



**Planning Commission  
June 21, 2007**

**Meeting Minutes**

|                                     |                                                                                                             |
|-------------------------------------|-------------------------------------------------------------------------------------------------------------|
| <b>Board Members Present</b>        | Roger Rupnow (Chair), Bob Wiley (Vice Chair), Lee Duncan, Susan Maziar, Wayne Thatcher and David Rubenstein |
| <b>Board Members Absent Excused</b> | Donald Boyken                                                                                               |
| <b>Staff Present</b>                | Vann McNeill, Michael Zehner, Patrice Ruffin, Mark Moore, Shaun Suggs and Bridgette Gray                    |

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| <b>CALL to Order</b> | Roger Rupnow called the meeting to order at 7:00 p.m. |
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| <b>I.</b>   | <b>PREVIOUS ACTION REPORT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|             | <b>ACTION:</b> Bob Wiley moved to approve the Action Report from the May 24, 2007 meeting. Lee Duncan seconded. The Action Report from the May 24, 2007 meeting was APPROVED (6-0, Rupnow, Wiley, Rubenstein, Duncan, Maziar and Thatcher for)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| <b>II.</b>  | <b>PREVIOUS MINUTES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|             | <b>ACTION:</b> Bob Wiley moved to approve the Minutes from the May 24, 2007 meeting. David Rubenstein seconded. The Minutes from the May 24, 2007 meeting were APPROVED (6-0, Rupnow, Wiley, Rubenstein, Duncan, Maziar and Thatcher for)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <b>III.</b> | <b>CHANGE OF AGENDA</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|             | Roger Rupnow suggested moving U07-004 to the first item on the agenda. Bob Wiley moved to approve. Wayne Thatcher seconded. Bob Wiley removed his motion and Wayne Thatcher removed his seconded due to the Applicant not being present at this time.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>IV.</b>  | <b>DEFERRED CASES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| <b>A.</b>   | <p><b>RZ07-007</b><br/>6058, 6068 &amp; 6078 Harleston Road<br/><i>Applicant(s): Southland Development Group, LLC</i> <span style="float: right;"><i>Representative(s): Nathan Hendricks, Attorney</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Michael Zehner/ Requesting to rezone R-3 to R-5 for the development of five single family lots at a density of 2.81 units per acre.</p> <p><b>Applicant Presentation:</b> Jon Gallinaro</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>There were sixteen letters in support of the petition submitted to the staff.</li> <li>• <b>Against the Petition:</b><br/>Doug Falciglia, 5925 Brookgreen Road, in opposition of the petition.<br/>Thaea Lloyd, 570 Valley Lane, in opposition of the petition.<br/>David Osborne, 6090 Harleston Road in opposition of the petition.<br/>Christy Biddy, 6110 Harleston Road in opposition of the petition.<br/>Walter Underwood, 245 Ledgemont Ct, in opposition of the petition.</li> </ul> <p><b>(Close of public hearing. Planning Commission questions and discussion)</b></p> |
|             | <b>ACTION:</b> Susan Maziar moved to approve. Roger Rupnow seconded with a motion to make a friendly amendment to maximize the square footage to 3,000. The motion losses for lack of a second. (Maziar and Rupnow for; Wiley, Duncan, Rubenstein and Thatcher against). Maziar and Rupnow found that the staff recommendation for R-4 zoning with 4 lots                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

would allow for a development that was more in keeping with the surrounding neighborhood. Lee Duncan moved to approve for the R-5 zoning and David Rubenstein seconded. The motion was APPROVED (5-1, Wiley, Duncan, Maziar, Rubenstein, and Thatcher for; Rupnow against).

**Condition(s):** Staff conditions 2A (conditioning to the site plan submitted by the Applicant on February 22, 2007), 3B (Regarding a dedication of required right-of-way along Harleston) and 3C (Regarding the requirement that frontage improvements including curb, gutter and sidewalk be installed prior to issuance of certificate of occupancy). Bob Wiley moved for a friendly amendment for the Department of Community Development to should review the process of requiring single family developments located in the Sandy Springs Overlay District to install the standard streetscape. Lee Duncan accepted and wanted to add the Applicant's conditions for square footage and to minimize the square footage at 2,200 and maximize the square footage to 3,300.

**B. RZ07-010**

5279 Greenland Road

*Applicant(s): Southern Gentry Developments, LLC*

*Representative(s): Robert Donner*

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/ Requesting to rezone the subject property from CUP conditional to CUP to allow for the development of thirty-one single family residential lots and a 10,500 square foot church with two concurrent variances; relief from the required twenty foot landscape strip around the proposed detention facilities. To allow the proposed detention facilities to encroach into the required twenty-five impervious surface setback and the fifty undisturbed natural stream buffer.

**Applicant Presentation:** Robert Donner

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

• **Support for the Petition:** Robert Donner submitted documents and signatures from 2,388 households. Vickie Pettit, 195 Ledgemont Court, in support of the petition. Kathy Wright, 260 Beachland Drive, in support of the petition. Martha Patterson, 475 Green Laurel Drive, in support of the petition.

• **Against the Petition:**

Alan Powell, 5695 Colton Road, in opposition of the petition.  
Caroline Kresky, 320 Ledgemont Court, in opposition of the petition.  
Roy Hadley, 235 Ledgemont Court, in opposition of the petition.  
Bernard Pollock, 505 Enclave Circle, in opposition of the petition.  
Richard Foard, 225 Ledgemont Court, in opposition of the petition.  
Richard Holland, 285 Ledgemont Court, in opposition of the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** Lee Duncan moved to approve with staff conditions outlined on page 88 &89. Wayne Thatcher seconded. (3-3,Thatcher, Duncan and Rubenstein for; Maziar, Wiley, and Rupnow against). Ms. Maziar found that the proposed rectory/chapel was not a true place of worship and the proposed use was not in fact permitted under the CUP zoning classification. The voting was tied. Lee Duncan moved to defer for 30 days. Wayne Thatcher seconded. The motion was APPROVED (4-2, Rupnow, Duncan, Rubenstein and Thatcher for; Wiley and Maziar against) for a deferral until the July 19, 2007 hearing to allow for all Commission members to be present.

**Condition(s):** N/A

**IV. NEW CASES**

**A. RZ06-045**

6526 Cherry Tree Lane

*Applicant(s): Sandy Springs of Toyota*

*Representative(s): Mike Jackson*

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/ The Applicant is requesting a withdrawal of the petition to rezone the subject property from R-3 to C-1 to allow Sandy Springs Toyota to develop an employee parking lot.

**Applicant Presentation:** Mike Jackson

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

● **Support for the Petition:**

None

● **Against the Petition:**

Simon Malko, 6542 Cherry Tree Lane, in opposition of the petition.  
Bob Beard, 6326 Vernon Wood Drive, in opposition of the petition.  
Steve & Nita Vantil, 6532 Cherry Tree Lane, in opposition of the petition.  
Jill Sanders, 6487 Cherry Tree Lane, in opposition of the petition.  
Richard Gerald, Vernon Woods Drive, in opposition of the petition.  
Sharon & Kirk Childs, 6552 Cherry Tree Lane, in opposition of the petition.  
Albert Daviou, 6517 Cherry Tree Lane, in opposition of the petition.  
Stephanie Hunter, 6518 Cherry Tree Lane, in opposition of the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** Lee Duncan moved to recommend denial. Wayne Thatcher seconded. The denial was APPROVED (6-0, Rupnow, Wiley, Duncan, Maziar, Rubenstein and Thatcher for) The Commission found that the proposed use was not appropriate because it is inconsistent with the recommended future land use and the property's proximity to the Mt. Vernon Woods neighborhood.

**Condition(s):** N/A

B.

**RZ07-013**

Birkenhead Drive (17 0031LL063, 17 0031LL0028)

*Applicant(s): Sewell Appliance*

*Representative(s): Nathan Hendricks*

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/Requesting to rezone the subject property from C-2 conditional to C-2 for the development of an 18,450 square foot retail appliance store.

**Applicant Presentation:** Nathan Hendricks

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

● **Support for the Petition:**

None

● **Against the Petition:**

None

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** Lee Duncan moved to approve. Bob Wiley seconded. The motion was APPROVED (6-0, Rupnow, Wiley, Duncan, Maziar, Rubenstein and Thatcher for) subject to staff conditions as follows:

**Condition(s):**

1a) Commercial and associated accessory uses at a density of 3,397.79 square feet per acre or 18,450 square feet, whichever is less. The following uses permitted under the C-2 (Commercial District) zoning classification are prohibited: Amusements, Indoor; Apartments, Above or Behind Commercial and Office uses in the Same Building; Assembly Halls; Automotive Specialty Shops; Convalescent Center/Nursing/Hospice; Group Residences; Gymnasiums; Hotels; Health Club/Spa; Millinery or Similar Trade whenever products are sold retail, exclusively on the site where produced; Motels; Personal Care Homes; Restaurants; Service Stations; Stadiums; Theaters; Recycling Centers, Collecting; Automobile & Light Truck Sales/Leasing; Batting Cage, Outdoor; Car Wash; Check Cashing Establishment; Drive-in Theater; Laundry and/or Dry Cleaning Plant Distribution Center. Including processing, fabrication or manufacturing; Pawn Shop; Tinsmithing Shop associated with retail sales.

2a) To the site plan received by the Department of Community Development dated April 3, 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.

3a) The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Birkenhead Drive 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.

b) The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Trowbridge 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) To a maximum illuminance level of 0.5 footcandles along all property lines abutting residentially zoned property.

d) The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.

e) At the time of application for a Land Disturbance Permit, the owner/developer shall be required to submit a photometric study detailing the illuminance level as outlined in condition 3.d. and illustrating the proposed lighting fixtures.

**SPECIAL NOTE:** The Planning Commission would like the Mayor and City Council to know that the Commission was impressed that this was one of the first applications to come before the board that had not asked for any concurrent variances from the regulations of the Zoning Ordinance.

**V. USE PERMIT**

**U07-004/CV07-013**

4934 Peachtree-Dunwoody Road

Applicant(s): *Mini Mensa Prep*

Representative(s): *Karen Schneider*  
(Applicant not present)

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/The Applicant is requesting a withdrawal of the petition for a use permit to allow for the development of a 12,077 square foot private elementary school with a daycare. The proposed school will serve a maximum of 180 students in 19 classrooms. Also requesting nine concurrent variances:

1. To allow for an encroachment into the required twenty-five (25) foot buffer and ten (10) foot improvement setback with the existing driveway and structure along the north property line (Section 4.23.1, *Minimum Landscape Strips and Buffers*).
2. To allow for an encroachment into the required 100 foot building setback with the existing structure and proposed refuse area along the north property line (Section 19.4.40.B.3, *School, Private or Special*).
3. To allow for an encroachment into the required fifty (50) foot setback with the proposed parking area along the north property line (Section 19.4.40.B.6, *School, Private or Special*).
4. Relief from Section 4.24.9.C of the Zoning Ordinance to allow a structure to extend over a special flood hazard area and to be supported by structural elements located within the floodplain.
5. Relief from Section 4.24.9.D of the Zoning Ordinance to allow the ground surface of a new structure adjacent to a Flood Hazard Area to be less than three (3) feet above the base flood elevation and spaced less than ten (10) feet from the base flood plain.
6. Relief from Chapter 14, Article 3, Section 5 (a) (i) of the Sandy Springs Land Development Regulations (Floodplain Management Flood Damage Prevention Ordinance) to allow new construction of principle buildings within the limits of the future-conditions floodplain.
7. Relief from Chapter 14, Article 3, Section 5 b (ii) (a) of the Sandy Springs Land Development Regulations (Floodplain Management Flood Damage Prevention Ordinance) to allow new construction of principle buildings within the limits of the future-conditions floodplain.
8. To allow the proposed sidewalk to encroach into the required twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural stream buffer (Chapter 14, Article 6, Section 5, *Land Development Requirements*).
9. To allow a portion of the proposed building addition and a portion of the proposed parking area to encroach into the required twenty-five (25) foot impervious surface setback (Chapter 14, Article 6, Section 5, *Land Development Requirements*).

**Applicant Presentation:** Applicant not present

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

• **Support for the Petition:**

Letter submitted in support of petition.

• **Against the Petition:**

Harriett Mills, 975 W. Kingston Drive, in opposition of the petition.  
William Heys, 235 Trimble Crest Drive, in opposition of the petition.  
Tom Young, 1290 Old Woodbine Road, in opposition of the petition.  
A numerous amount of letters submitted in opposition of the petition.

(Close of public hearing. Planning Commission questions and discussion)

**ACTION:** Lee Duncan moved to deny. Bob Wiley seconded. The motion was APPROVED (6-0, Rupnow, Wiley, Duncan, Maziar, Rubenstein and Thatcher for). The Commission found that proposed use was not appropriate because in light of the surrounding residential uses.

**Condition(s):** N/A

**U07-005**

5855 Riverside Drive

*Applicant(s):* Tabula Rasa Academy

*Representative(s):* Besa Tarazhi

**SUMMARY/STAFF PRESENTATION:** Patrice Ruffin/Requesting a use permit to allow for 10,000 square feet of the existing 25,000 square foot church building to be used for a foreign language school with a preschool/kindergarten component. The proposed school will serve a maximum of 60 students in 6 existing classrooms.

**Applicant Presentation:** Besa Tarazhi

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

• **Support for the Petition:**

None

• **Against the Petition:**

None

(Close of public hearing. Planning Commission questions and discussion)

**ACTION:** Bob Wiley moved to approve. Lee Duncan seconded. The motion was APPROVED (6-0, Rupnow, Wiley, Duncan, Maziar, Rubenstein and Thatcher for) subject to staff conditions as follows:

**Condition(s):** 1.c.) Hours of operation shall be limited to 8 AM to 5PM.

VI.

**SPECIAL NOTE:** Lee Duncan requested the High Point Civic Association to outline who they represent (the neighborhoods) and who has given them authority to speak on behalf of their homeowner's association.

**Meeting Adjournment**

The meeting was adjourned at 9:48 p.m.

**Approval Signatures**

**Date Approved**

**Roger Rupnow, Chairman**

**Michael Zehner, Assistant Director  
Planning & Zoning**

**Bridgette Gray, Administrative  
Assistant/Transcriber**

*Roger Rupnow*  
*Michael Zehner*  
*Bridgette Gray*



## Planning Commission July 19, 2007

### Meeting Minutes

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|------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Board Members Present</b> | Roger Rupnow (Chair), Bob Wiley (Vice Chair), Susan Maziar, Lee Duncan, Wayne Thatcher                   |
| <b>Board Members Absent</b>  | David Rubenstein and Don Boyken                                                                          |
| <b>Staff Present</b>         | Nancy Leathers, Vann McNeill, Michael Zehner, Dennis Payne, Cesar Geraldo, Mark Moore and Patrice Ruffin |

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| <b>CALL to Order</b> | Roger Rupnow called the meeting to order at 7:00 p.m. |
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| <b>I.</b>   | <b>PREVIOUS ACTION REPORTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|             | <p><b>ACTION:</b> Bob Wiley moved to approve the Action Report from the June 7, 2007 meeting. Wayne Thatcher seconded. The Action Report from the June 7, 2007 meeting was APPROVED AS AMENDED. (4-0-1 Wiley, Duncan, Maziar, and Thatcher for; Rupnow abstaining; Boyken and Rubenstein absent).</p> <p><b>ACTION:</b> Bob Wiley moved to approve the Action Report from the June 21, 2007 meeting. Lee Duncan seconded. The Action Report from the June 21, 2007 meeting was APPROVED AS AMENDED (5-0, Rupnow, Wiley, Duncan, Maziar, and Thatcher for; Boyken and Rubenstein absent).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>II.</b>  | <b>PREVIOUS MINUTES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|             | <p><b>ACTION:</b> Bob Wiley moved to approve the Minutes from the June 7, 2007 meeting. Wayne Thatcher seconded. The Minutes from the June 7, 2007 meeting were APPROVED AS AMENDED. (4-0-1 Wiley, Duncan, Maziar, and Thatcher for; Rupnow abstaining; Boyken and Rubenstein absent).</p> <p><b>ACTION:</b> Lee Duncan moved to approve the Minutes from the June 21, 2007 meeting. Bob Wiley seconded. The Minutes from the June 21, 2007 meeting were APPROVED. (5-0, Rupnow, Wiley, Duncan, Maziar, and Thatcher for; Boyken and Rubenstein absent).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>III.</b> | <b>DEFERRED CASES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>A.</b>   | <p><b>RZ07-010/CV07-010</b><br/>5270 Greenland Road<br/><i>Applicant: Southern Gentry</i> <span style="float: right;"><i>Representative: Woodson Galloway</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Michael Zehner/The Applicant is requesting to rezone the subject property from CUP (community Unit Plan District) conditional to CUP (Community Unit Plan District) to allow for the development of thirty-one single family residential lots and a 10,500 square foot church. The Applicant is also requesting two concurrent variances:</p> <ol style="list-style-type: none"> <li>1. Relief from the required twenty foot landscape strip around the proposed detention facilities (Subdivision Regulations Section 8.5.3.B.2 Detention/Retention Design).</li> <li>2. To allow the proposed detention facilities to encroach into the required twenty-five foot impervious surface setback and the fifty foot undisturbed natural stream buffer (Chapter 14, Article 6, Section 5, Land Development Requirements).</li> </ol> <p><b>Applicant Presentation:</b> Woodson Galloway</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> |

● **Support for the Petition:**

N/A

● **Against the Petition:**

N/A

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** The Applicant requested a deferral. Lee Duncan moved to approve. Wayne Thatcher seconded. The DEFERRAL was APPROVED for the August 16, 2007 hearing. (Rupnow, Wiley, Duncan, Maziar, and Thatcher for; Boyken and Rubenstein absent).

**Condition(s):** N/A

**IV. NEW CASES**

**A. RZ07-015/CV07-016**

6030, 6050, 6060, 6080, 6090,

6100 & 6116 Glenridge Drive

*Applicant: Metropolis Homes*

*Representative: Jason Yowell.*

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/ The Applicant is requesting to rezone the subject property from R-2 (Single Family Dwelling District) and R-3 (Single Family Dwelling District) to R-5 Single Family Dwelling District for the development of twenty-eight single family lots at a density of 3.85 units per acre. The Applicant is also requesting five concurrent variances:

1. Variance from Section 7.5.2 of the Sandy Springs Subdivision Regulations to allow hammerheads to be installed as a part of the proposed private street rather than the required cul-de-sacs.
2. Variance from Section 7.5.2 of the Sandy Springs Subdivision Regulations to allow a twenty-three (23) foot wide right-of-way and a ten (10) foot utility easement rather than the required forty-four (44) foot right-of-way.
3. Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along the southwest side of the proposed internal road of the subject property.
4. Variance from Section 8.2.4 of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the southwest side of the proposed internal road of the subject property.
5. Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along the southwest side of the proposed internal road of the subject property.

**Applicant Presentation:** Jason Yowell

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

● **Support for the Petition:**

Betty Perry, 576 Hammond Drive, in support of the petition.

Aubrey Morris, 626 Lourell Terrace, in support of the petition.

● **Against the Petition:**

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

Dick Farmer, 6080 Glenridge Drive, in opposition to the petition.

Patty Berkowitz, 800 Crest Valley Drive, in opposition to the petition.

Ellen Collins, 593 Lourell Terrace, in opposition to the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** Lee Duncan moved to recommend denial. Bob Wiley seconded. The recommendation for DENIAL was APPROVED (4-1, Rupnow, Wiley, Duncan and Maziar for; Thatcher against; Boyken and Rubenstein absent). The Commission found that the proposal was too dense in relation to the surrounding area. The Applicant was unwilling to comply with the staff recommendation for 21 units.

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|    | <p><b>Condition(s):</b> N/A</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| B. | <p><b>RZ07-017</b><br/> 7700 &amp; 7710 Nesbit Ferry Road<br/> <i>Applicant: Telmo N. Bermeo</i> <span style="float: right;"><i>Representative: Telmo N. Bermeo</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Michael Zehner/The Applicant is requesting to rezone the subject property from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) for the development of four single-family lots at a density of 2.00 units per acre.</p> <p><b>Applicant Presentation:</b> Telmo N. Bermeo &amp; Dan Simpson</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <p>• <b>Support for the Petition:</b><br/> David Searles Jr., 5030 Nesbit Ferry Lane, in support of the petition.<br/> David Lefkovits, 240 Berwick Drive, in support of the petition. (Did not speak.)<br/> Marc Lefkovits, 6705 Pine Mill Lane, in support of the petition. (Did not speak.)<br/> Bill Brown, P.O. Box 921287, in support of the petition. (Did not speak).</p> <p>• <b>Against the Petition:</b><br/> Mary Susan Paul, 6010 Nesbit Ferry Lane, in opposition to the petition.</p> <p><b>(Close of public hearing. Planning Commission questions and discussion)</b></p> <p><b>ACTION:</b> Lee Duncan moved to approve. Wayne Thatcher seconded. The motion was APPROVED. (3-2, Wiley, Duncan and Thatcher for; Rupnow and Maziar against; Boyken and Rubenstein absent). Mr. Rupnow is concerned about what will happen to the one lot that is left.</p> <p><b>Condition(s):</b> Amending staff conditions: (eliminate staff conditions 1a and 1b), per the Applicant's request for four single-family residential lots at a density of 2 units per acre. Staff conditions 2 and 3 are listed as follows:</p> <p>2a. To a revised site plan to be submitted to the Department of Community Development. 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.</p> <p>3a. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Nesbit Ferry 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.</p> <p>3b. To a twenty-five (25) foot side yard setback along all property lines abutting property zoned AG-1 (Agricultural District). This condition as it relates to an abutting AG-1 (Agricultural District) property becomes null and void if such abutting property is rezoned. In such an event, the required setbacks along the abutting rezoned property will revert to the normal setbacks of an R-3A zoned property.</p> <p>3c. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north. Should the owner/developer not come to an agreement on interparcel access at this time, 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 inter-parcel access, prior to the issuance of an LDP.</p> <p>To be implemented and condition to the site plan dated and received May 31, 2007.</p> |
| C. | <p><b>RZ07-018/CV07-014/U07-006</b><br/> 6860 &amp; 6890 Peachtree/Dunwoody Road<br/> <i>Applicant: Four Acres, LLC/Sara Bentley</i> <span style="float: right;"><i>Representative: Nathan Hendricks</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Michael Zehner/ The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Use District) for the development of 163 residential units, 43,400 square feet of office space, and 9,500 square feet of restaurant space.</p> <p>The applicant is also requesting one (1) concurrent variance as follows:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

1. To allow the proposed office building to encroach into the required twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural stream buffer (Chapter 14, Article 6, Section 5, Land Development Requirements).
2. To reduce the required 100 foot recreational court, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to forty (40) feet (Section 19.3.8.B.2, Recreational Court, Private, Multi-family).
3. To reduce the required 100 foot swimming pool, pool equipment, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to twenty-five (25) feet (Section 19.3.12.B.3, Swimming Pool, Private, Multi-family).

Additionally, the applicant is requesting a use permit to exceed the permitted height of 60 feet (4 stories) by constructing the residential building at a maximum height of 8 stories (95 feet) and the office/retail building at a maximum height of 6 stories (73 feet) (Section 19.4.21, Height -- To Exceed District Maximum).

**Applicant Presentation:** Nathan Hendricks

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

• **Support for the Petition:**

David Green, 1201 Peachtree Street, in support of the petition.

Brian Wohl, 3390 Peachtree Street, in support of the petition.

Brad Waldschmidt, 1205 Jefferson Circle, in support of the petition.

Greg Wohl, 617 Windsor Parkway, in support of the petition.

• **Against the Petition:**

Bob Hartman, 20 Carrington Way, in opposition to the petition.

Ken Klatt, 415 Otter Creek Court, in opposition to the petition.

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

Sharon Griswold, 240 Glen Meadow Court, in opposition to the petition.

Adrienne Poulard, 455 Otter Creek Court, in opposition to the petition.

Patty Berkowitz, 800 Crest Valley Drive, in opposition to the petition.

Jacqueline Hartman, 20 Carrington Way, in opposition to the petition.

John Batchelor, 6871 Peachtree Dunwoody Rd, in opposition to the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** Susan Maziar moved for a deferral. Bob Wiley seconded. The motion failed. (Maziar, and Wiley for; Rupnow, Duncan and Thatcher against). Wayne Thatcher moved to approve. Lee Duncan seconded. The motion was APPROVED ( 3-2, Rupnow, Duncan and Thatcher for; Maziar and Wiley against; Boyken and Rubenstein absent) subject to staff conditions which are as follows:

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 14,711.86 square feet per acre or 43,400 square feet, whichever is less.
  - b. Restaurant and associated accessory uses at a density of 3,220.34 square feet per acre or 9,500 square feet, whichever is less. Said retail and service commercial uses shall be contained within either the office building or the residential building.
  - c. 163 residential units at a density of 55.25 units per acre, whichever is less.
  - d. To a maximum height of ninety-five (95) feet for the residential building (U07-006).
  - e. To a maximum height of seventy-three (73) feet for the office building (U07-006).
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated July 3, 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. 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: 10 feet  
Minimum side yard (along Peachtree-Dunwoody Road): 20 feet  
Minimum side yard (interior): 15 feet  
Minimum rear yard: 20 feet  
Minimum heated floor area per unit: 750 square feet  
Maximum building height: 95 feet

- b. The owner/developer shall dedicate forty (40) 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. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Peachtree-Dunwoody Road

- d. No less than 15% of the site shall be maintained as open space.
- e. The owner/developer shall provide pedestrian access directly from the proposed buildings to the North Springs MARTA station, including permanent easements. Access location and design shall be subject to the approval of the Public Works Department prior to issuance of an LDP.
- f. No vehicular access shall be permitted from Peachtree-Dunwoody Road.
- g. There shall be only one (1) vehicular access point from Peachtree-Dunwoody Court.
- h. The owner/developer shall provide adequate intersection sight distance at the intersection of Peachtree-Dunwoody Court and Peachtree-Dunwoody Road. Design and profiles shall be subject to the approval of the Public Works Department prior to issuance of an LDP.
- i. To reduce the required 100 foot recreational court, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to forty (40) feet (CV07-014).

To reduce the required 100 foot swimming pool, pool equipment, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to twenty-five (25) feet (CV07-014).

The Applicant will revise the proposed site plan to show the proposed pedestrian connectivity to the North Springs MARTA station.

Drive-thru restaurants shall be prohibited. Additionally, the commission gave a directive to the applicant to submit a traffic study to Public Works standards to the City prior to the City Council hearing for timely review.

**V. QUARTERLY ORDINANCE AMENDMENTS**

**A. RZ07-024**

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/An Ordinance to amend Article 28, rezoning and other amendment procedures of the City of Sandy Springs Zoning Ordinance.  
**(Invitation for public comment in support of and in opposition to the petition)**

• **Support for the Petition:**

None

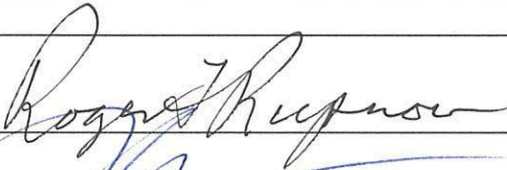
• **Against the Petition:**

Patty Berkowitz, 800 Crest Valley Drive, in opposition to the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
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|    | <p><b>ACTION:</b> Lee Duncan moved to approve. Wayne Thatcher seconded. The motion was APPROVED (4-1, Rupnow, Wiley, Duncan and Thatcher for; Maziar against. Boyken and Rubenstein absent).</p> <ol style="list-style-type: none"> <li>1. The Commission would like to add action option of "no action" to allow applications to be forwarded to the City Council.</li> <li>2. Delete deferral and remand option.</li> <li>3. Add that all deferrals are automatically remanded to the Commission.</li> </ol>                                                                                                                                                                                                                          |
| B. | <p><b>RZ07-025</b></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> An Ordinance to amend Article 4, General Provisions, of the City of Sandy Springs Zoning Ordinance.</p> <p><b>ACTION:</b> Bob Wiley moved to approve. Susan Maziar seconded. The motion was APPROVED (5-0, Rupnow, Wiley, Duncan, Maziar and Thatcher for; Boyken and Rubenstein absent) subject to typographical error amendments.</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>None</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Planning Commission questions and discussion)</b></p> |

|                            |                                        |
|----------------------------|----------------------------------------|
| <b>Meeting Adjournment</b> | The meeting was adjourned at 9:54 p.m. |
|----------------------------|----------------------------------------|

| Approval Signatures                                     |                                                                                      |
|---------------------------------------------------------|--------------------------------------------------------------------------------------|
| Date Approved                                           |                                                                                      |
| Roger Rupnow, Chairman                                  |  |
| Michael Zehner, Assistant Director<br>Planning & Zoning |  |
| Bridgette Gray, Administrative<br>Assistant/Transcriber |  |



**Planning Commission**  
**July 19, 2007**

**Meeting Minutes**

|                              |                                                                                                          |
|------------------------------|----------------------------------------------------------------------------------------------------------|
| <b>Board Members Present</b> | Roger Rupnow (Chair), Bob Wiley (Vice Chair), Susan Maziar, Lee Duncan, Wayne Thatcher                   |
| <b>Board Members Absent</b>  | David Rubenstein and Don Boyken                                                                          |
| <b>Staff Present</b>         | Nancy Leathers, Vann McNeill, Michael Zehner, Dennis Payne, Cesar Geraldo, Mark Moore and Patrice Ruffin |

|                      |                                                       |
|----------------------|-------------------------------------------------------|
| <b>CALL to Order</b> | Roger Rupnow called the meeting to order at 7:00 p.m. |
|----------------------|-------------------------------------------------------|

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|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>I.</b>   | <b>PREVIOUS ACTION REPORTS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|             | <p><b>ACTION:</b> Bob Wiley moved to approve the Action Report from the June 7, 2007 meeting. Wayne Thatcher seconded. The Action Report from the June 7, 2007 meeting was APPROVED AS AMENDED. (4-0-1 Wiley, Duncan, Maziar, and Thatcher for; Rupnow abstaining; Boyken and Rubenstein absent).</p> <p><b>ACTION:</b> Bob Wiley moved to approve the Action Report from the June 21, 2007 meeting. Lee Duncan seconded. The Action Report from the June 21, 2007 meeting was APPROVED AS AMENDED (5-0, Rupnow, Wiley, Duncan, Maziar, and Thatcher for; Boyken and Rubenstein absent).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>II.</b>  | <b>PREVIOUS MINUTES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|             | <p><b>ACTION:</b> Bob Wiley moved to approve the Minutes from the June 7, 2007 meeting. Wayne Thatcher seconded. The Minutes from the June 7, 2007 meeting were APPROVED AS AMENDED. (4-0-1 Wiley, Duncan, Maziar, and Thatcher for; Rupnow abstaining; Boyken and Rubenstein absent).</p> <p><b>ACTION:</b> Lee Duncan moved to approve the Minutes from the June 21, 2007 meeting. Bob Wiley seconded. The Minutes from the June 21, 2007 meeting were APPROVED. (5-0, Rupnow, Wiley, Duncan, Maziar, and Thatcher for; Boyken and Rubenstein absent).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>III.</b> | <b>DEFERRED CASES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <b>A.</b>   | <p><b>RZ07-010/CV07-010</b><br/>5270 Greenland Road<br/><i>Applicant: Southern Gentry</i> <span style="float: right;"><i>Representative: Woodson Galloway</i></span></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Michael Zehner/The Applicant is requesting to rezone the subject property from CUP (community Unit Plan District) conditional to CUP (Community Unit Plan District) to allow for the development of thirty-one single family residential lots and a 10,500 square foot church. The Applicant is also requesting two concurrent variances:</p> <ol style="list-style-type: none"> <li>1. Relief from the required twenty foot landscape strip around the proposed detention facilities (Subdivision Regulations Section 8.5.3.B.2 Detention/Retention Design).</li> <li>2. To allow the proposed detention facilities to encroach into the required twenty-five foot impervious surface setback and the fifty foot undisturbed natural stream buffer (Chapter 14, Article 6, Section 5, Land Development Requirements).</li> </ol> <p><b>Applicant Presentation:</b> Woodson Galloway</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> |

● **Support for the Petition:**

N/A

● **Against the Petition:**

N/A

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** The Applicant requested a deferral. Lee Duncan moved to approve. Wayne Thatcher seconded. The DEFERRAL was APPROVED for the August 16, 2007 hearing. (Rupnow, Wiley, Duncan, Maziar, and Thatcher for; Boyken and Rubenstein absent).

**Condition(s):** N/A

**IV. NEW CASES**

**A. RZ07-015/CV07-016**

6030, 6050, 6060, 6080, 6090,  
6100 & 6116 Glenridge Drive

*Applicant: Metropolis Homes*

*Representative: Jason Yowell.*

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/ The Applicant is requesting to rezone the subject property from R-2 (Single Family Dwelling District) and R-3 (Single Family Dwelling District) to R-5 Single Family Dwelling District) for the development of twenty-eight single family lots at a density of 3.85 units per acre. The Applicant is also requesting five concurrent variances:

1. Variance from Section 7.5.2 of the Sandy Springs Subdivision Regulations to allow hammerheads to be installed as a part of the proposed private street rather than the required cul-de-sacs.
2. Variance from Section 7.5.2 of the Sandy Springs Subdivision Regulations to allow a twenty-three (23) foot wide right-of-way and a ten (10) foot utility easement rather than the required forty-four (44) foot right-of-way.
3. Variance from Section 34.5.3 of the Zoning Ordinance to allow relief of the required sidewalk improvements along the southwest side of the proposed internal road of the subject property.
4. Variance from Section 8.2.4 of the Sandy Springs Subdivision Regulations to allow relief of the required sidewalk improvements along the southwest side of the proposed internal road of the subject property.
5. Variance from Chapter 16 of the Sandy Springs Code of Ordinances to allow relief of the required sidewalk improvements along the southwest side of the proposed internal road of the subject property.

**Applicant Presentation:** Jason Yowell

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

● **Support for the Petition:**

Betty Perry, 576 Hammond Drive, in support of the petition.  
Aubrey Morris, 626 Lourell Terrace, in support of the petition.

● **Against the Petition:**

Doug Falciglia, 5925 Brookegreen Road, in opposition to the petition.  
Dick Farmer, 6080 Glenridge Drive, in opposition to the petition.  
Patty Berkowitz, 800 Crest Valley Drive, in opposition to the petition.  
Ellen Collins, 593 Lourell Terrace, in opposition to the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** Lee Duncan moved to recommend denial. Bob Wiley seconded. The recommendation for DENIAL was APPROVED (4-1, Rupnow, Wiley, Duncan and Maziar for; Thatcher against; Boyken and Rubenstein absent). The Commission found that the proposal was too dense in relation to the surrounding area. The Applicant was unwilling to comply with the staff recommendation for 21 units.

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                          |
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| B. | <p><b>RZ07-017</b><br/> 7700 &amp; 7710 Nesbit Ferry Road<br/> Applicant: <i>Telmo N. Bermeo</i> Representative: <i>Telmo N. Bermeo</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Michael Zehner/The Applicant is requesting to rezone the subject property from AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) for the development of four single-family lots at a density of 2.00 units per acre.</p> <p><b>Applicant Presentation:</b> Telmo N. Bermeo &amp; Dan Simpson</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/> David Searles Jr., 5030 Nesbit Ferry Lane, in support of the petition.<br/> David Lefkovits, 240 Berwick Drive, in support of the petition. (Did not speak.)<br/> Marc Lefkovits, 6705 Pine Mill Lane, in support of the petition. (Did not speak.)<br/> Bill Brown, P.O. Box 921287, in support of the petition. (Did not speak.)</li> <li>• <b>Against the Petition:</b><br/> Mary Susan Paul, 6010 Nesbit Ferry Lane, in opposition to the petition.</li> </ul> <p><b>(Close of public hearing. Planning Commission questions and discussion)</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                          |
|    | <p><b>ACTION:</b> Lee Duncan moved to approve. Wayne Thatcher seconded. The motion was APPROVED. (3-2, Wiley, Duncan and Thatcher for; Rupnow and Maziar against; Boyken and Rubenstein absent). Mr. Rupnow is concerned about what will happen to the one lot that is left.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                          |
|    | <p><b>Condition(s):</b> Amending staff conditions: (eliminate staff conditions 1a and 1b), per the Applicant's request for four single-family residential lots at a density of 2 units per acre. Staff conditions 2 and 3 are listed as follows:</p> <p>2a. To a revised site plan to be submitted to the Department of Community Development. 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. Unless otherwise noted herein, compliance with all conditions shall be in place prior to the issuance of a Certificate of Occupancy.</p> <p>3a. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Nesbit Ferry 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.</p> <p>3b. To a twenty-five (25) foot side yard setback along all property lines abutting property zoned AG-1 (Agricultural District). This condition as it relates to an abutting AG-1 (Agricultural District) property becomes null and void if such abutting property is rezoned. In such an event, the required setbacks along the abutting rezoned property will revert to the normal setbacks of an R-3A zoned property.</p> <p>3c. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the properties to the north. Should the owner/developer not come to an agreement on interparcel access at this time, 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 inter-parcel access, prior to the issuance of an LDP.</p> <p>To be implemented and condition to the site plan dated and received May 31, 2007.</p> |                          |
| C. | <p><b>RZ07-018/CV07-014/U07-006</b><br/> 6860 &amp; 6890 Peachtree/Dunwoody Road<br/> Applicant: <i>Four Acres, LLC/Sara Bentley</i> Representative: <i>Nathan Hendricks</i></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> Michael Zehner/ The applicant is requesting to rezone the subject property from O-I (Office and Institutional District) conditional to MIX (Mixed Use District) for the development of 163 residential units, 43,400 square feet of office space, and 9,500 square feet of restaurant space.</p> <p>The applicant is also requesting one (1) concurrent variance as follows:</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                          |

1. To allow the proposed office building to encroach into the required twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural stream buffer (Chapter 14, Article 6, Section 5, Land Development Requirements).
2. To reduce the required 100 foot recreational court, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to forty (40) feet (Section 19.3.8.B.2, Recreational Court, Private, Multi-family).
3. To reduce the required 100 foot swimming pool, pool equipment, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to twenty-five (25) feet (Section 19.3.12.B.3, Swimming Pool, Private, Multi-family).

Additionally, the applicant is requesting a use permit to exceed the permitted height of 60 feet (4 stories) by constructing the residential building at a maximum height of 8 stories (95 feet) and the office/retail building at a maximum height of 6 stories (73 feet) (Section 19.4.21, Height -- To Exceed District Maximum).

**Applicant Presentation:** Nathan Hendricks

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

• **Support for the Petition:**

David Green, 1201 Peachtree Street, in support of the petition.

Brian Wohl, 3390 Peachtree Street, in support of the petition.

Brad Waldschmidt, 1205 Jefferson Circle, in support of the petition.

Greg Wohl, 617 Windsor Parkway, in support of the petition.

• **Against the Petition:**

Bob Hartman, 20 Carrington Way, in opposition to the petition.

Ken Klatt, 415 Otter Creek Court, in opposition to the petition.

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

Sharon Griswold, 240 Glen Meadow Court, in opposition to the petition.

Adrienne Poulard, 455 Otter Creek Court, in opposition to the petition.

Patty Berkowitz, 800 Crest Valley Drive, in opposition to the petition.

Jacqueline Hartman, 20 Carrington Way, in opposition to the petition.

John Batchelor, 6871 Peachtree Dunwoody Rd, in opposition to the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

**ACTION:** Susan Maziar moved for a deferral. Bob Wiley seconded. The motion failed. (Maziar, and Wiley for; Rupnow, Duncan and Thatcher against). Wayne Thatcher moved to approve. Lee Duncan seconded. The motion was APPROVED ( 3-2, Rupnow, Duncan and Thatcher for; Maziar and Wiley against; Boyken and Rubenstein absent) subject to staff conditions which are as follows:

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 14,711.86 square feet per acre or 43,400 square feet, whichever is less.
  - b. Restaurant and associated accessory uses at a density of 3,220.34 square feet per acre or 9,500 square feet, whichever is less. Said retail and service commercial uses shall be contained within either the office building or the residential building.
  - c. 163 residential units at a density of 55.25 units per acre, whichever is less.
  - d. To a maximum height of ninety-five (95) feet for the residential building (U07-006).
  - e. To a maximum height of seventy-three (73) feet for the office building (U07-006).
2. To the owner's agreement to abide by the following:
  - a. To the site plan received by the Department of Community Development dated July 3, 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. 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: 10 feet  
Minimum side yard (along Peachtree-Dunwoody Road): 20 feet  
Minimum side yard (interior): 15 feet  
Minimum rear yard: 20 feet  
Minimum heated floor area per unit: 750 square feet  
Maximum building height: 95 feet

- b. The owner/developer shall dedicate forty (40) 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. Reserve for the City of Sandy Springs along the necessary property frontage of the following roadways, prior to the approval of a Land Disturbance permit, sufficient land as necessary to provide for compliance with the Comprehensive Plan. All building setback lines shall be measured from the dedication but at no time shall a building be allowed inside the area of reservation. All required landscape strips and buffers shall straddle the reservation line so that the reservation line bisects the required landscape strip or buffer. At a minimum, 10 feet of the required landscape strip or buffer shall be located outside the area of reservation. All required tree plantings per Article 4.23 shall be placed within the portion of the landscape strip or buffer that lies outside the area of reservation.

Fifty-five (55) feet from centerline of Peachtree-Dunwoody Road

- d. No less than 15% of the site shall be maintained as open space.
- e. The owner/developer shall provide pedestrian access directly from the proposed buildings to the North Springs MARTA station, including permanent easements. Access location and design shall be subject to the approval of the Public Works Department prior to issuance of an LDP.
- f. No vehicular access shall be permitted from Peachtree-Dunwoody Road.
- g. There shall be only one (1) vehicular access point from Peachtree-Dunwoody Court.
- h. The owner/developer shall provide adequate intersection sight distance at the intersection of Peachtree-Dunwoody Court and Peachtree-Dunwoody Road. Design and profiles shall be subject to the approval of the Public Works Department prior to issuance of an LDP.
- i. To reduce the required 100 foot recreational court, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to forty (40) feet (CV07-014).

To reduce the required 100 foot swimming pool, pool equipment, accessory structure, and fencing setback adjacent to any residential building, adjoining property line or street to twenty-five (25) feet (CV07-014).

The Applicant will revise the proposed site plan to show the proposed pedestrian connectivity to the North Springs MARTA station.

Drive-thru restaurants shall be prohibited. Additionally, the commission gave a directive to the applicant to submit a traffic study to Public Works standards to the City prior to the City Council hearing for timely review.

**V. QUARTERLY ORDINANCE AMENDMENTS**

**A. RZ07-024**

**SUMMARY/STAFF PRESENTATION:** Michael Zehner/An Ordinance to amend Article 28, rezoning and other amendment procedures of the City of Sandy Springs Zoning Ordinance.  
**(Invitation for public comment in support of and in opposition to the petition)**

• **Support for the Petition:**

None

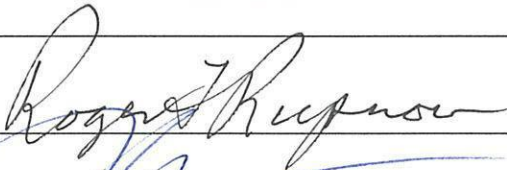
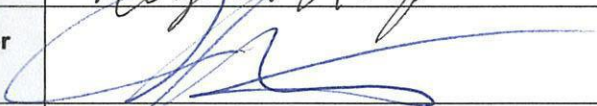
• **Against the Petition:**

Patty Berkowitz, 800 Crest Valley Drive, in opposition to the petition.

**(Close of public hearing. Planning Commission questions and discussion)**

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p><b>ACTION:</b> Lee Duncan moved to approve. Wayne Thatcher seconded. The motion was APPROVED (4-1, Rupnow, Wiley, Duncan and Thatcher for; Maziar against. Boyken and Rubenstein absent).</p> <ol style="list-style-type: none"> <li>1. The Commission would like to add action option of "no action" to allow applications to be forwarded to the City Council.</li> <li>2. Delete deferral and remand option.</li> <li>3. Add that all deferrals are automatically remanded to the Commission.</li> </ol>                                                                                                                                                                                                                          |
| B. | <p><b>RZ07-025</b></p> <p><b>SUMMARY/STAFF PRESENTATION:</b> An Ordinance to amend Article 4, General Provisions, of the City of Sandy Springs Zoning Ordinance.</p> <p><b>ACTION:</b> Bob Wiley moved to approve. Susan Maziar seconded. The motion was APPROVED (5-0, Rupnow, Wiley, Duncan, Maziar and Thatcher for; Boyken and Rubenstein absent) subject to typographical error amendments.</p> <p><b>(Invitation for public comment in support of and in opposition to the petition)</b></p> <ul style="list-style-type: none"> <li>• <b>Support for the Petition:</b><br/>None</li> <li>• <b>Against the Petition:</b><br/>None</li> </ul> <p><b>(Close of public hearing. Planning Commission questions and discussion)</b></p> |

|                            |                                        |
|----------------------------|----------------------------------------|
| <b>Meeting Adjournment</b> | The meeting was adjourned at 9:54 p.m. |
|----------------------------|----------------------------------------|

| Approval Signatures                                     |                                                                                      |
|---------------------------------------------------------|--------------------------------------------------------------------------------------|
| Date Approved                                           |                                                                                      |
| Roger Rupnow, Chairman                                  |  |
| Michael Zehner, Assistant Director<br>Planning & Zoning |  |
| Bridgette Gray, Administrative<br>Assistant/Transcriber |  |