



Meeting Minutes - Final  
Planning and Zoning Commission

Monday, October 12, 2015

6:00 PM

Council Chambers

1. **Roll Call**

**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** 3 - Ken Suddreth, Russell Martin, and Heather Corn

2. **Call to Order**

Chairman Joel Powell called the October 12, 2015 Planning and Zoning meeting to order at 6:00PM.

3. **Business**

A. 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 was tabled to the November 9, 2015 meeting at the request of the applicant from the October 12, 2015 meeting.

**Sponsors:** Anulewicz and Kemp

A motion was made by Boardmember Ed Whittington to table at the request of the applicant until the November 9, 2015 Planning and Zoning Meeting Item 2015-125, a zoning request (Z15-003) for a 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 the applicants, Tuley & Tuley, Inc.; Seconded by Boardmember Ron Roberts. The motion carried by the following vote:

**Aye:** 5 - Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Seagraves and Board Member Rice

**Absent:** 2 - Board Member Kemp and Board Member Lightfoot

B. 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 was tabled to the November 9, 2015 meeting at the request of the applicant from the October 12, 2015 meeting.

**Sponsors:** Fennel and Rice

A motion was made by Boardmember Earl Rice to table at the request of the applicant until the November 9, 2015 Planning and Zoning Meeting, item 2015-169 for an annexation & zoning request (Z15-004) for the rezoning from R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of seventeen townhomes locate at 980 & 990 Pebblebrook Road by applicant Jesse N. Maxwell, Jr.; seconded by Boardmember Denny Campo. The motion carried by the following vote:

**Aye:** 5 - Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Seagraves and Board Member Rice

**Absent:** 2 - Board Member Kemp and Board Member Lightfoot

**C.** 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 was tabled to the November 9, 2015 meeting at the request of the applicant from the October 12, 2015 meeting.

**Sponsors:** Rice and Fennel

A motion was made by Boardmember Michael Seagraves to table at the request of the applicant until the November 9, 2015 Planning and Zoning MEeting item 2015-194, a zoning request (Z15-012) for the 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:** 5 - Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Seagraves and Board Member Rice

**Absent:** 2 - Board Member Kemp and Board Member Lightfoot

**D.** Public Hearing - Zoning Request Z15-020 - Rezoning from R-15 to RAD-Conditional for the construction of four (4) single-family homes - 1.099 Acre Tract - Land Lot 560 - 1463 & 1471 Spring Street - Wilson Built Homes, LLC

**Sponsors:** Anulewicz and Kemp

*Senior Planner Russell Martin was called forward by Chairman Powell to present the background for this item:*

*The applicant is proposing the development of four (4) new detached single-family residences. The density for the site will be 3.64 units per acre. No land use change from Moderate Density Residential will be required for this rezoning.*

*Staff recommends approval of the rezoning from R-15 to RAD-Conditional for the construction of four (4) single-family homes at a density of 3.64 units per acre with conditions.*

*Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. The following provides the nine factors followed by an analysis of each factor in italics:*

*1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

The proposed rezoning would result in the development of four (4) single-family lots at a density of 3.64 units per acre. The existing two (2) homes will be demolished and four (4) new homes will be constructed on lots facing Spring Street, Walker Court & Mimosa Circle. Since the proposed additional single-family homes will be located in the middle of an existing single-family neighborhood; the proposed use is suitable in view of the use and development of adjacent and nearby property.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The proposed rezoning and development should not have an adverse effect upon the existing use or usability of nearby properties.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject parcel has a reasonable economic use as currently zoned.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Based upon information provided by the City Engineer, the proposed development is not expected to cause a burden to the existing street network or transportation facilities.

Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. The developer is to use all existing taps where possible. The developer will be required to upgrade to a minimum meter size of one inch (1"). The developer shall be required to install any additional water and sewer taps for the development. Elevations are the responsibility of the developer. This information is based off a concept plan for Wilson Built Homes by Paul Lee Consulting Engineering Associates dated 8/11/2015.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The 1.099-acre rezoning will be consistent with the City's Future Development Plan, which indicates a land use of Moderate Density Residential. The proposed density of 3.64 units per acre for the development is below the maximum allowable density of 4.5 units per acre for the Moderate Density Residential land use classification on the Future Development Plan. The zoning proposal will not require a change of land use from Moderate Density Residential.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

The area surrounding the subject parcel has continued to redevelop into smaller parcels in a neo-traditional form. The proposed development is consistent with the most recent trends in this portion of the City and is in line with the City's Comprehensive Plan.

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The proposed development will employ a variety of architectural features and materials that will conform and enhance the existing neighborhood's aesthetics. The proposed scale of the home will be compatible with the existing homes in the immediate areas. The tree plan indicates most trees will be removed and the developer will be required to meet tree density standards through replanting.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposed use should not create a nuisance to existing uses in the area due to the fact that the surrounding area is also comprised of single-family residences. Whether due to the size of the proposed use, in either land area or building height,

*the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.*

*Factors associated with the size of the proposed use, in either land area or building height, will have an effect upon adjacent properties. The applicant is requesting to rezone the property to RAD-Conditional. The applicant is seeking a site plan specific rezoning to deviate from: 1) the required minimum lot size; 2) the required minimum lot width; 3) the required minimum front setback; 4) the required minimum side setback and 5) the required minimum rear setback. Table 1 below shows the requirements of the RAD & R-15 zoning districts versus the proposed development. The proposed rezoning from R-15 to RAD-Conditional would result in the demolition of both existing homes and the construction of four (4) new single-family residences at a density of 3.64 units per acre. The proposed homes will be accessed from Walker Court and Mimosa Circle. Two of the homes with road frontage on Spring Street will face the homes toward Spring Street with side entry garages on Walker Court and Mimosa Circle. The other two lots will have front entry homes on Mimosa Circle and Walker Court. The applicant has submitted building elevations and floor plans in the rezoning application. The submitted elevations reflect a more traditional style home with a mixture of exterior façade materials and architectural elements. The new homes will enhance the architectural standards of the general neighborhood.*

*The proposed lots for the rezoning will be 11,680 sq. ft. (lot #1), 12,986 sq. ft. (lot #2), 9,523 sq. ft. (lot #3) and 9,166 sq. ft. (lot #4). The minimum lots size for the development is 9,166 sq. ft. and the average lot size is 10,838 sq. ft.. The proposed lots will require several variances from the zoning requirements of the RAD zoning district. These variances include the following:*

- 1) a reduction in the minimum lot size from 15,000 sq. ft. to 9,166 sq. ft.;*
- 2) a reduction in the minimum lot width from 100' to 68';*
- 3) a reduction in the minimum front setback from 35' to 25';*
- 4) a reduction in the minimum side setback from 10' to 5'; and*
- 5) a reduction in the minimum rear setback from 30' to 15'.*

*These deviations are reflected in Table 1 above. The proposed setbacks are consistent with the type of setbacks given for recent infill developments in the immediate area.*

*The applicant has proposed an underground storm water management facility for the development. This facility will be located underground in the rear yard of each home within a 30' Detention and Water Quality Easement located long the rear property line. This storm water facility will then release to the City's storm system located in the right-of-way of Spring Street. The City Engineer has reviewed the proposed concept and believes it should meet the city's storm water management requirements. In addition, the Public works Director is inspecting the condition of the public infrastructure to verify the condition of the system. If any improvements are warranted, then the developer will be required to make such improvements.*

*The proposed rezoning would provide for four (4) residences at an overall density of 3.64 units per acre. This density is not excessive when compared to other previously approved infill developments in the city.*

*Community Development has reviewed the zoning proposal against recent infill development and the City's Future Development Plan. The proposed density conforms to the requirements of the Moderate Density Residential land use category. In addition, the requested variances are in-line with similar variances granted in other infill developments.*

*Community Development recommends approval of the request rezoning from R-15 to RAD-Conditional for the construction of four (4) new single-family residences at a density of 3.64 units per acre with the following conditions:*

*Standard Conditions*

*(Requirement #1, 2, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not applicable)*

-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.

-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.

-All utilities within the development shall be underground.

-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.

-No debris may be buried on any lot or common area.

-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.

-All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

-All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

- 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:

-The development shall maintain the following setbacks:

o Front – 25' (from the existing ROW)

o Street Side – 25' (from the existing ROW)

o Interior Side – 5'

o Exterior Side – 10'

o Rear – 15'

-Driveway– 22' minimum length from building face to back of sidewalk.

-The driveways on Walker Court and Mimosa shall not be closer than 50' to the curb on the Spring Street.

-Each home shall have a two-car garage with decorative garage doors.

-The development shall be developed with a minimum lot size of 9,166 square feet.

-The right-of-ways along Spring Street, Walker Court and Mimosa Circle shall be increased to 50 feet. Therefore, a dedication of approximately 10' feet is required along the right-of-ways of Mimosa Circle and Walker Court. A dedication of 5' is required along the right-of-way of Spring Street.

-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 more than 25% hardy plank siding for any elevation facing these roads.

-Lots #1 & #3 shall have the front of the home facing Spring Street as shown on the Zoning Plan.

-All homes shall have

-The developer shall provide a 5' sidewalk with a 2' grass buffer along Spring Street, Walker Court and Mimosa Circle for the length of the development.

- All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.

-The developer shall be responsible for any water or sewer improvements deemed

necessary for the provision of services to the community.

-The developer shall pipe the existing storm water ditch that runs along the northern and eastern boundaries of the property. The City Engineer shall review and approve all plans.

- The developer shall be responsible for any storm water improvements deemed necessary by the City Engineer.

- 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 submitted site plan dated 9/11/2015 created by Paul Lee Engineering Associates, Inc.

-The applicant shall be bound to the elevations submitted and dated 9/11/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.

Pictures of the proposed site plan were shown as were adjacent property pictures. The applicant is in agreement to all mentioned stipulations and he stated he had met with neighbors to discuss the creek. Public Works will camera the current drainage ditches to make sure they are structurally sound and in good working order. As a builder he has not built this kind of bio retention previously but the on-site engineer would assure it was done properly.

Chairman Powell called the public hearing and gave the instruction for making comments.

The resident at 1461 Mimosa Circle spoke about concerns regarding the water and the creek. He welcomed the improvements to the property but wanted assurance as to how the water runoff would be handled.

Ms. Jenkins brought pictures she shared with the board of previous rain/water issues for their neighborhood and specifically the properties that border the development. She wants to know whose responsibility it will be to keep the ditch clean and free from debris.

Ms. Madge Jackson had questions about driveway location for the new properties. She remarked that the culvert from Walker Court into Spring St. damaged her tire.

Ms. Deanne Cook also spoke to the water concerns. She also wanted to know if street lights would be installed to help the traffic concerns residents had at night in particular.

John Gardner, 1461 Mimosa Circle is happy to see a builder come in and improve the property. He too has concerns about the water and how far the pipe will extend down the dedicated easement. He also questioned which way the garages would face and he requested that the Board make sure the homes on Spring Street actually faced Spring Street.

Ms. Amy Shay, Mimosa Circle is confused by the drawing presented. When she walked the property she felt the ditch was on the property per the survey. She also wants to know whose responsibility it will be to clean the ditch.

Mr. Mark Lee with Foley Engineering came to the podium and confirmed that the ditch in question has a great deal of water. He confirmed that the topo had the ditch on the builder's property and by law; the builder cannot cause adverse effect up or down stream. The piping will not extend to the property line because it would cause pooling and it would be illegal to do that.

They will be installing a flared headwall which will keep the pipe open at all times and keeps water flowing. Additionally maintenance for the pipe will be the responsibility of the HOA for these homes.

Chairman Powell asked that they speak to the mentioned roadway blind spots. The builder said each of the homes would have a bump out in the driveway for turnaround space and no cars would have to back onto the roadway. Three of the homes would have side entry garages and one would be street facing. They will be removing trees to install drainage and sidewalks which would open the corner to additional lighting.

Boardmember Ron Roberts asked the proposed sale price of the homes and the response was high \$400,000 to mid \$500,000.

A motion was made by Boardmember Denny Campo to approve item 2015-356 a Zoning Request (Z15-020) for the rezoning from R-15 to RAD-Conditional for the construction of four (4) single-family homes on a 1.099 Acre Tract, Land Lot 560 located at 1463 & 1471 Spring Street by applicant Wilson Built Homes, LLC with the condition as added regarding maintenance of drainage to be responsibility of the HOA; seconded by Boardmember Ron Roberts. The motion carried by the following vote:

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

**Nay:** 1 - Board Member Rice

**Absent:** 2 - Board Member Kemp and Board Member Lightfoot

**4. Approval of Minutes:**

**A. Approval of the September 14, 2015 Planning and Zoning Meeting Minutes.**

A motion was made by Boardmember Michael Seagraves for the approval of item 2015-351 for the approval of the September 14, 2015 Planning and Zoning Meeting Minutes; seconded by Boardmember Denny Campo. The motion carried by the following vote:

**Aye:** 5 - Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Seagraves and Board Member Rice

**Absent:** 2 - Board Member Kemp and Board Member Lightfoot

**5. Adjournment**

6:53PM

The October 12, 2015 meeting of the Planning and Zoning Board was adjourned by Chairman Joel Powell at 6:53PM.