



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

Monday, July 14, 2014

6:00 PM

Council Chambers

Roll Call

Present 8 - Board Member Michael Seagraves, Chair Person Joel Powell, Board Member Matt Wirth, Board Member Dale Holmes, Board Member Steve Kemp, Board Member Ed Whittington, Board Member Denny Campo, and Board Member Earl Rice

Also Present 5 - Ken Suddreth, Joey Staubes, Russell Martin, Tom Boland, and Lisa Moore

1. Call To Order

The Meeting was called to order by Chairperson Joel Powell at 6:10 PM.

2. Business:

A. Public Hearing - Approval of the subdivision of the lot at 928 Pat Mell Road into two lots of record - 0.96 Acres - Land Lot 445 - 928 Pat Mell Road - NW Metro Atlanta Habitat for Humanity

Rusty Martin presented the staff recommendation. The applicant is requesting to split one lot into two lots. The applicant will require a variance from the 85 foot lot width requirement to be reduced to 82 feet. Staff recommends approval of the request.

David McGuinness of NW Metro Habitat for Humanity addressed the board. Mr. McGuinness would like to build the homes and have families in them by November.

Chairman Powell opened the floor for the public hearing. No one spoke in favor or in opposition to the request.

A motion was made by Boardmember Denny Campo to approve 2014-202, for the approval of the subdivision of the lot at 928 Pat Mell Road into two lots of record - 0.96 Acres - Land Lot 445 - 928 Pat Mell Road by NW Metro Atlanta Habitat for Humanity; seconded by Boardmember Ed Whittington. The motion carried by the following vote:

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

B. Public Hearing - Zoning Request Z14-017 - Rezoning from R-15 to RAD-Conditional for the construction of two new single-family homes - 0.41 Acres - Land Lot 451 - 1051 McLinden Avenue - Sean J. Murphy

Mr. Martin presented the staff recommendation. The site is currently developed with one single family home. The proposal is to demolish the existing home and to build

two single family homes after subdividing the lot. The current zoning is R-15 and the proposed zoning is RAD-Conditional. The land use is currently Moderate Density Residential and will need to be updated to Medium Density Residential to allow the required density. An adjacent property was recently approved for a similar request by the same applicant. One of the houses will face McLinden Avenue and the other will face Medlin Street. Community Development recommends approval of the request 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 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.

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, 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 setbacks: Front - 20'; Side - 10'; Rear - 30'

11. Driveway - 22' minimum length from building face to private driveway.

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

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

14. 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 6/14/2014 created by Sean J. Murphy.

15. The applicant shall be bound to the elevations submitted and dated 6/14/2014. Approval of any change to the elevations must be obtained from the Director of Community Development.

Board Member Wirth inquired whether there had been any complaints issued to Community Development after construction started on the adjacent parcel. Mr. Martin responded that there have been no complaints.

Chairman Powell asked the applicant to speak regarding the rezoning request. Sean Murphy, and partners Rick Kolb and Tom Ash spoke about the request. The applicant commented that this previous rezoning approval has helped to transform the neighborhood. Mr. Murphy believes the subject property will have a similar affect and may act as a catalyst to trigger more redevelopment.

Board Member Seagraves asked the applicant if the intention is to sell both houses and if the existing trees will be saved. Mr. Murphy confirmed that he plans to build two new houses and sell them. All attempts will be made to save and mitigate any impact to the existing trees.

Chairman Powell opened the floor for public comment. No one spoke in favor or opposition to the request.

A motion was made by Boardmember Michael Seagraves to approve 2014-208, zoning request Z14-017, to rezone from R-15 to RAD-Conditional for the construction of two new single-family homes - 0.41 Acres - Land Lot 451 - 1051 McLinden Avenue by Sean J. Murphy; seconded by Boardmember Earl Rice. The motion carried by the following vote:

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

C.

Public Hearing - Zoning Request Z14-018 - Rezoning from R-15 to RAD-Conditional for three single-family homes - 0.8 Acres - Land Lot 560 - 1396 Roswell Street - The McLane Company

Mr. Martin discussed the request to rezone from R-15 to RAD-Conditional. The subject property is a triangular shaped lot approximately 0.8 acres in area. The applicant proposes to save the existing home and build two additional homes. One house will face Whitfield and other will face Walker Court. No Land use change is necessary as Moderate Density Residential meets density requirements. Trees on site are proposed to be saved. Community Development recommends approval 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 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.

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, 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 setbacks: Front - 20'; Side - 10'; Rear - 30'

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

12. The right-of-ways along Walker Court and Whitfield Avenue shall be increased to 50 feet. Therefore a dedication of approximately 10' feet is required along both right-of-ways.

13. The developer shall provide a 5' sidewalk with a 2' grass buffer along Whitfield Street and Walker Court for the length of the development.

14. 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 6/14/2014 created by DGM Land Planning.

15. The applicant shall be bound to the elevations submitted and dated 6/14/2014. Approval of any change to the elevations must be obtained from the Director of

Community Development.

Board Member Wirth asked for clarification regarding the setbacks. Mr. Martin confirmed that the requested setback is 15 feet on the front, 10 feet on the rear, and 5 on each side.

Brad Thompson, the applicant, spoke about the request on the subject property. Mr. Thompson plans to save the existing home and let someone remodel it on their own. Mr. Thompson proposes to build the two new homes.

Board Member Wirth asked if the existing home is livable. Mr. Thompson confirmed that it is livable but needs significant work and is not in a condition that is condemnable.

Board Member Seagraves asked Mr. Thompson if he believes the existing home can be sold. Mr. Thompson commented that he will price the home appropriately so that improvements are feasible.

Chairman Powell inquired whether it was cost prohibitive to demolish the existing home and rebuild. Mr. Thompson commented that it is feasible, but the Williams Park neighborhood was in favor of saving the home and that is what he proposes to do.

Chairman Powell opened the floor for public comment. No one spoke in favor or opposition to the request.

A motion was made by Boardmember Steve Kemp to approve 2014-211, Zoning Request Z14-018, a rezoning from R-15 to RAD-Conditional for three single-family homes - 0.8 Acres - Land Lot 560 - 1396 Roswell Street by the McLane Company; seconded by Boardmember Matt Wirth. The motion carried by the following vote:

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

D. Public Hearing - Zoning Request Z14-019 - Rezoning from RM-12 to RAD-Conditional for the development of 194 single-family homes - 47.396 Acres - Land Lots 274, 303 and 304 - 490 Windy Hill Road - Smyrna Residential, LLC

Mr. Martin discussed the request to rezone from RM-12 to RAD-Conditional for the development of 194 single family homes. The owner is Smyrna Downtown Development Authority. The subject property is the old Hickory Lakes site which is approximately 47 acres. The site is currently vacant but it was formerly an apartment complex that had fallen in poor condition. Land use will remain Urban Residential, which allows over 6 units/acre. The site is adjacent to commercial and residential zoning. Homes on periphery of the development will be front entry, interior lots will be rear entry. The development will temporarily be gated until there is substantial completion to resolve any safety concerns. The existing lake will serve as storm water detention. Community Development recommends approval with the following conditions:

Standard Conditions (Requirement #2, 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 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 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. The developer shall install a deceleration lane at the main entrance for the subdivision. The deceleration lane shall have a minimum length of 150' with a 50' taper.

8. 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.

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

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

11. 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".

12. 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.

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

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

15. All single-family residential lots shall provide the following at the time of

certificate of occupancy: either two 3" caliper trees or one 2" caliper and one 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

16. Minimum floor area shall be 2,000 square feet.

17. The development shall maintain the following setbacks:

Alley Access Homes: Front - 10'; Side - 5' (Minimum 10' Between Houses); Rear - 15' (except lots 146 - 150, which shall have 14' rear setback); Driveway - 22' minimum length from building face to back of sidewalk or curb

Right-of-Way Access Homes: Front - 10'; Side - 5' (Minimum 10' Between Houses); Rear - 10'; Driveway - 22' minimum length from building face to back of sidewalk or curb

18. Gate entrances shall include adequate space to safely stack three automobiles. A turnaround shall also be provided to allow visitors who are denied entrance in to the subdivision a way to enter the exit lane. The developer will install an emergency gate access system, subject to approval by the City Fire Marshall.

19. The developer shall provide 10' multi-use trail along Windy Hill Road.

Kevin Moore, attorney for Smyrna Residential LLC (Jay Clark) believes the development will enhance the area that was formerly blighted. The prior property had 750 apartments. Existing infrastructure will be removed and new infrastructure installed. Perimeter lots are larger and front entry. Interior lots are alley fed rear entry. Mr. Moore believes the proposed development will help to transform the area and act as a catalyst for other redevelopment. Mr. Moore anticipates homes will be marketable to an array of age groups. Amenities will include a linear park, and a lake that will be used as retention and an amenity with a clubhouse.

Board Member Holmes inquired about the price point for the new homes. Mr. Moore responded that \$330,000 will be the starting price.

Board Member Campo inquired about the duration of the project. Mr. Jay Clark commented that land development is anticipated to begin in October, and hopes to have first homes in March or April, 2015. There will be three to four platting phases, with the total project having a lifespan between 3.5 to 4.25 years. The gate will serve for security for first phase, but then will remain open.

Chairman Powell opened the floor for public hearing. Sean Murphy spoke that he is in favor of the project. Mr. Murphy voted as DDA member to purchase property and believes proposed plan is best available plan at this time.

A motion was made by Boardmember Ed Whittington to approve 2014-213, Zoning Request Z14-019, to rezone from RM-12 to RAD-Conditional for the development of 194 single-family homes - 47.396 Acres - Land Lots 274, 303 and 304 - 490 Windy Hill Road by Smyrna Residential, LLC; seconded by Boardmember Earl Rice. The motion carried by the following vote:

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

E. Public Hearing - Zoning Request Z14-013 - Rezoning request from

R-15 to RAD-Conditional for the development of two new single-family homes - 0.46 Acre Tract - Land Lot 489 - 1084 Fleming Street - Jasper Wayne Proctor - Requested to be tabled to August 11, 2014

A motion was made by Boardmember Denny Campo to table 2014-129, Zoning Request Z14-013, to rezone from R-15 to RAD-Conditional for the development of two new single-family homes - 0.46 Acre Tract - Land Lot 489 - 1084 Fleming Street by Jasper Wayne Proctor to August 11, 2014; seconded by Boardmember Steve Kemp. The motion carried by the following vote:

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

3. Approval of Minutes:

A. Approval of the June 9, 2014 Planning and Zoning Board Meeting Minutes

A motion was made by Boardmember Earl Rice to approve the June 9, 2014 Planning and Zoning Board Meeting Minutes; seconded by Boardmember Steve Kemp. The motion carried by the following vote:

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

4. Adjournment

The meeting was adjourned at 7:00 PM.