



Planning Commission
August 21, 2008

Meeting Minutes

Board Members Present	Lee Duncan (Chair), Wayne Thatcher (Vice Chair), Don Boyken, Susan Maziar, David Rubenstein
Board Members Absent	Roger Rupnow, Bob Wiley
Staff Present	Linda Abaray, Harmit Bedi, Chris Miller, Mark Moore, Nancy Leathers, Terry Robinson, Patrice Ruffin, Jocelyn Stephens, Andrew Thompson

CALL to Order	Lee Duncan called the meeting to order at 7:00 p.m.
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	APPROVAL OF AGENDA
	ACTION: Susan Maziar moved to recommend approval of the Agenda. Wayne Thatcher seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent).
	PUBLIC COMMENTS - None
	PREVIOUS MINUTES
	ACTION: Wayne Thatcher moved to recommend approval of the June 2, 2008 Minutes. Susan Maziar seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent). ACTION: Wayne Thatcher moved to recommend approval of the June 19, 2008 Minutes. David Rubenstein seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent). ACTION: Susan Maziar moved to recommend approval of the July 17, 2008 Minutes. Wayne Thatcher seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent).
	REZONING
1.	RZ08-012/U08-006/CV08-014 305 Carpenter Drive <i>Applicant: Keith Pimboeuf</i> <i>Representative: Keith Pimboeuf</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from A-L conditional to A-L for the development of a 10-story, 170-unit senior apartment building, with a use permit to exceed the maximum district height and concurrent variances. Applicant Presentation: Keith Pimboeuf (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Masoud Zahedi, 5801 Roswell Road, Atlanta, GA 30328 • Against the Petition: None (Close of public hearing. Planning Commission questions and discussion)

ACTION: Wayne Thatcher moved to recommend approval subject to staff conditions amended to require the applicant to submit a letter from a structural engineer confirming that the existing retaining wall can support the proposed building and requiring the project to be constructed by the developer/applicant. Don Boyken seconded. The motion was APPROVED (3-1, Thatcher, Boyken, and Rubenstein for; Maziar against; Duncan not voting; Rupnow and Wiley absent). Additionally, the Commission wanted to ensure that any approval associated with this project did not set a precedent for density in the immediate area, unless the new proposal was for a senior living development.

Condition(s):

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. 170 independent living, senior housing units at a density of 142.86 units per acre, whichever is less. Said housing shall have at least 80% of the occupied dwelling units occupied by at least one person who is 62 years of age or older which shall be verified by documentation submitted annually by the owner/developer pursuant to policies and procedures adopted by the Director of Community Development. Exceptions to this requirement shall be made for spouses if at least one (1) of the occupants is at least 62 years of age and for persons with disabilities.
 - b. The minimum heated floor area for the units shall be as follows:
 - a. 80 units shall have a minimum heated floor area of 850 square feet
 - b. 30 units shall have a minimum heated floor area of 1,000 square feet
 - c. 60 units shall have a minimum heated floor area of 1,200 square feet
 - c. To a maximum building height ten (10) stories.
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 6, 2008. 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 owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Carpenter 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. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent properties. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, 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 along the entirety of the northern and eastern boundaries of the property, prior to the issuance of an LDP.
 - c. All units shall be designed, constructed and operated in accord with the Fair Housing Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing Act related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Community Development.
 - d. The senior housing development may have at least one (1) unit designated as guest quarters for visitors of residents, but the total number of guest units may not exceed 1% of the total number of units within the development. Guest units shall have maximum heated floor area of 500 square feet.
 - e. The property shall be deed restricted to senior housing except as provided for by Fair Housing laws. Each senior housing development shall post on its premises notice of its status as a senior housing development in a manner readily visible to and accessible to the residents. Such notices shall be subject to the approval of the Department of Community Development.
 - f. The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development prior to the issuance of a certificate of occupancy.

- g. The project is encouraged to incorporate Easy Living and applicable accessibility standards (as administered and copyrighted by a coalition of Georgia citizens including but not limited to AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia).
- h. Home occupations shall be permitted in accordance with Section 4.12, Home Occupation, of the Zoning Ordinance.
- i. Any proposed change in the use of a senior housing project that does comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be considered a zoning modification and be required to be brought into conformance with city standards.
- j. The project is encouraged to incorporate features to enhance the quality of the senior housing development including, but not limited to, laundry rooms on each floor, lounges on each floor with automated external defibrillators (AEDs), balconies on each floor for fresh air, theater-style media centers, library, dining halls, wall-mounted emergency pull cords in each unit's bathroom, aerobics and fitness centers.

2. **RZ08-015/CV08-017**
 5335 Roswell Road (SR9)
Applicant(s): Steve Grubenhoff

Representative: Steve Grubenhoff

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from A-O conditional and C-1 conditional to C-1 to maintain the existing structures, with concurrent variances.

Applicant Presentation: Steve Grubenhoff

(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: Don Boyken moved to recommend approval of the applications subject to staff recommendations. David Rubenstein seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent).

Condition(s):

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. To the existing one-story, 4,400 square foot office building and associated accessory uses. The following uses under the C-1 (Community Business District) zoning classification shall be permitted in the existing building: Art Galleries; Catering, Carry-out and Delivery; Clinics; Delicatessens; Financial Establishments; Laundromats; Laundry and Dry Cleaning Shops; Libraries; Communication Services; Museums; Offices; Personal Services including barber, beauty; Pet Grooming (No overnight stay); Photography Studios; Printing Shops, Convenience; Repair Shops not involving any manufacturing on the site; Retail Stores or Shops; School of Business, Dance, Music or similar schools. All uses not listed shall be prohibited.
 - b. To the existing one-story, 1,635 square foot restaurant building and associated accessory uses.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 2, 2008. 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. To allow the existing office building to encroach into the required forty (40) foot side corner setback along the south property line (CV08-017). b. To allow the existing Waffle House restaurant building to encroach into the required five (5) foot landscape strip along the north property line (CV08-017). c. To allow the existing office building to encroach into the required fifty (50) foot buffer and ten (10) foot improvement setback adjacent to residentially zoned property along the east property line (CV08-017).
3.	RZ08-017 1040 Balmoral Road Applicant(s): James R. Bardin Representative: Kay Quigley SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from R-2 to R-3 for the development of two single family residential lots. Applicant Presentation: Kay Quigley (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: Dave Rubenstein moved to recommend approval subject to staff conditions. Susan Maziar seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent). Condition(s): 1. To the owner's agreement to restrict the use of the subject property as follows: b. Two (2) single family residential lots at a density of 1.75 units per acre. 2. To the owner's agreement to abide by the following: a. To the site plan received by the Department of Community Development dated June 2, 2008. 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 owner/developer shall dedicate thirty (30) 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. b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Balmoral 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. No vehicular access shall be permitted from Peachtree-Dunwoody Road. All access points shall be located on Balmoral Road.
4.	RZ08-018/CV08-020 5229 Roswell Road (SR 9) Applicant(s): Friedman Realty Advisors, LLC Representative: Pete Hendricks

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from O-I conditional to O-I for the development of 2-story, 7,500 square foot office building, with concurrent variances.

Applicant Presentation: Pete Hendricks

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

• **Support for the Petition:**

Sarah Boone, 380 Elden Tor. NE, Atlanta, GA 30342

Bruce Danielson and Claire Danielson, 270 Beachland Drive, Atlanta, GA 30342

Brad Keshlear, 235 Beachland Drive, Sandy Springs, GA 30342

Tom Wells and Janet Wells, 302 Beachland Drive, Sandy Springs, GA 30342

• **Against the Petition:**

Jan Rabinowitz, 55 Osner Drive, Atlanta, GA 30342

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

ACTION: Susan Maziar moved to recommend approval subject to staff conditions amended to restrict access onto Beachland Drive. No Second. Motion failed.

ACTION: Dave Rubenstein moved to recommend approval subject to staff conditions amended to allow for access on Beachland Drive subject to conditions read into record by staff and to the architecture of the building being designed consistent with the Roswell Road Corridor LCI Study and the Main Street District standards of the Zoning Ordinance. Wayne Thatcher seconded. The motion was APPROVED (3-1, Thatcher, Boyken, and Rubenstein for; Maziar against; Duncan not voting; Rupnow and Wiley absent).

Condition(s):

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 6,399.32 gross square feet per acre or 7,500 gross square feet, whichever is less.
 - b. To a maximum building height two (2) stories.
2. To the owner's agreement to abide by the following:
 - a. To the site plan received by the Department of Community Development dated June 5, 2008. 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 owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Roswell Road (SR 9) 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 twenty-five (25) feet of right-of-way from centerline of Beachland 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.
 - c. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent property to the south. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, 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 interparcel access along the entirety of the southern boundaries of the property, prior to the issuance of an LDP.
 - d. To reduce the required fifty (50) foot buffer to twenty-five (25) feet adjacent to residentially zoned property along the east property line (CV08-020). The owner/developer shall install a six (6) foot tall, privacy fence interior to the buffer to provide additional screening. Said fence type and design shall be subject to the approval of the Design Review Board.

		e. The parking spaces along the east property line adjacent to the zoning buffer referenced in condition 3.e. shall be developed with pervious material subject to the approval of the Sandy Springs Arborist.
		USE PERMIT
5.	U08-012/CV08-019 315 Johnson Ferry Road Applicant (s): <i>T-Mobile</i> <i>Representative: Sarran Marshall</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/A use permit to expand the existing ground lease area and to extend the height of an existing cellular tower/antenna, with concurrent variances. Applicant Presentation: Sarran Marshall (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: • Against the Petition: (Close of public hearing. Planning Commission questions and discussion) ACTION: Dave Rubenstein moved to recommend approval subject to staff conditions. Susan Maziar seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent). Condition(s): 1. To the owner's agreement to restrict the use of the subject property as follows: a. One pine tree type monopole communications tower and associated accessory structures. b. The communications tower shall not exceed 118 feet in height, including any required tower lighting, lightning rods, or other tower extensions. 2. To the owner's agreement to abide by the following: a. To the site plan received by the Department of Community Development dated June 24, 2008. 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. Federal Communications Commission regulations as pertinent to communications towers in residential areas. 3. To the owner's agreement to provide the following site development standards: a. To allow for an alternate landscape plan as shown on the site plan received by the Department of Community Development dated June 24, 2008 in lieu of the required 10 foot landscape strip surrounding the existing facility and to allow the existing mature trees to remain and infill landscaping to be installed as proposed to screen the site (CV08-019). b. To delete the required minimum 6 foot tall fencing enclosure for the existing facility and to allow the existing mature trees to remain and infill landscaping to be installed as proposed to screen the site (CV08-019). c. Any cables associated with the new ground equipment shall be covered and shall be prohibited from being suspended in the air.	
		ORDINANCES AND RESOLUTIONS
6.	An Ordinance to Revise the Boundaries of the Fulton Perimeter Community Improvement District ACTION: Don Boyken moved to recommend approval as presented by staff. Wayne Thatcher seconded. The motion was APPROVED (4-0, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley absent).	

USE PERMIT

7.

U08-011/CV08-018

335 Colewood Way

*Applicant (s): The Epstein School**Representative: Pete Hendricks*

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/A use permit to expand the existing private school campus and increase enrollment, with concurrent variances.

Applicant Presentation: Pete Hendricks

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

• **Support for the Petition:**

Vicki Baur, 335 Colewood Way, Atlanta, GA 30328

Stan Beiner, 4377 Dunmore Road, Marietta, GA 30068

Sandy Cooper, 530 Highbrook Drive, Atlanta, GA 30342

Ed Ellis, 817 W. Peachtree Street, NE

Alan Wiczinski, 865 Greenwood Ave., Atlanta, GA

• **Against the Petition:**

Lee Baker, 6275 River Shore Pkwy, Sandy Springs, GA 30328

George Chimonas, 6500 Bridgewood Road, Atlanta, GA 30328

Ann Feldman, Scott Valley Drive, Sandy Springs, GA 30328

Tom Johnson, 63500 Scott Valley Drive, Atlanta, GA 30328

Eric Olsen, 232 Underwood Drive, Sandy Springs, GA 30328

Andy Porter, 6490 Burdett Drive, Sandy Springs, GA 30328

Jane Steele, River Valley Road, Sandy Springs, GA 30328

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

ACTION: Don Boyken moved to recommend extending the public hearing to 20 minutes for each side. Wayne Thatcher seconded. The motion was APPROVED (2-0, Thatcher and Boyken for; Maziar and Rubenstein recused; Duncan not voting; Rupnow and Wiley absent).

ACTION: Don Boyken moved to recommend deferral of the application. Wayne Thatcher seconded. The motion was APPROVED (2-0, Thatcher and Boyken for; Maziar and Rubenstein recused; Duncan not voting; Rupnow and Wiley absent). The Commission requested that the following additional information be submitted, as read into the record, should the City Council support a deferral:

U08-011Resubmittal Requirements During Deferral Period

1. Information/Documentation Requested by Planning Commission – 08/21/08

- a. Site plan that will accommodate all vehicle staging on site.
- b. Busing plan to relieve congestion on streets, where together with the on site staging plan would remove the parked cars on the street in the neighborhood.
- c. Busing plan to be instituted by January 1, 2009 and staging plan for new development.
- d. Provide off-site staging solution until the property has been developed.
- e. Like the linear park along Bridgewood Valley. Applicant should provide additional landscaping along the remainder of the property frontages.
- f. No lights or loudspeakers associated with the soccer field.
- g. Staggered start times for different grade levels.
- h. Review hours of operation to minimize impact on the neighborhood.
- i. Parking lot lighting shall be designed so as not to increase the footcandle lighting on the adjoining properties.
- j. No parking shall be permitted on the adjoining streets for those attending school events.

- k. Clarify number of cars that can be stacked on the site at any given time (currently and proposed).

2. Additional Information/Documentation Requested by Department of Community Development and Supplemental Conditions of Approval Proposed

- a. *Enrollment information including percentages of students residing in Sandy Springs and those commuting from other jurisdictions, including a list of addresses of students (does not have to include names) to help staff evaluate current clustering patterns and potential busing options.*

The applicant has provided percentages of student enrollment by location, but has not provided a complete list of addresses. The applicant has presented a list by ZIP code that only includes 407 of the 650 students currently enrolled.

- b. *A detailed schedule of hours of operation of the property (for entire calendar year), including general school hours, gate opening and closing times, event schedule for auditorium in relation to main campus hours, soccer field usage, who the users will be (e.g. parents/students, outside groups), how parking will be accommodated if multiple events are taking place at the same time, etc.*

The applicant has provided the requested schedules, however, staff needs additional clarification of the number of students, parents, faculty, and/or staff that will be present at any one time on the campus for each usage.

- c. *Breakdown of the proposed 850 students by grade level (preschool, elementary, middle, and any other classes/programs that may be held)*

The applicant has provided two (2) alternative enrollment level plans. The applicant will be required to provide a single enrollment by level option.

- d. *Copy of the soil tests discussed at the Community/Developer Resolution Meeting held on July 31, 2008.*

The applicant has submitted the executive summary of the soil study completed by Nova Engineering and Environmental, Inc. in November 2006. The applicant has indicated that the study was related to an alternate plan that the school was considering and may not be completely relevant to the current application.

- e. *Additional detail regarding the location of the 16 foot retaining wall referred to by the landscape architect at July 31, 2008 Community/Developer Resolution Meeting*

The applicant was recently made aware of this request for information from a neighboring property owner and has not had sufficient time to respond.

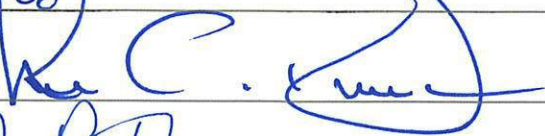
- f. Proposed parking area at the north end of the campus appears to have 1 or more of the following issues to be addressed:
 - a. Dimensions of the parking area – parking lot may have to be enlarged to maneuver vehicles.
 - b. Traffic flow may need to be revised to allow for proper ingress and egress of vehicles.

These items are significant because the proposed parking area is adjacent to a non improvement setback and a buffer, therefore any revisions to the layout of the area may have impact the buffer area.

- g. A recommended condition for storm water management is for the entire campus to be brought into compliance with current storm water management standards as if the pre-developed condition for the entire campus is an undeveloped condition. This is consistent with what the city has required with additions at Woodland Elementary and the Schenck School.
- h. In the environmental assessment report, the applicant needs to provide information on how slopes which exceed 25 percent will be protected. The report should also include information regarding the presence or absence of rock in areas of excavation.
- i. The environmental assessment report should provide information on how the applicant will protect citizens from the negative impacts of noise.
- j. The applicant's package should include information on how the proposed retaining walls which are adjacent to non improvement setbacks and buffers, most particularly at the north end of the site, will be constructed without disturbing the non improvement setback and the buffers. The package shall also include information on how features required to manage runoff down the slope behind the walls will be installed without disturbing the non improvement setback and buffers.

		k. A recommendation to prohibit blasting during construction should be considered. l. It appears that the only screening provided for the line of site from Bridgewood Valley Rd west towards the athletic field on the campus is by plantings only. Additional screening alternatives should be considered. m. Areas of new development on campus shall not discharge surface water onto the lot at 6360 Bridgewood Valley Rd.
		DISCUSSION ITEM – None
		INFORMATIONAL ITEM: Article “Planning Commission Physics”

Meeting Adjournment	The meeting was adjourned at 9:30 p.m.
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Approval Signatures	
Date Approved	9-10-08
Lee Duncan, Chairman	
Harmit Bedi, Assistant Director of Planning and Zoning	P. Ruffin INTERIM
Jocelyn Stephens, Administrative Assistant/Transcriber	