



Meeting Minutes - Final  
Planning and Zoning Commission

Monday, May 13, 2019

6:00 PM

Council Chambers

1. **Roll Call**

**Present:** 8 - Joel Powell, Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington, David Monroe and Michael Seagraves

**Also Present:** 5 - Ken Suddreth, Russell Martin, Joey Staubes, Caitlin Crowe and Tina Monaghan

2. **Call to Order**

Chairman Joel Powell called the May 13, 2019 Planning and Zoning Commission meeting to order at 6:03 PM.

3. **Business**

A. **2019-90**

**Public Hearing** - Zoning Request Z19-003 - Rezoning from GC to RM-12-Conditional for 108 townhome units at a density of 8.64 units per acre - 12.495 Acres - Land Lots 845 and 846 - 3110 Sports Avenue - Lennar Homes

**Sponsors:** Norton and Bartlett

Boardmember David Monroe made a motion to table Zoning Request Z19-003 - Rezoning from GC to RM-12-Conditional for 108 townhome units at a density of 8.64 units per acre - 12.495 Acres - Land Lots 845 and 846 - 3110 Sports Avenue - Lennar Homes until the June 10, 2019 Planning and Zoning meeting at the request of the applicant. Boardmember Michael Seagraves seconded the motion to table.

The motion to table to the June 10, 2019 Planning and Zoning meeting was carried by the following vote:

**Aye:** 7 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington, David Monroe and Michael Seagraves

B. **2019-166**

**Public Hearing** - Approval of subdivision plat for five lots with variances - 2.4 Acres - Land Lot 384 - 3813 North Cooper Lake Road - Charles A. Welch

**Sponsors:** Welch and Rice

*Mr. Rusty Martin, Senior Planner, presented staff recommendation for plat approval. The request is to be heard by Mayor and Council on May 20, 2019. The site is currently zoned R-15 with a single-family house and accessory structure on the property. The applicant is proposing 5 lots which will adhere to the R-15 zoning standards. A portion of the property will also be consolidated into 870 Austin Dr.*

The applicant is requesting two variances:

1. Reduction in the undisturbed stream buffer from 50' to 25'; and
2. Reduction of the minimum side setback from 10' to 9' for the existing accessory building.

Staff are supportive of both variances and recommend approval.

Chairman Powell asked the representative for the applicant, to provide an overview of the request. Attorney Kevin Moore came forward on behalf of the applicant, Charles Welch. Mr. Moore said that it is a 2.4-acre tract that meets all R-15 requirements. Mr. Moore clarified that Mr. Welch could not be in the chambers during the meeting due to his current position as a councilmember.

Board member Harrington asked about the square footage of the accessory building. Mr. Moore estimated that it is about 1200-1500 sq ft.

Chairman Powell opened the floor for Public Hearing.

Kay Clapper- Plumcrest Rd- said she is in opposition due to the trees and the intrinsic beauty of the lot.

Lucy Woolry- Austin Dr- said she was neutral towards the project but wanted clarification due to traffic and safety on the road. Mr. Martin responded that he would pass her comments along to the City Engineer.

Chairman Powell closed the Public Hearing.

Boardmember Earl Rice made a motion to approve subdivision plat for five lots with variances - 2.4 Acres - Land Lot 384 - 3813 North Cooper Lake Road - Charles A. Welch with a second by Boardmember Tom Bartlett.

The motion to approve was carried by the following vote:

**Aye:** 7 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington, David Monroe and Michael Seagraves

C. [2019-168](#)

**Public Hearing** - Zoning Request Z19-010 - Rezoning from R-20 to R-15-Conditional for three single-family homes at a density of 2.93 units per acre - 1.0245 Acres - Land Lot 466 - 990 Pebblebrook Road - Palladian Land, LLC

**Sponsors:** Monroe and Fennel

Mr. Rusty Martin, Senior Planner, presented staff recommendation for the zoning request. The request is to be heard by Mayor and Council on June 17, 2019. The applicant is requesting to rezone the property from R-20 to R-15-Conditional for 3 new single family homes off of Pebblebrook Rd with side-entry garages. No land use map change is needed.

The applicant is requesting two variances:

1. Reduce the minimum lot area from 15,000 sq. ft. to 14,620 sq. ft. on lot #3; and
2. Reduction of minimum driveway setback from 5' to 1'.

Staff are supportive of both variances.

Staff recommends approval with the following conditions:

*Standard Conditions*

*(Requirements #2, 4, 8, 9, 10, 12 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 percent hardy plank siding. The residences along 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 retention 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 ten percent reduction in a 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.*

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

7. *The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.*

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

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

10. *Each individual lot shall have three four-inch caliper trees replanted per lot. 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*

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

- a. *Front – 40'*
- b. *Side – 10'*
- c. *Rear – 30'*

12. *The minimum lot size for lot #3 shall be 14,620 sq. ft..*

- 13. *The minimum driveway setback shall be 1'.*
- 14. *The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
- 15. *The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.*
- 16. *The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
- 17. *The developer shall be responsible for any improvements deemed necessary by the City Engineer to correct the sight line issue down Pebblebrook Road.*
- 18. *The developer shall provide a 5' sidewalk and a 2' grass buffer along Pebblebrook Road for the length of the development.*
- 19. *The stormwater detention facility shall be located on a separate lot of record and shall be owned and maintained by the HOA.*
- 20. *Approval of the subject property for the R-15-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/12/2019 and created by Paul Lee Consulting Engineering Associates, Inc. and all zoning stipulations above.*
- 21. *The applicant shall be bound to the elevations submitted on 4/12/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.*

*Chairman Powell asked the applicant to provide an overview of the request. Paul Murratt of Palladian Land, LLC asked Mr. Martin to clarify the detention facilities requested by the City Engineer.*

*Chairman Powell opened the floor for Public Hearing and no one came forward.*

Boardmember David Monroe made a motion to approve Zoning Request Z19-010 - Rezoning from R-20 to R-15-Conditional for three single-family homes at a density of 2.93 units per acre - 1.0245 Acres - Land Lot 466 - 990 Pebblebrook Road - Palladian Land, LLC with the understanding that staff get with the applicant before the Mayor and Council meeting to resolve the stormwater detention issue. Boardmember Cheri Harrington seconded the motion to approve.

The motion to approve was carried by the following vote:

**Aye:** 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

**Nay:** 1 - Michael Seagraves

**D. [2019-170](#)**

**Public Hearing** - Zoning Request Z19-009 - Rezoning from LI to MU for the use of the property as residence and an antique restoration business - 1.22 Acres - Land Lot 492 - 2201 Dixie Avenue - Gordon and Deanie Brans

**Sponsors:** Blackburn and Bye

Mr. Rusty Martin, Senior Planner, presented staff recommendation for the zoning request. The request is to be heard by Mayor and Council on June 17, 2019. There is currently a single-family home and accessory structure on the property, with the structure being used for an antique restoration business. No land use map change is needed.

The applicant is requesting two variances:

1. An increase in the fence height from 4' to 6' for a fence in the front yard per Section 501.10 of the Zoning Ordinance; and
2. The use of gravel as a parking surface, as opposed to a paved surface per Section 901.3 of the Zoning Ordinance.

Staff are supportive of both variances.

Staff recommends approval with the following conditions:

*Standard Conditions*

(Requirements #1, 2, 3, 4, 5, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable)

1. All utilities within the development shall be underground.
2. 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.
3. No debris may be buried on any lot or common area.
4. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

*Special Conditions*

7. The development shall maintain the following setbacks:
  - a. Front – 0'
  - b. Side – 0'
  - c. Rear – 20'
  - d. Building Separation – 20'
8. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
9. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.
10. The developer shall provide a 10' right-of-way dedication along both Dixie Avenue

and Davis Road.

11. The developer shall be permitted to use gravel for the parking area.

12. The developer shall be permitted to construct a 6' iron/wood fence with masonry columns in place of the existing chain link fence along Dixie Avenue and Davis Road provided the fence does not impede sight distances on Dixie Avenue. The City Engineer shall review the location of any fencing.

13. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/12/2019 and created by Patrick F. Carey and all zoning stipulations above.

14. The applicant shall be bound to the elevations submitted on 4/12/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.

Chairman Powell asked the applicant to provide an overview of the request. Gordon and Deanie Brans came up and elaborated that the goal was to refurbish the house to rent it out and perhaps live in it down the road.

Chairman Powell opened the floor for Public Hearing and no one came forward to speak.

Boardmember Monty Bye made a motion to approve Zoning Request Z19-009 - Rezoning from LI to MU for the use of the property as residence and an antique restoration business - 1.22 Acres - Land Lot 492 - 2201 Dixie Avenue - Gordon and Deanie Brans. Boardmember Leslie Lightfoot seconded the motion to approve.

The motion to approve was carried by the following vote:

**Aye:** 7 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington, David Monroe and Michael Seagraves

**4. Approval of Minutes:**

**A. [2019-174](#) Approval of the April 8, 2019 Planning and Zoning Commission Meeting Minutes.**

Boardmember David Monroe made a motion to approve the April 8, 2019 Planning and Zoning Commission Meeting Minutes with a second by Boardmember Michael Seagraves.

The motion to approve was carried by the following vote:

**Aye:** 7 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington, David Monroe and Michael Seagraves

**5. Adjournment**

Chairman Powell congratulated Community Development Director Ken Suddreth on his impending retirement.

Chairman Powell adjourned the May 13, 2019 Planning and Zoning Commission meeting at 7:01 PM.