



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Tuesday, January 22, 2019

7:00 PM

Council Chambers

Roll Call

Present: 8 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Andrea Blustein, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Ron Fennel

Also Present: 7 - Tammi Saddler Jones, Scott Cochran, Terri Graham, Kay Bolick, Ken Suddreth, Russell Martin and Tina Monaghan

Call to Order

Mayor A. Max Bacon called the meeting to order at 7:00 PM.

1. Invocation and Pledge:

Pastor Phil Manginelli, The Square (981 Powder Springs Street) delivered Invocation and led all in the Pledge of Allegiance.

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

A. [2019-21](#)

Georgia Municipal Association 2018 Safety and Liability Grant Presentation

City Administrator Tammi Saddler Jones introduced Kay Love, Municipal Operations Consultant with Georgia Municipal Association (GMA), and Human Resources Director Kay Bolick who were present for a check presentation.

Ms. Love explained that the City of Smyrna applied for two grants (\$10,000 each) and was awarded the full amount on each which totaled \$20,000. The GMA Safety and Liability Management Grant program was introduced in 2000 to provide a financial incentive to assist members in improving their employee safety and general public liability loss control efforts through training and the purchase of equipment or services. Since the inception of the program, over 130 cities have received grant money through the program.

Councilmember Maryline Blackburn, Chair of the Human Resources Committee and Councilmember Ron Fennel, Chair of the Finance Committee joined Ms. Love and Ms. Bolick for the presentation of the check and photos.

4. Land Issues/Zonings/Annexations:

- A. [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: Norton

Ms. Saddler Jones summarized the background information. MCP III Real Estate, LLC is requesting to rezone the property at 2875 Spring Hill Parkway from Office/Institutional (OI) to Tourist Services (TS) - Conditional for the development of a seven-story, 136 room hotel with structured parking. The applicant is proposing to demolish the existing one-story office/warehouse building to construct a seven-story, 136 room hotel over a two-story structured parking deck. The Planning and Zoning Commission heard the rezoning request at the December 10, 2019 meeting and recommended approval with staff conditions by vote of 7-0. Community Development recommended approval of the rezoning from OI to TS-Conditional for a proposed seven-story, 136 room boutique hotel with conditions.

Mayor Max Bacon announced the public hearing and no one came forward to speak.

Councilmember Norton asked Mr. Russell Martin to come forward and present information on this request.

Mr. Martin went over the information with Mayor and Council including that it will be a 136 room, seven story hotel on Spring Hill Parkway. Future land use map has this as regional activity center designation. The site will be accessed from a full access driveway off Spring Hill Parkway on to the top deck of the structure and the bottom deck of the parking structured being located below grade. The proposed driveway entrance to the site will remain unchanged for where it is located today. Patrons will enter the site onto the top deck of the parking deck where there will be 28 parking spaces and an area for drop off and pick up. An additional 73 parking spaces will be located on the lower level of the parking deck beneath the hotel. The total number of parking spaces provided is 101 spaces at a ratio of 0.74 spaces per room. Applicant requested seven variances including setbacks, landscape, parking reduction, increase in building height and additional wall sign with an increase in sign area. The goal is to have a second sign to keep scale with building. Community Development recommended approval of the rezoning from OI to TS-Conditional for a proposed seven-story, 136 room boutique hotel with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10, 11, 16 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 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 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 two inches 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:

Front - 31' (from the existing Right-of-way)

Side - 5'

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. The development shall be allowed two wall signs (one sign on the Spring Hill Parkway elevation and one sign on the I-285 elevation) with a maximum allowable sign area of 125 sq. ft. for each sign.

16. 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.

17. 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.

18. 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.

19. 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.

The Mayor opened the floor for questions and there were none.

Mayor Bacon asked the applicant to step forward. Mr. Garvis Sams was present to represent the applicant.

Mr. Garvis Sams made a presentation regarding the agenda item. He noted that the Planning and Zoning Commission approved the change and that the applicant imposed some restrictions of their own. He spoke a bit about the applicants that have 68 combined years of experience in the hotel industry. Property is .99 acres, so it is a small piece of property. The applicant owns, manages and operates Holiday Inn Express Inext door and intends to do the same with this hotel. The criteria of the LCI which was approved by Council back in 2017 is met. They submitted the application on November 9th, stipulation letter on December 4th and followed at the next Planning and Zoning meeting which was December 10th. Element is a Marriot brand that is targeted to double income millennial travelers. Architecture is high end. Hotel will provide regularly scheduled shuttle service to surrounding areas and landmarks. Parking can also carry over to the Holiday Inn Express which is next door and has plenty of extra parking.

No questions were asked of Mr. Sams.

Mr. Norton thanked Mr. Martin for his thorough explanation and Mr. Sams for his presentation.

Councilmember Derek Norton 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. Councilmember Andrea Blustein seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Welch

B. [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

The background information was provided by City Administrator Tammi Saddler Jones. Melba Bush was proposing to rezone the property at 894 Pat Mell Road from R-15 to OI for the continued use of the existing structure as an office building. The subject property was developed and used for a dentist's office (operated by her now retired husband Dr. Bush) over the last few decades. The site has sat vacant since Dr. Bush retired. Due to the property being vacant for several years, the subject property has lost its legal non-conforming status and therefore requires rezoning to be used as an office. The rezoning request was heard by the Planning and Zoning Commission on December 10, 2018 and was recommended for approval with staff conditions by vote of 7-0. Community Development recommended approval of the proposed rezoning from R-15 to OI for use as an office building with conditions.

Mayor Bacon opened the public hearing and one person came forward in opposition to the request.

The Mayor asked City Attorney Scott Cochran how to best handle this agenda item if it winds up being tabled.

Ms. Wilkinson stated that she was comfortable with moving forward after talking to the applicant before the meeting.

Attorney Cochran swore in the applicant and anyone wanting to speak in reference to the property at the request of the Mayor. Three people were sworn in.

Councilmember Wilkinson asked that Mr. Russel Martin come forward and present the information.

Mr. Martin presented the detailed information about the request. Melba Bush proposed to rezone the property at 894 Pat Mell Road from R-15 to OI for the continued use of the existing structure as an office building. The change from R-15 to OI will bring the zoning in line with the historical use of the property. By rezoning the subject parcel to OI, the zoning of the property will be consistent with the way the property was developed and used for several decades. The zoning will not change the character of the neighborhood because the office use has been established for a long time. The zoning proposal brings the zoning of property in line with the use of the property. The rezoning request was heard by the Planning and Zoning Commission at their December 10, 2018 meeting and was recommended for approval with staff conditions by vote of 7-0. Community Development recommended approval of the proposed rezoning from R-15 to OI for use as an office building with the following conditions:

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

Councilmember Charles "Corkey" Welch joined the meeting at 7:25 PM.

Ms. Wilkinson asked Mr. Martin about the potential uses under the new proposed classification.

Mr. Martin read aloud from the zoning code the information that she requested. Twenty-four uses would be allowed on the property as a result of the new classification.

Councilmember Wilkinson inquired if a printing company would be allowed.

Mr. Martin does not see printing service directly mentioned.

The Mayor asked Ms. Wilkinson if she could indicate where she found the information referencing printing companies.

Councilmember Fennel asked if the property by virtue had reverted to residential.

Senior Planner, Russell Martin explained that it had and if a change was not made, then the property could only be residential or R15.

Councilmember Gould requested the rationale for why the property is a good location for OI zoning.

Mr. Martin explained that it is a historical precedent. The property owners are trying to get the zoning to match with what the property has historically been used for over forty (40) years. Community Development had done their due diligence to make sure the neighborhood was protected by limiting access to Wells Drive and allow the applicant's request to bring the zoning in line with it's historical use. The parcel is limiting and they felt the zoning with the two stipulations was enough to protect the neighborhood.

Ms. Wilkinson located the stipulation for the printing business and asked Mr. Martin for more details regarding this. She also wanted to know if the zoning classification remained with the property.

Mr. Martin explained that it did not mean a large printing press operation but rather a business that does printing on a small scale and that the zoning classification does remain with the property and not the owner.

Mayor Bacon asked to review existing parking on the property.

Mr. Martin showed the sketch that included parking and it was revealed that there are existing parking spots in the front of the property that have been there for some time.

Councilmember Blackburn inquired about any other conditions or stipulations that could be put in place to keep a business from disturbing the community.

In response, Mr. Martin explained that any new potential business would have to meet requirements and the property itself is limited in what can be done there. There is a possibility of redevelopment, but it would have to be in compliance with all of the City's Ordinances.

Mr. Norton commented that the size of the property seemed to really limit the uses, to which Mr. Martin agreed that the property was under an acre and they have placed a 35-foot undisturbed buffer across the back and with the 50-foot setback on the front of Pat Mell the property shrinks. The property is a narrow linear property that runs from Pat Mell to Wells Circle.

Ms. Wilkinson asked what the side set back is under OI (Office Institutional). Mr. Martin responded that the side setback is 15 feet for OI. Ms. Wilkinson asked what the side set was when OI abuts residential property. Mr. Martin read the requirements, no building in a residential district shall be located closer than 50 feet to a property which abuts it.

Mr. Martin noted when looking at this property it is 115 feet from the east and west

property lines. If zoning standards were met for a new structure, the building could only be 15-foot-wide.

Councilmember Gould requested that Mr. Martin repeat the setbacks. O and I has a 15-foot side set back but if a structure abuts a residential zoning district the building would need to be set back 50 feet from the property line.

Mr. Gould confirmed that on this property without variances, the available space for a new building would be a width of 15-feet, Mr. Martin agreed. He also stated that there were other access requirements that would shrink down the available property space from the total footage of the parcel.

The Mayor stated that it would be very difficult for a new building to be there especially with all the restrictions. He confirmed that the council is not looking at a new building they are looking at a zoning with the current building staying intact. Mr. Martin confirmed his statement.

For clarification, Ms. Wilkinson again asked if the property is rezoned, will the classification remain with the property to which Mr. Martin answered that the zoning classification stays with the property and not the owner.

Mayor Bacon asked that the applicant come forward and speak.

Ms. Melba Bush, who was there to represent her husband, came forward to speak. She explained that the property was purchased back in 1972 or 1973 and that it was only a house for three months prior to that. It was turned into a dental office right after her husband purchased it and remained that up until his retirement a few years ago. They are interested in keeping Smyrna looking good and in helping the community. The hope is that the building will be used to serve others as it had for many years as a dental office.

Councilmember Fennel thanked Ms. Bush and her husband for all that they have done to service the community. He explained the complications involved in making a decision regarding rezoning the property and let her know that he is in support of the application.

The Mayor described the A frame structure on the property and asked how long it was used as a residence. Ms. Bush stated that it was used as a home for about three months before her husband purchased it.

Ms. Wilkinson then spoke to Ms. Bush reiterating her concerns for rezoning the property. Ms. Wilkinson then went on to read her new stipulations aloud to the audience which included the following:

Mr. Martin had confirmed the two (2) stipulations listed as: Vehicular access to and from Wells Circle shall be prohibited; and the 35-foot undisturbed set back on the rear of the property. Both stipulations deal with protecting the neighborhood behind on Wells Circle. Ms. Wilkinson, as she spoke to Ms. Melba Bush read aloud the following additional stipulations.

- 1) Any use other than those allowed by City Code 710.15 is prohibited. (710.15) Offices, including the following:
Offices of health service practitioners, including physicians, surgeons, dentists, dental surgeons, osteopathic physicians, chiropractors and other licensed practitioners

similar to those listed.

Other professional offices, including legal, accounting, auditing, engineering, architectural and others similar in character to those listed.

General business offices, including financial, real estate, insurance, manufactures and sales representatives, and others similar in character to those listed, provided that no goods are for sale at retail.

Governmental offices, including federal, state, county and city.

2) No expansion of existing parking and no parking in the front yard;

3) If the property is to be redeveloped by demolition of the existing building, only one principal building is allowed.

4) The size of any new principal building shall not exceed 35 feet in height;

5) No monument sign allowed

6) No signs larger than three feet in height or width can be attached to any structure.

7) Any sign lights must be turned off when business is closed.

8) The hours of operation shall be limited to between 7:00 am and 6:00 pm

9) No existing trees on the frontage of the property facing Pat Mell Road can be removed unless they are certified by the City Arborist as dead or dying or hazardous;

10) No additional curb cuts on Pat Mell Road allowed

11) No front yard fencing is allowed.

12) If rear fencing is added, it must be placed between the building and the 35" undisturbed buffer.

Ms. Wilkinson asked Ms. Bush and Mr. Carter if they wanted to comment on the additional stipulations. Ms. Bush said the stipulations were fine as she looked at a document, she said they had no problem with this.

Mayor Bacon announced that 2 people had been sworn in to speak. He called on those that were sworn in to come forward to speak on this issue.

Mr. Gary Nelson of 872 Chrysler Avenue spoke in opposition to the rezoning. He appreciated everything that the Bush's have done over the years. Some of the uses concern him and he feels that it would be out of character for the area. He suggested splitting the property and building two homes which would help improve the area.

Ms. Wilkinson asked Mr. Carter, the agent for Ms. Bush, if he would like to speak about making the property residential.

Mr. Carter said that the topography of the property which is primarily a hill would be problematic with building a home there.

Mr. Fennel asked the agent about potential buyers and what it is they are wanting to do with the property.

The agent stated that people are interested in the property under an OI classification.

The Mayor added that the trees would all have to be cut down in order to build homes.

Ms. Wilkinson asked if the existing structure could still be used if the property was split in two.

Mr. Carter said that if the property were to be split, the structure would have to come down. He also clarified that the property targets small neighborhood office type businesses such as a chiropractor.

Mr. Fennel asked if a vote of no would impair the ability to sell the property and the agent responded that yes it would create problems with selling the property.

Ms. Wilkinson wanted to reread the stipulations and move forward with the additional stipulations.

Mr. Fennel asked for a point of order because he felt that there needed to be a separate vote for the new stipulations. He felt that separate votes should be made since most are not in support of the stipulations.

City Attorney Scott Cochran said that he thought that separate votes were not necessary but should be made in the case that there was disagreement on the new stipulations.

Councilmember Welch expressed concern about the signage stipulations that were added by Ms. Wilkinson.

Ms. Wilkinson said that she would be willing to allow for a small monument sign to which Mr. Welch recommended sixteen square feet which is half the size of what is currently allowed.

Councilmember Gould said that he did not think that the Council meeting was the forum for the debate on these stipulations and that staff needed to be involved in any changes.

Councilmember Norton spoke about the concerns and felt that staff had thoroughly explained why the uses of concern are not going to be an issue. The fourteen stipulations presented by Ms. Wilkinson did not go through the proper protocols such as staff and legal. He was satisfied with moving forward as presented by staff.

Ms. Blackburn made it known that she appreciated all of the additional information that was presented and felt that tabling it would be the way to go.

Mr. Cochran stated that a motion to table with a second would end all conversation on the agenda item.

There was some discussion if there was actually a motion on the table and then what that motion was. City Attorney Scott Cochran conferred with City Clerk Terri Graham as to what had been recorded. Ms. Graham explained that Councilmember Susan Wilkinson had not made a motion but had started to read the stipulations again but had not signified a motion for approval or denial.

Mr. Fennel reiterated that the original application is what stood before the Council

unless Ms. Wilkinson added stipulations.

Mr. Norton inquired whether he could make a motion in order to move forward.

The Mayor explained that the representative of the Ward usually makes the motion in regard to the application.

Ms. Wilkinson stated that she appreciated the work that staff had done but felt that the Pat Mell side was not addressed. She asked City Attorney Cochran for his input on the matter.

Mr. Cochran felt that the other uses of concern would not happen due to the restrictions already in place and that is why Community Development only came up with two stipulations. He added that as a procedural matter, it wouldn't hurt to add additional stipulations, but as a matter of business, this is not the way to go about adding last minute additions.

Councilmember Derek Norton 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 as presented by staff.

The motion to approve failed for lack of a second.

Discussion was had among Mayor and Council as to what motion was made and by who.

Councilmember Blustein expressed her confusion over the stipulations and what was actually being voted on.

Ms. Wilkinson made her motion to approve with additional stipulations which she read aloud. Discussion from Council continued.

The Mayor clarified that not all fourteen stipulations were included in the motion that Ms. Wilkinson made.

Mr. Gould said that he had a hard time accepting the stipulations in such a short time without any feedback from staff.

Mr. Fennel agreed with Mr. Gould and felt that there was not enough time to review the stipulations presented. He respected staff and their opinions and intended to vote no.

Mayor Bacon asked for clarification regarding hours listed in Ms. Wilkinson's stipulations which were based on daycares in residential areas.

City Attorney Cochran asked for clarification regarding the sign requirements so that staff have a proper understanding of what is expected.

Mr. Welch asked if more than one vote could be taken on this agenda item if necessary.

Mayor Bacon added that there has been businesses in residential areas so this request is not the first that has come before the City.

Councilmember Wilkinson's motion was seconded and recorded as follows.

Councilmember Susan Wilkinson 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 the following additional stipulations as read aloud by Councilmember Susan Wilkinson.

Any use other than those allowed by City Code 710.15 is prohibited.

(710.15) Offices, including the following:

- (1) Offices of health service practitioners, including physicians, surgeons, dentists, dental surgeons, osteopathic physicians, chiropractors and other licensed practitioners similar to those listed.
- (2) Other professional offices, including legal, accounting, auditing, engineering, architectural and others similar in character to those listed.
- (3) General business offices, including financial, real estate, insurance, manufactures and sales representatives, and others similar in character to those listed, provided that no goods are for sale at retail.
- (4) Governmental offices, including federal, state, county and city.

No additional parking in the front yard.

If the property is to be redeveloped by demolition of the existing building, only one principal building is allowed.

The size of any new principal building shall not exceed 35 feet in height, which is the height in a residential R-15.

Open to a smaller monument sign not to exceed 16 square feet as Mr. Welch had mentioned we could limit that to 16 sq ft.

No signs larger than three feet in height or width can be attached to any structure.

Any sign lights must be turned off when business is closed.

The business hours of operation shall be limited to between 7:00 am and 6:00 pm.

No fencing in the front yard.

No fencing in the 35 foot rear buffer.

Councilmember Maryline Blackburn seconded the motion.

The motion to approve failed by the following vote:

Aye: 2 - Councilmember Blackburn and Councilmember Wilkinson

Nay: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Gould and Councilmember Fennel

Councilmember Derek Norton 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 as submitted by staff with a second by Councilmember Ron Fennel.

The motion to approve was carried by the following vote:

Aye: 5 - Councilmember Norton, Councilmember Blustein, Councilmember Welch, Councilmember Gould and Councilmember Fennel

Nay: 2 - Councilmember Blackburn and Councilmember Wilkinson

C. [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

Ms. Saddler Jones provided the background information for Mayor and Council. Kalpesh Patel is requesting a rezoning from R-15 to R-15-Conditional for the development of three (3) new single-family homes at a density of 2.64 units per acre. The proposed rezoning will result in the renovation of the existing single-family home on-site and the development of two new single-family homes on either side of the existing home. The rezoning request was heard by the Planning and Zoning Commission at the December 10, 2018 meeting and was recommended for approval with staff conditions by vote of 7-0. Community Development recommended approval of the zoning request from R-15 to R-15-Conditional for three (3) single-family units at a density of 2.64 units per acre with conditions.

An announcement was made for the public hearing and no one came forward to speak.

Mr. Russell Martin, Senior Planner came forward to speak about this request. The first submitted plan was not ideal so another plan was submitted with recommendation of Community Development. The request was not changing the zoning but changing it to a site plan specific zoning. Community Development recommended approval of the zoning request from R-15 to R-15-Conditional for three (3) single-family units at a density of 2.64 units per acre 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% 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. 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 detention 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.

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 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.

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:

Front - 35' (lots #1 & #3) and 28' (lot #2)

Street Side - 23'

Interior Side - 10'

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.

Councilmember Welch asked about the existing house and expressed a small concern about how lot three will fit a house even with the changes.

Ms. Blackburn asked about the sidewalks near this property. Mr. Martin explained that all new sidewalks will be installed for the project.

City Attorney Cochran swore in the applicant, Mr. Patel who is the owner of the property. He also swore in Mr. Mark Lee the Engineer for the project.

Mr. Welch asked both the applicant/owner and the Engineer, Mr. Mark Lee how the new layout will make the detention area more workable as compared to the original plan.

Mr. Fennel thanked the applicant for working with staff to work out the problems and be able to move forward with the project.

Councilmember Charles "Corkey" Welch 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 with a second by Councilmember Ron Fennel.

The motion to approve was carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

D. [2019-19](#)

Public Hearing - Approval of a subdivision plat for 3943 North Cooper Lake Road to subdivide the property from one lot to five lots - 2.28 Acres - Land Lots 336 & 385 - 3943 North Cooper Lake Drive - Southern Realty Partners, LLC

Sponsors: Welch

Framework data for this agenda item was read aloud by Ms. Tammi Saddler Jones. Southern Realty Partners, LLC is requesting approval to subdivide their property at 3943 North Cooper Lake Road into five single-family residential lots. The applicant plans to subdivide the property within the requirements of the R-15 zoning district, so no rezoning is required. The subject property is 1.83 acres in size and is zoned R-15 (single-family residential). The Planning and Zoning Commission heard the request for plat approval and recommended approval of the subdivision with the variance for the existing 4' sidewalk along Reed Road by a vote of 6-0. Community Development has reviewed the proposed subdivision against the requirements of the R-15 zoning district. Staff believes the proposed subdivision meets the intent of the requirements of the R-15 zoning district. Community Development recommends approval of the requested

subdivision. However, Community Development does not support the variance to maintain the 4' sidewalk along Reed Road.

The Mayor announced the public hearing, and no one came forward to speak.

Mr. Welch asked Mr. Martin to come forward and present further information regarding the request.

Mr. Martin explained that Southern Realty Partners, LLC is requesting approval to subdivide their property at 3943 North Cooper Lake Road into five single-family residential lots. The applicant plans to subdivide the property within the requirements of the R-15 zoning district, so no rezoning is required. The subject property is 1.83 acres in size and zoned R-15 (single-family residential). The proposed subdivision will result in five new lots ranging between 15,000 sq. ft. and 20,389 sq. ft. in size. The City's design specifications for public right-of-way's require the upgrading of existing non-conforming sidewalks for new subdivisions. The applicant is proposing to install a new sidewalk along North Cooper Lake Road per city code but is requesting a variance to maintain the existing 4' sidewalk along Reed Road. Community Development has reviewed the proposed subdivision against the requirements of the R-15 zoning district. Staff believed the proposed subdivision meets the intent of the requirements of the R-15 zoning district. Community Development recommended approval of the requested subdivision. However, Community Development does not support the variance to maintain the 4' sidewalk along Reed Road.

Mr. Fennel asked about the sidewalk change and why the staff recommended otherwise.

Ms. Wilkinson asked if there was already a four foot sidewalk in place.

Mr. Martin said the concerns of the applicant regarding the sidewalk were in reference to the placement of existing utilities. Community Development felt that it can easily be dealt with and that they can utilize the buffer area rather than downsizing the entire sidewalk.

The applicant came forward and was sworn in by City Attorney Scott Cochran.

Mr. Whit Smith of Southern Reality Partners, LLC came forward to answer questions.

Mr. Welch restated that this is not a rezoning, just an approval of a subdivision plat. He agreed that the sidewalks should be five foot but does not want to see poles in the middle of sidewalks.

Mr. Smith explained the problem with existing utilities and the concern of aesthetics with having to work the sidewalk around the poles and such.

The Mayor inquired about the chances that the existing four foot sidewalks will be changed to five foot. Mr. Martin said that would depend on when the road improvements will occur.

Mr. Fennel feels that five foot sidewalks are ideal but in this case it would be only one property owner that had a five foot wide sidewalk. He feels that the City needs to have a fund that would allow sidewalks to be widened in such as a case as this.

Mr. Welch said that he thinks staff should work it out with the developer but he would prefer the five foot sidewalk if it can be done and look nice.

Councilmember Charles "Corkey" Welch made a motion to approve a subdivision plat for 3943 North Cooper Lake Road to subdivide the property from one lot to five lots - 2.28 Acres - Land Lots 336 & 385 - 3943 North Cooper Lake Drive - Southern Realty Partners, LLC with 5 foot sidewalk as recommended by staff. The motion was seconded by Councilmember Ron Fennel.

The motion to approve was carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

E. [2019-25](#)

Public Hearing - Zoning Request Z19-001 - Modification of approved zoning conditions and building elevations - 17.77 Acres - Land Lots 168 & 178 - 1365 Veterans Memorial Highway (Brookside Lake Manor) - Taylor Morrison of Georgia, LLC

Sponsors: Fennel

City Administrator Tammi Saddler Jones provided some background into this agenda item. Taylor Morrison of Georgia, LLC requested zoning modifications of zoning condition #5 from Z-149 Cobb County to eliminate the requirement of a two car garage for each unit and allow for one car garage on internal units. Community Development recommends approval of proposed zoning amendment with the following modification to zoning condition #5 from Cobb County Zoning Case Z-149 (2006):

5. The size of the homes shall range from 1,800 sq. ft. up to 2,400 sq. ft. with each home having at a minimum an attached one-car garage. The architectural style of the home shall be traditional and the composition of the homes shall consist of a mixture of brick, stone, hardy shake, or hardy plank on at least three (3) sides consistent with the elevations/renderings, which were submitted under separate cover on September 20, 2006.

Mayor Bacon opened the public hearing and no one came forward to speak.

Mr. Fennel asked Senior Planner Rusty Martin to come forward and offer some additional information on the request.

Mr. Martin summarized the history of this development. The subject property was originally rezoned in Cobb County from RM-12 & PSC to RM-12-Conditional (Z-149) for the demolition of an existing apartment complex and the development 156 townhome units. In 2007, the developer received a land disturbance permit from Cobb County and demolished the existing apartment complex. The developer did not proceed with any other work due to the downturn in the economy. The subject property remained idle and vacant from 2007 to 2015. The applicant approached the city at the end of 2015 to annex the subject property into the city with the same zoning conditions approved by Cobb County. In December of 2015, the city annexed the subject property with the same zoning conditions approved by Cobb County. The site has been developed and all infrastructure has been installed. The homebuilder has completed one building and is currently under construction on two other buildings within the community. The applicant would like to amend this stipulation to remove the requirement for a two-car garage and replace it with a one-car garage. The applicant is proposing to provide two-car garages with two-car driveways on the end units of the building with the interior units having one-car garages with two-car driveways. In addition, to the changes in the garage type, the applicant is proposing to lower the building heights from three story

buildings to two and half story buildings. The proposed changes will also allow the main entrance of the homes to move from the second floor to the first floor, as well as move the second bedroom from the third floor to the first floor on the one-car garage units. The townhome units will remain the unchanged with respect to unit width. The applicant has stated the proposed changes will allow them to provide product flexibility to meet the different household types in the market.

Ms. Wilkinson inquired about the number of units and how many of these units will be affected by the garage reduction.

Mr. Martin stated that the applicant would be more able to provide the information on the number of units affected.

City Attorney Cochran swore in the applicant.

Brandon Richardson, Director of Land Development for Taylor Morrison was present to represent the request. The change allows for a more diverse product for the consumer, it opens up affordability and allows greenspace in front of each one car garage. The proposed change also reduces storm water runoff and traffic within the community.

Mr. Fennel asked about the total units involved.

Mr. Richardson explained that there will be 136 units with 124 potential one car garage units. If the product does not sell, there is a potential to go back to two car units.

Ms. Blustein asked about the one car garage units, specifically how many will be one car and how many two? Mr. Richardson said that there will be 136 units with 124 potential one car garage units and it will vary from 5 to 7 homes per building pack.

Mr. Fennel reviewed some of the changes to the property and then inquired as to the potential build out date.

If the market continues in the way it is, Mr. Richardson said about three years until they are built out.

Councilmember Ron Fennel made a motion to approve Zoning Request Z19-001 - Modification of approved zoning conditions and building elevations - 17.77 Acres - Land Lots 168 & 178 - 1365 Veterans Memorial Highway (Brookside Lake Manor) - Taylor Morrison of Georgia, LLC. Councilmember Charles "Corkey" Welch seconded the motion.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Gould and Councilmember Fennel

Nay: 1 - Councilmember Wilkinson

5. Privilege Licenses:

There were no privilege licenses.

6. Formal Business:

There was no formal business.

7. Commercial Building Permits:

There were no commercial building permits.

8. Consent Agenda:

City Administrator Tammi Saddler Jones read aloud the consent agenda.

Councilmember Tim Gould made a motion to approve the consent agenda as read aloud by City Administrator Tammi Saddler Jones with a second by Councilmember Maryline Blackburn.

The motion to approve was carried by the following vote:

Aye: 7 - Councilmember Norton, Councilmember Blackburn, Councilmember Blustein, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

- A. [2019-22](#) Approval of the January 7, 2019 Mayor and Council Meeting Minutes
- B. [2019-07](#) Approval of the January 7, 2019 Pre-Council Meeting Minutes
- C. [2019-23](#) Approval of the January 3, 2019 Committee of the Whole Meeting Minutes
- D. [2019-20](#) Appointment of Frank Martin as a permanent member and Kevin Moore as an alternate member on the License and Variance Board
Sponsors: Fennel
- E. [2019-17](#) Approval to use Council Chambers for Creatwood at Vinings Annual HOA Meeting, Sunday, February 24, 2019 from 6:00pm - 8:00pm
Sponsors: Gould

9. Committee Reports:

Mr. Ron Fennel invited everyone to go to the City website and review the information pertaining to the budget as the Fiscal Year 2020 Budget process is now underway. He welcomed everyone to participate and offer their input.

Mr. Tim Gould spoke about the 1st Annual Dancing with the Smyrna Stars fundraiser for the Campbell High School Athletic Department that took place on Saturday, January 19th. Councilmember Maryline Blackburn participated as a dancer and Mayor Max Bacon acted as a judge. The event completely sold out and raised \$30,000 for the athletic department. The next Business Partners of Campbell High School meeting will be February 13th. This is an opportunity for local businesses to support and get involved with the local high school.

Ms. Susan Wilkinson commented on how wonderful the Dancing with the Smyrna Stars event was and how proud she was of those that participated from the City. The

Library is having a free workshop on Saturday, February 9th from 2pm to 4pm entitled "What Successful Non-Profits Do to Succeed". Seating is limited so please reserve a spot by emailing the Library.

Mr. Charles "Corkey" Welch made a very important announcement. Starting Monday, February 4th, there will be a new sanitation routing schedule so check your mail from the City for more details regarding this change.

Ms. Maryline Blackburn welcomed four new City employees. She was excited to see the Safety and Liability Grant from Georgia Municipal Association (GMA). Ms. Blackburn talked about how wonderful it was to be a contestant in the Dancing with the Smyrna Stars and looks forward to next year's event. She pointed out how the NFL is coming to town because Atlanta is hosting this year's Superbowl and recommended checking the NFL website for more details regarding the schedule of events. She offered a big thank you to the Turner Chapel for the wonderful MLK celebration that she attended this past Monday. Her report was wrapped up by welcoming and thanking her constituents that were in attendance at the meeting.

Ms. Andrea Blustein wished everyone a good evening.

Mayor Bacon talked about the Dancing with the Smyrna Stars event and how it was a wonderful evening with many talented dancers.

10. Show Cause Hearings:

There were no show cause hearings.

11. Citizen Input:

Mr. Leonard Robinson, 1809 Teasley SE, wished everyone a Happy New Year. He spoke of an event that the Sustainable Smyrna group will be hosting with speaker Monica Brown of Thyssenkrupp Elevators on Thursday, January 24, 2019 at 6:30pm at Chris's Caribbean Bistro on South Cobb Parkway. He invited everyone to attend and learn more about sustainability.

Ms. Patricia Burns, 10 Concord Road, a 30 plus year resident of the City of Smyrna came to speak about the importance of the Vision Plan. She feels that it is very important that we keep in mind that we pride ourselves as a City that celebrates our diversity. What better way to promote diversity than by making Heritage Festivals a regular part of the City. Do not unravel the vision plan, but look forward to what we can do to be a City that welcomes everyone.

12. Adjournment:

Mayor Bacon adjourned the meeting at 9:32 PM.