



Planning Commission March 19, 2009

Meeting Minutes

Board Members Present	Lee Duncan (Chair), Wayne Thatcher (Vice Chair), Don Boyken, Susan Maziar, Al Pond, David Rubenstein
Board Members Absent	Roger Rupnow
Staff Present	Nancy Leathers, Chris Miller, Patrice Ruffin, Linda Abaray, Michael Barnett, Julie Eldridge, Mark Moore, Terry Robinson, and Jocelyn Stephens

CALL to Order	Lee Duncan called the meeting to order at 7:00 p.m.
----------------------	---

	APPROVAL OF AGENDA
	ACTION: Susan Maziar moved to recommend approval of the Agenda. Wayne Thatcher seconded. The motion was APPROVED (5-0, Thatcher, Boyken, Maziar, Pond, Rubenstein for; Rupnow absent; Duncan not voting).
	PUBLIC COMMENT – No Public Comment
	PREVIOUS MINUTES
	ACTION: David Rubenstein moved to recommend approval of the Minutes from the February 19, 2009 meeting as amended. Don Boyken seconded. The motion was APPROVED (5-0, Thatcher, Boyken, Maziar, Pond, Rubenstein for; Rupnow absent; Duncan not voting).
	REZONING
1.	U09-001/U09-002 5855 Riverside Drive <i>Applicant: St. Andrew's Presbyterian Church</i> Lee Duncan: Call the first case, I believe, Patrice. Patrice Ruffin: U09-001/U09-002. This is a use permit to allow for a 2,000 square foot addition to an existing church building and a use permit to expand enrollment at the existing private school from 60 students to 200 students. Staff is recommending a deferral of the petition at the request of the applicant based on information requested from the applicant that has not been received at this time. The staff is recommending the deferral be for 60 days. It will come back to Planning Commission in May, May 21st. Lee Duncan: Alright. We'll hear from the applicant first. Besa Tarazhi: Good afternoon. My name is Besa Tarazhi. I'm the principal of Tabula Rasa The Language Academy. We have been renting space from St. Andrew's Presbyterian Church at 5855 Riverside Drive, Sandy Springs. We have been operating a foreign language preschool in the morning, the hours 9 to 1, and a kindergarten component of it and also afterschool classes, foreign language classes for kids who go normally to other schools but then they come in our location and take classes in Spanish or in French. We are requesting to add 2,000 square footage on the existing building that will give new space for new offices for the church and give space for some more classrooms for the preschool, and we are also requesting to increase the enrollment to 200 kids daily. Lee Duncan: Are you finished? Besa Tarazhi: Yeah.

Lee Duncan: Are there any other people speaking in favor of the application?

Besa Tarazhi: Yes, we do.

Lee Duncan: They're welcome to come up and make their presentation.

Cece Webster: Good evening, my name is Cece Webster. My address is 6270 Black Water Trail, Atlanta, Georgia, Sandy Springs. I'm a Sandy Springs resident. I'm a member of the church of St. Andrews. I'm an elder on our session, our leadership group, and I'm here to represent the church, our full membership. I fully support this applicant's proposal. Besa has reviewed all the plans with our congregation as well as we've reviewed it with the Greater Presbytery of Atlanta and have received their approval to move forward too. So I just want to let you guys know that the leadership of St. Andrew's and the congregation both support this application fully. Thank you.

Lee Duncan: Thank you. Is there anybody else speaking in favor of the application?

Edward May: Good evening, my name is Ed May. I'm a resident of 280 River Hill Drive in Sandy Springs. I'm retired and I'm a 30-year member of this church, and I've lived through its ups and downs in history and all the things it has accomplished over the years. Two of the things we've had that have really been meaningful to us was a daycare center, which we had for several years and really made a big offering to the community and service for the community and it was run without event until it was dissolved for economic reasons. The second school—and I didn't get acquainted with this school—I'd moved away for 12 years, came back and this school was in operation and just beginning.

We feel very strongly—and I'm not an elder I'm just a member of the congregation and I'm a neighbor. And I also face the traffic coming south on River Hill in the morning trying to get on 285 and I know it's bad both ways, twice a day, and I know it's liable to see an issue with any kind of expansion we have here.

But the service that this school serves teaching young kids from six months until on up in age different languages and to speak fluently languages of different countries is a service that I fully believe is helpful with the future of our youth and the future of our community and our country to have all our kids grow up and speaking three or four languages would be unbelievably an asset as all of you know who have any international dealings at all. And I just want you to know that we think this is an invaluable service, and we want to see it grow, and we have the accommodation to handle that. Thank you.

Lee Duncan: Any other speakers?

Rebecca Hunter: Hi, my name is Rebecca Hunter. Address 490 Read Lane, Sandy Springs. I am the President of the Parent Committee at Tabula Rasa. And first I'd like to say we'd have a lot more parents here supporting the application but, again, we are in concurrence with the deferral, so we didn't want to have everybody come out tonight if we're going to come back and see you in May. But given that, I was probably the impetus for the deferral. In one of the conditions that was in the Staff Report, Condition B, the extreme limitation on the flexibility at Tabula Rasa, would limit the flexibility of parents to be able to choose for their child the timing that would be best for them to be able to use Tabula Rasa's language education. My children right now go to Tabula Rasa in the preschool 9 to 1. There are other parents, who, their children go to other schools and need the afterschool program. If that condition was allowed to remain, then the afterschool program would probably have to go away, and there would be a whole group of parents who would not be able to be served, so that was my primary concern with the current Staff Report. And I believe through some clarifications and working with staff for a little bit longer that we might be able to come up with some other alternatives that would satisfy, I think, the concerns that the community has raised without tying the hands of the school to limit the services that they can provide, and to continue to allow the parents of our school to get the maximum benefit of the educational curriculum the school offers, so that's why we support the deferral.

Lee Duncan: Thank you. Any further speakers in favor of the application?

I'm assuming you probably want to reserve the balance of your time for rebuttal, so we're going to offer that to you. We're going to let the opposition speak. Go ahead, Patty.

Patty Berkovitz: Patty Berkovitz speaking for Sandy Springs Council of Neighborhoods. School and church applications have nearly become regional issues and have impacts to the community at large as well as the immediate neighbors. Clear policy on schools and churches are necessary. We have at least four more cases of schools and churches moving into and expanding residential areas through the pipeline. Enrollment numbers should be just what they say they are, not at any given time of the day you have a certain number of students up there, but that there is a fixed number and it should be clear and it should be for everyone.

We ask that you deny this commercial venture into this residential zoning category. This tax exempt church should not be allowed to turn this into a revenue-earning venture. And when I asked the applicant at one of the resolution meetings what her plans were, she said that her hopes were that this would become a baccalaureate program and when asked if she would consider capping the student enrollment, asked where she'd cap it, she said 700 students. Thank you.

Lee Duncan: Any further opposition?

Matt Eads: Hello, my name is Matt Eads and I live at 5790 Riverside Drive, which is almost directly across the street from the property and slightly catty-cornered.

Is it safe to assume that the packet that I submitted to the City was in your packet that it's been read so that I don't review all the same stuff you've been over, yes? Okay.

Well we oppose the application. I'll just go over some of the highlights—and I'm also representing another neighbor who was caught at work, our attorney neighbor who lives at Fox Road who is also affected by this property. He asked me just to mention on his behalf that his letter is also a part of your package. His name is Robert Crewdson. And I'm just going to go over a couple of quick highlights on both of our letters:

We as residents, taxpayers, and voters kindly ask the City to vote to deny this application, the Planning Commission in this case. We ask the Planning Commission to consider the ongoing pattern of attempted commercial growth by the applicant and not look upon the current application as a single event. When asked at the informational hearing if this was a commercial for-profit venture, the applicant replied yes. It is not, according to the informational hearing, an outreach of the church. It is a for-profit commercial application.

The applicant is also establishing other chain locations of this school which teaches a trade. In this case it teaches language skills. The City staff has defined the application—I'm sorry—has defined the school as a private school which, according to the Ordinance, means it has a curriculum equivalent to Fulton County School Systems, but not operated by Fulton County Schools.

To this moment there is no evidence whatsoever of the school's curriculum being anything equivalent to a Fulton County school system. As far as I understand it, it teaches a language skill no different than a trade school teaching dancing or welding. This, on R-1 zoning in a residential neighborhood.

Traffic at this intersection is already a major bottleneck in the afternoons from about 4 p.m. on. Riverside Drive and the bulge at 285 is not currently capable of handling many more cars, certainly not 140 more cars. The City's Comprehensive Land Use Permit is not in agreement with this application. The Land Use Policy is for protected neighborhoods, of which ours is a part, calls for "*Protect the character and integrity of existing neighborhoods...*" and also "*Delineate and maintain firm, visible boundaries of protected neighborhoods, and prevent the encroachment of incompatible land uses including commercial...*" Also mentioned in the Comprehensive Land Use Plan is the "*Reduce traffic congestion at hot spots.*" This is a hot spot.

And Mr. Crewdson wanted me to make a few points on his letter—

Lee Duncan: Just relax. Just relax. We'll give you plenty of time. We're not going to rush you through this, so just relax.

Matt Eads: He mentions also that it's a for-profit institution, and he repeats my concern about the incompatibility with the Comprehensive Land Use Plan from Sandy Springs. He also has concerns about traffic and ingress and egress to the property. Thank you very much.

Lee Duncan: Thank you. Any further opposition?

Stewart Eads: Yes, sir. I'm Stewart Eads, 640 Fair Oaks Manor. I don't wish Besa any ill-will or the school. I just think they ought to be somewhere else. On Roswell Road or Hammond Drive where it's more commercial.

Today as I got off going West at 6:00, the traffic turning to Cobb County at the exit ramp at Riverside going east on Riverside, was backed up into the expressway, a lot of cars in the right lane, which I know means they're going to turn around, and it was a constant [unintelligible] of cars doing a U-turn inside the church, very dangerous intersection coming out.

A couple of weeks ago there was a rear-end there because of that. Failing going into the church they would turn around either on Matthew's property or come down turn around in my driveway or whatever. The Cobb County people are beside themselves with what to do late in the afternoon. The traffic there with the bridge cannot support more traffic in the afternoon and different times of the day, late in the day. So it's very important—someone said in one of the last meetings that the DOT or whatever—someone said that this wasn't a factor in this kind of hearing. That's hard to fathom, because it would be a giant bottleneck there. Thank you.

Lee Duncan: Thank you. Any further opposition?

Sara Eads: I have a whole bunch of stuff to say to you, but I can't say it because the time is running out. My name is Sara Eads. I live at 640 Fair Oaks Manor, and I'm part of the church of St. Andrew's for seven years. I taught their

kindergarten, and I spent time there at that school ahead of my own family as my husband and children can testify.

There are a couple of things that I want to bring up and that is that the website for this school Ms. Tarazhi, on the first—on or about the 1st of June—they changed their entire website. She said in the website that she'd be taking applicants for first grade beginning on January 1st and ending on March 31st. Obviously she—this is just a Planning Commission hearing—and she announced that applications would close for the first grade at the school on March 31st. To me that seems to be a little presumptuous. How can you say to parents who could apply at some other schools that you have to have your application and your deposit fee by March 31st when you don't even have a Use Permit yet, so I suggest that be considered as part of the decision on whether this case can be deferred again. What are those poor parents going to do?

Second of all—I'm sorry this microphone is not cooperating with me—Ms. Tarazhi, as I understand it, has been in operation at the church of St. Andrew's since 2006. Yet she did not apply for a Use Permit until April 8th of 2007 and this Use Permit [unintelligible] July 17th 2007.

I'm not positive the date she started operating there, because I sent an e-mail to one of the elders at the church. I guess it's been about two days—two weeks ago. The elder of the church has not replied as of yet.

In addition to that she, in terms of her business license and her corporation—I checked with the State of Georgia. She has been working—and I'll give you this documentation afterwards—as a language school since 2001. Yet she only in 2007 applied for a business license in the State of Georgia. I have those documents also from the State.

Ms. Tarazhi's school instead of—an example of—it's easier to ask for forgiveness than it is to ask for permission and that has sort of been the history of that school to this point. And I value the church. And I value what I'm able to do give to the children. I've been a teacher for years, and I know when a program meets its requirements, and this does not meet the requirements of an elementary school. Thank you.

Lee Duncan: Thank you.

Ellen Ungashick: I'm Ellen Ungashick and I live at 5757 Riverside Drive. That's three house doors down from the school.

We never knew about the first round in July of '07 even though we're three doors from that. My radar went up when once I found out about the school being there, I noted that the school has never had a sign out front. I know there are signing restrictions in the City and everything else, but that got my radar going that under the radar, was the style that the school was proposing to use to ask permission first—I mean do it and then ask permission.

I just don't see this as a *Good Neighbor* policy for our little section of Riverside there, and I'm sorry that I have to compromise the church with my opinion, but that truly is my opinion. So most of it that's been said that I know beyond that other—

Sara Eads: Another thing that the Council should know is that the church has only thirty-five active members and only 50 on roll, so this school is subsidizing the church in its existence.

Lee Duncan: Alright. Did you have the chance to finish your comments, Ms. Ungashick? I don't think the Planning Commission would object to you taking a minute or so just to wrap up.

Ellen Ungashick: We ask that you deny and not defer this application. Thank you.

Lee Duncan: Okay. Thank you.

Alright, does the applicant have any rebuttal? And you've got, I think, four and twenty-nine (0:04:29)...yeah.

Besa Tarazhi: The whole program of foreign languages was started in my home in 2001 and then afterwards we moved in a location in Cobb County. Until that time, until 2007—until 2006—I was working as a sole proprietor. I have all the papers to show you that it is not an illegal operation and has been successful starting with four kids in 2001 and being now it's 60 kids coming daily in our location at St. Andrew's Presbyterian Church.

I'm going to leave Rebecca, the head of the Parent Committee, to come to you with rebuttal.

Rebecca Hunter: Real quick, not to belabor this because, again, we do hope that we defer this until May, but there has been a lot of things said. I think the bottom line is we comply with the Code, and I think that's evidenced by the staff's recommendation for approval. And if you go through your criteria line by line, we meet those. We meet the criteria. We're not in a zone that is incompatible with the school and that is in your Code. So hopefully once we get through some of the comments we can really focus on do we meet your Code, and I think at the end of the day the answer is yes.

Someone brought up the definition of school in your Code, and I've also—this is one of the reasons for a deferral is your

definition of daycare versus school. And the school does have—is not a daycare—it is a school. The definition in your Code is slightly inconsistent with the Right From the Start licensing, the State licensing, which we are exempt from and we have all of those exemptions which have been supplied to staff. So we are not a daycare. We are currently in compliance with fire code. We are currently in compliance with everything related to an educational facility, so we are not a daycare and, again, I believe that has been established with staff as of today, potentially with some more verification needed.

As far as traffic, again, it's a preschool. But the main comings and goings for the children are from 9 a.m. to 1 p.m. The majority of the children leave at 1 p.m., not 5 p.m., not 4:30 p.m. and certainly not 6 p.m., 1 p.m.

There is very little traffic. I take my children there every day. There is very little traffic when I pick them up at 1:00 in the afternoon. So by the virtue and the nature of the way the programs are set up at Tabula Rasa, you have a natural flow and a natural breakout of the traffic flow. You have some people coming at 8:30, some at 9 picking up at 12 picking up at 1 and you will have some people picking their children up from afterschool activities at 5, but that's a small percentage of the overall children that attend Tabula Rasa.

So the idea that you're going to have 200 families picking up their children at 5 p.m. is not correct. It's not accurate. It's a complete misconception.

The other issue is we currently as is, without this Use Permit, have room for our first grade class. So there is no misleading of this Commission or the City or the parents who have registered for school. We have existing space today for our first grade class.

And we would love a sign. Sandy Springs still has moratorium on signs, but if we could have a sign, we'd love one, and if we can add it to this, we would happily put a sign out front, because it's an incredible asset to the City of Sandy Springs. It's an incredible asset to parents and as a parent now who is not bilingual, who has three-year-old twins who are bilingual, it's an amazing asset that I could not have ever wished for something better for my children than to grow up knowing about other cultures, speaking another language fluently, and being exposed to that type of educational environment. It is a rare thing. And Sandy Springs should be so proud that they have an establishment here that promotes international learning, and so I mean I just think we need to take that into consideration. And that's it. Thank you very much. And we hope for a deferral.

Lee Duncan: Thank you.

[Close of public hearing. Planning Commission questions and discussion]

Lee Duncan: Both parties have brought up a question regarding Special Use Permits, State Permitting relating to daycare or preschool care, what is going on with this right now (to help the Planning Commission get a handle on that, please).

Nancy Leathers: There are two sets of regulations dealing with a number of uses, daycares being one of them. They are the most common, the ones that you're most likely to see. The State regulates the operations of those kinds of facilities and sets the standards for how they're operated. The City looks at the Land Use implications and how they relate to the remainder of the community in looking at those kinds of things. The definitions may not necessarily be the same, but we may group some of the State licenses into a single category for purposes of land use or we may separate them. The definitions are different, and both have to be done, but the way the City would normally do this is we would approve the Use Permit and in the Use Permit and that comes in these Conditions here where we would indicate that they have to produce their licensing from the State prior to occupancy.

Lee Duncan: Alright, let's open it up for Planning Commission members. Who wants to take a shot at this?

Don Boyken: I have a question.

Lee Duncan: Alright, Don.

Don Boyken: I believe it was the—I've forgotten what her title was—Parent-Teacher...

Lee Duncan: Rebecca Hunter.

Don Boyken: Rebecca. Yeah. If I understood you correctly, you said you have 60 students now?

Rebecca Hunter: I'm the President of the Parent Committee, so I'm just a parent.

Lee Duncan: Okay. Alright. Well then let's try with the applicant. I need a clarification. Am I understanding—well let me ask you, how many students do you have?

Besa Tarazhi: In total 157. But we have—the program is not all the kids come at the same time, so we have, for example, babies two year olds and three year old kids are allowed to come Mondays, Wednesdays, and Fridays or Tuesday and Thursday. Those kids come 9 to 1 and then they leave. And then at 1:30 we have other kids who go to normal preschools in the morning that come for foreign language classes. And we have kids, let's say, who finish their kindergarten or first grade at Heards Ferry or at another school that's City of Sandy Springs and they come 3:30 to 5, one hour and a half per week to take Spanish and French.

Don Boyken: But we have a limit of 60 students on the Use Permit. How does 157 compare with the 60?

Besa Tarazhi: The way how we understood it is that we have to have 60 kids at any time in the building. We actually have a CO, Certificate of Occupancy, for more than 200 kids. And we still have only 60 in any given time in the building. Because of our programs, we have the license to operate from 8 to 5, so we have some kids coming 9 to 1. They leave. And then we have some other kids coming from 1:30 to 3:30. They leave. And then we have other kids coming 3:30 to 5. And then they leave.

Don Boyken: I don't think that's what was intended but, okay. Thanks.

David Rubenstein: Can I ask a question just to clarify: So since you've been at the church is it your position that you have always been in compliance with either the—well first of all how long have you been at—2006 you've been at the church?

Besa Tarazhi: We started the summer camps in 2006 and at the time I was sole proprietor.

David Rubenstein: Okay.

Besa Tarazhi: And then we started the—

Dave Rubenstein: So it's always been the City of Sandy Springs. I'm just trying to understand that.

Besa Tarazhi: Uh-huh.

David Rubenstein: So is it your position that you have always been in compliance with the City of Sandy Springs and the State of Georgia in terms of everything that you do at that location?

Besa Tarazhi: Yes, absolutely. Before 2006 before coming to the church and having space from the church, we have had locations in Cobb County.

David Rubenstein: I'm not asking that. I'm saying you have never—your position is that you have never been out of compliance with any City or State regulations in terms of what you're doing there?

Besa Tarazhi: Yes. We've never been out of compliance.

David Rubenstein: And then my question to staff is do you concur with that statement?

Nancy Leathers: I'm going to let Patrice respond to that, because she has the response from the State.

Patrice Ruffin: Currently the applicant has approval for a school for two- to six-year-olds. And the way that the language reads does not allow for younger children, infants up to one year or for after school programs. We were made aware that the applicant does have an afterschool program for older children, I believe, that goes beyond the age of six, so that will be out of compliance with the State compliance.

David Rubenstein: Alright so where is the problem here? You just said 30 seconds ago that you are in compliance. I assume you—

Besa Tarazhi: I—

David Rubenstein: Let me finish asking my question, please.

Besa Tarazhi: Sure.

David Rubenstein: I assume you are aware of what Ms. Ruffin just said. So why would you say you're in compliance if you have knowledge that you're not in compliance?

Besa Tarazhi: I think the problem is the language used. I have provided to the staff two different exemptional licenses we have. One of them for Mothers [unintelligible] out, preschool/kindergarten programs that we have in the morning. And the other one is programs for—short-term programs in the afternoons for the kids. Now *Right From the Start* doesn't give me a time when to do the morning program, when to do the afternoon program. They just say that you are allowed to

do [unintelligible] preschool/kindergarten in the morning and then the other programs in the afternoons. All the other programs in the afternoons are foreign language development programs. The kids come for one hour and a half, two hours, three hours. They just do the foreign language part and then they leave. And the staff has those [unintelligible] Right From the Start.

David Rubenstein: Alright. I can't speak for the rest of us. I'm still confused.

Susan Maziar: I wanted to finish up the question for Patrice. When we approved a year and a half ago 60 students, we never implied or suggested that the 60 could be staggered. Sixty enrolled students is 60 students, not 157 all coming at different times.

Patrice Ruffin: The way that the condition currently reads says to a maximum of 60 students. It doesn't get that specific.

David Rubenstein: Again, I'm speaking for myself. I think what you're doing is great. I think the City could use services like that. My kids are somewhat bilingual. I think it's great. But there is clearly—it is clear to me at least—that you're kind of operating on the edge of the envelope in terms of what the rules are. And that does not put you in good favor in front of this panel. We have been put here to make sure that certain rules are followed. And it seems like you guys are kind of taking liberal interpretations of the rules, and that is disturbing to me. And I think it's something you really need to think about in terms of and if we give you the deferral—that's to be determined—that you guys really need to come back in a good faith manner. And you may think you've been working in good faith, but when you're kind of bending the rules the way you have, it's not very good faith at least I don't interpret it that way.

Again, it's nothing against you, nothing against your program. I think it's great, but I think you have pushed—really gone to the edge of the envelope in terms of your interpretation of the State regulations and the City's approval in terms of what you're doing at that site.

Besa Tarazhi: That is exactly why I'm asking for the deferral so we can clarify all the—

David Rubenstein: I understand that but what I'm trying to make sure you understand when you come back—and if we give you a deferral—when you come back you need to work in good faith with your neighbors. And it does not appear to me to date that that has been the case.

Don Boyken: I have a question—

Lee Duncan: I just want to make sure—at this point in time we're not in Public Hearing, we're in Executive Session. If we're going to ask questions and ask you to respond to questions, that's great, but let the Planning Commission members initiate the question and respond and then we'll move on from there. But this is not the time to start a dialogue going on here.

Don Boyken: The applicant: Your business relationship with the church, do you pay rent?

Besa Tarazhi: Yes.

Don Boyken: How does—and Nancy this goes back to you—how does that, like Church using their property as a tax-free status for a profitable gain to support enterprise, does that deny them the tax-free status, or do they have to pay income tax down there at Rapid?

Nancy Leathers: You're asking the wrong person in the City. I really don't know but I can certainly raise it with the City attorney.

Don Boyken: I think we need to, because they may disqualify themselves from their tax-free status and that's something they may need to consider as we go through this deferred period if that's what we're going to choose to do.

Lee Duncan: AI?

AI Pond: Well I just, you know, we're operating in violation of the State license. We have a Use Permit that says 60 students or daycare students, and you take a position that 157 is fine, because they're coming and going. So maybe another question to put forward is that if this Commission and the City Council approves 200 students, does that mean that you could have four, 500 students coming or going? Based on your interpretation would that mean if we could go from 60 to 157 why couldn't we go from 200 to 500?

Besa Tarazhi: With the Certificate of Occupancy in place, we cannot go more kids than that. The Certificate of Occupancy right now is for more than 200. What we would like to have is 200 kids at any given time.

Now, because again the nature of our program and because the nature of all mothers [unintelligible] preschools in the City of Sandy Springs, there will be parents who will like the flexibility of bringing the kids Monday, Wednesday, and Friday or Tuesday and Thursday. Normally a child that comes Monday, Wednesday, and Friday and the child that comes

Tuesday and Thursday is considered one full-time student. Now we will have kids coming from 9 to 1 and then leaving. And then other kids we would like to continue with other kids coming 1:30 to 3:30 to 4:30 to continue their foreign language classes, so it is what we would like to have is 200 full-time students allowed.

Al Pond: So based on what you just told me then, it could be 400 or 500 different students coming and going; is that correct? That's what you just said.

Besa Tarazhi: Again, this is one of the reasons why we want to have the deferral. They would—

Al Pond: I just want to be clear that's just what you just said, right; it would be more than 200 students? You would have no more than 200 at any one time, but students would be coming and going, so it could be 300, 400, 500 total in any given week?

Besa Tarazhi: Normally if we have 200 students, let's say in the morning, there are classes for four-year-olds and up who come every day. The younger ages are the kids that come from families who would like the flexibility of coming Monday, Wednesday, and Friday or Tuesday and Thursday.

Don Boyken: Mr. Chairman, I have a real problem with that analysis and that perception of what the law is or what our limits are. And I will take this to another school, and it could be any school. I don't even have to name them, but it could be any private school that we put caps on students for, and they decide to go to two shifts, and then just double the amount of students that they could have legally. And that's why I find that interpretation totally against what we have intended or even inferred or even could even be construed from our previous ruling or recommendation that the City Council approved.

Susan Maziar: I don't know if that kind of misinterpretation has ever happened before.

Don Boyken: I may not but if we even consider that interpretation here, we have just opened *Pandora's Box* for everybody else.

Susan Maziar: This is my eleventh year sitting on a Board like this, and I've never heard 60 turning into 157—

Don Boyken: Neither have I.

Susan Maziar: Because of different shifts.

Lee Duncan: Wayne?

Wayne Thatcher: I'm going to change the subject a little bit, because I think we've talked about that enough. Nancy would you give us the definition of allowing churches and schools to operate within neighborhoods, so that we can get that behind us, because I think the neighborhoods are all wet on where they're coming from so.

Nancy Leathers: The Comprehensive Plan does call for neighborhoods to be protected, but the Zoning Ordinance also permits certain institutional uses that are neighborhood oriented into the neighborhoods. And schools and churches are two of those kinds of uses that are permitted in neighborhoods into the Ordinance. And so staff takes the position that they are part of a protected neighborhood, and it doesn't require rezoning to a nonresidential district where you have a school or a church.

Wayne Thatcher: And also private schools?

Nancy Leathers: That's correct.

Wayne Thatcher: That's correct. So all this thrust about protecting neighborhoods and schools [you can sit down – (to applicant)] protecting neighborhoods and schools within protected neighborhoods. This wastes our time. It wastes the time of the people that prepare it, because it's not appropriate. It's not against the Land Use plan, against the Zoning. And it just doesn't need to be any part of any conversation going forward. And I'm just talking about going forward. They spent a lot of time putting this and talking about commercial ventures. Even Patty talked about it, and Patty should know better than that. So I want to make sure that going forward that we don't hear that anymore, because that's not part of the issue.

Susan Maziar: Wayne—

Lee Duncan: Wayne, I think they're going to have the right to express their opinions. Now just be careful where you're going.

Wayne Thatcher: I understand. Now when you guys talked, we didn't say a word.

Susan Maziar: You're right.

Lee Duncan: I'm a [unintelligible].

Wayne Thatcher: Alright, but I'm telling you that this Board takes a lot of time dealing with the issues. And here we have an issue that's just inappropriate to this. It's not in violation of any Zoning or Land Use Plan. It is a school within a neighborhood. Period. It's just that simple.

Now, going forward with traffic: I think that this Commission should direct Sandy Springs' finest to sit down there, put cop cars and put a ticket on every one of those people from Cobb County that comes down there and turns right.

Audience Comment: They won't do that. They said that—

Wayne Thatcher: Well I don't care if they won't. It's a good idea.

Lee Duncan: We're not going to have that discussion. We're not going to have that discussion in here.

Wayne Thatcher: This is where I think—because it's Cobb County and Sandy Springs people that know the streets. Know how to navigate. Know how to come up that exit ramp. Turn right. Go south. Get into a U-turn in the church parking lot and then head north. And not sit in the left turn lane. So that, I think, we need to somehow get the police department to put somebody out there, because we're never going to solve the traffic issue there by capping the students. That just won't happen. This intersection is gridlocked and it's not because of the students. It's not because of the school. It's because of the traffic trying to get off of 285 and head north and get into either Sandy Springs or Cobb County. It's just that simple.

So that would be my solution until we have this gigantic study of that neighborhood. And, Mark, that intersection, Mark are we studying it, or are we just studying Roswell Road and 285?

Mark Moore: No, not at all. In fact we've done quite a bit of work already. And what we've done primarily has been focused on—and our primary, sort of big picture if you give me just a moment to kind of give you a big picture in the area, you might understand where we're going.

Our number one goal at this point is to try to signalize the north end of—the west bound 285 off ramp, the north end of the overpass bridge. That would be sort of the—I got it close to the middle—but the fourth would end up being sort of a four-signal system that would start on the south end of the bridge immediately adjacent to the property that we're talking about, north end of the bridge then Heard's Ferry and then River Valley.

Those four signals as part of this process, those four signals would all be interconnected with fiber optic cable, would all be able to run on one coordinated system and ultimately would be able to hook into our backbone and connect and we'd be able to monitor them with cameras and operate them manually if we needed to from the traffic management center in City Hall, right up the hall here.

The work study and a lot of account data has gone into providing that and all those intersections are in GDOT's hand right now and we're waiting for them basically to give us the permit to go ahead and put the signal up. They have to get—because it interferes with 285—they have to get Federal Highways approval. That's the big—and of those four intersections that I've talked about—that is the big problem for the level of service regardless of how much you would improve this intersection or what you would put on this intersection.

Ultimately your sort of chokepoint is the north end of the bridge. That, especially with the turning traffic in there and with the crash data, that's also our most dangerous of the intersection. People waiting to get out that don't have a means of getting out will kind of turn into the traffic in front of it.

So we are studying this closely. We are going to be gathering more data on it. Since this application, from my perspective, has been a little bit of a moving target because daycare means something specific to me from a trip generation standpoint. Private school means something specific. What I've heard tonight changes my understanding already of what I thought walking in here today that I understood that it was going to be. So I would like ask staff if you want a good, meaningful analysis of what this is going to do from a trip generation standpoint to have much a more definitive set of numbers and schedules. Because what they've presented from a trip generation standpoint would sort of be a hybrid between a daycare and what would be sort of a classic private school.

Wayne Thatcher: Okay. Next question is when is this intersection, these two signals, when is all that coordination/installation happening?

Mark Moore: Pretty much as soon as we get a permit from GDOT and when that happens is as good of a guess—I'm hoping that it's months, as in a couple of months.

Wayne Thatcher: So you think that within a couple of months you'll get a GDOT permit?

Mark Moore: Will we get a GDOT permit? We have the funding already allocated in this coming fiscal year to do the

signalization, so the money is there.

Wayne Thatcher: Okay. How long does it take to do the signalization once we get a permit?

Mark Moore: To put an independent signal up, it would probably take a couple of more months beyond that, a few more months beyond that. By the time you go through a Purchase Order and so forth, I'm not sure what the schedule would be for all of the fiber optic work that we would want to do as part of it. That might take a little longer.

Wayne Thatcher: So we're talking about six months installation?

Mark Moore: In the best case, yes.

Wayne Thatcher: No, I'm just talking about the installation itself. Now forget about GDOT.

Mark Moore: Probably. That's probably accurate. And I can get you a much better estimate—

Wayne Thatcher: What I'm trying to do is to talk through this issue so that the neighborhood will hear some relief is coming for that total mess. So the best that we could expect would be eight months. Two months in permits. And six months for installation time. That would be a year out. Six months and six months.

Mark Moore: The worst would be GDOT sits on it and for whatever reason decides not to grant us a permit. I mean I can't speak for another agency.

Wayne Thatcher: When a permit goes down, is there anybody that tracks it and calls up and says hey, guys, we need this permit we've got all kinds of [unintelligible] Fix it.

Mark Moore: We've been doing that on a weekly basis.

Wayne Thatcher: Well what do they say?

Mark Moore: Unfortunately at this point we've been doing that for about a year and a half.

Audience Comment: Wow.

Wayne Thatcher: That permit's been there for a year and a half?

Mark Moore: We've been trying to get the permit to do this signalization for over a year.

Wayne Thatcher: When was it actually submitted: for a year and a half and, now you're saying it's going to be two months or six months?

Mark Moore: We are hopefully what we're hearing out of the district office is that they're going to approve it very quickly or very soon. I've given you the history, okay. I've given you as much information as I've got, so take it for what it's worth on what they say when we're going to actually get it.

Wayne Thatcher: It sounds to me that the Citizens Against Commercial Growth on Riverside Drive ought to be calling GDOT, not hammering us with this stuff about traffic.

Mark Moore: We think that this is going to be the biggest safety improvement and the best operational improvement that we can do as sort of a near-term solution. But this is sort of the best improvement that we can give you that doesn't do anything to change what's there existing, to change anything about the character of the area to really to have any—we don't really see any negative impact from this. It'll improve operations pretty dramatically between the four signal systems. Because once you get them past—especially the Cobb County—once you can get the Cobb County traffic past River Valley, it's pretty much free flow. And a lot of the problems that you all are seeing with the right turns or the U-turns or the backups are because they're stuck not being able to go north, and you've got a series of sort of gates and bottlenecks. And the more we can do to try to increase that and be able to move that traffic along, the less of that type of behavior we believe you'll see.

Wayne Thatcher: Okay. Now out of this conversation came three points that, going forward, we really need to remember: Number One: Schools are okay in neighborhoods. Number Two: I'd recommend that Sandy Springs's finest park down there and give out tickets one after another after another to the Sandy Springs citizens and Cobb County citizens and stop that practice of turning right and making U-turns and getting hit and Three: There is a solution coming for the intersection and the traffic relief and that and only that will cure the traffic, not restricting how many kids are in the school.

Lee Duncan: In all fairness to my dear friend, Mr. Thatcher, here. I agree with what he's saying, and I think what he meant to say was that he's trying to encourage members of the community to understand that schools are in

neighborhoods, and they're part of neighborhoods. But also I'd like to say either to the applicant or from the opposition, if you want to spend your ten minutes up here reading us the story of *Pinocchio*, that's your prerogative. And we'll sit here and we'll listen very patiently. Susan I think you had a comment.

Susan Maziar: I just wanted to say that the neighborhood has every right to speak against something that they perceive as a threat to their homes whether that be the growth of a school or not. At public hearings you can speak about anything you want, and if you want to speak against a school growing in number, you have every right to do that. And I just wanted to ask the staff in the revised editions that you handed tonight, you crossed out the word *preschool*?

Patrice Ruffin: We did that because our Ordinance doesn't actually have a definition for preschool. The definition is for daycare that also references preschool and kindergarten.

Susan Maziar: I'm just concerned that when this—if and when this gets settled that there's a number that's settled on, that they can't come back—we had some conversations earlier about another school—that they can't come back and all of a sudden decide to add 100 more children to attend a preschool.

Patrice Ruffin: Right. The way we've written the condition under 1b would limit it to a maximum of 200 actually enrolled on paper, and we would have a reporting process for that annually. So I think that would address your concern.

Al Pond: Mr. Chairman.

Lee Duncan: Yes, sir.

Al Pond: I think we all know the facts here. And, so, what I would suggest is there's not a whole lot about this application that I would support. And my initial inclination was to recommend a denial, but there are a lot of things going on such as this license issue violation. We talked about the 60 students—and I'm not sure the applicant has yet to get it or understand that 200 students doesn't mean 200 students coming and going for one hour periods. But with all that said, with traffic and everything, I think the community would be best served to get an arm around all this. Because if they do go forward with an application, we could condition the application whether it's 60 students or 200. We'll just make sure that there are not 300 students or 157 students or whatever that is. So with that said, I'd like to make a Motion to defer the application for 60 days.

Wayne Thatcher: I'll Second.

Lee Duncan: Alright.

Don Boyken: I would like—

Lee Duncan: A Motion on the floor and a Second. Any comments on the Motion.

Don Boyken: Yeah, one comment would be is that now that we know there is a potential violation with the State don't we have to notify the State?

Lee Duncan: I think that's a procedural matter that the staff is already involved with; is that correct?

Nancy Leathers: That's correct.

Don Boyken: Alright. Fine.

David Rubenstein: So quick question for staff: On this revised recommendation you use the word *enrollment* to restrict the enrollment, am I to understand that when we allowed them the 60 students whenever it was a couple of years ago, we didn't use the word *enrollment*, we just said 60 students.

Patrice Ruffin: Correct.

David Rubenstein: Okay.

Lee Duncan: I've not given an opinion on this at all, but my observation is that this case represents a very, very slippery presentation to staff, and there are a lot of questions that are continuing to come up even at the last second here. Even when we had our briefing tonight at 6:00, we were still getting interpretations that were different than the ones we were seeing a couple of days ago.

This thing needs to be buttoned, and there needs to be a clear understanding of what we're going after here the next time we see this. And if it's not, I'll make the Motion from the Chair that it gets denied immediately.

This is something here it's in a very, very strategic location. Very highly visible. There are a lot of moving parts here be it traffic, students, residence. And while we certainly want to see this succeed, that this venture succeeds at this location,

	this application has got to get under control. And if you have any questions about the application the staff here is some of the best staff in the metro Atlanta area. You need to take advantage of them. Spend time with them. If you have questions about the permits, they can advise you on permits. If you have questions about the submittal process, they certainly know that. But don't bring us a half-baked application. And if you need more time to get it to the point where it can be finalized, I think we would entertain giving that to you. Are there any more comments? I want to call to question. Those in favor of the Motion? Planning Commission: Aye. Lee Duncan: Alright. Motion passed.		
	ORDINANCES AND RESOLUTIONS		
2.	TA09-007 An Ordinance to Amend Article 4, General Provisions of the Sandy Springs Zoning Ordinance (Setback for Outdoor Play Equipment) This is an amendment to the general provisions to allow for outdoor play equipment such as swing sets to be located within 10 feet of side and rear property lines but located in the rear yard and limiting the height to a maximum of 15 feet. Additionally the equipment would not be permitted to be lighted or have any electrical connections. ACTION: Don Boyken moved to recommend approval as presented by staff. Wayne Thatcher seconded. The motion was APPROVED (5-0, Thatcher, Boyken, Maziar, Pond, and Rubenstein for; Rupnow absent; Duncan not voting).		
3.	TA09-008 An Ordinance to Amend Article 12B of the Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance (Street Tree Update) This is an amendment to update the street trees allowed within the Sandy Springs Overlay District. ACTION: Wayne Thatcher moved to recommend approval as presented by staff and clarification of power lines and transmission lines. Susan Maziar seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Pond, and Rubenstein for; Rupnow absent; Duncan not voting).		
<table border="1"> <tr> <td>Meeting Adjournment</td> <td>The meeting was adjourned at 8:11 p.m.</td> </tr> </table>		Meeting Adjournment	The meeting was adjourned at 8:11 p.m.
Meeting Adjournment	The meeting was adjourned at 8:11 p.m.		

Approval Signatures	
Date Approved	4-16-09
Lee Duncan, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Assistant/Transcriber	