

November 20, 2006

LAND ISSUES/ZONINGS/ANNEXATIONS:

(B) Public Hearing - Rezoning Request Z06-048 – 1.62 acre tract – OD to NS Conditional – Hawthorne Avenue and Roswell Street – Christopher and Yvonne Ogbuefi

Mr. Wright stated the applicant is seeking approval to rezone a 1.62 acre property from OD to NS Conditional to construct a 15,960 sf. retail center. Mr. Wright stated the retail center plans call for six retail stores, one food store, and two restaurants. Mr. Wright stated staff and PZB recommend approval of the request subject to a number of conditions.

Mayor Bacon stated this is a public hearing and asked for public comment, and the oath was administered to several persons.

Council Member Scoggins recognized Mr. Johnny Wilson and Mr. and Mrs. Ogbuefi. Mrs. Ogbuefi provided details to those present concerning their business background and plans for the subject property. Mr. Wilson stated Mr. and Mrs. Ogbuefi have agreed to give up a potentially lucrative billboard on the subject property. Mr. Wilson expressed concerns about the list of proscribed businesses proposed as a condition of rezoning. Mr. Wilson expressed the view that the stipulation requiring ten additional trees is not feasible. Mr. Wilson expressed concerns about a stipulation prohibiting twenty-four hour business operations, and pointed out a particular local business which is open at all hours. Utilizing a graphic representation, Mr. Ogbuefi provided details to those present concerning the plans for the subject property. Mr. Wilson stated elimination of some parking spots as proposed could negatively affect retail tenants. Mr. Hildebrandt stated the elimination of two parking spots in the front of the planned facility is necessitated by traffic safety concerns. Council Member Pritchett expressed concerns about the fact that the applicant relinquished parking spaces to relocate the building forward at the City's direction and is now being asked to forfeit additional parking. Mr. Wright pointed out that questions of this type frequently arise during the plan review process. Council Member Smith suggested that all fourteen parking spaces on the street should be removed because of traffic safety concerns. Mr. Wright stated the applicant has been cooperative about changing the plan to conform more closely with the goals of the LCI study. Mr. Wright pointed out that there are a considerable number of townhouses being built near the subject property and that staff believes it is very important that the proposed retail facility be built in a manner which facilitates pedestrian access. Mr. Wright provided an explanation as to why some on-street parking may be desirable for the planned facility. Council Member McNabb commented on the importance of planning new development while bearing in mind the ideas set forth in the LCI plan. Council Member McNabb stated that parallel parking is commonly found almost everywhere vehicles park.

Mayor Bacon recognized Ms. Betty Williams, residing at 1986 Turpin Road, and Ms. Williams expressed support for the proposed retail development.

Mayor Bacon recognized Ms. Angel Mays, residing at 2583 Davenport Street, and Ms. Mays expressed support for the proposed retail development.

Mayor Bacon recognized Mr. Phillip King, and Mr. King expressed support for the proposed retail development.

Mayor Bacon recognized Mr. Bobby Cooper, residing at 1890 Turpin Road, and Mr. Cooper

expressed support for the proposed retail development.

Mayor Bacon recognized Mr. William Stefano, residing at 1606 Walker Street, and Mr. Stefano expressed support for the proposed retail development. Mr. Stefano expressed concerns about traffic safety in the subject area.

At Council Member Scoggins' request, Mr. Martin read the conditions of the rezoning into the record as follows:

Standard Conditions

(Requirements #1, 2, 3, 4, 5, 8, 9, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable)

1. All utilities within the development shall be underground.
2. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
3. No debris may be buried on any lot or common area.
4. 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.
5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
6. All open space and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

7. The retention pond shall be placed and screened appropriately to be unobtrusive inside and outside the development. The stormwater retention plan shall be designed to create at least a 20% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
8. A ten-foot wide sidewalk shall be constructed along Roswell Street and Hawthorne Avenue.
9. A ten-foot landscape buffer shall be provided and maintained along the eastern property line.
10. Any proposed dumpsters shall be surrounded by a three-sided brick enclosure with an opaque gate in the front. The brick shall match the color and material used for the commercial buildings.
11. The commercial buildings shall utilize four-sided brick or stone elevations which generally match the elevations presented during the November 13, 2006 Planning and Zoning Board Meeting.
12. The applicant shall incorporate windows or shadowboxes (false windows or interior display areas) along the northern and eastern façade of the food store.
13. No neon or flashing signs shall be permitted. All freestanding signs shall be monument style.

14. The applicant shall remove the existing billboard on site within 90 days of the approval of the rezoning.

15. The proposed development shall have the following setbacks:

Front – 0'
Side – 30'
Street Side – 0'
Rear – 0'

16. The following uses shall be prohibited in the proposed shopping center:

- Automotive sales/repair
- Automobile wash service
- Boat sales and repairs
- Boarding and breeding kennels
- Dry cleaning plants
- Farm equipment sales and service
- Lumber, hardware and other building material establishments
- Mobile home and travel trailer sales
- Motorcycle sales and service
- Pawnshops
- Adult novelty stores
- Package stores
- Service stations
- Stations and terminals for bus and rail passenger service
- Taxi stands
- Theaters
- Tattoo Parlor
- Arcade and video game parlors
- Massage Parlor
- Pool Hall
- Check Cashing Store

17. The construction of the project shall be based on the site plan submitted with the zoning application dated October 6, 2006. Any significant changes to the site plan will require approval by the mayor and council.

18. In the event traffic any safety hazard associated with parallel parking in the front of the facility are subsequently identified by the city engineer the applicant shall remove parallel parking spaces 1 and 2 on the site plan dated October 6, 2006. The applicant shall make modifications to the site plan dated October 6, 2006 to address all stipulations listed above. These modifications shall be completed prior to the plan review process.

Mr. Wilson objected to the prohibition against massage establishments and some other types of businesses as a stipulation of this rezoning request. Mr. Martin stated the list of proscribed

businesses includes types which staff believes are incompatible with the upscale retail center proposed. Council Members Pritchett, Newcomb and Lnenicka stated they will not support the rezoning with any alteration to the prohibited list of businesses.

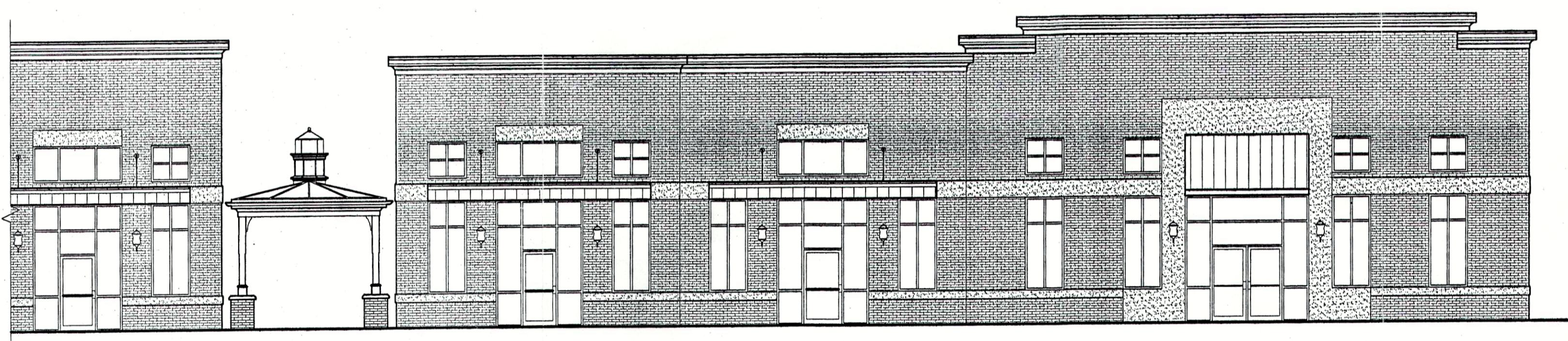
MOTION: Council Member Scoggins made a motion to approve Rezoning Request Z06-048 for a 1.62 acre tract from OD to NS Conditional at Hawthorne Avenue and Roswell Street for Christopher and Yvonne Ogbuefi subject to the stipulations discussed at this meeting. The motion was seconded by Council Member McNabb. Council Member Smith reiterated concerns about possible traffic safety problems in the subject area and stated he will not support the motion. Motion was approved 6 – 1, with Council Member Smith in opposition.

New Plan:
Elevations
Submitted 10-13-06



1 FRONT ELEVATION

1/8" -



2 FRONT ELEVATION (CON')

2 1/8" =

DATE:	OCT 6, 2006		
DRAWN BY:	Mark Davis		
CHECKED BY:	E. A.		
DESIGNED BY:	Mark Davis		
<h1>DAVIS DZIN</h1> <p>These documents, as instruments of service, remain the property of Christopher Ogbuefi and no part thereof may be altered or reproduced without express written consent.</p>			
			
<p>PROPOSED RETAIL/OFFICE BUILDING ROSWELL ST. PLAZA SMYRNA, GEORGIA</p>			
<p>Date: Issue:</p>			
<p>D: M.D. C: E.A.</p>			
<p>Sheet Title:</p>			
<p>ELEVATION</p>			
<p>Date: 10/6/06 Project No:</p>			
<p>A1.3</p>			

DAVISON	DATE: OCT 6, 2006	DRAWN BY: Mark Davis	CHECKED BY: E. A.	DESIGNED BY: Mark Davis
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A circular metal stamp with a double outer border. The top half of the inner border contains the word "GEORGIA" in capital letters. The bottom half contains "REGISTERED" on the left and "PROFESSIONAL" on the right. The center of the stamp contains the text "NO. 24325" on top and "PROFESSIONAL" below it. The bottom half of the inner border contains "ENGINEER" on the left and "ATABONG" on the right. The bottom portion of the stamp is covered by a signature that is mostly illegible but includes "ETOKE ANDREW" and "ATABONG".

PROPOSED RETAIL/OFFICE BLDG.
ROSWELL ST. PL.
SMYRNA, GEORGIA

Date:	Issue:

D: M.D. C: E.A.
Sheet Title:
FRONT
ELEVATION

Date: 10/6/06
Project No:

41.3

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