

stated he will not support this rezoning. Council Member Newcomb stated provisions for water filtration should not be considered on a case-by-case basis. Council Member Newcomb stated more office and institutional zoned property and less retail zoned property is needed on South Cobb Drive. Council Member Newcomb stated the Planning and Zoning Board recommended denial of this request and there are reasons they voted this way. Council Member Newcomb stated staff comments in the rezoning analysis of this case indicate adjacent properties could be adversely affected by the rezoning as proposed and that one of the citizens present at this meeting pointed out that the subject property has a viable use as currently zoned. Council Member Newcomb expressed the view that the city council should stand by its 2002 decision to allow the subject property to be developed for office and institutional type uses. Motion resulted in a tie vote of 3 – 3 with Council Members McNabb, Newcomb and Scoggins in opposition. Mayor Bacon voted in favor of the measure to break the tie, and the motion was approved. Mayor Bacon expressed the view that developers are conversant with land use matters and that in this instance he will rely on the developer's conclusions. Council Member Lnenicka stated Council Member Smith indicated earlier this evening that he was not feeling well, and this is the likely reason for his absence from this meeting.

- (E) Public Hearing – Rezoning Request Z07-010 – zoning amendment (change in elevations) – Hawthorne Avenue – Cottage Craft Homes, LLC and DGD Holdings, Inc.

Mr. Wright stated the applicant is requesting permission to change the elevations of the townhouses planned for the subject property and that staff recommends approval of the request.

Mr. Suddreth provided additional details concerning this request to those present. Mr. Suddreth reviewed the special conditions of this rezoning request for those present

Honorary Mayor Roos stated this is a public hearing and asked for public comment. There was none.

Council Member Scoggins recognized Mr. Ryan Casadaban, and Mr. Casadaban provided details to those present concerning the requested design changes. Council Member Scoggins asked Mr. Casadaban if he agrees with the conditions of the rezoning amendment. Mr. Casadaban stated he would like the flexibility to depart from four-sided brick or stucco architecture for the rear elevations of the planned units. Council Member McNabb stated he would like to see a stipulation for this zoning amendment requiring construction of a fountain on the subject premises. Mr. Casadaban asked if the stipulation could be written so that the requirement for a fountain becomes mandatory if some form of horizontal siding material is used on any of the rear elevations, and Council Member McNabb said yes. Council Member Newcomb asked Mr. Casadaban if he would agree to a condition of rezoning to require 50% of all the units to have four-sided masonry architecture with flexibility for finishing the rear elevations of the remaining 50% in other materials, and Mr. Casadaban answered in the affirmative. Council Member Newcomb asked Mr. Casadaban if it is correct that the changes he is requesting include changing the maximum allowed height of the planned structures from 35' to 42' and to be allowed to build at least 50% of all the units to have four-sided masonry or stucco architecture with flexibility for finishing the rear elevations of the remaining 50% in other suitable materials, and Mr. Casadaban answered in the affirmative. Council Member Scoggins asked Mr. Casadaban if he agrees with the conditions of the rezoning amendment, and Mr. Casadaban answered in the affirmative.

MOTION: Council Member Scoggins made a motion to approve Rezoning Request Z07-010 for a zoning amendment for change in elevations at Hawthorne Avenue for Cottage Craft Homes, LLC and DGD Holdings, Inc. subject to special conditions as discussed and agreed upon by the applicant. The motion was seconded by Council Member Pritchett. Motion was approved 6 – 0. (Clerk’s Note: A copy of applicable conditions is appended hereto as Exhibit “B”)

(F) Public Hearing - Amendment to the Sign Ordinance regarding non-conforming signs

Mr. Wright stated the current ordinance does not allow non-conforming signs to be repaired if the repair costs exceed a certain amount. Mr. Wright stated staff recommends approval of this amendment.

Honorary Mayor Roos stated this is a public hearing and asked for public comment. There was none.

MOTION: Council Member Newcomb made a motion to approve Ordinance 2007- 5 amending Chapter 82, Section 82-10, subsection (2), *Nonconforming signs* of the Smyrna Code of Ordinances. The motion was seconded by Council Member Pritchett. Council Member McNabb expressed the view that this ordinance revision may be a useful interim step, but that a work session is needed to review the City’s sign regulations. Motion was approved 5 -1 with Council Member Lnenicka in opposition.

(G) Public Hearing – Rezoning Request Z07-003 – NS to NS Conditional – Atlanta Road and Creatwood Trail – The Garner Investment Group, LLC

Mr. Wright stated the applicant is seeking approval to construct a 10,920 square foot shopping center and that the rezoning will not require a land use change. Mr. Wright stated the Planning and Zoning Board made a recommendation for approval of this request and that staff recommends approval of the rezoning from NS to NS-Conditional with several conditions.

Mr. Suddreth provided additional details concerning this request to those present. Mr. Suddreth read the special condition of this rezoning request as follows:

9. The development shall maintain the following setbacks:

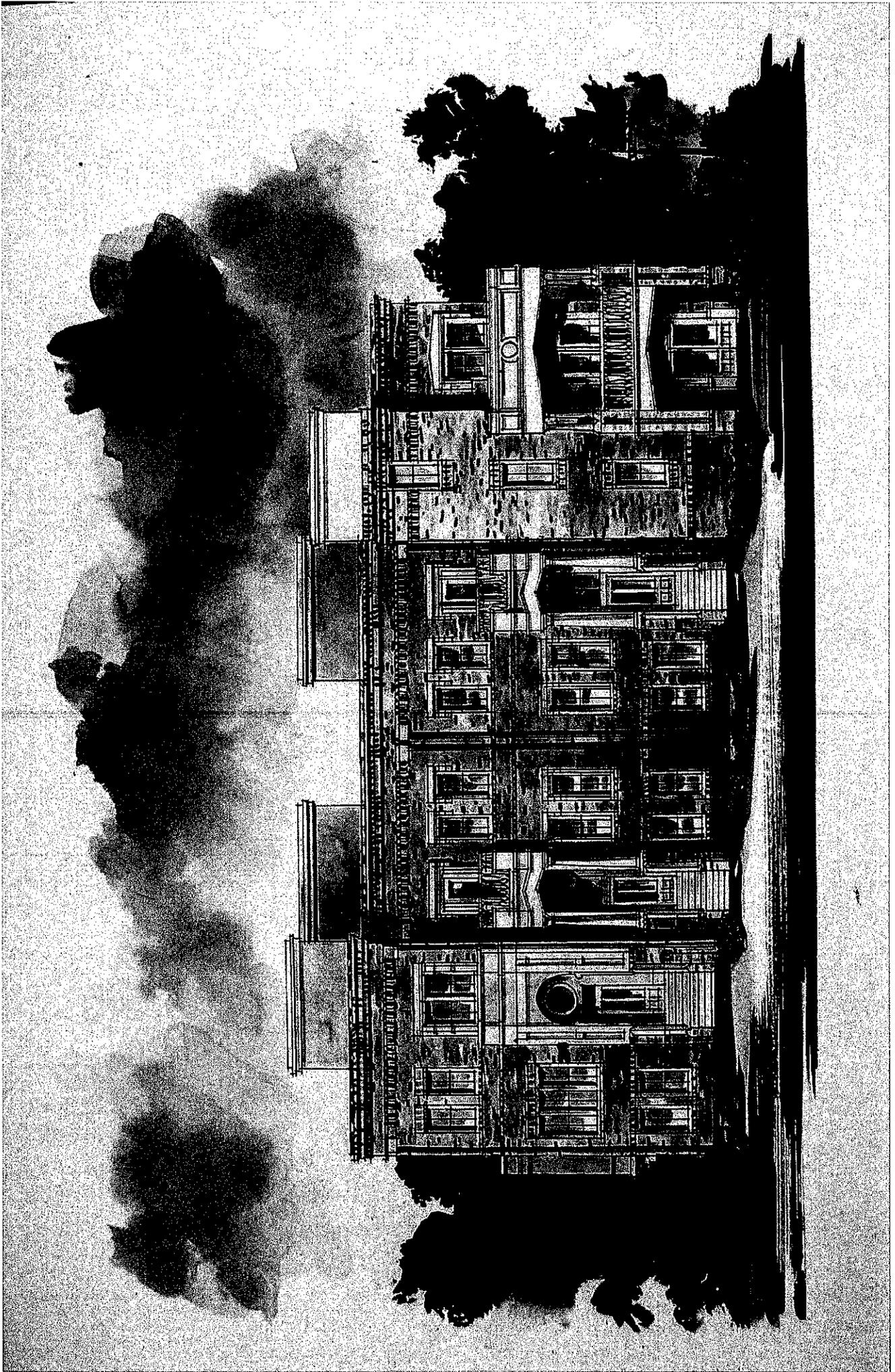
- Front – 15’
- Street Side – 0’
- Side – 10’
- Rear – 50’

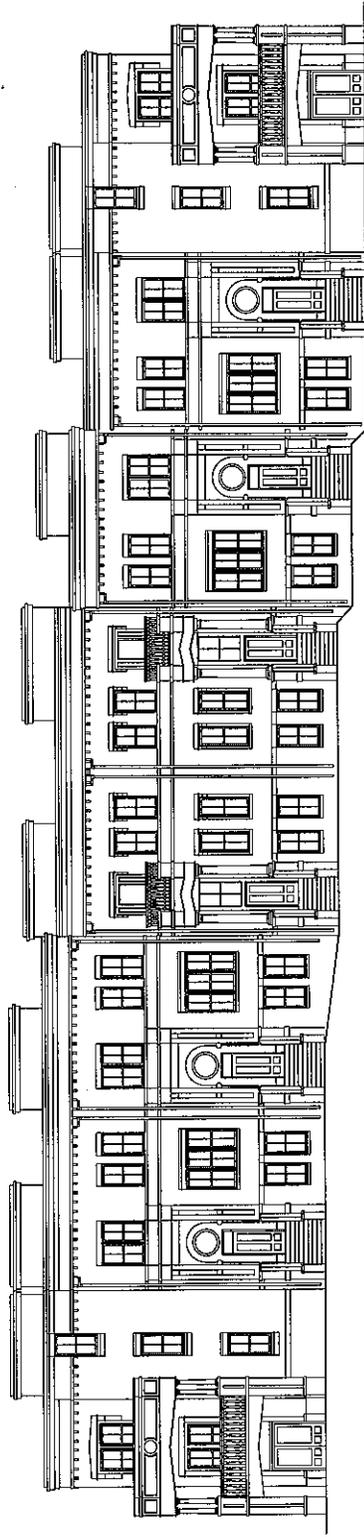
10. Business hours will be limited between 6:00 a.m. and 11:00 p.m.

11. There shall be no bells, whistles, or outdoor loud speakers permitted on site in conjunction with the retail center.

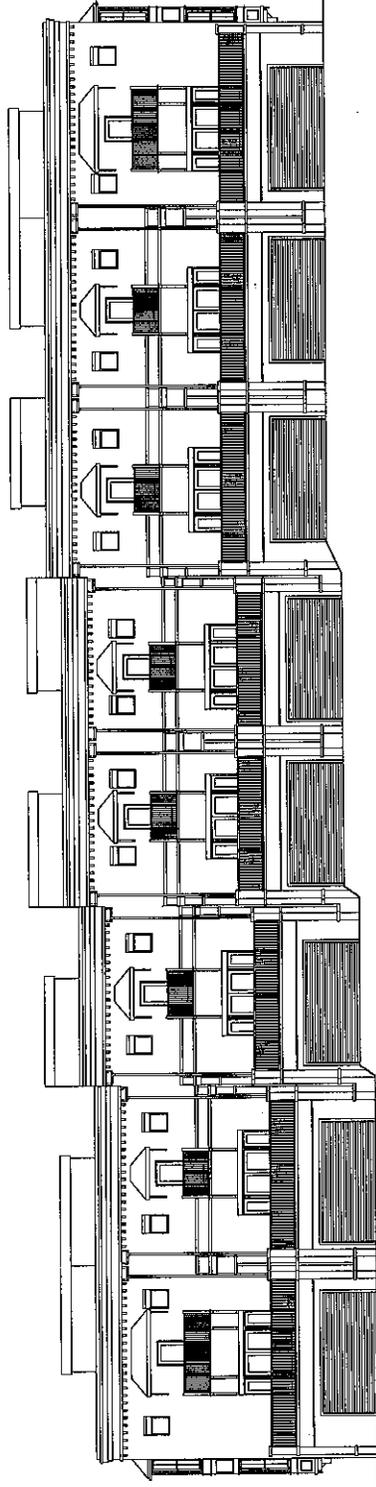
12. Any proposed dumpsters shall be surrounded by a three-sided brick or stucco enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.

13. 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.

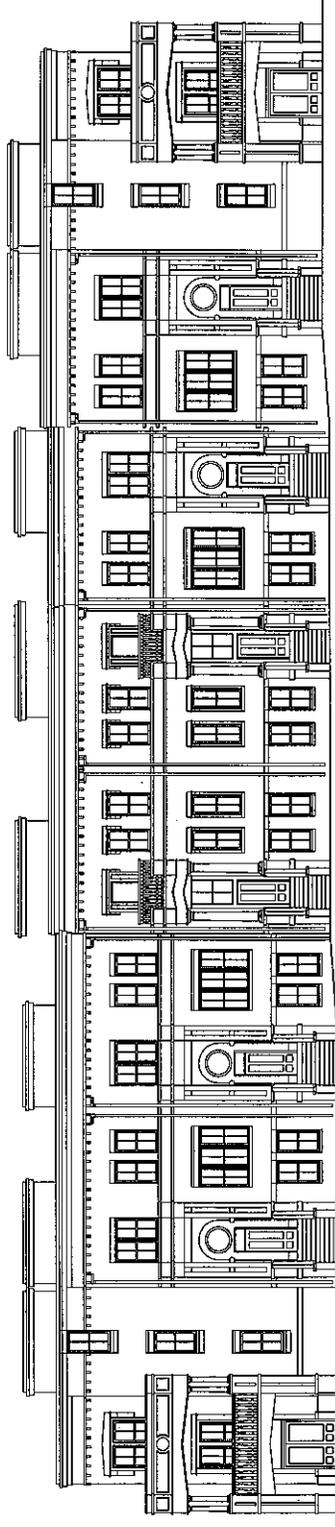




BUILDING A - SCHEMATIC ELEVATION 08 MARCH 2007
SCALE 1/16" = 1'-0"

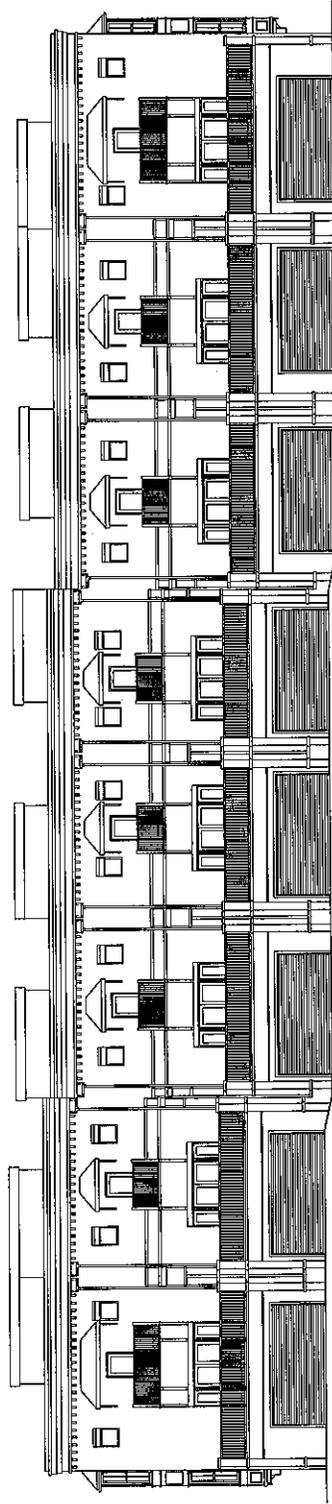


BUILDING A - SCHEMATIC REAR ELEVATION 15 MARCH 2007
SCALE 1/16" = 1'-0"

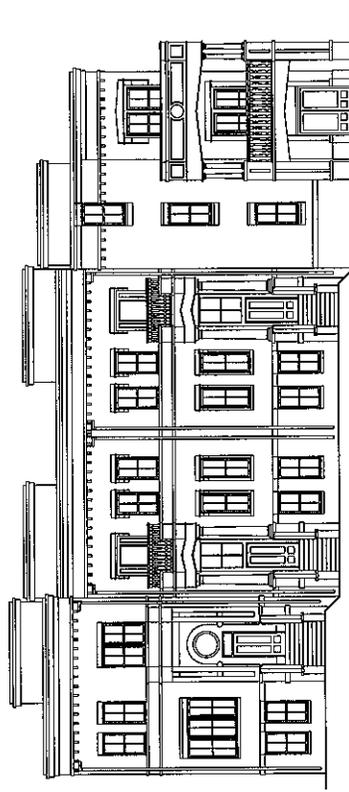


BUILDING B - SCHEMATIC ELEVATION 08 MARCH 2007

SCALE 1/16" = 1'-0"

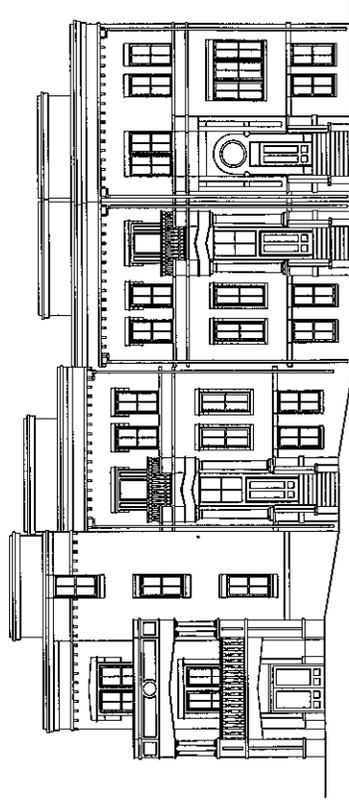


BUILDING B - SCHEMATIC REAR ELEVATION 15 MARCH 2007
SCALE 1/16" = 1'-0"



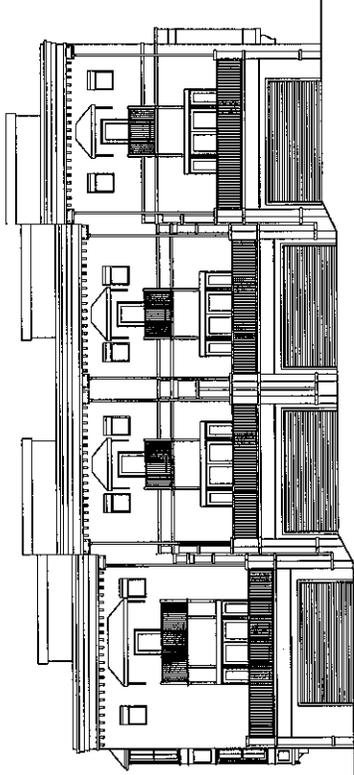
BUILDING C - SCHEMATIC ELEVATION 08 MARCH 2007

SCALE 1/16" = 1'-0"

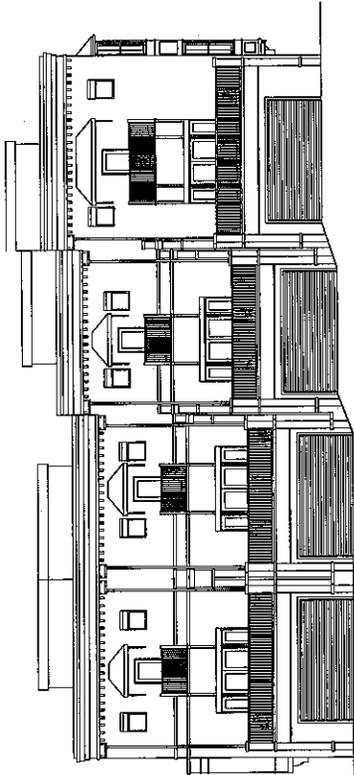


BUILDING D - SCHEMATIC ELEVATION 08 MARCH 2007

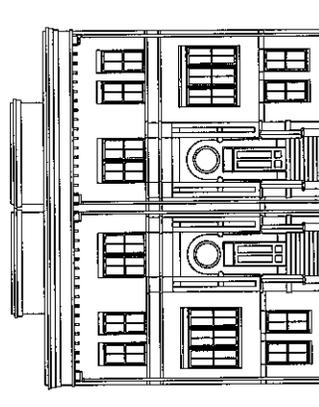
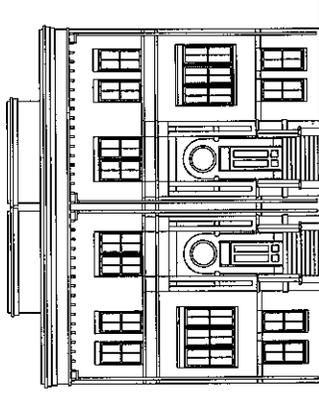
SCALE 1/16" = 1'-0"



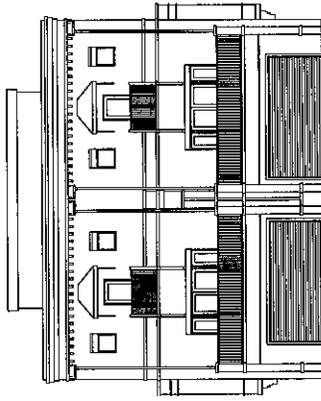
BUILDING C - SCHEMATIC REAR ELEVATION 15 MARCH 2007
SCALE 1/16" = 1'-0"



BUILDING D - SCHEMATIC REAR ELEVATION 15 MARCH 2007
SCALE 1/16" = 1'-0"



BUILDINGS E + F - SCHEMATIC ELEVATION 08 MARCH 2007
SCALE 1/16" = 1'-0"



BUILDINGS E + F - SCHEMATIC REAR ELEVATION 15 MARCH 2007
SCALE 1/16" = 1'-0"