

January 19, 2010

The regular scheduled meeting of Mayor and Council was held at Smyrna City Hall. The meeting was called to order by presiding officer Mayor Pro Tem Wade S. Lnenicka at 7:30 o'clock p.m. All council members were present except Mayor Bacon. Also present were City Administrator Eric Taylor, City Clerk Susan Hiott, Acting City Attorney Jeffrey Tucker, Public Works Director Scott Stokes, Library Director Michael Seigler, Keep Smyrna Beautiful Director Ann Kirk, Community Development Director Ken Suddreth, Police Chief Stan Hook, Community Relations Director Jennifer Bennett, Parks and Recreation Director Steve Ciaccio, Fire Chief Jason Lanyon, Finance Director David Boyd, Human Resources Director Kay Bruner, Management Fellow Jered Sigmon, Assistant City Administrator Tammi Saddler, Budget Officer Monica Jones, Planner Rusty Martin and representatives of the press.

Invocation was given by Pastor Jim Moon of Crosspoint Presbyterian Church, followed by the pledge to the flag. Pastor Moon provided details to those present concerning community outreach activities being conducted by the church.

Mayor Pro Tem Lnenicka stated Mayor Bacon and Mr. Cochran will not be present this evening.

AGENDA CHANGES:

There were none.

MAYOR'S REPORT:

(A) Presentation of Character Education Word with Belmont Hills Elementary

Mayor Pro Tem Lnenicka recognized Principal Terry Floyd, Mr. Jonathan Tabb and students from Belmont Hills Elementary School, and the students conducted this month's character education word presentation. Mayor Pro Tem Lnenicka thanked Principal Floyd and the school staff for their efforts and encouraged the students to continue to study diligently.

(B) Presentation by SuperSmyrna

Mayor Pro Tem Lnenicka recognized Mr. Jim Duelmer, who provided details to those present concerning the new community service initiative known as SuperSmyrna. Mr. Duelmer introduced Messrs. Russ Lutterbie, Alan Wilgus, Narayan Sengupta and Jay Treadwell to those present. Mr. Sengupta provided additional information about projects already undertaken and those being planned. Council Member McNabb this is another example of the type of community spirit which exists in the City, and thanked the SuperSmyrna representatives for their interest in helping others.

LAND ISSUES/ZONINGS/ANNEXATIONS:

- (A) Public Hearing - Rezoning Request Z09-008 - General Commercial to General Commercial -Conditional -20.316 acre tract - Land Lots 379, 380 and 418 - 3218, 3240 and 3282 South Cobb Drive - Tri-Land Properties, Inc.

Mr. Taylor stated the applicant seeks rezoning of the subject tract for redevelopment of The Crossings shopping center. Mr. Taylor stated the Planning and Zoning Board (PZB) and staff support this request.

Council Member McNabb recognized Mr. Suddreth, who provided details to those present concerning the proposed redevelopment. Mr. Suddreth stated adjustments have been made to the plans for this property during the review process. Mr. Suddreth stated that some existing structures on the site would be demolished. Mr. Suddreth stated the proposed plan calls for reduction in the number of parking spaces, minimum lot areas, the distance of front setbacks for outparcels, buffer area, building separation distance and minimum curb cuts. Mr. Suddreth stated the permitted number of signs will include two tall monument signs and two smaller ones, along with some low-wall monument signs and other smaller signs. Mr. Suddreth stated approval of the rezoning is conditioned upon a number of conditions, and Mr. Suddreth provided details regarding these stipulations.

Council Member McNabb recognized Mr. Garvis Sams, an attorney representing the applicant, and Mr. Sams introduced Messrs. Hugh Robinson and Glenn Johnson from Tri-Land Properties (TLP), and Mr. Tim McNamara representing Kroger. Mr. Sams stated TLP acquired the property a few years back, and that this project has been in the planning stage for about three years. Mr. Sams stated TLP has taken steps to make certain that traffic in the subject area is efficiently channeled. Mr. Sams stated the present is an opportune time for the proposed redevelopment, and that the new construction is expected to have a positive impact on the surrounding area. Mr. Sams commented favorably about Council Member McNabb's level of involvement in this project. Mr. Sams indicated that the plan before the present officials is a synthesis of input from various sources. Mr. Sams recapitulated the significant points of the proposed redevelopment. Mr. Sams stated the parking plan for this project will be configured in a way which will depart from the monotonous asphalt plain often seen at shopping centers. Mr. Sams asked the present officials to consider this proposal favorably.

Mayor Pro Tem Lnenicka announced that Council Member Smith must leave the meeting early to attend to an emergency.

At Council Member McNabb's request, Mr. Sams explained the general flow of vehicular traffic called for under the proposed plan and provided additional information regarding signs. Mr. Johnson provided information concerning the dimensions of some of the planned structures.

Mayor Pro Tem Lnenicka stated this is a public hearing and asked for public comment, and the oath was administered to several persons by Mr. Tucker.

Mayor Pro Tem Lnenicka recognized Ms. Linda Randolph, and Ms. Randolph commented favorably about the level of cooperation she has encountered from TLP. Ms. Randolph asked about the distance of the proposed parking lot from her property line, and Mr. Suddreth stated it will remain unchanged. Ms. Randolph asked about the dimensions of building 1B, and a representative from TLP advised the building will be about 22' tall. Ms. Randolph expressed concerns about use of Leland Cypress plants.

Mayor Pro Tem Lnenicka recognized Ms. Sandra Hughes, and Ms. Hughes asked if the contours of the subject property will be raised, and Mr. Sams said the referenced part of the site may be raised as much as 10.' Ms. Hughes asked about positioning of signs, and Mr. Sams provided information concerning proposed orientation of signs.

Mayor Pro Tem Lnenicka recognized Mr. Wilson Brant, and Mr. Brant expressed concerns about large-scale construction, safety, noise, security and the state of the construction of a Publix store in the City.

Council Member McNabb expressed the view that the intensity of work at the subject location has been scaled back from what was originally proposed. Mr. Sams provided details concerning the renovation process and safety and security measures to be put in place by the contractor. Mr. Sams provided details concerning steps to be taken to buffer the subject property from adjacent residences.

Mr. Brant stated his house is close to the subject property, and disputed what he considers representation to the effect that there is a forest buffer there. Mr. Brant expressed the view that a privacy fence should be installed near his house.

At Council Member McNabb's request, Mr. Sams provided details concerning steps to be taken to buffer the subject property from adjacent residences. Mr. Brant stated he does not believe a row of trees is a sufficient barrier. Mr. Brant expressed fears of trespassing on his property, and stated he thinks a fence up to 12' in height would be a better screen.

Mayor Pro Tem Lnenicka recognized Mr. Mish (phonetic), who thanked Council Member McNabb for his diligence in reviewing the plans for the subject property.

Mayor Pro Tem Lnenicka assured the residents that the present officials are diligent in their efforts to protect their interests, and that the City's professional staff will be overseeing this project during all phases of construction.

Council Member McNabb reviewed various points of the stipulations with Mr. Sams. Mr. Sams stated stipulation 14 is construed in such a way to recognize that Kroger is one property owner for part of the site and TLC is another. Mayor Pro Tem Lnenicka asked Mr. Sams if the stipulations as discussed and amended are acceptable to TLP, and Mr. Sams answered in the affirmative. At Council Member McNabb's request, Mr. Robinson provided details concerning an anticipated timetable for construction.

MOTION: Council Member McNabb made a motion to approve Rezoning Request Z09-008 from General Commercial to General Commercial - Conditional for a 20.316 acre tract in Land Lots 379, 380 and 418 at 3218, 3240 and 3282 South Cobb Drive for Tri-Land Properties, Inc. subject to stipulations as formulated by staff and agreed upon by the applicant to include stipulation #23 as follows:

The developer shall be responsible for any on-site traffic improvements deemed necessary by the city engineer during construction plan review to improve traffic circulation and movement through the Concord Road entrance.

The motion was seconded by Council Member Pritchett. Council Member Newcomb commented favorably on the applicant's cooperation and Council Member McNabb's diligence and leadership in the process of creating an acceptable plan for the subject property. Mayor Pro Tem Lnenicka expressed hope that this project will generate impetus for redevelopment in the surrounding area. Mayor Pro Tem Lnenicka thanked Messrs. Robinson, Johnson, McNamara, Suddreth, Martin, Sams and McNabb for their efforts in making this project a reality. Mayor Pro Tem Lnenicka encouraged local residents to shop in Smyrna. Mayor Pro Tem Lnenicka stated he would vote for this measure if he was voting this evening. Mayor Pro Tem Lnenicka expressed dissatisfaction with the lighting at the existing Kroger location and expressed the view that lighting at the new Kroger store should be improved. Motion was approved 5 - 0. (Clerk's note: stipulations are appended hereto; Council Member Smith departed the meeting before this vote)

3AFT
10-29-09

