



SANDY SPRINGS™

GEORGIA

PLANNING COMMISSION

TUESDAY, JANUARY 22, 2019, 6:00 PM

CITY HALL, STUDIO/THEATRE, 1 GALAMBOS WAY, SANDY SPRINGS, GA 30328

MINUTES

Roll Call (6:00 pm)

The attendance was called by Staff. All Planning Commissioners in attendance except as listed below.

Present: Chairman Frostman, Commissioners Johns, Kelly, Settles, Nickles

Absent: Vice Chair Porter, Commissioner Haggard

Call to Order

Staff called the meeting to order at 6:00 pm.

Approval of Meeting Agenda - January 22, 2019

Commissioner Nickles moved to approve the meeting Agenda while Commissioner Johns seconded the motion, passing by unanimous voice vote. (4-0-0)

Approval of Meeting Minutes - December 19, 2018

[PC Minutes 12.19.18](#)

Commissioner Kelly moved to approve the Minutes from the Planning Commission meeting held on December 19th, 2018.

Commissioner Settles seconded the motion which was approved by unanimous voice vote. (4-0-0)

Cases

1. [001572](#)

U18-0009

640 Weatherly Lane

Request for a Conditional Use Permit to allow an outdoor home occupation for swim lessons.

[U18-0009 Final Package revised](#)

[Public Comments Received 1.8.19 - 1.18.19](#)

Catherine Mercier Baggett, Planning and Zoning Manager, presented the case detailing Staff's recommendation to approve the request.

The applicant, Ms. Allison Dubrovsky, addressed the Planning Commission regarding the request. Her neighbor, Ms. Lyndsie Viente, also spoke in support of the request of this Conditional Use Permit. Mr. Dubrovsky, Mr. Perloe and Mr. LaMarsh completed Public Comment Cards to show support but opted not to speak.

During discussion, Planning Commissioners detailed the following concerns: would the City of Sandy Springs or Fulton County be responsible for regulations & inspections of the pool and if a third party inspector is required, who would be responsible for payment and selection of the inspector, areas of responsibility by the Fulton County Board of Health need to be clarified, ADA requirements/compliance, and operating concerns related to traffic, noise, parking and others. Ms. Mercier-Baggett and Joe Leonard, Staff Attorney for Sandy Springs, responded to questions



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related to required life saving equipment, visible pool depth marking, outdoor shower and ADA (Americans with Disabilities Act) information. Other questions included the applicant's process for maintaining clean water while again, focusing on the Applicant's overall compliance which needed to be completed in a timely manner especially concerning the sports court. There was also much focus on a clear definition of residential private pool versus public pool.

*Commissioner Johns moved to deny the Conditional Use Permit based on the many concerns he voiced during discussion. His motion was seconded by Commissioner Nickles. More discussion followed with a voice vote called by Chairman Frostbaum. The vote was divided, 2 voted to approve the motion to deny (Commissioners Johns & Nickles) with 2 votes opposed (Commissioners Settles & Kelly). The Chairman entered a vote to break the tie. His vote was to support the motion to **deny**. (3-2-0) At this time, much discussion continued including clarification from Ginger Sottile, Community Development Director, and Joe Leonard, City Staff Attorney, to add language to the motion in the way of a friendly amendment to thoroughly detail the concerns on this issue and the reason for denial. Mr. Leonard explained the vote could be recalled/reconsidered by the Commissioners who voted in the majority. Commissioner Nickles moved to recall or reconsider the vote in order to amend the motion. Commissioner Johns seconded the recall. The concerns were outlined by Commissioner Nickles and Commissioner Settles. With the original motion made by Commissioner Johns, seconded by Commissioner Nickles to deny U18-0009 still on the table, Commissioner Settles made a friendly amendment as the Commissioners listed reasons of concern, recommending these five (5) concerns require clarification and further attention from Mayor and City Council. These concerns were the cause for the denial motion. The friendly amendment to the motion lists these concerns: **1) Inspections** - who will be conducting the inspections and how frequently (Fulton County, COSS, 3rd party Inspector) **2) Clear explanation by City Council is needed on why this residential pool is being treated as a public pool, clear definition is needed** **3) The applicant needs to be in compliance regarding the sports court (removed)** **4) ADA Compliance is necessary** **5) Determination from Fulton County how this pool will be treated (inspections, if Fulton County will also govern).** Commissioner Nickles seconding Commissioner Settles' amendment with Commissioner Johns accepting this to his original motion. A voice vote was called, the **denial with the friendly amendment passing 3-1-0**. Commissioner Kelly was opposed to the motion, having further concerns during discussion. Commissioners Johns, Nickles and Settles vote to pass the motion. Commissioner Johns, having made the original motion to deny, stated that this was not an anti-Swim by Allison issue but the issue of outside occupation and the many potential consequences that need to be considered.*

On-Going Business

None at this time.

New Business

Catherine Mercier-Baggett, Planning and Zoning Manager, updated recent items that had gone forward to City Council and were approved. These included the following: Cottage Court (with a minimum lot width to 22ft), outdoor amenity (included incentives for



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reduction), building height and crown signs. Also, she noted two cases that would be on future agendas for the Planning Commission - North Place modification for a hotel and a Use Permit for a personal care home.

Public Comments

None at this time.

Adjournment

The meeting was adjourned at 7:28 pm.

Commissioner Settles made a motion to adjourn, seconded by Commissioner Johns and unanimously approved with a called voice vote.(4-0-0)
