



## Meeting Minutes - Final Planning and Zoning Commission

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Monday, February 8, 2016

6:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 8 - Joel Powell, Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Park Ellis and Cheri Harrington

**Also Present:** 4 - Ken Suddreth, Russell Martin, Joey Staubes and Terri Graham

### 2. Call to Order

Chairman Joel Powell called the meeting of the Planning and Zoning Board to order at 6:02 PM.

- A. Public Hearing** - Zoning Request - Z15-003 - Rezoning of the subject property from R-15 to RAD-Conditional for the development of two (2) single-family homes - 1.31 Acres - Land Lot 592 - 1514 Hawthorne Avenue - Tuley & Tuley, Inc.

**Sponsors:** Anulewicz and Ellis

A motion was made by Board Member Ron Roberts to table zoning request Z15-003 to the March 14, 2016 meeting of the Planning & Zoning Board, for the rezoning of the subject property from R-15 to RAD-Conditional for the development of two (2) single-family homes - 1.31 Acres - Land Lot 592 located at 1514 Hawthorne Avenue the applicant Tuley & Tuley, seconded by Board Member Denny Campo. The motion carried by the following vote.

**Aye:** 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Park Ellis and Cheri Harrington

- B. Public Hearing** - Zoning Request Z15-005 - Annexation and rezoning of the subject property from NS (Smyrna) & OI (Cobb County) to MU-Conditional - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Nilhan Developers, LLC - This item is to be tabled indefinitely at the request of the applicant.

**Sponsors:** Roberts and Norton

A motion was made by Board Member Leslie Lightfoot to table indefinitely zoning request Z15-005 - Annexation and rezoning of the subject property from NS (Smyrna) & OI (Cobb County) to MU Conditional - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Nihan Developers, LLC, seconded by Board Member Cheri Harrington. The motion carried by the following vote:

**Aye:** 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Park Ellis and Cheri Harrington

- C. **Public Hearing** - Zoning Request Z16-002 - Rezoning from GC to RTD-Conditional for the construction of 72 townhome units - 7.25 Acre Tract - Land Lot 606 - 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road - Prime Interest, Inc. -

**Sponsors:** Fennel and Monroe

A motion was made by Board Member Monroe to table zoning request Z15-012 to the March 14, 2016 Planning and Zoning Board Meeting - rezoning from GC to RTD-Conditional for the construction of 72 townhome units - 7.25 Acre tract - Land Lot 606 - 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road - applicant Prime Interest, Inc, seconded by Board Member Earl Rice. The motion carried by the following vote:

**Aye:** 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Park Ellis and Cheri Harrington

- D. **Public Hearing** - Zoning Request Z15-012 - Annexation, Rezoning and Zoning Amendment for the construction of a 200 unit independent senior housing development - 4.8 Acre Tract - Land Lot 691 - 4840 & 4788 Hanson Drive - Creekside Village Development Group, Inc.

**Sponsors:** Fennel and Monroe

*Creekside Village Development Group, Inc. is requesting a zoning amendment to modify the site plan and building elevations for the independent senior living on the norther portion of the site (phase II). The currently approved zoning plan from Rezoning Case Z08-010 allows a mixed use building with 120 independent senior living units over 70,000 sq. ft. of commercial retail space. The currently approved building provides a four-story building over a two-level parking deck. The applicant has acquired the adjoining residential property at 4788 Hanson Drive (~0.6 acres) and is proposing to annex and rezone the property to include it into the overall development project. The proposed annexation and rezoning is from R-20 (Cobb County) to Mixed Use-Conditional (Smyrna). Cobb County has reviewed the annexation and rezoning request and has responded with a letter of non-objection to the request. The applicant is proposing to amend the currently approved zoning plan by eliminating the 70,000 sq. ft. of commercial retail space and increasing the number of independent senior living units from 120 to 200. This will result in a change in approved building from a four-story building over structured parking to a ten-story building over structured parking. In addition there are slight modification to internal site circulation and access.*

*The Mayor and Council approved the annexation and rezoning (Z08-010) of the subject property from R-20 (Cobb County) to MU-Conditional (Smyrna) on December 15, 2008 by a vote of 5-2. The approval of the rezoning allows for the construction of a mixed use development that would consist of a two-story 69 unit assisted living facility and a four-story mixed use building consisting of 120 independent senior living units and 70,000 sq. ft. of commercial retail and office space. The development was rezoned to a specific site plan and building elevations, which provided an assisted living facility on the southern portion of the site (phase I) and a mixed-use building (retail and office on the ground floor and age restricted condominiums and senior apartments on the top floors) on the northern portion of the site (phase II). Both building were proposed to have parking structures underneath each building to*

support each use. The independent senior living units were to be accessed off Hanson Drive and the assisted living facility was to be accessed off South Cobb Drive. The specific site plans and building elevations were approved as conditions of the zoning. Subsequently, in September 2013, the applicant requested a zoning amendment for assisted living facility in phase I. The zoning amendment for the assisted living facility dealt with modifications to the site plan and building elevations. These modifications included the elimination of the structured parking and the increase of the number of beds from 78 beds to 108 beds because the applicant wanted to add a terrace level to address geological and topographical issues on site. The Mayor and Council approved the zoning amendment by a vote of 7-0. Since the approval of the zoning amendment, the assisted living facility has been constructed and is about to receive its Certificate of Occupancy.

This zoning request was tabled at the July 13, 2015 Planning and Zoning Board meeting to August 10, 2015 meeting by a vote of 7-0. This meeting was tabled at the September 14, 2015 meeting at the request of the applicant. Planning and Zoning Board approved this zoning request February 8, 2016 with a 7-0 vote.

**RECOMMENDATION/REQUESTED ACTION:** Community Development recommends approval of the proposed zoning amendment with the following conditions carried over from Zoning Case Z13-016 (changes are highlighted in yellow):

**Standard Conditions**

(Requirements #2, 16 and 17 from Section 1201 of the Zoning Code are not applicable)

1. The composition of the buildings in the development shall include 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 buildings 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 or unit. This common space shall be developed with improvements for the residential development 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 buildings 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 development and outside the development 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 development. 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 development 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.

Special Conditions:

15. The development shall maintain the following setbacks:

Two-Story Assisted Living:

Minimum Front - 0'

Minimum Side - 5'

Minimum Rear - 20'

Ten-Story Independent Living/Mixed Use:

Minimum Front - 0'

Minimum Side - 5'

Minimum Rear - 20'

16. A 10' landscape buffer shall be provided and maintained along the property lines, except where varied by the approved site plan.

17. The applicant shall provide a covered entrance way over the passenger drop off zone at the Assisted Living site.

18. If deemed necessary by the City Engineer or Cobb County during construction plan review, a second deceleration shall be provided.

19. The trash dumpsters shall utilize rubber tops and/or trash compactors be appropriately screened with a three-sided brick enclosure.

20. ~~DELETED~~ The applicant must obtain an easement to access the private sewer system on the adjacent property to the south or if the applicant elects to use the sewer along South Cobb Drive, approval must be obtained from the appropriate jurisdiction.

21. Units shall be limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time. This requirement shall be included in the protective covenants developed for the property.

22. The development should incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include at least one full bath with ample maneuvering space.

23. Each unit must be protected by a fire sprinkler system.

24. ~~DELETED~~ The mandatory homeowners association must include the following rule for the independent senior living units:

- No more than 20% of the total units may be leased by individual owners at a time and for no term less than one year in duration.

25. The applicant shall provide a refundable deposit of \$3,000.00 per acre at the issuance of a building permit for the cost of general site maintenance should the property be abandoned and no site maintenance is provided. At the completion of the overall project and the issuance of a Certificate of Occupancy, all or a portion the deposit shall be refunded to the person or entity that provided the deposit. If the developer is unable to provide a deposit; a five-year bond or letter of credit shall be

*an acceptable alternative. This bond or letter of credit may be a two-year bond or letter of credit that is automatically renewed for a period of five year. At the completion of the overall project and the issuance of a Certificate of Occupancy, the bond or letter of credit should be released to the developer.*

26. *The proposed development shall conform in substantial compliance to the site plan dated 1/11/2016 for the independent senior living facility and the site plan submitted on 8/9/2013 in Zoning Case Z13-016 for the assisted living facility. Slight deviations to the site plan may be approved by the Community Development Director. Any significant changes to the site plan will require an amendment to this rezoning.*

27. *The proposed development shall conform substantially to the conceptual elevations submitted on 1/11/2016 for the independent living facility and the elevations submitted on 8/9/2013 in Zoning Case Z13-016 for the assisted living facility. Detailed elevations indicating building materials and colors shall be submitted to Community Development prior to final approval. Slight deviations to the elevations may be approved by the Community Development Director. However, any significant changes to the elevations will require an amendment to this rezoning.*

28. *<DELETED>The following uses shall not be permitted on subject property:*

- *Check Cashing Offices*
- *Pawn Shops*
- *Package Stores*
- *Tattoo Parlor*
- *Arcades*
- *Pool Halls*
- *Cigar Shops*
- *Automotive Shops and Service Centers*
- *Adult Entertainment*

29. *If any fence is constructed on the southern property line, it shall be wooden or decorative metal.*

30. *Decorative metal fencing shall be constructed along the top of all retaining walls providing a structural safety barrier as well as an attractive architectural element.*

A motion was made by Board Member David Monroe to approve zoning request Z15-012 - Annexation, rezoning and zoning amendment for the construction of a 200 unit independent senior housing development - 4.8 acre tract - land lot 691 - 4840 & 4788 Hanson Drive - Creekside Village Development Group, Inc., seconded by Board Member Denny Campo. The motion carried by the following vote:

**Aye:** 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Park Ellis and Cheri Harrington

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

#### **A. Approval of Planning and Zoning Meeting Minutes for January 11, 2016**

**Sponsors:** City Council

A motion was made by Board Member Ron Roberts to approve the Planning and Zoning meeting minutes for January 11, 2016, seconded by Board Member Leslie Lightfoot. The motion carried by the following vote:

**Aye:** 7 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe, Park Ellis and Cheri Harrington

### **4. Adjournment**

Chairman Joel Powell adjourned the Planning and Zoning Board Meeting at 6:58 PM.