



# City of Smyrna

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

## Meeting Minutes - Final Planning and Zoning Commission

Monday, November 13, 2017

6:00 PM

Council Chambers

### 1. Roll Call

**Present:** 7 - Joel Powell, Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**Also Present:** 4 - Ken Suddreth, Russell Martin, Joey Staubes and Terri Graham

### 2. Call to Order

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

### 3. Business

- A. Public Hearing** - Zoning Request Z17-014 - Rezoning from NS & OI to MU-Conditional for the development of a mixed use project with 310 multi-family units, a 200 room hotel, 15,000 sq. ft. of retail space and 80,000 sq. ft. of office space - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Westplan Investors Acquisitions, LLC - ***This zoning request will be tabled to the January 8, 2018 Planning and Zoning Board meeting to allow for the completion of the DRI review process by ARC & GRTA.***

**Sponsors:** Norton and Bartlett

A motion was made by Boardmember David Monroe to table zoning request Z17-014 to the December 11, 2017 Planning and Zoning Board meeting to allow for the completion of the DRI review process by ARC & GRTA - Rezoning from NS & OI to MU-Conditional for the development of a mixed use project with 310 multi-family units, a 200 room hotel, 15,000 sq. ft. of retail space and 80,000 sq. ft. of office space - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Westplan Investors Acquisitions, LLC.; seconded by Boardmember Cheri Harrington.

The motion to table carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

- B. Public Hearing** - Zoning Request Z17-015 - Rezoning from R-20 & GC to GC-Conditional for a veterinary clinic - 0.59 Acres, Land Lots 631 and 632 - 1763 Spring Street & 2808 Madison Street - PWH Engineering,

Inc. - ***This zoning request will be tabled to the January 8, 2018 Planning and Zoning Board meeting at the request of the applicant.***

**Sponsors:** Hein Warren and Stoner

A motion was made to table to the December 11, 2017 Planning and Zoning Board meeting at the request of city staff by Boardmember Emily Hein Warren zoning request Z17-015 - Rezoning from R-20 & GC to GC-Conditional for a veterinary clinic - 0.59 Acres, Land Lots 631 and 632 - 1763 Spring Street & 2808 Madison Street - PWH Engineering, Inc. - This zoning request will be tabled to the December 11, 2017; seconded by Boardmember Tom Bartlett.

The motion to table carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**C. Public Hearing - Zoning Request Z17-021 - Rezoning from GC to MU for the development of a mixed use project - 10.4 Acres - Land Lots 845 & 846 - 3110 Sports Avenue - JLB Realty, LLC - ***This zoning request will be tabled to the January 8, 2018 Planning and Zoning Board meeting at the request of the applicant.*****

**Sponsors:** Norton and Bartlett

A motion was made by Boardmember Tom Bartlett to table zoning request Z17-021 to the December 11, 2017 Planning and Zoning Board meeting at the request of the applicant - Rezoning from GC to MU for the development of a mixed use project - 10.4 Acres - Land Lots 845 & 846 - 3110 Sports Avenue - JLB Realty, LLC.; seconded by Boardmember Cheri Harrington.

The motion to table carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**D. Public Hearing - Zoning Request Z17-020 - Rezoning from GC to OD for the development of a self-storage facility - 2.74 Acres - Land Lot 810 - 2520 Spring Road - Stein Investment Company - ***This zoning request has been withdrawn by the applicant.*****

**Sponsors:** Norton and Bartlett

A motion was made by Boardmember David Monroe to withdraw this item at the request of the applicant for zoning request Z17-020 - Rezoning from GC to OD for the development of a self-storage facility - 2.74 Acres - Land Lot 810 - 2520 Spring Road - Stein Investment Company; seconded by Boardmember Cheri Harrington.

The motion to withdraw at the request of the applicant carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**E. Public Hearing - Zoning Request Z17-023 - Rezoning from R-15 & R-20**

to RAD-Conditional for the development of sixteen single-family residences - 4.2 Acres - Land Lot 340 - 3328 & 3366 Old Concord Road - Epic Homes, LLC - ***This zoning request will be tabled to the January 8, 2018 Planning and Zoning Board meeting at the request of the applicant.***

**Sponsors:** Hein Warren and Stoner

A motion to table to the December 11, 2017 at the request of the applicant was made by Boardmember Cheri Harrington - Zoning Request Z17-023 - Rezoning from R-15 & R-20 to RAD-Conditional for the development of sixteen single-family residences - 4.2 Acres - Land Lot 340 - 3328 & 3366 Old Concord Road - Epic Homes, LLC.; seconded by Boardmember David Monroe.

The motion to table carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**F. Public Hearing** - Zoning Request Z17-022 - Rezoning from R-15 to RM-12-Conditional for the development of 12 townhome units at 13.09 units per acre - 0.92 Acres - Land Lots 381 & 382 - 3501 South Sherwood Road - Kalpesh Patel - ***This zoning request will be tabled indefinitely at the request of applicant.***

**Sponsors:** Welch and Rice

A motion to table indefinitely was made by Boardmember Earl Rice for zoning request Z17-022 - Rezoning from R-15 to RM-12-Conditional for the development of 12 townhome units at 13.09 units per acre - 0.92 Acres - Land Lots 381 & 382 - 3501 South Sherwood Road - Kalpesh Patel; seconded by Boardmember David Monroe. The motion to table carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**G. Public Hearing** - Zoning Request Z17-019 - Special Land Use Permit for the installation of a cell tower - 2.8 Acres - Land Lot 634 - 1700 Roswell Street - Verizon Wireless.

**Sponsors:** Blackburn

*Rusty Martin, Senior Planner, explained that the request is a Special Land Use Permit to allow a new cell tower at a public storage location. The Planning and Zoning Board's recommendation will be heard by Council on 12/18/17. The location is occupied as a public storage facility, approximately 2.88 acres. The applicant, Verizon, is requesting to allow 130 ft. telecommunication monopole with 10 ft. lightning rod. Current zoning is OD (Office-Distribution) and will remain OD. Per the City's ordinance, cell towers require special land use permit. Two setback variances required: from 30 ft. to 29 ft. reduction, and 130 ft. to 100 ft. for distance from off-site building. The pole will be on backside of "Building B", approximately 29 ft. from Hawthorne Ave. Setback is based on height of tower in relation to adjacent buildings. The proposed street elevations were shown. Community Development recommends approval with conditions:*

1. *The issuance of a Special Land Use Permit shall be conditioned upon the construction of the telecommunication monopole in substantial conformity to the Site Plan (Titled: Cottesford (Greenfield 130' Monopole) prepared for Verizon by Tower Source and submitted August 11, 2017.*
2. *All wiring and infrastructure access shall be from Roswell Street. The Public Works Department shall review all utility permits.*
3. *The applicant shall provide street trees and landscaping along Hawthorne Avenue for the length of the property. The landscape plan shall be designed in accordance with the City's Tree Ordinance (Chapter 106 of the Code of Ordinances) and Section 501.16(5). The landscape plan shall be designed by a Georgia Registered Landscape Architect.*

*Chairman Powell asked the applicant to provide any additional information regarding the application. Jenna Lee, with Troutman Sanders LLP on behalf of Verizon Wireless, provided context for why tower is needed. Verizon has met with community in Williams Park over several months. Applicant stated that data usage is increasing due to technological advances, and more bandwidth is required in order to provide coverage to existing service areas. She said that coverage or capacity issues dictate why and where towers are needed. The closest existing tower is approximately 0.8 miles away, ranging to 1.7 miles. Verizon investigated opportunities at collocating on other towers, but no options provided better capacity or coverage. Ms. Lee showed a presentation of coverage maps with and without the proposed new tower.*

*Public Hearing:*

*Chairman Joel Powell called for anyone in favor of or opposition to the request to come forward. Mr. Steven Burman, 2630 Davenport Street, commented that in 2010 another cell provider proposed a tower, but application was withdrawn. Mr. Burman stated his concern that the tower will decrease property value and the ability to sell homes in the area. He opined that buyers do not want to buy a home near a cell tower. He is also concerned that tower will have environmental effects on the community. Mr. Burman acknowledged that Williams Park may have met with applicant, but his community which is adjacent to proposed site was not spoken to prior to hearing. Mr. Burman believes that Verizon can add on to existing towers and does not need another tower in this area.*

*No other citizens came forward to speak.*

*Boardmember Emily Hein Warren noted that this tower is in her district and she understands the community concern. She stated that she has experienced poor cell coverage in this area and hopes the tower will promote growth and development in this area of Smyrna.*

A motion was made by Boardmember Emily Hein Warren to approve Zoning Request Z17-019 for a Special Land Use Permit for the installation of a cell tower - 2.8 Acres - Lant Lot 634 - 1700 Roswell Street - Verizon Wireless; seconded by Boardmember Tom Bartlett.

The motion to approve carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**H. Public Hearing Only - Zoning Request Z17-024 - Rezoning from R-20 to RAD-Conditional for the development of five single-family residences - 1.3 Acres - Land Lots 490 & 519 - 2475, 2485 & 2495 Dixie Avenue - Longo Homes, Inc.**

**Sponsors:** Blackburn

*Senior Planner, Rusty Martin explained the request is to annex 1.3 acres and to rezone from R-20 to RAD for development of five single family detached homes. There are currently three homes are located on the site. The developer plans to demolish the existing homes and build five new homes. Under Cobb County's future development map, the site is low density residential now, this will be proposed to be moderate density residential with a density of 3.82 units/acre. The adjacent property has Low and Moderate Density developments. The homes will face Dixie with separate driveways, and require the following variances: Reduction in minimum front setback from 35' to 25'; Reduction in minimum side setback from 10' to 5'; Reduction in minimum lot area from 15,000 sq. ft. to 7,567 sq. ft.; and reduction in minimum lot width from 100' to 50'. Applicant has provided adequate Stormwater Detention and open space on zoning plan. Proposed elevations and current site shown. Community Development recommends approval with the following conditions:*

**Standard Conditions**

*(Requirement #2, 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. *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 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.*
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. *No debris may be buried on any lot or common area.*
8. *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".*
9. *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.*

10. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
11. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
12. 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
13. The development shall maintain the following setbacks:  
Front – 25'  
Exterior Side – 10'  
Interior Side – 5' (with a minimum of 10' between buildings)  
Rear – 30'
14. Driveway – 22' minimum length from building face to private driveway.
15. The development shall be developed with a minimum lot size of 7,500 square feet.
16. The lots shall be developed with a minimum lot width at the setback line of 50'.
17. The homes shall have a minimum floor area of 1,800 sq. ft.
18. The developer shall provide a 5' sidewalk with a 2' grass buffer along Dixie Avenue for the length of the development.
19. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
20. The maximum allowable lot coverage for the property shall be limited to 45%.
21. The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the Public Works Director.
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. 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.
24. 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 10/13/2017 created by London Patterson Engineering Support Services.
25. The applicant shall be build the homes in substantial compliance with the building elevations submitted and dated 10/13/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.
26. The additional stipulations agreed upon by the applicant in the letter by Garvis Sams submitted and dated on November 7, 2017. If there should be a discrepancy between the stipulations in the November 7, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

Chairman Powell asked the applicant to provide additional information regarding the request. Garvis Sams, representing Longo Homes addressed the Board. Mr. Sams commented that the existing homes have fallen into disrepair. The site is adjacent to Belmont Village and believes development will be transitional and a catalyst to future development. The County has no objection to annexation request, and sewer and water services are already provided by City. The five homes will be custom homes, ranging from \$400k to \$500k. Mr. Sams commented that the proposed density is comparable to existing developments. Preliminary hydrology report submitted to City Engineer and appears to satisfy necessary requirements. Mr. Sams' final comments reinforce that the proposal is consistent with adjacent developments, while also increasing value to the community.

*Board Member Campo inquired if homes will have basement or slab and the approximate size of homes. Mr. Sams responded that the homes will be 2400 sq. ft. minimum and basement or slab is dictated by the topography of site after final grading is complete. Each house will have a 2 car garage, and 22 ft. driveway length, while the price range will vary from \$450,000 to \$650,000 as they will be custom homes.*

*Public Hearing:*

*Chairman Joel Powell called for anyone in favor of or opposition to the request to come forward. Terry Mcaulister from North Marietta, owns property adjacent to development. Mr. Mcaulister expressed concerns that stormwater runoff will impact his property. He stated that he would also like a fence or screening to be required for detention area for safety and aesthetics. He also inquired if applicants are required to notify adjacent properties of zoning requests. Mr. Garvis Sams answered that detention will be landscaped and fence may be required. An HOA will maintain the open space and detention after houses are sold. Mr. Sams offered to contact Mr. Mcaulister in the near future to maintain dialog. Mr. Ken Suddreth, Community Development Director, clarified that the city's ordinance does not require applicants to notify adjacent property owners of rezoning requests, however signage is posted and legal ads are placed in MDJ.*

*There were no further public comments on the issue.*

A motion was made by Boardmember Emily Hein Warren to approve Zoning Request Z17-024 with standard and special conditions for Rezoning from R-20 to RAD-Conditional for the development of five single-family residences - 1.3 Acres - Land Lots 490 & 519 - 2475, 2485 & 2495 Dixie Avenue - Longo Homes, Inc.; seconded by Cheri Harrington.

The motion to approve carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**4. Approval of Minutes:**

**A.** Approval of the October 9, 2017 Planning and Zoning Commission Meeting Minutes

**Sponsors:** City Council

A motion was made to approve the Planning and Zoning Meeting minutes for October 9, 2017 by Denny Campo; seconded by Cheri Harrington.

The motion to approve carried by the following vote:

**Aye:** 6 - Earl Rice, David Monroe, Emily Hein Warren, Cheri Harrington, Denny Campo and Tom Bartlett

**Absent:** 1 - Leslie Lightfoot

**5. Adjournment**

Chairman Joel Powell adjourned the meeting of the Planning and Zoning Board at 6:55 PM.