



SANDY SPRINGS™

GEORGIA

PLANNING COMMISSION
TUESDAY, JUNE 25, 2019, 6:00 PM
CITY HALL IN THE STUDIO THEATRE
1 GALAMBOS WAY

Call to Order

Roll Call

General Announcements

Approval of Meeting Agenda - June 25, 2019

Approval of Meeting Minutes - March 26, 2019

[PC Minutes 3.26.19](#)

1. [001580](#)

U18-0010

5750 & 5730 Long Island Drive (Springmont School)

Request for Conditional Use Permit for a private school to allow improvement and expansion of facilities.

[U18-0010 Package](#)

The applicant's representative, Michael Mascheri, addressed the Planning Commission Regarding the request. Mr. Joe Hines of the Council of Neighborhoods also spoke in support of the request, subject to a change. Mr. Hines proposed a 16 space parking lot be installed in the location of a demolished structure, as shown on an earlier 2018 version of the Proposed Campus Master Plan. The Commission asked Mr. Mascheri if the school was amendable to the change and he confirmed that they are.

During the discussion, the Planning Commission commended the applicant on addressing the community's concerns in regards to the request for the parking lot. Commissioner Settles in particular noted that they received 31 public comments all in support of the application. Commissioner Haggard had one question for staff, asking if GDOT denied an encroachment permit for the new turnaround, would the school need to change the master plan and reapply for a new Conditional Use Permit. Staff confirmed that yes, it would be necessary because the stacking improvements only work with the new turnaround.

Commissioner Haggard moved to approve the proposal with staff conditions and to include a new condition that 16 additional parking spaces would be added in accordance with the proposal by the Council of Neighborhoods representative. Commissioner Nickels seconded the motion which passed via unanimous voice vote. (5-0-0)

Prior to calling a vote, Commissioner Haggard asked staff for clarification that if GDOT were to deny the school the encroachment permit, they would not be barred from seeking a new Conditional Use Permit. Staff confirmed it would not.

All Planning Commissioners voted in favor (5-0).



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2. [001582](#)

RZ19-0001

1190 & 1194 Hope Road

Request for a Rezoning from RE-1 to RT-3 to develop townhomes.

[RZ19-0001 Package](#)

Staff presented the case, with a recommendation of approval and not to condition the decision to the site plan.

The Applicant, Gary Callicott, spoke to the basics of the request, which had been presented by Staff. He stated that the proposed development is to build townhomes in the high \$300,000 to low \$400,000 price range that could potentially provide housing for public safety and public service officials. He stated that the request is consistent with the comprehensive plan and that he wants to provide housing in that area.

Ms. Ronda Smith, Sandy Springs Council of Neighborhoods, spoke in support of the concept of the Rezoning. She stated that it would help to revitalize the North End and that townhomes would be a good fit and quality, viable product. She expressed that the Sandy Springs Council of Neighborhoods concurs with Staff and the inability to support the site plan.

Commissioner Settles asked the Applicant what the price point of other townhomes in the area is. The Applicant stated that the price range of some nearby townhomes would be in the mid \$400,000s to mid \$500,000s.

Chairman Frostbaum asked the applicant if he could still develop the project without it being conditioned to the site plan. Mr. Callicott mentioned his discussions with Staff regarding the site plan and his interest in the Cottage Court development pattern. He said he will continue to work out the issues.

A citizen arrived who wished to speak in opposition to the application. Ms. Linda McCain expressed concerns about Hope Road's ability to support more townhomes and the impacts to the trees and creek. She is not against the proposed development but thinks it should be at a smaller scale. She stated that Hope Road is two lanes in width. She does not think that \$300,000 is an affordable price for a townhome. She is concerned about traffic at the Dunwoody Place and Hope Road intersection and about oversaturation.

Commissioner Kelly asked the Applicant about the household income someone would need to have in order to purchase a townhome and what the median income of residents of that area is. The Applicant said that most households are two-income households and that a couple in the service industry would likely be able to qualify for a home in that price range.

Commissioner Nickles asked Staff about the site plan. Staff verified that it will have to meet Code.

Commissioner Settles asked the Applicant about the citizen's concerns. He said he would continue to work with Staff.



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Commissioner Haggard moved to recommend **approval** of the request (with no conditions, and not conditioned to the site plan). The motion was seconded by Commissioner Settles, passing by unanimous voice vote (5-0-0).

3. 001581

U19-0002

1025 Mount Vernon Hwy

Request for a Conditional Use Permit to allow a day care in the existing facilities and to remove previously approved condition related to wall per U18-0001

[U19-0002 Package](#)

The applicant's representative, Mr. David Stewart, expressed that the church wanted to modify its current use permit for an accessory daycare use to bring more services to the community and bring new members to the congregation. He said that any funds generated from the daycare will be used to fund the church's mission. Mr. Stewart said that the Development Code included daycare uses as allowed associated accessory uses. He said that the church sought the same treatment as other religious organizations that have the same daycare uses.

Regarding the request to remove conditions related to wall from U18-0001, Mr. Stewart said that last summer the City had granted a Conditional Use Permit to expand the building footprint. He said that, through last year's use permit process, the church learned that the neighboring property at 10 Leighton Court experienced accumulations of water during heavy rain. Mr. Stewart explained that the conditional use permit included a requirement to install a wall structure to mitigate water runoff as suggested by Staff. Mr. Stewart explained that Engineer Brian Kay from Atwell, was hired by the church, to address the drainage issues and to look for opportunities to mitigate the water runoff. Mr. Stewart said that after the conditional use permit (U18-0001) was granted, the issue was investigated in more detail by Mr. Kay and the neighbor's engineer to understand what was happening on the neighbor's property.

Mr. Kay spoke and said that they had found an important item that was not mentioned by Staff in the presentation, which was the drainage easement on the neighbor's property that connects to an area inlet and then connects to the storm system within the road. Mr. Kay said that, in his engineering practice, a drainage easement is for one reason such as flow coming from another area that needs to be attenuated or that needs to be conveyed to a certain location. He said that, based on the topographic information provided in the application, a drainage pattern is shown, in which the water flows from church's property through the subdivision and into a collector system. He said that the drainage easement had an undersized pipe and that the easement was not graded properly. Mr. Kay expressed that the church did not know the whole story when proposing to construct the surface detention structure (wall) last year. He expressed that the church should not be responsible for building the wall if the drainage easement was not working correctly.

There were three comments in opposition. Mr. Ash Joshi spoke in opposition to the daycare accessory use. He said that he recognized that religious organizations have financial needs but



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that Mount Vernon Hwy had traffic problems during the school year. He said that adding 80 or 90 more cars at rush hour in the morning and in the evening, the street would become a parking lot. He said that he wished this discussion had taken place during the school year so that Staff could see what traffic is like between 7:30 AM and 9:30 AM. He said his neighborhood has the same concerns.

Michael Smith spoke in opposition to the daycare accessory use. He said that he was a resident adjacent to the church and that he did not have any concerns about the current church's operation. He said that 92 kids will generate approximately 180 round trips. He said he is oppose to any business within the neighborhood.

Tom Oastler spoke in opposition on behalf of the Riverwood Place Subdivision. He said that he bought his home 20 years ago and that, at that time, had asked the church about their plans with the property. Mr. Oastler said that the church said that no change was going to take place, but that two years later the church tried to install a cell tower. He said he did not feel comfortable with the church proposing a daycare for a business in order to make money. He said the Riverwood Place stands against this use permit request for a daycare accessory use.

Mr. Stewart used his rebuttal time to clarify that the water runoff comes from Mount Vernon Hwy through the parking lot into the neighbor's easement and this was a pre-existing easement.

Commissioners Nickles said that running a business like a day school is irrelevant to the decision and that the church in his neighborhood have a day school. In terms of traffic, he said that the City's transportation engineer reviewed the request and provided comments. He said that 7,300 vehicles a day on average is significant and that he can empathize with that. In terms of water runoff, Commissioner Nickles said that based on the engineering report, a wall did not sound like was going to serve a purpose considering the current flow existing for decades.

Commissioner Kelly asked the applicant what the neighborhood said about the drainage easement as of why the drainage easement was not operating as it should. The applicant said that they tried to contact that particular neighbor (from 10 Leighton Court) but that the church did not get any response to the engineers agreeing that the drainage wasn't being maintained and that it wasn't sized properly. Commissioner Kelly asked if the neighbor's engineer agreed that the particular system was not working. The applicant said that that was correct.

Chairman Frostbaum asked Staff if there was any change in circumstances from last year. Staff said that they did not see a change in the conditions of the property. Staff explained that the applicant's argument about existing drainage easement found is no new information, as a subdivision plat is public record and that this information could have been found during last year's conditional use permit request. Staff said that the City's Engineer did not see this as a sufficient argument. Staff said that, during last year's use permit, Staff requested the church have some type of mitigation to address water runoff concerns and that the proposed wall was not going to fix the problem but that it would slow the water runoff into the adjacent property. The applicant said that the City's Engineer disagreeing with the plat as new information was not



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communicated to them. The applicant said that it was after the fact that the church wanted to understand what the real issues were related to the water runoff.

Chairman Frostbaum said that last year, the church agreed to this wall. Mr. Stewart said that that was correct, but that the church did not realize there was a drainage offsite.

Commissioner Kelly asked the applicant what was the response from the neighbor about the drainage easement. Mr. Stewart said that they did not get a response. He said there was an email response to his initial report, which stated that there was no berm to guide the water, that the pipe was undersized, and that the pipe was not maintained. Mr. Stewart said that the church did not agree with building a wall if the drainage easement is not working properly. He said that this letter was submitted in the application.

Vice Chair Porter asked how tall the wall was. Mr. Kay said it was 2' tall and approximately 300' long and that it would be a free standing wall. He said that disturbance and removal of trees would have to take place.

Vice Chair Porter said that there was an engineering issue on both sides and that they had agreed to the wall. Chairman Frostbaum said that there was no change in circumstances and that the plat was open record.

Commissioner Settles asked if there was communication with neighbor for an agreement to try to fix the drainage easement. Mr. Stewart said that both engineers agree on the drainage situation but that all communication with the neighbor ceased and that the church was no longer able to negotiate anything because the communication stopped. He said that the new information is not something that can be found on a map or drawing. He said that the new information was the things that were put in place to drain the water were not maintained, not sized correctly, and were not graded properly.

Chairman Frostbaum asked what was the distance between the playground and the property line. Staff said that the distance was about 85'.

Commissioner Haggard said that the church's property was located in a protected neighborhood and that the proposal for a daycare would be a large and loud commercial business into this protected neighborhood. He said that this would generate close to 100 customers a day and that he was against this request.

Commissioner Kelly asked if there were any other current uses involving children. Mr. Stewart said no other uses during the week. He said that the Chalice House was built in the 80s to do what they are proposing now.

Commissioner Nickles made a motion to vote on the issues separately. Commissioner Settles seconded the motion. All members present (Commissioner Johns was absent) voted in favor of the motion. The motion passed via unanimous voice vote (5-0-0).

Commissioner Nickles made a motion to recommend approval of Conditional Use Permit to allow an accessory daycare use with Staff's conditions. Vice Chair Porter seconded the motion.



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Commissioner Haggard voted against the motion. The Planning Commission members discussed the following issues below, and then the motion passed (4-1-0).

Commissioner Settles asked if the children came from the existing membership or if it was the church's intent to grow the membership. Mr. Stewart said that the church did not currently have a lot of children in that age range. He said that there were some but did not know how many were going to sign up for the Day Care. Mr. Stewart said that the daycare is not limited to the congregation only.

Commissioner Kelly asked if the church had conducted a needs assessment for the daycare, Mr. Stewart explained that the church had partnered with an organization that had provided information that indicated strong market demand. Commissioner Kelly asked if the daycare was going to be run for profit or not for profit. Mr. Stewart said that the church has not thought about that aspect but the church does not propose to any signage that indicated a commercial activity. The daycare will be an accessory to the church.

Commissioner Haggard said that a daycare is an encroachment in a protected neighborhood.

Vice Chair Porter said that a daycare is an allowable accessory use under the zoning code.

Commissioner Kelly made a motion to recommend denial of removal of conditions 3 and 4 of U18-0001 (relating to the construction of the wall). Vice Chair Porter seconded the motion. Commissioners Nickles and Haggard voted against the motion. Commissioners Kelly, Settles and Vice Chair Porter voted in support of the motion. The Planning Commission members discussed the following issues below, and then the motion passed (3-2-0).

Commissioner Nickles said that both engineers agreed that the drainage is dysfunctional and does not see why the church is required to build the wall. He said that without the pipe in the drainage system in the neighborhood working there was no way of knowing whether the wall will work or not. He said he would oppose this motion and that a chance should be given to the neighborhood to fix the drainage easement before telling the church to build a wall.

Commissioner Settles said that the church accepted responsibility regardless whether or not it was because they did or did not have the plat and reviewed it. She said that the information was available and the church made a conscious decision at that point and it was an agreement the church made. Commissioner Settles' suggestion was for the condition to remain and let the church go back and negotiate more with the neighbor.

4. 001583

TA19-0001

An Ordinance to amend the following Development Code sections:

Div. 6.2. Building Elements

Sec. 6.6.3. Multi-Unit Building

Art. 7. Use Provisions (text re-organization)

Div. 7.2. Allowed Use Table



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Sec. 7.3.1.F. Multi-Unit

Sec. 7.3.2. Group Living (Personal Care Home only)

Sec. 7.4.2. Recreation and Open Space

Sec. 8.2.10. Fences and Walls

Sec. 8.3.4. Signs Not Requiring a Permit

Sec. 8.3.18. Temporary Sign

Sec. 8.3.24. Removal of Signs

Sec. 11.3.4. Submittal Process

[TA19-0001 text corrected](#) *(an error was found, so this is the revised text, as of 6.17.2019)*

[TA19-0001 Package](#)

Commissioner Settles made a motion to recommend approval of the amendments with the exceptions of the amendment to Sec. 7.4.2.1.2.c. (Recreational Facility) and the corresponding change in Div. 7.2. (Allowed Use Table), and the amendment to Sec. 11.3.4. (Submittal Process). Commissioner Kelly seconded the motion which passed via unanimous voice vote (5-0-0).

Commissioner Nickles made a motion to recommend denial of the amendment to Sec. 7.4.2.1.2.c. (Recreational Facility) and the corresponding change in Div. 7.2. (Allowed Use Table). Commissioner Settles seconded the motion. Commissioner Kelly suggested a friendly amendment which was adopted to include the reason for denial. The amendment is in direct conflict with the commitment to protect neighborhoods. The motion passed via unanimous voice vote (5-0-0).

Commissioner Settles made a motion to confirm the intent of Sec. 11.3.4. (Submittal Process) in reference to particular text, "conditions to be agreed upon by the applicant." Commissioner Nickles seconded the motion which passed via unanimous voice vote (5-0-0).

Planning Commission recommended approval of most of the proposed amendments, with discussion on only two of the proposed changes. The allocation for Recreational Facility (Sec. 7.4.2.1.2.c and Div. 2. Allowed Use Table) in Residential Estate zoning districts was discussed in detail. The potential for encroachment of commercial activities into Protected Neighborhoods was the main concern expressed by both Planning Commission members and the three members of the public who spoke. The policies of the Next Ten Comprehensive Plan do not appear to support this amendment. The second main point of discussion was brought up by Chairman Frostbaum. From his viewpoint, the conditions included by Council action are not necessarily agreed upon by the applicant, contrarily to the proposed text in Sec. 11.3.4.D. Consequently the motion recommends bringing this specific sentence to the attention of Council for confirmation of their intent.



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New Business & Staff Report
Public Comment

Adjournment