Joint Venture</i> <i>Representative: Woody Galloway</i> <u>Summary/Staff Presentation:</u> Ms. Ruffin: The applicant is requesting to rezone the subject property from O-I conditional to MIX for the development of 20,000 square feet of office space; 50,000 square feet of retail; 20,000 square feet of restaurant space, and existing 120-room hotel and 398 residential units. The applicant is also seeking a use permit to exceed the maximum district height and ten (10) concurrent variances. Staff is recommending approval conditional of the rezoning request and use permit request and the concurrent variances except for #2 and #8. The petition was heard at the November 20 Planning Commission hearing, and the Commission recommended deferral subject to revisions and other requested information as outlined in your Staff Report. The Council did defer the application at the December 16th meeting and the applicant has provided some revisions to the application package as found in your report. Mr. Duncan: Okay, Woody. Mr. Galloway: Members of the Planning Commission, my name is Woody Galloway with Dillard & Galloway. I'm here representing the applicant, Hammond Center Joint Venture, in its request for a rezoning [inaudible] variances. As y'all recall this is a 7 foot 22 acre tract of land located in the southeast quadrant of Peachtree-Dunwoody and Hammond. The property is currently zoned O-I. There is a number of existing buildings on the site. They are aging buildings. The property is zoned, however, for 509,600 square feet of retail, office, and restaurant space plus a 200-room hotel. The applicant is seeking approval of a rezoning to the MIX classification to allow development of 90,000 square feet plus office, retail, and restaurant space; 398 apartment units; a 120-unit hotel, which is existing, and is located along the

eastern portion of the site and will remain in its current state. This was the subject of the DRI that went forward and was reviewed and approved by ARC and GRTA pursuant to the request that we made.

The last time when we were here before you, there were several issues that led to the deferral. One of the issues was with regard to access to the site and the lack of a perceived grid on the site and the lack of direct access from Palisades to Hammond Drive through this property.

As Patrice has indicated, we have revised our site plan to incorporate a direct access point through the site from this point along the East-West Connector through our site to reach Hammond Drive. This matches up with the light which everyone has agreed to the location of that light. That's fixed. PCID, Ackerman, Hammond Center, City of Sandy Springs and others have agreed to that location, and Ackerman's site plan includes a drive that goes deep into their site and then there is a side road that goes east and west between Peachtree-Dunwoody Road and a proposed road that is in High Street development, GID's development in Dekalb County which will, in turn, reach this light and go through to reach Perimeter Center Parkway and this light which, again, goes to the flyover.

So you have numerous points of access to and from the site. You've got really four lights that are available to the site. You've got Palisades that we will have access through their property to their light here to make a left going south to Peachtree-Dunwoody Road. You can turn right here to get to the light at Hammond and Peachtree-Dunwoody. You could go through the site to reach the light to either direction on Hammond Drive and then you could go east to the light at the flyover to allow you to go north or south on the flyover on Peachtree Center Parkway.

I think that although this represents a substantial concession by this developer, it is something that from a transportation standpoint makes sense. And as far as the developer is concerned, they've got a 20 plus acre site to the south that's going to be dumping their traffic through this site which can potentially clog a 6-acre site with their peak hour afternoon traffic. But it's something that the developer was willing to agree to as a part of a compromise proposal before you, and that site plan has been submitted to staff.

One of the other issues that was discussed was making sure that the Planning Commission was aware of everything that's going on onsite in terms of how the site actually functioned (this was the site plan, I believe, that y'all saw). This version includes the new access point. But what we have done is try to give you different perspectives. You saw this perspective last time which was from the northwest looking towards the southeast at the corner of Peachtree-Dunwoody and Hammond. This is more of a block drawing that will give you a perspective of the articulation that occurs on the site with the building on the site where you would have these indentions that will prevent there being a mass of building up along the street. So you'll have these indentions with courtyards and with entrances that will make the building have an inviting feel to it and that is also shown on the roof plan which, again, shows how the building was laid out. If you're looking from the top down on the site, you can see how the pool deck and other amenities on the site will be up, the upper floors to be available for use by the tenants. The deck that is along the southern portion of the site that is wrapped and hidden from the public by the building along the north and east and west of the site. So the building will have a frontage along Peachtree-Dunwoody Road, along Hammond, and articulates to give a better feel certainly from a pedestrian standpoint to the site.

This is another drawing *[indicating]*: This is not in your package, because it was not prepared in time to get in your package. We do have handouts should you want to have a larger version if you can't see this. This is a close-up version of that entrance drive, the new proposed entrance drive that will pass through the site in which the Palisades site, which is located at the south. At a minimum the inside of the parking deck will contain a 16 foot clear height, so it will be an inviting access point. This will also serve as the parking level for retail, so it will be well lit and will be inviting from a standpoint of having flowers and vegetation that will make it inviting and will also—as you are in the deck since it is where their customers are going to park and going to access the retail—it will be inviting for the customers within the deck to get to their commercial site that they want to visit.

This is another new drawing *[indicating]* that shows from Palisades looking north what they would see if they want to go north and go through. It is, again, a direct pass-thru. Directly—the site at this point is only 300 feet deep—so it's not a substantial distance, and it is through a direct connection to Hammond Drive to the site. And this is a cut-away showing how a cross-section showing at that point where the cars are, what the heights are, et cetera.

We have also made a couple of other changes to the proposal. We dealt with one issue as it related to the sign package to modify the request as it related to the small tenant signage to make it clear that that was only for small tenants and only in a certain instance that we wanted to have the increase from 5 percent to 7.5 percent and wall signs and is limited to that so that they can't exceed 27 square feet. So what that does is it only applies for very small tenants where they have, say, 20 feet of linear frontage. Under the 5 percent formula they would be limited to 18 square feet. And under our proposal they could have up to 27 square feet. In Roswell that same tenant would be allowed 32 square feet of signage. And Roswell is pretty well acknowledged as having the toughest signage ordinance in the metro area.

In addition y'all raised a couple of other issues which were a bit of a surprise in terms of you expressed a desire for increasing density and increasing height on the site, something that I was very surprised Mr. Rupnow raised. And I can understand it from the standpoint of this as being a primary location within the City of Sandy Springs for density.

However, I want to emphasize that this is an extremely dense site. It is [inaudible] transition between this. If you add height that doesn't mean you add green space. I think that the problem in this situation is that retail that needs to be on the ground floor. And so you take the apartments, even if you could –

(The applicant was allowed an additional minute of speaking time).

Mr. Galloway: Even if you could do it, it wouldn't add green space because of the fact that the retail would need to have parking. It would need to have that surface level. And in addition to that point in terms of the economic viability in increasing height, Mr. Hargett went through an analysis the other day and it stands today. And that is that if you went up in height, it would change the building type such that it would increase the cost of the building that would have to be reflected in the rental rate and that would not be economically feasible. It would increase the cost by 50 percent or more and the mark. They were already at the highest rent rates in the market and to go another 50 percent more would mean that it would not be economically feasible. They would not be able to get renting for it and they would not be able to rent their units, because they would be too high of a rental rate. With that I will be glad to answer questions.

(The chairman called for any opposition against the application. There was none. The public hearing was closed).

Mr. Duncan: We will allow the Planning Commission members to discuss this and if we have any questions, we'll bring you back up to deal with questions.

Mr. Rubenstein: Excuse me, Mr. Chairman. Woody while you're here—I'm confused—I think you said that that last drawing that's right there is an elevation looking from Palisades looking north. I don't think that's right. If that's the case, then, I would be looking at a parking garage that has glass in it and that's what that represents, and I don't think that's correct.

Mr. Galloway: And that's exactly what is being proposed, is to dress up the parking deck along that southern property line to make it much more attractive visually if you are at Palisades going north than it would be—it would hide the cars. It would make it much more appealing and not look like a parking deck. That is the intent.

Mr. Thatcher: Your living areas are not that close together, and I don't know how you're getting that elevation, but I don't see that on anything that we've been shown here.

Mr. Galloway: If you look at it, that drawing is the flipside or the backside of this drawing.

Mr. Thatcher: I understand that.

Mr. Galloway: And I can bring the architect up who can explain a whole lot better than I can, but that is the reverse side. If you're on the south looking towards this, then this is what you would see.

Mr. Thatcher: Correct. And I don't see any articulation of any way, shape, or form on the south side of the structure.

Mr. Boyken: Ah, I see what he's talking about.

Mr. Galloway: Well I don't think there is any articulation shown here.

Mr. Boyken: Looks like—

Mr. Thatcher: Well I'm seeing it. There's two vertical—

Mr. Boyken: Two vertical pieces—

Mr. Thatcher: Pieces. On the right and left are all kinds of articulation that would mirror what you got on the other side of that project, and I don't see that.

Mr. Galloway: What you're saying is there would need to be bumpouts here?

Mr. Boyken: That's what he's showing.

Mr. Thatcher: That's what he's showing.

Mr. Galloway: Okay. I understand now what you're saying. Michael you want to come and address that? I think that's just façades.

Mr. Duncan: Not that he's going to put you on the spot, Michael.

Mr. Corcoran: Michael Corcoran—

Mr. Duncan: You need to identify yourself for the record, please.

Mr. Corcoran: My name is Michael Corcoran. I'm the architect for this project.

Mr. Duncan: Your address.

Mr. Corcoran: I live at 2692 Osborne Road in Atlanta. And I understand that you have a good point. I think what I would like to say is this is a work in progress. Number one, we feel obliged to make the parking deck less like a parking deck and more like something that is in contact with the residential. And, yes, you are correct we have not articulated the parking deck in this drawing, which is a prior drawing to this drawing, to show a plan of what the articulation would be. So you're right. What it is showing is that we intend to articulate it and make an attractive entrance and secondly to, in some means, improve the façade of the parking deck when you view it from Palisades. I think that was one of the things, a point that we needed to [inaudible].

Mr. Thatcher: Okay. While we have you here, then do I understand that the parking garage will have a glass façade on it?

Mr. Corcoran: I don't know that it was decided that it was a glass façade or it is to handle the architect of the façade in such a way that you—in other projects and maybe in this project also. The goal is to take away the obvious nature of a parking garage by showing [inaudible] so you somewhat camouflage the façade in some way that's [inaudible] to make it more palatable in context with the residential which is obviously a series of windows and so on.

Mr. Thatcher: Part of our problem here is that we don't have a Design Review Board that's reviewing these kinds of designs and approving them so they come to us and this is kind of a—this is a new perspective to us. This particular drawing—which I think is great, frankly—I'm just trying to get a handle on the whole appearance of the project. But when that comes to us and is represented as the elevation of the parking deck looking from Palisades, looking north, I perceive that when the final construction drawings come into Nancy's group for permit, that's glass. That's what I'm seeing here. Precast and glass or granite and glass or something as that façade. So I'm asking is that there? What is there? Should we write it into the approval of this project, or do we just assume that it is whatever we want it to be: we write your specs for you?

Mr. Corcoran: I'd like to assume that it's not necessarily glass. We get some benefit—everybody gets some benefit from that parking deck having some degree of openness rather than being 100 percent mechanically ventilated. I would like to think that we're good enough to be able to make it look somewhat like [inaudible] and somewhat residential [inaudible] but maybe without using the glass, which would [inaudible] the parking deck.

Mr. Thatcher: Nancy, how much leeway do we have on this particular issue?

Ms. Leathers: Well what you have to decide is whether what he is representing is what you want to condition him to and if you do, then whatever clarity you need, you can give him either a broader range of possibilities or you can be very specific. But whatever you give us, we will need to know. Now in this case, if he's got two separate renditions that are somewhat different, we'll need to identify which of these two displays is actually the one they're proposing so that as we move forward, that actually is included as a condition.

Mr. Thatcher: Now Commission members you've got to understand that we're seeing this for the first time today. This is the first time we've seen this drawing, and if we're going to accept that elevation, then we need to put some concrete materials to it or I guess we're going to have to design it ourselves if it's coming to us. And, Don, I'm [inaudible] a little bit, but if you see where I'm going with it, if they're going to present this as 'this is what it's going to look like,' then what does it look like? What is it?

Mr. Boyken: Mike most of the time we see this as some form of something that's reasonably opaque in some form to where you don't see the cars behind it, or the ramps, but I don't think ramps—well I guess there are ramps on this side of it. And sometimes it's dark screening, sometimes it appears to be glass and sometimes—whether this is stucco or precast—I don't have no idea what they're intending there. They commonly use precast for the parking deck and—

Mr. Duncan: What I'm seeing here is that I think the spirit of the presentation is to indicate to us that there is some level of screening and it's yet to be determined at this point in time.

Mr. Boyken: We're comfortable with that.

Mr. Duncan: Whether or not the other members of the Planning Commission are comfortable with that has to be decided, but I just have an idea that what they're showing me, what I'm seeing that is that they intend to provide a certain level of screening from the south side for any traffic that might be going into that parking deck. Is that a correct statement?

Mr. Galloway: That is correct. And really honestly this was primarily designed to give comfort as it relates to if you were on Palisades, if you want to go north, that you're going to have a straight shot to go north to get to Hammond. It's going to be an attractive entrance. It's not going to be something that's going to prevent you as a person that has offices in Palisades from using it to get to Hammond Drive. That was a view expressed or concern expressed at the Planning Commission, so that was the intent of the drawing. Whether this is—and I think that Michael has indicated that the material here, this is a block drawing to indicate there's going to be some screening whether it's Louvres, whether it's dark screening like you're indicating, Mr. Boyken, we haven't identified that yet, but I think what we could agree to is that the area of the parking deck along—at the entrance—provides access to Hammond Drive from the East-West Connector. There would be some camouflaging that would prevent the obvious view of cars within the deck.

Mr. Boyken: Are you saying that just that area, but that part of the parking deck that faces that—I'm trying to figure out what the name of the road is...the East-West Connector.

Mr. Galloway: Well the only issue there is—but I'm not sure that it's really necessary except for the break points because of the substantial amount of vegetation that's there. So whether that's really necessary or not, I don't know. It adds a lot of cost to the parking deck. And if we could do it, if we could confine it within an area that is visible and is a point at which the traveling public will be using it, it's one thing. Again, this is added cost to do this. At y'all's request we've done that. We also are trying to make it very attractive, but we don't want to blow the budget on screening the parking deck either, so where necessary in order to, I guess, in order to screen the deck then that's within your discretion to advocate. But in our situation I think what they're doing is they're coming out of the deck over here that's got an 8-foot for the height they're going to access the East-West Connector and go through our deck which is going to be at a 16-foot height. They actually aren't going to go in the deck. They're going to go through the deck.

Mr. Boyken: Since you raised the height, Mr. Galloway, what is the height for that back entrance there?

Mr. Galloway: 14 feet at the very—at the ramp that it comes down. But all of this is 16 feet. So if you have trucks that have to enter the site, points of access is 16 feet, but to make this grade difference which is one of the confining factors, it comes down to 14 feet 1 inch right there *[indicating]* but then, again, it goes up. It's got a grade that comes—then you got a transition.

Mr. Boyken: Alright.

Mr. Rupnow: I think though—Nancy, refresh my memory—but we had in the past required that parking decks be screened. I think there was some issue with the Prado as an example and some other places. Wasn't there one over near the hospital where we—

Ms. Leathers: You may. Or you may require a shield device. Let me add to this discussion just a moment because we don't have this particular document. It was never submitted as part of the package. So if this is going to be part of their proposal and it's going to be a condition, if you want to condition it, then I will need to receive that and that may help us to deal with it, but we've not reviewed it.

Mr. Duncan: Which piece are you specifically—

Ms. Leathers: I'm specifically talking about—

Mr. Duncan: The elevation?

Mr. Thatcher: I think we need to have that because that elevates the condition of the project in my opinion.

Mr. Galloway: And I have those available. You have to ask me for them.

Mr. Duncan: I'm asking you for them. How about that.

[Laughter].

Mr. Duncan: Why don't you just leave them with Nancy.

Mr. Rupnow: Well are we—

Mr. Duncan: Yeah, Roger, keep going.

Mr. Rupnow: I'd like to say Woody, first, I would like to appreciate your efforts to put the access in the circulation system, and I think that makes for a good circulation system, and it only leads me to a point where I go back where I talked about a month ago is if we're going to believe that the Comprehensive Plan is the foundation for our development in the City of Sandy Springs—and it went through a long process with a large committee and lots of people and this is where we wanted our high density to occur—and you obviously indicate that there is a good circulation system there and that's great. But if we're going to honor the Comprehensive Plan and follow it to any degree at all, we've got to have

more density there, because this is where it's going to be. We don't want six or eight buildings elsewhere in the community, a 10-story, 20-story building. And you certainly, in my opinion, the mixed-use development and the Live-Work Regional really talks about density, both not only in the multiple family, but also in the commercial and the retail—or the office and the retail. And you hit it maybe on one but you missed the other two-thirds of that equation. And as I said last month I certainly couldn't support a development that doesn't provide or come much closer to the Comprehensive Plan requirement than this does.

Mr. Galloway: Can I address that for a second?

Mr. Rupnow: Certainly.

Mr. Galloway: I think we fully comply with the Comprehensive Plan; the staff has indicated that. And if you look at under regional, Live-Work Regional residential, 20 units to the acre or above. We're at 55 on the site. If you look at—and it's not intended to be you have to meet each one of those—it's intended to mean you meet one or another and we meet the 20 units to the acre or above as it relates to commercial. Our commercial, if you take one issue with this site is 1 acre is not under control by the developer. It's part of the zoning. It's 1 acre to the east with the Fairfield inside.

So we actually have 6 acres. We're putting 90,000 square feet of commercial and office and restaurant space on 6 acres. That's 15,000 square feet per acre. That's half again as much as the Publix shopping center catty-cornered to the northwest of the site is improved today. So—and if you compare us to Palisades—Palisades meets the *language* plan as it relates to office. It doesn't if it relates to commercial—as it relates to residential—excuse me.

Mr. Rupnow: It does relate to the residential, I believe. My recollection is there were a fair number of units in that when we finished with it.

Mr. Galloway: Let's turn to the staff analysis Page 6—on Page 5, the property to the south, which is Palisades, is shown as having residential units of 9.15 units to the acre.

Mr. Rupnow: Can't be Page 5.

Ms. Ruffin: Page 14 in your packages.

Mr. Rupnow: Thank you.

Mr. Galloway: That's 9.15. So they meet as it relates to office and commercial, but they don't meet the 20 units or above as it relates to residential. Likewise if you look to the west at Concourse, it certainly meets it as it relates to office and commercial, but as it relates to residential, it doesn't. It's at 10.13. And no one would say that either one of those developments—as the Concourse as it currently exists and Palisades as it currently exists and will be improved—will not meet regional definitions. This is only a 6-acre site that we really have control of and so another big problem is it's only 300 feet deep. So we've got some substantial issues to work with and the density that we are proposing is extremely dense. We've got 500—if you add 400,000 square feet of residential space; 90,000 square feet of nonresidential; plus the 40,000 square feet used in the hotel, that's 530,000 square feet of space on 7 acres. That's 73,400 square feet per acre of density.

Mr. Rupnow: I'm misinterpreting your numbers.

Ms. Maziar: Woody said that the staff was fully supportive, said that they fully complied with the plan, but that's really not true. On Page 22, 28, and 29, they said that this is only partially consistent with Live-Work Regional within Node #6, which is the PCID. It says that the Live-Work land designation for Node #6 recommends a density of over 25,000 square feet per acre for commercial and office, and if you add up their office, retail, and restaurant, it's a little bit over 12,000 square feet per acre. And the plan specifically was studied, this node was specifically studied, and the recommendation was for over 25,000 square feet, and that's Page 22, 28, and 29.

Mr. Duncan: Well let's read the whole thing; let's not take it out of context. In fairness to what we're dealing with here because honestly however *'the proposal lends itself to the overall intent of the Live-Work Regional designated areas that are intended for high density residential and mixed land uses along major transportation corridors and/or rail transit stations intended to serve larger areas and to provide larger commercial uses with a significant employment concentration. The subject site is located in the Perimeter Community Improvement District, which is made up of high-density residential, regional office, and commercial developments...'* so it sounds like they're kind of playing it both ways there a little bit.

Ms. Maziar: It's only partially compliant which is not fully compliant.

Mr. Duncan: So all I'm saying is let's make sure that we get the full context of—

Mr. Rupnow: Well I to some extent I would challenge the staff. I would have expected or preferred for them to be a little more specific. I mean first you've got some retail in there, but you certainly have got more retail than the 395 units are

going to be supporting. And it seems to me that one of the concepts of high density mixed use is to put the uses in there where you can live, work, and shop and have it all right there and you've got enough space to do that. But you're talking when you're putting parking on Hammond Drive, you're expecting people to drive from where I live to come over there and shop and that's not really the concept in my mind of a Live-Work neighborhood.

Mr. Galloway: Well I guess what I'm asking you to think about is more in context of the overall area which is supposed to be the overall node not just look at the 6 acres, but look at the 6 acres as it relates to the property to the south of it, high density office property to the west of it, high density property to the north has a mixture of office, residential, and assisted living elderly housing. You've got residential that occurs to the east of this property and then you've got a major commercial residential development to the northeast.

The whole idea of this surely we're not going to limit and say that everybody that the retail here is only going to serve the residents that live there. The whole idea is people get out of their cars or make very short trips and go from Palisades and go up here to get lunch or go across the street and get lunch or these people come down here or go over to Concourse. The whole idea is to make their trip shorter. And one thing that is a very important point is that as we started this process, we talked to City Council. We talked to the staff as it related to the issues that would come up in that situation as we went forward with this development.

Identified as one of the biggest issues was traffic and what we've done is taken a use that will provide basically countercyclical type of demands on the infrastructure. As approved, this has 509,000 square feet of office inlet. That puts huge loads on peak hour, a.m. and p.m., and during the lunch hour. Huge demands. Whereas this, the residential folks, those that don't live here and work in the immediate area, this certainly helps. A large percentage is going to live here, work at Concourse, work at the office to the north or to the south or get on MARTA and go downtown and go to Midtown. We hope that that is exactly what's going to happen. But those that don't, the reason why they're going to be there is because they're going to be in close proximity to their office. They may work at Cox, which is two blocks to the north.

So the whole idea is to shorten trips, provide residential close to employment centers, and provide needed accessory uses like retail within close proximity to those office uses so that they don't have to get out onto Peachtree-Dunwoody Road or go over to Sandy Springs Proper to get lunch, but they can come here, get lunch, and they can live here and work at Concourse, and work at all these other major office uses in the area. That was in the LCI study that was done at Perimeter Center. That was one of the things that was identified was the lack of residential in that market place.

Mr. Rupnow: How many—

Mr. Duncan: Let me bring us back, just a second. We're not going to get into a debate between us and the applicant. And if we want to ask the applicant questions, let's try to in Executive Session move forward on that basis. But this is really our opportunity among ourselves to carry on a discussion, and then if we need further information, absolutely, let's bring him up. But let's not start a back-and-forth banter on different matters relating to the application. Any other comments? David?

Mr. Rubenstein: I've just been deliberately kind of been listening to my fellow council members. I was fairly vocal on this case when we heard it the first time and felt like it was not the right project for this site, but in an effort to be open minded I'm listening to everyone else.

Mr. Duncan: Susan?

Ms. Maziar: I'm just concerned, because I don't think this is a true Live-Work Regional development, and we don't have that many places for true Live-Work Regional developments to go in Sandy Springs. They're so close to MARTA stations.

Mr. Duncan: You want to extend a little bit further?

Ms. Maziar: I'm concerned that like, for example, Lakeside was turned down by the City Council because it wasn't near the MARTA station. Like this would be a perfect location for something of that scope and density. I think that this doesn't meet the plan. Staff says it doesn't meet the plan. I'm just concerned about that. But it's not a true Live-Work Regional development.

Mr. Duncan: Anything further, Roger?

Mr. Rupnow: No. I would only add one—a couple of other things—and I certainly agree with Susan, but in the applicant's statement that there are lots of other residential development that's occurring both east of this site and to the northeast of this site so that there are going to be other places to live out there rather than this is not the only place to live. And I just think we're violating what we spend a lot of time figuring out as to where we want high density and a 300 unit apartment complex isn't really very high density in my opinion, so.

Mr. Duncan: Wayne?

Mr. Thatcher: Well I think Susan articulated it best that this just doesn't fit the plan. We've all been told when we have something that we have questions about go back to the plan, and I don't think it fits the plan, so.

Mr. Duncan: Bob?

Mr. Wiley: Yeah, when I look at that plan, it looks like you have a concrete jungle there. And although you up'd [sic] it to 18 percent to include the courtyards, courtyards don't have—my question sort of is how much of that 16 percent green space occurs outside of the required landscape strips?

Mr. Duncan: Is that assuming the variances are approved or—

Mr. Wiley: Whatever. Yeah.

Mr. Duncan: Well because they do ask for some variances to waive some of those landscape strips.

Mr. Wiley: Right. Which cuts down on the green space that they calculated even more.

Mr. Galloway: No, it doesn't. We're anticipating that approval. But we did up it to 18 percent. The guideline is 20. If you include the green space that's within the right-of-way that we're giving to the City that will be green space after we give it to the City, then we will be up at the 20 percent mark. The problem is we're getting penalized, because we're giving away 13,000 square feet of property as a part of the Hammond Drive Corridor and Peachtree-Dunwoody Improvements, part of which would be green space and part of which will be green space. You've got—I know you can't see it from there—but the new property line is on the back side of the sidewalk which will be installed and which would meet the PCID standards is a green strip that is located between the sidewalk and the actual curb line. All of that occurs on property that the applicant owns that he's given to the City. If we weren't giving it to the City, we would be above 20 percent.

Mr. Wiley: You beat around the bush, but you didn't answer my question of how much green space is on your property outside of the required landscape strips?

Mr. Galloway: Landscape strips can count—

Mr. Wiley: Yes, I know that. But I want to know—

Mr. Galloway: I have no idea what that calculation is so here's the required landscape strip actually, I believe, the landscape strip occurs within the PCID strip here. So it may be the same except for on the outsides of the development, but I did not—and I certainly am not going to try to [inaudible] with that.

Mr. Rubenstein: How about when you went up from 16 to 18?

Mr. Galloway: That's a result of really looking at the green spaces that are associated with the entranceways.

Mr. Rubenstein: Okay, so the plan did not change. You just came up with a different way of calculating your green space?

Mr. Wiley: [inaudible] the grass.

Mr. Galloway: We looked at it very closely, because it was an issue that y'all raised. There was additional green space that came about as a result of the—

Mr. Rubenstein: But that didn't get you from 16 to 18. It was primarily from counting the courtyard and—

Mr. Galloway: Counting the courtyards and being very careful to count—

Mr. Rubenstein: Okay but you know that the courtyards don't count.

Mr. Galloway: We know that courtyards don't count—

Mr. Rubenstein: But, yet, you said—I mean I would have preferred maybe not really quite as upfront as you should have been. But you didn't change the plan but you changed the way you calculated it even though you knew the way you calculated it is not the way that it's allowed. So it's just not probably—I mean it's a minor issue but it's probably not a good way of sort of endearing yourself to the—

Mr. Galloway: At the same time we wanted to make sure that y'all were aware that it would be common spaces that would be green space and be usable by the tenants of the site.

Mr. Duncan: Anything further? Don?

Mr. Boyken: I'm going to change to something different which is signage, because a lot of these variances deal with signage and they're huge signs and they're multiple signs and I'm not inclined to see that we need to have any more signs along Hammond Drive or Peachtree-Dunwoody Road, especially these sizes. I mean 20 foot—20 foot 6 x 8 foot tall. That's 160 square feet and while the calculation may be slightly different, it's 16 feet x 4 feet by a calculation for one of these signs. But you still got signs below in the pedestal part of it, too. Can you explain to me a little bit why, Woody, why you need to be so multiple with these signs?

Mr. Galloway: Okay we've got various points of access to the site. We are allowed a monument sign along each roadway frontage *[indicating]* here, here, here. The only additional sign we asked for was the addition of this sign at the access, primarily for Fairfield Inn. It's half the size of our allowed sign at our main entrance, half the size of that. It would provide for a differentiation of the tenants at this end of the building for commercial and for the hotel so that passersby would look at the sign and know where they need to go to enter to access Fairfield Inn and the tenants on that end as opposed to the main entrance here. And, really, thankfully to accommodate Fairfield Inn because they've got a sign now that's out there today and if we replace it with a sign at our main entrance, then they would not be allowed to have a sign. So we went with the sign. We didn't ask for the same size sign we otherwise would have liked. And, remember, this is over 1,000 feet of frontage. So we got two signs, two monument signs on 1,000 feet of frontage. That's not a lot. And we want half the size on the second sign, that sign, in order to recognize the fact that it should be smaller because it's primarily serving that and the development. This has got to serve the tenants as well as the apartment development above.

As it relates to the corner sign, which is a projecting sign, staff has recommended approval of that in recognition of the fact that we would be entitled to two (2) 180 foot—square foot signs at the top of the building. Instead we're proposing to put them down at a lower elevation between the second and third stories and only do 50 square feet rather than 180. This gives you a—this is a picture of the sign that we're proposing to do *[indicating]*. It would be a double-sided blade sign with a curb corner. It would occur at the second and third stories of the building. Go back to the elevation, the original elevation—

Mr. Boyken: It didn't have it on there.

Mr. Galloway: It's not on there, but as we discussed—but we could do this, this size, the 50 square feet—if we did it above. And I'm going to go over to Sembler's project up in Dekalb County: Here's a blade sign. Similar to what we're talking about. Right there. Under Sandy Springs regulations, we could go to the top of the building, within the top 30 feet and put a 180 square foot sign at the top, so it would be 10 x 18. Or come down here what we're proposing to do is a 50 square foot sign. It would be lower, more pedestrian *[inaudible]*, more pedestrian feel for the people who are driving up Peachtree-Dunwoody, for the people who are driving by Hammond. We think it's a whole lot better than having a 180 square foot sign at the top of the building. On two frontages have the blade sign at the corner that would be 50 square feet on two sides, so it's substantially less.

Mr. Boyken: I understand your argument for that, but I also don't understand why there's another 160 square foot sign, 80 on each side, at the base of that as well.

Mr. Galloway: I've got a picture of it—because they're advertising two different things primarily. This is the corner sign—

[Off-the-record comments between Mr. Galloway and assistant regarding sign]

Mr. Galloway: That's a 32 square foot.

Mr. Boyken: Well I understand. And, again, 8 foot tall x 10 foot wide and there is signage in the base and there is signage in your calculated 32 square feet.

Mr. Galloway: But there is no variance associated with this sign.

Mr. Boyken: You're asking for a variance on this sign. You're asking for Variance #6; is that true?

Mr. Galloway: No. Variance #6 is for the zero setback, I believe.

Mr. Rubenstein: Sign 1 and Sign 4 is shown...

Mr. Boyken: At least that is not what's in our plan, our package.

Mr. Rubenstein: Setback 0 feet.

Mr. Duncan: It is calling for a zero (0) setback, Don, to allow Sign #1 and Sign #4 as shown on the site plan submitted to be setback 0 feet from the right-of-way.

Mr. Galloway: And, Don, the reason why we're asking for that is because of the right-of way-that we've dedicated as a result of the Hammond Drive and the Peachtree-Dunwoody Corridor. It had nothing to do with the size of the sign. It just is the location but because of the fact that we've given away so much right-of-way, in one instance it's 35 feet of right-of-way that we've given away that we feel like it's okay, it should be okay for us to come up to the right-of-way line which, again, is not the back of the curb, but it would be at the corner. And we are donating to the City the additional right-of-way, so it's not to add signage. The only additional sign that we are asking for is the 32 square foot sign that's located here, which is half the size of what a normal monument sign is allowed to be. And, again, it's there to differentiate the two different access drives and any recognition of the fact we have 1,000 feet of frontage that's noted in Variance #1.

Mr. Boyken: Mark, the location of these signs, are they going to provide an obstacle to people to view an exit from this site especially the main entrance? It looks like you're going to be at the stop light. You're not going to be able to look to your left and see any traffic at all until you get out into the intersection.

Mr. Moore: To be honest with you I need to probably see a bigger full size set.

Mr. Boyken: This is the one that's 20 feet long by 8 feet tall.

Mr. Moore: Well depending on where it's located, that certainly could block your view. To be honest with you I haven't reviewed it for site triangle. As a general statement, I would say [inaudible] would come in and if something did block the site triangle it would be required to move regardless of if it wouldn't get LDP approval. Regardless of whatever variance they may have gotten at this time it would not be allowed to block vehicular site distance.

Mr. Galloway: That's assuming we can block vehicular sign distance, the site line. What we're asking for is a variance if—and here's the thing—if it's a hazard then he won't approve it.

Mr. Boyken: Nancy are these approvable signs, are these significant signs? These are huge. These signs are 8 feet tall by 20 feet long. These are not small signs; they are huge.

Ms. Leathers: They're permitted under the Ordinance, and I don't know that we have a problem with that. They are certainly large, but you've got a property that has a lot of frontage and generally the signs are larger and that is the standard in this area.

Mr. Duncan: When computing the signs, what is the basis for computing the signs, Nancy.

Ms. Leathers: It's the front face where the text is located, so they've got extra—now we wouldn't count the address portion of it—they can put that on the base and that's fine. So that I think that's what you were looking at, yeah.

Mr. Boyken: It is what I was looking at.

Ms. Leathers: We are requiring the address on all signs now.

Mr. Boyken: Good.

Mr. Boyken: Now, Woody, am I to understand that the Fairfield sign is going to be removed and replaced by your sign near their entrance.

Mr. Galloway: Yes. So they would go on to the new sign that would be replaced with that [inaudible]. That has to be removed anyway because of the way the Hammond Drive Corridor improvements occur there.

Mr. Duncan: Any other questions? Don?

Mr. Boyken: I just hate it when we just build signs and signs and signs cause [sic] as you drive down the road, we get a replication of what we have down Roswell Road. Eye trash all the way up and down Roswell Road and that's my own opinion.

Mr. Duncan: Any further comments from members of the Planning Commission? Do I have a Motion?

Mr. Rupnow: I would recommend that we recommend to the Mayor and City Council that we deny the application. And I think that I would extend that to apply to all the sign variances except for, as I recall, #10? Is that the one that we need to leave in there?

Ms. Leathers: If you're recommending denial of the case, you probably need to do the whole package.

Mr. Rupnow: Alright. I will change my motion to recommend denial of the application.

Mr. Thatcher: I Second it.

Mr. Duncan: The Motion made by Mr. Rupnow. Seconded by Mr. Thatcher. Any further comment? Call to question. Those in favor of the motion.

Aye.

Mr. Duncan: Opposition?

Aye.

Mr. Duncan: We've got a 5-1 with Mr. Boyken voting against the motion. Thank you.

Mr. Rupnow: Will the Chairman have an opportunity to review the write-up of this as it goes forward to the Mayor and City Council?

Ms. Leathers: Yes, sir.

Mr. Rupnow: Thank you.

Mr. Duncan: And the Chair will take time to review it.

Mr. Rupnow: I know it will.

Ms. Maziar: Just the Chair will get to review it?

Mr. Duncan: Actually I would like to get input from everybody on the Planning Commission before it—yeah.

Mr. Rupnow: That would be nice.

Ms. Ruffin: We'll send it.

ACTION: Roger Rupnow moved to recommend denial of the application. Wayne Thatcher seconded. The motion was APPROVED (5-1, Thatcher, Maziar, Rubenstein, Rupnow, and Wiley for; Boyken against; Duncan not voting).

Condition(s): N/A

REZONING

2.

RZ08-036/CV08-031

7640 Roswell Road (SR 9)

Applicant: RBM of Atlanta

Representative: Keith Franklin

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from C-2 conditional to C-2 to add 2,800 square feet to the existing pre-owned sales building and realign an internal driveway, with concurrent variances.

Applicant Presentation: Keith Franklin

(Invitation for public comment in support of and in opposition to the petition)

• **Support for the Petition:**

None

• **Against the Petition:**

None

(Close of public hearing. Planning Commission questions and discussion)

ACTION: Roger Rupnow moved to recommend approval of the application. Dave Rubenstein seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, Wiley for; Duncan not voting).

Conditions: N/A

Meeting Adjournment	The meeting was adjourned at 8:09 p.m.
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Approval Signatures	
Date Approved	2-19-09
Lee Duncan, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	P. Ruffin
Jocelyn Stephens, Administrative Assistant/Transcriber	Jocelyn Stephens