



Meeting Minutes - Final
City Council

Monday, May 21, 2018

7:00 PM

Council Chambers

Roll Call

Present: 7 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson and Councilmember Ron Fennel

Also Present: 11 - Tammi Saddler Jones, Scott Andrews, Jeffrey Tucker, Terri Graham, Lisa Ochoa, Kristin Robinson, Jered Sigmon, Russell Martin, Ken Suddreth, Dan Campbell and Ashley Youmans

Call to Order

Mayor A. Max Bacon called the meeting of the Mayor and Council to order at 7:00 PM.

1. Invocation and Pledge:

The Invocation and Pledge was conducted by Pastor Brian Downing of Oakdale Church of God located at 1631 Cooper Lake Road.

2. Agenda Changes:

There were no Agenda Changes.

3. Mayoral Report:

During the Mayoral Report, Mayor Bacon announced that the elections would be on tomorrow, May 22, 2018 from 7:00 AM to 7:00 PM and invited any candidates to come forward and introduce themselves. Mr. Alex Backry stated he will be running for the Ward 6 seat in the City of Smyrna.

A. Proclamation in Recognition of Memorial Day Poppy Weekend (May 25-28, 2018)

Sponsors: Welch

Mayor Bacon called on Councilmember Charles Welch to read the Proclamation in Recognition of Memorial Day Poppy Weekend (May 25 – 28, 2018). Mr. Welch presented the Proclamation to Ms. Barbara Magee of the American Legion.

Ms. Amy Loudermilk representing the Women’s Axillary of the American Legion Post 160 stated their organization would be out conducting Poppy distribution in the community at the Memorial on Monday.

B. Smyrna Citizens Academy Graduating Class Ceremony and Presentation of Certificates

City Administrator Tammi Saddler Jones and ICMA Management Fellow Ashley Youmans presented certificates to the first graduating class of the Smyrna Citizen's Academy.

Ms. Youmans stated the program consisted of 8 sessions that presented a behind the scenes look at the City Departments and Council and became knowledgeable on how to become engaged in the community. The following recipients completed the class: Jeff Carter, Katina Cunningham, Gladys Dancy, Britt Divani, Patty Farthing, Elesia Glover, Anna Humnicky, Patty Lawson, Thomas Lee, Mary Ellen, Leonard, Cedric Lumsden, Janice Lumsden, Jean Manki, Maggie McGarity, Jaquelina Michienzi, David Monroe, Paula Moon, Jessica Olson, Danette Richardson, Teresa Whatley, and Kathy Young.

Mayor Bacon asked if a spokesperson from the group would like to speak and if there was anything the class wanted to know about.

Ms. Kathy Young stated that the class enjoyed the program and deemed the information informative and planned to take the information and apply it. Ms. Young continued by saying that the City of Smyrna was a great place to live and the class was impressed with each session and the department heads enthusiasm. She stated that the class would be interested in becoming a part of one of the City's boards.

Mayor Bacon thanked the class and informed them that the Parks and Recreation Commission had openings.

4. Land Issues/Zonings/Annexations:

- A. **Public Hearing Only** - Zoning Request Z17-014 - Rezoning from NS & OI to MU-Conditional for the development of a mixed use project with 310 multi-family units, a hotel, 15,000 sq. ft. of retail space and 80,000 sq. ft. of office space - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Westplan Investors Acquisitions, LLC -

Sponsors: Norton

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background. Westplan Investors Acquisitions, LLC requested to annex and rezone the property at 2800 & 2810 Spring Road from Neighborhood Shopping (in Smyrna) and Office/Institutional (in Cobb County) to Mixed Use (MU) - Conditional for the development of a mixed use development consisting of a hotel, an office building, a retail/office building and a multi-family development. The zoning request was heard by the Planning and Zoning Board at the April 9, 2018 meeting and was recommended for denial by a vote of 6-0. Our Community Development staff recommended denial of the request. She stated Community Development Director, Ken Suddreth, would provide more detailed information.

Mayor Bacon announced the Public Hearing and no one came forward.

Mr. Ken Suddreth, Community Development Director, stated staff's recommendation for Zoning Request Z17-014 was a denial at the April 9, 2018 Planning and Zoning meeting. A portion of the site along Spring Road was within the city, while the office buildings near the back were in the county, which is why the applicant requested to annex and rezone the property. Future land uses of the site for the City of Smyrna and

Cobb County have been zoned as Regional Activity Center. The proposed plan for the site consisted of a multi-family section with 310 units, a six to twelve story hotel with underground parking, a two-story retail building, and a 80,000 square foot three to four-story office building. The site plan had two right in/right out access points on Spring Road and a full access driveway on Springhill Parkway. The site plan required multiple variances and did not meet the intent of the Spring Road Livable Centers Initiative.

Community Development recommended denial of the requested annexation and rezoning from NS & OI to MU-Conditional for the following reasons:

1. The proposed site plan did not meet the goals and intent of the Spring Road LCI Master Plan. Ten variances are requested of which staff and the Planning Commission only support four (4) of them. In general, the other six (6) variances deal with moving the buildings further off of Spring Road, eliminating the requirement for having a consistent building edge along a public sidewalk, allowing parking between the right-of-way and the retail building and hotel as well as reducing landscape widths along Spring Road.
2. As currently designed, the proposed uses within the site are isolated and independent of one another. The current design does not encourage the essential interactions between the uses to make a successful mixed use development due to building orientation, appearance, ease of pedestrian & traffic flow through the site and the site topography. In addition, the elevations that were submitted for this proposal do not actually reflect what is shown on the proposed site plan. The hotel sketch and the office photo appeared to be taken from another project and have not been adjusted to reflect actual site conditions. The retail building reflects an outdoor patio area in front of it which did not exist on the site plan.
3. This site was not master planned, but rather a collection of individual uses placed within the project. Although the applicant states that they will be the master developer, each proposed land use area will be sold to different owners who will also have a say into what the final product looks like and how it operates and functions. This along with the general design of the plan and the actual site topography increases the potential individuality of each product.
4. The ranges in the building height and number of rooms for the proposed hotel were not only different from those submitted for the DRI, but also provided such a wide option that at a minimum of two different types of hotels could possibly be developed. A six story, 140 room hotel would obviously be different in appearance and scale of services provided than a 12 story, 250 unit hotel. The LCI study suggested that "a select service type of establishment (somewhat upgraded from a conventional limited service hotel) would be possible in the study area. Community Development did not have enough information to determine what type of hotel is actually being proposed and as such could not be supportive.
5. The phasing of the project was also a concern. The first phase would be the proposed apartments and associated parking deck. What and when other phases occur was only tied to the issuance of a final certificate of occupancy for the apartments once a request for the issuance of development permits for the hotel, retail and office components are submitted to the City. However, the act of submitting for permits did not ensure that the permits would actually be issued nor any construction would take place.
6. The proposed plan presented concerns with respect to fire safety & accessibility,

as well as stormwater management (since no information was presented).

7. Finally, the proposed site design would negatively and permanently impact the city's opportunity to achieve the officially adopted LCI Master Plan. The opportunity costs associated with the approval of the development were significant with respect to future development south of Spring Road between Cobb Parkway and Cumberland Boulevard.

Councilmember Charles Welch inquired about the parking for the office space.

Mr. Suddreth stated nothing was referenced in the submission and staffed assumed underground parking would be made available.

Councilmember Susan Wilkinson asked what the acronym DRI stood for.

Mr. Suddreth explained that DRI stood for Development of Regional Impact which looked at the transportation issues.

Attorney Garvis Sams, representing Wesplan Acquisition LLC., and Mr. Rob Carter came forward to explain the rezoning and annexation. Mr. Sams implied that the development would assist in the expansion of the City's boundaries. His client purchased the property in May of 2017 for 7.2 million dollars after the former owner went into bankruptcy. An application for rezoning was submitted in July of 2017 that was tabled due to the City being obligated to go to the ARC and DRI. The study was completed and equally recommended by the ARC and DRI. Cobb County issued a letter of no objection and we received recommendation from Greta. Wesplan was informed that City of Smyrna needed to see maximum density. We proposed a single brand hotel which is the Marriott Flagship Hotel. The apartments would be Class A luxury apartments that would be highly dense with amenities. We have also proposed two pedestrian aerial lanes. Mr. Sams stated that his client has tried to hit as many markers as possible with the City's LCI plan. He also noted that the LCI is a study not a plan.

Councilmember Derrek Norton asked who had Wesplan partnered with.

Mr. Sams replied Mr. Jeff Fuqua.

A Public Hearing was held on proposed Zoning Request Z17-014. There was no vote taken.

B.

Approval of Ordinance 2017-10 - Annexation request (100% owners requesting annexation) - of all tracts of land lying and being in Land Lot 880 and 881, 17th District, 2nd Section, Cobb County, Georgia, a total of 5.9 acre tract, being known as 2800 and 2810 Spring Road, Smyrna, Georgia. Effective date June 1, 2018. The property would be part of Ward 1.

Sponsors: Norton

A motion was made by Councilmember Derek Norton to deny Ordinance 2017-10 Annexation request (100% of owners requesting annexation) for all tracts of land lying and being in Land Lot 880 and 881, in the 17th District, 2nd Section, Cobb County, Georgia, on a total of 5.9 acres tract, located at 2800 and 2810 Spring Road, Smyrna, Georgia, seconded by Councilmember Charles Welch.

The motion to deny carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

- C. Final Vote** - Zoning Request Z17-014 - Rezoning from NS & OI to MU-Conditional for the development of a mixed use project with 310 multi-family units, a hotel, 15,000 sq. ft. of retail space and 80,000 sq. ft. of office space - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Westplan Investors Acquisitions, LLC -

Sponsors: Norton

A motion was made by Councilmember Derek Norton to deny Zoning Request Z17-014 for the rezoning from NS and OI to MU-Conditional for the development of a mixed use project with 310 multi-family units, a hotel, 15,000 square feet of retail space and 80,000 square feet of office space on 8.7 Acres at Land Lots 880 & 881 located at 2800 & 2810 Spring Road by applicant Westplan Investors Acquisitions, LLC., seconded by Councilmember Andrea Blustein.

The motion to deny carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

- D. Public Hearing** - Zoning Request Z18-006 - Rezoning from OI to RM-12-Conditional for Twenty-three (23) townhomes at a density of 11.39 units per acre - 2.02 Acres - Land Lot 666 - 2881 and 2885 Elmwood Drive - The Woodbery Group, LLC

Sponsors: Blustein

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background.

The Woodbery Group, LLC has requested rezoning of the subject properties on the east side of Elmwood Drive from Office/Institutional (OI) to RM-12-Conditional for the development of a twenty-three (23) unit townhome subdivision at a density of 11.39 units per acre. The zoning request was heard by the Planning and Zoning Board at the April 9, 2018 meeting and was recommended for approval by a vote of 6-0 with conditions. Community Development recommended approval of the requested rezoning from OI to RM-12-Conditional with conditions. Ms. Saddler Jones stated Senior Planner, Rusty Martin, would provide more detail on this agenda item.

Mayor Bacon announced the Public Hearing and no one came forward.

Senior Planner Rusty Martin presented staff's recommendation for Zoning Request Z18-006. The subject property consisted of a vacant office park off of Elmwood Drive, behind Jonquil Sports. The applicant has proposed to demolish the existing structures and build 23 townhomes at a density of 11.39 units per acre which would change the zoning. The Future Land Use is Med-High Density Residential which would allow up to 10 units per acre. A Land Use Change to High Density Residential would be required. The applicant proposed a 20 foot wide rear entry townhome that would front on Elmwood Drive and a 24 foot wide unit with front entry on a private road. The applicant requested variances to the front, rear, and side setbacks. A gated entry was proposed, however, City Engineer and Fire Marshal would need to review the gate to ensure access would be appropriate for the sanitation and fire department vehicles. The

applicant proposed a 22 foot wide private access drive, with easements for water and sewer infrastructure.

Community Development recommended approval with the following conditions:

Standard Conditions

(Requirement #2, 8, 16 and 17 from Section 1201 of the Zoning Code is 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 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.*

7. *A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.*

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

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

10. *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".*

11. *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.*

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

13. *All yards and common areas are to be sodded, and landscaped. Irrigate as*

appropriate.

Special Conditions

14. *The development shall maintain the following setbacks:*

Front – 20' (from the existing Right-of-way)

Front – 15' for front porches, porticos, balconies & stoops

Side – 15' (10' for balconies)

Rear – 20' (15' for decks)

15. *The buildings within the development shall maintain the following building separations:*

Front to Rear– 50'

Side to Side – 30'

16. *Each townhome building shall be limited to no more than six units per building.*

17. *The proposed homes shall have a minimum floor area of 1,800 sq. ft.*

18. *Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.*

19. *Each home shall have a fire sprinkler system approved by the City's Fire Marshal.*

20. *The rear of the townhome units shall have architectural features that delineate the individual townhome units.*

21. *The developer shall provide a 5' sidewalk with a 2' grass buffer along Elmwood Drive for the length of the development and a 4' sidewalk within the development along the private street.*

22. *The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the northern and southern property lines.*

23. *The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.*

24. *The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.*

25. *The developer shall provide a 50' public access & utility easement over the private street for water and sanitary sewer services. All water and sanitary sewer mains must be located within this utility easement.*

26. *The developer shall provide a right-of-way dedication along Elmwood Drive to include the parallel parking and sidewalk as part of the right-of-way.*

27. *No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.*

28. *Trees shall be planted the entire length of Elmwood Drive at an average spacing of no more than 40'.*

29. *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.*

30. Approval of the subject property for the RM-12 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/2/2018 created by DGM Land Planning Consultants and all zoning stipulations above.

31. The applicant shall be bound to the elevations submitted and dated 3/9/2018. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

The additional stipulations were agreed upon by the applicant in the letter submitted and dated on March 28, 2018. If there should be a discrepancy between the stipulations in the March 28, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

Councilmember Andrea Blustein asked if there would be an HOA property, would there be parking at each location for guest and would a fire truck have room for access into the property.

Mr. Martin stated this would be an HOA property; parking would be on Elmwood Drive, within the development, and on the north end and the fire marshal approved the plan.

Mr. Garvis Sams, the attorney for the Woodbury and Providence Group, stated that the site is 2.02 acres. Mr. Sams requested to down zone from OI to RM-12. The price point of the townhomes would be \$380,000.00 to \$430,000.00 depending on upgrades. The subject property would predominately be surrounded by businesses and received support of the adjacent townhome development. The stipulation letter submitted with the application addressed many of the concerns the business community mentioned. The proposed units were 1950 square feet to 2250 square feet, and included a two car garage. Guest parking would be provided. Homes would be for sale only, and the HOA agreement would allow only 10 percent to be rented. The HOA would be formed with a third party management. HVAC units would be screened from view and developer would dedicate 10 feet of right-of-way along Elmwood to the City. The applicant agreed to all of staffs standards, stipulations and conditions along with self-imposed stipulations.

Councilmember Andrea Blustein inquired as to what material the frontage of the homes would consist of and have any been built in the Cobb area.

Mr. Sams explained the consistency was a combination of brick, stacked stone, hardy plank and a glass component.

Mr. Jeff Kingsfield, a partner of Mr. Woodbery stated they had built the Highpoint at Vinings and this would be the first townhome built in Smyrna.

Councilmember Andrea Blustein stated she is looking forward to the project.

Councilmember Ron Fennel thanked the company for bringing quality work to the City of Smyrna.

Councilmember Susan Wilkinson asked about the buffer and how would sanitation be handled.

Mr. Kingsville explained there would be individual trash cans.

Mr. Martin stated there would not be a buffer.

Councilmember Maryline Blackburn asked if the townhomes would be three stories.

Mr. Kingsville stated three and displayed a picture that would.

A motion was made by Councilmember Andrea Blustein to approve Zoning Request Z18-006 for the Rezoning from OI to RM-12-Conditional for Twenty-three (23) townhomes at a density of 11.39 units per acre on 2.02 Acres at Land Lot 666 located at 2881 and 2885 Elmwood Drive by applicant Woodbery Group, LLC, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

E. Public Hearing Only - Zoning Request Z18-003 - Rezoning from R-20 to RAD-Conditional for the development of 33 single-family homes at a density of 2.92 units per acre - 11.32 Acres - Land Lots 340, 341 & 380 - 3305 & 3311 Old Concord Road - CS Realty Group, LLC

Sponsors: Blackburn

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background.

CS Realty Group, LLC has requested an annexation and rezoning from R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of thirty-three (33) new single-family homes at a density of 2.92 units per acre. The proposed subdivision will be accessed from Old Concord Road via a new public street. The zoning request was heard by the Planning and Zoning Board at the April 9, 2018 meeting and was recommended for approval by a vote of 6-0. Community Development recommended approval of the rezoning from R-20 to RAD-Conditional with conditions.

Mayor Bacon announced the Public Hearing and no one came forward.

Mr. Rusty Martin, Senior Planner, presented staff recommendation for Zoning request Z18-003 and Annexation. The applicant would like to annex the proposed property located in unincorporated Cobb County to build 33 single family homes. The property was zoned R-20 in Cobb County, and the applicant requested rezoning to RAD-Conditional in the City of Smyrna. Future Land Use for this property in the County would be medium density residential and no land use change would be needed. The developer proposed a new road with a cul-de-sac. The applicant would preserve the encumbered stream buffers on the two sections of the property. The applicant would design the development to preserve the city's 50 foot undisturbed buffer. However; on a few lots, the applicant requested variances to allow encroachment into the 75 foot impervious setback. The applicant proposed to offset the encroachments by preserving more stream buffer elsewhere on site. The developer would be required by the City Engineer to provide the curb and gutter with a 5 foot sidewalk along Old Concord Road for the length of the subject property and to connect to Old Concord Lake Village. A 5 foot sidewalk with a 2 foot grass strip would be required along one side of the new public street within the development. In addition, the applicant proposed a deceleration lane at the entrance to the subdivision on Old Concord Road. The applicant requested four (4) setbacks and six (6) variances: reduction of lot size to 4,955 square feet, reduction of lot width to 50 feet, reduction of front setback to 20 feet, reduction of interior side setback to 5 feet, reduction of rear setback to 15 feet,

and encroachment into 75 ft. impervious surface area setback for lots 8, 9, 13-17.

Staff recommended approval with the following conditions:

Standard Conditions

(Requirements #2 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. *The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.*

8. *A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.*

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

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

11. *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".*

12. *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.

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

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

15. 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

16. The development shall maintain the following setbacks:

Front – 20', Exterior Side – 20' (Along Old Concord Road), Interior Side – 5', Rear – 15'

17. The development shall be developed with a minimum lot size of 4,955 square feet.

18. The lots shall be developed with a minimum lot width at the setback line of 50'.

19. The homes shall have a minimum floor area of 1,800 sq. ft.

20. The maximum allowable lot coverage for the property shall be limited to 45%.

21. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.

22. The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the City of Smyrna Public Works Director and Cobb County Water System.

23. The developer shall install a 5' sidewalk with a 2' grass buffer along Old Concord Road for the length of the property. This sidewalk shall be connected to the existing sidewalk to the south in front of the Concord Lake Village subdivision.

24. The developer shall install curb and gutter along Old Concord Road.

25. The developer shall provide a right-of-way dedication along Old Concord Road for the installation of a deceleration lane and sidewalk.

26. The developer shall provide a 30' Drainage, Access & Maintenance Easement along the dam on the adjoining property to the south as reflected on the site plan.

27. All trees within the limits of disturbance that are scheduled to be preserve shall be protected according to the City's Tree Ordinance. All other trees within the limits of disturbance shall be removed.

28. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facility shall be solely located on the HOA's property and shall be maintained by the HOA.

29. Mitigation of the ±1,941 square foot encroachment into the 75' impervious surface area stream buffer setback must be provided at a rate of 1:1 elsewhere on site along the same stream. A separate mitigation site plan must be submitted for approval prior to issuance of a land disturbance permit.

30. *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 3/6/2018 created by Dovetail Civil Design, Inc...*

31. *The applicant shall be bound to the elevations submitted and dated 3/6/2018. Approval of any change to the elevations must be obtained from the Director of Community Development. Councilmember Susan Wilkinson asked if the property would require a future land use change.*

Mr. Martin stated rezoning would be tied to the site plan.

Mr. Kevin Moore, attorney for the applicant, gave an overview of the request. Mr. Moore emphasized that the proposed Land Use would allow higher density than what they had proposed, and the applicant would continue with trends of nearby developments and build detached single family homes in the lower density range. Mr. Moore highlighted that the majority of the stream buffer would be undisturbed and would remain in protection under HOA. Mr. Moore maintained that the requested variances were necessary due to constraints of the site, and location of stream buffers on the site. Mr. Moore also noted that the original proposal contained over 40 homes, however the current proposal was reduced to 33 single family detached homes. Mr. Moore concluded by stating his client was in agreement with all of staffs proposed conditions and recommendations.

Councilmember Ron Fennel inquired of the price point for the homes.

Mr. Moore stated the cost would be in the \$500's.

Councilmember Maryline Blackburn inquired if the sidewalk size would change to 7 feet and connect to Concord.

Mr. Moore stated yes they have agreed to do an expanded sidewalk and the unpaved parcel would also be paved for connectivity and avoidance of a gap.

Mayor Bacon asked if the sidewalk would connect to an existing 7 foot sidewalk and if there was a sidewalk below the property.

Mr. Moore stated the existing sidewalk was 5 feet and there were no sidewalks until reaching the intersection of Church Road.

Mayor Bacon stated he didn't understand the need to change the sidewalk size and that the price could be cost prohibited.

Mr. Moore stated this was a request made for the 7 foot sidewalk.

Mr. Martin stated there was a 5 foot sidewalk from Old Concord to the Northside of Concord Lake Village.

Councilmember Charles Welch asked would the sidewalk tie into another one?

Mr. Moore said it would, but only on the right of way.

Councilmember Ron Fennel thanked Mr. Moore for trying to accommodate the request to connect the sidewalks. Mr. Fennel also suggested a sidewalk bank that allowed developers to contribute to a bank that would connect and complete sidewalks.

Councilmember Susan Wilkinson thanked Mr. Moore and Community Development for changing the density and wanted to know if the future land use could show moderate density.

Mr. Martin stated this could not happen at the time because advertisement for the change had not been done.

A Public Hearing was held for proposed Zoning Request Z18-003. There was no vote taken.

- F.** Approval of Ordinance 2018-02 for Annexation (100% owners requesting annexation) - all tracts of land lying and being in Land Lots 340, 341, and 380, 17th District, 2nd Section, Cobb County, Georgia - a total of 11.3 acre tract, being known as 3305 and 3311 Old Concord Road, Smyrna GA 30082. The annexation of this tract of property will be effective June 1, 2018 and become part of Ward 3.

Sponsors: Blackburn

A motion was made by Councilmember Maryline Blackburn to approve Ordinance 2018-02 (100% owners requesting annexation) for all tracts of land lying and being in Land Lots 340, 341, and 380, 17th District, 2nd Section, Cobb County, Georgia on a total of 11.3 acre tract, being known as 3305 and 3311 Old Concord Road, Smyrna GA 30082 with an effective date of June 1, 2018 and would become part of Ward 3, seconded by Councilmember Charles Welch.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

- G.** **Final Vote** - Zoning Request Z18-003 - Rezoning from R-20 to RAD-Conditional for the development of 33 single-family homes at a density of 2.92 units per acre - 11.32 Acres - Land Lots 340, 341 & 380 - 3305 & 3311 Old Concord Road - CS Realty Group, LLC

Sponsors: Blackburn

A motion was made by Councilmember Maryline Blackburn to approve Zoning Request Z18-003 for the Rezoning from R-20 to RAD-Conditional for the development of 33 single-family homes at a density of 2.92 units per acre on 11.32 Acres at Land Lots 340, 341 & 380 located at 3305 & 3311 Old Concord Road by applicant CS Realty Group, LLC, seconded by Councilmember Susan Wilkinson.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

- H.** **Public Hearing** - V18-041 - Plat approval with variances for two residential lots - 0.819 acres - Land Lot 527 - 1300 Hayes Drive - JW Hall Custom Building

Sponsors: Fennel

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background.

JW Hall Custom Building requested approval to replat and reconfigure the existing two residential lots at 1300 Hayes Drive into 2 new single family residential lots. The subject property was currently comprised of two lots of record with one lot fronting on Hayes Drive and another lot being landlocked behind the first one. The Planning and Zoning Board recommended approval by a vote of 6-0 on May 14, 2018. Community Development has reviewed the proposed reconfiguration and replatting against the requirements of the R-15 zoning district. Community Development recommended approval of the requested reconfiguration and replatting of 1300 Hayes Drive.

Mayor Bacon announced the Public Hearing and no one came forward.

The applicant Josh Hall stated he had two (2) properties adjacent to this one that were under development, and this request was almost identical to the approved request made in February 2018 for 1272 Hayes Drive. This project would fit in with the development already in progress and be a bookend to that development. The price point for the homes would be on the higher end of \$700 to \$800 thousand with deep lots to make that would be added to the community of eight (8) homes.

A motion was made by Councilmember Ron Fennel to approve item V18-041 for a Plat approval with variances for two residential lots on 0.819 acres at Land Lot 527 located at 1300 Hayes Drive by applicant JW Hall Custom Building, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

I. Public Hearing - V18-040 - Plat approval with variances for two residential lots - 0.819 acres - Land Lot 487 - 1114 Church Street - PM Builders

Sponsors: Blackburn

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background.

PM Builders requested approval to divide an existing lot into two residential lots for two single family homes at 1114 Church Street. The subject property is currently comprised of one lot of record fronting on Church Street. In 1913, the same property was platted as two lots within the Reid and Walker Subdivision. The applicant wished to revert back to the two lot configuration. Planning and Zoning Board recommended approval by a vote of 6-0 on May 14, 2018. Community Development reviewed the proposed reconfiguration and replatting against the requirements of the R-15 zoning district. Community Development recommended approval of the requested reconfiguration and replatting of 1114 Church Street.

Mayor Bacon announced the Public Hearing and no one came forward.

Mr. Brad Thompson stated the request was similar to the one brought before Council about sixty (60) days ago that is located to the West of this one. The property had a duplex that Mr. Thompson would like to separate and build an additional home.

Boardmember Ron Fennel asked what the value of the home would be.

Mr. Thompson stated it would be in the \$400,000.00

Councilmember Maryline Blackburn asked Senior Planner Rusty Martin if he had any comments.

Mr. Martin stated there were two (2) Variances associated with this request that staff supported:

1. Reduction in the minimum lot width at the setback line from 85' to 49.71'
2. Reduction of the minimum side setback from 10' to 5'

Ms. Blackburn asked Mr. Thompson if he would be willing to include 5 feet of the right of way for the dedication of a Church Street Project.

Mr. Thompson stated he would.

A motion was made by Councilmember Maryline Blackburn to approve item V18-040 for a Plat approval with variances for two residential lots on 0.819 acres at Land Lot 487 located at 1114 Church Street by applicant PM Builders, seconded by Councilmember Charles Welch.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

A. **Public Hearing:** First Public Hearing for the FY 2019 Proposed Budget

Sponsors: Fennel

Mayor Bacon asked City Administrator Tammi Saddler Jones to give the background.

Per the adoption of the proposed Fiscal Year 2019 annual budget, there will be public hearings. This is the first public hearing. Kristen Robinson our Finance Director and Jered Sigmon our Budget Officer are here to give the presentation on the proposed budget. The total budget, as proposed, is \$92,058,289. There will be another public meeting on Wednesday, May 23 from 12:00-1:00 p.m. here in the Council Chambers. The budget is scheduled for adoption on Monday, June 18th.

Councilmember Ron Fennel stated that the schedule for the upcoming meetings and any documents that have been made publically available could be found on the City of Smyrna's website. He also expressed that the budget is a process and the presentation would be what was felt to be the best outcome after hours of work. Mr. Fennel also expressed that the Council was proud to hold a consistent Triple A Bond rating and felt that Smyrna taxpayers could look with pride at how the resources have been managed.

Finance Director Kristen Robinson and Budget Officer Jered Sigmon compared the

2018 Revised Budget to the Proposed 2019. Mr. Sigmon stated the proposed 2019 budget is very much in line with what was adopted last year. He added that the general fund did balance and funds would be transferred to reserves based on the revenues and expenditures. He also explained that our funds were derived through different sources, from property taxes to miscellaneous. The general fund would continue to be funded with the same low mileage rate of 8.99 mills since 2007. E-911 fees collected from phone companies help to fund the cost needed to operate the 911 center. Hotel Motel funds have been anticipated to be up by 9%. Water and Sewer is expected to outpace the expenditures by 2 million dollars. Plans to complete recommended projects with the use of the CIP Funds (Capital Improvement Plan) have been added to the 2019 Proposed Budget. Mr. Sigmon stated infrastructure and drainage projects have been budgeted in the Enterprise Fund. Vehicle replacement and additions have also been included in the CIP.

Ms. Robinson stated that the City's debt was \$55,001,785.00 and 2010 Series Revenue Bonds were paid off in the 2018 budget. \$4,271,742.00 in debt should be paid off in the 2019 Budget along with \$142,878.00 capital lease payment have been scheduled. Eleven new positions have been added to the 2019 Proposed Budget as well as other personnel request. Ms. Robinson added that the City planned to do a Transit Feasibility study, museum renovation, Annexation Study, Organizational Analysis, and would take on the mowing maintenance of Smyrna athletic fields and preservation of two cemeteries which would reflect in the 2019 proposed Budget. Finance Director Kristen Robinson informed the audience that the budget book could be accessed on the City website at www.SmyrnaCity.com and hard copies would be available at the library and the City Clerk's office. The Budget Adoption Schedule meetings have been scheduled for the following dates:

- Monday, May 21 Formal budget presentation and public hearing at regular Council meeting.
- Wednesday, May 23 12:00 Noon to 1:00 PM public hearing at Council Chambers in City Hall.
- Monday, June 18 Adoption of budget at regular Council meeting.

Mayor Bacon announced the Public Hearing and no one came forward.

Councilmember Ron Fennel expressed his gratitude to the Finance team and how honored he was to be a part of the Council. He also extended the invitation to the public for the future Finance meetings and public comments.

A Public Hearing was held for the proposed FY 2019 Budget presented by Finance Director Kristen Robinson and Budget Officer Jered Sigmon. There was no vote taken.

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

A motion was made by Councilmember Charles Welch to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones, seconded by Councilmember Derek Norton.

The motion to approve carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson and Councilmember Fennel

A. Approval of the May 7, 2018 Mayor and Council Meeting Minutes

Sponsors: City Council

B. Approval to close Parkwood Road between Bank Street and Pinehill Drive Sunday, June 10, 2018 between 3:00 PM - 6:00 PM for a Neighborhood Block Party - organizer Kamma Manion. Subject to the Police Department approving application.

Sponsors: Wilkinson

9. Committee Reports:

Councilmember Derek Norton thanked all of the participants of the Citizen's Academy and the staff that participated and conducted the sessions.

Councilmember Andrea Blustein wished everyone a Happy Memorial Weekend.

Councilmember Maryline Blackburn attended the Campbell High White Out this weekend and the We Will Remember Night mental health awareness candle light ceremony at Fire Station 1. Ms. Blackburn stated she invited Ms. Jaylen Taylor, a recent High school graduate to attend tonight's meeting and she did.

Councilmember Charles Welch invited everyone to come out to the Memorial Day ceremony at 9:30 Am in downtown Smyrna.

Councilmember Susan Wilkinson announced that construction started on Windy Hill Road for the relocation of the ATT&T duct relocation. The construction would start at Atlanta Road to South Cobb Drive in 1000 foot sections. It is hoped that the project would be completed by the beginning of school. Work hours and days would be adjusted accordingly. Ms. Wilkinson stated the Library's summer reading program theme would be music and there would be lots of sound and musical themed activities, books and events. More information could be found on Smyrna-library.com website for more information. The Memorial Day at the Memorial Park would be held on Monday at 9:30 AM. Ms. Wilkinson also wanted to encourage everyone to vote.

Councilmember Ron Fennel reminded everyone to drive safely and cautiously during the summer break and he congratulated all the graduates. The May issue of Georgia Trend Magazine featured the number two employer and CEO, Smyrna based United Distributors as the 2018 Most Respected Business Owner.

Assistant City Administrator Scott Andrews announced Citizens with Disabilities would meet on tomorrow, May 22, 2018 at 6:00 PM at the Community Center.

City Clerk Terri Graham announced the special election for Ward 6 and the precinct would be at Campbell Middle School. She also added that the primary elections were taking place and all precincts would be open.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Mayor Bacon called for Citizen Input and there was no one.

12. Adjournment:

Mayor Bacon adjourned the meeting of the Mayor and Council at 9:50 PM.