



City of Smyrna

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

Meeting Minutes - Final Planning and Zoning Commission

Monday, April 9, 2018

6:00 PM

Council Chambers

1. Roll Call

Present: 7 - Joel Powell, Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

Also Present: 6 - Terri Graham, Joey Staubes, Ken Suddreth, Russell Martin, Lisa Ochoa and Caitlyn Walsh

2. Call to Order

Chairman Joel Powell called the meeting of the Planning and Zoning Commission to order at 6:01 PM.

3. Business

A. Public Hearing - Zoning Request - Z18-008 - Rezoning from R-15 to RAD-Conditional for four single-family homes at a density of 4.08 units per acre - 0.98 Acres - Land Lot 488 - 2664, 2670 & 2680 Grady Street - Pritchard Builders, Inc. - This zoning request will be tabled to the May 14, 2018 Planning and Zoning Board Meeting at the request of the applicant.

Sponsors: Bye and Blackburn

A motion was made by Boardmember Cheri Harrington to table Zoning Request Z18-008, a Rezoning from R-15 to RAD-Conditional for four single-family homes at a density of 4.08 units per acre on 0.98 Acres on Land Lot 488 located at 2664, 2670, 2680 Grady Street by applicant Pritchard Builders, Inc., seconded by Boardmember Leslie Lightfoot. This Zoning Request is to be tabled until the May 14, 2018 Planning and Zoning Meeting at the request of the applicant.

The motion to table carried by the following vote:

Aye: 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

B. Public Hearing - Zoning Request Z17-021 - Rezoning from GC to MU-Conditional 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 May 14, 2018 Planning and Zoning Board Meeting at the request of the applicant.

Sponsors: Norton and Bartlett

A motion was made by Boardmember Monty Bye to table Zoning Request Z17-021, a Rezoning from GC to MU-Conditional for the development of a mixed use project on 10.4 Acres on Land Lots 845 & 846 located at 3110 Sports Avenue by applicant JLB Realty, and LLC., seconded by Boardmember Tom Bartlett. This Zoning Request is to be tabled until the May 14, 2018 Planning and Zoning Meeting at the request of the applicant.

The motion to table carried by the following vote:

Aye: 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

G. Public Hearing - Zoning Request Z18-007 - Rezoning from R-15 to RAD-Conditional for two single-family homes at a density of 5.2 units per acre - 0.38 Acres - Land Lot 559 - 1478 Spring Street - PM Builders, LLC

Sponsors: Bye and Blackburn

Chairman Joel Powell moved Agenda Item 2018-163 forward in the proceeding.

A motion was made by Boardmember Leslie Lightfoot to table item 2018-163 to the May 14, 2018 Planning and Zoning meeting for zoning request Z18-007 to Rezone from R-15 to RAD-Conditional for two single-family homes at a density of 5.2 units per acre on 0.38 Acres at Land Lot 559 located at 1478 Spring Street by applicant PM Builders, LLC; seconded by Boardmember Monty Bye.

Motion to table carried by the following vote:

Aye: 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

C. Public Hearing - Zoning Request Z18-003 - Rezoning from R-20 to RAD-Conditional for the development of 33 single-family homes at a density of 2.92 units per acre - 11.32 Acres - Land Lots 340, 341 & 380 - 3305 & 3311 Old Concord Road - CS Realty Group, LLC

Sponsors: Blackburn and Bye

Mr. Rusty Martin, Senior Planner, presented staff recommendation for Zoning request Z18-003. The request would be heard by Mayor and Council on May 21, 2018. The subject property is located on the east side of Old Concord Rd, approximately 11.3 acres, and occupied with two single family homes. The applicant proposed to rezone the property from R-20 in Cobb County, to RAD-Conditional in Smyrna for the development of 33 single family detached homes. The adjoining properties to the north was zoned R-20 in Cobb County and RTD in Smyrna and occupied by a church and townhomes. The adjacent properties to the west across Old Concord Road was zoned R-20 in Cobb County and occupied by single-family residences. The adjoining property to the south have been zoned R-20 in Cobb County and RAD in Smyrna and occupied by single-family homes. The adjoining properties to the east have been zoned GC in Smyrna and R-20 in Cobb County and occupied by a retail center and single-family residences. Future Land Use for this property in the County would be medium density residential and no land use change would be needed. The developer proposed a new road with a cul-de-sac. The applicant would preserve the encumbered stream buffers

on the two sections of the property. The applicant would design the development to preserve the city's 50 foot undisturbed buffer. However; on a few lots, the applicant requested variances to allow encroachment into the 75 foot impervious setback. The applicant proposed to offset the encroachments by preserving more stream buffer elsewhere on site. The site plan showed the streams and their 50 foot undisturbed buffers to be located on HOA property controlled and maintained by the HOA. The developer would be required by the City Engineer to provide the curb and gutter with a 5 foot sidewalk along Old Concord Road for the length of the subject property. A 5 foot sidewalk with a 2 foot grass strip would be required along one side of the new public street within the development. In addition, the applicant proposed a deceleration lane at the entrance to the subdivision on Old Concord Road. The applicant requested the following variances: reduction of lot size to 4,955 square feet, reduction of lot width to 50 feet, reduction of front setback to 20 feet, reduction of interior side setback to 5 feet, reduction of rear setback to 15 feet, and encroachment into 75 ft. impervious surface area setback for lots 8,9,13-17.

Staff recommended approval with the following conditions:

Standard Conditions

(Requirements #2 and 17 from Section 1201 of the Zoning Code are 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.*
7. *The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot 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 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, unless otherwise approved by the City's Arborist. 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. *The development shall maintain the following setbacks:*

Front – 20'

Exterior Side – 20' (Along Old Concord Road)

Interior Side – 5'

Rear – 15'

17. *The development shall be developed with a minimum lot size of 4,955 square feet.*

18. *The lots shall be developed with a minimum lot width at the setback line of 50'.*

19. *The homes shall have a minimum floor area of 1,800 sq. ft.*

20. *The maximum allowable lot coverage for the property shall be limited to 45%.*

21. *Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.*

22. *The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the City of Smyrna Public Works Director and Cobb County Water System.*

23. *The developer shall install a 5' sidewalk with a 2' grass buffer along Old Concord Road for the length of the property. This sidewalk shall be connected to the existing sidewalk to the south in front of the Concord Lake Village subdivision.*

24. *The developer shall install curb and gutter along Old Concord Road.*

25. *The developer shall provide a right-of-way dedication along Old Concord Road for the installation of a deceleration lane and sidewalk.*

26. *The developer shall provide a 30' Drainage, Access & Maintenance Easement along the dam on the adjoining property to the south as reflected on the site plan.*

27. *All trees within the limits of disturbance that are scheduled to be preserve shall be protected according to the City's Tree Ordinance. All other trees within the limits of disturbance shall be removed.*

28. *No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facility shall be solely located on the HOA's property and shall be maintained by the HOA.*

29. *Mitigation of the ±1,941 square foot encroachment into the 75' impervious surface area stream buffer setback must be provided at a rate of 1:1 elsewhere on site along the same stream. A separate mitigation site plan must be submitted for approval prior to issuance of a land disturbance permit.*

30. *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 site plan submitted 3/6/2018 created by Dovetail Civil Design, Inc..*

31. *The applicant shall be bound to the elevations submitted and dated 3/6/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.*

Boardmember Tom Bartlett inquired if the sidewalk along Old Concord Road would connect to Concord Lake Subdivision.

Mr. Martin replied that the concept site plan did not show the connection, but the zoning conditions would require sidewalks to connect and staff would verify this during plan review.

Mr. Kevin Moore, attorney for the applicant, was asked by the Chairman Joel Powell to give an overview of the request. Mr. Moore emphasized that the proposed Land Use would allow higher density than what was noted, and the applicant would continue with trends of nearby developments and build detached single family homes. Mr. Moore highlighted that the majority of the stream buffer would be undisturbed and would remain in protection under HOA. Mr. Moore maintained that the requested variances were necessary due to constraints of the site, and location of stream buffers on the site. Mr. Moore also noted that the original proposal contained over 40 homes, however the current proposal was reduced to 33 single family detached homes.

Boardmember Leslie Lightfoot asked the applicant about the proposed price points for units and Mr. Moore stated that homes would list for approximately \$500,000.

Chairman Joel Powell called for the Public Hearing and one person came forward.

Ms. Kay Clapper of 3927 Plum Crest Rd spoke regarding her concerns for the proposed development. Ms. Clapper felt that the proposed lot sizes and architecture would not be compatible with existing R-20 neighborhoods adjacent to the development. Ms. Clapper stated she was concerned about traffic congestion as well as stormwater and

erosion issues that could arise from the development. She noted that density of 2.9 units per acres was too high and that greater emphasis should be given to tree protection and also inquired if the houses would only be five feet apart.

Chairman Powell asked Mr. Moore how much open space was preserved in the development.

Mr. Moore replied that approximately 4.9 acres of the development would remain as open space primarily in stream buffers, which were permanently preserved with HOA protections. He commented that a Tree plan was submitted, updated and resubmitted with the rezoning application. Regarding density, Mr. Moore stated that Cobb County Land Use was medium density residential which allowed 2.5 to 5 units per acre and the applicant had proposed 2.9 units per acre. Regarding side setback, Mr. Moore stated that a five foot side setback on each lot maintained 10 feet of separation between structures which met the minimum separation for the Fire Marshall.

A motion to approve item 2018-66 by Boardmember Monty Bye for Zoning Request Z18-003 for Rezoning from R-20 to RAD-Conditional for the development of 33 single-family homes at a density of 2.92 units per acre on 11.32 Acres at Land Lots 340, 341 & 380 located at 3305 & 3311 Old Concord Road by applicant CS Realty Group, LLC, seconded by Boardmember Tom Bartlett.

The motion to approve carried by the following vote:

Aye: 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

- D.** **Public Hearing** - Zoning Request Z18-005 - Rezoning from GC to OI for use of the building as a dormitory for Atlanta Dream Center - 1.84 Acres - Land Lot 346 - 460 Bourne Drive - Atlanta Dream Center. This Zoning Request will be tabled to the May 7, 2018 City Council meeting.

Sponsors: Wilkinson

Senior Planner Rusty Martin presented staff's recommendation for Zoning Request Z18-005 to the Board. The request would be heard by Mayor and Council on April 16, 2018. The applicant requested rezoning from GC to OI for use of the existing church as a dormitory. The subject property is located north of Adventure Outdoors, east of Smyrna Grove and approximately 1.8 acres and no land use change would be needed. The applicant planned to retain existing buildings, but would remodel the interior to bring the building into compliance with building and fire codes. The Atlanta Dream Center has worked in partnership with the Atlanta School of Ministry to house and train students for missionary work (approximately an 18 month program). The school is located in downtown Atlanta in the midtown area. Students would live in the Smyrna dorms and either drive downtown to school in their personal vehicles, or use the transportation provided by the school. The applicant proposed to house up to 120 students at maximum occupancy. The students would be housed in two buildings on-site. The existing 14,000 square foot church building, would be renovated to accommodate ten dorm rooms with six beds per room and four full bathrooms (with showers). The 5,400 square feet building would be renovated to ten dorm rooms and 5 full bathrooms (with showers). There would be no kitchen facilities provided on site. The students would be separated by gender with one building housing males and the other building housing females. The property currently provided 58 parking spaces, which exceeded the amount of parking needed for the students. The applicant stated that 25% of the students had personal transportation and the rest of the students used

the transportation provided by the school. The applicant planned to remove the concrete foundation at the northwest corner of the property, which could be converted to more parking if need be. The applicant requested several of the following variances to clean up non-conformities of the existing buildings to conform with the City's Zoning Ordinance:

- 1. Reduction of the street side setback requirement for building #1 from 50' to 10';*
- 2. Reduction of the rear setback for building #1 from 40' to 5';*
- 3. Reduction of the rear setback for building #3 from 40' to 30'; and*
- 4. Reduction of the side setback for building #2 from 15' to 1'*

Staff recommended approval with the following conditions:

- 1. The applicant must provide parking for the dormitory use at a ratio of 1.5 spaces per dorm room and 1 space for every 100 sq. ft. of common space.*
- 2. The facility shall be limited to a maximum of 20 student dorm rooms with 120 student beds. Any increase in the number of rooms or beds shall be brought back to the City Council for review and approval.*
- 3. The applicant shall remove the existing concrete foundation at the northwest corner of the site.*
- 4. The applicant shall remove the existing concrete sidewalk/parking area along Old Concord Road.*
- 5. The applicant shall replace the curb and gutter along Old Concord Road for the length of the property and provide a new 5' sidewalk with a 2' grass buffer.*
- 6. The applicant shall provide 3" caliper street trees along Old Concord Road for the length of the property. There shall be one tree for every 40 linear feet of frontage along Old Concord Road.*
- 7. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.*
- 8. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.*
- 9. Any proposed dumpsters shall be surrounded by a three-sided brick enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.*
- 10. The following uses shall be prohibited:*
 - Homeless shelters*
 - Group homes*
 - Halfway house*

Chairman Joel Powell asked the applicant to provide an overview of the request. Pastor Dan Palmer stated that most students in ministry graduated with high debt. The goal of Atlanta Dream Center would be to provide students access to higher education without debt. The organization has operated for 14 years, and partnered with other organizations to reduce housing and education costs where feasible. All education classrooms were located in downtown Atlanta. Mr. Palmer reiterated that the proposed

plan would not be a homeless shelter; only a dormitory for student housing.

Boardmember Leslie Lightfoot asked the applicant the ratio of bathrooms to students.

The construction manager associate Mr. Mike Benningfield, responded that the women's dorm included 10 dorm rooms with 5 full bathrooms; the men's dorm had 10 dorm rooms and 4 full bathrooms.

Boardmember Cheri Harrington asked the applicant if classes would be off-site and what amenities would be on site.

Mr. Palmer stated that only art classes may be held at the dormitory but all educational classes were off-site and that the women's dorm had a center area with library, office, and laundry facility. There would be a common area open to all, and a gym.

Boardmember Harrington asked the applicant if they intended to increase the amount of students in the future.

Mr. Palmer commented that the current proposal submitted was for 120 students, and if their plans changed they would need to come back to the Board for approval.

Ms. Harrington expressed her continued concern for the ratio of bathrooms to students and inquired about the age range of students at the dormitory.

Mr. Palmer added that they had the potential to add more bathrooms if needed and that the majority of the students were 18 to 25 years old.

Ms. Harrington asked about exterior and interior changes to buildings.

Mr. Palmer replied that the majority of work completed would be internal to bring dorms into compliance with building and fire codes, as well as ADA requirements. He also stated that they planned to install new windows and doors, and whatever else the Fire Marshall required for the purpose of life safety requirements.

Chairman Joel Powell called for the Public Hearing and two people came forward.

Mr. Mike McNabb of 750 Austin Drive expressed his concerns about the potential use of the property and inquired if paragraph 2 of the conditions could be revised to a maximum of 20 student dorm rooms with 120 student beds. He stated that he felt it would be very uncomfortable to ultimately have a homeless shelters next to his business Adventure Outdoors. He asked that the Board restrict the facilities use to student dorm only.

Gary Larose of 6011 Bordeau Walk asked for clarification on the number of students per room, why the applicant selected this location, whether ADA requirements would be enforced, and where the funding source to make improvements would come from.

Mr. Palmer responded to the questions, and commented that funding would come from multiple partners and businesses within the organization. He stated that they intended to comply with all ADA requirements mandated by the Fire Marshall. Regarding site location selection, Mr. Palmer commented that the specific site was selected due to land prices, as land costs near the classrooms were beyond their means.

Boardmember Tom Bartlett asked Mr. Palmer if he would be open to the condition that use of the facilities be limited to a dorm for students and Mr. Palmer was in agreeance.

A motion to deny item 2018-116 was made by Boardmember Cheri Harrington for Zoning Request Z18-005 - Rezoning from GC to OI for use of the building as a dormitory for Atlanta Dream Center - 1.84 Acres - Land Lot 346 - 460 Bourne Drive - Atlanta Dream Center; seconded by Boardmember Leslie Lightfoot.

The motion to deny carried by the following vote:

Aye: 5 - Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Nay: 1 - Tom Bartlett

Absent: 1 - David Monroe

E.

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 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 -

Sponsors: Norton and Bartlett

Mr. Ken Suddreth, Community Development Director, presented staff's recommendation for Zoning Request Z17-014. Mr. Suddreth noted that the request had been tabled multiple times; however the applicant wished to move forward. The request would be presented to Mayor and Council May 21, 2018. The subject property was known as the Emerson Center. A portion of the site along Spring Road was within the city, while the office buildings near the back were in the county, which is why the applicant requested to annex and rezone the property. The proposed plan for the site consisted of a two-story retail building, six-story hotel, five to six-story multifamily building and 80,000 square foot office building. The site plan had two right in/right out access points on Spring Road and a full access driveway on Springhill Parkway. The site plan required multiple variances and did not meet the intent of the Spring Road Livable Centers Initiative. The applicant had requested variances to eliminate the requirement to have a consistent building edge along the public sidewalk, eliminate the need for public plazas or places that would connect to pedestrian zones, and to allow parking between buildings and the right of way. Staff believed these variances were not supported and recommended denial as the proposal's uses were isolated, independent, and lack connectivity. The design did not encourage essential interactions necessary to achieve a successful mixed use development, and the site design would negatively and permanently impact the City's opportunity for redevelopment in the area. Staff also had concerns about the stormwater, fire prevention access and how the development would unfold. Staff recommended denial. The proposed plan did not meet the goals and intent for the Spring Road LCI Master Plan.

Boardmember Tom Bartlett inquired as to which of the variances staff supported.

Mr. Suddreth replied that staff supported increasing building height, reduction of spacing between curb cuts, and reduction of rear setback.

Chairman Joel Powell asked the applicant to provide an overview of the proposal.

Attorney Garvis Sam's represented the applicant Wesplan and stated that his firm became involved with the redevelopment of the site in 2008. Wesplan purchased the

property after it entered bankruptcy. The proposed site is 8.7 acres and 75% of the site was zoned OI in Cobb County which contained the office buildings. Rezoning was submitted on July 14, 2017. The proposal met thresholds for Development of Regional Impact (DRI) which required review by Atlanta Regional Commission (ARC) and Georgia Regional Transit Authority (GRTA). After DRI reviewed the proposal, the applicant revised the site plan and stipulations. Mr. Sams commented that the site was a critical component of redevelopment in the area. The applicant had proposed 310 multi-family units, a 6 to 12 story hotel; 6000 square foot retail space; 3 to 4 story office building and 2 stories of flex retail space on Spring Rd. The proposal contained future raised pedestrian connectivity. ARC and GRTA reviewed DRI, and recommended approval. Mr. Sams stated staff found that the use was compatible, should have no adverse impacts, and conformed to future land use maps. Cobb County had no objection to the annexation. Staff found that it might raise architectural character of the area. Mr. Sams commented that the open space, inter-parcel connectivity, and design that allowed for substantive interactions was where staff had issues with the proposal. Mr. Sams asked the Board to follow the recommendation of ARC, GRTA, and Cobb County.

Boardmember Denny Campo inquired why the applicant did not work with staff to revise the plan and gain staff's support.

Mr. Sams commented that the urgency had to do with the bankruptcy proceedings. Boardmember Monty Bye questioned the impact on traffic having the access to the proposed site off of Springhill and related concerns that the proposed access points might only contribute to more congestion in the area.

Chairman Joel Powell called for the Public Hearing and no one came forward.

A motion to deny item 2017-314 was made by Boardmember Tom Bartlett for a 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 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 Monty Bye. The motion to deny carried by the following vote:

Aye: 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

F. Public Hearing - Zoning Request Z18-006 - Rezoning from OI to RM-12-Conditional for Twenty-three (23) townhomes at a density of 11.39 acres - 2.02 Acres - Land Lot 666 - 2881 and 2885 Elmwood Drive - The Woodbery Group, LLC

Sponsors: Blustein and Lightfoot

Senior Planner Rusty Martin presented staff's recommendation for Zoning Request Z18-006. The request is to be heard by Mayor and Council on May 21, 2018. The subject property consisted of a vacant office park off of Elmwood Drive, behind Jonquil Sports. The applicant has proposed to demolish the existing structures and build 23 townhomes at a density of 11.39 units per acre which would change the zoning. The Future Land Use is Med-High Density Residential which would allow up to 10 units per acre. A Land Use Change to High Density Residential would be required. The applicant proposed a 20 foot wide rear entry townhome that would front on Elmwood Drive and a 24 foot wide unit with front entry on a private road. The applicant requested variances

to the front, rear, and side setbacks. A gated entry was proposed, however, City Engineer and Fire Marshal would need to review the gate to ensure access would be appropriate for the sanitation and fire department vehicles. The applicant proposed a 22 foot wide private access drive, with easements for water and sewer infrastructure. Staff recommended approval 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:

Front – 20' (from the existing Right-of-way)

Front – 15' for front porches, porticos, balconies & stoops

Side – 15' (10' for balconies)

Rear – 20' (15' for decks)

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

Front to Rear– 50'

Side to Side – 30'

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

17. The proposed homes shall have a minimum floor area of 1,800 sq. ft.

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

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

20. The rear of the townhome units shall have architectural features that delineate the individual townhome units.

21. The developer shall provide a 5' sidewalk with a 2' grass buffer along Elmwood Drive for the length of the development and a 4' sidewalk within the development along the private street.

22. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the northern and southern property lines.

23. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.

24. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.

25. The developer shall provide a 50' public access & utility easement over the private street for water and sanitary sewer services. All water and sanitary sewer mains must be located within this utility easement.

26. The developer shall provide a right-of-way dedication along Elmwood Drive to include the parallel parking and sidewalk as part of the right-of-way.

27. 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.

28. Trees shall be planted the entire length of Elmwood Drive at an average spacing of no more than 40'.

29. 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.

30. Approval of the subject property for the RM-12 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/2/2018 created by DGM Land Planning Consultants and all zoning stipulations above.

31. The applicant shall be bound to the elevations submitted and dated 3/9/2018. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

The additional stipulations were agreed upon by the applicant in the letter submitted and dated on March 28, 2018. If there should be a discrepancy between the stipulations in the March 28, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

Boardmember Cheri Harrington questioned whether anything would be done for pedestrians turning off of Elmwood onto Spring Street. She said it was difficult to get out and wanted to know if the traffic pattern would be reconfigured.

Mr. Martin stated not with this request and suggested turning right and making a U-turn at the protected light.

Chairman Powell asked the applicant to provide an overview of the request.

Mr. Garvis Sams, the attorney for the Woodbury and Providence Group, stated that the site is 2.02 acres. Mr. Sams requested to down zone from OI to RM-12. The price point of the townhomes would be \$380,000.00 to \$430,000.00 depending on upgrades. The subject property would predominately be surrounded by businesses. The stipulation letter submitted with the application addressed many of the concerns the business community mentioned. The proposed units were 1950 square feet to 2250 square feet, and included a two car garage. Guest parking would be provided. Depending on access issues that staff mentioned, the development may or may not be gated. Homes would be for sale only, and the HOA agreement would allow only 10 percent to be rented. The HOA would be formed with a third party management. HVAC units would be screened from view and developer would dedicate 5 feet of right-of-way along Elmwood to the City. The applicant agreed to all of staffs standards, stipulations and conditions along with self-imposed stipulations.

Boardmember Monty Bye questioned the applicant with regards to the 10% limitation on renting and how it would be enforced.

Mr. Sams replied that each rental agreement must be approved by the HOA. If more than 10% are rented, a Code Enforcement notice of violation would be the first action, followed by revocation of zoning as a last resort. Mr. Sams commented that due to the high sales price of the homes, achieving such high rents may not be possible.

Chairman Joel Powell called for the Public Hearing and no one came forward.

A motion to approve item 2018-162 was made by Boardmember Leslie Lightfoot for a zoning request Z18-006 - Rezoning from OI to RM-12-Conditional for Twenty-three (23)

townhomes at a density of 11.39 acres - 2.02 Acres - Land Lot 666 - 2881 and 2885 Elmwood Drive - The Woodbery Group, LLC; seconded by Boardmember Monty Bye. The motion to approve carried by the following vote:

Aye: 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

4. Approval of Minutes:

A. Approval of the March 12, 2018 Planning and Zoning Meeting Minutes

A motion to approve the March 12, 2018 Planning and Zoning Meeting Minutes was made by Boardmember Monty Bye and seconded by Boardmember Leslie Lightfoot. The motion to approve carried by the following vote:

Aye: 6 - Tom Bartlett, Leslie Lightfoot, Monty Bye, Earl Rice, Cheri Harrington and Denny Campo

Absent: 1 - David Monroe

5. Adjournment

Chairman Joel Powell of the Planning and Zoning Commission adjourned the meeting at 8:10 PM.

April 09, 2018

[PLANNING AND ZONING MEETING]

JOEL POWELL, CHAIRMAN

TERRI GRAHAM, CITY CLERK