



Planning Commission June 2, 2008

Special Called Meeting

Board Members Present	Lee Duncan (Chair), Wayne Thatcher (Vice Chair), Don Boyken, Susan Maziar, David Rubenstein, Bob Wiley
Board Members Absent	Roger Rupnow
Staff Present	Nancy Leathers, Chris Miller, Harmit Bedi, Dennis Payne, Patrice Ruffin, Linda Abaray

CALL to Order	Lee Duncan called the meeting to order at 8:30 a.m.
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	APPROVAL OF THE AGENDA
	Lee Duncan: The agenda that was sent to us, the only modification to the Agenda that we'll have on this is that we're going to be voting this morning on Staff's recommendation on the ordinance to amend Article 3, RZ08-002, and any other discussion is just going to be directed to the specifics of what Staff is recommending on this particular ordinance. ACTION: Don Boyken moved to recommend approval of the agenda as amended. David Rubenstein seconded. The motion was APPROVED (4-1, Boyken, Maziar, Rubenstein, and Thatcher for; Wiley against; Duncan not voting; Rupnow absent).
	ORDINANCES AND RESOLUTIONS
1.	RZ08-002 An Ordinance to Amend Article 3, Definitions, of the Sandy Springs Zoning Ordinance – Grade Plane & Height Patrice Ruffin: RZ08-002, an Ordinance to Amend Article 3, Definition, of the Sandy Springs Zoning Ordinance – Grade Plane & Height. What you'll find in your package, [inaudible] Lee Duncan: Staff? Nancy Leathers: After considerable consideration, recommending that we stay with the standard definition that is used throughout the state of Georgia and nationally to international codes. It gives us the ability to do that by referencing the code. When building codes change in the future, your zoning ordinance will change with it which is a helpful way to deal with those things which are regulated at the State level so staff [inaudible]. Lee Duncan: There may be other guests that are coming in that don't know we're in this room and so we probably need to leave that door—I understand there may be some conflicts. Does the security folks out there know we are having our meeting here? [Inaudible]. Lee Duncan: Okay. Any other comments in favor of the proposal that's in front of us? All right any opposition? Bob Wiley: I have some general comments. It's not in favor or against it. It's some errors, technical errors in it. Lee Duncan: Well at this point we're dealing with public hearing. We'll go into executive session in just a second, and then we can get into that. Is there any opposition to the proposal that's in front of us? Patty Berkovitz: Are you inviting public comments? Lee Duncan: Public comment period, yes.

Patrice Ruffin: The public hearing was deferred until this meeting, so you'll have to [inaudible].

Patty Berkovitz: Was that an invitation for public comments?

Lee Duncan: That is an invitation for public comment, yes.

For right now?

Lee Duncan: For right this minute, yes.

Patty Berkovitz: Patty Berkovitz speaking for Sandy Springs Council of Neighborhoods. I've been involved with the height regulation for some time. I worked with [inaudible] on the Development Advisory committee in Fulton County. We had problems with this regulation [inaudible]. It's been a long term issue about the way it's interpreted and the latitude that's been taken with it by developers and with the latitude that the City has allowed and Fulton County allowed in interpreting the international standard. I am very disturbed about this, because this has been [inaudible], and that's not what the people of Sandy Springs wanted. They wanted something better. They want something that's [inaudible]. They don't want everything from Fulton County to come forward [inaudible].

We've got things that are being built on the ground because of the interpretation of the height regulation that are offensive to people who live in the neighborhood, who live next door to me. I understand that the building community very much would like to have all the licenses in the world to build whatever they want to suit whatever site they have. I was very [inaudible] when I saw that you were going to start defining grade and you were going to start putting limitations and understanding so that the guy in field can go out there and do a visual on it and actually be able to tell what was going on instead of just saying whatever the builder said and how the builder decided to interpret it for us, we're going to go along with that. That's not for the people of Sandy Springs. That's not what I hear. That's not what people tell me. That's not what I see. So I'm very, very concerned by the fact that this is a [inaudible] committee. You are on the way to doing something really good. [Inaudible] define things so that the layperson could understand it despite staff opinion that the layperson does not need to understand it. When we go to the regulations and we want to know if something is right or not right, we have to be able to read that and be able to understand it, and it should be understood by everybody, so I'm very disturbed about this. I'm also disturbed if you will pass this here, not in an evening meeting, we're public. Very few people can make these meetings in the morning and it just sort of looks a little bit more like let's give it the bomb rush and push it through, so that's my opinion.

Lee Duncan: Any other opposition?

Trisha Thompson: This is not necessarily opposition, but it is a comment. My name is Trisha Thompson. I live at 145 River North Drive. I've been out of town for a month. I got in last night at 10 o'clock and I didn't know about this meeting until [inaudible] Patty Berkovitz. It's not a usual meeting. I know we've been doing this now in the morning. Again you've got the same people old, the same old people here. Truly it's not public. That said I'm a little disheartened and you'll have to forgive me because I came out without any preparation to deliver. Patty called me and [inaudible].

I have a question of staff; I would like clarification [inaudible]. Is this [inaudible] the same [inaudible] that was in effect, is this wording the same wording for the Maxwell City [inaudible] Tower project? Would that computation be in the same [inaudible] of height as it was [inaudible]?

Lee Duncan: I, honestly, I don't know what bearing that has on what we're discussing right now. Because all we're dealing with—we're not talking about height. We're not talking about height.

Trisha Thompson: Yes we are. We are talking about the determination of the height ordinance.

Lee Duncan: All we're talking about is the definition for grade plan. Period.

Nancy Leathers: [Inaudible].

Lee Duncan: That's fine.

Nancy Leathers: The answer is I don't know whether the interpretation would have been the same. Of course there is still construction of Maxwell property. All that we had was a proposal and they should know the definition for height is based on the finished grade, and I do not know what the finished grade would have been on Maxwell property, so the answer is I do not know.

Trisha Thompson: Thank you very much. I appreciate that. That said. I had my husband review this [inaudible] and on your finished grade and wherever you determine now [inaudible]. We're going to leave the determination up to you, but from an engineering standpoint, my husband is a PhD in engineering. I had him review this. He was hired by Ross Perot. He is an engineer. He says that this 'Average,' the word 'Average' height should not be used; the average should not be used in determining this. He says that what you need would be 'Mean.' I think that is correct. Is an engineer on

the Board? Is that correct?

Bob Wiley: That is correct.

Trisha Thompson: Now having said that, having clarified my point, or a point that should be made on how determination should be made, now I'm going to leave it up to you to do the right thing and hopefully you will do the right thing and you will straighten this ordinance out so that you do not, in the future, have people putting in 12-story buildings on the side of a hill. Thank you very much.

Lee Duncan: Any other comments? Close to Public Hearing. We're in Executive Session.

Bob Wiley: I have a comment.

Lee Duncan: Yes, sir?

Bob Wiley: Let me clarify what Trisha said on Mean versus Average. In the case of the illustrations that staff derived at on Page 91 of 106 in the last presentation where they gave some elevations and some averages is here. They took the elevation from one corner to the other corner and divided it by two. That is the Mean. If you've got a straight line between those two, that is correct but it still should be called the 'Mean.' Average means if there was a curve underneath there, it would be the area underneath the curb, whether it went down or whether it went up, divided by the length. That is the definition of Average, and it should be technically correct in the ordinance. Second point: elevations are normally given from lower going up. In this illustration they have it elevation at 25 and it goes down to 50. It's totally backwards in convention and should be corrected. Thank you.

Lee Duncan: Mr. Rubenstein?

[No audible comment]

Lee Duncan: Wayne?

Wayne Thatcher: Well I'm a little confused, because I'm going back to some documents that we saw a month ago versus what we're looking at that came in our package last Friday, so are we talking about this?

Lee Duncan: No.

Wayne Thatcher: Or are we talking about this?

Lee Duncan: Neither one.

Wayne Thatcher: So clarify.

Lee Duncan: We're voting on these four pages, three pages, here. It's all we're voting on this morning.

Wayne Thatcher: I understand. I now understand that.

Lee Duncan: That was a mistake by Staff.

Wayne Thatcher: But why then is...

Lee Duncan: Staff should not have included that in the package.

Wayne Thatcher: Because this is—and occasionally I agree with the Sandy Springs Council of Neighborhoods—this is absolutely the document that was included in our package, is the correct way...

Lee Duncan: During the Agenda, which we've just approved, we deleted that from the vote this morning, so all we're voting on is what staff is recommending one way or another. If we vote it up, fine. If we vote it down, fine. Let's vote on it and get done with it.

Wayne Thatcher: I hear you. I hear you. But this is just an open ...

Lee Duncan: I understand.

Wayne Thatcher: Okay. Let me speak my piece, and I don't know that the whole council, commission understood that so that's why I want to make it real clear that the way we were going and the presentation that's in the package is, in my opinion, the way it should be done. It allows us to have the staff folks approve the height before it's ever constructed, look at the plans. If it requires a licensed survey of the building lot, then [inaudible] plan will have two elevations, grade plan elevation and height [inaudible] elevation [inaudible]. That's all you need to look at it. I don't know that, Mr.

Chairman, that the Commission understood that we're not even going to talk about it, any of this document that's included in our package. I'm having a little trouble with that, but if we're going to vote up or down on these first four pages, I want...

Lee Duncan: Okay. Let's do it.

Don Boyken: Specifically what are the changes?

Patrice Ruffin: From the original document that you had at the last meeting, there was a definition added for grade plane and a different definition for height and it [inaudible] and the height definition [inaudible].

[Inaudible].

Under 4 height and height. Those two go. That goes.

Grade Plane.

[Pages shuffling].

Lee Duncan: Are you and staff—is this enforceable?

Nancy Leathers: What the staff is recommending is consistent with the international building code [inaudible] statewide. If you adopt something else, you will have conflicting ordinances. You should have one ordinance in [inaudible – coughing] regulations in building codes. Any change to the international code requires that the State approve the change prior to any action by the City.

Lee Duncan: What does, for instance, the City of Roswell use?

Nancy Leathers: [Inaudible]

Lee Duncan: What does Smyrna use?

Unidentified Speaker: Can I ask, from a practical standpoint, the comments about changing the Average to Mean, what does that do to you guys? I mean I hear what they're saying, and I know—practically how does that affect...

Nancy Leathers: We have to take that to the State to get their permission to remove that [inaudible].

Unidentified Speaker: In terms of reviewing plans and enforcing codes, does that make it more complex, simplify it any. We are citizens. We are looking to staff as sort of the experts. I hear what they're saying. I respect them. I know they research this, but at the same time I also realize that we've got to give you practical tools to do what you do everyday.

Nancy Leathers: Because that is the method that we currently use to measure it we don't [inaudible] the Mean, I don't know this would change how we do it. I mean I'm not disagreeing that it's their turn. I'm only saying that it requires [inaudible] change and once it goes into [inaudible] State level and we have to get their authorization to make that change. By referencing the State code and allowing us to then carrying that here we can do a local amendment in tow [phonetic] if they authorize it, but we can't just make the change here. Otherwise we would have two different definitions [inaudible].

Lee Duncan: Any other comments?

Wayne Thatcher: Can I respond to...?

Unidentified Speaker: Yeah, because it's a little early in the morning. I'm not sure that I exactly get that. I mean I know you're explaining it to me, but I don't quite follow.

Wayne Thatcher: Perfect. Let me start with the [inaudible] basic premise here. When you said well reviewing the plans the City of Sandy Springs is not...

Bob Wiley: Speak up so we can get it in the Record.

Wayne Thatcher: Sure. The City of Sandy Springs does not review and/or approve drawings for a house when it comes to [inaudible] which I find—and this came out during this application period where we worked on the document, so that one issue needs to be corrected. The drawings need to be reviewed by staff stating approved for construction, okay, that's a given. Okay. We're not doing that. Secondly, put the two elevations on the front of the page, on the title sheet of the drawing. It takes five seconds to look at and review it for height. If it's 40 feet differential, you can subtract that in your head. So that's the real issue as far as I'm concerned is, one, we've forced them to have a licensed surveyor to survey the building. That's going to add additional dollars to the cost of a house in Sandy Springs. Then we have real

elevations to deal with, not—we have facts to deal with and then from that you build to the height and secondly we would put a [inaudible] and turn down the construction of the home rather than after the fact which is the way staff has to handle it now.

Unidentified Speaker: Because they're not looking at it until the house is done.

Wayne Thatcher: The house is done. That is correct. And Nancy will tell you that they've, one instance that I know of, they've made a builder shorten the house, which is you know kind of [inaudible].

Lee Duncan: At this point in time the staff's recommendation is what we're voting on.

Wayne Thatcher: I understand, but this is just comments.

Lee Duncan: I understand. We've had this thing in front of us for four months. It's time we voted on it.

Wayne Thatcher: We have and...

Lee Duncan: If staff can write a better resolution, then I think staff needs to write a better resolution.

Don Boyken: What happens if we turn this down?

Lee Duncan: It goes to City Council and it's up to City Council.

Don Boyken: All right. Let's say they turn it down so then what does that do to you guys?

Nancy Leathers: Then you have what's in the Ordinance currently.

Wayne Thatcher: Which is a mess. It's almost unenforceably true to *toughen these guys* [phonetic – 0:21:42].

Unidentified Speaker: But does that open up the door for you to tighten this up, clean this up, and come back to us again or?

Nancy Leathers: If we get direction from the Mayor and City Council.

Unidentified Speaker: Can we—I mean do we have any input into that? Can we advise that or we can make that recommendation or is that out of our sort of....

Lee Duncan: If you want to make that motion or that recommendation, make it.

Unidentified Speaker: Well I think I'd let one of you guys that's maybe a little bit more technically astute on this. Maybe Wayne you seem to have a good handle on this. I think that would be an advisable, generally if you can articulate it.

Wayne Thatcher: Well—let me—I'll be happy to do that, but one more thing that we really need to talk about and that is the fact that it's after the fact. That troubles me that we just carte blanche give them a building permit and off they go and then we say, uh-oh. I think we give them building permits to go build what they've shown on the drawings and then doesn't meet the Codes, I think we have some liability [inaudible].

Unidentified Speaker: How does that compare to other municipalities?

Wayne Thatcher: Well, apparently they're interested.

Susan Maziar: How much would it cost ahead of time just to have it measured by [inaudible]?

Wayne Thatcher: [Inaudible].

[Inaudible- overlapping conversation].

Unidentified Speaker: Look we're talking about this in the abstract. You guys have got to live with this. Tell us if we're going down a dead end or taking this in the wrong direction in your opinion.

Nancy Leathers: You all can make whatever recommendations.

Unidentified Speaker: I understand but we've got to hear opinions.

Nancy Leathers: [Inaudible] plan review of single family residences in Sandy Springs. That is a significant increase in the budget [inaudible], which Mayor and City Council would have to approve. I'm not suggesting they shouldn't. I'm just saying that is the decision that the Mayor and City Council [inaudible] a year and a half ago not to do because [inaudible].

Wayne Thatcher: Did they consciously say, okay, do not review residential homes?

Nancy Leathers: Based on the budget, that's correct.

Wayne Thatcher: No I'm saying that the Mayor and our elected officials say we do not want the department to review the residential building plans?

Nancy Leathers: The City Manager.

Wayne Thatcher: That's not [inaudible].

Nancy Leathers: And after discussion with the Mayor and City Council.

Wayne Thatcher: And I want to make sure that everybody understands, because I was dumbfounded when I discovered this that we're not reviewing these drawings, the Codes.

So basically we're just saying here is the Codes. We assume you're going to build it correctly, and after the fact we're going to come in, and if it's wrong or someone points out to us that it's wrong and we come out to verify that it is wrong, then.

Nancy Leathers: There are inspections throughout the process with the exception of the height.

Well we're talking about the height.

Nancy Leathers: The only concern [inaudible – overlapping conversation].

Okay, right.

Nancy Leathers: All of these inspections occur in the interim so that if the [inaudible – distance from recording source]

Of course. We're talking about height here. I mean obviously you're checking electrical and all that, but when someone comes out, someone comes out, the neighbor says I think my neighbor's house, this new house, is 2 feet too high and you send someone out and it is, then they've got to chop it off the top or?

Susan Maziar: Or get a variance.

Nancy Leathers: And that's correct. There are several options for doing it. Generally speaking it would appear that there are going to be problems with the height, then we'll work with them on how they might [inaudible].

Susan Maziar: But you're right. It's all ready done.

Lee Duncan: But would you not know this when the framing is going up?

Nancy Leathers: That we—all we'll know what final grade [inaudible]

Lee Duncan: But if you know what the final grading is, you would have a pretty good idea when the framing is going up that you've got a problem?

Nancy Leathers: Yeah.

John Wesserling: Most of the time when the inspector goes out there—I mean we're very experienced inspectors—when you go out to a site, you can normally tell if the framing is going to be too high within a few feet and I mean although the final grade is not done, you can kind of estimate where that's going to be within a few feet. And if the house is close then you would tell the builder that your house is getting real close next to the height of the [inaudible]. You'd better be careful or take actions to change the height.

Lee Duncan: The first warning sign does not go up after the roofing is up and after the pictures are in the house and all that?

John Wesserling: No, we watch it. And there are some—the house [inaudible] was too high, that we may lower the roof. He was still in framing when we discovered that he had a height problem. And it was a [inaudible] over the height from the grade that he had at that time. He could have taken other steps to correct that: retaining walls, whatever. They put retaining walls in and in fact that could change the height, but he decided to actually lower the roof line.

Bob Wiley: How many homes do you permit every year here?

John Wesserling: We put out about a thousand permits per year now. Not all of those are homes. They're not all new construction. This year new construction is down; it's way down. We probably have, at the end of, beginning of this—I've not done the figures for this month.

Bob Wiley: Roughly?

John Wesserling: Six.

Bob Wiley: For the month.

John Wesserling: For last—from the beginning of the month to January.

Nancy Leathers: [Inaudible] a lot of permitting but it's not individual houses.

John Wesserling: When the economy does what it is doing right now, the housing market, the permitting basically changes from new construction to renovation work. We've increased our renovation work probably ten times: additions, renovations, garages, basement finishes, [inaudible] then the commercial has also leveled out and has remained the same which means no indication of any [inaudible] in the commercial market. But residential, new homes, we've only permitted six this year which is tremendously bad.

Lee Duncan: Normal inspections that you guys are doing on these permits that you've got out there, how many times has the grade plan issues come up?

John Wesserling: In the 2 1/2 years that I've been with the City, it's come up four times.

So is our issue really grade plane definition or is it our process of when we start reviewing the plans? They seem like...

Yeah I'd like too....

John Wesserling: Let me say something. Basically all we're discussing here is grade plane which gives my inspectors a set point to start the measurement from. Without it where do we measure from? Do we measure from the low point, the high point? We have to do what the State tells us to do as far as measuring a house. Even if the zoning ordinance was changed, the definition, I still under law, State law, am required to measure the house to the grade plan that is the definition, so it's going to end up in that grade point anyway.

Wayne Thatcher: Let me take offense to that. That's wrong. That statement is flat out wrong. We can write something that is more restrictive and that is exactly what this document says here. So when he says I've got to go back and do it the other way anyhow, that's wrong. Okay don't go down that path.

Lee Duncan: But we're not providing an alternative.

Wayne Thatcher: Hang on. Hang on. Just let me talk, please.

Nancy Leathers: Let me...

Wayne Thatcher: Let me talk and then I'll shut up. Just as long as we write this ordinance to be more restrictive than the Code we can do anything we wanted and we send it down to State and they'll [inaudible 0:30.30]. Don't buy into, "Oh, my gosh, we've got to go to State to get this thing approved." Now if we're going to relax it, that's a whole different [inaudible]. We're not doing that. We're making it more restrictive because, number one, this document requires a survey. That makes it more restrictive. Period.

Lee Duncan: But that's not what John said, Wayne.

Wayne Thatcher: He said...

Lee Duncan: What John said...

Wayne Thatcher: That you have to measure by the old way.

Lee Duncan: What John said is if this is not approved in this format right now, the alternative for his staff is to go back to the State rates [phonetic] because there isn't another alternative in front of them right now.

Nancy Leathers: If I could make it correct. What I think the issue is here there are two different codes that we're talking about. We're talking about the zoning ordinance; we're talking about the building codes. They're separate codes. Amending one doesn't amend the other, and that's what John would say. As long as the building code remains as the building code is, modifying the zoning ordinance would not change the building code, and you would have two conflicting codes.

Lee Duncan: No. You'd take the more restrictive one.

Wayne Thatcher: You take the more restrictive and...

Lee Duncan: All right. I'd like to get a motion on this definition, please.

Wayne Thatcher: Well I've got to say something, Lee, I'm not ready to...

Lee Duncan: Still not ready to, I mean, I'd love to figure this out and vote, but I'm still a little baffled by all this. We're making this much more complicated than we need to be making it. We're not dealing with an alternative to this plan, we're not dealing with height restrictions, we're not dealing with anything else except what is in those four pages that defines what the grade plane is it's the point of departure for measuring a height at some point in time. If the height is 50 feet, 200 feet, or whatever it may be, that's a different situation later on down the road. So all we need to be focusing on is four pages with the last signature on that page is the Mayor and this is what staff is recommending, and if we like it, fine, and if we don't like it, that's fine, but we need to move on. I guess, and if they approve plans, if they're going to be getting plans in from them before the plans are permitted, and go out in the field and do all of these checks and everything else, that's a different, different animal.

David Rubenstein: I guess, look, to me it sounds like there are—whether we're using the word Average or Mean, that has a big implication here, I guess, but at the same time I don't want to put staff in a situation where they are not able to do their job and it seems to me like if we don't approve this, it puts you in a bad situation. Does it not?

Nancy Leathers: If you don't approve something, then we remain with what we have. It doesn't take away from what there is now. The staff would try to get this all under a single code, a single location where everything is dealt with where we didn't have differing regulations on every location. [Inaudible – coughing] is the more restrictive applies. When there are conflicting ordinances, there is always confusion and I would try to recommend to you that we not do that and to the extent that we can if we worked through the City's regulations, we're trying very hard to do that by selecting what location they should be in and not duplicating them so that we have [inaudible].

David Rubenstein: All right. So let's say we approved this, can we further, over time, define this, or can you, instruct you to when it says 'Average' to use the 'Mean' for example?

Nancy Leathers: You could suggest to us that we may want to forward the amendment to the State which we would then do, forwarding a request to change the 'Average' to 'Mean' and see if the State would approve that. If they would [inaudible].

David Rubenstein: So as I see this, the situation that we have now is the worst situation. They're making a recommendation that may be the right improvement although it's imperfect and but maybe it gives us an opportunity to maybe improve it further. Is that a fair assessment?

Wayne Thatcher: I don't think we'll ever get it back.

Lee Duncan: I think it's up to the Mayor and City Council to get it back.

Don Boyken: My problem is I had an issue with Fulton County on a house and they absolutely did nothing and we have a huge, ugly house. I hate being reactive. If nothing else, let's put the calculation on the cover sheet and that's the only thing these guys would have to check, I'd be fine with it.

Wayne Thatcher: I would too.

Don Boyken: I mean I would absolutely be fine with that because we're proactive. They've done the calculation. They stated from the start. They've looked at it. It's done. They've minimized the problem. To me that's the best way to move forward. We can approve this Code and adopt. They've got to put it on the coversheet and then that's the only thing they've got to check. I'd be happy with that.

Lee Duncan: You want to make that your motion?

Don Boyken: I want to get the feeling from the rest of the Planning Commission.

Lee Duncan: What would that do for staff?

Nancy Leathers: It would be fine. [Inaudible].

Don Boyken: It's being proactive. It's not being reactive, because every time we're reactive, we get screw-ups and it causes more grief for staff, and I don't want that. If we are off and this other definition requires something else, then we might take a look at some other calculation method if we get it back. The fact is right now we're just approving it. We're

being proactive on it. It doesn't make any more work for the City or reduces the risk that the developer will go out and build something and then we have to tell him he's going to have to take it down.

Wayne Thatcher: And I tell you what we don't need to be in a whole lot of a hurry to rush this report. And I know, Lee, you want to get it off this calendar and get it going and out of here, but this is the best time in the world for all of these committees to be cogitating this because nothing is happening in the housing market.

Lee Duncan: All I want to do is just get it up or down. We've beat this thing in the ground. We don't know if [inaudible - extraneous noise] we never will.

Don Boyken: Well how would I modify this to make that part of the recommendation?

Lee Duncan: Staff would you like to make a recommendation on that motion for us?

Nancy Leathers: I would suggest that you ask that there be a sign-off on the application by the builder.

Don Boyken: I want the builder to do the calculation and demonstrate the two either on the cover plan that they submit for either a building permit or it's on the paperwork. Somewhere, somebody's got to say here is the calculation, here is what I'm committing to and we go forth.

Nancy Leathers: I would suggest to you, we had on new houses we get the plans so that we could determine that the house actually, that the land developer, we don't review the house. That's strictly [inaudible] to require the calculations on the [inaudible].

Susan Maziar: Do we want to recommend changing 'Average' to 'Mean'?

Don Boyken: As far as the calculation method, mean or average will be the same.

Susan Maziar: But don't we need to add that to the Ordinance?

Bob Wiley: It would be technical [inaudible].

Susan Maziar: The Average is the Mean.

[Inaudible -overlapping conversation].

Susan Maziar: Do we need to add that or not?

Lee Duncan: Do you—I'm asking staff?

Nancy Leathers: I don't have a problem with your recommending that. You could forward it to the State to get their read on whether they'd accept it.

Lee Duncan: Okay.

John Wesserling: I think we should forward the ICC [inaudible].

Wayne Thatcher. Again, it's more restrictive.

[Inaudible].

Nancy Leathers: It's the International Code, and I would prefer that if it were corrected that it's corrected everywhere, not just for us.

Wayne Thatcher: But, Nancy, I want you to understand and the whole staff that what we're trying to do up here is make your job easier so that you don't get down the road and then have to [inaudible] that house, the builder take that house down, or take that roof off, or shorten the top floor or whatever you want to do. If you can do that on the front end by looking at two elevations on that application and say, hey guys, this is not [inaudible].

Don Boyken: I don't even want them to even have to look at it.

The builder has got to do the calculation.

Somebody has got to check the math.

Wayne Thatcher: I understand that. My point is I think we ought to be reviewing the drawings. That's what kind of [inaudible].

Don Boyken: I do too.

[Inaudible – overlapping conversation]

Lee Duncan: All right. Let's bring ourselves back now to where we are now on this issue.

Don Boyken: All right. I'll make an approval recommendation with the requirement the builder has to demonstrate and show the calculation that meets the requirement for the height.

Lee Duncan: Patrice is starting to write this down, so I just want to make sure she's getting it.

Don Boyken: And staff will approve those calculations.

Lee Duncan: And then you want to change 'Average' to 'Mean?'

Don Boyken: Technically we should be using 'Mean.'

Lee Duncan: All right. Do we have a Second?

David Rubenstein: So are we saying that we are, just to clarify what you're saying, we're going by the international building code, however, in lieu of 'Average' we're using 'Mean?'

Don Boyken: That's correct. And I want to make sure that the builder demonstrates and meets that code before he constructs the building.

Lee Duncan: Do I have a Second?

[Inaudible].

Lee Duncan: I need a Second first?

David Rubenstein: I'll Second that. I think that's what I was kind of looking for.

Nancy Leathers: If I could?

Lee Duncan: Yes, ma'am?

Nancy Leathers: Just one thing dealing with the 'Mean,' fine. We will forward that because I agree with you that's what needs to happen but if you can approve this in the interim even though we don't have the approval to change that word, we will send it forward to get that approved and that will come back separate.

You're going to make it two, make it two motions?

Nancy Leathers: Yeah.

Okay. All right. Split it up.

Lee Duncan: Now the 'Mean' versus 'Average' part of the motion I think what Nancy is trying to say, Don, is we will instruct staff to submit that as a change at some point in the very near future?

Nancy Leathers: Right.

Don Boyken: That's fine.

Nancy Leathers: It just probably will not be available for consideration by the Mayor and Council but the vote [inaudible] want to be clear that we would follow through on the [inaudible].

When the builders submit the calculation, which...

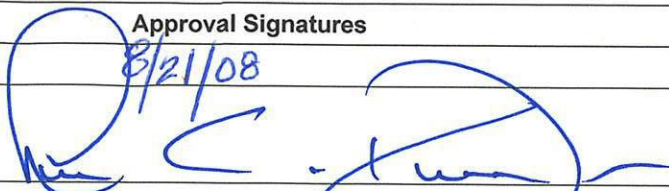
Lee Duncan: Now David you're modifying your motion that you Seconded?

David Rubenstein: Oh yeah.

Lee Duncan: Okay. Don has made a second motion now that he instructs staff to move in front of ICC the change from 'Average' to 'Mean.' Can I have a Second on that motion?

	Bob Wiley: I'll second that. Lee Duncan: Okay. Any discussion on Don's first motion regarding the approval with submittal by the builder, yes? Bob Wiley: We're going against the direct action [phonetic] of the Mayor and City Council where on April 15th they deferred our recommendation that we gave them, which was to allow for more time for alternate, more concise language to the developers and we have not done that. [No audible reply] Lee Duncan: Any further discussion on the motion? Call to vote. Those in favor of Don's motion say I. I. Lee Duncan: Any in opposition? Yes. Lee Duncan: All right. Two oppositions. Three in favor. The motion passes. Lee Duncan: A motion, the second motion, Patrice. Patrice Ruffin: You directed staff to propose a change from 'Average' to 'Mean' for the [inaudible]. Lee Duncan: All right. Those in favor of—any discussion on that motion? Those in favor of the motion? I. Lee Duncan: Opposition? Okay. ACTION: Don Boyken moved to recommend approval as presented by staff subject to the owner/developer being required to demonstrate that the height requirements of the Building Code have been met at time of application for development permits with review by staff. David Rubenstein seconded. The motion was APPROVED (3-2, Boyken, Rubenstein, and Thatcher for; Maziar and Wiley against; Duncan not voting; Rupnow absent). ACTION: Don Boyken moved to recommend approval as presented by staff subject to the owner/developer being required to demonstrate that the height requirements of the Building Code have been met at time of application for development permits with review by staff. Bob Wiley seconded. The motion was APPROVED (3-2, Boyken, Rubenstein, and Thatcher for; Maziar and Wiley against; Duncan not voting; Rupnow absent).
2.	RZ08-007 An Ordinance to Amend the City of Sandy Springs Zoning Ordinance to Allow Senior Housing Developments ACTION: Susan Maziar moved to recommend approval as presented by staff subject to an additional provision regarding guest quarters for visitors of residents, which shall have maximum heated floor area of 500 square feet. Additionally, each senior housing development may have at least one (1) guest quarter unit, but the total number of guest units may not exceed 1% of the total number of units within the development. David Rubenstein. The motion was APPROVED (5-0, Boyken, Maziar, Rubenstein, Thatcher, and Wiley for; Duncan not voting; Rupnow absent).

Meeting Adjournment	The meeting was adjourned at 9:35
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Approval Signatures	
Date Approved	8/21/08
Lee Duncan, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	Patrice B. Ruffin, INTERIM
Jocelyn Stephens, Administrative Assistant/Transcriber	Jocelyn Stephens