

PLANNING COMMISSION

MEETING MINUTES

Thursday, March 16, 2006, 7:00 p.m.

Board Members Present: Roger Rupnow (Chair), Bob Wiley (Vice Chair), Wayne Thatcher, David Rubenstein, Bill Huff, Susan Maziar and Lee Duncan

Staff Present: Michael Zehner, Patrice Ruffin, Joshua Lontz, and Mark Moore

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

I. REZONING New

RZ05-002/CV05-001

5009 Roswell Road

Applicant: Kirbo Property Services

Summary: Request to rezone the property from A-1 conditional and C-1 conditional to C-1 for the purpose of developing a two-story office building over one (1) story of parking.

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

Nathan V. Hendricks, III: 6085 Lake Forest Drive, attorney for applicant speaking in support of petition.

Nancy Early: 5220 High Point Road, representing the High Point Civic Association, President in opposition of petition with regard to buffers.

Pam Clemons: 4870 North Way Drive, speaking in opposition of this petition with regard to lighting shields.

Tom Cullen: 5009 Roswell Road, Kirbo Property Services, speaking in support of petition.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved for deferral. Bob Wiley seconded. The petition was DEFERRED (5-1-1), David Rubenstein, *Against*; Bill Huff, *Abstained*.

The Commission made the following comments regarding the application: 1) The Commission recommends that the applicant meet with the staff to determine the appropriate density for the project based on the provisions of the Comprehensive Plan and the applicant's requirements to make the project economically viable.

II. PLANNING COMMISSION BY-LAWS

ACTION: Bob Wiley moved for approval of the By-Laws as amended. Lee Duncan seconded. The By-Laws for the City of Sandy Springs Planning Commission were APPROVED as amended (6-0-1), Bill Huff, *Abstained*. (See Attached By-Laws)

There was a motion made to adjourn.

APPROVAL SIGNATURE PAGE

Date Approved: **January 18, 2007**



Roger Rupnow, Chairperson



Michael Zehner
Assistant Director – Planning and Zoning



Angela Lawson
Administrative Assistant/Transcriber

SANDY SPRINGS

G E O R G I A

By-Laws of the City of Sandy Springs Planning Commission

Article I Establishment

Section 1: The Planning Commission is created per Chapter 2, *Administration*, Article 5, *City Boards*, of the City of Sandy Springs Code of Ordinances, and its membership has been appointed by the Mayor and City Council based on the composition and term requirements as required therein.

Section 2: As allowed by Chapter 2, *Administration*, Article 5, *City Boards*, of the City of Sandy Springs Code of Ordinances, the Commission hereby adopts the rules, procedures, and guidelines for the transaction of its business as referenced herein.

Article II Purpose

Section 1: The Planning Commission is an advisory board which reports its findings and recommendations to the Mayor and City Council. The Commission is charged with upholding the policies of the Comprehensive Plan when reviewing rezonings, use permits, concurrent variances, and changes to the Zoning Ordinance and Zoning Map. In addition, the Commission shall work to maintain the significance of the Comprehensive Plan by encouraging that policies and recommended work programs are followed.

Section 2: The Planning Commission bases its decisions on compliance with the established policy of the Comprehensive Plan and through an investigation and recommendation with respect to the seven (7) factors listed below:

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- D. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

- E. Whether the zoning proposal is in conformity with the policies and intent of the land use plan;
- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; and
- G. Whether the zoning proposal will permit a use which can be considered environmentally adverse to the natural resources, environment and citizens of Sandy Springs.

Article III Election of Officers

Section 1: Per Chapter 2, *Administration*, Article 5, *City Boards*, of the City of Sandy Springs Code of Ordinances, this Commission shall elect, yearly, a Chair from among its members.

Section 2: The Commission deems that a Chair shall be elected, by a majority of the Commission's membership, and shall serve a term of one (1) year. The Chair shall preside over the Commission and have the right to vote.

Section 3: In addition, the Commission deems it necessary to elect a Vice Chair, by a majority of the Commission's membership, who shall serve a term of one (1) year. In the absence or disability of the Chair, the Vice Chair shall perform the duties of the Chair.

Article IV Member Duties

Section 1: Per Chapter 2, *Administration*, Article 5, *City Boards*, of the City of Sandy Springs Code of Ordinances, Commission members must attend two-thirds (2/3) of the meetings in a calendar year. Failure to do so warrants removal from the Commission.

Article V Meetings

Section 1: Regular meetings of the Commission shall be held on the third (3rd) Thursday of each month at 7:00 p.m. at the City of Sandy Springs City Hall, located in the Morgan Falls Office Park at 7840 Roswell Road, 500 Building, Sandy Springs, Georgia 30350.

Section 2: Special Meetings of the Commission may be called by the Chair, provided public notices are posted as required by law and all members are notified.

Section 3: A quorum shall be present for a meeting of the Commission to begin. A majority of the members of the Commission (four (4) members) shall constitute a quorum.

Section 4: All meetings shall be open to the public. The staff is directed to draft an agenda for meetings based on the order of business as follows. The agenda shall be followed unless the Chair makes a motion to hear items on the agenda out of their assigned order.

1. Consideration of minutes/ actions of previous meeting.
2. Consideration of Rezoning and Use Permit Applications.
3. Consideration of Text Amendments to the City of Sandy Springs Zoning Ordinance.
4. Consideration of changes to the City of Sandy Springs Comprehensive Plan and other plans.

Section 5: The Chair shall call the meeting to order and read the following statement prior to consideration of the agenda:

This is a regular meeting of the City of Sandy Springs Planning Commission. I am _____ (Chairperson or Vice-Chairperson. This is a seven-member Board appointed by the City of Sandy Springs Mayor and City Council, created for the purpose of holding public hearings and making recommendations on rezoning, use permits, concurrent variance applications, Comprehensive Land Use Plan and Plan Map, and amendments to the Zoning Ordinance.

INTRODUCE BOARD MEMBERS

The petitions will be heard in the sequence listed on the posted agenda. I would like to acquaint you with some of the rules and procedures conducting this meeting.

The applicant, and all those speaking in support of an application, will be allowed a total of ten (10) minutes to present the petition. The applicant may choose to save some of the time for rebuttal following the presentation by the opposition.

The opposition will be allowed a total of ten (10) minutes to present its position. If time remains, the opposition will be allowed to rebut.

Since the burden of proof is upon the applicant, the applicant will be allowed to make closing remarks, provided time remains with the allotted time.

The staff of the Department of Community Development will be keeping track of time and will inform you periodically of the remaining time for your presentation.

Each speaker must fill out a speaker card before speaking and leave it with a staff member of the Department of Community Development.

All speakers will identify themselves by name, address and organization, if applicable, before beginning their presentation.

Each application has been properly filed with the Department of Community Development. Signs have been posted on each site, the matter has been advertised and the notices have been mailed to property owners affected by this zoning as required by the Sandy Springs Zoning Ordinance.

The Planning Commission's recommendation will be forwarded to the City of Sandy Springs Mayor and City Council for final disposition. The Mayor and City Council hearing will be held approximately 2 ½ weeks from this hearing, on the first (1st) Tuesday of each month at 7:00 p.m. in the Council chambers located in this building.

The Planning and Zoning Division of the Department of Community Development has reviewed each application in conjunction with various agencies and departments, both internal and external to the City. Staff's recommendations, findings, and conclusions are here before us in written form which has been made available to all petitioners and to the public.

Demonstration of any sort within the chamber is prohibited, so please refrain from any applause, dialogue with the person speaking or outburst. Please turn off all cell phones, or place them on silent. All remarks will be addressed by the Planning Commission. Please show the same respect to the person speaking that you will expect to receive yourself.

In addition, the applicant shall not submit material to the Planning Commission during the meeting, unless requested to do so by the Commission. All material that you wish to be reviewed by the Commission in consideration of your application should be submitted to the staff of the Department of Community Development, to be included in the normal distribution of packages to the Commission.

Finally, to the applicant, if your petition is deferred in accordance with the Sandy Springs Zoning Ordinance, you are required to obtain a new sign for re-posting. Failure to re-post will result in further delay. THERE ARE NO EXCEPTIONS.

(Call for the first agenda item)

Section 6: All applications to the Commission shall be accompanied by the applicant or agent representing the applicant. Should the applicant or agent for a particular application not be present at the time the subject application is heard, the application shall be moved to the end of the agenda. Should the applicant or agent not be available at the time of reconsideration at the meeting, the Commission shall vote to defer the application to the next available Commission meeting within which time the applicant shall have met all applicable deadlines for the resubmittal of material.

Section 7: Consideration of applications by the Commission shall be as follows:

1. The Chair identifies the application.
2. The staff presents the application to the Commission.
3. The Chair calls for the applicant to present the application.
4. The Chair calls for public comment regarding opposition to the application.
5. The Chair calls for the applicant to present a rebuttal or closing statements, if allotted time remains.
6. The Chair calls for the opposition to a petition to present a rebuttal, if allotted time remains.

7. If the opposition has chosen to rebut the applicant's rebuttal or closing statement, the Chair shall call the applicant to present final closing statements, if allotted time remains.
8. The Chair calls the public meeting closed.
9. The Commission addresses questions to the applicant, staff, and the public regarding the application.
10. The Chair calls for a motion on the application.
11. The Chair calls for a second to the motion.
12. The Chair calls for discussion on the motion.
13. The Chair calls for a vote on the motion.

Section 8: Decisions of the Commission shall be by a majority vote of the members present. The Commission may move to recommend approval of an application, approval conditional, denial, or deferral. A vote on a motion resulting in a tie of the members present shall constitute a failed motion. The Commission must take an action on an application if it is on a scheduled agenda. Unless expressly noted otherwise, a motion for approval of a land use application by a member of the Commission includes staff's recommended conditions.

Section 9: The applicant, and all those speaking in support of an application, will be allowed a total of ten (10) minutes to present the petition. The applicant may choose to save some of the time for rebuttal following the presentation by the opposition. The opposition will be allowed a total of ten (10) minutes to present its position. If time remains, the opposition will be allowed to rebut.

Section 10: The Planning Commission will not accept material submitted to Commission during the meeting, unless requested to do so by the Commission. The Board shall only consider that material which has been submitted to the staff of the Department of Community Development and is included in the normal distribution of packages to the Commission. This shall include the consideration of revised site plans that have not yet been accepted or reviewed the staff of the Department of Community Development.

Article VI Modification of Bylaws

Section 1: Except for those requirements regulated by the City of Sandy Springs Code of Ordinances, any of these Procedures may be modified by a majority vote of the Planning Commission at any regular meeting, provided the amendment was submitted in writing at a previous meeting and that said notification contains a full statement of the proposed amendment. Any proposed amendment:

1. Must include existing and proposed texts.
2. Must include a statement of the purpose and intended effect of the proposed change.