

PLANNING COMMISSION

MEETING MINUTES

Monday, July 31, 2006, 7:00 p.m.

Board Members Present: Bob Wiley (Vice Chair), Wayne Thatcher, Don Boyken, David Rubenstein, Susan Maziar, and Lee Duncan

Members Absent (Excused): Roger Rupnow (Chair)

Staff Present: Nancy Leathers, Tom Wilson, Michael Zehner, Cesar Geraldo, Patrice Ruffin, Angela Lawson, and Mark Moore

Call to Order: Bob Wiley called the meeting to order at 7:00 p.m.

I. AMENDMENT TO AGENDA

Bob Wiley: It was agreed by Commission to allow the presentation and decision on **RZ06-24/CV06-013/U06-003** to be the first item on the agenda and then to proceed as stated for this session.

II. REZONING New

G. RZ06-024/CV06-013/U06-003

Peachtree-Dunwoody Road

Applicant: Joseph Foltz, the Kessler Enterprise, Inc.

Summary: From O-I conditional to C01 for the development of a hotel and restaurant development at a density of 115,489.66 gross square feet per acre (296,000 gross square feet) with six concurrent variances.

Donald Boyken – Recused due to conflict of interest.

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

Joseph Foltz: The Kessler Enterprise, Inc., requesting deferral of decision by Planning Commission.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved for deferral until September Planning Commission meeting. Susan Maziar seconded. The motion to DEFER was approved (5-1) until the September session of the Planning Commission. (Donald Boyken recused from this action due to conflict of interest)

III. ACTION REPORT

ACTION: Wayne Thatcher moved for approval of previous meeting's Action Report. David Rubenstein seconded the motion. The Action Report for the June 15, 2006 meeting was APPROVED (6-0).

IV. ORDINANCES/TEXT AMENDMENTS

A. RZ06-036
City of Sandy Springs

Summary: An Ordinance to Amend the City of Sandy Springs Zoning Ordinance to Prohibit Flag Lots.

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

Patty Burkovitz: 800 Crest Valley Drive, speaking in approval of prohibiting flag lots.

Edward A. Weiler: 650 Windsor Parkway, speaking in opposition of the prohibition of flag lots.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Wayne Thatcher moved for approval to prohibit flag lots. Donald Boyken seconded. Motion was APPROVED to amend the City of Sandy Springs Zoning Ordinance to Prohibit Flag Lots (5-1). Lee Duncan was in opposition of this amendment.

V. REZONING Deferred

A. RZ06-011/CV06-010
400 Carpenter Drive
Applicant: Masoud Zahedi

Summary: From C-1 conditional to MIX for a development that will include retail, office, and residential, with 1 concurrent variance.

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

Masoud Zahedi: 400 Carpenter Drive, applicant speaking in support of petition.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved for approval subject to staff recommendations. Susan Maziar seconded motion to approve. Recommendation to APPROVE based on staff conditional recommendations (6-0).

B. RZ06-016 /CV06-008

70 Cliftwood Drive

Applicant: SM Services, Inc.

Summary: O-I conditional to O-I for the development of a 6,000 square foot office building at a density of 14, 634.15 square feet per acre, with 4 concurrent variances.

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

Keith Sirockman: 5375 Crossroads Manor, Sandy Springs, applicant in support of petition.

Craig R. Rethwilm: 50 Technology Parkway, South, Norcross, GA 30092, of Thompson Company, Inc., speaking in support of petition.

Michael J. Bowers: 30 Ivan Allen Blvd, speaking in support of petition.

Howard Goldstein: 37 Cliftwood Drive, speaking in opposition of petition.

Joseph Turner: 580 Cliftwood Court, President of Sandy Springs Cove Home Owner's Association, speaking in opposition of petition.

Patty Burkovitz: 800 Crest Valley Drive, speaking in opposition of petition.

Shirani Bhatia: 21 Cliftwood Drive, speaking in opposition of petition.

Yvonne Jacobs: 33 Cliftwood Drive, speaking in opposition of petition.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Wayne Thatcher motioned for approval based on staff recommendations to include minimizing the driveway dimensions based on Fire Department guidelines for safety. Don Boyken seconded. The petition was APPROVED based on staff recommendations and stipulation to minimize driveway size (5-1). Susan Maziar opposed approval of this petition.

VI. REZONING New

A. RZ06-017

940 Dunwoody Club Drive

Applicant: Dean D'Angelo

Summary: From AG-1 (Agricultural District) to R-3A (Single Family Dwelling District) for the development of three (3) single family lots at a density of 2.52 units per acre.

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

Daryl Cook: 3694 Orchard Street, Norcross, GA, speaking in support of the petition.

Bill Grossman: 5061 Hidden Branches, speaking in opposition of petition.

Bill Grant: 2050 Old Dominion Road, speaking in opposition of petition.

Mark Miller: 105 Dunwoody Green Court, speaking in opposition of petition.

Tom Buetttschneider: 135 Hemmingwood Way, speaking in opposition of petition.

Dara Nicholson: 115 Hemmingwood Way, speaking in opposition of petition.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved for deferral in order for Commission to receive more accurate information on adjacent properties to the August meeting. Wayne Thatcher seconded. The motion was failed with tie vote (3-3). Further executive discussion ensued to resolve this matter.

FINAL ACTION: David Rubenstein moved to approve subject to staff recommendations. Don Boyken seconded. The petition was **APPROVED** based on staff recommendations (6-0).

B. RZ06-018/CV06-018
208 Sandy Springs Place
Applicant: Jennifer Blackburn,
Troutman Sanders, LLP

Summary: From C-1 conditional to C-1 to remove the condition of the use of the property as veterinary clinic only with a concurrent variance for parking reduction.

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

Jennifer Blackburn: Attorney for Troutman Sanders, LLP, speaking in support of petition.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Don Boyken moved to approve this petition based on staff recommendations. Wayne Thatcher seconded the motion. The petition was **APPROVED** subject to staff recommendations, (6-0).

C. RZ06-019/CV06-011

Ison Road

Applicant: Nathan V. Hendricks, III

Summary: From R-2 conditional to CUP for the development of 54 single family lots at a density of 2.25 units per acre.

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

Nathan V. Hendricks, III: 6085 Lake Forest Drive, requesting deferral of this petition.

Dan Green: 4120 Presidential Parkway, speaking in opposition of deferral.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Don Boyken moved for deferral of this petition until the August 17th Planning Commission session. Susan Maziar seconded the motion to defer. The petition was **DEFERRED** until the August 17, 2006 Planning Commission session (6-0).

D. RZ06-020

5965 Riverside Drive

Applicant: Ebrahim Mahdavi

Summary: From R-1 to R02 for the development of one (1) single family lot at a density of 0.90 units per acre.

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

Ebrahim Mahdavi: 5965 Riverside Drive, speaking supporting petition.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: David Rubenstein motioned for approval of petition subject to staff conditions with the stipulation that access be only from Cold Stream and the house be facing Cold Stream. Susan Maziar seconded approval for the petition. The petition was **APPROVED** subject to staff recommendations and stipulation regarding street access and house front facing designated street (5-1). Lee Duncan opposed this petition.

E. RZ06-022/CV06-019

4969 Roswell Road (SR9)

*Applicant: Bridget O'Donnell
Dewberry Capital*

Summary: From C-1 conditional to C-1 to allow for the development of a new 29,447 square foot retail building at the existing shopping center with two concurrent variances.

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

Erin Greer: 4969 Roswell Road, requesting deferral to make staff recommended changes and amendments to original petition.

Kevin King: 190 Nottingham Court, speaking in support of deferral on behalf of the High Point Civic Association.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved for deferral until August Planning Commission meeting. Don Boyken seconded. The petition is DEFERRED until the August meeting (6-0).

F. RZ06-023
5229 Roswell Road (SR9)
Applicant: John Saunders
Permits Plus

Summary: From O-I conditional to O-I to allow for use as an events facility in the existing building.

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

John Saunders: 1316 Scott Blvd, Decatur, GA 30030, 101 Concepts, speaking in support of petition, applicant.

Chris Segal: 101 Concepts, speaking in support of petition.

Nancy Early: 5220 High Point Road, NE, of the High Point Civic Association, speaking in support of petition with conditions regarding adjacent property.

(Public Hearing closed. Planning Commission questions and discussion)

ACTION: Lee Duncan moved for approval of this petition subject to staff's recommendations and clarification on parking. Wayne Thatcher seconded. The petition was APPROVED subject to staff's recommendations and clarification regarding parking privileges as they related to adjacent property (6-0).

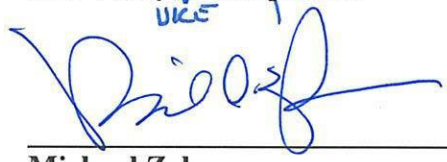
The meeting of the Sandy Springs Planning Commission was adjourned at 9:47 p.m.

APPROVAL SIGNATURE PAGE

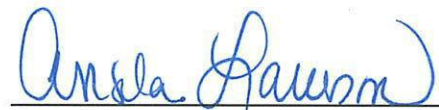
Date Approved: **January 18, 2007**



Bob Wiley, Chairperson
VKE



Michael Zehner
Assistant Director – Planning and Zoning



Angela Lawson
Administrative Assistant/Transcriber