



City of Smyrna

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

Meeting Minutes - Final Planning and Zoning Commission

Monday, July 11, 2016

6:00 PM

Council Chambers

1. Roll Call

Present: 6 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

Also Present: 4 - Ken Suddreth, Russell Martin, Joey Staubes and Heather Corn

2. Call to Order

The meeting of the Planning and Zoning Commission was called to order by Chairman Ron Roberts at 6:03PM.

3. Business

A.

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

Sponsors: Fennel and Monroe

A motion was made by Boardmember Leslie Lightfoot to table indefinitely at the request of the applicant, item 2016-40 for zoning request (Z16-002) for the rezoning from GC to RTD-Conditional for the construction of 72 townhome units on 7.25 Acre Tract, Land Lot 606 located at 4710, 4730, 4750, 4760, 4770 & 4780 Camp Highland Road by Prime Interest, Inc.; seconded by Boardmember Cheri Harrington.

The motion carried by the following vote:

Aye: 5 - Denny Campo, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

B.

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 zoning request will be tabled to the August 8, 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 August 8, 2016 Planning and Zoning meeting at the request of the applicant item 2016-264 for zoning request (Z16-009) for the rezoning from R-20 to RMC-8 for the development of 32 townhome units on 4.19 Acres , Land Lot 332 & 333 located on the Southwest Corner of Fontaine Road & East/West Connector by the applicant Ashton Atlanta Residential, LLC.; seconded by Boardmember Earl Rice.

The motion carried by the following vote:

Aye: 5 - Denny Campo, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

C.

Public Hearing - Zoning Request Z16-012 - Rezoning from R-15 to RM-15-Conditional for the development of 51 townhome units - 3.9 Acres - Land Lots 809 & 847 - Woodland Terrace & Bell Drive - The Woodberry Group, LLC - ***This zoning request will be tabled to the August 8, 2016 Planning and Zoning Board meeting at the request of staff.***

Sponsors: Roberts and Norton

A motion was made by Boardmember Leslie Lightfoot to table until the August 8, 2016 Planning and Zoning meeting at the request of staff, item 2016-265 for a zoning request (Z16-012) for the rezoning from R-15 to RM-15-Conditional for the development of 51 townhome units on 3.9 Acres, Land Lots 809 & 847 located at Woodland Terrace & Bell Drive by the applicant The Woodberry Group, LLC.; seconded by Boardmember Cheri Harrington.

The motion carried by the following vote:

Aye: 5 - Denny Campo, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

D.

Public Hearing - Zoning Request - Z15-003 - Rezoning of the subject property from R-15 to RAD-Conditional for the development of two (2) single-family homes - 1.31 Acres - Land Lot 592 - 1514 Hawthorne Avenue - Tuley & Tuley, Inc. This zoning request was tabled from the June 13, 2016 Planning and Zoning Board Meeting at the request of staff.

Sponsors: Anulewicz and Hein Warren

Chairman Ron Roberts asked Community Development Senior Planner Rusty Martin to give the background for this item.

The applicant is proposing the development of two (2) new detached single-family residences. The density for the site will be 1.52 units per acre. No land use change from Moderate Density Residential will be required for this rezoning. He noted that the applicant had come before the Planning and Zoning Board March of 2015 and this item looked much different at that time. Significant changes had been made by Tuley and Tuley and the Mayor and Council would hear this item at the August 15, 2016 meeting.

This zoning request has been tabled numerous times since the original Planning and Zoning Board meeting on March 11, 2015. The applicant originally submitted a development plan that proposed the construction five (5) townhome units and one (1) single-family home at a density of 4.58 units per acre. The original zoning request

also, included a land use change from Moderate Density Residential to Medium Density Residential. Community Development staff reviewed the request and made a recommendation for denial due to the proposed density and variances. The applicant has redesigned the site, as well as worked through concerns regarding the cemetery. At this point, the applicant has revised the site plan to reflect two (2) single-family homes with the potential dedication of the cemetery to the City.

Community Development recommends approval of the proposed zoning from R-15 to R-12-Conditional for the development of two (2) new single-family residences at a density of 1.52 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.
5. No debris may be buried on any lot or common area.
6. 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.
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, Alle Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

10. The development shall maintain the following setbacks:

Lot #1

Front - 12'

Interior Side - 5"

Exterior Side - 10'

Rear - 30'

Lot #2

Front - 12'

Interior Side - 5"

Exterior Side - 10'

Rear - 10'

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

12. The right-of-ways along Hawthorne Avenue shall be increased to 50 feet.

Therefore, a dedication of approximately 5' feet is required along Hawthorne Avenue.

13. *The developer shall provide a 5' sidewalk with a 2' grass buffer along Hawthorne Avenue for the length of the development. This sidewalk shall connect to the existing sidewalks on either end of the development.*

14. *If there is to be a common detention facility for the two homes, the developer shall provide protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.*

15. *If an above ground detention facility is located near the public right-of-way, any visible portion of the wall of the detention facility shall be clad in either brick or stone.*

16. *Approval of the subject property for the R-12 zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 6/30/2016 created by Paul Lee Consulting Engineering Associates, Inc..*

17. *The applicant shall be bound to the elevations submitted and dated 6/30/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.*

Chairman Roberts asked if the applicant was present.

Kevin Moore was present on behalf of the applicant and said that the presented application is a win-win for City and the residents. There is a cemetery on the property that needs upkeep and perpetual care in partnership with the City and the community. There will be two successful homes to be built on the lots and they will create the necessary parking for guests.

He noted the setbacks would be necessary to maintain the cemetery and there would be no change to the future land use plan. His client has reviewed all the conditions carefully and is in agreement to each and every one.

The expected price point for these homes would be the mid \$400,000.

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

A motion was made by Boardmember Earl Rice to approve item 2015-125 for a zoning request (Z15-003) for the rezoning of the subject property from R-15 to R12 for the development of two (2) single-family homes on 1.31 Acres, Land Lot 592 located at 1514 Hawthorne Avenue by the applicant Tuley & Tuley, Inc.; seconded by Boardmember Leslie Lightfoot.

The motion carried by the following vote:

Aye: 5 - Denny Campo, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

E.

Public Hearing - Zoning Request Z16-010 - Rezoning from R-15 to RAD-Conditional for the development two (2) single-family homes - 0.479 Acres - Land Lot 451 - 1000 McLinden Avenue - The McLinden Group, LLC

Sponsors: Anulewicz and Hein Warren

Chairman Ron Roberts asked Senior Planner Rusty Martin to give the background on this particular item:

The McLinden Group, LLC is requesting rezoning from R-15 to RAD-Conditional for 1000 McLinden Avenue for the development of two residential lots at a density of 4.2 units per acre. One home will be accessed from McLinden Avenue and the other home will be accessed from Evelyn Street.

This item will go before Mayor and Council on August 15, 2016.

Adjacent property pictures as well as elevations were shown.

Community Development recommends approval of the request rezoning from R-15 to RAD-Conditional for the construction of two new single-family residences at a density of 4.2 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.

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

6. 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.

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, Alle Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

10. The development shall maintain the following setbacks:

Front - 20'

Side - 7.5"

Street Side - 15'

Rear - 30'

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

12. The right-of-ways along both McLinden Avenue and Evelyn Street shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along both McLinden Avenue and Evelyn Street.

13. The developer shall provide a 5' sidewalk with a 2' grass buffer along both Evelyn Street and McLinden Avenue for the length of the development.

14. All new water and sewer taps shall be bored.

15. There shall be a minimum of 50' between the street edge on McLinden Avenue to the nearest edge of the driveway apron on McLinden Avenue. If the minimum distance of 50' cannot be provided, a driveway turnaround shall be provided.

16. 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 6/10/2016 created by SPG Surveying, LLC.

17. The applicant shall be bound to the elevations submitted and dated 6/10/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.

Chairman Roberts asked the applicant to come to the podium and Mr. Shawn Murphy

of the McLendon Group remarked that when this lot became available, he saw an opportunity and purchased the lot to add two homes. Although he appreciates staffs approval he takes issue with having to install a sidewalk. There are approximately thirty trees that need to be removed and several of the trees help him meet the trees ordinance requirements. He stated that everyone thought it was ridiculous to put in one sidewalk in front of the previously built home as it was a sidewalk to nowhere. He does not want to have to build the sidewalk on Evelyn Street. Chairman Roberts called the public hearing and no one came forward to speak in opposition to or make comment about this item.

A motion was made by Boardmember Denny Campo to approve item 2016-263 for a zoning request (Z16-010) for the Rezoning from R-15 to RAD-Conditional for the development two (2) single-family homes on 0.479 Acres, Land Lot 451 located at 1000 McLinden Avenue by The McLinden Group, LLC with the sidewalk stipulation included; seconded by Boardmember Cheri Harrington.

The motion carried by the following vote:

Aye: 5 - Denny Campo, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

F. **Public Hearing** - Zoning Request Z16-011 - Rezoning from GC to GC-Conditional for a new Wendy's restaurant - 0.56 Acres - Land Lot 880 - 2808 Spring Road - WenMarr Management Company

Sponsors: Roberts and Norton

Chairman Ron Roberts asked Community Development Senior Planner Rusty Martin to give the background for this item.

Mr. Martin stated that the WenMarr Management Company, LLC was requesting a rezoning of subject property from GC to GC-Conditional for the redevelopment of the existing Wendy's restaurant at 2808 Spring Road. The subject property is 0.56 acres in size and is zoned GC, which allows restaurant as a permissible use under the zoning category, but due to the number of variances needed to develop the property, the applicant thought it would be more feasible to conditionally rezone the property and bind the property to a specific site plan. Therefore, the applicant is requesting the rezoning of the property from GC to GC-Conditional.

This item will be presented to the Mayor and Council on August 15, 2016.

The restaurant is located in Ward 1 and the existing building was annexed about 1.5 year ago. The owners want to rezone to redevelop to build a new building.

The future land use as neighborhood activity center will not change. The existing survey of the site was shown and the building sits towards the back of the property. The current drive-thru goes around the back of the building however access can back up on Spring Road and can present a problem. The proposed new location of the building on the property was shown and it was noted a parking lot reduction from 33 to 26 was being requested.

Adjacent properties and new building elevations were shown.

Community Development recommends approval of the proposed rezoning from GC to GC-Conditional for the development of a new Wendy's restaurant 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 coordinate the landscape plan and sidewalk plan with the Spring Road Improvement Project.*

(11) *The proposed crosswalk shall be either brick pavers or stamped concrete.*

(12) *The approval of the rezoning to the subject property shall be in substantial conformity to the site plan submitted on June 10, 2016 and created by Harkleroad and Associates.*

(13) *The architectural style, composition and treatment of the building shall be in substantial conformity to the rendering/elevation submitted on June 10, 2016. However, should minor modifications be required during the Plan Review process, said modifications shall be subject to the review and approval of the Director of Community Development.*

Chairman Roberts asked if the applicant was present and a representative from Garvis Sans remarked that this was a very old Wendy's site and had been at its current location since the mid 70's. Wendy's wants to redevelop it prior to the Braves arrival.

The parking spaces are currently blocked by the drive-thru and sometimes the drive-thru can get backed up all the way to Spring Road. The timetable for tearing down the old restaurant and building the new is six to nine months.

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

A motion was made by Boardmember Earl Rice to approve item 2016-266 for a zoning request (Z16-011) for the rezoning from GC to GC-Conditional for a new Wendy's restaurant on 0.56 Acres, Land Lot 880 located at 2808 Spring Road by WenMarr Management Company; seconded by Boardmember Cheri Harrington. The motion carried by the following vote:

Aye: 5 - Denny Campo, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

4. Approval of Minutes:

A. Approval of the June 13, 2016 Planning and Zoning Meeting Minutes

A motion was made by Boardmember Denny Campo for the approval of item 2016-262 for the approval of the June 13, 2016 Planning and Zoning Meeting Minutes; seconded by Boardmember Earl Rice.

The motion carried by the following vote:

Aye: 5 - Denny Campo, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

Absent: 2 - Joel Powell and Emily Hein Warren

5. Adjournment

The July 11, 2016 meeting of the Planning and Zoning Commission was adjourned at 6:46pm by Chairman Ron Roberts.