



Planning Commission
September 18, 2008

Meeting Minutes

Board Members Present	Lee Duncan (Chair), Wayne Thatcher (Vice Chair), Don Boyken, Susan Maziar, David Rubenstein, Roger Rupnow, Bob Wiley
Board Members Absent	None
Staff Present	Linda Abaray, Julie Eldridge, Mark Moore, Nancy Leathers, Terry Robinson, Patrice Ruffin, Jocelyn Stephens

CALL to Order	Lee Duncan called the meeting to order at 7:00 p.m.
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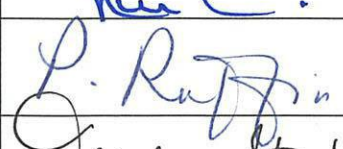
APPROVAL OF AGENDA	
	ACTION: David Rubenstein moved to recommend approval of the Agenda. Susan Maziar seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, Wiley for; Duncan not voting).
PUBLIC COMMENT – No Public Comment	
PREVIOUS MINUTES	
	ACTION: Wayne Thatcher moved to recommend approval of the August 21, 2008 Minutes. Don Boyken seconded. The motion was APPROVED (4-0-2, Thatcher, Boyken, Maziar, and Rubenstein for; Duncan not voting; Rupnow and Wiley abstaining).
REZONING	
1.	RZ08-016 399 Hammond Drive <i>Applicant: Eddie Zhigaylo</i> <i>Representative: Eddie and Cassie Zhigaylo</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from R-3 to R-4 for the development of two single family residential lots. Applicant Presentation: Eddie and Cassie Zhigaylo (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Doug Falciglia, 5925 Brookgreen Road Nelson Farr, 5980 Hilderbrand Drive Thaea Lloyd, 570 Valley Lane (Close of public hearing. Planning Commission questions and discussion) ACTION: Wayne Thatcher moved to recommend denial of the application. Dave Rubenstein seconded. The motion was DENIED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, Wiley for; Duncan not voting). Conditions: N/A

2.	RZ08-019/CV08-021 208 Sandy Springs Place Applicant(s): Sandy Springs Executive Center, LLC Representative: Scott Zeinedini SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from C-1 conditional to C-1 for the development of a 24,116 square foot retail and office building, with concurrent variances. Applicant Presentation: Scott Zeinedini (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Howard M. Austin, 6039 City Walk Lane, NE, Sandy Springs, GA 30328 Alan Kessler, 6060 City Walk Lane #402, Sandy Springs, GA 30328 Peter Traeger, 6069 City Walk Lane, Sandy Springs, GA 30328 (Close of public hearing. Planning Commission questions and discussion) ACTION: Don Boyken moved to recommend a 60-day deferral. Susan Maziar seconded. The motion was APPROVED (5-1, Thatcher, Boyken, Maziar, and Rubenstein and Wiley for; Rupnow against; Duncan not voting). Condition(s): N/A
3.	RZ08-021 173. Allen Road Applicant(s): Arlington Funeral Home Representative: Den Webb SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from C-1 conditional to C-1 for the development of a 2,470 square foot addition on the existing 21,247 square foot funeral home building, with concurrent variances. Applicant Presentation: Den Webb (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 subject to staff conditions amended to delete condition 3.b. Roger Rupnow seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, and Wiley for; Duncan not voting).
	Condition(s): The staff recommends APPROVAL CONDITIONAL of the rezoning from C-1 (Community Business District) conditional to C-1 (Community Business District). 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. - To the owner's agreement to restrict the use of the subject property as follows: - Funeral Home (Undertaking Establishments) and accessory uses, at a maximum density of 10,222.84 gross square feet of total floor area per acre zoned or a total floor area of 23,717 square feet, whichever is less. - To the owner's agreement to abide by the following:

		a. To the site plan received by the Department of Community Development dated July 1, 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 Allen 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. To reduce the required number of parking spaces from 150 to 136 (CV08-023).
		USE PERMIT
4.	U08-013/CV08-026 Morgan Falls Road Applicant(s): Sandy Springs Broadcasting, LLC Representative: Pete Hendricks SUMMARY/STAFF PRESENTATION: Patrice Ruffin/A use permit to allow for the construction of four (4) radio towers, with concurrent variances. Applicant Presentation: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: David Collins, 1311 Chuck Dawley Blvd, Suite 202, Mt. Pleasant, SC 29464 Bruce Hagen, 330 Morganshire Place, Atlanta, GA 30350 Frank McCoy, 1311 Chuck Dawley Blvd, Suite 202, Mt. Pleasant, SC 29464 • Against the Petition: (Close of public hearing. Planning Commission questions and discussion)	
		ACTION: Don Boyken moved to recommend approval subject to staff conditions. Bob Wiley seconded. The motion was APPROVED (5-1, Thatcher, Boyken, Rubenstein, Rupnow, and Wiley for; Maziar against; Duncan not voting). The Commission also recommended that any approval of this case not set a precedent for future towers/antennas.
		Condition(s): The staff recommends APPROVAL CONDITIONAL of the use permit petition to allow for the construction of four (4) radio towers. 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. To allow for the construction of four (4) radio towers/antennas (U08-013). b. The maximum height of each tower shall be 303 feet (CV08-026). 2. To the owner's agreement to abide by the following: a. To the site plan received by the Department of Community Development dated September 9, 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 four (4) proposed towers to be located within one-quarter of a mile of an existing telecommunication tower exceeding the maximum district height (CV08-026).

	b. To reduce the required 303 foot setback for Tower #1 to 233 feet as shown on the site plan received by the Department of Community Development dated September 9, 2008 (CV08-026). c. To reduce the required 303 foot setback for Tower #2 to 132 feet as shown on the site plan received by the Department of Community Development dated September 9, 2008 (CV08-026). d. To reduce the required 303 foot setback for Tower #3 to 77 feet as shown on the site plan received by the Department of Community Development dated September 9, 2008 (CV08-026). e. The owner/developer shall design any required tower lighting so that it is baffled or diffused in a manner so as to prevent light spillover onto the neighboring residential properties.
ORDINANCES AND RESOLUTIONS	
5.	RZ08-028 An Ordinance to Amend Article 12B, Sandy Springs Overlay District, of the Sandy Springs Zoning Ordinance ACTION: Bob Wiley moved to recommend a 60 day deferral. Roger Rupnow seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, and Wiley for; Duncan not voting). The Commission provided the following comments regarding the Amendment: 1. Recommendation to move lights to the back but leave the trees up front so as to provide the perception of a barrier to pedestrians for safety. 2. Need detailed history of the number of poles that have been hit and the particular location that has been problematic. 3. More detail on option of street trees, the species type, and the specific location of the trees relative to the back of the curb and back of the sidewalk. 4. Changing the position of the light poles relative to street cuts might prove to be a better solution.
6.	RZ08-030 An Ordinance to Amend Article 8.2, Mixed Use District, of the Sandy Springs Zoning Ordinance ACTION: Don Boyken moved to recommend for approval as presented by staff. Bob Wiley seconded. The motion was APPROVED (5-1, Thatcher, Boyken, Maziar, Rubenstein, and Wiley for; Rupnow against; Duncan not voting).
7.	RZ08-031 An Ordinance to Amend City of Sandy Springs 2027 Comprehensive Plan (Minor/Local Amendment) ACTION: Don Boyken moved to recommend for approval as presented by staff. Bob Wiley seconded. The motion was APPROVED (5-1, Thatcher, Boyken, Maziar, Rubenstein, and Wiley for; Rupnow against; Duncan not voting).

Meeting Adjournment	The meeting was adjourned at 9:30 p.m.
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Approval Signatures	
Date Approved	10/16/16
Lee Duncan, Chairman	
Patrice Ruffin, Interim Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Assistant/Transcriber	