



PLANNING COMMISSION

Lee Duncan, Post 2 – Chair
Wayne Thatcher, Post 3 – Vice Chair
Al Pond, Post 4
Susan Maziar, Post 7
David Rubenstein, Post 5
Roger Rupnow, Post 1
Steve Tart, Post 6

Thursday August 18, 2011

Regular Meeting Minutes

7:00 PM

Board Members Present	Lee Duncan, Chair, Wayne Thatcher, Vice Chair, David Rubenstein, Susan Maziar, Al Pond, Roger Rupnow, and Steve Tart
Board Members Absent	None
Staff Present	Nancy Leathers, Patrice Ruffin, Doug Trettin, and Terry Robinson
Call to Order	Lee Duncan called the meeting to order at 7:00 p.m.

ADOPTION OF AGENDA

Motion and Vote: Thatcher motioned to add a second item for discussion regarding distribution of staff reports. Rupnow seconded. Approved (6-0, Thatcher, Pond, Rubenstein, Maziar, Rupnow, and Tart for; Duncan not voting).

Motion and Vote: Rubenstein motioned to approve the agenda as amended. Maziar seconded. Approved (6-0, Thatcher, Pond, Rubenstein, Maziar, Rupnow, and Tart for; Duncan not voting).

PUBLIC COMMENT

None.

APPROVAL OF PREVIOUS MEETING'S MINUTES

Motion and Vote: Rubenstein motioned to approve the minutes of the August 4, 2011 meeting. Thatcher seconded. Thatcher noted a necessary correction to the time of the meeting and to the sequence of action taken approving the August 4, 2011 agenda. Approved as corrected (6-0, Thatcher, Pond, Rubenstein, Maziar, Rupnow, and Tart for; Duncan not voting).

REZONINGS

RZ11-005

5790 and 5800 Mountain Creek Road

SUMMARY/STAFF PRESENTATION:

To rezone the subject property from O-I (Office and Institutional District) to O-I (Office and Institutional District) to allow personal care homes having a density larger than previously approved.

APPLICANT PRESENTATION:

Carol Reynolds, 5800 Mountain Creek Road, Sandy Springs, GA. 30328

(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)

Motion and Vote:

Pond moved to recommend approval. Thatcher seconded. Recommendation for approval subject to Staff conditions. Approved (6-0, Thatcher, Pond, Rubenstein, Maziar, Rupnow, and Tart for; Duncan not voting).

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To Personal Care Homes.
 - b. To one 3,616 square foot Personal Care Home and to a second 3,828 square foot Personal Care Home developed at a total density of 9,034 square feet per acre prior to any right-of-way dedication.
 - c. To no more than eight (8) occupants (not including the on-site staff) in each home (16 total) at any given time.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development on June 7, 2011. Said site plan is conceptual only and must meet or exceed the requirements of the Zoning Ordinance, the Development Standards contained therein, and these conditions prior to the approval of a Land Disturbance Permit. The applicant shall be required to complete the concept review procedure prior to application for 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. The required and/or provided landscape strip(s) and zoning buffer(s) shall be planted to meet the minimum standards as approved by the City Arborist.
 - c. To planting the required landscape strips and zoning buffers to meet the minimum standards as approved by the City Arborist.
 - d. To obtain a Certificate of Occupancy from the City prior to establishing the Personal Care Home uses.

- e. To provide at least one (1) on-site staff person on premises per building twenty-four (24) hours per day.
 - f. To provide a transportation plan for the operation of the Personal Care Home(s) before the issuance of any Certificate of Occupancy.
3. To the owner's agreement to provide the following site development standards:
- a. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
 - b. Variance from Section 4.23.1 of the Zoning Ordinance to reduce the required Landscape Strip(s), Zoning Buffer(s) & Improvement Setback(s) to the extent necessary to allow for proposed All-weather surface/Driveway/Parking to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
 - c. Variance from Section 8.1.3.C of the Zoning Ordinance to reduce the required twenty (20) foot minimum interior side setback(s) to the extent necessary for the existing structure(s) to comply in accordance with the site plan received by the Department of Community Development on March 31, 2010 (CV10-002).
 - d. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Mountain Creek 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.
 - e. To reduce the zoning regulations to the extent necessary for all the existing non-conforming (grandfathered) structure(s) to comply in accordance with the site plan received by the Department of Community Development on June 7, 2011.

RZ11-006/U11-002**1140 & 1150 Hammond Drive***SUMMARY/STAFF PRESENTATION:*

To rezone the subject property from MIX (Mixed Use District) to MIX (Mixed Use District) to allow multi-family dwelling use and to allow a height Use Permit.

APPLICANT PRESENTATION:

Nathan V. Hendricks III, 6085 Lake Forrest Drive, Suite 200, Sandy Springs, GA. 30328

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

SUPPORT FOR THE PETITION:

Pat Chesser, 10 Glenlake Pkwy., Suite 1000, Sandy Springs, GA. 30328

David Ravin, 5910 St. John Ln., Charlotte, NC. 28210

Chuck Travis, 333 West Trade St., Charlotte, NC. 28202
John Walker, 817 W. Peachtree Street, NW, Atlanta, GA. 30308

AGAINST THE PETITION:

E. Early Muntzing, 1155 Hammond Dr., #5250, Sandy Springs, GA. 30328

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

Motion and Vote:

Pond moved to recommend approval. Rubenstein seconded. Recommendation for approval subject to Staff conditions. Approved with chair voting to break tie (4-3, Pond, Rubenstein, Tart, and Duncan for; Maziar, Thatcher, and Rupnow against).

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Retail, service commercial, and/or office and associated accessory uses, including all exterior food and beverage service areas, at a maximum density of 38,759.69 gross square feet per acre or 753,000 gross square feet, whichever is less, but excluding convenience stores with gas pumps, commercial amusements, and freestanding fast food restaurants, except for bagel, pastry and coffee shops, and ice cream parlors.
 - b. To the existing seven (7) story commercial building (Goddard School) (U11-002#1), to a six (6) story Multi-family Complex having 345 units and a parking garage (U11-002#2), and to an eleven (11) story, 160 room Hotel (U11-002#3).
 - c. To a maximum 160-room hotel.
 - d. To a maximum 345 unit Multi-family Complex
2. To the owners agreement to abide by the following:
 - a. To the Rezoning Site Plan submitted to the Department of Community Development dated received August 11, 2011. 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 (Peachtree Dunwoody Road): 20 feet
Minimum side corner yard (Hammond Drive): 12 feet
Minimum side yard: 10 feet
Minimum rear yard: 10 feet

Minimum internal setbacks, separations, landscaping and buffering between uses is as shown on the site plan which shall comply with the local governing building codes.

- b. The owner/developer shall dedicate fifty-five (55) 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. The owner/developer shall dedicate sufficient right-of-way from centerline of Hammond Drive along the entire property frontage as depicted on the "Additional Right of Way Exhibit" in the Appendix of the *Hammond Drive Corridor Report, from Peachtree-Dunwoody Road to Perimeter Center Parkway*, prepared for the Fulton County CID, DeKalb County CID, & Perimeter CID, by Kimley-Horn and Associates, Inc. on January 2008, such that the ultimate right-of-way shall be 135 feet in width. The aforementioned Additional Right of Way Exhibit is attached and dated received August 5, 2011 by the Department of Community Development.
- d. The new proposed curb cut on Hammond Drive, that is proposed to be approximately 680 feet east of the centerline of Peachtree-Dunwoody Rd, shall be designed to have exit lanes configured to have a right, straight thru lane, and left turn lanes which shall be subject to the approval of the Public Works Department at the time of LDP. The exit lanes shall not have bisecting entry points to those exit and entry lanes a minimum of approximately 130 feet from the proposed curb line of Hammond Drive. Until a traffic signal is operational at this curb cut only one exit lane would be functional. No gates shall be within the entrance and exit lanes off of this Hammond Drive curb cut less than 300 lane feet from the northerly curb of Hammond Drive.
- e. Traffic within the property shall be able to circulate through the existing and proposed parking garages and exit on to Hammond Drive subject to the approval of the Public Works Department.
- f. By the owner/developer, Hammond Drive shall be milled, resurfaced, and pavement markings placed stripped to points acceptable to the Public Works Department to enable a 200 foot long eastbound left turn lane into the new curb cut in accordance with the Rezoning Site Plan dated received August 11, 2011 by the Department of Community Development or as designated by the Public Works Department.
- g. An 8 inch wide by 6 inch tall concrete header curb, painted with traffic yellow, shall be placed by the owner/developer along the centerline of Hammond from Peachtree Dunwoody Road to the proposed new traffic signal/driveway as directed by the Public Works Department.
- h. The most westerly existing curb cut off of Hammond Dr shall be made into a right turn in and right turn out driveway at time of receiving a LDP in accordance with the Rezoning

Site Plan dated received August 11, 2011 by the Department of Community Development.

- i. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Public Works Department for the roads along the frontages of the subject.
- j. Prior to issuance of an LDP for the proposed Hotel, permanent easements shall be recorded allowing for future interparcel access along the entire boundary of the adjacent properties to the north and east. Prior to issuance of an LDP for the proposed Hotel, the owner/developer shall attempt to provide interparcel access with the adjacent property to the north; however, should the owner/developer not come to an agreement on interparcel access at that time, the owner/developer shall provide documentation of such. Prior to issuance of an LDP for the proposed Hotel, interparcel access to the east shall occur considering any future infrastructure construction in DeKalb/Dunwoody.
- k. At the existing most easterly curb cut this driveway will be allowed to operate as a right turn in and out provided it is reconstructed as directed by the Public Works Department. This driveway will be permanently closed after 24 months of the issuance of the LDP for any portion of this project or as directed by the Public Works Department.
- l. Prior to the issuance of a Certificate of Occupancy for the proposed Multi-family complex, a traffic signal study, as designated by the Public Works Department, will be conducted by the owner for proposed traffic signal at the most northerly curb cut on Peachtree Dunwoody Road. This will also include a traffic signal construction design plan that will be approved by the Public Works Department.
- m. A traffic signal study, as designated by the Public Works Department, will be conducted by the owner for proposed traffic signal at the proposed curb cut on Hammond Drive. This will also include a traffic signal construction design plan that will be approved by the Public Works Department.
- n. The property owner shall install and/or escrow funds for Traffic signals at the most northerly curb cut on Peachtree Dunwoody Road and at the proposed curb cut on Hammond Drive, as determined and approved by the Public Works Department. The traffic signal hardware and software shall be similar to the newest traffic signals installed within the Perimeter CID District.
- o. No more than two (2) curb cuts on Peachtree-Dunwoody Road; one to align with existing median break and the other restricted to right-in/right-out. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
- p. No more than three (3) curb cuts on Hammond Drive. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.

- q. The owner/developer shall install a westbound right turn lane from Hammond Drive onto Peachtree-Dunwoody Road. Said improvement shall be installed at such time a new Land Disturbance Permit is approved by the Department of Community Development.
- r. The owner/developer shall follow the Hammond Drive Construction Access Phasing Plan dated received August 11, 2011 by the Department of Community Development or as directed by the Public Works Department.
- s. The parking lanes aisle that exit into the travel lane that would enter or exit the site at the most northerly curb cut on Peachtree Dunwoody Road shall be made right in and right out.
- t. To reduce the required twenty-five foot (25') impervious stream buffer to zero feet (0') and the required fifty foot (50') undisturbed natural stream buffer to five feet (5') to permit an encroachment of 6504 square feet of impervious surface into the twenty-five foot (25') impervious setback and 16,935 square feet of disturbed pervious and impervious area into the fifty foot (50') undisturbed buffer. (CV08-027)
- u. To delete the required twenty (20) foot landscape strip along the area adjacent to the retail building and existing parking along the west property line as shown on the site plan dated July 22, 2011 (Peachtree-Dunwoody Road frontage) (CV08-027).
- v. To allow for an additional freestanding sign on the Peachtree-Dunwoody Road frontage (CV08-027). Said sign shall be no larger than seventy-two (72) square feet with a maximum height of eight (8) feet.
- w. To allow internal signs throughout the site to be used as directional signage (CV08-027). Said signs shall be no larger than twenty (20) square feet with a maximum height of six (6) feet.
- x. Not less than 20% of the total acreage shall be maintained as common outdoor open space for the use and benefit of the residents. Said common outdoor open space shall be marked by appropriate signage and must be accessible via a road or walking trail to the rest of the development.
- y. Not less than 20% of the site shall be maintained as Open Space of which 15% shall be Green Space.
- z. To allow for two (2) additional freestanding signs on the subject property. Said signs shall have a maximum sign area of thirty-two (32) square feet and a maximum height of eight (8) feet and located along the Hammond Drive frontage, on the most eastern

entrance to the development, as shown on sign elevation plan dated February 3, 2009.
(CV09-002)

- aa. Pursuant to The Tree Conservation Ordinance, Administrative Standards & Best Management Practices – Landscape Strips, Buffers and Parking (A.4) to allow a permanent structure (retaining wall) within a landscape strip. (V09-012)

TEXT AMENDMENTS

TA11-003

SUMMARY/STAFF PRESENTATION:

An Ordinance to Amend Article 33, Signs, of the 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:

James F. Zakem, 5005 Riverview Road, Sandy Springs, GA. 30327

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

Motion and Vote:

Tart moved to recommend deferral of up to 90 days to allow staff to fine tune the language and to analyze separately residential and commercial signage as it relates to standard informational signs. Thatcher seconded. Approved (6-0, Thatcher, Pond, Rubenstein, Maziar, Rupnow, and Tart for; Duncan not voting).

WORK SESSION

Comprehensive Plan Revisions

SUMMARY/STAFF PRESENTATION:

Chapter 1 – Vision, Character Areas, & Future Land Use and Chapter 2 – Issues and Opportunities.

(Invitation for public comment)

PUBLIC COMMENT:

None.

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

Discussion:

Discussion of Chapters 1 & 2 commenced, and Lee Duncan suggested an alternate plan of action to help the revision process whereby staff would highlight any possible revisions within the Comprehensive Plan document itself. The Commission as whole supported Mr. Duncan's suggestion.

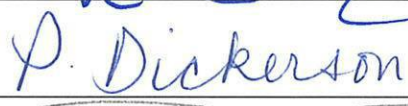
With this suggestion implemented, the revision process will occur at the next regularly scheduled meeting.

DISCUSSION: DISTRIBUTION OF AGENDA ITEM MATERIALS (I.E. STAFF REPORTS).

The Planning Commission as a whole agreed that hard-copy distribution is a better method of receiving materials because the electronic method does not allow the Commission to effectively review and analyze agenda items for proper consideration.

ADJOURNMENT

Meeting adjourned at 9:20 p.m.

Approval Signatures	
Date Approved	09/15/11
Lee Duncan, Chairman	
Patrice Dickerson, Manager of Planning & Zoning	
Gloria Goins, Administrative Coordinator/Transcriber	