

Ms. Kirk recognized Dr. Sims from Chastain Animal Clinic, and Mr. Waldrip commented favorably about the improvements which have been made to the Chastain Animal Clinic.

(C) Employee of the Month - Smyrna Police Department

Mr. Corey and Chief Hook recognized Ofcs. Lee Harrell, Frank Sommo, Michael Sample, and Greg Richards. Chief Hook provided details to those present concerning an incident during which these officers were able to rescue several children from a burning building. Mr. Corey presented each of the officers with a plaque in recognition of their outstanding service. Deputy Chief Brown thanked all the City's police officers for their service to the community every day of the year.

LAND ISSUES/ZONINGS/ANNEXATIONS:

(A) Public Hearing – Rezoning Request Z07-019 - R-15 to RAD-Conditional – between 1499 and 1515 Walker Street – Alison Vaughan and Brendan Crowley

Mr. Wright stated the applicant is seeking to rezone a .616 acre tract for construction of two detached single-family houses at a density of 3.25 units per acre. Mr. Wright stated the Planning and Zoning Board (PZB) recommends approval of the proposal and staff supports the request with a number of conditions.

Mayor Bacon stated this is a public hearing and asked for public comment, and the oath was administered to several persons by Mr. Tucker.

Mr. Suddreth provided details to those present concerning this rezoning proposal. Mr. Suddreth stated the proposal calls for a shared driveway. Mr. Suddreth state one lot will comprise some 8,900 s.f. and the other will be 17,000 s.f. with approximately 49' of street frontage planned for each house. Mr. Suddreth stated there is a required buffer area, right-of-way (ROW) dedication and sanitary sewer easement on the subject tract. Mr. Suddreth provided details to those present concerning the tree protection plan for the subject property. Mr. Suddreth summarized the applicable standard conditions and special conditions of this rezoning request as follows:

Standard Conditions

(Requirements #2, 3, 4, 5, 8, 9, 10, 12 and 17 from Section 1201 of the Zoning Code are not applicable)

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding.

2. All utilities within the development shall be underground.

3. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.

4. No debris may be buried on any lot or common area.
5. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, unless otherwise approved by the City's Arborist. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

9. The development shall maintain the following setbacks:  
Front – 25'  
Side – 7' with 15' between buildings  
Rear – 20'
10. The final plat for the development shall include a right-of-way dedication of 10' along Walker Street per the City Engineer. Setbacks shall be taken from the existing right-of-way.
11. The storm water management plan shall be designed to create at least a 20% reduction in a 100-year storm event. The City Engineer shall approve all plans.
12. The pavement width for the private drive shall be 12'.
13. Each home will be a minimum of 2,000 square feet in size.
14. A five-foot wide sidewalk shall be constructed along Walker Street.
15. The developer shall create deed covenants for the shared driveway in which the ownership, maintenance, and utilization are the shared responsibility of each homeowner. These covenants must be supplied to the City prior to the issuance of a building permit.
16. All specimen-sized trees with critical root zones impacted 20% or greater must be removed from site.
17. The developer shall root prune, provide 6" to 8" mulch within the CRZ, irrigate and erect a six foot chain link fence around the critical root zone of the specimen sized tree on the adjoining property (1499 Walker Street) and Specimen tree on the shared property line. The fencing shall only be limited to the subject parcel and shall remain erected until the issuance of a certificate of occupancy. These services shall be performed by a certified arborist that is mutually agreed upon by the developers and the adjoining property owners (1499 Walker Street).

18. The developer shall also provide a five-year bond or letter of credit (this tree bond/letter of credit may be a two-year bond/letter of credit that is automatically renewed for a period of five years) that will cover the removal and replacement cost of the tree in question on the adjoining property (1499 Walker Street) and the specimen tree on the shared property line. The bond/letter of credit for each tree must be submitted to the Department of Community Development prior to the issuance of any building permits. The landscape architect shall provide photographic references of both trees to the Department of Community Development prior to the issuance any building permit. At the end of the five year bond/letter of credit period the Department of Community Development shall verify the health of both trees to determine if the use of the bond/letter of credit is necessary. If the Department of Community Development determines the trees are in an irreversible state of decline due to impacts caused by the development, the bond/letter of credit should be used to remove and replace the tree that is in an irreversible state of decline. If the Department of Community Development determines that the trees are in good health or have been negatively impacted by an act of God or some act performed by the adjoining property owner, then the bond/letter of credit shall not be used and should be released.

19. No land disturbance or land clearing shall take place on the subject property until a building permit has been issued.

Council Member Scoggins recognized Mr. Crowley and Ms. Vaughan, and Mr. Crowley provided details to those present concerning the site plan and proposed structures. Ms. Vaughan provided details to those present concerning the subject lots and measures planned to protect the mature tree cover there.

Mayor Bacon recognized Ms. Ann Whited, residing at 1499 Walker Street, and Ms. Whited expressed concerns regarding the potential impact of this proposal on her property. Ms. Whited stated she would prefer that this rezoning not be approved. Ms. Whited expressed concerns about the potential impact of this proposal on two trees on the subject property. Ms. Whited expressed concerns about the aesthetics of the planned structures. Ms. Whited recited a number of changes to this proposal she would like to see made. Council Member Scoggins asked Ms. Whited if she would be in favor of a zoning requirement for a tree bond, and Ms. Whited said yes.

Mayor Bacon recognized Ms. Paula Kramer, residing at 1551 Walker Street, and Ms. Kramer expressed opposition to this rezoning proposal. Ms. Kramer expressed concerns about the amount of road frontage proposed and possible loss of trees.

At Council Member Scoggins' request, Mr. Suddreth discussed special conditions 17 and 18 in further detail. Council Member Scoggins asked Mr. Crowley and Ms. Vaughan if they are both in agreement with the bond requirement, and Mr. Crowley and Ms. Vaughan answered in the affirmative.

**MOTION:** Council Member Scoggins made a motion to approve Rezoning Request Z07-019 from R-15 to RAD-Conditional between 1499 and 1515 Walker Street for Alison Vaughan and Brendan Crowley subject to the special conditions and applicable standard conditions as specified by City staff. The motion was seconded by Council Member Pritchett. Council Member Lnenicka expressed the view that the City and the applicants have made considerable efforts to address the issue of tree preservation in this case. Council Member McNabb stated he will not support the motion and expressed the view that it would be feasible to build one house on the subject property. Motion was approved 5 – 1, with Council Member McNabb in opposition.

Mayor Bacon stated that Council Member Smith and Mr. Cochran are out of town on this date.