



Meeting Minutes - Final
Planning and Zoning Commission

Monday, December 10, 2018

6:00 PM

Council Chambers

1. **Roll Call**

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

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

2. **Call to Order**

Chairman Joel Powell called the Planning and Zoning Commission meeting to order at 6:00pm.

3. **Business**

A. **[2018-34](#)**

Public Hearing - Zoning Request Z18-015 - Rezoning from GC to RM-12-Conditional for the development of 35 townhome units at a density of 11.47 units per acre - 3.05 Acres - Land Lots 347 and 348 - 2249 South Cobb Drive and 2265 Ventura Road - Loyd Development Services, LLC - ***This zoning request will be tabled to the February 11, 2019 Planning and Zoning Board Meeting at the request of the applicant.***

Sponsors: Harrington and Wilkinson

Boardmember Cheri Harrington made a motion to table Zoning Request Z18-015 - Rezoning from GC to RM-12-Conditional for the development of 35 townhome units at a density of 11.47 units per acre - 3.05 Acres - Land Lots 347 and 348 - 2249 South Cobb Drive and 2265 Ventura Road - Loyd Development Services, LLC to the January 14, 2019 Planning and Zoning Board Meeting at the request of the applicant. Boardmember Monty Bye 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, Denny Campo and David Monroe

B. **[2018-511](#)**

Public Hearing - Zoning Request Z18-019 - Rezoning from OI to TS-Conditional for the construction of a new hotel - 0.99 Acres - Land Lot 881 - 2875 Spring Hill Parkway - MCP III Real Estate, LLC

Sponsors: Bartlett and Norton

Ken Suddreth, Community Development Director, presented staff recommendation for rezoning request Z18-019. The request is to be heard by Mayor and Council on January 22, 2018. The applicant is requesting to rezone the property from OI to

TS-Conditional for a 7-story hotel with a one-story parking deck underneath. The property has one point of access off of Spring Hill Parkway. No land use map change is needed.

The applicant is requesting several variances:

- 1. Reduce the front setback from 50' to 31' (Section 717);*
- 2. Reduce the side setback from 15' to 5' (Section 717);*
- 3. Reduce the rear setback from 50' to 7' (Section 717);*
- 4. Reduce the minimum landscape area in the parking area from 10% to 0% (Section 717);*
- 5. Increase the maximum allowable building height from 5 stories to 7 stories (Section 802);*
- 6. Reduce the minimum required parking from 170 spaces to 101 spaces (Section 906); and*
- 7. Increase the maximum allowable wall sign area from 40sq. ft. to 125 sq. ft. (Section 82-15).*

Staff are supportive of all of the variances.

Mr. Suddreth also mentioned that the adjacent hotel (which is currently owned by the applicant) will have a parking access agreement with the proposed project.

Staff recommends approval with the following conditions:

Standard Conditions

(Requirements 2, 3, 4, 8, 9, 10, 11, 16 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. 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.*
- 3. All utilities within the development shall be underground.*
- 4. 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 within any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.*
- 5. No debris may be buried on any lot or common area.*
- 6. 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.*
- 7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances. There shall be a landscaped front entrance, with monument, indicating the name of the development.*
- 8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

Special Conditions

9. *The development shall maintain the following setbacks:*
 - a. *Front – 31’ (from the existing Right-of-way)*
 - b. *Side – 5’*
 - c. *Rear – 7’*
10. *The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.*
11. *The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.*
12. *Trees shall be planted the entire length of Spring Hill Parkway at an average spacing of no more than 40’.*
13. *The proposed dumpster shall be located at the rear of the property and screened from the public right-of-way.*
14. *The development shall be limited to one access point on Spring Hill Parkway.*
15. *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.*
16. *Approval of the subject property for the TS zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/9/2018 created by Kimley Horn and all zoning stipulations above.*
17. *The applicant shall be bound to the elevations submitted and dated 11/9/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.*
18. *The additional stipulations agreed upon by the applicant in the letter submitted and dated on December 4, 2018. If there should be a discrepancy between the stipulations in the December 4, 2018 letter and the stipulations stated above, the stipulations stated above shall apply.*

Chairman Powell asked Garvis Sams, the representative for the applicant, to provide an overview of the request. Mr. Sams distributed a leaflet to the board. Mr. Sams reiterated that the applicant is MCP III Real Estate and Buckhead Hospitality and that they are “in it for the long term”. The proposed project will be an all-suites hotel.

Board member Bye asked the applicant to clarify the traffic impact, particularly for the intersection at Cumberland and Spring Hill Parkway. Mr. Sams responded that they are event-driven and that the study that was performed said that it will not impact AM and PM traffic movement.

Board member Bartlett asked about inter-parcel access. Mr. Sams responded that the applicant would be happy to do so as long as the uses do not conflict.

Board member Monroe asked if they had performed a hotel feasibility study. Mr. Sams asked that the applicant, Mr. Patel come up to answer. Mr. Patel said they have not done the study since he has been in the business a long time and already understands the hotel business.

Chairman Powell asked about competition with the next door hotel. Mr. Patel said that the Hotel (Holiday Inn Express) is only 1 or 2 night stays whereas the new hotel will be 3 or 4 night stays with a different clientele. Chairman Powell asked about the occupancy rate to which Mr. Patel responded about 75 percent.

Board member Monroe asked about the completion date. Mr. Patel responded early

2021.

Chairman Powell asked about parking and landscaping. Mr. Patel said there is more than adequate parking and they will be planters on balconies.

Chairman Powell opened the floor for Public Hearing.

No one came forward to speak at the public hearing.

Boardmember Tom Bartlett made a motion to approve Zoning Request Z18-019 - Rezoning from OI to TS-Conditional for the construction of a new hotel - 0.99 Acres - Land Lot 881 - 2875 Spring Hill Parkway - MCP III Real Estate, LLC with a second by Boardmember David Monroe.

The motion to approve was carried by the following vote:

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

C. [2018-512](#)

Public Hearing - Zoning Request Z18-017 - Rezoning from R-15 to OI for an office use - 0.88 Acres - Land Lot 420 - 894 Pat Mell Road - Melba Bush

Sponsors: Wilkinson and Harrington

Rusty Martin, Senior Planner, presented staff recommendation for rezoning request Z18-017. The request is to be heard by Mayor and Council on January 22, 2018. The applicant is requesting to rezone the property from R-15 to OI to continue a previous office use. No land use map change is needed. No improvements are proposed for the site- the tenants will be using the existing building and infrastructure.

Staff are supportive with two conditions:

1. *Vehicular access to and from Wells Circle shall be prohibited.*
2. *A 35' undisturbed buffer shall be maintained along Wells Circle.*

Board member Bye asked Mr. Martin about the future impacts of OI. Mr. Martin responded that OI is one of the least impactful zoning districts and that if any improvements were to be made, they would need to accommodate storm water and parking.

Board member Harrington inquired the standard buffer for OI. Mr. Martin clarified that the normal buffer is 10 feet but staff recommended increasing it to 35 feet to keep the buffer in line with the residential area nearby.

Chairman Powell asked the applicant Melba Bush to provide an overview of the request. Mrs. Bush said she bought the property in 1972 and had had a dentist office at the location from 1973 to 2014, when her husband retired.

Chairman Powell asked the applicant if there were any prospective tenants. Mrs. Bush responded that there were several interested parties.

Chairman Powell opened the floor for Public Hearing.

Randy Jordan- 837 Wells Circle- Mr. Jordan had concerns with the proposed tenant infringing on the 35 foot buffer as well as the public awareness of the variance. Mr.

Martin clarified the variance process and stressed that the applicant would have to come back to rezoning if they wanted to do any additional work. Mr. Suddreth also stressed that staff was recommending approval due to its past history as a dental office.

Boardmember Cheri Harrington made a motion to approve Zoning Request Z18-017 - Rezoning from R-15 to OI for an office use - 0.88 Acres - Land Lot 420 - 894 Pat Mell Road - Melba Bush with a second by Boardmember Leslie Lightfoot.

The motion to approve was carried by the following vote:

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

D. [2018-513](#)

Public Hearing - Zoning Request Z18-018 - Rezoning from R-15 to R-15-Conditional for three residential lots - 1.136 Acres - Land Lot 335 - 572 North Thomas Lane - Kalpesh Patel

Sponsors: Welch and Rice

Rusty Marin, Senior Planner, presented staff recommendation for rezoning request Z18-018. The request is to be heard by Mayor and Council on January 22, 2018. Mr. Martin clarified that the request is not a zoning change, but rather changing to site-plan specific site. Prior to submitting the application, the three lots met R-15 requirements, however, were atypical lots.

The applicant is requesting two variances:

1. *Reduction of minimum lot size for lot #1 from 15,000 sq. ft. to 10,507 sq. ft.; and*
2. *Reduction of minimum front setback for lot #2 from 35' to 28'.*

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 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.*
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 within any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of two feet 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.*
- 6. No debris may be buried on any lot or common area.*
 - 7. 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.*
 - 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. 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

- 11. The development shall maintain the following setbacks:*
 - a. Front – 35' (lots #1 & #3) and 28' (lot #2)*
 - b. Street Side – 23'*
 - c. Interior Side- 10'*
 - d. Rear – 30'*
- 12. The development shall be developed with a minimum lot size of 10,507 sq. ft. for lot #1 and 15,000 sq. ft. for lots #2 & #3.*
- 13. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.*
- 14. The developer shall install a 5' sidewalk with a 2' grass buffer along both North Cooper Lake Road and North Thomas Lane for the length of the property.*
- 15. The final plat for the development shall include a right-of-way dedication of 5' along North Thomas Lane. Setbacks shall be taken from the existing right-of-way.*
- 16. The final plat for the development shall include a right-of-way dedication of 7' along North Cooper Lake Road. Setbacks shall be taken from the existing right-of-way.*
- 17. No driveway locations shall be permitted on North Cooper Lake Road.*
- 18. The driveway location for lot #1 shall be located on North Thomas Lane at least 50' from the intersection of North Thomas Lane and North Cooper Lake Road.*
- 19. All trees within the limits of disturbance that are scheduled to be preserve shall be protected according to the City's Tree Ordinance. All other trees within the limits of disturbance shall be removed.*
- 20. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facility shall be solely located on the HOA's property and shall be maintained by the HOA.*
- 21. Approval of the subject property for the R-15 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/9/2018 created by Paul Lee Consulting Engineering Associates, Inc.*
- 22. The applicant shall be bound to the elevations submitted and dated 11/9/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.*

Board member Bartlett asked about the ROW dedication. Mr. Martin clarified that staff are not going to punish the applicant for the dedication.

Board Member Campo inquired about the R-15 classification for lot 1. Director Suddreth clarified that staff encouraged the rezoning to avoid gerrymandered lots. Mr. Martin agreed that this will not set a precedent.

Chairman Powell asked the applicant to provide an overview of the request. Mark Lee of Paul Lee Consulting Engineering, came up to represent the applicant, Mr. Patel. Mr. Lee stressed that they did not want to increase any water flow to adjacent properties.

Board member Rice asked if the homes to be built were spec homes and their price. Mr. Lee asked Mr. Patel to come up and answer. Mr. Patel responded that they would be spec homes for around \$400,000.

Board member Harrington asked if there would be any renovations to the existing house. Mr. Patel responded that they had already done renovations.

Chairman Powell asked Mr. Lee about the detention facility. Mr. Lee said it would be above ground.

Chairman Powell opened the floor for Public Hearing.

John Rich- North Thomas Lane- said that the previous renovations on the existing house caused water damage from the water runoff. He stressed that he was not against the new houses, but wants his property protected. Mr. Suddreth responded that since this is a rezoning, more restrictions will be triggered.

Mitch Hoffman- Fox Cliff Ct- expressed his concern for the area and that it may set a precedent for creating smaller lots.

Boardmember Earl Rice made a motion to approve Zoning Request Z18-018 - Rezoning from R-15 to R-15-Conditional for three residential lots - 1.136 Acres - Land Lot 335 - 572 North Thomas Lane - Kalpesh Patel. This motion was seconded 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, Denny Campo and David Monroe

E. [2018-514](#)

Public Hearing - Code Amendment to the Zoning Ordinance to update section 908 in regards to the loading space requirements - City of Smyrna

Sponsors: Campo and Gould

Caitlin Crowe presented staff's recommendation. The request is to be heard by Mayor and Council on January 22, 2018. Mrs. Crowe recommended that the zoning ordinance be updated to correct typing errors and to prevent overlapping requirements. The amendment would affect the table in Section 908.

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

Boardmember Monty Bye made a motion to approve Code Amendment to the Zoning Ordinance to update section 908 in regards to the loading space requirements - City of Smyrna with a second by Boardmember David Monroe.

The motion to approve was carried by the following vote:

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

F. [2018-515](#)

Public Hearing - Code Amendment to the Zoning Ordinance to update the building permit requirements - City of Smyrna

Sponsors: Campo and Gould

Caitlin Crowe presented staff's recommendation. The request is to be heard by Mayor and Council on January 22, 2018. Staff recommended updates to Sections 1304 through 1306 to update the procedures to current standards and clarify when plan submission is required.

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

Boardmember Denny Camp made a motion to approve Code Amendment to the Zoning Ordinance to update the building permit requirements - City of Smyrna with a second by Boardmember David Monroe.

The motion to approve was carried by the following vote:

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

G. [2018-516](#)

Public Hearing - Code Amendment to the Zoning Ordinance to add a new fencing section - City of Smyrna

Sponsors: Campo and Gould

Caitlin Crowe presented staff's recommendation. The request is to be heard by Mayor and Council on January 22, 2018. Staff recommends updating sections 501 and 503 regarding fencing. Staff clarified fencing requirements for corner lots and double frontage lots as well as created a new section part form accessor structure.

Chairman Powell asked if chain link fencing would be allowed in the new section. Mrs. Crowe responded that it would only be in the 6 and feet allowable areas.

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

Boardmember Denny Campo made a motion to approve Code Amendment to the Zoning Ordinance to add a new fencing section - City of Smyrna with a second by Boardmember Cheri Harrington.

The motion to approve was carried by the following vote:

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

H. [2018-517](#)

Public Hearing - Code Amendment to the Zoning Ordinance to add guest parking for townhome and condominium communities - City of Smyrna

Sponsors: Campo and Gould

Caitlin Crowe presented staff's recommendation. The request is to be heard by Mayor and Council on January 22, 2018. Staff is recommending an update to Section 906 to add parking for townhomes and condominiums to replicate what staff currently requires in rezoning requests.

Board member Bye asked if the requirement would affect previous communities. Mrs. Crowe replied that it had been in use during the plan review process.

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

Boardmember Denny Campo made a motion to approve Code Amendment to the Zoning Ordinance to add guest parking for townhome and condominium communities - City of Smyrna with a second by Boardmember Earl Rice.

The motion to approve was carried by the following vote:

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

I. [2018-518](#)

Public Hearing - Code Amendment to the City's Code of Ordinance to repeal Appendices F, G, H, and I - City of Smyrna

Sponsors: Campo and Gould

Caitlin Crowe presented staff's recommendation. The request is to be heard by Mayor and Council on January 22, 2018. There were several discrepancies between Section 717 of the Zoning Ordinance (CDD, Corridor Design Districts) and Appendices F, G, H, and I of the Code of Ordinances. To eliminate any inconsistencies and redundancies, staff is proposing to repeal Appendices F, G, H, and I of the Code of Ordinance.

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

Boardmember Denny Campo made a motion to approve Code Amendment to the City's Code of Ordinance to repeal Appendices F, G, H, and I - City of Smyrna. Motion was seconded by Boardmember Leslie Lightfoot.

The motion to approve was carried by the following vote:

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

J. [2018-519](#)

Public Hearing - Code Amendment to the Zoning Ordinance to update Section 717 - City of Smyrna

Sponsors: Campo and Gould

Caitlin Crowe presented staff's recommendation. The request is to be heard by Mayor and Council on January 22, 2018. Staff recommends updating Section 717 in conjunction with the Appendix repeals. Staff also corrected typing errors.

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

Boardmember Denny Campo made a motion to approve Code Amendment to the Zoning Ordinance to update Section 717 - City of Smyrna with a second by Boardmember Cheri Harrington.

The motion to approve was carried by the following vote:

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

4. **Approval of Minutes:**

A. [2018-500](#)

Approval of the November 12, 2018 Planning and Zoning Meeting Minutes

Boardmember Leslie Lightfoot made a motion to approve the November 12, 2018 Planning and Zoning Meeting Minutes with a second by Boardmember David Monroe.

The motion to approve was carried by the following vote:

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

5. **Adjournment**

Chairman Powell adjourned the meeting at 7:46pm.