



Planning Commission
November 19, 2009

Meeting Minutes

Board Members Present	Lee Duncan (Chair), Wayne Thatcher (Vice Chair), Roger Rupnow, Susan Maziar, David Rubenstein, and Al Pond
Board Members Absent	Don Boyken
Staff Present	Nancy Leathers, Patrice Ruffin, Linda Abaray, Cecil McLendon, Mark Moore, Doug Trettin, Nathan Ippolito, and Terry Robinson

CALL to Order	Lee Duncan called the meeting to order at 7:00 p.m.
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APPROVAL OF AGENDA

ACTION: Rupnow moved to recommend approval of the Agenda. Thatcher seconded. The motion was approved (5-0, Thatcher, Maziar, Rupnow, Pond, and Rubenstein for; Duncan not voting; Boyken absent).

PUBLIC COMMENT – No Public Comment

PREVIOUS MINUTES

ACTION: Thatcher moved to recommend approval of the Minutes. Rubenstein seconded. Approved (4-0-1, Thatcher, Maziar, Pond, and Rubenstein for; Rupnow abstained; Duncan not voting; Boyken absent).

REZONINGS

1. **RZ09-001/CV09-003**
5395 Roswell Road (SR9)

SUMMARY/STAFF PRESENTATION: To rezone from O-I conditional to O-I to allow for a church in the existing building and to expand the building by enclosing the existing parking deck, with concurrent variances.

Applicant Presentation: Woodson Galloway

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

• **Support for the Petition: NONE**

• **Against the Petition:**

Sheila O'Shea, 5400 Roswell Rd
Manuel Elkhound, 60 Willow Glen, Sandy Springs, GA.
Daniel Hubbell, 5375 Roswell Rd #C4, Sandy Springs, GA. 30342
Nancy Early, 5220 High Point Rd, Sandy Springs, GA. 30342
Patty Burns, 5400 Roswell Road, Sandy Springs, GA. 30342
Jane Kelley, 4590 Windsor Park Pl., Atlanta, GA. 30342
Jeff Lebow, 47 Willow Glen, Sandy Springs, GA. 30342
Albert Eruewsfelder, 32 Willow Glen, Sandy Springs, GA. 30342
Helen C. Ewing, 31 Willow Glen, Sandy Springs, GA. 30340
Matt Ewing, 31 Willow Glen, Sandy Springs, GA. 30342
Betty Bull, 34 Willow Glen, Sandy Springs, GA. 30342
Howard Gruensfelder, 33 Willow Glen, Sandy Springs, GA. 30342
Frank Bull, 34 Willow Glen, Sandy Springs, GA. 30342
Martha W. Patterson, Atlanta, GA. 30342
Mary Lynn Wright, Sandy Springs, GA.

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

ACTION: Pond moved to recommend for denial of RZ09-001/CV09-003 with Alternate Conditions. Maziar seconded. Approved (5-0, Thatcher, Maziar, Rupnow, Pond, and Rubenstein for; Duncan not voting; Boyken absent). The

	Commission expressed concerns over sufficient parking on site and the ability of Staff to monitor occupancy. ACTION: Pond moved to recommend for approval of RZ09-001/CV09-003 with Staff Recommended Conditions. Rupnow seconded. Approved (3-2, Rupnow, Pond, and Rubenstein for; Thatcher and Maziar against; Duncan not voting; Boyken absent).
2.	RZ09-004/CV09-012 5825 Sandy Springs Circle SUMMARY/STAFF PRESENTATION: To rezone the subject property from MIX conditional to MIX for the development of a 5-story, 36-unit residential building with office and/or retail space, with concurrent variances. Applicant Presentation: Erik W. Lewitt (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: NONE • Against the Petition: Trisha Thompson, On File (Close of public hearing. Planning Commission questions and discussion) ACTION: Rubenstein moved to recommend for approval of RZ09-004/CV09-012 with Staff Recommended Conditions. Pond seconded. Approved (4-1, Thatcher, Maziar, Pond, and Rubenstein for; Rupnow against; Duncan not voting; Boyken absent).
3.	RZ09-005 6370 Powers Ferry Road SUMMARY/STAFF PRESENTATION: To rezone the subject property from MIX conditional to MIX to allow uses including restaurants and service commercial in the area known as Zone 6 of the subject property. Applicant Presentation: Ted Sandler, 6400 Powers Ferry Rd, Sandy Springs, GA. 30339 (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: Rupnow moved to recommend for approval subject to staff conditions amended to limit the total gross square footage of restaurant use to 4,200 square feet. Rubenstein seconded. Approved (5-0, Thatcher, Maziar, Rupnow, Pond, and Rubenstein for; Duncan not voting; Boyken absent).
USE PERMITS	
4.	U09-004/U09-005/U09-006/CV09-007 805 Mount Vernon Highway SUMMARY/STAFF PRESENTATION: Use Permits to revise the existing Church, Private School, and Day Care Facility uses and property, with concurrent variances. Applicant Presentation: Amy Hillman, 311 Alberta Terr., Atlanta, GA. 30305 Mike Collins, 3391 Peachtree Rd, Ste 400, Atlanta, GA. 30326 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Neal Williams, 18/0 N. Devereux Ct., Atlanta, GA. 30327 Sean Raqsmjus, 5450 N. Powers Ferry Rd., Atlanta, GA. 30327 Paige Huff, 800 Marseilles Dr., Atlanta, GA. 30327 Lou Bailey, 125 Parc du Chateau, Atlanta, GA. 30327 Charles Kelly, 5495 Mt. Vernon Pkwy James A. Calwell III, 5410 Mt. Vernon Pkwy, Sandy Springs, GA. 30327 Margaret H. Farnham, 4775 Merlendale Ct., Atlanta, GA. 30327 Michael Ernst, 2 Bentley Manor, Atlanta, GA. 30327

	J. Bart Miller, 405 Morgan Oak Cir, Atlanta, GA. 30342 Peter Hardin, Marietta, GA. 30062 • Against the Petition: Barbara Malone, On File Carol Matz, 120 Parc Du Chateau, Atlanta, GA. 30327 Laurie S. Robbins, 110 Lameloise Lane, Atlanta, GA. 30327 Michelle Gibson, 5315 Mt. Vernon Pkwy, Atlanta, GA. 30327 Peter Gordon, 110 Parc Du Chateau, Atlanta, GA. 30327 Eric & Melissa Saw, 5575 Mt. Vernon Pkwy, Sandy Springs, GA. 30327 (Close of public hearing. Planning Commission questions and discussion) ACTION: Thatcher moved to recommend for approval of U09-004/U09-005/U09-006/CV09-007 with Staff Recommended Conditions. Rubenstein seconded. Rupnow amended the motion to deny the height variance request number seven (7). No second (failed motion). Rupnow amended the motion to revise condition 1.e. to limit the uses of the single-family residences to housing and offices only. Seconded by Thatcher. Denied (1-4, Rupnow for; Thatcher, Maziar, Pond, and Rubenstein against; Duncan not voting; Boyken absent). The Commission then considered the original recommendation for approval of U09-004/U09-005/U09-006/CV09-007 with Staff Recommended Conditions. Approved (4-1, Thatcher, Maziar, Pond, and Rubenstein for; Rupnow against; Duncan not voting; Boyken absent).		
5.	U09-007/CV09-011 6024 & 6038 Roswell Road (SR9) SUMMARY/STAFF PRESENTATION: A Use Permit to exceed the maximum district height, with concurrent variances. Applicant Presentation: John Garibaldi, 711 West Creekside, Houston, TX. 77024 Carl Westmorland, 1545 Peachtree St., Atlanta, GA. 30309 (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: NONE • Against the Petition: Peter Trager, 6069 City Walk Lane, Sandy Springs, GA. 30328 Howard Austin, 6039 City Walk Lane, Sandy Springs, GA. 30328 Trisha Thompson, On File (Close of public hearing. Planning Commission questions and discussion) ACTION: Rupnow moved to recommend for a 60 day deferral to allow the applicant time to provide additional and/or revised information regarding: potential interconnectivity to the City Walk shopping center, the possibility of providing more green space by shifting the proposed density to a taller building, verification as to the appropriateness of providing 27 parking spaces for the commercial component of the project, details of vehicular & pedestrian traffic studies, the architectural treatment and landscape screening of the proposed parking garage, a proposed streetscape design, and drawings matching the outlined variances. Maziar seconded. Approved (5-0, Thatcher, Maziar, Rupnow, Pond, and Rubenstein for; Duncan not voting; Boyken absent).		
<table border="1"> <tr> <td>Meeting Adjournment</td> <td>The meeting was adjourned at 10:36 p.m.</td> </tr> </table>		Meeting Adjournment	The meeting was adjourned at 10:36 p.m.
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Approval Signatures	
Date Approved	12-15-2009
Lee Duncan, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Gloria Goins, Administrative Coordinator/Transcriber	