



**Planning Commission
December 20, 2007**

Meeting Minutes

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

CALL to Order	Roger Rupnow called the meeting to order at 7:00 p.m.
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I.	PREVIOUS ACTION REPORT
	ACTION: Lee Duncan moved to approve the Action Report from November 15, 2007 meeting. Bob Wiley seconded. The motioned was APPROVED (6-0, Wiley, Duncan, Boyken, Maziar, Thatcher and Rubenstein for; Rupnow not voting).
II.	PREVIOUS MINUTES
	ACTION: Lee Duncan moved to approve the Minutes from November 15, 2007 meeting as amended. Bob Wiley seconded. The motioned was APPROVED (6-0, Wiley, Duncan, Boyken, Maziar, Thatcher and Rubenstein for; Rupnow not voting).
	Note: Roger Rupnow stated that at the first meeting in January, the public comment segment of the meeting will commence.
III.	REZONING - NEW
A.	RZ07-021/U07-008 CV07-020 (DRI) 5775 & 5795 Glenridge Drive <i>Applicant: MGLP Lakeside, LLP</i> <i>Representative: Carl Westmoreland</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/ The applicant is requesting to rezone the subject property from O-I conditional and R-2 to MIX for the development of 300 residential units, 1,125,000 square feet of new and existing office and financial institution space, 50,000 square feet of retail and restaurant space, and a 200 room hotel. The applicant is also requesting four (4) concurrent variances as follows: 1. To modify the surface parking landscaping island requirement to provide for an alternate landscaping plan by maintaining the existing surface parking landscaping. 2. Variances 2, 3 and 4 are sign variances to allow for additional freestanding signs along Glenridge Drive to allow for internal identification signage, and to allow for standard informational directional signage on the site. Additionally the applicant is requesting a use a permit to exceed the permitted height of 60 feet by constructing the office buildings on the property at a maximum height of 240 feet or 16 stories. Applicant Presentation: Carl Westmoreland & Dee Little (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: None • Against the Petition: Doug Falciglia, 5925 Brookgreen Road, in opposition to the petition.

Mark Sampl, 130 Stewart Drive, in opposition to the petition.
Thaea Lloyd, 570 Valley Lane, in opposition to the petition.
Alan Powell, 5645 Colton Drive, in opposition to the petition.
C.K. Garner, 435 Winfield Glen Court, in opposition to the petition.

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

ACTION: Lee Duncan moved to defer for 90 days with remand to the Planning Commission. Donald Boyken seconded. The motion was approved (6-0, Wiley, Duncan, Boyken, Maziar, Thatcher and Rubenstein for; Rupnow not voting).

Note: Mr. Duncan found that the applicant needed to clarify the proposal with regard to the components proposed, the layout of the site, access to MARTA, etc. Mr. Boyken found that the applicant should reconsider the placement of some of the uses (e.g. retail building at southwest corner of site) and the connectivity of the uses proposed. Ms. Maziar found that the applicant should consider limiting the types of retail uses proposed, including drive-thru banks and restaurants. Mr. Rubenstein and Mr. Rupnow found that the applicant should consider the ability to provide for additional infrastructure improvements beyond those recommended by the staff and GRTA. Mr. Thatcher found that the site needs to have a realistic/practical connection to MARTA.

**B. RZ07-039/U07-016
CV07-029**

305 Carpenter Drive

Applicant(s): Masoud Zahedi

Representative: Masoud Zahedi

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/The applicant is requesting to rezone the subject property from A-L to MIX for the development of 7,000 square feet of commercial space and 300 residential units. The applicant is also requesting one concurrent variance:

1. To delete the required twenty-five (25) foot buffer and ten (10) foot improvement setback along the east property line adjacent to residentially zoned property. Additionally, the applicant is requesting a use permit to exceed the permitted height of 90 feet by constructing the proposed building at a maximum height of 26 stories.

Applicant Presentation: Masoud Zahedi

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

• **Support for the Petition:**

None

• **Against the Petition:**

Trisha Thompson, 145 River North Drive, in opposition to the petition.

Ranjan Raj, 275 Carpenter Drive, in opposition to the petition (Did not speak at the meeting but would like the card on the record).

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

ACTION: Lee Duncan moved to defer with remand to the Planning Commission. Donald Boyken seconded. The motion was approved (6-0, Wiley, Duncan, Boyken, Maziar, Thatcher and Rubenstein for; Rupnow not voting) with a remand to the Planning Commission at the applicant's request, subject to the applicant's submittal of a Traffic Impact Study.

Note: Mr. Rupnow found that the applicant should not have parking beyond what the ordinance requires.

C. RZ07-040/CV07-030

5619 Lake Forrest Drive

Applicant: Paragon Development Group, LLC

Representative(s): Patrick Leonard

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/The applicant is requesting to rezone the subject property from TR conditional to O-I for the development of the 22,000 square foot office building. The applicant is also requesting one concurrent variance:

1. To reduce the required front yard setback from 40 feet to 20 feet adjacent to the I-285 right-of-way.

Applicant Presentation: Patrick Leonard

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

• **Support for the Petition:**

None

• **Against the Petition:**

Pamela Jeter, 5680 Lake Forrest Drive, in opposition to the petition.

Mark Sampl, in opposition to the petition.

Patty Berkowitz, in opposition to the petition.

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

ACTION: Motion #1 - Bob Wiley moved for denial. Susan Maziar seconded. The motion failed (2-4, Wiley and Maziar for a denial; Boyken, Wiley, Thatcher and Duncan against the denial; Rupnow not voting).

Motion#2 – Donald Boyken moved to approve subject to the applicant requested density and site plan. Lee Duncan seconded. The motion was APPROVED (4-2, Donald Boyken, David Rubenstein, Wayne Thatcher and Lee Duncan for; Susan Maziar and Bob Wiley against; Rupnow not voting). Mr. Wiley and Ms. Maziar found that the proposal does not fit with the density and character of properties along Lake Forrest Drive. Mr. Rupnow found that if approved the development would create real problems for other properties across Lake Forrest and that other office development west of Lake Forrest should be prevented.

Condition(s):

1. To the owner's agreement to restrict the use of the subject property as follows:
 - a. Office and associated accessory uses at a density of 17,107.31 square feet per acre or 22,000 square feet, whichever is less.
2. To the owner's agreement to abide by the following:
 - a. To the site plan to be received by the Department of Community Development dated November 11, 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.
3. To the owner's agreement to provide the following site development standards:
 - a. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Lake Forrest 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.
 - b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Northwood 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.
 - c. Prior to issuance of an LDP, the owner/developer shall attempt to provide interparcel access with all adjacent properties. Should the owner/developer not come to an agreement on interparcel access at this time, 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, prior to the issuance of an LDP.
 - d. To reduce the required front yard setback from forty (40) feet to twenty (20) feet adjacent to the I-285 road frontage (CV07-030).
 - e. The light source of all external lighting in the development shall be screened and shall not be directly visible from adjoining residential properties.
 - f. To a maximum illuminance level of 0.5 footcandles along all property lines abutting residentially zoned property.
 - g. At the time of application for a Land Disturbance Permit, the owner/developer shall be required to submit a photometric study detailing the illuminance level as outlined in condition 3.d. and illustrating the proposed lighting fixtures.

D.	RZ07-041 4815 Peachtree-Dunwoody Road <i>Applicant: Anne T. Parr</i>	<i>Representative(s): Kay Quigley</i> SUMMARY/STAFF PRESENTATION: Patrice Ruffin/The applicant is requesting to rezone the subject property from R-2 to R-3 for the development of two single-family lots at a density of 1.87 units per acre. Applicant Presentation: Kay Quigley (Invitation for public comment in support of and in opposition to the petition) • Support for the Petition: James Bardin, 1040 Balmoral Road, in support of the petition. • Against the Petition: None (Close of public hearing. Planning Commission questions and discussion)
		ACTION: Lee Duncan moved to approve subject to staff conditions. Wayne Thatcher seconded. The motion was APPROVED (6-0, Wiley, Duncan, Boyken, Maziar, Thatcher and Rubenstein for; Rupnow not voting).
		Condition(s): 1. To the owner's agreement to restrict the use of the subject property as follows: a. Two (2) single family residential lots at a density of 1.87 units per acre. 2. To the owner's agreement to abide by the following: a. To the site plan received by the Department of Community Development dated October 2, 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. 3. To the owner's agreement to provide the following site development standards: a. The owner/developer shall dedicate thirty (30) 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. b. The owner/developer shall dedicate twenty-five (25) feet of right-of-way from centerline of Balmoral 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. No vehicular access shall be permitted from Peachtree-Dunwoody Road. All access points shall be located on Balmoral Road.

E. RZ07-042

9670, 9680, & 9710 Roberts Drive

Applicant: City of Sandy Springs

Representative: Patrice Ruffin

SUMMARY/STAFF PRESENTATION: Patrice Ruffin/The Mayor and City Council approved the initiation of the rezoning process for the subject property from the Community Unit Plan conditional district to all zoning districts ranging from R-1 to A medium density apartment district. Following review of reflects the staff proposal for the subject property to be rezoned to the R-3 zoning classification with a total of six (6) units at a density of 1.88 units per acre.

Applicant Presentation: Patrice Ruffin

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

• **Support for the Petition:**

Elizabeth Huffner, 9643 Roberts Drive, in support of the petition.

Katherine Feeman, 840 Jett Ferry Manor, in support of the petition.

Harold Banister, 9500 Roberts Drive, in support of the petition.

James C. Davis, 104 Lexington Place, in support of the petition.

Gary Post, in support of the petition.

• **Against the Petition:**

Bill Griffith, 9580 Roberts Drive, in opposition to the petition.

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

ACTION: David Rubenstein moved to approve subject to the staff conditions and the additional conditions presented by members of the surrounding neighborhood. Susan Maziar seconded. The motion was APPROVED (6-0, Wiley, Duncan, Boyken, Maziar, Thatcher and Rubenstein for; Rupnow not voting).

Condition(s):

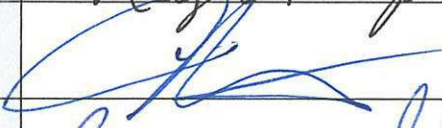
1. Six (6) single family residential lots at a density of 1.88 units per acre.
2. The minimum heated floor area per dwelling unit shall be 4,000 square feet.
3. To the site plan proposed by the Department of Community Development dated December 13, 2007. Said site plan is conceptual only and must meet 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.
4. The owner/developer shall dedicate thirty (30) feet of right-of-way from centerline of Roberts Drive 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.

From the neighborhood as follows:

1. All six (6) single-family houses should appear as only two (2) stories high.
2. All houses along Roberts Drive have their fronts face Roberts Drive.
3. Provided buffered, irrigated, landscape strips along Roberts Drive, the east property boundary and the south property boundary.
4. Retain the existing tree canopy.
5. Provide a minimum set back of 35 feet.
6. Install all underground utilities.
7. If a retention structure is required, no exposed steel or untreated or unpainted concrete should be allowed. A stone facing is preferred.
8. If a Home Owner's Association is formed, membership should be mandatory.
9. Install a concrete sidewalk along Roberts Drive.

	10. No access from North River Parkway should be allowed.
IV.	A Resolution to Direct Staff to Develop a Log of All Variance Requests Beginning January 1, 2008 and Ending July 31, 2008
	ACTION: Susan Maziar moved to approve. David Rubenstein seconded. The motion was APPROVED (6-0, Wiley, Duncan, Boyken, Maziar, Thatcher and Rubenstein for; Rupnow not voting).
	Note: The Commission would like to track the types and number of variances requested for each case in order to analyze possible needed revisions to the Zoning Ordinance and other code sections.

Meeting Adjournment	The meeting was adjourned at 9:29 p.m.
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Approval Signatures	
Date Approved	
Roger Rupnow, Chairman	
Nancy Leathers, Director of Community Development	
Bridgette Gray, Administrative Assistant/Transcriber	