

3. The applicant shall pave all parking surfaces on site.

The motion was seconded by Council Member Pritchett. Motion was approved 6 – 0, with Council Member Lnenicka abstaining.

- (C) Public Hearing– Variance Request V07-017 – Reduction of the setback requirement for driveways in the R-15 Zoning District from five-feet to zero-feet – 3248 King Springs Road

Mayor Bacon asked if there is anyone present in connection with this matter, and there was no response.

MOTION: Council Member McNabb made a motion to table Variance Request V07-017 for reduction of the setback requirement for driveways in the R-15 Zoning District from five feet to zero feet at 3248 King Springs Road until the July 2, 2007 council meeting. The motion was seconded by Council Member Scoggins. Motion to table the measure was approved 7 – 0.

- (D) Public Hearing - Amendment to the Zoning Ordinance regarding building heights, Section 402.10

Mr. Taylor stated Smyrna has two standards to calculate building height. Mr. Taylor stated the first standard is drawn from Section 402.10 of the Zoning Code and, alternatively, the 2000 International Residential Code. Mr. Taylor stated the proposed amendment will integrate both definitions for better implementation and enforcement of the zoning ordinance. Mr. Taylor stated staff recommends approval of this ordinance amendment.

Council Member Newcomb recognized Mr. Suddreth who provided additional details to those present concerning the proposed ordinance amendment.

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

MOTION: Council Member Newcomb made a motion to approve Ordinance #2007-7 to amend Appendix A, Zoning, Subsection (402.10) *Defined words- Building, height of*, as recommended by staff and discussed. The motion was seconded by Council Member Pritchett. Motion was approved 7 – 0.

- (E) Public Hearing– Rezoning Request Z07-013 –R-15 to RAD-Conditional – 0.093 acre tract – 1089 Bank Street, 1103 Bank Street and 1127 Bank Street – Pritchard Properties, LLC

Mr. Taylor stated the applicant has purchased the property that adjoins a previously rezoned property. Mr. Taylor stated the applicant is requesting to keep the recently purchased property zoned R-15 and to replat the property to deed additional land to the previously approved development to the west. Mr. Taylor stated that for this to occur, the applicant must rezone the 4,034 sf. of property that will be deeded to the previously approved lots from Rezoning Case Z06-012. Mr. Taylor stated that after the developer has replatted the property and deeded over the 4,034 to the five lots, the developer will need five variances to build his home at 1127 Bank Street.

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

Mr. Suddreth provided additional details to those present concerning the applicant's plans for the subject property. Mr. Suddreth stated staff recommends approval of the request subject to certain conditions.

MOTION: Council Member Scoggins made a motion to approve Rezoning Request Z07-013 From R-15 to RAD-Conditional for a 0.093 acre tract at 1089 Bank Street, 1103 Bank Street and 1127 Bank Street for Pritchard Properties, LLC subject to applicable standard conditions, special conditions and variances discussed and agreed upon as follows:

Standard Conditions

(Requirements #2, 4, 8, 9, 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 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.
4. All utilities within the development shall be underground.
5. 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.
6. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
7. No debris may be buried on any lot or common area.
8. The developer will install decorative streetlights within the development, 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".
9. The developer will comply with the City's current tree ordinance with the exception of the City's recompense requirements. Because the developer will be saving twelve specimen trees, no other specimen recompense shall be required. All

applicable required tree protection measures shall be adhered to by the developer during construction and the developer will agree to work around as many of the existing Bank Street specimen trees as possible.

10. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
11. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
12. 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

13. The development shall maintain the following setbacks:
 - Front – 30' (measured from existing right of way)
 - Side – Zero with 15' between buildings
 - Rear – 30'
14. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage.
15. The right-of-way along Bank Street shall be increased to 50 feet to match other residential road right-of-ways. Therefore a dedication of 5 feet is required.

The site plan previously approved in Zoning case Z06-012 shall be amended to include the 4,034.7 s.f.

The following variances are approved for the subject property –

- (a) A reduction in the minimum lot width from 85' to 79'
- (b) A reduction of the front setback requirement from 35' to 30'
- (c) A reduction of the side setback requirement for an accessory structure from 10' to 1'
- (d) An increase in the maximum allowable impervious surface area from 35% to 50%

The motion was seconded by Council Member Newcomb. Council Member Smith stated he will not support the motion because it includes a zero lot line. Council Member Smith commented favorably about the applicant. Motion was approved 6 – 1, with Council Member Smith in opposition.

Rezoning Plan Bank Street Property

City of Smyrna, Georgia Land Lots 488, 17th District, 2nd Section

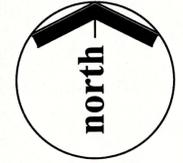
prepared for:
Pritchard Brothers, Inc.

Site Data

Total Site Area: 4,034.7 SF / 0.093 AC
Present Zoning: R-15
Proposed Zoning: RAD-Cond.

Subject Area to be rezoned and added to existing lot #5

24 Hour Contact: Frank Pritchard
Pritchard Brothers, Inc.
P.O. Box 2076
Kennesaw, GA 30144



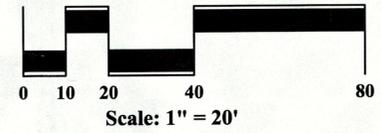
DGM May 11, 2007
LAND PLANNING CONSULTANTS



975 COBB PLACE
BLVD, SUITE 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491

Revisions:

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Notes:

1. Boundary survey provided by C&C Land Surveyors and topographic information taken from Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) #13051C0075, August 18, 1992, a portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. Stream and wetland classifications are to be determined.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.

SUBJECT AREA

Existing zoning: R-15
Proposed zoning:
RAD Conditional

