



Meeting Minutes - Final
Planning and Zoning Commission

Monday, December 9, 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 - Russell Martin, Joey Staubes, Caitlin Crowe, Kevin Moore and Tina Monaghan

2. **Call to Order**

Chairperson Joel Powell called the December 9, 2019 Planning and Zoning Commission Meeting to order at 6:00 PM.

3. **Business**

A. [2019-230](#)

Public Hearing - Zoning Request Z19-011 - Rezoning from Neighborhood Shopping (NS) to Office/Institutional-Conditional (OI) for the development of a 48,000 sq. ft. medical office building - 2.03 Acres - Land Lot 700 - Southeast Corner of Atlanta Road and Campbell Road Intersection - GHS Investments, LLC - *The applicant requests this item be withdrawn without prejudice.*

Sponsors: Bartlett and Norton

Boardmember Tom Bartlett made a motion to withdrawal without prejudice Zoning Request Z19-011 - Rezoning from Neighborhood Shopping (NS) to Office/Institutional-Conditional (OI) for the development of a 48,000 sq. ft. medical office building - 2.03 Acres - Land Lot 700 - Southeast Corner of Atlanta Road and Campbell Road Intersection - GHS Investments, LLC - at the request of the applicant. Boardmember David Monroe seconded the motion.

The motion to withdraw without prejudice was carried by the following vote:

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

B. [2019-440](#)

Public Hearing - Zoning Request - Z19-019 - Rezoning from NRC & OI to MU for the development of 180 unit senior living facility and 112 townhomes at a density of 12.19 units per acre - 23.95 Acres - Land Lots 775, 810, & 811 - 2320 Campbell Road - InLine Communities, LLC - *The applicant requests to table until the January 13, 2020 Planning & Zoning Board hearing.*

Sponsors: Bartlett and Norton

Boardmember David Monroe made a motion to table Zoning Request - Z19-019 - Rezoning from NRC & OI to MU for the development of 180 unit senior living facility and 112 townhomes at a density of 12.19 units per acre - 23.95 Acres - Land Lots 775, 810, & 811 - 2320 Campbell Road - InLine Communities, LLC - until the January 13, 2020 Planning & Zoning Board hearing at the request of the applicant. Boardmember Cheri Harrington seconded the motion.

The motion to table was carried by the following vote:

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

C. [2019-437](#)

Public Hearing - Zoning Request - Z19-017 - Rezoning from FC to LC for use as a chiropractor and office - 0.23 Acres - Land Lot 375 - 736 Windy Hill Road - Truster South, Inc.

Sponsors: Harrington and Wilkinson

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning request Z19-017. The request is to be heard by Mayor and Council on January 21, 2020. The applicant is requesting to rezone the property from FC to LC. The property has historically been used as a commercial property.

Chairman Powell asked the representative for the applicant to provide an overview of the request.

Mr. Tobias Johansson came up as the applicant. He said that it was an insurance business before and has now found a chiropractor to lease the property with a 5 year contract.

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

Boardmember Cheri Harrington made a motion to approve Zoning Request - Z19-017 - Rezoning from FC to LC for use as a chiropractor and office - 0.23 Acres - Land Lot 375 - 736 Windy Hill Road - Truster South, Inc. Boardmember Michael Seagraves seconded the motion.

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

D. [2019-438](#)

Public Hearing - Zoning Request - Z19-018 - Rezoning from R-20 to R-15 for the development of two single family homes at a density of 2.22 units/acre - 0.90 Acres - Land Lot 557 - 1460 Memory Lane - Reggie Lopes

Sponsors: Seagraves and Gould

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning request Z19-018. The request is to be heard by Mayor and Council on January 21, 2020. The applicant is requesting to rezone the property from R-20 to R-15 to return to two lots and build two new single-family homes. There will be a 5' right-of-way dedication and 5' sidewalk.

Staff are supportive with several conditions:

Standard Conditions

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. *All utilities within the development shall be underground.*
3. *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.*
4. *No debris may be buried on any lot or common area.*
5. *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.*
6. *All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
7. *All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*
8. *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. 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

9. *The development shall maintain the following setbacks:*
 - a. *Front – 35'*
 - b. *Side – 10'*
 - c. *Rear – 30'*
10. *Driveway – 22' minimum length from building face to private driveway.*
11. *The right-of-way along Northview Place shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along both right-of-ways.*
12. *The developer shall provide a 5' sidewalk with a 2' grass buffer along Northview Place and Memory Lane.*
13. *All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.*
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 during construction plan review.*

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

Chairman Powell asked the representative for the applicant to provide an overview of the request. Reggie Lopes came up as the applicant. He said that it is fairly straightforward- he is looking to build two new homes, each being between 3,800-4,200 sq ft.

Chairman Powell opened the floor for Public Hearing.

Mr. Brian McCarthy- Forest Hills- opposes the rezoning since he said it would set a precedent to rezone Forest Hills to have smaller properties.

Mr. Pat Terry- Dunn St- opposes the rezoning

Ms. Laura Lockwood- Forest Hills- opposes the rezoning- wants to keep the properties at R-20

Mr. Stephen Conner- Forest Hills- opposes

Mr. Chris Zweifel- Lee St- spoke in opposition due to the destruction of the existing tree canopy

Boardmember Michael Seagraves made a motion to deny Zoning Request - Z19-018 - Rezoning from R-20 to R-15 for the development of two single family homes at a density of 2.22 units/acre - 0.90 Acres - Land Lot 557 - 1460 Memory Lane - Reggie Lopes. Boardmember Tom Bartlett seconded the motion.

The motion to deny was carried by the following vote:

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

E. [2019-363](#)

Public Hearing - Zoning Request - Z19-016 - Rezoning from R-20 to R-12 - Conditional for the development of a 38 unit subdivision at 2.99 units per acre - 12.7 Acres - Land Lot 542 - 1465 Buckner Road - Grant Grimes

Sponsors: Monroe and Wheaton

Mr. Rusty Martin, Community Development Director, presented staff recommendation for rezoning request Z19-016. The request is to be heard by Mayor and Council on January 21, 2020. The applicant is requesting to rezone the property from R-20 to R-12 to build 38 new single-family homes. No land use map change is needed. The property is 12.7 acres and will consist of 38 single-family homes with a minimum lot size of 5,000 sq ft and 37% open space. There will also be a deceleration lane added on Buckner Road.

The applicant is requesting several variances, which staff support all:

1. Reduction of the front setback from 35' to 15' (Section 801);
2. Reduction of the side setback from 10' to 5' (Section 801);
3. Reduction of the rear setback (interior) from 30' to 10' (Section 801);

4. *Reduction of the minimum rear setback (exterior) from 30' to 20' (Section 801).*
5. *Reduction of the minimum lot size from 12,000 sq. ft. to 5,000 sq. ft. (Section 801);*
6. *Reduction of the minimum lot width from 85' to 50' (Section 801); and*
7. *Increase of the impervious surface area lot coverage from 35% to 65% (Section 801);*

Staff are supportive with several conditions:

Standard Conditions:

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. *The developer shall provide an undisturbed buffer with a minimum width of 20 feet parallel to any right-of-way external to the development.*
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. *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.*
5. *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.*
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.*
8. *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.*
9. *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.*
10. *The development of any streets (including private) shall conform to the City's standards for public right-of-ways.*

11. *No debris may be buried on any lot or common area.*
12. *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".*
13. *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.*
14. *All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
15. *All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*
16. *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.*
17. *A Level I Archeological Study shall be provided for the development. The developer shall verify to the city that any historical or archeological features (including civil war trench lines or evidence of encampments) identified in the study will be protected from development prior to the issuance of a permit for any land disturbance activities.*

Special Conditions

18. *The development shall maintain the following setbacks:*
 - a. *Front – 15'*
 - b. *Side – 5'*
 - c. *Rear – 10' (Interior)*
 - d. *Rear – 20' (Exterior)*
19. *The development shall maintain a minimum lot size of 5,000 sq. ft.*
20. *The development shall maintain a minimum driveway length of 22' from back of sidewalk/curb to garage face.*
21. *The development shall maintain a minimum lot width of 50'.*
22. *The maximum impervious surface lot coverage for the development shall be 65% per lot.*
23. *The maximum building height shall be 35'.*
24. *The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
25. *The developer shall be responsible for any water and sewer improvements deemed necessary by Cobb County Water during construction plan review.*
26. *The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*

27. The developer shall provide a 5' sidewalk within the development and along Buckner Road and shall connect to the sidewalk on Pebblebrook Road.

28. The developer shall provide a 5' right-of-way dedication along Pebblebrook Road and Buckner Road.

29. The developer shall provide a left turn lane and a right turn deceleration lane on Buckner Road.

30. The developer shall install curb and gutter along the entire frontage of Buckner Road.

31. Approval of the subject property for the R-12-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/22/2019 and created by McFarland-Dyer & Associates, Inc. and all zoning stipulations above.

32. The applicant shall be bound to the elevations submitted on 9/13/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.

Board member Monroe wanted to clarify the minimum lot size. Mr. Martin said the lots will be 5,000 square feet and larger. Mr. Monroe also asked what the open space amount is buildable, to clarify trip generation, and asked about other developments in Smyrna that have annexed and reduced the allowable lot size or density.

Chairman Powell asked about the tree plan and when it was done. Mr. Martin responded that it was done prior to the current plan. Mr. Powell asked if the curb and gutter on Buckner will become a City issue. Mr. Martin said no, it will still be Cobb County property.

Chairman Powell asked the applicant to provide an overview of the request. Grant Grimes of Beazer Homes came up to speak to the rezoning. Mr. Grimes said that they are trying to be as environmentally-friendly as possible. Since it is clustered within the community, it will have minimal visibility to the main road. They have revised the plans a few times to go from townhomes to single-family homes. He said they have been able to save most of the specimen trees on site. He also said Beazer Homes will do the deceleration lane as indicated. Mr. Grimes said the company wanted to be zoned Conditional to be similar to a conservation subdivision. Mr. Grimes indicated that they were in compliance with the future land use map and that they were looking to sell the homes for about \$415k.

Board member Bartlett asked about basement lots. Mr. Grimes said lots 32-38 could potentially be basement lots.

Board member Monroe asked about another project that Beazer was doing outside the City and how it was zoned.

Chairman Powell opened the floor for Public Hearing.

Mr. Kevin Breacher- Parkwood Oaks Ln- Head of School at Whitfield School; has 850 students and have numerous other people from the community. Mr. Breacher said they are opposing the zoning, which Whitfield has not done before. He said that the school

supports the plans for the future, so they are open to development at the R-20 level.

Mr. Mark Hall- Vinings Estates Dr- asked why was Vinings Estates left out of the analysis to compare the nearby developments. Mr. Hall said that he is a real estate developer by trade so he was surprised by the variances that have been allowed since it effectively creates smaller lots.

Ms. Prissilla Hoover- Buckner West- opposes due to the tree canopy; wants kids to be able to experience the tree canopy as she has.

Mr. Chris Zweifel- Lee St- wants to wait until the new tree ordinance is voted on before making a decision on this request.

Ms. Tamara Eaton- Whitehaven Park Ln- worried about setting a precedent to create smaller lots and is worried about the traffic that it could add to the community.

Mr. Tyler Sniff- Attorney for the opposition- brought additional paperwork to hand out to the Board. Mr. Sniff said he is also a resident in Smyrna and represents the "Concerned Citizens Group" (45+ members), Enclave at Oakdale, the "original" Buckner family, Pebblebrook Acres, and other surrounding areas. Mr. Sniff mentioned the online petition with 725 signatures (300 are Smyrna/Mableton residents). Mr. Sniff said that the property was historically a dairy farm and that the rezoning is a departure from the 2040 Comprehensive Plan. Mr. Sniff said they had a town hall meeting on Sunday and said that the David Weekly Director of Land Development (a resident of Vinings Estates) said he would purchase several around and make them smaller if this were to go through. Mr. Sniff said that the variances were not the minimum variances necessary for a reasonable use and that no zoning district allows 10 foot rear setbacks, 15 foot front setbacks, and more than 45% impervious lot coverage. Mr. Sniff said he sat down with Beazer Homes and gave R-15 and R-20 plans that their civil engineer came up with and that they have also hired an arborist to review the plans. He also spoke of the traffic on Buckner and Oakdale and that it would create more congestion and that the development would have a negative impact on schools since they are already overcrowded.

Board member Bye asked how many homes were on each plan that the attorney submitted. Mr. Sniff said that the R-12 plan has 20 homes and that the R-20 had 13 homes. The R-12 plan was supposed to be a compromise plan. Mr. Bye also asked what the "effective density" was. Mr. Sniff said it was 4 units per acre.

Mr. Grimes, the applicant, came back up. Mr. Grimes said that site plans that were created were not shared with the him. Mr. Grimes also said that they will revise the tree plan to reflect the current site plan.

Boardmember David Monroe made a motion to deny Zoning Request - Z19-016 - Rezoning from R-20 to R-12 - Conditional for the development of a 38 unit subdivision at 2.99 units per acre - 12.7 Acres - Land Lot 542 - 1465 Buckner Road - Grant Grimes. Boardmember Leslie Lightfoot seconded the motion.

The motion to deny 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. [2019-436](#) Approval of the November 11, 2019 Planning and Zoning Commission Meeting minutes.

Boardmember Tom Bartlett made a motion to approve the November 11, 2019 Planning and Zoning Commission Meeting minutes. Boardmember Monty Bye seconded the motion.

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**

Chairperson Powell adjourned the December 9, 2019 Planning and Zoning Commission Meeting at 7:55 PM.