

PLANNING COMMISSION
Meeting Minutes

Thursday, April 19, 2007

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

Board Members Absent Excused: Donald Boyken

Staff Present: Michael Zehner, Cesar Geraldo, Patrice Ruffin, Mark Moore, Nancy Leathers, Vann McNeil, Shaun Suggs and Bridgette Gray

Call to Order: Roger Rupnow called the meeting to order at 7:01. P.M.

I. PREVIOUS MEETING MINUTES

ACTION: Lee Duncan moved to defer the February 15, 2007 meeting minutes. Susan D. Maizar seconded. The February 15, 2007 meeting minutes was DEFERRED (6-0, Lee Duncan, Susan D. Maizar, Roger Rupnow, David Rubenstein, and Wayne Thatcher and Bob Wiley for)

ACTION: Lee Duncan moved to approve the March 15, 2007 meeting minutes with corrections made by staff. Susan D. Maizar seconded. The March 15, 2007 meeting minutes was APPROVED (6-0, with corrections made by staff, Lee Duncan, Susan D. Maizar, Roger Rupnow, David Rubenstein, Wayne Thatcher and Bob Wiley for)

II. PREVIOUS ACTION REPORT

ACTION: Lee Duncan moved to approve the March 15, 2007 Action Report. Wayne Thatcher seconded. The March 15, 2007 Action Report was APPROVED (6-0, AS SUBMITTED. Lee Duncan, Susan D. Maizar David Rubenstein, Roger Rupnow, Wayne Thatcher and Bob Wiley for)

III. REZONING DEFERRED

A. RZ06-021/CV06-012

U06-004

5901-5909 Peachtree Dunwoody Road

Applicant: Tishman Speyer

SUMMARY: From O-I conditional to MIX for the development of condominium and retail component in conjunction with the existing office use.

Harold Buckley, Jr. representing the Applicant.

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

SUPPORT FOR THE APPLICANT

Bob Stubbs, 360 Interstate Parkway, in support of the petition.

AGAINST THE APPLICANT

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

Tochie Blad, 7320 Hunter's Branch Drive, in opposition of the petition.

(Public hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved to approve. Bob Wiley seconded. The motion was **APPROVED (6-0 with the staff's conditions subject to the staff's condition with an amendment to condition 3.c to delete the term "open" and additional conditions as provided by neighbors as deemed feasible by the City. Lee Duncan, Susan D. Maizar, Roger Rupnow, David Rubenstein, Wayne Thatcher, and Bob Wiley for)**

The staff recommends **APPROVAL CONDITIONAL** of the rezoning from O-I (Office and Institutional District) conditional to **MIX (Mixed Use District)**. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 50,139.37 square feet per acre or 1,151,200 square feet, whichever is less.
 - b. Retail uses at a density of 2,177.70 square feet per acre or 50,000 square feet, whichever is less.
 - c. Residential uses at a density of 9.15 units per acre or 210 units, whichever is less.
 - d. Hotel use at a density of 8.71 rooms per acre or 200 rooms, whichever is less.
 - e. To a maximum building height 25 stories for the office building as shown on the site plan received by the Department of Community Development dated January 19, 2007.
 - f. To a maximum building height of 35 stories for the condominium and hotel tower as shown on the site plan received by the Department of Community Development dated January 19, 2007.

2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated January 19, 2007. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for a Land Disturbance Permit. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
 - a. The minimum design standards are:

Minimum front yard: 5 feet
Minimum side yard: 15 feet
Minimum rear yard: 0 feet
Minimum internal setback: 15 feet
Minimum landscaping and buffering between uses: 5 feet
Minimum heated floor area per dwelling unit: 800 square feet
 - b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody Road along the entire property frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs.
 - c. No less than 20% of the site shall be maintained as open/green space.
 - d. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the property to the north. Should the owner/developer not come to an agreement on interparcel access at this time with the property owner's to the north and south, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained, permanent easements shall be recorded allowing for future interparcel access to the properties immediately adjacent to the north and south of the property, prior to the issuance of an LDP.
 - e. To allow for an encroachment by the proposed Road "E" into the required ten (10) foot landscape strip along the east property line as shown on the site plan received by the Department of Community Development dated January 19, 2007 (CV06-012).

B. RZ06-055/CV06-039

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 space at the existing 87,444 square foot office development, with concurrent variances.

Carl Westmoreland, Attorney, representing the Applicant.

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

SUPPORT FOR THE APPLICANT

Kent Garner, 435 Winfield Glen Ct, in support of the petition.

Nancy Early, 5220 High Point, in support of the petition.

Kent Levenson, 3618 Tuxedo Road, in support of the petition.

AGAINST THE APPLICANT

None

(Public hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved to approve. Wayne Thatcher seconded. The motion was **APPROVED (5-1 with Susan D. Maizar against) Lee Duncan, Susan D. Maizar, Roger Rupnow, David Rubenstein, Wayne Thatcher and Bob Wiley for)** subject to the staff conditions with an amendment to allow for 198 residential units and the owner/developer shall develop the parking deck facades in a manner that is compatible with the residential and office buildings, subject to the approval of the Design Review Board. No freestanding commercial.

IV. REZONING – NEW

A. RZ07-007

6058, 6068, 6078 Harleston Road

Applicant: Southland Development Group, LLC

SUMMARY: To rezone from R-3 to S-5 for the development of 5 single family lots.

Nathan V. Hendricks, III, Attorney, representing the Applicant.

Jon Gallinaro, representing the Applicant.

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

SUPPORT FOR THE APPLICANT

Paul Corley, 365 Ivy Knoll Road, in support of the petition.

Telmo Bermo, in support of the petition.

Reid Knox, in support of the petition.

Robert Turner, 6100 Harleston Road, in support of the petition.

Joyce Turner, 6100 Harleston Road, in support of the petition.

AGAINST THE APPLICANT

Christy Biddy, 6110 Harleston Road, in opposition of the petition.

Thaea Lloyd, 570 Valley Lane, in opposition of the petition.

Doug Falciglia, 5925 Brookegreen Road, in opposition of the petition.

Trisha Thompson, 145 North River Drive, in opposition of the petition.
Dick Farmer, 6080 Glenridge Drive, in opposition of the petition.

(Public hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved to defer. Susan D. Maizar seconded. The Board DEFERRED until June 21, 2007 hearing to allow the Applicant time to meet with the neighbors concerning further assemblages of property along Harleston Road. (6-0, Lee Duncan, Susan D. Maizar, Roger Rupnow, David Rubenstein, Wayne Thatcher and Bob Wiley for)

B. RZ07-008/CV07-008
367 Hammond Drive
Applicant: Michael Siegel

SUMMARY: To rezone from O-I conditional to C-1 to allow for addition of a greenhouse at the existing site, with concurrent variances.

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

Thaea Lloyd, 570 Valley Lane, in opposition of the petition.
Doug Falciglia, 5925 Brookegreen Road, in opposition of the petition.

(Public hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved to deny. David Rubenstein seconded. The Board recommended denial of the application (6-0, Lee Duncan, Susan D. Maizar, David Rubenstein, Roger Rupnow, Wayne Thatcher, and Bob Wiley for). The Commission found that the proposed greenhouse would not be a detriment to the area, the rezoning to the C-1 zoning classification would not allow a proper transition to the residential neighborhood to the east.

C. RZ07-099/CV-11
7250 Roswell Road
Applicant: Title Max

SUMMARY: To rezone from C-1 conditional to C-2 to allow for the use of the existing 3,000 square foot building as a title pawn office, with concurrent variances.

Mark Forsling, representing the Applicant

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

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

(Public hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved to deny. Susan D. Maizar seconded. The Board recommended denial (6-0, Lee Duncan, Susan D. Maizar, David Rubenstein, Roger Rupnow, Wayne Thatcher, Bob Wiley for). The Commission found that while the proposed use was not appropriate for the area and that a redevelopment of the entire shopping center would be desired.

ORDINANCES/TEXT AMENDMENTS

V. RZ07-012

SUMMARY: An ordinance to amend Article 34, Development Regulations of the City of Sandy Springs Zoning Ordinance. Copies were not provided to the Board.

Presented by Michael Zehner

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

SUPPORT FOR THE APPLICANT

None

AGAINST THE APPLICANT

None

(Public hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan move to defer. Bob Wiley seconded. The motion was deferred until June 21, 2007 hearing (6-0, Lee Duncan, Susan D. Maizar, David Rubenstein, Roger Rupnow, Wayne Thatcher and Bob Wiley for).

The meeting was adjourned at 9:32 P.M.

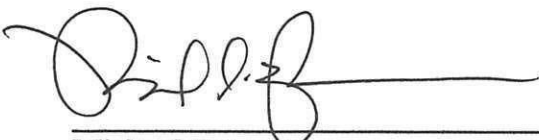
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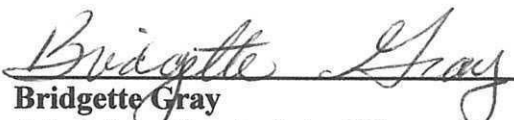
Date Approved: 5-24-07



Roger Rupnow (Chair)



Michael Zehner
Assistant Director-Planning and Zoning



Bridgette Gray
Administrative Assistant/Transcriber