



Meeting Minutes - Final
Planning and Zoning Commission

Monday, June 13, 2016

6:00 PM

Council Chambers

1. Roll Call

Present: 8 - Joel Powell, Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Emily Hein Warren and Cheri Harrington

Also Present: 5 - Ken Suddreth, Russell Martin, Joey Staubes, Tom Boland and Heather Corn

2. Call to Order

Chairman Joel Powell called the June 13, 2016 meeting of the Planning and Zoning Board to order at 6:04PM.

3. Business

A. Public Hearing - Zoning Request Z16-002 - Rezoning from GC to RTD-Conditional for the construction of 68 townhome units - 7.25 Acre Tract - Land Lot 606 - 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road - Prime Interest, Inc. - This zoning item is to be tabled to the Tuesday, January 17, 2017 City Council Meeting at the request of the applicant.

Sponsors: Fennel

A motion was made by Boardmember David Monroe to table until the July 11, 2016 Planning & Zoning Meeting item 2016-40 for a zoning request (Z16-002) rezoning from GC to RTD-Conditional for the construction of 72 townhome units on 7.25 Acre Tract, Land Lot 606, located at 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road by the applicant Prime Interest, Inc.; seconded by Boardmember Cheri Harrington.

The motion carried by the following vote:

Aye: 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Emily Hein Warren and Cheri Harrington

B. Public Hearing - Zoning Request - Z15-003 - Rezoning of the subject property from R-15 to RAD-Conditional for the development of two (2) single-family homes - 1.31 Acres - Land Lot 592 - 1514 Hawthorne Avenue - Tuley & Tuley, Inc. This zoning request was tabled from the June 13, 2016 Planning and Zoning Board Meeting at the request of staff.

Sponsors: Anulewicz

A motion was made by Boardmember Leslie Lightfoot to table until the July 11, 2016 Planning & Zoning Meeting item 2015-125 for a zoning request (Z15-003) for the rezoning of the subject property from R-15 to RAD-Conditional for the development of

two (2) single-family homes on 1.31 Acres, Land Lot 592 located at 1514 Hawthorne Avenue by the applicant Tuley & Tuley, Inc.; seconded by Boardmember Ron Roberts.

This motion carried by the following vote:

Aye: 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Emily Hein Warren and Cheri Harrington

C. Public Hearing - Zoning Request Z16-007 - Rezoning from LC & GC to MU-Conditional for the development of a new restaurant - 0.142 Acres - Land Lot 452 - Concord Road and Hollis Street - Smyrna Restaurant Concepts, LLC

Sponsors: Anulewicz

Chairman Joel Powell read aloud item 2016-233 and asked Community Development Senior Planner i, Rusty Martin to give the background for review:

He stated that if approved, this item would move to the July 18, 2016 Mayor and Council meeting for final approval.

The subject property is located on Concord Road at Hollis Street and is approximately 1/10 of an acre. The lot is currently vacant and the request is for the building of a 3500 Sq. Ft. restaurant. It is zoned for mixed use conditional. The restaurant will have 166 total seats with 112 seats in the dining areas and 54 seats in the bar area. The proposed building is a one-story building with a roof-top dining/bar area. The building elevations reflect 4-sided brick architecture. The building elevations have been submitted as part of the rezoning packet.

The future land use map was shown as was the site plan and elevations.

The Sizemore Group was originally commissioned to do a land use study for this area and the public chose from three options:

Partial Development with a Linear Park

No Development

Linear Park Only.

The residents chose a linear park and development.

There will be a parking area on the west side of Hollis Street and the front door of the restaurant will face Concord Road with an open patio on the back side. There will also be rooftop dining.

The City has added sidewalks and paths through the park.

Community Development recommends approval of the rezoning from LC & GC to MU-Conditional with the following conditions of approval:

Standard Conditions (items 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Ordinance are not applicable)

1. All utilities within the development shall be underground.

2. No debris may be buried on the subject parcel.

3. The developer will comply with the city's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.

4. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances. There shall be a landscaped front entrance, with monument, indicating the name of the development.

5. All common areas are to be sodded, and landscaped. Irrigate as appropriate.
Special Conditions

6. The development shall maintain the following setbacks:

Front - 0'

Side - 0'

Rear - 0'

7. There shall be no bells, whistles, or outdoor loud speakers permitted on site in conjunction with the restaurant.

8. Any proposed dumpsters shall be surrounded by a three-sided brick or stucco enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.

9. Any utility boxes, HVAC components, or accessory components to the commercial building shall be screened from the public right-of-ways and adjoining property owners.

10. Deliveries and trash pick-up shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m.

11. The developer shall install directional sign that directs all delivery trucks to Concord Road.

12. The commercial building shall have entry doors along Concord Road.

13. The following uses shall be prohibited:

Automotive sales/repair

Automobile wash service

Boarding and breeding kennels

Dry cleaning plants

Adult Novelty Stores & Adult Entertainment

Pawnshops

Check Cashing Stores

Pool Hall or Arcade

Service stations

Coin Operated Laundry

Composting Facility

Funeral Homes

Group Homes

Shelter for the Homeless

Tattoo Parlor

14. Approval of the Subject Property for MU--Conditional shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 5/13/2016.

15. The applicant shall be bound to the building material and architectural features illustrated on the elevations submitted and dated 5/13/2016. If there is any change to the elevations it must be approved by the Director of Community Development.

Boardmember Chari Harrington asked the applicant about the City's noise ordinance and what was the City's plan to maintain the noise levels. The City's ordinance will require an evergreen landscape buffer be planted and there is also a decibel

maximum level in the ordinance. Decibel level max is 65 during the day and in the evening is 60. The evening decibel level of 60 is a basic person to person conversation.

Jason McClure and Jack Childress would be the sole owners of Wade's. Both have an extensive fine dining background with over 20 years' experience. Prior to this Jason was the owner of Villains in Midtown and current owner of the High Five Diner in midtown and a Smyrna resident since 2002. Mr. Childress is a Vining's resident. They wanted to target Smyrna for a long time with a certain price point and market. Wade's will target 30-45 year olds with family who want to have a meal in peace while kids play in the park. The park became an amenity to the restaurant and vice-versa. They will also feature cocktails and craft beer.

They worked with Catrina Evans from Athens on the building design which will feature a whitewash brick with bronze window trim. The cardinal logo is in remembrance of his dad Wade and will be prominently displayed on the side of the building in red brick.

Boardmember Ron Roberts asked about the live music and the noise ordinance and was told the live music would be an acoustical guitarist sitting on the porch. Mr. McClure admits they hope to have to manage crowds outdoors on weekends to stay in compliance with the City's ordinance.

Boardmember Harrington asked what their hours of operation would be and was told they would be open till 11:00am - 10:00pm Sunday through Thursday and 11:00am - 12:00am Friday and Saturday.

Their target opening date would be in five months.

Boardmember Wein asked if they had any plans for contributing to the park and the response was not at this time because of the liability and SPLOST funding. The restaurant wants to be a give back member of the community in other ways.

Chairman Powell called the Public Hearing and no one came forward to make comment or speak in opposition top this item.

A motion was made by Boardmember Emily Hein Warren to approve item 2016-233 for zoning request (Z16-007) for the rezoning from LC & GC to MU-Conditional for the development of a new restaurant, 0.142 Acres on Land Lot 452 located at Concord Road and Hollis Street by the applicant Smyrna Restaurant Concepts, LLC.; seconded by Boardmember Earl Rice.

The motion carried by the following vote:

Aye: 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Emily Hein Warren and Cheri Harrington

D.

Public Hearing - Zoning Request Z16-005 - Approval of Special Land Use Permit for the use of a modular classroom building - 8.83 Acres - Land Lots 595, 596 & 597 - 3130 Atlanta Road - Covenant Christian School

Sponsors: Stoner

Chairman Joel Powell read aloud item 2016-231 and asked Community Development Senior Planner, Rusty Martin to give the additional background.

Mr. Martin stated this was a zoning request for the approval of Special Land Use Permit for the use of a modular classroom building on 8.83 Acres, Land Lots 595, 596 & 597 located at 3130 Atlanta Road by the applicant Covenant Christian School. The Covenant Christian School is a classical Christian school for grades Pre-K through 8th grade. The school is requesting re-approval of the existing modular building used as classroom space. The Covenant Christian School was initially approved for the use of the modular building by the Mayor and Council by a vote of 4-0 on March 3, 2008 and was unanimously reapproved on May 17, 2010, July 16,

2012 and July 21, 2014.

The modular building will allow Covenant Christian School to provide additional classroom space while the school constructs a permanent school building on-site. The modular building is located along Collier Drive next to several existing buildings (See Figures 3 & 4). The building is 56' x 68' with a total area of 3,808 sq. ft. and provides four (4) additional classrooms for the school.

Covenant Christian School was approved by the Mayor and Council on March 3, 2008 to place a temporary prefabricated modular building on church property at 3130 Atlanta Road. The school requested that Mayor and Council allow the temporary modular building, as additional classroom space for the 2008 - 2010 school years, while it's actively seeking funding for a permanent building through its capital campaign.

Community Development recommends approval of the requested modular building with the following condition:

1. The modular building shall only be allowed for a period 24 months after the date of approval. If the applicant shall need the modular building for a longer period of time, the applicant shall reapply for approval of the modular building.

Applicant representative Brant Suddath came forward and gave information to the Board regarding the renovation process. Phase 1 has been completed. Additionally, the development director has raised fund giving to the school by \$30,000. The goal is to keep moving forward towards Phases II and III. Boardmember Campo asked about the Endowment Fund and Mr. Suddath replied that all recent monies raised went towards Phase I completion.

Chairman Powell called the Public Hearing and no one came forward to speak in opposition to or to make comment regarding this item.

A motion was made by Boardmember Denny Campo to approve item 2016-231 for a zoning request (Z16-005) for the Approval of Special Land Use Permit for the use of a modular classroom building, 8.83 Acres on Land Lots 595, 596 & 597 located at 3130 Atlanta Road by the applicant Covenant Christian School; seconded by Boardmember Cheri Harrington.

The motion carried by the following vote:

Aye: 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Emily Hein Warren and Cheri Harrington

E. Preliminary discussion on potential text amendments related to Braves Stadium

Community Development Director Ken Suddreth introduced Mr. Dana Johnson, Director of Community Development at Cobb County who came to discuss what Cobb has done regarding the Braves.

*RE: Discussion of Text Amendments related to Sun Trust Park
In February, 2016, Cobb County adopted several text amendments related to Sun Trust Park.*

The amendments Cobb County adopted provide regulations on the following areas:

1. Alcoholic Beverages within Braves Development
*Regulations that apply to business and open air consumption
Regulations that apply to Tailgating*
2. Accessory Special Event Parking
*Defines Special Event as event with 2,000 or more people
Restricts event parking location to within ½ mile of special event
Requires permit for 4 hours before and two hours after event
Sets review standards and approval process for special event parking applications.*
3. Peddlers and Vendors
*Prohibits vending on public property without a license
Creates process to obtain permit for vending within Braves Stadium*

- 4. *Solicitation and Distribution on Public Rights of Way*
- 5. *Ticket Brokers*
- Reiterates State License Requirements and Distance Restrictions*
- Prohibits ticket broker sales outside of building*
- Creates permit process for Ticket Brokers*
- Requires ID worn by Ticket Brokers*

Mr. Johnson reviewed some of the text amendments in the pre-Board meeting and continued the discussion in Chambers.

Mr. Suddreth noted that Cobb County has asked us to look at all these noted points and his plan is to come before Planning and Zoning in different intervals through the end of the year. Boardmember Hein asked about UBER and other ride sharing services and if there would be specific areas of drop off and pick up. Mr. Johnson responded that the county no longer regulates taxis and they are only regulated by the state. On game days there would be specific areas for drop off.

4. Approval of Minutes:

A. Approval of the May 9, 2016 Planning and Zoning Board Meeting Minutes

A motion was made by Boardmember Ron Roberts to approve item 2016-239 for the May 9, 2016 Planning and Zoning Board Meeting Minutes; seconded by Boardmember Denny Campo.

The motion carried by the following vote:

Aye: 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Emily Hein Warren and Cheri Harrington

5. Adjournment

The June 13, 2016 meeting of the Planning and Zoning Board was adjourned at 6:54PM by Chairman Joel Powell.