



# City of Smyrna

2800 King Street  
Smyrna, GA 30080  
[www.smyrnacity.com](http://www.smyrnacity.com)

## Meeting Minutes - Final Planning and Zoning Commission

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Monday, July 13, 2015

6:00 PM

Council Chambers

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### Rollcall

**Present** 9 - Chair Person Joel Powell, Board Member Dale Holmes, Board Member Steve Kemp, Board Member Ed Whittington, Board Member Denny Campo, Board Member Ron Roberts, Board Member Leslie Lightfoot, Board Member Michael Seagraves, and Board Member Earl Rice

**Also Present** 5 - Eric Randall, Russell Martin, Ken Suddreth, Joey Staubes, and Heather Corn

#### 1. Call To Order

*The July 13, 2015 meeting of the Planning and Zoning Board was called to order at 6:00 PM by Chairman Joel Powell.*

#### 2. 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 zoning request is to be tabled to the September 14, 2015 Planning and Zoning Board meeting at the request of the applicant.

Sponsors: Anulewicz and Kemp

A motion was made by Boardmember Steve Kemp to table until the August 10, 2015 Planning and Zoning Board Meeting at the request of the applicant 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 on Land Lot 592 located at 1514 Hawthorne Avenue by applicant Tuley & Tuley, Inc.; seconded by Boardmember Ed Whittington. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**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 zoning request is to be tabled to the September 14, 2015 Planning and Zoning Board meeting at the request of the applicant.

Sponsors: Fennel

A motion was made by Boardmember Earl Rice to table until the August 10, 2015 Planning and Zoning Board Meeting at the request of the applicant item 2015-169 for an annexation & zoning request (Z15-004) for a rezoning from R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of seventeen townhomes located at 980 & 990 Pebblebrook Road by applicant Jesse N. Maxwell, Jr.; seconded by Boardmember Denny Campo. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**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 zoning request is to be tabled to the September 14, 2015 Planning and Zoning Board meeting at the request of the applicant.

**Sponsors:** Rice and Fennel

A motion was made by Boardmember Earl Rice to table until the August 10, 2015 Planning and Zoning Board Meeting at the request of the applicant item 2015-194 for a zoning request (Z15-012) for an annexation, rezoning and zoning amendment for the construction of a 250 unit independent senior housing development on a 4.8 Acre Tract on Land Lot 691 located at 4840 & 4788 Hanson Drive by applicant Creekside Village Development Group, Inc.; seconded by Boardmember Michael Seagraves. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**E.** Public Hearing - Zoning Request Z15-015 - Approval of a zoning amendment to modify the currently approved site plan and building elevations - 1.61 Acres - Land Lot 634 - 1680 Roswell Street - Christopher & Yvonne Ogbuefi

**Sponsors:** Kemp and Anulewicz

A motion was made by Boardmember Steve Kemp to table until the August 10, 2015 Planning and Zoning Board Meeting at the request of the applicant item 2015-226 for a zoning request (Z15-015) for the approval of a zoning amendment to modify the currently approved site plan and building elevations on 1.61 Acres on Land Lot 634 located at 1680 Roswell Street by applicant Christopher & Yvonne Ogbuefi; seconded by Boardmember Ron Roberts. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**F.** Public Hearing - Zoning Request Z15-014 - Approval of a zoning amendment to modify the currently approved site plan and building elevations - 12.62 Acres - Land Lot 559 - Northeast corner of the intersection of Atlanta Road and Spring Road - Halpern Enterprises, Inc.

Sponsors: Anulewicz and Kemp

*Community Development Director, Mr. Ken Suddreth is present and spoke about this item to the Board. Community Development was requesting additional time to allow staff to evaluate the proposal. He remarked that given the way the process works, someone submits a request for rezoning and staff makes suggestions for areas that need approval. In this case the applicant, Halpern Enterprises, has agreed to do some additional improvements. Community Development received those on Wednesday and could not finish their review on the modified plan in time for Planning and Zoning. He noted there would be no change in the land use plan since the proposed was a mix use classification.*

*The history on this parcel was a Mixed Use request was received back in 2007. At the time it had a General Commercial and Light Industrial project on the table known as Jonquil Village. In 2008, the Urban Design Committee approved the architectural plans and the project was ready to go. The contractor began pouring supports for the parking garage, then the recession hit and all work ceased.*

*In December of 2013 a different plan was submitted and on December 2, 2013 the Mayor and Council met and denied the plan. The applicant negotiated with Halpern Enterprises and Halpern purchased the property. This new plan is a continuation of the original mixed use project with less density at 65,000 sq. feet. They would continue with the plan for luxury apartments as well as an anchor grocer and a freestanding restaurant. The proposed elevations were shown to the Board and audience for the site.*

*The staff was recommending tabling this item to the August 10, 2015 Planning and Zoning meeting. It would be scheduled for the August 17, 2015 Mayor and Council meeting. The Urban Design Committee would also review the architectural design of the project at their meeting the week of July 20th because the project is in the downtown area. When it goes to Mayor and Council both recommendations from Planning and Zoning as well as Urban Design would be presented to the Mayor and Council.*

*Chairman Powell requested a motion for this item.*

A motion was made by Boardmember Ron Roberts to table until the August 10, 2015 Planning and Zoning Board Meeting at the request of the Community Development staff item 2015-227 a zoning request (Z15-014) for the approval of a zoning amendment to modify the currently approved site plan and building elevations on 12.62 Acres on Land Lot 559 located on the Northeast corner of the intersection of Atlanta Road and Spring Road - Halpern Enterprises, Inc.; seconded by Boardmember Leslie Lightfoot. The motion carried by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**D.** Public Hearing - Zoning Request - Z15-013 - Rezoning from Limited Commercial to R-15 for the construction of a single-family home - 0.363 Acres - Land Lot 520 - 2645 Hickory Hill Drive - Joseph Kusky

Sponsors: Anulewicz

*Community Development Senior Planner, Rusty Martin presented the staff recommendation noting the item would be heard by Mayor and Council on August 17, 2015. Current zoning is Limited Commercial and the request is to rezone to R-15 Conditional. Subject property is adjacent to the city police station and city property. Subject property has a residential structure on it and is used for residential purposes. The proposal is to demolish the current structure and to rebuild a new single family residential structure.*

*Land Use is Moderate density residential and no Land Use change is required.*

*Mr. Martin showed the proposed site plan. The applicant, Joseph Klusky, is requesting a 7 foot side setback, instead of 10', on the southern side due to lot configuration; which allows them to build the new home and keep the front of the home parallel to the street. The Board had no questions for Mr. Martin.*

*Community Development recommended approval of the rezoning the subject property from LC to R-15-Conditional for one single-family home at a density of 2.75 units per acre with the following conditions:*

*Standard Conditions*

*(Requirement #2, 3, 4, 5, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Code is 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. 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.*
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 minimum setbacks:*

*Front - 35'*

*Northern Side - 10'*

*Southern Side - 7'*

*Rear - 30'*

8. *The home shall have a minimum floor area of 1800 sq. ft.*
9. *The driveway shall have a minimum length of 22' from building face to back of sidewalk.*
10. *The new proposed home shall not exceed two-stories in height.*
11. *The right-of-ways along Hickory Hill Drive shall be increased to 50 feet. Therefore a dedication of approximately 10' feet is required along Hickory Hill Drive.*
12. *The developer shall provide a 5' sidewalk with a 2' grass buffer along Hickory Hill Drive for the length of the development.*
13. *The applicant shall provide a drainage easement to convey stormwater across the property. The City Engineer shall review and approve the size and location of the easement.*
14. *Approval of the subject property for the R-15-Condition zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 6/12/2015.*
15. *The applicant shall be bound to the elevations submitted and dated 6/12/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.*

*The applicant, Mr. Joseph Kusky of 2053 Hatteras Way in Atlanta came forward to speak. He explained that the home would become his primary residence once completed and his request is to be able to remove the current residential structure in order to build the new residential structure. The applicant asked about why he would be installing a sidewalk that does not connect to any other sidewalk and Rusty Martin explained that in future the sidewalk would connect if either the City completes the*

*connection or sidewalk were to be completed when adjacent land is developed.*

*Chairman Powell called the Public Hearing with no one coming forward. He requested a motion from the Board.*

A motion was made by Boardmember Steve Kemp to approve item 2015-223 a zoning request (Z15-013) for a rezoning from Limited Commercial to R-15 for the construction of a single-family home on 0.363 Acres on Land Lot 520 located at 2645 Hickory Hill Drive by applicant Joseph Kusky; seconded by Boardmember Ron Roberts. The motion passed by the following vote:

**Aye:** 7 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

**G.** Public Hearing - Zoning Request Z15-007 - Rezoning from R-20 to RAD-Conditional for the development of fifteen single-family homes - 5.61Acres - Land Lot 338 - 3744 Plumcrest Road - Venture Homes, Inc. - This zoning request is to be tabled to either the September 8, 2015 or the October 5, 2015 Mayor and Council meeting at the request of the applicant to allow for a community meeting prior to the Mayor and Council hearing.

**Sponsors:** Fennel

*Senior Planner for Community Development, Rusty Martin, gave the background for this item and stated that a request for rezoning was heard at the June Planning and Zoning Meeting. Since then a town hall meeting was held, the applicant made some changes based on the concerns of the residents and the changes were significant enough that Community Development felt the need to present this item again before the Board.*

*The applicant, Venture Homes has removed the portion of the property that fronted on Havelin Way. The request has been reduced from 6.1 acres to 5.6 acres and from 16 homes to 15 homes. The density has changed to 2.67 units per acre and the applicant has requested a zoning change from R20 - RAD Conditional. There would be no changes to the suburban land use and the proposal was under the cap of three units per acre.*

*The average lot size has gone up from 10,000 sq. feet to 11,200 sq. feet. Mr. Martin showed the proposed home elevations, pictures of the subject property as well as adjacent properties. Community Development recommends approval the rezoning from R-20 to RAD-Conditional for the 15 single-family residences at a density of 2.67 units per acre with the following conditions:*

*Standard Conditions*

*(Requirement #8 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. *The developer shall provide a vegetative buffer with a minimum width of 20 feet parallel to any right-of-way external to the development (North Cooper Lake Road).*
3. *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.*
4. *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.

5. The detention/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 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.

6. All utilities within the development shall be underground.

7. 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.

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 minimum setbacks:

Front - 30'

Interior Side - 5'

Exterior Side - See Site Plan

Lot 1 & 15 - 25'

Rear - 30'

17. The development shall be developed with a minimum lot size of 9,000 square feet.

18. The proposed homes shall have a minimum floor area of 2,100 sq. ft.

19. The fifteen new homes shall be accessed from the new proposed public road.

20. The developer shall provide a 5' sidewalk and 2' grass buffer inside and outside of the subdivision.

21. The driveway shall have minimum length of twenty-two (22') feet from building face to back edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.

22. The developer shall be responsible for any water or sewer improvements deemed necessary for the provision of services to the community.

23. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

24. 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.

25. The developer shall provide a 10' landscape buffer along the perimeter of the property in accordance with the City's Tree Ordinance and Section 503 of the Zoning Ordinance.

26. 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.

27. 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 7/6/015 created by HGD Heavner Design Group.

The applicant, Shawn Randall, COO for Venture Homes came to the podium and reiterated the request

to Rezone from R20 to RAD Conditional. He remarked that there would be a lot of discussion regarding "RAD is BAD" but noted that RAD Conditional was only bad when misapplied. He stated that Venture Homes had gone overboard to make sure they were good neighbors. This particular RAD request served a useful and beneficial service.

The common thread was that all the properties he showed on the pictures presented were RAD. After the town hall meeting, the company heard loud and clear one of the strongest concerns was the possible negative impact the storm water from the development would have on the Bennett Woods Subdivision. There were also concerns about the size of the homes and surrounding residents feeling like those homes were towering over theirs that were built back in the 1960's. What they do to contain the water runoff would be high quality so as to have the least amount of impact on surrounding neighbors. A modified tree save plan around lots 1 - 11 had been submitted and there was proposed evergreen screening on Lots 9 and 10. They would make the screening as dense as possible.

With the recession being on the downside, land pricing was increasing and density was increasing everywhere. This project is in compliance with Smyrna's future land use and has received recommended approval twice with Community Development. Most of the communities have an average 2.66 units per acre. This development would be within the average. Additionally, it was a tremendous economic incentive to save as many trees as possible.

Chairman Powell called the Public Hearing.

Mr. Charles Hunter came forward. He remarked that the homes in Austin Lakes do not look anything like the ones Venture Homes is proposing. He opined that squirrels could jump back and forth between the rooftops at 10 feet between homes. There was no other neighborhood where homes were 10 feet apart. He does not want this type of cluster homes built in Smyrna.

Mr. Scott Crooks from Bennett Woods said he was fine with the development just not fine with this type of density. He remarked that it lessened that character of the surrounding community.

Mr. Bobby Hewitt is opposed to the density. He does not want to see a three story home towering over his two story home. The spacing between homes needs to have at least 15' - 20' side setbacks. This development is not going to look like a community. He prefers larger yards and trees and thinks these homes will hurt surrounding home values.

Mr. Alan Dunn of 3726 North Cooper Lake Road opined that traffic would increase to 30 cars because each home would have at least two cars per family. That would be a tremendous amount of traffic passing his home on a daily basis.

Mr. Randall was called back to the podium by the Chairman to respond to some of the comments. In regards to the comment of cluster homes, a 55' wide lot was a generous lot in most developments. RAD Conditional uses a minimum of 10' side

*setbacks and gave examples all up and down North Cooper Lake Road of higher density developments. He noted that they would also be building a pavilion on a 15 home development where most builders would not add an amenity. Typically green space is either separate green space or it is the yards. He thinks most people cannot drive down the road and tell the size of a particular lot. He asked for the Boards approval of this project.*

A motion was made by Boardmember Earl Rice to deny item 2015-168 a zoning request (Z15-007) for the rezoning from R-20 to RAD-Conditional for the development of sixteen single-family homes on 6.15 Acres on Land Lot 338 located at 3744 Plumcrest Road by applicant Venture Homes, Inc.; seconded by Boardmember Leslie Lightfoot. The motion failed by the following vote:

**Aye:** 2 - Board Member Lightfoot and Board Member Rice

**Nay:** 5 - Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts and Board Member Seagraves

A motion was made by Boardmember Denny Campo to approve item 2015-168 a zoning request (Z15-007) for the rezoning from R-20 to RAD-Conditional for the development of fifteen single-family homes on 5.61 Acres on Land Lot 338 located at 3744 Plumcrest Road by applicant Venture Homes, Inc.; seconded by Boardmember Michael Seagraves. The motion passed by the following vote:

**Aye:** 6 - Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts and Board Member Seagraves

**Nay:** 2 - Board Member Lightfoot and Board Member Rice

### **3. Approval of Minutes:**

#### **A. Approval of the Planning and Zoning Meeting Minutes for June 8, 2015.**

A motion was made by Boardmember Ed Whittington to approve the meeting minutes for the June 8, 2015 Planning and Zoning Board meeting; seconded by Leslie Lightfoot. The motion passed by the following vote:

**Aye:** 8 - Holmes, Board Member Kemp, Board Member Whittington, Board Member Campo, Board Member Roberts, Board Member Lightfoot, Board Member Seagraves and Board Member Rice

### **4. Adjournment**

*The July 13, 2015 meeting of the Planning and Zoning Board was adjourned by Chairman Joel Powell at 7:46 PM.*