



**Planning Commission
November 20, 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	Nancy Leathers, Chris Miller, Patrice Ruffin, Julie Eldridge, Linda Abaray, Jocelyn Stephens, 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: The Agenda was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow and Wiley for; Duncan not voting).
	PREVIOUS MINUTES
	ACTION: David Rubenstein moved to recommend approving the Minutes at the end of the meeting Agenda. Roger Rupnow seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow and Wiley for; Duncan not voting).
	PUBLIC COMMENT: No Public Comment
	DEFERRED
1.	RZ08-019/CV08-021 208 Sandy Springs Place <i>Applicant: Sandy Springs Executive Center, LLC Representative: Pete Hendricks</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from C-1 conditional to MIX for the development of a 24,611 square foot retail and office building, with concurrent variances. Applicant Presentation: Pete Hendricks (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Howard M. Austin, 6039 City Walk Lane, Sandy Springs, Georgia 30328 Peter Trager, 6069 City Walk Lane, Sandy Springs, Georgia 30328 Scott Zeinedini, 166 Abernathy Road, Sandy Springs, Georgia 30328 • Against the Petition: None (Close of public hearing. Planning Commission questions and discussion)
	ACTION: Roger Rupnow moved to recommend approval subject to staff conditions and limitation on the uses permitted under the C-1 zoning classification. Bob Wiley seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow and Wiley for; Duncan not voting).

	Conditions: - To the owner's agreement to restrict the use of the subject property as follows: - Office and associated accessory uses at a density of 18,750 square feet per acre or 10,593.75 square feet, whichever is less. - Retail, service commercial, and associated accessory uses at a density of 6,250 square feet per acre or 3,531.25 square feet, whichever is less. - The maximum building height shall be 60 feet or 4 stories, excluding any penthouses for mechanical equipment, whichever is less. - 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. - To the owner's agreement to provide the following site development standards: - The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Sandy Springs Place 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. - The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Sandy Springs Drive 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. - Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with the adjacent office/commercial properties. Should the owner/developer not come to an agreement on interparcel access at this time with the adjacent property owners, the owner/developer shall provide documentation of such. In addition, if an interparcel access agreement is not obtained; permanent easements shall be recorded allowing for future inter-parcel access along the entirety of the adjacent property boundaries, prior to the issuance of an LDP.
2.	RZ08-014/U08-008/CV08-12 1155 Hammond Drive Applicant(s): Hammond Center Joint Venture Representative: Woody Galloway SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from O-I conditional to MIX for the development of 20,000 square feet of restaurants, 50,000 square feet of retail space, 20,000 square feet of restaurant space, 120-room hotel (existing), and 398 apartments, with concurrent variances and a use permit to exceed the maximum district height. Applicant Presentation: Woody Galloway (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: William B. Hargett, 81 Paces West Circle, Atlanta, GA 30327 Trisha Thompson, 145 River North Drive, Sandy Springs, GA 30328 • Against the Petition: None (Close of public hearing. Planning Commission questions and discussion)
	ACTION: Roger Rupnow moved to recommend a 60-day deferral. Bob Wiley seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, and Wiley for; Duncan not voting). The Commission requested the following revisions/information: 1) Further reduction in the total number of parking spaces due to proximity to MARTA, 2) Increase in density/height due to location in Live Work Regional land use node, 3) Architectural elevation of building facade from Hammond Drive, 4) A minimum of 2 interparcel access points along future East-West Connector on Palisades site to south and clear access through to Hammond Drive, 5) Additional usable greenspace, 6) Additional detail on unit sizes, and 6) Sign detail to accompany variance requests.

	Condition(s): N/A
3.	RZ08-029/CV08-025 7355 Roswell Road (SR 9), 7385 Roswell Road. (SR 9), & 690 Dalrymple Road Applicant(s): Hartman, Spielman & Wood, LLP Representative: Ted Sanders SUMMARY/STAFF PRESENTATION: Patrice Ruffin/To rezone the subject property from C-1 conditional to C-1 for the development of an 11,800 square foot CVS Pharmacy building, with concurrent variances. Applicant Presentation: Ted Sanders (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: Zach Middlebrooks, 595 W. Crossville Road, Roswell, Georgia 30075 Michael Weber, 1403 Brighton Pt., Sandy Springs, Georgia 30328 • Against the Petition: Trisha Thompson, 145 River North Drive, Sandy Springs, Georgia 30328 (Close of public hearing. Planning Commission questions and discussion)
	ACTION: Wayne Thatcher moved to recommend approval subject to staff conditions. Roger Rupnow seconded. The motion was APPROVED (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, and Wiley for; Duncan not voting) with amendments: Variance #1) Reduce total number of parking spaces to 44, Variance #2) Approve subject to staff conditions, Variance #3) Reduce buffer and improvement setback to a 2 foot landscape strip, Variance #4) Approve subject to staff conditions, Variance #5) Reduce building setback along Roswell Road (SR 9) to 32 feet, Variance #6) Withdraw as requested by applicant (6-0, Thatcher, Boyken, Maziar, Rubenstein, Rupnow, and Wiley for; Duncan not voting).
	Condition(s): 1. To the owner's agreement to restrict the use of the subject property as follows: a. A one story retail building not to exceed 11,800 square feet at a density of 6,704.54 square feet per acre, whichever is less. 2. To the owner's agreement to abide by the following: a. 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. b. To the architectural elevation and revised color scheme received November 6, 2008. 3. To the owner's agreement to provide the following site development standards: a. The owner/developer shall dedicate fifty-five feet (55') from the centerline of Roswell Road (SR 9) along the entire street frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs. b. The owner/developer shall dedicate thirty-five feet (35') from centerline of Dalrymple Road along the entire street frontage or ten and one-half (10.5) feet from back of curb, whichever is greater, to the City of Sandy Springs. c. No loading docks shall be permitted to face Roswell Road (SR 9). d. Roof-mounted equipment shall be screened. e. Prior to issuance of an LDP, the owner/developer shall provide interparcel access with the adjacent commercial property to the east. Should the owner/developer not come to an agreement on interparcel access at this time

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

- a. To the site plan submitted to the Department of Community Development dated received September 2, 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:

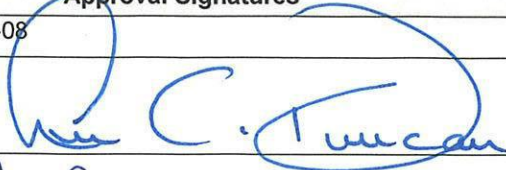
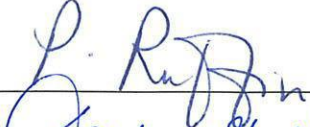
- a. The minimum design standards are:

Minimum front yard: 20 feet
Minimum side corner yard (Hammond Drive): 12 feet
Minimum side yard (east and west): 10 feet
Minimum rear yard: 10 feet
Minimum heated floor area per dwelling unit: 850 square feet (revised from 750 square feet)
Minimum internal setbacks, separations, landscaping and buffering between uses is as shown on the site plan which shall comply with the local governing building codes; and
Maximum building height: 30 stories

- b. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Peachtree-Dunwoody 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.
- c. The owner/developer shall dedicate fifty-five (55) feet of right-of-way from centerline of Hammond Drive 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.
- d. To reduce the required twenty-five foot (25') impervious stream buffer to zero feet (0') and the required fifty foot (50') undisturbed natural stream buffer to five feet (5') to permit an encroachment of 6504 square feet of impervious surface into the twenty-five foot (25') impervious setback and 16,935 square feet of disturbed pervious and impervious area into the fifty foot (50') undisturbed buffer. (CV08-027)
- e. To delete the required twenty (20) foot landscape strip along the area adjacent to the retail building and existing parking along the west property line as shown on the site plan dated October 7, 2008 (Peachtree-Dunwoody Road frontage) (CV08-027).
- f. To allow for an additional freestanding sign on the Peachtree-Dunwoody Road frontage (CV08-027). Said sign shall be no larger than seventy-two (72) square feet with a maximum height of eight (8) feet.
- g. To allow internal signs throughout the site to be used as directional signage (CV08-027). Said signs shall be no larger than twenty (20) square feet with a maximum height of six (6) feet.
- h. The owner/developer shall install a westbound right turn lane from Hammond Drive onto Peachtree-Dunwoody Road.
- i. No more than two (2) curb cuts on Peachtree-Dunwoody Road; one to align with existing median break and the other restricted to right-in/right-out. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
- j. No more than three (3) curb cuts on Hammond Drive. Said curb cut location and design shall be subject to the approval of the Public Works Department at time of LDP.
- k. The owner/developer shall provide intersection improvements and signal upgrades as may be required by the Public Works Department.
- l. Housing shall be designed, constructed and operated in accord with the Fair Housing Amendments Act. On an annual basis, the controlling entity shall verify compliance with all provisions of the Fair Housing Act related to occupancy in a manner deemed acceptable pursuant to policies and procedures adopted by the Director of Community Development. Dwelling units shall have a minimum heated floor area of 850 square feet.
- m. Each senior housing development shall have at least one (1) unit designated as guest quarters for visitors of residents, but the total number of guest units may not exceed 1% of the total number of units within the development. Guest units shall have a maximum heated floor area of 500 square feet.
- n. Not less than 20% of the total acreage shall be maintained as common outdoor open space for the use and benefit of the residents. Said common outdoor open space shall be marked by appropriate signage and must

	be accessible via a road or walking trail to the rest of the development. o. The senior living portion of the property shall be deed restricted to senior housing except as provided for by Fair Housing laws. Each senior housing development shall post on its premises notice of its status as a senior housing development in a manner readily visible to and accessible to the residents. Such notices shall be to the approval of the Department of Community Development. p. The property shall comply with all applicable local, state, and federal regulations and copies of any applicable permits shall be provided to the Department of Community Development. q. Home occupations shall be permitted in accordance with Section 4.12, Home Occupation, of the Zoning Ordinance. r. Any change in the use of a senior housing project that does not comply with the Fair Housing Amendments Act shall conform to all current zoning and density requirements. Any such conversion shall be considered a zoning modification and be brought into conformance with city standards.
	ORDINANCES AND RESOLUTIONS
5.	RZ08-024 An Ordinance to Amend Article 3, Definitions of the Sandy Springs Zoning Ordinance ACTION: Don Boyken moved to recommend approval as presented by staff. Bob Wiley seconded. The motion was APPROVED (5-0, Thatcher, Boyken, Maziar, and Rubenstein, and Wiley for; Duncan not voting; Rupnow excused).
6.	RZ08-025 An Ordinance to Amend Article 4, General Provisions, of the Sandy Springs Zoning Ordinance ACTION: Bob Wiley moved to recommend approval as presented by staff. Susan Maziar seconded. The motion was APPROVED (5-0, Thatcher, Boyken, Maziar, and Rubenstein, and Wiley for; Duncan not voting; Rupnow excused).
	DISCUSSION ITEMS – No Comments
7.	Sign Ordinance Amendment
	PREVIOUS MINUTES
8.	ACTION: Wayne Thatcher moved to recommend approval of the Minutes from the March 3, 2008 Special Called Meeting. Susan Maziar seconded. The motion was APPROVED (5-0, Thatcher, Boyken, Maziar, and Rubenstein, and Wiley for; Duncan not voting; Rupnow excused). ACTION: Don Boyken moved to recommend approval of the Minutes from the October 16, 2008 Meeting. David Rubenstein seconded. The motion was APPROVED (5-0, Thatcher, Boyken, Maziar, and Rubenstein, and Wiley for; Duncan not voting; Rupnow excused).

Meeting Adjournment	The meeting was adjourned at 9:35 p.m.
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Approval Signatures	
Date Approved	12-18-08
Lee Duncan, Chairman	
Patrice Ruffin, Assistant Director of Planning and Zoning	
Jocelyn Stephens, Administrative Assistant/Transcriber	