



Planning Commission
August 16, 2007

Meeting Minutes

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

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

I.	PREVIOUS ACTION REPORT
	ACTION: Lee Duncan moved to approve the Action Report from the July 19, 2007 meeting. Wayne Thatcher seconded. The Action Report from the July 16, 2007 meeting was APPROVED (7-0; Rupnow, Wiley, Boyken, Thatcher, Maziar, Rubenstein and Duncan for)
II.	PREVIOUS MINUTES
	ACTION: Lee Duncan moved to approve Minutes from the July 19, 2007 meeting. Wayne Thatcher seconded. The Minutes from the July 19, 2007 meeting were APPROVED (7-0; Rupnow, Wiley, Boyken, Thatcher, Maziar, Rubenstein and Duncan for)
III.	REZONING DEFERRED
A.	RZ07-010/CV07-010 5270 Greenland Road <i>Applicant: Southern Gentry Development, LLC</i> <i>Representative: Robert Donner</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/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 (31) single family residential lots and a 10,500 square foot church. The applicant is also requesting two (2) concurrent variances as follows: 1. Relief from the required twenty (20) 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 (25) foot impervious surface setback and the fifty (50) foot undisturbed natural stream buffer (Chapter 14, Article 6, Section 5, Land Development Requirements). Applicant Presentation: Robert Donner (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Robert Donner requested that the supporters who were seated in the audience to stand. • Against the Petition: Carolyn Kresky, 320 Ledgemont Court, in opposition to the petition. Walt Underwood, in opposition to the petition. Bernard Pollack, 505 Enclave Circle, in opposition to the petition. Richard Foard, 225 Ledgemont Court, in opposition to the petition.

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

ACTION: Donald Boyken moved to approve. Lee Duncan seconded. The motion was APPROVED (4-3, Boyken, Duncan, Rubenstein, and Thatcher for; Maziar, Wiley, and Rupnow against) Rupnow, Maziar and Wiley found that the proposed rectory and chapel uses could not be considered a church and were not appropriate under the CUP zoning classification.

The staff recommends **APPROVAL CONDITIONAL** of the rezoning from CUP (Community Unit Plan District) conditional to **CUP (Community Unit Plan District)** subject to the following conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

- a. Thirty-one (31) single family residential units at a density of 1.70 units per acre, whichever is less.
- b. Lot 2 as shown the site plan received by the Department of Community Development dated May 10, 2007 may be used for either of the following uses:
 - i. Church, temple, or other place of worship, associated accessory uses, and a rectory to accommodate a maximum of twelve (12) priests at a density of 5,971.68 square feet per acre or 10,500 square feet, whichever is less.
 - ii. One (1) single family residential unit at a density of 0.57 units per acre, whichever is less.

To a maximum building height of forty (40) feet for places of worship.

2. To the owner's agreement to abide by the following:

- a. To the site plan received by the Department of Community Development dated May 10, 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.
- b. All areas which are not part of an individual lot and held in common shall be accessible via dedicated roadways, easements, sidewalks, etc. and shall be maintained by a mandatory homeowners association, whose proposed documents of incorporation shall be submitted to the Director of Community Development for review and approval prior to the recording of the first final plat.

The church/rectory structure shall be similar in appearance to all the other homes in the community. Said structure shall be designed as shown in the architectural rendering received by the Department of Community Development dated April 6, 2007.

3. To the owner's agreement to provide the following site development standards:

- a. The minimum design standards are:

Minimum lot size: 10,000 square feet
Minimum lot width at building line: 40 feet
Minimum heated floor area per dwelling unit: 3,000 square feet for lots adjacent to the perimeter common area ;
2,800 square feet for the remainder
Minimum perimeter setback: 40 feet
Minimum front yard: 10 feet

Minimum side yard: 0 feet
Minimum side corner yard: 10 feet
Minimum rear yard: 15 feet (10 feet of which is to be an improvement setback for properties along the perimeter of the project)
Minimum Building Separation: 14 feet

- b. Concurrent with development, provide sufficient right-of-way for and construct cul-de-sac or turn around terminations for Green Hill Place and Elden Drive, as approved by the Department of Public Works.
- c. Delete the required twenty (20) foot landscape strip around the proposed detention facilities as shown on the site

plan received by the Department of Community Development dated May 10, 2007. (CV07-010)

- d. To allow the proposed detention facilities to encroach into the required twenty-five (25) foot impervious surface setback and the fifty (50) foot undisturbed natural stream buffer as shown on the site plan received by the Department of Community Development dated May 10, 2007. (CV07-010)
- e. A new Land Disturbance Permit for the development of Lot 2 for the purpose of permitting the site work associated with the proposed worship/rectory shall be required.
- f. The new Land Disturbance Permit for the site work on Lot 2 associated with the development of the worship/rectory shall include revisions to the Country Hills Estates stormwater management system as needed to address the impact of the worship/rectory development.
- g. Owner of Lot 2 shall be required to be a member of the homeowners' association for the subdivision and the homeowners' association shall be responsible for the maintenance of the stormwater management facilities located within Lot 2.
- h. Provide a natural buffer, common area which is not a part of any lot, undisturbed except for approved access and utility crossings, improvements, and replantings where sparsely vegetated and subject to the approval of the Fulton County Arborist, adjacent to the following property lines and in the widths shown:

25 feet wide along the entire length of the north, south, and west property lines with no improvement setback.
- i. Provide a natural, undisturbed open space/common area on the east side of the property as shown on the site plan referenced in condition 2.a. Replant where sparsely vegetated subject to the approval of the City of Sandy Springs Arborist. Allow approved access and utility crossings, detention facilities, and nature paths in the common area.
- j. No more than one (1) exit/entrance on Greenland Road. Curb cut location and alignment are subject to the approval of the City of Sandy Springs Traffic Engineer.
- k. Garage doors may only be "front facing" under the following conditions:
 - i. The garage is located a minimum of fifteen (15) feet behind the front elevation of the house (the plane on which the front door is located).
 - ii. The garage door is carriage-style as shown on the elevations received by the Department of Community Development dated July 3, 2007. Characteristics of this style include raised panels, wood or wood-like materials, and/or gate-like appearance.
- l. There shall be no signs on the property identifying the church/rectory.

IV. REZONING - NEW

B. RZ07-019/CV07-017

5600 Roswell Road

Applicant: The Prado, LLC

Representative(s): Nathan Hendricks

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/The applicant is requesting to rezone a 2.07-acre tract of the overall Prado property from C-1 (Community Business District) conditional to C-1 (Community Business District) for the development of a 20,331 square foot retail building at the southeast corner of the overall site, which is already approved to be redeveloped with 345,000 square feet of retail and office space. The net affect to the overall project square footage will be 17,116 square feet. According to the applicant, this net change is due to under utilized space included in the previously approved project square footage.

The applicant is also requesting one (1) concurrent variance in association with the rezoning petition as follows:

1. Variance from Section 18.2.1 of the Sandy Springs Zoning Ordinance to allow for a reduction in the total number of parking spaces from 102 to no less than 74 (Section 18.2.1, Basic Off-street Parking Requirements).

Additionally, the applicant has submitted a zoning modification petition that will be heard by the Mayor and City Council in conjunction with this petition. The applicant will be requesting to modify the legal description of the overall property to remove the 2.07-acre tract discussed above and to modify conditions of Z05-0050/ZM06-010.

Applicant Presentation: Nathan Hendricks

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

• Support for the Petition:

Scott McLane, in support of the petition.

• **Against the Petition:**

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

Mark Sampl, 130 Stewart Drive, in opposition to the petition

Chip Howard, 218 Meeting Lane, in opposition to the petition.

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

ACTION: Lee Duncan moved to approve. Bob Wiley seconded. The motion was APPROVED (4-3, Rupnow, Rubenstein, Wiley, and Duncan for; Susan Maziar, Wayne Thatcher and Don Boyken against). The Commission recommends that the Design Review Board require additional plans with respect to the architectural elevations and the visibility of the rooftop mechanical equipment.

Condition(s): The staff recommends **APPROVAL CONDITIONAL** of the rezoning from C-1 (Community Business District) conditional to **C-1 (Community Business District)** subject to the following conditions. Where these conditions conflict with the stipulations and offerings contained in the Letter of Intent, these conditions shall supersede unless specifically stipulated by the Mayor and City Council.

1. To the owner's agreement to restrict the use of the subject property as follows:

Retail and associated accessory uses at a density of 9,821.74 square feet per acre or 20,331 square feet, whichever is less.

2. To the owner's agreement to abide by the following:

To the site plan received by the Department of Community Development dated June 5, 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. No more than two (2) exits/entrances on Roswell Road (SR 9). Curb cut location and alignment are subject to the approval of the Sandy Springs Traffic Engineer.
- b. Provide streetscape standards consistent with the Main Street district in the Sandy Springs Overlay District along Roswell Road (SR 9).
- c. Dedicate at no cost to Sandy Springs along the entire property frontage, prior to the approval of a Land Disturbance Permit, sufficient land as necessary to provide the following rights-of-way, and dedicate at no cost to Sandy Springs such additional right-of-way as may be required to provide at least 10.5 feet of right-of-way from the back of curb of all abutting road improvements, as well as allow the necessary construction easements while the rights-of-way are being improved:

50 feet from the centerline of Roswell Road (SR 9) or as may be required by the Georgia Department of Transportation.

- d. Provide a traffic impact mitigation plan to reduce the number of vehicular trips generated by the development at the Land Disturbance permit phase.
- e. The developer shall be responsible for complying with the requirements of the document entitled "Fulton County Driveway Manual" adopted by the Fulton County Board of Commissioners on May 18, 2005.

C. RZ07-020/CV07-019/U07-007

915 Crestline Parkway

Applicant: Wingate Perimeter, LLC

Representative: Nathan Hendricks

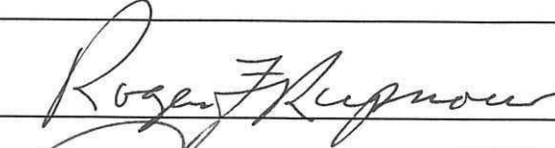
SUMMARY/STAFF PRESENTATION: Patrice Ruffin/The applicant is requesting to rezone the subject property from A-L (Apartment Limited District) to O-I (Office and Institutional District) for the development of a 100-room hotel (without restaurant). The applicant is also requesting seven (7) concurrent variances as follows:

1. To reduce the required number of parking spaces from 1 space per room for a hotel (without a restaurant) to 0.94 spaces per room (Section 18.2.1, *Off-street Parking and Loading*).
2. To reduce the required front yard setback from forty (40) feet to thirty (30) feet along the Crestline Parkway

	frontage of the subject property (Section 8.1.3, <i>Development Standards</i>). - To reduce the required twenty (20) foot landscape strip to ten (10) feet along the west property line adjacent to the GA-400 frontage (Section 4.23.1, <i>Minimum Landscape Strips and Buffers</i>). - To change the required twenty-five (25) foot buffer and ten (10) foot improvement setback to a ten (10) foot landscape strip planted to buffer standards along the south property line adjacent to a residential use (Section 4.23.1, <i>Minimum Landscape Strips and Buffers</i>). - To increase the number of parking spaces between landscape islands from every sixth space to every twenty-first space (Section 4.23.2, <i>Parking Lot Landscaping</i>). - To reduce the required off-street parking setback from twenty-five (25) feet to ten (10) feet adjacent to the residential use to the south (Section 18.3.1.E, <i>Parking and Loading Locations</i>). - To delete the required Perimeter Community Improvement District streetscape design standards to allow the existing five (5) foot sidewalk and street trees to remain along the Crestline Parkway frontage of the subject property (Section 12B(1), Perimeter Community Improvement Design District). Additionally, the applicant is requesting a use permit to exceed the permitted height of 60 feet (4 stories) by constructing the hotel at a maximum height of six (6) stories (Section 19.4.21, <i>Height -- To Exceed District Maximum</i>). Note: Applicant requested a deferral. (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: John Fonk, 706 Garden Court, Dunwoody Springs Condos Assc., supported the applicant's request for a deferral. Jerry Willis, 961 Perssimmon Point, Dunwoody Road supported the applicant's request for a deferral. • Against the Petition: None (Close of public hearing. Planning Commission questions and discussion)
	ACTION: David Rubenstein moved to approve the deferral. Susan Maziar seconded. The DEFERRAL was APPROVED (7-0, Rupnow, Wiley, Rubenstein, Maziar, Boyken, Duncan and Thatcher for)
	Condition(s): N/A
V.	TEXT AMENDMENTS A. RZ07-028 An Ordinance to amend Article 12B, Sandy Springs Overlay District, of the City of Sandy Springs Zoning Ordinance SUMMARY/STAFF PRESENTATION: Patrice Ruffin Applicant Presentation: N/A (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: Lee Duncan moved to approve. Don Boyken seconded. The motion was APPROVED (6-1, Rubenstein, Boyken, Duncan, Maziar, Thatcher for; Rupnow against) David Rubenstein made a friendly amendment to Lee Duncan's motion to accept the staff's recommendations which was

	accepted by Boyken.
	Condition: With the stipulation that the property owners be notified of the proposed changes to the uses of their properties and to give them the opportunity to make a presentation and/or express concerns.

Meeting Adjournment	The meeting was adjourned at 8:24 p.m.
----------------------------	--

Approval Signatures	
Date Approved	
Roger Rupnow, Chairman	
Nancy J. Leathers, AICP, Director of Community Development	
Bridgette Gray, Administrative Assistant/Transcriber	