



# City of Smyrna

2800 King Street  
Smyrna, GA 30080  
www.smyrnacity.com

## Meeting Minutes - Final Planning and Zoning Commission

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Monday, September 12, 2016

6:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 6 - Joel Powell, Denny Campo, Ron Roberts, Leslie Lightfoot, David Monroe and Emily Hein Warren

**Absent:** 2 - Earl Rice and Cheri Harrington

**Also Present:** 4 - Russell Martin, Joey Staubes, Heather Corn and Eric Randall

### 2. Call to Order

Chairman Joel Powell called the meeting of the Planning and Zoning Board to order at 6:00pm and reviewed the procedures for the public hearing with all in attendance.

### 3. Business

**A.** Public Hearing - Zoning Request Z16-009 - Rezoning from R-20 to RMC-8 for the development of 32 townhome units - 4.19 Acres - Land Lot 332 & 333 - Southwest Corner of Fontaine Road & East/West Connector - Ashton Atlanta Residential, LLC - This item is to be tabled to the October 10, 2016 Planning and Zoning Board Meeting at the request of the applicant.

**Sponsors:** Fennel and Monroe

A motion was made by Boardmember David Monroe to table until the October 10, 2016 Planning and Zoning Board meeting item 2016-264; a zoning request (Z16-009) for the rezoning from R-20 to RMC-8 for the development of 32 townhome units on 4.19 Acres and Lot 332 & 333 located at the Southwest Corner of Fontaine Road & East/West Connector by the applicant Ashton Atlanta Residential, LLC.; seconded by Boardmember Ron Roberts.

The motion carried by the following vote:

**Aye:** 5 - Denny Campo, Ron Roberts, Leslie Lightfoot, David Monroe and Emily Hein Warren

**Absent:** 2 - Earl Rice and Cheri Harrington

**B.** Public Hearing - Zoning Request Z16-014 - Rezoning from R-15 to RM-12-Conditional for 13 townhome units at 10.92 units per acre - 1.19 Acres - Land Lot 595 - 3139 Atlanta Road - Traton Homes, LLC - This item is to be tabled to the October 10, 2016 Planning and Zoning Board meeting at the request of the applicant.

**Sponsors:** Campo and Stoner

A motion was made by Boardmember Denny Campo to table until the October 10, 2016 Planning and Zoning meeting item 2016-324; a zoning request (Z16-014) for the rezoning from R-15 to RM-12-Conditional for 13 townhome units at 10.92 units per acre on 1.19 Acres, Land Lot 595 located at 3139 Atlanta Road by the applicant Traton Homes, LLC; seconded by Boardmember David Monroe.

The motion carried by the following vote:

**Aye:** 5 - Denny Campo, Ron Roberts, Leslie Lightfoot, David Monroe and Emily Hein Warren

**Absent:** 2 - Earl Rice and Cheri Harrington

**C.** Public Hearing - Zoning Request Z16-012 - Rezoning from R-15 to RM-15-Conditional for the development of 49 townhome units - 3.9 Acres - Land Lots 809 & 847 - Woodland Terrace & Bell Drive - The Woodberry Group, LLC

**Sponsors:** Roberts and Norton

*Senior Planner Rusty Martin read the following background for this item:*

*This item is a zoning request (Z16-012) for the rezoning from R-15 to RM-15-Conditional for the development of 49 townhome units on 3.9 Acres, Land Lots 809 & 847 located at Woodland Terrace & Bell Drive by the applicants The Woodberry Group, LLC.*

*This zoning request was tabled from the July 11, 2016 Planning and Zoning Board meeting to the August 8, 2016 meeting. At the August 8, 2016 meeting, a vote of 6-0 with one absent by the Planning Board was made to table this item until the September 12, 2016 Planning and Zoning Board meeting.*

*Mr. Martin reviewed the site plan as well as the elevations, showed picture of the subject property and the adjacent properties.*

*Community Development recommends approval of the request rezoning from R-15 to RM-15-Conditional with the following conditions:*

*Standard Conditions*

*(Requirement #2, 8, 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% 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 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. 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.*

*4. 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.*

*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 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.

7. 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.

8. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.

9. No debris may be buried on any lot or common area.

10. 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".

11. 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.

12. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

13. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

#### Special Conditions

14. The development shall maintain the following setbacks:

##### Development Pod A

Front - 15' (from the existing Right-of-way)

Side - 10'

Rear - 40'

##### Development Pod B

Front - 15'

South Side - 10'

North Side - 20'

15. The buildings within the development shall maintain the following building separations:

Front to Front- 50'

Rear to Rear - 40'

Side to Side - 30'

16. Each townhome building shall be limited to no more than six units per building.

17. Driveway - 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.

18. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

19. The right-of-ways along Bell Drive and Woodland Terrace shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along both right-of-ways.

20. The developer shall provide a 5' sidewalk with a 2' grass buffer along Bell Drive and Woodland Terrace for the length of the development and a 5' sidewalk within Development Pod A.

21. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the northern property line.

22. 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.

23. Trees shall be planted the entire length of Bell Drive and Woodland Terrace at an average spacing of no more than 40'.

24. 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.

25. The developer will be required to install a sanitary sewer main extension in both Bell Drive and Woodland Terrace to serve all lots in the development. E elevations are the responsibility of the developer.

26. The developer shall widen Woodland Terrace to 26' for the length of the

development.

27. *Approval of the subject property for the RM-15 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 8/4/2016 created by DGM Land Planning Consultants and all zoning stipulations above.*

28. *The applicant shall be bound to the elevations submitted and dated 7/21/2016. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.*

29. *The additional stipulations agreed upon by the applicant in the letter submitted and dated on July 21, 2016. If there should be a discrepancy between the stipulations in the July 21, 2016 letter and the stipulations stated above, the stipulations stated above shall apply.*

*The attorney representing the Woodbury Group, Garvis Sams was also present and spoke about some of the changes made after the previous meeting to address the concerns of the citizens and gave an overall timeline of events.*

*Chairman Powell called the public hearing and several residents spoke about concerns for traffic, both residential and construction; guest parking, school overcrowding, public safety access and lack of Councilperson assistance in getting their concerns addressed.*

A motion was made by Boardmember Ron Roberts to approve item 2016-265 a zoning request (Z16-012) for the rezoning from R-15 to RM-15-Conditional for the development of 49 townhome units on 3.9 Acres, Land Lots 809 & 847 located on Woodland Terrace & Bell Drive by the applicant The Woodberry Group, LLC.; seconded by Boardmember Emily Hein Warren.

The motion carried by the following vote:

**Aye:** 4 - Denny Campo, Ron Roberts, Leslie Lightfoot and Emily Hein Warren

**Nay:** 1 - David Monroe

**Absent:** 2 - Earl Rice and Cheri Harrington

**D.**

Public Hearing - Zoning Request Z16-017 - Rezoning from NS to GC-Conditional for the construction of a 5,000 sq. ft. commercial building - 0.4 Acres - Land Lot 446 - Belmont Circle - Yorkshire Real Estate Corporation

**Sponsors:** Harrington and Wilkinson

*Senior Planner Rusty Martin read aloud the following background for this item: Yorkshire Real Estate Corporation is requesting a rezoning of subject property from NS to GC-Conditional for the development of a new commercial building on Belmont Circle. The subject property is 0.4 acres in size and is zoned NS. The applicant is proposing to relocate some of the existing businesses (the pharmacy and dentist office) from 969 Windy Hill Road into the proposed commercial building after the acquisition of 969 Windy Hill Road by the City for the Windy Hill Road Improvement Project. The dentist office use is not identified as a permitted use under Section 711 of the Zoning Ordinance. Therefore, a rezoning from NS to GC is required to allow the dentist office as a permitted use.*

*Community Development recommends approval of the proposed rezoning from NS to GC-Conditional for the development of a new commercial building with the following conditions of approval:*

*(1) The composition of the commercial buildings in the development shall include a mixture of elements including; but not limited to: brick, stone and stucco. No elevation shall be comprised of 100 percent hardy plank siding.*

*(2) All utilities within the development shall be underground.*

*(3) The developer shall be responsible for any traffic improvements (including*

additional right-of-way dedications) deemed necessary by either the city or the county during construction plan review. 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.

(4) No debris may be buried on any lot or common area.

(5) The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.

(6) All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect.

(7) All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

(8) Dumpsters shall be enclosed with a minimum of six (6) foot high enclosure consistent with architectural style and composition of the main commercial building on three (3) sides with an opaque wooden door. The access side shall remain in a closed position except when the dumpster is being emptied. All dumpsters shall have rubber lids to minimize noise.

(9) The applicant shall comply with the City's current sign ordinance.

(10) The developer shall provide a walkway connecting the sidewalk to the building. The crosswalk shall be either brick pavers or stamped concrete.

(11) The following uses shall be prohibited:

Automotive sales/repair

- Automobile wash service
- Boarding and breeding kennels
- Dry cleaning plants
- Adult Novelty Stores & Adult Entertainment
- Pawnshops
- Check Cashing Stores
- Pool Hall or Arcade
- Service stations
- Coin Operated Laundry
- Composting Facility
- Funeral Homes
- Group Homes
- Shelter for the Homeless
- Tattoo Parlor

(12) The approval of the rezoning to the subject property shall be in substantial conformity to the site plan submitted on August 12, 2016 and created by Civil Engineering Consultants, Inc.

(13) The architectural elevations shall be submitted to the Community Development Department for review and approval prior to the issuance of a building permit. The developer shall address the staff comments provided item #7 of the staff analysis. The site plans as well as elevations for the business were shown and Mr. Martin discussed the age of the current building.

Chairman Powell called the public hearing and no one came forward to speak in favor to or in opposition of this item.

The applicant was present and came to the podium and introduced himself to the Board. He is very excited for this development and already has the office spaces rented.

He understands the need for additional architectural drawings to show some more features on the building, such as shutters and different building materials to give the building a more uniform look to the area.

He is also accepting of the conditions as read aloud.

A motion was made by Boardmember Emily Hein Warren to approve item 2016-375 for the zoning request (Z16-017) for the rezoning from NS to GC-Conditional for the construction of a 5,000 sq. ft. commercial building on 0.4 Acres, Land Lot 446 located at Belmont Circle by the applicant Yorkshire Real Estate Corporation; seconded by

Boardmember Denny Campo.

The motion carried by the following vote:

**Aye:** 5 - Denny Campo, Ron Roberts, Leslie Lightfoot, David Monroe and Emily Hein Warren

**Absent:** 2 - Earl Rice and Cheri Harrington

**E.** Public Hearing - Zoning Request Z16-015 - Rezoning from R-20 to RAD-Conditional for the development one single-family residence - 0.405 Acres - Land Lot - 519 - 2495 Adams Drive - Ronald Dickinson

**Sponsors:** Anulewicz

*Senior Planner Rusty Martin read aloud the following background for this item: Ronald Dickinson is requesting to rezone the property from R-20 to RAD-Conditional for the subdivision of the subject property into two lots per the 1950's plat. The applicant is proposing to leave the existing home on one lot and construct a new detached single family home on the second lot.*

*The subject property was originally platted as lot # 72 of the Belmont Subdivision in 1944. In 1950, Mr. & Mrs. Adams dedicated 10' of property along the long side of the property to the County for the creation of Adams Drive (a public street). During that dedication and replatting, lot #72 was subdivided into two lots. The first lot 70' by 100' and the second lot was 70' by 150'. These lots were recorded on the plat, but were never officially recorded with the tax office to become an official parcel of record.*

*Since, the lots are below the minimum zoning standards of the R-20 zoning district, the property has to be rezoned to allow for the zoning proposal.*

*Elevations of the property were shown as well as the site plan. Subject property pictures were reviewed and adjacent property pics shown.*

*Community Development recommends approval rezoning the subject property from R-20 to RAD-Conditional for two detached single-family units at a density of 4.9 units per acre with the following conditions:*

*Standard Conditions*

*(Requirement #2, 3, 4, 8, 9, 10 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% 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 stormwater management facility 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.*
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 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.*
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.*
8. *All yards and common areas are to be sodded, and landscaped. Irrigate as*

appropriate.

9. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

*Special Conditions*

10. The development shall maintain the following minimum setbacks:

Front - 35'

Side - 10'

Street Side - 15' (From Existing ROW)

Rear - 30'

11. Driveway - 22' minimum length from building face to back of sidewalk.

12. Each home will be a minimum of 1,800 square feet in floor area.

13. The minimum allowable lot size shall be 7,430 sq. ft..

14. The minimum allowable lot width shall be 70'.

15. The developer shall install a 5' sidewalk for the length of the development along Pierce Avenue. There shall be a 2' grass buffer between the sidewalk and the back of curb.

16. The final plat for the development shall include a right-of-way dedication of 5' along Adam Drive. Setbacks shall be taken from the existing right-of-way.

17. 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 8/12/2016 created by Sean J. Murphy.

18. The applicant shall be bound to the elevations submitted and dated 8/12/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.

The applicant was present to answer any additional questions the board had. The applicant is in agreement to the conditions that were read aloud and reviewed by Mr. Martin.

Chairman Powell called the public hearing portion and no one came forward to speak in opposition to or to make comment regarding this item.

A motion was made by Boardmember Emily Hein Warren to approve item 2016-376 for zoning request (Z16-015) for the rezoning from R-20 to RAD-Conditional for the development one single-family residence on 0.405 Acres, Land Lot 519 located at 2495 Adams Drive by the applicant Ronald Dickinson, with staff recommendations and setback to remain at 35 feet as noted in Special Condition # 10; seconded by Boardmember Ron Roberts.

The motion carried by the following vote:

**Aye:** 5 - Denny Campo, Ron Roberts, Leslie Lightfoot, David Monroe and Emily Hein Warren

**Absent:** 2 - Earl Rice and Cheri Harrington

#### **4. Approval of Minutes:**

##### **A. Approval of the August 8, 2016 Planning and Zoning Board Meeting Minutes**

A motion was made by Board Member Leslie Lightfoot, seconded by Board Member David Monroe, that this Minutes be approved. The motion carried by the following vote:

**Aye:** 5 - Denny Campo, Ron Roberts, Leslie Lightfoot, David Monroe and Emily Hein Warren

**Absent:** 2 - Earl Rice and Cheri Harrington

**5. Adjournment**

Chairman Powell adjourned the meeting of the Planning and Zoning Board at 7:30PM.