



**Meeting Minutes - Final**  
**Planning and Zoning Commission**

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Monday, November 10, 2014

6:00 PM

Council Chambers

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**Rollcall**

**Present** 7 - Board Member Michael Seagraves, Board Member Dale Holmes, Board Member Steve Kemp, Board Member Ed Whittington, Board Member Denny Campo, Board Member Earl Rice, and Board Member Ron Roberts

**Also Present** 3 - Chelsea Jackson, Russell Martin, and Joey Staubes

**1. Call To Order**

The Planning and Zoning Board Meeting was called to order by Chairman Joel Powell at 6:00pm

**2. Business:**

- A. Public Hearing** - Rezoning Request Z14-024 - Rezoning from R-15 to RAD-Conditional for the construction of a 36 lot subdivision - 12.12 Acre Tract - Land Lots 264 and 265 - 208, 216 and 220 Concord Road - DBB Enterprises, LLC.

**Sponsors:** Fennel and Rice

Community Development Senior Planner, Rusty Martin presented the rezoning request stating the Planning and Zoning Board made a recommendation that would be presented to Mayor and Council on December 15th, 2014. Currently there are four existing homes on the property and one will remain. The applicant requests to rezone from R-15 to RAD-Conditional for a proposed 36 lot subdivision. The land use is Suburban Residential which supports density up to 3 units per acre. The land use on surrounding property is Suburban and Moderate Residential. The proposed rezoning will not necessitate a change in land use.

Community Development does recommend approval with the following 30 stipulations:

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. The developer shall provide a vegetative buffer with a minimum width of 20 feet parallel to any right-of-way external to the development (Concord Road & Highview Drive).
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. 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 (unless noted elsewhere). 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. 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.

17. A Level I Archaeological Study shall be provided for the development. The developer shall verify to the city that any historical or archaeological 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 disturbance activities.

Stipulations 18-29 are special stipulations

Special Conditions:

18. The development shall maintain the following setbacks:

Front – 20'

Side – 5'

Street Side - 20'

Rear – 20'

19. The development shall be developed with a minimum lot size of 7,000 square feet.

20. The proposed homes shall have a minimum floor area of 2,000 sq. ft.

21. All new homes shall be accessed from the new proposed public roads for the subdivision.

22. The developer shall provide a 5' sidewalk and 2' grass buffer inside and outside of the subdivision. The developer shall provide sidewalks along both Highview Drive and Concord Road.
23. Driveway – 22' minimum length from building face to back edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
24. The developer shall be responsible for any water or sewer improvements deemed necessary for the provision of services to the community.
25. 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.
26. The developer shall be responsible for the provision and dedication of a sanitary sewer easement for the connection to the city sanitary sewer system at time of final platting. The City Public Works Director and Parks Director shall review and approval all easements.
27. 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.
28. 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 11/5//2014 created by London Patterson Engineering Support Services.
29. The applicant shall be bound to the elevations submitted and dated 9/15/2014. Approval of any change to the elevations must be obtained from the Director of Community Development.

There were no questions for Mr. Martin from the board.

The applicant, Mr. Benson, came forward to the podium, and stated he was building another project in Smyrna, Park Place off of North Cooper Lake and anticipates breaking ground in February 2015. Board Member Rice asked what the anticipated price range would be for the new homes, and Mr. Benson stated the prices would be around \$450,000.

Chairman Powell called for a Public Hearing. The following citizens came forward to speak:

Mr. Richard Eisgruber, Norton Place, stated he was neither in support or opposition to the project. He would like the board to give due consideration when rezoning the project. Mr. Eisgruber believes the property is pristine, and suggested that other areas in Smyrna are prime for development.

Mr. Carl Tackett, current owner of the subject property, stated he has lived in Smyrna for 60 years. Mr. Tackett stated his wife's family originally owned the property, and he and his wife built their house together. Mr. Tackett also stated the developer has been very open and helpful while putting the project together and he approves the company and their regards to the environment and to him and his family. He would like the board to consider approving as well.

Ms. Elaine Koziatka, Concord Road, resides in one of the existing homes on the subject property. Ms. Koziatka stated she was in attendance to protect the interests of Mr. Tackett, and that if the request is approved two families will be displaced from the subject property.

Ms. Charlene Nix (Manson Avenue behind development) commented that she has lived in Bennett Woods for 47 years, and has concerns regarding the detention pond in close proximity to her home. Ms. Nix also has concerns that the existing homes in Bennett Woods are single story brick ranch, and the proposed development will have

two story homes most likely with basements that will overlook her home. Ms. Nix also has concerns regarding the impact of the new development adding to congestion on Concord Road.

Chairman Powell stated at some point in time this property would be developed, and that the stormwater ordinance requires the detention pond to reduce current runoff conditions by ten percent. He encouraged Ms. Nix to become a part of the dialogue in regards to the development and to stay in contact with the developer.

Ms. Valerie Luke, Manson Avenue, commented that she has concerns regarding the detention pond and the height of the new homes.

Chairman Powell reiterated that interested parties should remain involved in the process and work with the developer to address their concerns.

A motion was made by Earl Rice to approve A. 2014-371 Public Hearing - Rezoning Request Z14-024 - Rezoning from R-15 to RAD-Conditional for the construction of a 36 lot subdivision - 12.12 Acre Tract - Land Lots 264 and 265 - 208, 216 and 220 Concord Road - DBB Enterprises, LLC., seconded by Denny Campo. Motion carried by the following vote:

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

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

#### **A. Approval of the Planning and Zoning Meeting minutes for September 8, 2014**

**Sponsors:** City Council

A motion was made by Ed Whittington to approve the Planning and Zoning minutes for September 8, 2014, seconded by Earl Rice. The motion carried by the following vote:

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

### **4. Adjournment**

Chairman Joel Powell adjourned the meeting at 6:34 PM