



Planning Commission
October 18, 2007

Meeting Minutes

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

CALL to Order	Roger Rupnow called the meeting to order at 7:00 p.m.
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I.	PREVIOUS ACTION REPORT
	ACTION: Bob Wiley moved to approve the Action Report from the September 20, 2007 meeting. Susan Maziar seconded. The Action Report from the September 20, 2007 meeting was APPROVED (5-0; Wiley, Boyken, Duncan, Maziar and Rubenstein for, Rupnow not voting; Thatcher absent).
II.	PREVIOUS MINUTES
	ACTION: Bob Wiley moved to approve the Minutes from the September 20, 2007 meeting. Susan Maziar seconded. The Minutes from the September 20, 2007 meeting were APPROVED (5-0; Wiley, Boyken, Duncan, Maziar and Rubenstein for, Rupnow not voting; Thatcher absent).
III.	REZONING - DEFERRED
A.	RZ07-020/CV07-019 U07-007 915 Crestline Parkway <i>Applicant: Wingate Perimeter, LLC</i> <i>Representative: Nathan Hendricks, Attorney</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/ To rezone the subject property from A-L conditional to O-I for the development of a 100-room hotel, with concurrent variances and a use permit to exceed the district height. Applicant Presentation: Nathan Hendricks, Attorney (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Craig Harper, 1690 Ashebark Court, in support of the petition. Barry Ethridge, 3069 Peachtree Industrial Boulevard, in support of the petition. Gary Russell 703 Garden Court, in support of the petition. • Against the Petition: None (Close of public hearing. Planning Commission questions and discussion) ACTION: Lee Duncan moved to approve. Susan Maziar seconded. The motion was APPROVED (5-0, Wiley, Boyken, Duncan, Maziar and Rubenstein for, Rupnow not voting; Thatcher absent). The Board approved variance #5 as edited to increase the placement of parking lot landscape islands every sixth space to every seventh and also subject to the following staff conditions:

Condition(s):

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

- a. To a 100-room hotel and accessory uses at a density of 79.37 rooms per acre, whichever is less.

To a maximum building height of six (6) stories (U07-007).

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

To a revised site plan to be submitted to the Department of Community Development. 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.

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

- a. The owner/developer shall dedicate forty-five (45) feet of right-of-way from centerline of Crestline Parkway 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 twenty (20) foot landscape strip to ten (10) feet along the west property line adjacent to the GA-400 frontage (CV07-019).
- c. 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 (CV07-019).

No less than 15% of the site shall be maintained as open space.

IV. REZONING (New)

A. RZ07-029

1001 & 1020 Mt. Vernon Highway &
5305 Woodbridge Forest Trail
*Applicant(s): City of Sandy Springs for
Christopher & Teresa Boudreau,
Cecil Welch & Lloyd Greenwald*

Representative: Rick S. Sexton, Attorney

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/ To rezone the subject property from R-1, R-2 conditional, and R-2A conditional to R-2A to combine portions of 1001 & 1020 Mt. Vernon Highway with 5305 Woodbridge Forest Trail.

Applicant Presentation: Rick S. Sexton, Attorney

(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: Donald Boyken moved to approve. Bob Wiley seconded. The motion was APPROVED (5-0, Wiley, Boyken, Duncan, Maziar and Rubenstein for, Rupnow not voting; Thatcher absent) subject to the following staff conditions:

	Condition(s): 1a). To development of 1001 Mount Vernon Highway with one (1) single family residence under the R-2 (Single Family Dwelling District) regulations in effect at this time. b). To development of 1020 Mount Vernon Highway with one (1) single family residence under the R-2 (Single Family Dwelling District) regulations in effect at this time. 2) To development of 5305 Woodridge Forest Trail with one (1) single family residence under the R-2A (Single Family Dwelling District) regulations in effect at this time. 3) To a revised site plan to be submitted to the Department of Community Development. 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. 4) The owner(s), prior to application for any development permits, shall submit a combination plat to the Department of Community Development to incorporate the deeded portions of 1001 Mount Vernon Highway and 1020 Mount Vernon Highway with 5305 Woodridge Forest Trail, which will be filed with the Fulton County Tax Assessor's Office and recorded with the Clerk's Office of the Superior Court of Fulton County. Note: Mr. Sexton stated that Dr. Greenwald submitted, just in a day or two, a subdivision plat to build a garage on his property in the future. His property adjoins their property and encompasses all three properties. They did not have a chance to review the plat but the staff is aware and it was stated that it can be resolved.
V.	USE PERMIT - NEW
A.	U07-009 1100 Abernathy Road <i>Applicant: Fibertower Network Services Group</i> <i>Representative: Paul Rozeman</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/A use permit to exceed the district height to increase the current maximum of 200 feet to 208 feet to allow for the installation of additional cellular antennas located at the North Park office building. Applicant Presentation: Paul Rozeman (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. Donald Boyken seconded. The motion was APPROVED (5-0, Wiley, Boyken, Duncan, Maziar and Rubenstein for, Rupnow not voting; Thatcher absent) subject to the following staff conditions: Condition(s): 1) To a maximum height of 208 feet for cellular antennas located on the rooftop of the existing office building (U07-009). 2) To the site plan received by the Department of Community Development dated August 6, 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.	U07-011 550 Mt. Paran Road <i>Applicant: Sprint/Nextel</i> <i>Representative(s): Tracey S. Devereaux & Charles Conwell</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/ The applicant is requesting a use permit to exceed the maximum district height of forty (40) feet to allow for the co-location of additional cellular antennas on the roof of the existing church

building (Section 19.4.21, Height -- To Exceed District Maximum). The maximum height of the existing and proposed antennas is sixty-five (65) feet.

Applicant Presentation: Tracey S. Devereaux & Charles Conwell

(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. David Rubenstein seconded. The motion was APPROVED (5-0, Wiley, Boyken, Duncan, Maziar and Rubenstein for, Rupnow not voting; Thatcher absent) subject to the following staff conditions:

Condition(s):

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

To a maximum height of sixty-five (65) feet for cellular antennas located on the rooftop of the existing church building (U07-011).

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

To the site plan received by the Department of Community Development dated August 7, 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.

U07-012/CV07-025

590 Mt. Vernon Highway NE

Applicant: Mt. Vernon Presbyterian School

Representative: Nathan Hendricks, Attorney

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/ The applicant, Mt. Vernon Presbyterian School, is requesting a use permit to allow for the continued use of off-site classrooms on the existing Northside Independent Methodist Church site. The existing use permit approved under Fulton County case U04-0021 was for a period not to exceed three (3) years while the main school building and campus were being constructed on the property to the north and west of the church property. Under the current use permit petition, the applicant is requesting that the off-site classrooms be allowed to remain indefinitely either in the form of modular classrooms and/or through the use of an existing educational building on the church site, as the completion date for construction of the main campus is unknown. The applicant intends the off-site classrooms to be used by a maximum of 150 students.

The applicant is also requesting five (5) concurrent variances as follows:

1. To delete the required twenty-five (25) foot undisturbed buffer and ten (10) foot improvement setback along the north and west property lines to allow the existing parking lot and drive to remain (Section 4.23.1, Minimum Landscape Strips and Buffers).

The applicant has indicated that this variance is necessary in order to maintain the existing drive and parking area. Additionally, the applicant has indicated that there will be no detriment to the public should this variance be granted as the only property affected is that owned by the applicant, Mount Vernon Presbyterian School.

2. To delete the required fifty (50) foot undisturbed buffer and ten (10) foot improvement setback along the rear (west) property line to allow the existing parking lot and drive to remain (Section 4.23.1, Minimum Landscape Strips and Buffers).

3. To delete the Sandy Springs Overlay District streetscape standards along the Mount Vernon Highway and Glenridge Drive frontages of the subject property (Section 12B, Sandy Springs Overlay District).

The applicant has indicated that this variance is necessary in order to maintain the existing site improvements along the frontage of the property.

4. To delete the required 100-foot use setback adjacent to residentially zoned property to the north and west (Section 19.4.40.B.3, School, Private or Special).

The applicant has indicated that this variance is necessary in order to maintain the buildings on the site. Additionally, the applicant has indicated that there will be no detriment to the public should this variance be granted as the only property affected is that owned by the applicant, Mount Vernon Presbyterian School.

5. To allow the existing parking lot to be within fifty (50) feet of the adjacent residentially zoned property to the north and west (Section 19.4.40.B.5, School, Private or Special).

Applicant Presentation: Nathan Hendricks, Attorney

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

• **Support for the Petition:**

David Barclift, 3524 Sunderland Way, in support of the petition.

• **Against the Petition:**

None

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

ACTION: David Rubenstein moved to approve. Susan Maziar seconded. The motion was APPROVED (4-0-1, Wiley, Duncan, Maziar, and Rubenstein for; Boyken abstaining; Rupnow not voting; Thatcher absent).

Note: Mr. Boyken found that the modular classrooms should not be approved, but if permitted they should be located on the actual school property.

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

- a. To off-site classrooms in the existing 14,400 square foot educational building. At the time that said building is renovated for continued educational use, the Sandy Springs Overlay District streetscape standards shall be conformed to. Said streetscape plan shall be subject to the approval of the Design Review Board; or,

To one (1) off-site modular classroom building and one (1) off-site modular administration building as shown on the location plan received by the Department of Community Development dated October 17, 2007, which shall be removed five years from the date of Mayor and City Council approval. The location and type of said modular buildings shall be subject to the approval of the Design Review Board.

- b. To a maximum of 150 students.

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

To the site plan received by the Department of Community Development dated August 31, 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.

The hours of operation shall be limited to 7:30 a.m. to 5:00 p.m.

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

- a. To delete the required twenty-five (25) foot undisturbed buffer and ten (10) foot improvement setback along the north and west property lines to allow the existing parking lot and drive to remain (CV07-025).
- b. To delete the required fifty (50) foot undisturbed buffer and ten (10) foot improvement setback along the rear (west) property line to allow the existing parking lot and drive to remain (CV07-025).
- c. To delete the Sandy Springs Overlay District streetscape standards along the Mount Vernon Highway and Glenridge Drive frontages of the subject property until such time the existing educational building is renovated for continued classroom use (CV07-025).
- d. To delete the required 100-foot use setback adjacent to residentially zoned property to the north and west (CV07-025).
- e. To allow the existing parking lot to be within fifty (50) feet of the adjacent residentially zoned property to the north

		and west (CV07-025).
VI.	ORDINANCES AND RESOLUTIONS (DEFERRED)	
A.	RZ07-024	SUMMARY/STAFF PRESENTATION: Patrice Ruffin/An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.3.3.8, Decisions, 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: N/A • Against the Petition: N/A (Close of public hearing. Planning Commission questions and discussion)
		ACTION: Bob Wiley moved to approve. David Rubenstein seconded. The motion was APPROVED (5-0 Wiley, Boyken, Duncan, Maziar and Rubenstein for; Rupnow not voting; Thatcher absent).
		Condition(s): Approval subject to the Planning Commission mark up.
B.	RZ07-032	SUMMARY/STAFF PRESENTATION: Patrice Ruffin/ 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: N/A • Against the Petition: N/A (Close of public hearing. Planning Commission questions and discussion)
		ACTION: Lee Duncan moved to approve. Bob Wiley seconded. The motion was APPROVED FOR WITHDRAWAL at staff's request (5-0, Wiley, Boyken, Duncan, Maziar and Rubenstein for; Rupnow not voting; Thatcher absent).
		Condition(s): N/A
VII.	QUARTERLY ORDINANCE AMENDMENTS	
A.	RZ07-034	SUMMARY/STAFF PRESENTATION: Patrice Ruffin/An Ordinance to Amend Article 28, Rezoning and Other Amendment Procedures, Section 28.4.6, Noise Study Report, 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: N/A • Against the Petition: N/A (Close of public hearing. Planning Commission questions and discussion)

	ACTION: Donald Boyken moved to approve. Lee Duncan seconded. The motion was APPROVED as presented by staff. (5-0, Wiley, Boyken, Duncan, Maziar and Rubenstein for; Rupnow not voting; Thatcher absent)
	Condition(s): N/A
B.	RZ07-035 SUMMARY/STAFF PRESENTATION: Patrice Ruffin/An Ordinance to Amend Article 33, Signs, 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: N/A • Against the Petition: N/A (Close of public hearing. Planning Commission questions and discussion) ACTION: Bob Wiley moved to approve. Susan Maziar seconded. The motion was APPROVED as presented by staff. (3-2, Wiley, Maziar, Rubenstein for; Boyken and Duncan against; Rupnow not voting; Thatcher absent). Mr. Boyken and Mr. Duncan found that as signs are removed throughout the city, they should be brought into compliance with the current regulations no matter the circumstance. Condition(s): N/A
C.	RZ07-036 SUMMARY/STAFF PRESENTATION: Patrice Ruffin/An Ordinance to Amend Article 34, Development Regulations, 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: N/A • Against the Petition: N/A (Close of public hearing. Planning Commission questions and discussion) ACTION: Bob Wiley moved to defer. Susan Maziar seconded. The motion was APPROVED FOR DEFERRAL (5-0, Wiley, Boyken, Duncan, Maziar and Rubenstein for; Rupnow not voting; Thatcher absent). Condition(s): N/A
D.	RZ07-037 SUMMARY/STAFF PRESENTATION: An Ordinance to Amend Article 12B(1), Perimeter Community Improvement Design District, 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: N/A • Against the Petition: N/A

	(Close of public hearing. Planning Commission questions and discussion)
	ACTION: Donald Boyken moved to approve. Lee Duncan seconded. The motion was APPROVED (5-0, Wiley, Boyken, Duncan, Maziar, and Rubenstein for; Rupnow not voting; Thatcher absent) as presented by staff.
	Condition(s): N/A

Meeting Adjournment	The meeting was adjourned at 8:33 p.m.
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Approval Signatures	
Date Approved	
Roger Rupnow, Chairman	
Nancy Leathers, Director of Community Development	
Bridgette Gray, Administrative Assistant/Transcriber	