



## Meeting Minutes - Final Planning and Zoning Commission

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Monday, August 10, 2015

6:00 PM

Council Chambers

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### Rollcall

**Present** 9 - Chair Person Joel Powell, Board Member Steve Kemp, Board Member Ed Whittington, Board Member Denny Campo, Board Member Ron Roberts, Board Member Leslie Lightfoot, Board Member Michael Seagraves, Board Member Earl Rice, and Board Member Earl Rice

**Also Present** 5 - Ken Suddreth, Eric Randall, Russell Martin, Joey Staubes, and Heather Corn

### 1. Call To Order

*Chairman Joel Powell called the August 10, 2015 meeting of the Planning and Zoning Commission to order at 6:00pm.*

### 2. Business:

- A. **Public Hearing** - Zoning Request Z15-014 - Approval of a zoning amendment to modify the currently approved site plan and building elevations - 12.62 Acres - Land Lot 559 - Northeast corner of the intersection of Atlanta Road and Spring Road - Halpern Enterprises, Inc.

**Sponsors:** Anulewicz and Kemp

*Ken Suddreth, Community Development Director called to give background. Subject property was approved for rezoning from GC and LI in 2007 to MU for the construction of 300 multi-family units, approximately 141,000 square feet of specialty retail, 29,000 square feet of office, and 40,000 square foot food store with an underground parking deck. Approved plan included public funding through TAD and was public/private partnership. In 2008 UDC approved the architectural plans for the proposed Jonquil Village. After land development started the economy changed and development came to a halt. In 2012 Branch Properties proposed a site plan amendment that Planning and Zoning Board and Mayor and Council voted to deny.*

*Current proposal includes 290 multi-family units with structured parking, 45,000 square foot food store, and 15,000 square feet of restaurant/retail with surface parking. No land use or zoning change needed for the proposed change to the approved site plan. Proposed plan will be financed with private funds. UDC reviewed the proposed plan and recommended approval with several conditions. Planning and Zoning Board has the ability to include staff and UDC recommendations in their motion if warranted.*

*Staff recommends approval with conditions. Any conditions approved supersede the original approval. Conditions read. Applicant requested that the specific number of one bedroom, two bedroom, and three bedroom apartments not be conditioned, but*

*only that a maximum of 290 units can be built. Conditions read:*

- 1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulation and conditions, in whatsoever form, which are currently in place concerning the subject property.*
- 2. The subject property consists of 12.62 acres of total site area, which shall be developed as a mixed-use development including, but not limited to, the following: Class A amenitized apartments, restaurants, retail and ancillary permitted uses allowed under the MU zoning district.*
- 3. The approval of the zoning amendment shall be in substantial conformity to the zoning plan submitted on August 6, 2015, titled Jonquil and created by B+C Studios. However, the area identified in Exhibit "A" attached (outlined in red) is still under consideration by staff for parking and/or openspace and will be resolved prior to the issuance of a commercial building for the grocery store.*
- 4. The approval of the zoning amendment shall be in substantial conformity to the building elevations and renderings submitted on August 6, 2015 titled Jonquil and created by Wakefield Beasley and Associates. In addition, the developer must receive approval of the building architecture from the Urban Design Commission prior to the issuance of the commercial building permit.*
- 5. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).*
- 6. The final design and use of the plaza area located at the intersection of Atlanta Road and Spring Road between Retail Building "A" and Retail Building "B" is still under consideration by staff for use as public gather space and shall be completed prior to the issuance of the commercial building permit for this parcel.*
- 7. Prior to the issuance of a building permit, the developer shall submit Master Protective Covenants for the entire development, which will include all components of the development. Concurrently therewith, a Master Association shall be formed which will include all components of the proposed development. The Master Association will be responsible for the oversight, upkeep and maintenance of all entrance areas, common areas, community buildings and structures, openspace areas and similar features contained within the overall development (i.e. walking trails, sidewalks, plazas and street furniture, etc.).*
- 8. The Master Association shall have architectural design regulations which will control such items as signage and other usual and necessary Covenants and Restrictions to protect the quality and integrity of the development.*
- 9. A third party management company and/or the developer (or their successor) shall manage the day to day operations of the Master Association, including the responsibility of all commonly owned properties and all amenities within the proposed development. They shall also be responsible for the management of all association monies as well as ensuring that the Association is properly insured.*
- 10. The retention/detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a ten percent (10%) reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.*

11. *All utilities within the development shall be underground.*
12. *The developer shall be responsible for all water and sanitary sewer improvements deemed necessary by the Public Works Director. At a minimum and not limited to, the following water and sanitary sewer improvements shall be made:*
  - a. *The extension of the city water main along Spring Road.*
13. *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. At a minimum and not limited to, the following transportation improvements shall be made:*
  - a. *The access drive on Spring Road shall be limited to right in/right out;*
  - b. *The completion of the Spring Road 10' multi-use trail from the pedestrian bridge to Atlanta Road. The multi-use trail shall match the existing trail along the Atlanta Road frontage;*
  - c. *The southern access drive on Atlanta Road shall be limited to right in/right out;*
  - d. *The applicant/developer shall be responsible for the installation of the traffic signal and associated crosswalk work in accordance with the Atlanta Road Trail and Streetscape project; and*
  - e. *The northern access drive shall be a signalized intersection with the design of the intersection to be approved by the City Engineer.*
14. *The developer shall dedicate enough right-of-way along Atlanta Road to get the existing multi-use trail entirely onto the public right-of-way.*
15. *The developer shall provide both pedestrian and vehicular inter-parcel access with the city owned property to the north.*
16. *No debris may be buried on any lot or common area.*
17. *The developer will install decorative streetlights within the development equivalent to Georgia Power style posts and light fixtures used in the Market Village. These lighting fixtures are subject to approval by the City Engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".*
18. *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.*
19. *All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect.*
20. *All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*
21. *All entrance signage shall be ground-based, monument-style signage with finish material and colors in substantial conformity to the architectural style embodied in the mixed-use development and the sign renderings submitted on 8/6/2015.*
22. *Parking for the restaurants, commercial, retail and apartments within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ "shared" parking among the respective components and will provide sufficient and adequate parking for the total development.*

23. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.

24. All landscaping shall be installed and maintained by a professional third-party group.

25. Concrete sidewalks shall be permitted for use around the commercial buildings as shown on the site plan submitted and dated 8/6/2015. All other sidewalks and crosswalks connecting to the Atlanta Road and Spring Road multi-use trails and between the different buildings shall be constructed with the use of brick pavers and match the pattern of the multi-use trail along Atlanta Road. The design of these crosswalks and sidewalk shall be subject to the review and approval of the City Engineer.

26. The developer shall provide a bike sharing station along Spring Road. This bike sharing station shall be constructed in accordance the city's bike sharing program. The location of this facility shall be reviewed and approved by the City Engineer.

27. The non-residential components shall contain a maximum floor area of 65,000 sq. ft. which will include a grocery store, restaurants and other retail uses.

28. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City's regulations.

29. There shall be no outside paging systems, phone bells or loud speakers. However, outdoor music systems and outdoor musical performers shall be allowed.

30. The following uses shall be prohibited:

- a. Video arcades as a primary use;
- b. Adult-themed book and novelty stores as a primary use;
- c. Automotive sales, repair and/or service facilities;
- d. Movie theaters;
- e. Gas stations and convenience stores with gas sales;
- f. Fast food establishments such as McDonald's, Wendy's and the like;
- g. Pawn shops;
- h. Automotive wash services;
- i. Boat sales and repairs;
- j. Boarding and breeding kennels;
- k. Dry cleaning plants;
- l. Farm equipment sales and services;
- m. Lumber, hardware and other building material establishments;
- n. Mobile home and travel trailer sales;
- o. Motorcycle sales and services;
- p. Check cashing establishments;
- q. Service stations;
- r. Station terminals for bus and rail passenger service;
- s. Taxi stands;
- t. Theaters;
- u. Tattoo parlors;

- v. *Massage parlors;*
- w. *Pool halls; and*
- x. *Package stores (except in the context of wine/spirits sold in a market or specialty shop).*

31. *The maximum number of residential units shall not exceed 290 Class A amenitized multi-family units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.*

32. *All apartment units shall be maintained in a Class A/First Class manner.*

33. *The multi-family units shall include the following interior finishes:*

- i. *Minimum nine-foot (9') ceilings;*
- ii. *Forty-two inch (42") upper cabinets in the kitchen;*
- iii. *Crown molding in the main living area (i.e. living room & kitchen);*
- iv. *Pendant lighting shall be utilized in the in the kitchen area of the units and spot track lighting shall be used in both the kitchen and dining areas of the units;*
- v. *Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;*
- vi. *Sheet vinyl flooring and VCT vinyl flooring shall be prohibited;*
- vii. *Tile flooring shall be required in both the kitchen and bathrooms;*
- viii. *All bathrooms shall have tile tub/shower surrounds;*
- ix. *All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;*
- x. *All kitchen counter tops shall be horizon style counter tops; and*
- xi. *All kitchen sinks shall be under-mounted stainless steel sinks.*

34. *The approximate mixture of units shall consist of the following: sixty-five percent (65%) one bedrooms; thirty-five percent (35%) two bedrooms; and five percent (5%) three bedrooms.*

*Board Member Campo made a statement to clarify the decision from the Board is to determine the acceptability of amending the current approved plan of 165,000 square feet of commercial and 300 apartment units; zoning and land use remain MU. Mr. Suddreth confirmed the accuracy of the statement.*

*Chairman Powell questioned Mr. Suddreth if the applicant agreed with recommendation from UDC and those conditions, and if the developer wanted to build the 2007 approved plan they could do so by right. Mr. Suddreth confirmed that the applicant did agree with the UDC conditions and that they could proceed to develop the 2007 plan by right.*

*Chairman Powell asked the applicant to address the Board.*

*Kevin Moore, attorney on behalf of applicant presented an overview of the project and acknowledged the critical placement of the highly visible project. Halpern is currently in active construction at Belmont. Commented that the 2007 plan included a significant amount of public funding that the proposed plan does not require. Also commented that the amendment in 2013 did not include a food store, which the proposed plan does include. Mr. Moore stated that the proposed plan has a 10 unit reduction in apartments and 65,000 square feet of commercial space, and several public spaces. Mr. Moore stated that the applicant is in agreement with the majority of staff recommended conditions. Believes conditions that are an issue with the applicant can be resolved between now and next week when the item is heard by Mayor and Council.*

*Chairman Powell opened the item for Public Hearing:*

*Howard Morton - Lee Street – 51 year resident in Smyrna. Has concerns about additional apartments in Smyrna. Has concerns about additional freight and passenger vehicles on the road adding to congestion. Stated that the City does not need another Publix. Stressed that any decision will impact entire City. Commented about the lack of retail shops in Market Village and only a few specialty restaurants that do not appeal to everyone. Commented that Forest Hills neighborhood feels the impact of congestion in the area already.*

*Alex Backery - Shawnee Trail – Commented that Downtown has two sandwich shops and three bars, and believes Jonquil should be 100% commercial. Commented that any decision made impacts and sets precedent for the area over the next 20 to 30 years. Concerned that Smyrna has no significant retail presence and proposed site plan has no significant retail. Site plan is not representative of a downtown development. Concerned about congestion and new signal at Church Street intersection will make three signalized intersections between Spring Rd and W Spring Street. Has a concern about additional apartments in the City.*

*Randy Baker - questioned if the units are condos or apartments. Staff commented that they are apartments built to condo standards to convert at a later date if market supports such conversion. Commented that he does not shop at Market Village due to the lack of appealing stores. Supportive of site plan with multi-family units and believes they will attract higher income residents. Supportive of grocery store.*

*Sarah Spencer - Moved from Brookhaven due to excess apartments and congestion. Moved to Smyrna because of growth potential and charm. Has concerns about a duplicate grocer and class of people apartments attract.*

*Chairman Powell made a statement to clarify that apartments are approved already and less units are approved in proposed plan.*

*Linda Gordon - Campbell Road – Believes proposed amendment lacks “Village” qualities. Plan has no arts, shopping, or public realm to interact with people outside. Not a village; just a traditional suburban development lacking character.*

*Lindsay Chason – Northview Pl – In support of the proposed plan; believes it has potential that excites her and fiancé. Acknowledged Halpern for being great stewards of Smyrna.*

*Sue Elsley – Questioned what type of traffic study was prepared for the project. Chairman Powell commented that staff will answer questions after public comment.*

*Jane Snodgrass- Shawnee Trail – Believes the Board should consider the entire development by its own merits; not as a comparison to the prior plan. Believes school impact statement is flawed. Has concerns with the vast amount of visible surface parking and that schools will be impacted beyond the projection in the impact statement.*

*Carol Mayne - Resident for 20 years. Does not support proposed plan and believes developer is going the cheap route by not building underground structured parking with more retail. Stressed that there is not a lot of land left in Smyrna, and believes proposed plan is an inefficient use of land. Commented that there should be more retail and no apartments. Has concerns with proposed apartments next to rail and the ability to collect projected rents. Thinks school impact will be more than projected.*

*Rod Miller – Heritage at Vinings – Asked what the projected rental rates are for apartments.*

*Mary Rose Barnes - Oakdale Road – Commented that site plan not available until today after the applicant had 30 days to prepare it. Concerned that some aspects of plan are unclear and unresolved and require additional review by staff. How will city property be sold? Lack of deceleration lanes will add to congestion. Concerns that site plan lacks detail regarding traffic improvements and stormwater management. Believes money transferring businesses should be prohibited, as well as convenience and package stores.*

*Pam Albizures – Has lived here 29 years. Number of spaces in deck? Type of grocery store? How many restaurants? Can deck be connected to grocery store?*

*Kristi Anderson - Creatwood at Vinings, 17 year Smyrna resident. Commented that economy has changed dramatically since 2008 and requires different assumptions than those used in 2008. Has many concerns regarding traffic congestion and the impact it will have on quality of life. Believes that prior approval does not constitute precedent or yield a taking if the public interest has changed.*

*Jean Martin – Lee Street - 50 year resident. Has concern whether zoning approved in 2008 is still relevant today. Commented that one proposal was already denied. Question about what shared parking agreement means. Congestion concerns. Does not support proposal.*

*Stephen Mcquade - Roswell Street – Believes current plan is better than 2013 proposal. Higher percentage of retail would create more extended congestion than apartments with two peak periods. Has concerns about the architectural design and that site is a gateway. Will Wood Partners maintain property? Is architecture four sided? Has concern that traffic study is not up to date, since Belmont is underway now. Wishes the look was more historical. Concern that traffic signal will create more congestion.*

*Sandra Hembree - Westwood Lane – has lived within 10 miles of City Hall most of her life. Concern that Cobb Schools disinvestment in Smyrna schools due to transient population. Need a destination to go shopping. Wants to see more condos, more dining, and more shopping.*

*Tony Walker - 20 year resident – Commented that proposal lacks sense of place that gateway should have. Requests that board consider the impact of the whole proposal.*

*Al Graves - Pinehurst Drive - 60 year resident. Concern about lack of commercial. Where does approval for apartments come from? Concern that Downtown Business District proposed to become residential.*

*Tim Riegsecker - Pinehurst Drive - Concern about shift from commercial to residential in Smyrna and the effect on tax base.*

*No further public comment. Chairman Powell asked if the applicant would like to respond to any comments.*

*Mr. Kevin Moore commented that traffic recommendations will be explained by Eric Randall, City Engineer. Generally speaking traffic impact measured by what could be built and what is approved. Proposal contains 65,000 square feet of retail. Believes grocer will create sense of place. Restaurants at intersection will have rooftop seating. Fast food restaurants not allowed. Site once had 100% retail and was underperforming over time. 464 spaces in parking garage. Average rent will be \$1500/month. Minimum average living area 900 sq. ft. Land Use and zoning already*

established. \$26 million in public funding required to finance.

*Eric Randall, City Engineer: Original proposed project went through DRI review with 20 year horizon and assumed growth to anticipate improvements needed. Belmont not considered in current form, however growth rate assumptions theoretically include Belmont volume. Spring Road right in/right out, Atlanta Road access south right in/right out. Church Road fully signalized with crosswalks. Non-signalized access points will have curbed island. Deceleration lanes will be analyzed after data provided by traffic engineer during plan review. Traffic signals will be retimed for peak hour traffic with new control management system. Left turn lane may be needed. Bike sharing program currently being implemented, site is great place for program. Detention has been reviewed conceptually.*

*Staff contacted Atlanta Regional Commission and asked if this project should be re-reviewed as a DRI. The reduction in use did not warrant another review.*

*Chairman Powell commented regarding downtown shopping and stores; roof tops are needed to bring shopping/retail. Believes proposal is a significant improvement from previous plan. Agrees with many comments about traffic issues which come with living in desired place. Asked for a motion.*

Boardmember Steve Kemp made a motion to approve item 2015-227, a zoning request (Z15-014) for the approval of a zoning amendment to modify the currently approved site plan and building elevations on 12.62 Acres, Land Lot 559 located on the Northeast corner of the intersection of Atlanta Road and Spring Road by applicant Halpern Enterprises, Inc. with the conditions recommended by Staff and Urban Design Commission; seconded by Boardmember Michael Seagraves. The motion carried by the following vote:

**Aye:** 4 - Board Member Kemp, Board Member Whittington, Board Member Roberts and Board Member Seagraves

**Nay:** 3 - Board Member Campo, Board Member Lightfoot and Board Member Rice

- B.** **Public Hearing** - Zoning Request - Z15-003 - Rezoning of the subject property from R-15 to RAD-Conditional for the development of six (6) single-family homes - 1.31 Acres - Land Lot 592 - 1514 Hawthorne Avenue - Tuley & Tuley, Inc. ***This item will be tabled to the November 9, 2015 meeting at the request of the applicant***

**Sponsors:** Anulewicz and Kemp

A motion was made by Boardmember Ron Roberts to table to the September 14, 2015 Planning and Zoning Meeting, at the request of the applicant, item 2015-125 a zoning request (Z15-003) for the rezoning of the subject property from R-15 to RAD-Conditional for the development of six (6) single-family homes on 1.31 Acres, Land Lot 592 located at 1514 Hawthorne Avenue by applicant Tuley & Tuley, Inc.; seconded by Boardmember Leslie Lightfoot. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

- C.** **Public Hearing** - Annexation & Zoning Request Z15-004 - Rezoning from R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of seventeen townhomes - 980 & 990 Pebblebrook Road - Jesse N. Maxwell, Jr. - ***This item will be tabled to the November 9, 2015 meeting at the request of the applicant***



**Sponsors:** Fennel and Rice

A motion was made by Boardmember Earl Rice to table to the September 14, 2015 Planning and Zoning Board meeting, at the request of the applicant, item 015-169, an annexation & zoning request (Z15-004) for the rezoning from R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of seventeen townhomes located at 980 & 990 Pebblebrook Road by applicant Jesse N. Maxwell, Jr.; seconded by Boardmember Michael Seagraves. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**D.**

**Public Hearing** - Zoning Request Z15-012 - Annexation, Rezoning and Zoning Amendment for the construction of a 250 unit independent senior housing development - 4.8 Acre Tract - Land Lot 691 - 4840 & 4788 Hanson Drive - Creekside Village Development Group, Inc. ***This item will be tabled to the November 9, 2015 meeting at the request of the applicant***

**Sponsors:** Rice and Fennel

Planning and Zoning Board meeting, at the request of the applicant, item 2015-194 a zoning request (Z15-012) for an annexation, rezoning and zoning Amendment for the construction of a 250 unit independent senior housing development on 4.8 Acre Tract, Land Lot 691 located at 4840 & 4788 Hanson Drive by the applicant, Creekside Village Development Group, Inc.; seconded by Boardmember Ron Roberts. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**E.**

**Public Hearing** - Zoning Request Z15-015 - Approval of a zoning amendment to modify the currently approved site plan and building elevations - 1.61 Acres - Land Lot 634 - 1680 Roswell Street - Christopher & Yvonne Ogbuefi

**Sponsors:** Anulewicz

*Rusty Martin, Senior Planner, presented staff recommendation. Item to be heard by Mayor and Council on September 21st. Subject property is 1.61 acres which consists of an 8,500 square foot food store. Applicant proposes to increase floor area of food store and to build a retail space and restaurant in phase two with a total 17,232 sq. ft. Applicant will be able to store on site with addition. Zoning map, land use map, approved plan, and proposed elevations and site plan shown.*

*Staff recommends approval with conditions. Conditions read:*

*Standard Conditions*

*(Requirements #1, 2, 3, 4, 5, 8, 9, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable)*

*1. All utilities within the development shall be underground.*

*2. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.*

3. *No debris may be buried on any lot or common area.*
4. *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.*
5. *All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
6. *All open space and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

*Special Conditions*

7. *The retention pond shall be placed and screened appropriately to be unobtrusive inside and outside the development. The stormwater retention plan shall be designed to create at least a 20% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.*
8. *A ten-foot wide sidewalk shall be constructed along Roswell Street and Hawthorne Avenue.*
9. *A ten-foot landscape buffer shall be provided and maintained along the eastern property line.*
10. *Any proposed dumpsters shall be surrounded by a three-sided brick enclosure with an opaque gate in the front. The brick shall match the color and material used for the commercial buildings.*
11. *The commercial buildings shall utilize four-sided brick or stone elevations which generally match the elevations presented during the November 13, 2006 Planning and Zoning Board Meeting submitted on 7/22/2015.*
12. *The applicant shall incorporate windows or shadowboxes (false window or display area) along the northern (Roswell Street elevation of building), western (Mathews Street elevation of the building) and eastern (Public Storage elevation of building) façade of the food store and multi-tenant building.*
13. *No neon or flashing signs shall be permitted. All freestanding signs shall be monument style.*
14. *The applicant shall remove the existing billboard on site within 90 days of the approval of the rezoning.*
15. *The proposed development shall have the following setbacks:*  
  
*Front – 0'*  
*Side – 30'*  
*Street Side – 0'*  
*Rear – 0'*
16. *The following uses shall be prohibited in the proposed shopping center:*
  - *Automotive sales/repair*
  - *Automobile wash service*
  - *Boat sales and repairs*

- *Boarding and breeding kennels*
- *Dry cleaning plants*
- *Farm equipment sales and service*
- *Lumber, hardware and other building material establishments*
- *Mobile home and travel trailer sales*
- *Motorcycle sales and service*
- *Pawnshops*
- *Adult novelty stores*
- *Package stores*
- *Service stations*
- *Stations and terminals for bus and rail passenger service*
- *Taxi stands*
- *Theaters*
- *Tattoo Parlor*
- *Arcade or Video Game Parlor*
- *Massage Parlor*
- *Pool Hall*
- *Check Cashing Store*

17. *The construction of the project shall be based on the site plan submitted with the zoning application dated October 6, 2006 on 7/22/2015 and created by A'Vant Architecture. Any significant change to this site plan requires the approval of Mayor and Council.*

18. *The applicant shall remove parallel parking spaces labeled one and two on the site plan dated October 6, 2006. The applicant shall make modifications to the site plan dated October 6, 2006 to address all stipulations stated above. These modifications shall be completed prior to the plan review process.*

19. *The applicant shall dedicate the necessary right-of-way to the City needed to complete the round-about road improvement planned for the intersection of Hawthorne Avenue, Mathews Street and Roswell Street.*

*The applicant, Mr. Christopher Ogbuefi, addressed the Board and commented that his business is growing and requires more space. Thus, he redesigned phase two and plans to add more space to his food store.*

*Public Hearing:*

*Sonia Muhammed – architect for project discussed the plan in general and pointed out the public space and public features proposed in the plan.*

*Stephen McQuade – Roswell St - How will roundabout design affect property? Eric Randall, City Engineer commented that exact impact still being reviewed. What are the applicant's plans for former store? The applicant commented that he plans to improve the former store after this phase. Most of his freezers are across the street. Once freezers are moved out he will improve it and lease it. Chairman Powell asked for a motion.*

*A motion was made by Boardmember Steve Kemp to approve item 2015-226 for a zoning request (Z15-015) for the approval of a zoning amendment to modify the currently approved site plan and building elevations on 1.61 Acres, Land Lot 634 located at 1680 Roswell Street by the applicants Christopher & Yvonne Ogbuefi; seconded by Boardmember Ron Roberts. The motion carried by the following vote:*

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

- F. **Public Hearing** - Zoning Request Z15-016 - Rezoning from R-15 to RAD-Conditional for the development of 5 new single-family residences at a density of 3.81 units per acre - 2.36 Acres - Land Lot 593 - 1505, 1515, 1525, 1529, 1533 and 1537 Spring Street - Pradera Group, LLC. **The applicant has requested to table this item to November 16, 2015.**

**Sponsors:** Anulewicz

*Rusty Martin presented staff recommendation. Proposal will be heard by Mayor and Council on September 21st. Applicant is requesting a zoning amendment and rezoning. Previous rezoning was for four single family detached homes. Applicant has purchased two lots to the west and proposes to build five additional homes and incorporate all nine homes into one HOA, serviced by the same stormwater detention area and shared common space. Proposed zoning is RAD conditional. Future land use designation is moderate density residential and the five lots have a density of 3.1 units per acre. Proposed site plan shown. Existing four homes front Spring Street. Proposed five homes have a shared private access drive with fire truck turnaround to access all five lots. Staff recommends approval with conditions. Conditions read: Standard Conditions  
(Requirements #2, 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. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.*
- 2. There shall be protective covenants with a mandatory homeowners association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.*
- 3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.*
- 4. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.*
- 5. All utilities within the development shall be underground.*
- 6. 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.*

7. No debris may be buried on any lot or common area.
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
11. 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*

12. The development shall maintain the following setbacks:  
Front – 20'  
Side (exterior) – 7'  
Side (interior) – 5' with a minimum of 10' between buildings  
Rear – 30' 40'
13. The development shall be developed with a minimum lot size of 6,883 square feet.
14. The proposed homes shall have a minimum floor area of 2,200 sq. ft.
15. The driveways shall have a minimum length of 22' from building face to edge of shared driveway. Each unit shall have a two-car garage.
16. The final plat for the development shall include a right-of-way dedication of 5' along Springs Street.
17. The developer shall provide a 10' landscape buffer along the northern property boundary in accordance with Section 503 of the Zoning Ordinance.
18. A new 5' sidewalk shall be constructed along Spring Street.
19. Water quality shall be provided in accordance to the City's Stormwater Management Ordinance.
20. The applicant shall work with the City Engineer to remedy any sight distance issues along Spring Street. The applicant shall be responsible for any improvements deemed necessary by the City Engineer.
21. The developer shall create deed covenants for the shared driveway in which the ownership, maintenance, and utilization are the shared responsibility of the HOA. These covenants must be supplied to the City prior to the issuance of a building permit.
22. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in

*substantial compliance with the site plan submitted 8/6/2015 created by JVG Civil Engineering. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.*

*23. The applicant shall be bound to the elevations submitted and dated 7/10/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.*

*24. The approval of the rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated July 25, 2013 by Garvis Sams with Sams, Larkin, and Huff, LLP. If there should be a discrepancy between the stipulations in the July 25, 2013 letter and the stipulations stated above, the stipulations stated above shall apply.*

*Mike Wadsworth with Pradera Group, the applicant, gave a brief presentation about the proposed rezoning and amendment. Current homes would have access to proposed shared drive. Subdivision will have one HOA for 9 homes for maintenance of access drive and stormwater detention pond. Only one additional access point proposed off Spring Street which driveways of new homes will connect to. New homes will have 4-5 bedrooms, 3-4 bathrooms. \$500k sales price with craftsman/contemporary style. Plans to add gazebo or fireplace in common area. Plans to modify pond to capture additional volume. Sight line visibility studied and minimal grading required to achieve adequate sight. Currently building on Hamby Street.*

*Board Member Roberts inquired if homes will be presold. Mr. Wadsworth commented that two homes will be built speculatively and the remainder on contract.*

*Public Hearing:*

*Lem Ward – Spring Street – Lives across from development. Concerned that some documents still refer to 6 homes. Condition that driveway not be extended. Condition that rendering for Lot 1 be specific to ensure road side elevation is held to high standard.*

*Todd Beasley - mother resides in house on adjoining property. Concerned that creek will over flow with additional volume from proposed five homes. Flow has not breached creek bank yet, but believes it will in a matter of time. Property is not in a flood zone, yet significant run off from subject property still accumulates on mother's property from debris preventing flow in culvert. Concern that new developer is not significantly adding to open space, and only adding to capacity of pond. Does not support proposal.*

*Mike Blackwelder – lives on adjoining property to north of subject property. Has issue with detention pond which breeds mosquitos and drains to the creek, has seen evidence of flooding. Concern about access drive and flooding post development. Concerns that new homes do not front on public street.*

*Amy Shay – lived in Smyrna 25 years resident. Has concern about orientation of homes. Concerned that existing four homes are vacant and cannot be sold. Has issue with developer incorporating existing open space and counting it as his own. Where will trash be picked and tree limbs be picked up? Concern about stormwater.*

*Oliver Meinhold – concern that existing homes have not sold and believes new homes will not either.*

*Casey Claven – Commented that one home is facing Spring Street and and other 4 are stacked up in the backyard of that home. Believes property would yield three*

*additional homes along Spring Street. Asks Board to deny request and maintain orderly development in Williams Park.*

*Keith Bentley - Gilbert Street - Opposed to development of these homes with proposed lot configuration. Existing homes not built to what neighborhood was told and have not sold.*

*Joey Traun - Williams Park – is a realtor and has shown homes and quality is sub-standard in her opinion. Concern about private drive, and same issues about dis-connectivity.*

*Chairman Powell inquired about stormwater concept and how garbage will be picked up. Eric Randall commented that the applicant did simulation for largest fire truck with dynamic autocad simulation and city garbage truck can do same movements. Chairman Powell inquired if the existing drive will be improved to same standard as the new access drive. Mr. Wadsworth affirmed that it would in the section that runs perpendicular. He also stated that he is very aware of the existing home and their difficulty selling. Believes the biggest issue with the existing homes was building is restricted to 41 foot lot. New homes are on 60 foot lots and offers variety of different floor plans.*

*Board Member Roberts inquired if condition could be added to restrict the extension of the proposed access drive. Rusty Martin stated that if the Board deemed it appropriate the condition could be added.*

*Chairman Powell requested a motion.*

A motion was made by Boardmember Steve Kemp to deny item 2015-261 for a zoning request (Z15-016) for the rezoning from R-15 to RAD-Conditional for the development of 5 new single-family residences at a density of 3.81 units per acre on 2.36 Acres, Land Lot 593 located at 1505, 1515, 1525, 1529, 1533 and 1537 Spring Street by the applicant Pradera Group, LLC.; seconded by Michael Seagrave. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

### **3. Approval of Minutes:**

#### **A. Approval of Planning and Zoning Board Meeting minutes for July 13, 2015**

**Sponsors:** City Council

A motion was made by Boardmember Ron Roberts to approve item 2015-263 for the approval of Planning and Zoning Board Meeting minutes for July 13, 2015; seconded by Boardmember Earl Rice. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**Absent:** 1 - Chair Person Powell

### **4. Adjournment**

*Chairman Joel Powell adjourned the August 10, 2015 meeting of the Planning and Zoning Commission to order at 9:05pm.*