

# PLANNING COMMISSION

## MEETING MINUTES

*Thursday, October 19, 2006, 7:00 p.m.*

**Board Members Present:** Roger Rupnow (Chair) Bob Wiley (Vice Chair), Wayne Thatcher, David Rubenstein, Lee Duncan, and Susan Maziar

**Members Absent (Excused):** Don Boyken.

**Staff Present:** Nancy Leathers, Tom Wilson, Michael Zehner, Cesar Geraldo, Patrice Ruffin, Mark Moore, Dennis Payne, and Angela Lawson

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

### I. BY-LAWS Amendment Request

**Summary:** Michael Zehner requested that the Planning Commission entertain an amendment to the agenda for consideration of the submittal of an amendment to the Planning Commission By-Laws by Staff. This is a submittal to the Planning Commission and it will be considered for an action at the November meeting to amend Article 5, Section 8 of the Planning Commission by-Laws by adding a sentence to the end of the paragraph to read as follows: *A motion to approve an application shall include staff's recommended condition(s) unless otherwise noted by the Planning Commission.*

**ACTION:** David Rubenstein moved to accept staff's amendment to the agenda regarding an amendment to the Planning Commission By-Laws. Wayne Thatcher seconded. The request to amend the agenda to include a request for amendment to the Planning Commission By-Laws as APPROVED (6-0) and will be added to the November 16, 2006 meeting for action.

### II. ACTION REPORT

**ACTION:** Bob Wiley moved for approve of the September 21, 2006 Planning Commission Meeting action Report. Wayne Thatcher seconded. The Action Report was APPROVED for the September 21, 2006 Planning Commission Meeting (6-0).

### III. REZONING Deferred

#### A. RZ06-024/CV06-013/U06-003

Peachtree-Dunwoody Road

*Applicant: Joseph Foltz, The Kessler Enterprise, Inc.*

**Summary:** From O-I conditional to C-1 for the development of a hotel and restaurant development at a density of 87,307.91 gross square feet per acre (296,000 gross square feet) with six (6) concurrent variances.

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

**Joe Foltz:** Attorney for applicant.

**Darryl P. Connelly:** 115 West Ridge Way, Roswell, GA 30076, representative for MARTA speaking in support of application.

**Mary Jo Marx:** 7050 Hunters Branch Drive, Sandy Springs, GA 30328, representing Greater Branches Neighborhood Association, speaking in opposition of zoning variance request.

**Ms. T. Gladys:** 7320 Hunters Branch Drive, speaking on behalf of Sandy Springs Council of Neighborhoods speaking in opposition of exception requests.

**(Public Hearing closed. Planning Commission questions and discussion)**

**ACTION:** Lee Duncan moved for approval subject to staff recommended conditions. Wayne Thatcher seconded. Application was APPROVED (5-1). Roger Rupnow, *Against*.

Roger Rupnow moved for amendment to motion to remove condition 3.f. with regard to the front yard setback reduction concurrent variance request. Amendment FAILED (2-4) Wiley, Thatcher, Rubenstein and Duncan, *Against*.

**B. RZ06-039**  
5866 Roswell Road (SR 9)  
*Applicant: Raj Patel and Haji Pourreza*

**Summary:** From C-1 conditional to C-1 to divide the property and to develop an office building on the rear portion of the site.

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

**Raj Patel:** Applicant requesting to withdraw application to revisit plans for site.

**(Public Hearing closed. Planning Commission questions and discussion)**

**ACTION:** Bob Wiley moved for approval of withdrawal request made by applicant. David Rubenstein seconded. The application was WITHDRAWN (4-2). Lee Duncan and Wayne Thatcher, *Against*.

**C. RZ06-O40/CV06-023**  
7995 Roberts Drive  
*Applicant: Beaver Creek Homes, Inc.*

**Summary:** From R-2 to R-3 for the development of three (3) single family lots.

**William Jakob:** President of Beaver Creek Homes, 4855 Kitty Hawk Drive, Sandy Springs, GA speaking in support of application.

**Fred Jewell:** 1520 Bakers Glen Drive, Baker's Glen Community Association, Inc. president speaking in opposition of application.

**Robert J. Kaufman:** 1445 Northwold Drive, Northwold Homeowner's Association speaking in opposition.

**Frank Farrel:** 7705 Brigham Drive Sandy Springs Council of Neighborhoods speaking in opposition of application.

**Leanne Graham:** 1465 Northwold Drive speaking in opposition of developer's plan.

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

**ACTION:** Roger Rupnow moved for approval subject to staff's recommended condition(s) under R2-A zoning. David Rubenstein seconded. The application was APPROVED (6-0) subject to staff recommended condition(s) under R-2A zoning.

David Rubenstein moved to amend to add a condition requiring only one (1) curb cut to serve both of the proposed lots. Wayne Thatcher seconded. The amendment regarding curb cut was APPROVED

#### **IV. REZONING New**

- A. RZ06-041/CV06-028**  
5392 Powers Ferry Road  
*Applicant: Meredith & Jason Russell*

**Summary:** From R-1 to R-2A for the development of two (2) single-family lots.

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

**Meredith Russell:** Applicant, 5904 Reddington Way.

**Dawn Bennett:** Architect for applicant with Harrison Design Associates.

**Gene Horn:** 5040 Powers Ferry Road, N.W. speaking in opposition of application.

**Frank Farrel:** Representing Sandy Springs Council of Neighborhoods speaking in opposition of application.

**Susan Blanks:** 5350 North Powers Ferry Road speaking in support of building two homes, but in only within the setback parameters of the existing zoning laws.

**Bruce Boehnlein: 5370 N. Powers Ferry Road** speaking in opposition of application.

**Rob Stein, Atty.: 3500 Lenox Road,** attorney for applicant.

**(Public Hearing closed. Planning Commission questions and discussion)**

**ACTION:** Lee Duncan moved for approval subject to staff recommended conditions. Wayne Thatcher seconded. The application was **APPROVED (5-1)**. Susan Maziar, *Against*.

**B. RZ06-042**  
4986 & 4994 Long Island Drive  
*Applicant: Design Construction by Craftmaster, Inc.*

**Summary:** From R-2 to R-2A for the development of three (3) single-family lots.

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

**Edward Levin: 785 Wesley Oak Road.**

**Chris Cramer: 5280 Long Island,** Long Island Coalition speaking in opposition of application.

**Jo Elliott: 5051 Lake Forrest Drive,** board member of Chastain Park Civic Association speaking in opposition.

**Frank Farrell: 7705 Brigham Drive,** Sandy Springs Council of Neighborhoods speaking in opposition of application.

**Cathy Gottlieb: 5320 Old Hundred Lane,** Long Island Coalition speaking in opposition of application.

**(Public Hearing closed. Planning Commission questions and discussion)**

**ACTION:** Wayne Thatcher moved for deferral of application. Bob Wiley seconded. The application was **DEFERRED**

**C. RZ06-043**  
4975, 4985 & 4995 Lake Forrest Drive  
*Applicant: Mike Hill*

**Summary:** From R-3 and R-4 to R-4 for the development of five (5) single-family lots.

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

**Mike Hill:** Applicant requesting withdrawal of application because of opposition from neighbors.

**Valerie Lutjens:** 28 West Belle Island, lives next door to property and opposes withdrawal wants a denial.

**Jo Elliott:** 5051 Lake Forrest Drive spoke in opposition of application.

**Frank Farrell:** 7705 Brigham Drive spoke in opposition of application.

(Public Hearing closed. Planning Commission questions and discussion)

**ACTION:** Lee Duncan moved for denial of application. Wayne Thatcher seconded. The application was recommended to be DENIED (6-0).

**D.     RZ06-044/CV06-029**  
9670, 9680 & 9710 Roberts Drive  
*Applicant: Dave Lefkowitz & Sam Katz*

**Summary:** From CUP to A for the development of 38 townhouse units.

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

**Nathan V. Hendricks:** 6085 Lake Forrest Drive attorney for applicant.

**Marc Lefkovits:** Applicant, 6705 Pine Mill Lane.

**Don Huffner:** 9643 Roberts Drive spoke in opposition of application.

**Frank Farrell:** 7705 Brigham Drive Sandy Springs Council of Neighborhoods (SSCN).

**Clark Otten:** 9715 Roberts Drive spoke in opposition of application.

(Public Hearing closed. Planning Commission questions and discussion)

**ACTION:** Bob Wiley recommended denial of the application. Wayne Thatcher seconded. The petition was recommended to be DENIED (6-0).

## **V.     BACK MINUTES**

**Angela Lawson** (Transcriptionist) advised Commission to expect receipt of past minutes to be reviewed and amended if necessary to be approved at the November meeting.

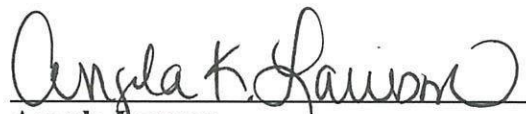
**The meeting of the Sandy Springs Planning Commission was adjourned at 10:30 p.m.**

APPROVAL SIGNATURE PAGE

Date Approved: *November 16, 2006*

  
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Roger Rupnow, Chairperson

  
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Michael Zehner  
Assistant Director – Planning and Zoning

  
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Angela Lawson  
Administrative Assistant/Transcriber