SANDY SPRINGS
GEORGIA

Planning Commission
September 20, 2007

Meeting Minutes

Board Members Present	Roger Rupnow (Chair), Bob Wiley (Vice Chair), Donald Boyken, Lee Duncan, Susan Maziar, David Rubenstein
Board Members Absent	Wayne Thatcher
Staff Present	Dennis Payne, Doug Trettin, Cristina Nelson, Jocelyn Stephens

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

I. PREVIOUS ACTION REPORT

ACTION: Bob Wiley moved to approve the Action Report from the August 16, 2007 meeting. Donald Boyken seconded. The Action Report from the August 16, 2007 meeting was APPROVED (4-0; Wiley, Boyken, Maziar, Rubenstein, for; Rupnow abstaining; Duncan and Thatcher absent).

II. PREVIOUS MINUTES

ACTION: Several comments raised by Rupnow Bob Wiley moved to approve Minutes from the August 16, 2007 meeting with comments. David Rubenstein seconded. The Minutes from the August 16, 2007 meeting were APPROVED with comments (4-0; Wiley, Boyken, Maziar, Rubenstein, for; Rupnow not voting; Duncan and Thatcher absent).

III. REZONING DEFERRED

A. RZ07-020/CV07-019/U07-007
915 Crestline Parkway
Applicant: Wingate Perimeter, LLC *Representative: Nathan Hendricks, III*

SUMMARY/STAFF PRESENTATION: Dennis Payne/The applicant is requesting to rezone the subject property from A-L conditional to O-I for the development of a 100-room hotel with a restaurant with concurrent variances and a use permit to exceed the district height.

Applicant Presentation: Nathan Hendricks, III

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

- **Support for the Petition:**

Nathan V. Hendricks III, 6085 Lake Forrest Drive, Suite 200, in support of the petition.

- **Against the Petition:**

John Fonk, 706 Garden Ct., N.E., neither supports nor opposes, too many unanswered questions.

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

ACTION: Susan Maziar moved to defer for 30 days. Bob Wiley seconded. The motion was APPROVED (4-0, Wiley, Boyken, Maziar, Rubenstein, for; Rupnow abstaining; Duncan and Thatcher absent) to defer for 30 days.

Condition (s): N/A

IV. REZONING - NEW

A.	**RZ07-023/CV07-022** 5416 & 5421 GLENRIDGE Drive 357 & 367 Tall Oaks Drive (rear) *Applicant: ALPHA 7, LLC* *Representative(s): Nathan Hendricks* **SUMMARY/STAFF PRESENTATION:** To rezone the subject property from R-3 and O-I conditional to O-I to maintain the existing office buildings on the site and to allow for the construction of a three-story parking deck at the rear of the property, with concurrent variances. **Applicant Presentation:** Nathan Hendricks **(Invitation for public comment in support of and in opposition to the petition)** • **Support for the Petition:** Nathan V. Hendricks III, 6085 Lake Forrest Drive, Suite 200, in support of the petition. Clarence T. Vinton, 5416 Glenridge Drive, in support of the petition. • **Against the Petition:** Patty Berkowitz, 800 Crest Valley Drive, in opposition to the petition. T. J. Houshton, 388 Tall Oaks Drive, in opposition to the petition. Kirk A. Paulk, MD, 347 Tall Oaks Drive, in opposition to the petition. Robin Beechey, 20 Willow Glen, in opposition to the petition. John Richmond, 388 Tall Oaks Drive, in opposition to the petition. Daron Labinsky, 318 Tall Oaks Drive, in opposition to the petition. Raul Trujillo, 358 Tall Oaks Drive, in opposition to the petition. Pattie (Eleanor) C. Sullivan, in opposition to the petition. **(Close of public hearing. Planning Commission questions and discussion)**
		ACTION: Lee Duncan moved to recommend denial of the application, doesn't warrant rezoning. Maziar agreeing to denial because of the merits of the case. Indicates that there is a fifty (50) foot buffer between office and residential without moving property lines and rezoning. The motion was APPROVED (5-0, Boyken, Maziar, Rubenstein, Duncan, and Wiley for; Rupnow not voting; Thatcher absent) for denial of the application. **Condition(s): N/A**
		ORDINANCES/TEXT AMENDMENTS
A.	**RZ07-024** **SUMMARY/STAFF PRESENTATION:** An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures of the City of 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:** None **(Close of public hearing. Planning Commission questions and discussion)**
		ACTION: Bob Wiley moved to approve the deferral per staff request. Susan Maziar seconded. The motion was APPROVED (5-0, Boyken, Maziar, Rubenstein, Wiley, and Duncan for; Rupnow not voting; Thatcher absent) to defer case.
		Condition(s): N/A
B.	**RZ07-032** **SUMMARY/STAFF PRESENTATION:** An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures of the City of 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:** None **(Close of public hearing. Planning Commission questions and discussion)**
		ACTION: Wiley moved to approve the deferral per staff request. Susan Maziar seconded. The motion was APPROVED (5-0, Wiley, Boyken, Duncan, Maziar, Rubenstein, for; Rupnow not voting; Thatcher absent) to defer the case for 30 days.
		Condition(s): N/A
	C.	**RZ07-033** **SUMMARY/STAFF PRESENTATION:** An Ordinance to Amend Article 19, Administrative Permits and use Permits of the City of 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:** None **(Close of public hearing. Planning Commission questions and discussion)**
		ACTION: Bob Wiley moved to approve the deferral per staff request. David Rubenstein seconded. The motion was APPROVED (5-0, Wiley, Boyken, Duncan, Maziar, Rubenstein, for; Rupnow not voting; Thatcher absent).
		Condition(s): N/A
VI.		**OTHER**
		SUMMARY/STAFF PRESENTATION: An Amendment to the Bylaws of the City of Sandy Springs Planning Commission. **(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: Lee Duncan moved to approve amendments. Don Boyken seconded. The motion was APPROVED (4-1, Wiley, Boyken, Duncan, Rubenstein, for; Maziar against; Rupnow not voting; Thatcher absent) with corrections.
		Condition(s): N/A In order to ensure that land use petitions and ordinance amendments are not held and/or deferred due to a tie vote, the Planning Commission has directed staff to prepare an amendment to the Bylaws to include language that limits the Chair's ability to vote to only when there is a tie vote.

		The staff recommends APPROVAL of the amendment to the Planning Commission Bylaws regarding decisions of the Commission, as follows: Article III, Election of Officers, Section 2, of the Planning Commission Bylaws, shall be amended to read as follows: The Commission deems that a Chair shall be elected by a majority of the Commission's membership, and shall serve a term of one (1) year. The Chair shall preside over the Commission and have the right to vote only in case of a tie. Article V, Meetings, Section 8, of the Planning Commission Bylaws, shall be amended to read as follows: Decisions of the Commission shall be by a majority vote of the members present. The Chair shall only vote to break a tie. The Commission may move to recommend approval of an application, approval conditional, denial, deferral, or withdrawal. A vote on a motion resulting in a tie of the members present shall constitute a failed motion. The Commission must take an action on an application if it is on a scheduled agenda.

Meeting Adjournment	The meeting was adjourned at 8:23 p.m.

Approval Signatures	
Date Approved	
Roger Rupnow, Chairman	Roger Rupnow
Nancy Leathers, Director, Community Development	
Jocelyn Stephens, Administrative Assistant/Transcriber	Jocelyn Stephens