SANDY SPRINGS
GEORGIA

Planning Commission
July 19, 2007

Meeting Minutes

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

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

I. PREVIOUS ACTION REPORTS

ACTION: 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).

ACTION: 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.

II. PREVIOUS MINUTES

ACTION: 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).

ACTION: 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.

III. DEFERRED CASES

A. RZ07-010/CV07-010
5270 Greenland Road
Applicant: Southern Gentry *Representative: Woodson Galloway*

SUMMARY/STAFF PRESENTATION: 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:

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).

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).

Applicant Presentation: Woodson Galloway

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

• **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.

Condition(s): N/A

B. **RZ07-017**
7700 & 7710 Nesbit Ferry Road
Applicant: Telmo N. Bermeo *Representative: Telmo N. Bermeo*

SUMMARY/STAFF PRESENTATION: 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.

Applicant Presentation: Telmo N. Bermeo & Dan Simpson

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

- **Support for the Petition:**

David Searles Jr., 5030 Nesbit Ferry Lane, in support of the petition.
David Lefkovits, 240 Berwick Drive, in support of the petition. (Did not speak.)
Marc Lefkovits, 6705 Pine Mill Lane, in support of the petition. (Did not speak.)
Bill Brown, P.O. Box 921287, in support of the petition. (Did not speak).

- **Against the Petition:**

Mary Susan Paul, 6010 Nesbit Ferry Lane, in opposition to the petition.

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

ACTION: 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.

Condition(s): 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:

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.

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.

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.

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.

To be implemented and condition to the site plan dated and received May 31, 2007.

C. **RZ07-018/CV07-014/U07-006**
6860 & 6890 Peachtree/Dunwoody Road
Applicant: Four Acres, LLC/Sara Bentley *Representative: Nathan Hendricks*

SUMMARY/STAFF PRESENTATION: 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.

The applicant is also requesting one (1) concurrent variance as follows:

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.
Adrianne 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)

		ACTION: 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). 1. The Commission would like to add action option of "no action" to allow applications to be forwarded to the City Council. 2. Delete deferral and remand option. 3. Add that all deferrals are automatically remanded to the Commission.
	B.	**RZ07-025** **SUMMARY/STAFF PRESENTATION:** An Ordinance to amend Article 4, General Provisions, of the City of Sandy Springs Zoning Ordinance.
		ACTION: 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. **(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)**

Meeting Adjournment	The meeting was adjourned at 9:54 p.m.

Approval Signatures	
Date Approved	
Roger Rupnow, Chairman	Roger T Rupnow
Michael Zehner, Assistant Director Planning & Zoning	
Bridgette Gray, Administrative Assistant/Transcriber	Bridgette Gray