

PLANNING COMMISSION

MEETING MINUTES

Thursday, February 15, 2007

Board Members Present: Roger Rupnow (Chair), Bob Wiley (Vice Chair), Donald Boyken, Lee Duncan, Susan D. Maizar, and David Rubenstein

Members Absent (Excused): Wayne Thatcher

Staff Present: Michael Zehner, Cesar Geraldo, Patrice Ruffin, Mark Moore, Nancy Leathers, Rocio Avila, and Bridgette Gray.

Call to Order: Roger Rupnow called the meeting to order at 7:00 p.m.

I. PREVIOUS MEETING MINUTES

ACTION: Bob Wiley (Vice Chair) moved for approval of the minutes of December 21, 2006 meeting with one correction. Lee Duncan seconded. The minutes of December 21, 2006 meeting was APPROVED as amended (6-0, Boyken, Duncan, Maziar, Rubenstein, Rupnow, and Wiley for).

ACTION: Bob Wiley moved for approval of the minutes of January 18, 2007 meeting. Susan D. Maizar seconded. David Rubenstein abstained. The minutes were APPROVED as amended (5-0-1, Boyken, Duncan, Maziar, Rupnow, and Wiley for).

III. PREVIOUS ACTION REPORT

ACTION: Bob Wiley moved for approval of the Action Report of January 18, 2007. Susan D. Maizar seconded. The report was APPROVED (5-0-1 Boyken, Duncan, Maziar, Rupnow and Wiley for) with David Rubenstein abstaining.

ACTION: Michael Zehner asked that the letter that was drafted by staff for the signature of Roger Rupnow (Chair) regarding proposed recommended ordinance changes and a memo from him regarding requested staff and/or administrative action that was conveyed to staff, be placed to the end of the agenda for discussion. Bob Wiley moved to approved. Susan D. Maizar moved to seconded. The motion was APPROVED (6-0, Boyken, Duncan, Maziar, Rubenstein, Rupnow, Wiley and for)

IV. REZONING DEFERRED

A. RZ06-052/CV06-37/U06-007

6780 Roswell Road (SR 9)

Applicant: Homeland Storage

SUMMARY: From A-O conditional to C-1 for the development of an office and self-storage facility, with concurrent variances.

Steve Williams, Keystone Development, representing the Applicant

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

Trish Thompson: 145 River North Drive, speaking in opposition to the petition.

Tony Hayes: 275 Brook Drive, speaking in opposition of petition.

Mary Wolff: 6860 Sunny Brook Lane, speaking in opposition of petition.

Public Hearing closed. (Planning Commission questions and discussion.)

ACTION: David Rubenstein moved to deny the application. Bob Wiley seconded. Motion was carried (4-2 Maziar, Rubenstein, Rupnow, and Wiley for). Donald Boyken and Lee Duncan against.

B. RZ06-055/CV06-039/U06-008

5620 Glenridge Drive

Applicant: BTIC Glenridge, LLC

SUMMARY: From O-I conditional to MIX for the development of 208 residential units and 25,500 square feet of retail at the existing 87,444 square foot office development, with two concurrent variances. Additionally, requesting a use permit to construct new buildings that exceed the maximum district height.

The Staff has recommended approval of the rezoning and use permit application. The Staff only recommended approval of only one concurrent variance, to delete required bicycle lane pursuant to the PCID design standards. Section 12B(1).3. Staff does not recommend approval of the reduction of the buffer. Conditions are listed in the report.

Carl Westmoreland, 1201 West Peachtree Street, representing the Applicant

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

SUPPORT FOR THE APPLICANT

Kent Levenson, 3618 Tuxedo Road, speaking in support to the petition.

AGAINST THE APPLICANT

Nancy Early, 5220 High Point Road, speaking in opposition to the petition.

Kent Garner, 435 Winfield Glen Court, speaking in opposition to the petition.

Tod Tantum, 415 Winfield Glen Court, speaking in opposition to the petition.

(Public Hearing closed. Planning Commission questions and discussion)

The Applicant has requested a deferral for 30 days.

ACTION: Donald Boyken moved to defer for 30 days. Lee Duncan seconded. The motion was APPROVED to defer (6-0 Boyken, Duncan, Maziar, Rubenstein, Rupnow, and Wiley for).

C. RZ06-21/CV06-12/U06-004(DRI)

5901-5909 Peachtree-Dunwoody Road

Applicant: Ben Bellamy for New Urban Solutions

SUMMARY: From O-I conditional to MIX for the development of residential, office, hotel and retail at the site. 10 live-work condominiums units, 50,000 square feet of retail space, 524,200 square feet of office space, 200 condominiums units, and a 200 room hotel at the site with two concurrent variances. Additionally, requesting a use permit to construct new buildings that exceed the maximum district height.

The Staff recommends approval of the rezoning concurrent variances and use permit request with the conditions listed in the staff report.

Ben Bellamy, representing the Applicant

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

Trisha Thompson, 145 River North Drive, speaking in opposition to the petition.

(Public Hearing closed. Planning Commission's questions and discussion)

ACTION: Donald Boyken moved to defer for 60 days. Lee Duncan seconded. The motion was APPROVED (6-0, Boyken, Duncan, Rubenstein, Rupnow, Maziar and Wiley for) with the staff requesting a progress report be submitted and involvement of PCID.

V. CURRENT REZONING

A. RZ06-059/CV06-044

200 Sandy Springs Place

Applicant: W & M Associates, LLC

To rezone from C-1 conditional to C-1 to construct an 8,075 square foot addition on the existing 9,039 square foot office building. Additionally requesting one concurrent variance to delete the required 10 foot landscape island placed every sixth parking space.

The Staff recommends approval of the rezoning concurrent variance with the conditions listed in the staff report.

Woodson Galloway, 3500 Lenox Road, representing the Applicant

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

None

(Public Hearing closed. Planning Commission's questions and discussion)

ACTION: Lee Duncan moved to approve. Bob Wiley seconded. The motion was **APPROVED** (6-0 Boyken, Duncan, Maziar, Rubenstein, Rupnow, and Wiley for) with the recommendations subject to the conditions listed in the staff report.

B. RZ-06-060

5072 High Point Road

Applicant: James Raines for Ian Silverstone

To rezone from R-2 to R-3 to develop two single family lots at a density of 1.96 units per acre.

The Staff has recommended denial to the petition. However, if approved staff has listed conditions pertaining to approval. Applicant wants to withdraw the application due to lack of support from staff, neighborhood association, and surrounding neighbors.

James Raines, speaking for the Applicant - The Applicant has requested to withdraw the application.

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

None

(Public Hearing closed. Planning Commission's questions and discussion)

ACTION: Lee Duncan moved to approve the withdrawal. Bob Wiley seconded. The motion was **APPROVED** (6-0, Boyken, Duncan, Rubenstein, Maziar, Rupnow and Wiley for).

VI. ORDINANCES/RESOLUTIONS

Michael Zehner presented the Ordinances and Resolutions.

A. RZ07-002

An ordinance to amend Article 3, Definitions, of the Sandy Springs zoning ordinance. This amendment removes those definitions regarding signage as they are now covered in Article 33. Copies submitted to Commission.

Staff would like to amend the Article to the following: Amend Section 1 to state"...., and definitions included therefore and inserting 'Signs – see Article 33, *Signs*'".

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

None

(Public Hearing closed. Planning Commission's questions and discussion)

ACTION: Bob Wiley moved to approve. Susan D. Maizar seconded. The motion was APPROVED. (6-0 Boyken, Duncan, , Maziar, Rubenstein, Rupnow, Wiley for). Mr. Zehner would like to amend the following Article: Amend Section 1 to state"...., and definitions included therefore and inserting 'Signs – see Article 33, *Signs*'".

B. RZ07-003

An ordinance to amend Article 4, general provisions, of the City of Sandy Springs zoning ordinance.

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

None

(Public Hearing closed. Planning Commission's questions and discussion)

ACTION: Bob Wiley moved to approve. Susan D. Maizar seconded. The motion was APPROVED (6-0, Boyken, Rubenstein, Rupnow, Maziar, Duncan and Wiley for).

C. RZ07-004

An ordinance to amend Article 12 B (1) Perimeter Community Improvement District, of the City of Sandy Springs zoning ordinance.

Michael Zehner presented the Ordinances and Resolutions.

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

None

(Public Hearing closed. Planning Commission's questions and discussion)

ACTION: Lee Duncan moved to defer for 30 days. Bob Wiley seconded. The motion was APPROVED. (6-0 Boyken, Duncan, Maziar, Rupnow Rubenstein, and Wiley for). The Planning Commission would like to see something in writing from PCID to ensure their approval of the text of the amendment.

A. RZ07-006

An Ordinance to amend Article 34, development regulations, of the City of Sandy Springs zoning ordinance.

Michael Zehner presented the ordinance.

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

Jahnee Prince, 6500 Sugarloaf Parkway, speaking against the application.

(Public Hearing closed. Planning Commission's questions and discussion)

ACTION: Lee Duncan moved to approve. Susan D. Maizar seconded. The motion was APPROVED (6-0, Boyken, Duncan, Maziar, Rubenstein, Rupnow, Wiley for) Defer Plank 1 regarding cashier's checks versus performance bonds to the April 19, 2007 hearing.

VI. DISCUSSION ITEMS

A. To move the May 17, 2007 meeting to May 24, 2007.

ACTION: Bob Wiley moved to approve. Roger Rupnow seconded. The meeting to start at 6 p.m. versus 7:00 p.m. Recommendation for approval (3-2-1 Rubenstein, Rupnow, and Wiley for; Duncan and Maziar against; Boyken abstaining).

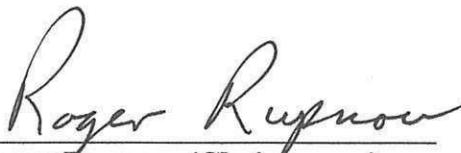
B. Review of letter of text amendment recommendations from Planning Commission to Mayor or City Council.

ACTION: Bob Wiley moved to approve and Susan D. Maizar seconded. The motion was **APPROVED** (6-0, Boyken, Rubenstein, Maziar, Duncan, Rupnow and Wiley for). Revise Item 1 from text amendment to increase the public notice distance from 300 feet to a larger distance. Staff is to conduct a study on the need and feasibility of increasing the public notice distance.

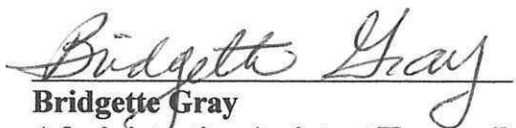
The meeting of Sandy Springs Planning Commission was adjourned at 9:41 p.m.

APPROVAL SIGNATURE PAGE

Date Approved: 5-24-07
~~4-12-07~~


Roger Rupnow (Chairperson)


Michael Zehner
Assistant Director – Planning and Zoning


Bridgette Gray
Administrative Assistant/Transcriber