



City of Smyrna

2800 King Street
Smyrna, Georgia 30080

Meeting Minutes - Final City Council

Monday, April 15, 2019

7:00 PM

Council Chambers

Roll Call

Present: 7 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Maryline Blackburn, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Tim Gould and Councilmember Ron Fennel

Absent: 1 - Councilmember Andrea Blustein

Also Present: 12 - Tammi Saddler Jones, Scott Cochran, Terri Graham, Scott Andrews, Ken Suddreth, Russell Martin, Joey Staubes, Caitlin Crowe, Ashley Youmans, Richard Garland, Dat Luu and Tina Monaghan

Call to Order

Mayor A. Max Bacon called the April 15, 2019 Mayor and Council Meeting to order at 7:03 PM.

1. Invocation and Pledge:

Campbell High School JROTC Color Guard presented the Colors and led all in the Pledge of Allegiance.

Pastor Lee Delbridge, Smyrna Christian Church (910 Concord Rd) delivered the Invocation.

- A. [2019-136](#) Presentation of Colors by Campbell High School JROTC Color Guard

2. Agenda Changes:

There were no agenda changes.

3. Mayoral Report:

Mayor Bacon made some changes to the order of presentations from the published agenda.

- C. [2019-137](#) Recognition of Campbell High School JROTC Cadets - State Drill Competition Winners

Sponsors: Gould

Councilmember Tim Gould gave some background on the JROTC program and recognized those that participated and placed at the recent State Drill Competition. First Sergeant Burns spoke about the many accomplishments of the cadets in the Campbell High School JROTC program.

A. [2019-126](#) Proclamation in Recognition of the 35th Anniversary of Dirt Cheep Music

Sponsors: Wilkinson

Councilmember Susan Wilkinson read aloud the Proclamation in Recognition of the 35th anniversary of Dirt Cheep music. Aaron Rathbone, current owner and President of the company was present to accept the proclamation.

B. [2019-125](#) Recognition of Smyrna Basketball Association 2019 Championship Teams - Boys 8U, 10U, 12U, and Girls 12U

Sponsors: Wilkinson

Ms. Wilkinson provided those present with background into the Smyrna Basketball Association and announced the many achievements from the recent season including the four teams that won championships (Boys Teams 8U, 10U, 12U and Girls Team 12U). Approximately 42 teams and over 520 kids participated this past year and the number continues to grow. Each team was recognized, and the names of the coaches and players were read aloud.

D. [2019-138](#) Campbell High School "School Council" Report

Sponsors: Gould

Mr. Gould introduced Dr. Jeanne Walker, Mr. Josh Ford, Lmichael Green and Mr. Tony Waybright who were there to deliver the School Council Report. Dr. Walker thanked Mayor, Council, City Staff, and the community for all that they do to make Campbell High School a great place to learn. Mr. Waybright read aloud a proclamation of appreciation to the City of Smyrna for the many things that they do for Campbell High School. The proclamation was presented to Mayor Max Bacon and photos were taken.

Assistant Vice Principal Josh Ford spoke about the Campbell High School Business Partnership which helps with resources to provide recognition to students, teachers, and members of the community. A plaque of appreciation was presented to and accepted by Mr. Tim Gould who diligently promotes City/School relationships.

4. **Land Issues/Zonings/Annexations:**

A. [2019-98](#) **Public Hearing** - Request for a change to the 2040 Future Land Use Plan in the Williams Park Neighborhood - City of Smyrna Community Development Department

Sponsors: Blackburn

City Administrator Tammi Saddler Jones provided the background information. After the adoption of the 2040 Future Land Use Plan, the city received a zoning request to change the zoning of a small parcel for the development of one single-family home on Foster Street (an area on the Future Land Use Plan that changed from Moderate Density Residential to Mixed Use). Upon the conclusion of the zoning request, some residents of the Williams Park neighborhood petitioned the city to change the Mixed Use area back to Moderate Density Residential. The Mayor and City Council directed the Community Development Department to review the requested change and provide a recommendation.

Mr. Russell Martin, Senior Planner, presented information on the agenda item in further

detail. The subject area of the proposed future land use change is located south of Spring Street, east of Alexander Street, north of the CSX railroad and Spring Road and west of Anderson Circle. The subject area consists of 11.9 acres with a mixture of single-family, commercial and industrial zoning districts. The 11.9 acres of the subject area breaks down to 7.4 acres of single-family zoning (R-15 and RDA), 2.13 acres of commercial zoning (Limited Commercial) and 2.29 acres of industrial zoning (Light Industrial). The single-family zoning is found primarily along the north side of the subject area along Spring Street, Alexander Street, Foster Street, Elizabeth Street and Anderson Circle. The commercial and industrial zoning is located along the southern portion of the subject area along CSX railroad at the dead ends of Alexander Street, Foster Street and Elizabeth Street. The existing uses with the subject area consists of a church on 1.86 acres, a construction contractor office with a service yard on 1.63 acres, an office and service yard for a local cable provider on 2.93 acres, single-family homes on 1.78 acres and the remaining 3.7 acres is currently vacant. Community Development held an open house on February 13, 2019 at Brawner Hall to collect information from the Williams Park residents and to verify that the request to change subject area from Mixed Use to Moderate Density Residential was supported by the community. The attendees were provided maps of the proposed changes, future land use maps, future land use descriptions and other supporting documentation. The attendees were asked via secret ballot if they supported the request to change the subject area of the 2040 Future Land Use Map from Mixed Use to Moderate Density Residential. There were 36 attendees at the open house and 33 of those attendees voted in support of the proposed change. Community Development has reviewed the request of the residents of Williams Park to change the subject area on the 2040 Future Land Use Map from Mixed Use to Moderate Density Residential. Based on the information gathered at the open house, Community Development recommended changing the subject area of the 2040 Future Land Use Map from Mixed Use to Moderate Density Residential.

Mayor Bacon opened the public hearing.

Four people came forward to the podium and were sworn in by City Attorney Scott Cochran.

Lemuel Ward, 1496 Spring Street, thanked staff for their work on gathering public input on the issue at hand. He offered the current Council some history on zoning in the Williams Park area so that they could better understand the feelings of residents.

Keith Bentley, 2651 Gilbert Street, spoke in support of the land use change. He wants the land to be developed consistent with the existing character of the neighborhood.

Ron Davis, 1351 Roswell Street, echoed what his neighbors already said and spoke in support of the land use change. He spoke of past experiences with developers who attempted to bring high density development into the neighborhood.

Casey Clavin, 1470 Roswell Street, thanked the City for working with the Williams Park neighborhood on the land use map issue. She spoke in support of the land use change.

Councilmember Maryline Blackburn thanked the Williams Park residents for coming out to the meeting and for working so well with City Staff to resolve the issue.

Councilmember Maryline Blackburn made a motion to approve the request for a change to the 2040 Future Land Use Plan in the Williams Park Neighborhood - City of Smyrna Community Development Department with a second by Councilmember Charles

"Corkey" Welch.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

B. [2019-89](#)

Public Hearing - Zoning Request Z19-004 - Rezoning from RM-10 to RDA-Conditional for the construction of two single-family homes at a density of 5.71 units per acre - 0.35 Acres - Land Lot 593 - 1601 Walker Street - M. Junger Homes, LLC

Sponsors: Blackburn

Ms. Saddler Jones provided a brief summary of the information pertaining to this rezoning and asked Director of Community Development Ken Suddreth to come forward and present the details of the rezoning request.

Mr. Suddreth reviewed a presentation on the Walker Street property. M. Junger Homes, LLC requested rezoning from RM-10 to RDA-Conditional for the development of two single-family detached residences at a density of 5.71 units per acre. The applicant is proposing to demolish the existing duplex and then subdivide the parcel into two lots and construct two individual single-family residences. The number of units and density will remain unchanged from what currently exists on-site today. The proposed lots will be 7,495 sq. ft. and 7,593 sq. ft.. Each proposed home will be a front-entry home and will face Walker Street. The applicant has provided a site plan with the rezoning application for reference. The applicant has submitted building elevations and floor plans for each home in the rezoning application. The applicant proposes to use brick and siding for the façade materials for each home. The Planning and Zoning Board heard the zoning request at the March 11, 2019 meeting and recommended approval by a vote of 7-0. Community Development recommended approval of the rezoning from RM-10 to RDA-Conditional for the development of two single-family units at a density of 5.71 units per acre with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 5, 8, 9, 10, 12 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. 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 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.

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 for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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

9. The development shall maintain the following setbacks: Front - 25' Side - 7.5' Rear - 30'
10. Driveway - 22' minimum length from building face to private driveway.
11. The right -of-way along Walker Street shall be increased to 50 feet. Therefore a dedication of approximately 10' feet is required along Walker Street.
12. The developer shall provide a 5' sidewalk with a 2' grass buffer along Walker Street for the length of the development.
13. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
14. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

The Mayor opened the Public Hearing and asked all those wanting to speak to come forward.

City Attorney Cochran swore in the two people that came forward.

The applicant, Mr. Matt Junger came to the podium and provided some additional details about the Walker Street project.

Lemuel Ward, 1496 Spring Street, spoke in favor of the rezoning on Walker Street.

Councilmember Maryline Blackburn made a motion to approve Zoning Request Z19-004 - Rezoning from RM-10 to RDA-Conditional for the construction of two single-family homes at a density of 5.71 units per acre - 0.35 Acres - Land Lot 593 - 1601 Walker Street - M. Junger Homes, LLC. Councilmember Susan Wilkinson seconded the

motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

C. [2019-94](#)

Public Hearing - Zoning Request Z19-005 - Rezoning from R-15 to R-10 Conditional for four single family homes at a density of 3.72 units per acre - 1.17 acres - Land Lot 561 - 1420 and 1430 Roswell Street - M. Junger Homes LLC

Sponsors: Blackburn

The background information on the item was presented by City Administrator Saddler Jones. M. Junger Homes, LLC is requesting a rezoning from R-15 to R-10-Conditional for a property at 1420 and 1430 Roswell Street for the construction of four new single-family residences at a density of 3.72 units per acre. The Planning and Zoning Board heard the request at the March 11, 2019 and approved the request by vote of 7-0. Community Development recommended approval of the request rezoning from R-15 to R-10-Conditional for the construction of four new single-family residences at a density of 3.72 units per acre with conditions.

Mr. Suddreth reviewed a PowerPoint with detailed information on the request. M. Junger Homes LLC is requesting rezoning from R-15 to R-10-Conditional for a property at 1420 and 1430 Roswell Street for the construction of four new single-family residences at a density of 3.72 units per acre. All homes will be accessed from Roswell Street via rear entry-garages. The applicant has submitted building elevations and floor plans for the residences in the rezoning application. The submitted elevations reflect a more traditional style home with a mixture of exterior façade materials and architectural elements. Community Development recommended approval of the request rezoning from R-15 to R-10-Conditional for the construction of four new single-family residences at a density of 3.72 units per acre with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10, and 12 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 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.

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'

Exterior Side - 10'

Interior Side - 7.5' (with a minimum of 10' between buildings)

Rear - 15'

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

12. The development shall be developed with a minimum lot size of 10,000 square feet.

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

14. The homes shall have a minimum floor area of 1,500 sq. ft.

15. The developer shall provide a 5' sidewalk with a 2' grass buffer along Roswell Street for the length of the development.

16. The developer shall provide a 15' stormwater easement

17. The developer shall provide a 5' Right-of-Way dedication as needed along Roswell Street.

18. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.

19. The maximum allowable lot coverage for the property shall be limited to 35%.

20. The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the Public Works Director.

21. 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.

22. 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.

23. Approval of the subject property for the R-10 Conditional (R-10 Conditional) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 3/6/2019 created by Crescent View Engineering LLC.

24. The applicant shall be building the homes in substantial compliance with the building elevations submitted and dated 2/8/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.

Mayor Bacon announced the public hearing and City Attorney Scott Cochran swore in the five people, including the applicant that came forward.

The applicant, Mr. Matt Junger reviewed his plans for the property including the price point. His concern with the sidewalk in front of the property is for the safety of pedestrians in the area. As it currently stands, it is not safe to walk there. He understands the neighbor's desire to preserve the wall but is not sure that is what is best for the overall area. Mr. Junger originally intended to reuse parts of the wall as a feature but to remove it from its current location so that the required sidewalk and buffer could be installed.

There was discussion among Mayor and Council about the structural integrity of the wall and whether or not it would survive the disturbance of land, removal of trees, and removal of the center section so that the shared driveway could be installed.

Further discussion included whether or not the proposed one and a half foot buffer would be safe enough and what the preference was of the applicant. Mr. Junger's answer was that anything is better than what is there currently, but the ideal solution would be to remove the wall and build the required five foot sidewalk with the two foot grass buffer.

For clarification, staff explained that if the dedication were to occur, all of the wall would be in the right of way. To date, part of the wall is already in the right of way while some of it remains on private property.

Council inquired as to whether or not there were future plans to change the roads in the area that would assist with the danger of traffic. There was no staff present that was qualified to answer the question with accuracy.

Discussion about the pros and cons of the existing driveways versus the proposed driveway occurred. The possibility of making the wall a part of the HOA to preserve it was discussed.

Mr. Keith Bentley, 2651 Gilbert Street, spoke a bit about the wall and its history as well as the proposed changes to staff conditions that would allow the wall to remain where it stands.

Ms. Casey Clavin, 1470 Roswell Street, stated that the wall predates the sidewalk and

should therefore most likely survive a new sidewalk. Williams Park is the oldest residential neighborhood in the City and the wall is a meaningful structure that she would like to see saved. She suggested an extension to take more time to come up with a solution that will make everyone happy.

Ms. Sonja Ingle, 2642 Highland Avenue, spoke about childhood memories revolving around the wall. She firmly believes it is historical and should be saved.

The applicant, Mr. Junger agreed to delay the decision for another month so that further research, discussions, and negotiations could occur.

Councilmember Maryline Blackburn made a motion to table Zoning Request Z19-005 - Rezoning from R-15 to R-10 Conditional for four single family homes at a density of 3.72 units per acre - 1.17 acres - Land Lot 561 - 1420 and 1430 Roswell Street - M. Junger Homes LLC to the May 20, 2019 Mayor and Council Meeting. Councilmember Susan Wilkinson seconded the motion to table.

The motion to table was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

D. [2019-95](#)

Public Hearing - Zoning Request Z19-006 - Rezoning from OI to OI- PD to Add a Medical Office Building and New Parking for Emory Hospital - 12.69 Acres - Land Lot 552 - 3903, 3949 and 3969 South Cobb Drive - The Emory Clinic

Sponsors: Gould

Ms. Saddler Jones provided the background information for this agenda item. The Emory Clinic is seeking approval of a rezoning for 3903, 3949 and 3969 South Cobb Drive from OI (Office- Institutional) to OI-PD (Planned Office Development) for the purposes of redeveloping a portion of the site. The site currently holds a hospital building and two medical office buildings (MOBs). The applicant is proposing to add a 120,000 sq. ft. medical office building as well as a new parking deck that is designed to serve the existing and proposed MOBs and the hospital. The Planning and Zoning Board heard the zoning request at the March 11, 2019 meeting and approved the request by a vote of 7-0. Therefore, Community Development recommended approval of the rezoning from OI to OI-PD with conditions.

Mr. Ken Suddreth reported that the Emory Clinic is seeking approval of a rezoning for 3903, 3949 and 3969 South Cobb Drive from OI (Office- Institutional) to OI-PD (Planned Office Development) for the purposes of redeveloping a portion of the site. The site currently holds a hospital building and two medical office buildings (MOBs) consisting of 38,000 and 25,200 sq. ft. The applicant is proposing to add a 120,000 sq. ft. medical office building as well as a new parking deck that is designed to serve the existing and proposed MOBs and the hospital. The proposed MOB will be a 4-story facility (30,000 sq.ft. on each floor) and will be located closer to South Cobb Drive than either of the existing MOBs. Interior renovations and some utility modifications will also occur in this phase to the existing hospital. All major renovations to the hospital will occur in phase II. Community Development recommends approval of the rezoning from OI to OI-PD on 12.69 acres for the redevelopment of the existing Emory Hospital site located on South Cobb Drive, including those variances supported by staff as

shown above, with the following conditions:

Standard Conditions

Requirements #1, 2, 3, 4, 5, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable.

The following requirements remain applicable.

- 1. All utilities within the development shall be underground.*
- 2. 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.*
- 3. No debris may be buried on any lot or common area.*
- 4. 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.*
- 5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.*
- 6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

Special Conditions

- 7. The development shall maintain the following setbacks: Front - 25' Side - 10' Rear - 40' Building Separation - 15'*
- 8. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
- 9. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
- 10. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
- 11. Issuance of the final Land Disturbance Permit (LDP) will not occur until GDOT approval is obtained. However, preliminary grading/demolition work, once approved by the City Engineer, will be allowed to begin prior to such GDOT approval being finalized.*
- 12. Three months after the issuance of a final c/o for the MOB, the applicant will study traffic conditions and provide signal modifications or installations as warranted. This timeframe can be adjusted by the City Engineer as needed. Any improvements necessary as a result of said study/studies will be the responsibility of the applicant.*
- 13. Utilization of low intensity, environmental type lighting shall be allowed within the development. The illumination of which shall be confined within the perimeter of the subject property through the use of "full cut-off lighting".*

14. Approval of the subject property for the OI -PD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/5/2019, dated 2/08/2019 and created by Kimley Horn and Associates, Inc. and all zoning stipulations above.

15. The applicant shall be bound to the elevations submitted on 2/8/2019 for the 120,000 sq.ft. MOB and drawn by May Architecture. Approval of any change to the elevations must be obtained from the Director of Community Development.

16. The applicant shall be bound to the parking deck elevations labelled "New Northwest Parking Deck at Emory University Hospital Smyrna" submitted 2/08/2018, dated 12-28- 2018 and done by Kimley Horn and Associates, Inc.

Council inquired about the explanation for the front setback which is calculated by a formula which takes into consideration the existing structures on the property.

The Mayor announced the public hearing and one person came forward to be sworn in.

Dr. Doug Hoffman asked about the second phase and noted that he was in full support and cannot wait for them to start.

Mr. Mike Mason, VP of Operations for the Emory Clinic, representing the applicant came forward and explained a bit about the project including the fact that they have potential plans to eventually shut down the hospital for renovations/expansion and intend to be complete and reopened within ten months. Emory is looking for the renovated hospital to be open on or about August 2020 provided the Certificate of Need (CON) passes as expected around June 1st of this year. Current plans for phase one are to build the new medical office building and to add a parking deck.

Members of the Council thanked the Mr. Mason and the Emory group for developing in the City. They also asked about the tree plan and whether or not the other buildings already in existence would be renovated.

Councilmember Tim Gould made a motion to approve Zoning Request Z19-006 - Rezoning from OI to OI- PD to Add a Medical Office Building and New Parking for Emory Hospital - 12.69 Acres - Land Lot 552 - 3903, 3949 and 3969 South Cobb Drive - The Emory Clinic. Councilmember Ron Fennel seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

E. [2019-106](#)

Public Hearing - Zoning Request Z19-007 - Modification of currently approved site plan and building elevations for Riverview Landing - 16.859 Acres - Land Lots 58, 171, 172, 174, 175 - Riverview Road and Nichols Drive - The Ardent Companies, LLC

Sponsors: Fennel

City Administrator Saddler Jones delivered a synopsis of information regarding the zoning request and modification. The Ardent Companies, LLC is requesting a zoning amendment to modify the currently approved site plan and building elevations. The

zoning of the subject property was subsequently amended on March 20, 2017 to a new site plan and building elevations. The proposed amendments would modify the mixture of housing units, as well as provide new commercial/retail opportunities within the development. Community Development recommended approval of a zoning amendment to modify the currently approved site plan and building elevations with conditions.

Mr. Russell Martin communicated that the Ardent Companies, LLC is requesting a zoning amendment to modify the currently approved site plan and building elevations. The proposed amendments would modify the mixture of housing units, as well as provide new commercial/retail opportunities within the development. The project is currently approved for 608 total residential units (310 multi-family units, 233 townhome units and 65 single-family homes). The zoning amendment request would increase the total residential units to 816 units (580 multi-family units, 188 townhome units and 48 single-family homes) and allow for 14,680 sq. ft. of space to accommodate neighborhood retail, restaurants, offices, live-work units and/or commensurate amenities. The Riverview Landing development was originally approved by the Cobb County Board of Commissioners (BOC) on March 15, 2011 by a vote of 4-1. Prior to rezoning, the project received positive findings on the required Development of Regional Impact (DRI) review from the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA). As part of the rezoning of the property, the County BOC added zoning stipulations that required the development to meet the recommendations outlined by GRTA and ARC in the DRI review. Between the rezoning in Cobb and the annexation into Smyrna, the applicant demolished the existing buildings, removed all debris and partially graded the site. The subject property was annexed and rezoned into Smyrna on November 18, 2013 by a vote of 7-0 (Zoning Case Z13-015) with the zoning conditions carried over from the County. The previous property owner began construction on the Riverview Road improvements and those improvements were completed by the Fall of 2018. The originally approved mixed use development (Zoning Case Z13-015) consisted of 155 single-family residences, 332 townhomes, 165 condominium flats, 200 residential senior housing units and 850 apartment units. Overall, the development consisted of 1702 new residential units and 190,000 square feet of commercial space for a total square footage of 2,345,550 square feet for the entire development. The density for the site was 19.42 units per acre or 26,772 square feet per acre. The property owner applied for a zoning amendment in Spring of 2017 (Zoning Case Z17-003) to reduce the overall development with respect to residential units and eliminating almost all the commercial space. The zoning amendment reduced the commercial space down to 3,000 sq. ft. and the residential units down to 65 single-family units, 233 townhome units and 310 multi-family units. The zoning amendment was approved by the Mayor and City Council on March 20, 2017 with 608 residential units and 3,000 sq. ft. of commercial space. The zoning amendment resulted in a net change of -1094 residential units and -187,000 sq. ft. of commercial space. The 310 multi-family units are currently under construction and should be receiving the first Certificate of Occupancies (CO's) this summer. Community Development recommends approval of a zoning amendment to modify the currently approved site plan and building elevations with the following conditions carried over from Zoning Case Z17-003:

1. Approval of the rezoning shall be conditioned upon the all the zoning stipulations agreed upon and approved in the March 15, 2011 Cobb County Board Commissioner's Meeting Minutes. All parts of the of meeting minutes which reference Cobb County Codes or Ordinances have been modified below to reference City of Smyrna Codes and Ordinances.

2. Approval of the zoning amendment shall be conditioned upon the Rezoning Plan submitted March 16, 2017 March 26, 2019.

3. Approval of the rezoning shall be conditioned upon the Industrial Buffer Plan submitted 2/13/2017 as part of the Planning and Zoning Board Meeting.

4. A permanent public ingress/egress from Dickerson Drive shall be provided above the 100 -year flood plain elevation (El. 766 effective March 4, 2013), with access to and through the northern portion of the project prior to the issuance of the first Certificate of Occupancy.

Zoning Stipulations from the February 10, 2011 Letter created by Mr. Garvis Sams

General Stipulations Applicable to the Overall Development

5. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning ("subject property").

6. The total site area of the subject property consists of 81.95 acres which shall be developed as a Mixed Use Development including the following: Single-Family Residential, Townhomes, Apartments, Retail and Community Facilities.

7. As part of the future development of the subject property, there shall be Protective Covenants which will be incorporated and expanded as each phase of the proposed community is permitted and platted and which will run with the subject property for the maximum time frame allowed by law, which will include all phases of the proposed community. Concurrently therewith, Property Owner Associations will be formed which will include all components of the proposed development on a phased development basis. The Association(s) shall be responsible for the oversight, up keep and maintenance of the entrance areas, common areas, community buildings and structures, open space areas and similar features contained within the overall community (i.e. walking trails, bike paths, sidewalks, etc.).

8. The Associations to be formed shall have Architectural Design Regulations which shall control such items as signage and other usual and necessary covenants and restrictions to protect the quality and integrity of the overall development.

9. Consistent with GRTA recommendations, the various entrances to the proposed community shall include, with potential modifications, the following: Six (6) intersection locations along Riverview Road; eight (8) intersection locations along Nichols Drive; twelve (12) intersection locations along Armstrong Place; and one (1) intersection location on Dickerson Drive.

10. All entrance signage shall be ground -based, monument-style signage with finish, materials and colors being insubstantial conformity to the architectural style embodied in the mixed -use development. There shall be no billboard signs, no roof signs unless architecturally integrated into an approved building design and no exterior, temporary signs excepting only grand opening signage and signage indicating the coming development. Freestanding signage, including sandwich-style retail boards and other signage shall be permitted in accordance with the terms and provisions of the City of Smyrna Sign Ordinance.

11. Consistent with ARC and GRTA recommendations, at full build -out, there shall be a network of walking trails and bicycle paths located within the proposed community which shall link the various components of the development. In addition, at full build-out, the Developer shall construct an eight foot to twelve foot (8' to 12') wide trail along the Chattahoochee River frontage unless prohibited by City of Smyrna's regulations or where environmental features prohibit cost-effective connections to be built. The trail may be constructed of gravel or other pervious material with input from the City Engineer and the Upper Chattahoochee River Keeper.

12. Lighting within the proposed mixed -use community shall be chosen by the Developer and shall be environmentally sensitive, appropriately spaced for safe lighting purposes (i.e. per the Photometric Plan) and whenever possible shall be themed to the architectural style of the buildings and residences to be constructed and shall be utilized throughout the community. Effort shall be made to make all lighting as unobtrusive as possible.

13. Compliance with the recommendations and conclusions contained within that certain Archaeological Reconnaissance Report prepared by R.S. Webb & Associates. Additionally, compliance with Cobb County Historic Preservation comments and recommendations as provided in the Cobb County Staff Review completed for Z-28.

14. Minor Modifications to Minor Modification to the stipulations /conditions, Master Plan, lighting, landscaping, architecture, site features and the like may be approved by the District Councilperson as needed or necessary.

15. All setbacks and buffer areas may be penetrated for purposed of detention, utilities and stormwater management as long as such encroachments satisfy City of Smyrna and MRPA regulations.

16. An agreement to comply with City of Smyrna Development Standards and Ordinances related to project improvements except as approved herein by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency, as their respective authority may allow.

17. Compliance with written recommendations from Cobb County Stormwater Management Division with respect to the location, configuration and methodology of water quality and on -site detention (if any). Additionally, an agreement to the following:

a. To design and adhere to the Best Management Practices in the construction of detention and water quality areas on site with such design and installation based upon City of Smyrna Development Standards. To the extent that such infrastructure exceeds these standards, they may be installed in lieu of contributions to the Cobb County Off-Site Detention Fund.

b. All above-ground detention areas shall be landscaped and/or fenced in accordance with City of Smyrna Development Standards.

c. In order to improve water quality, reduce target contaminant loads and to maintain higher water quality standards by addressing run-off and pollution for non-point sources, the Developer and Cobb County have jointly applied for an EPA 319 Grant which proposed improvements, if jointly funded by the Developer and EPA, will be completed in accordance with the submitted grant application.

d. To the extent City of Smyrna and the ARC concur with the same, compliance with

the comments of the Chattahoochee River Keeper, dated November 30, 2010.

e. Compliance with provisions of the Metropolitan River Protection Act ("MRPA").

f. Compliance with the Letter of Map Revision issued by FEMA on February 26, 2010 for this segment of the Chattahoochee River.

g. All proposed structures must meet the elevation freeboard and venting cod requirements.

h. Any field placement within the floodplain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.

i. Subject to FEMA and City of Smyrna, consideration to be given to raising the grade of the intersection of Riverview Road and Dickerson Drive to allow access of emergency and any other vehicles to the development during the flood conditions on the Chattahoochee River with the Developer agreeing to participate with respect to the incurrence of cost concerning the same.

j. Subject to the letter to David Breaden, dated February 9, 2011, from ARC Planner Jim Santo.

18. Compliance with the recommendations of the Cobb County Water System with respect to availability and acquisition of water and sewer to service the subject property. Additionally, compliance with the recommendations of the Cobb County-Marietta Water Authority.

19. An agreement to comply with on -site system improvements mandated by GRTA, Cobb County DOT and the recommendations contained within the Transportation Analysis prepared by Kimley-Horn & Associates and submitted to GRTA on November 5, 2010, as may be modified through negotiations and agreements with Mayor and City Council of Smyrna and/or with the Cobb County Department of Transportation. However, an agreement has been reached with CBIA that "roundabouts" will not be constructed within the proposed development and that the radii currently in place at existing street intersections will be designed to accommodate tractor trailer trucks and industrial vehicles. Other design options, including widened medians and landscape zones, may be considered where not in conflict with normal movement of commercial and industrial traffic.

As part of the foregoing, the Developer agrees to participate with respect to the design, signalization and improvements to the intersection of Riverview Road and Veterans Memorial Highway, if warranted.

20. Prior to the issuance of building permits, Staff shall review and approve all landscaping and architecture not otherwise herein approved as depicted in the renderings/elevations and plans.

21. The Open Space under the MU district shall comply with the regulations contained therein. At present, the overall total Open Space consists of 30.5 acres which translates into 37.2% of the total site area.

22. There will be no occupied buildings within the ultimately reconfigured flood plain except for accessory structures such as pavilions, gazebos, barns, boat houses, etc.

23. *The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
24. *The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
25. *The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
26. *Gated access shall be prohibited on the parcels between Riverview Road and the Chattahoochee River.*
27. *The developer shall be responsible for the provision of a public restroom along the linear park. That restroom shall be provided prior to the dedication of the park to the city.*
28. *The developer shall be responsible for the installation of a four -way stop at the intersection of Nichols Drive and Armstrong Place.*
29. *The developer shall provide inter -parcel access between the parcels along the Chattahoochee River. The site plan submitted on 3/26/2019 shows a future connection at the northern end of Pod A1.*
30. *Mitigation of the encroachment into the 75' impervious surface area stream buffer setback and the 50' undisturbed stream buffer 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.*

Stipulations Applicable to the Non-Residential Components

31. *The front building façades and other facades which face streets or important connecting ways to community spaces shall be a mixture of brick, stone, cedar shake, articulated stucco, hardi-board, wood siding or other compatible materials. The architectural style and composition shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on January 13, 2017 & 2/13/2017 February 8, 2019 as may be approved during the Plan Review process and which shall be consistent with the Architectural Guidelines established by the Developer.*
32. *The proposed non -residential components shall contain a maximum of 3,000 14,680 sq. ft. which will include a flexible mix of commercial space including retail/restaurants, office space and live/work space.*
33. *Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, energy efficient, horizontal cut-off luminaries so as to eliminate light pollution and prevent illumination from penetrating outside boundaries of the subject property.*
34. *The developer agrees to install and construct site lighting pursuant to a Site Lighting/Photometric Plan which shall be submitted to staff for review and approval.*
35. *Every effort will be made so that dumpsters will be positioned to prevent visual intrusion from major streets, connection points to community spaces and wherever possible from any trail or green space along the Chattahoochee River with screening*

by berms, landscaping, walls and /or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying.

36. An agreement that there shall be no outside storage facilities except for community garden and recreation equipment, including small tractors, storage ancillary to multi-family, bikes, kayaks, canoes, etc. as such terms are used and defined in the City of Smyrna Zoning Ordinance.

37. The non -residential components will include pedestrian walkways between the proposed buildings and throughout the parking areas subject to approval pursuant to the Landscape Plan submitted during the Plan Review process. Additionally, there will be pedestrian connectivity between the non-residential and the residential components.

Stipulations Applicable to the Residential Components

38. Within residential areas there shall be a total maximum number of sixty-five (65) forty-eight (48) single-family residences; two-hundred thirty-three (233) one-hundred eighty-eight (188) townhomes; and, three-hundred ten (310) five-hundred eighty (580) apartment units.

39. The architectural style and composition of the various residential components shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on January 13, 2017 & 2/13/2017 February 8, 2019 or as otherwise approved during the Plan Review process in accordance with the Architectural Design Regulations established in advance by the Developer.

40. All residential components of the subject property which are located contiguous to industrially utilized properties (not including Freeman Pond) shall have either an existing natural buffer of at least one-hundred feet (100') in width or a fifty-foot (50') landscaped buffer containing a berm of not less than eight-feet (8') in height. Referenced landscaping shall include landscaping on the sides and top of the berm. However, should such industrial properties cease being used or zoned in an industrial classification, the Developer shall have the option to remove/ reconfigure said buffers and berms.

Where space is especially limited, an alternative buffer composed of a solid, architecturally appealing wall, at least eight-feet (8') in height as may be reduced when placed on a raised berm or existing raised topography, may be constructed with a minimum of twenty-feet (20') of landscaped area remaining on the proposed development site for landscape materials.

In order to protect and/or enhance residential views, the buffer on the Highland District (A-1) shall be a minimum of forty-feet (40') in width with an adequate berm and landscaping.

41. The following recital shall be contained within all marketing documents, all contractual documents concerning the conveyance of property from the Developer, all deeds of conveyance including, but not limited to warranty deeds and quitclaim deeds and all leases, Covenants, Conditions and Restrictions ("CCRs"):

"The property contained and referenced in this document is located in close proximity to a Heavy Industrial area which, may at times, produce loud noises, noxious odors and sounds. Owner and/or Lessee acknowledges and accepts that the Heavy Industrial land uses, including their necessary ancillary activities, are recognized and acceptable

conditions concerning which the parties herein have any control over the use of such industrial properties.”

In addition to the foregoing, the Developer will utilize sound attenuation devices and construction materials on homes directly abutting industrial property boundaries in order to ameliorate adverse impacts.

42. The establishment of one or more mandatory Property Owners Association (s) which shall include architectural controls (Architectural Review Board), oversights and the submission of Declaration of Covenants, Conditions and Restrictions or, in the case of the condominium component, said units shall comply in all respects to the State of Georgia Condominium Act.

43. A third -party management company and/or the Developer shall manage the day to day operations of the Property Owners Association(s), including the responsibility of all commonly owned properties and all amenities within the proposed community. They shall also be responsible for the management of all association monies as well as ensuring that any association is properly insured.

44. The submission of a landscape plan during the Plan and Review Process which shall be subject to staff review and approval, and which shall include the following:

- a. Sodded or otherwise landscaped front, side and rear yards.
- b. The installation of underground utilities.
- c. Ground-based, monument-style signage which shall be landscaped and irrigated as appropriate.
- d. Landscaping throughout the community which shall be irrigated as appropriate.

45. As recommended by ARC and GRTA, a network of sidewalks and bike paths throughout the residential community which shall be designed to promote a pedestrian and bicycle friendly atmosphere, and which shall be designed in order to provide meaningful connectivity to adjacent retail and office areas. All buildings shall have sidewalks on their respective road frontages. Alleys are not required to have sidewalks. All required sidewalks shall be interconnected with sidewalks or trails.

Master Plan Districts and Miscellaneous Stipulations and Conditions

46. With respect to on -street parking on or immediately adjacent to Riverview Road, parallel parking spaces shall be a minimum of eight-feet (8') in width and shall be a minimum of twenty-feet (20') in length or twenty-two feet (22') wherever the additional length is practical. Angled parking spaces shall be a minimum of eight-feet (8') I width and a minimum of twenty-feet (20') in length. Special loading zones which are intermittently located to serve commercial areas of the development may exceed these maximum lengths as may be required by the City of Smyrna Development Regulations.

47. Trees shall be planted on all streets and shall be a minimum of two and one -half inches (2 1/2") in caliper. Said trees shall have a minimum of twenty-four (24) square feet of planting area and shall be spaced an average of forty-five feet (45') apart and a maximum of fifty-five feet (55'). Smaller, ornamental trees may be spaced an average of twenty-five feet (25') apart. Trees shall be permitted within two-feet (2') of the face of curb at the time of planting. A landscape plan shall be subject to the City's Arborist's review and approval.

48. Street lighting will consist of light fixtures which shall be utilized on all roadways

within the development. Street lighting will be chosen by the Developer and shall be located on a landscape plan subject to the City's professional staff's review and approval. Lamps shall be either metal halide, high pressure sodium, or other approved high-efficiency type lamps. The Developer shall determine the type of posts and fixtures subject to review and approval by the City's professional staff.

49. Pedestrian crossings shall be standard painted markings on Riverview Road only. Pedestrian crossings will also be provided at key parking and community facilities. No other pedestrian markings shall be required within the proposed development.

50. With respect to street signage, standard street signage shall be utilized. A "topper" may be installed on the top of the sign indicating the name of the development which shall make reference to the River Line Historic Area.

51. Posted street speed shall be thirty-five (35) miles per hour on Riverview Road. Internal streets shall have a maximum posted speed of twenty-five ((25) miles per hour. Alleys may restrict speeds to ten (10) miles per hour.

52. All public street widths, including parking lane widths, travel lane widths and bike lane widths shall be built according to the City of Smyrna Development Standards, subject to modifications approved by the Ward Representative and/or City of Smyrna professional staff.

Zoning Stipulations from the March 14, 2011 Letter created by Mr. Garvis Sams

53. The Developer agrees to comply with the system improvements recommended by GRTA and the City of Smyrna Engineer as may be modified through negotiations and agreements with the City Council of Smyrna and the City Engineer. Additionally, the Developer agrees to fund those certain system improvements delineated in Attachment "A" (General Conditions) of GRTA's Notice of Decision, dated February 5, 2017 while not being precluded from obtaining available funding, and agrees to post a bond or equivalent form of security with the City of Smyrna in an amount commensurate with the projected cost of the system improvements for which the Developer is responsible. Such bond shall be posted in a manner and in an amount consistent with the phased development of the project and its related system improvements. As a part of the Plan Review process and consistent with the manner in which such plans are presently reviewed by the City of Smyrna's professional staff, the Developer shall incrementally submit phased construction plans and, simultaneously with the approval of those plans, shall be responsible for the funding of the system improvements and the construction of the transportation infrastructure contained within those phased submissions. The Developer will continue to submit and fund plans accordingly during the phased development and build-out of the project. The funding and construction of said system improvements will be required no sooner than the approval of the phase construction plans. No transportation system improvements will be required until the commencement of major construction activities per the phased construction plans. Specifically, if the Developer proposes minor clean-up construction, including any EPA 319 Grant funded construction or similar riverfront improvement activities, or the construction of any accessory structures consistent with the open space programming anticipated to be an early phase project, such initiatives shall not require transportation system improvements.

54. An agreement that nineteen (19) townhome units within the Highland District (as shown on the revised Concept Master Plan attached hereto) will not initially be built during the estimated seven to ten (7 - 10) year phased project in order to temporarily

meet the one-hundred foot (100') buffer distancing between adjacent industrial properties. These units may be built as an earlier phase if, prior to the construction of said units, the Developer shall either submit evidence of a change in the zoning of the adjacent parcels to a non-Heavy Industrial classification or submit a written agreement with the adjacent property owner allowing for a reduction in the temporary buffer. The Developer shall file a Zoning Amendment Application for the construction of these units so that the full City Council can review the circumstances at that time.

55. Reference to all other buffers less than one -hundred feet (100'), contained in paragraph 4, page 12 (Stipulations applicable to the Residential Components) of the February 10, 2011 stipulation letter, shall be superseded and replaced with the agreement that all buffers shall one-hundred feet (100') or greater as more fully demonstrated by the Industrial Buffer Plan (Riverview on the Chattahoochee) exhibit submitted as an attachment to a recent letter to Commissioner Helen Goreham, dated February 28, 2011, said Buffer Plan being attached hereto. In addition, in certain locations as indicated on the attached Buffer Plan exhibit, a fifty-foot (50') landscaped buffer containing a berm of not less than eight-feet (8') in height is acceptable. Referenced landscaping shall include landscaping on all sides and top of the berm. Finally, a solid, architecturally appealing wall, at least eight-feet (8') in height and placed on a raised berm with a minimum of twenty-feet (20') of landscaped area remaining on the proposed development site for landscaping materials, shall be constructed in the Highlands District (A-1) directly adjacent to the Heavy Industrial property located at 1650 Armstrong Place (Land District 18; Land Lot 176; Parcel 10). However, in general, should any adjoining industrial properties no longer be zoned in an industrial classification, the Developer shall have the option to remove/reconfigure the above referenced buffers and berms, following the approval by the Smyrna City Council as a Zoning Amendment.

56. The Developer agrees to the positioning of a landscape buffer between the Seagraves' "Pallet" site and the Developer's parcel along Riverview Road which is currently shown on the site plan as "open Space". Should this adjoining industrial property no longer be zoned in an industrial classification, the Developer shall have the option to remove/reconfigure this landscape buffer, following the approval by the Smyrna City Council as a Zoning Amendment.

57. The following revised recital shall be contained within all marketing documents, all contractual documents concerning the conveyance of property from the Developer, all deeds of Conveyance from the Developer including, but not limited to warranty deeds and quitclaim deeds and all leases, covenants, conditions & restrictions from the Developer:

"The property contained and referenced in this document is located in close proximity to a Heavy Industrial area which, may at times, house dangerous equipment, materials and terrain, trespass upon which could cause serious injuries. Also, said properties may produce loud noises, noxious odors and sounds. Owner and/or Lessee acknowledges and accepts that the Heavy Industrial land uses, including their necessary ancillary activities, are recognized and acceptable conditions concerning which the parties herein have no control over the use of such industrial properties. Owner and/or Lessee hereby waive any right to file a cause of action for nuisance that may arise out of the lawful use of the above referenced current heavy industrial properties."

58. Major modifications or revisions to the zoning proposal shall come back for review by the Smyrna City Council in the form of the filing of a Zoning Amendment

Application.

Cobb County Stormwater Management Comments & Recommendations

59. It is understood that the current proposal plan may be somewhat conceptual at this time. However, any proposed plan will have to be consistent with all of the Metropolitan River Protection Act (MRPA) guidelines (i.e. impervious setbacks, undisturbed stream buffers, building height restrictions within the 500-year floodplain, impervious and disturbed area coverage limits, etc.) No buildings are to be located within the 150-foot river setback other than public access points.

60. The proposed plan must comply with City of Smyrna Flood Damage Prevention Ordinance. The proposed plan is consistent with the Letter of Map Revision issued by FEMA for this segment of the Chattahoochee River. All proposed structures must meet the elevation freeboard and venting code requirements. Any fill placed within the floodplain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.

61. Based on discussions during the applicant's meetings, it is anticipated that innovative water quality and stormwater management measures will be utilized for this development. Since these designs are highly dependent on the final proposed site layout, these issues will need to be addressed during the plan review process.

62. The existing lake located in the center of the site does not have adequate spillway capacity. The proposed plan will include dam modifications required to meet the current City spillway design requirements.

63. Since the existing grade of the Riverview Road is below the 100-year flood elevation, emergency ingress and egress for this development will be limited during severe flood conditions. Consideration should be given to at least raising the grade of the intersection at Riverview Road and Dickerson Drive to allow access to a majority of the development during flood conditions on the Chattahoochee River.

Cobb County Department of Transportation Comments & Recommendations

64. Riverview road is classified as a major collector and according to the available information; the existing right-of-way does not meet the minimum requirements for this classification. Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on both sides of Riverview Road, a minimum of 40' from the roadway centerline.

65. Recommend installing curb, gutter, and sidewalk along all the road frontages.

66. Recommend applicant verify that the minimum sight distance is available for Dickerson Drive at Riverview Road and if it is not, implement remedial measures, subject to the County's approval, to achieve the minimum requirement of 390'.

67. Recommend the Developer comply with the requirements of GRTA's Notice of Decision recommendations.

68. Recommend applicant be required to meet all Cobb County & City of Smyrna Development Standards and Ordinances related to project improvements.

Zoning Stipulations from the February 2, 2017 Letter created by Mr. Garvis Sams

69. The additional stipulations agreed upon by the applicant in the letter submitted and dated on February 2, 2017. If there should be a discrepancy between the stipulations in the February 2, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

Zoning Stipulations from the March 8, 2019 Letter created by Mr. Garvis Sams

70. The additional stipulations agreed upon by the applicant in the letter submitted and dated on March 8, 2019. If there should be a discrepancy between the stipulations in the March 2019 letter and the stipulations stated above, the stipulations stated above shall apply.

The Mayor opened the public hearing, and no one came forward to speak.

Attorney Garvis Sams who was there to represent the applicant came forward and provided a brief overview of information pertinent to the application for zoning modifications.

Mr. Chuck Jones, Developer of the current multi-family units was sworn in by Attorney Cochran before speaking about where development currently stands and what is hoped for in the next phases of the project.

Councilmember Ron Fennel made a motion to approve Zoning Request Z19-007 - Modification of currently approved site plan and building elevations for Riverview Landing - 16.859 Acres - Land Lots 58, 171, 172, 174, 175 - Riverview Road and Nichols Drive - The Ardent Companies, LLC. Councilmember Charles "Corkey" Welch seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

5. Privilege Licenses:

There were no Privilege Licenses.

6. Formal Business:

- A. [2019-135](#) Approve the License Agreement for the FirstResponse911 software from ElanTech Inc. dba DataTech911, 9250 Bendix Road, Suite 1030, Columbia, MD 21045, in the amount of \$7,500.00 that will allow for direct CAD ambulance dispatching and allow the Mayor to execute all related documents .

Sponsors: Norton

City Administrator Tammi Saddler Jones advised Mayor and Council as to the background on the agreement. The Smyrna Police Department realized the need to have the capability for direct CAD dispatching of ambulance services to free the E911

dispatchers to provide guided medical care prior to the arrival of EMS personnel. The budgeted software called FirstResponse911 meets that requirement and is provided by ElanTech Inc. dba DataTech911 which is a sole-source provider. The Smyrna Police Department realized the need to have the capability for direct CAD dispatching of ambulance services to free the E911 dispatchers to provide guided medical care prior to the arrival of EMS personnel. A complete search was conducted to identify the best possible solution. The budgeted software called FirstResponse911 meets that requirement and is provided by ElanTech Inc. dba DataTech911 which is a sole-source provider. Staff recommends Mayor and Council to approve the License Agreement for the FirstResponse911 software for direct CAD Dispatching of ambulance services.

Councilmember Derek Norton made a motion to approve the License Agreement for the FirstResponse911 software from ElanTech Inc. dba DataTech911, 9250 Bendix Road, Suite 1030, Columbia, MD 21045, in the amount of \$7,500.00 that will allow for direct CAD ambulance dispatching and allow the Mayor to execute all related documents . Councilmember Maryline Blackburn seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

B. [ORD2019-10](#)

Approve the amendment to the City of Smyrna's Code of Ordinances Chapter 34 entitled Courts, Section 34-38 (a) and (b) to amend the Municipal Court Technology surcharge amount to \$6.50 per citation.

Sponsors: Blackburn

Ms. Tammi Saddler Jones reviewed the pertinent information for this agenda item. Court Software is in need of an upgrade due to difficulty with response time during Court and for the clerks when entering information. The upgrade will take all court related information from a city server to the cloud where it will be maintained by Courtware. The information will accessible by court services personnel. The new surcharge will be \$6.50 per offense. The current surcharge is set at \$5.00 per offense. This software processes court fines, fees and surcharges, it also is used by probation for fees as ordered by the judge. Reports for court services, police department and probation are obtained through this software. Moving Courtware to the cloud will release space on a city server, which is currently occupied by court files to relieve other areas in the city. The Information Technology staff will no longer have to oversee the software maintenance and upgrades. Courtware will maintain and provide assistance for any software issues. The Municipal court technology fund was established in April of 2006 to enable Court Services to purchase Court Software. An ordinance was drafted for a surcharge to be in addition to all fines, fees, and surcharges imposed by the municipal court and documented in the bond/fine schedule. There was an additional \$1.00 per paid citation allocated to this fund for ongoing technology needs. This amount funds other technology needs in the court/council room and court services. Recommended by the Clerk of Court and the City Clerk.

Councilmember Maryline Blackburn made a motion to approve the amendment to the City of Smyrna's Code of Ordinances Chapter 34 entitled Courts, Section 34-38 (a) and (b) to amend the Municipal Court Technology surcharge amount to \$6.50 per citation. Councilmember Charles "Corkey" Welch seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

C. [2019-147](#)

Approval to enter into an agreement with Courtware Solutions, Inc (CSI), 5917 Edenfield Dr., Suite 110, Acworth, GA for the Azure upgrade to the current Courtware software system in the amount of \$5.50 per paid citation and allow the Mayor to execute all related documents.

Sponsors: Blackburn

Ms. Saddler Jones provided the background information for this agenda item. This issue is in tandem with Ordinance 2019-10 which allows for the funding of technology for court. Court Software is in need of an upgrade due to difficulty with response time during Court, for the clerks and probation entering information. The upgrade will take all court related information from a city server to the cloud where it will be maintained by Courtware. The new surcharge will be \$6.50 per offense. The current surcharge is set at 5:00 per offense. This software processes court fines, fees and surcharges, it also is used by probation, as ordered by the judge. Reports for court services, police department and probation are obtained through this software. Moving Courtware to the cloud will release space on a city server, which is currently occupied by court files to relieve other areas in the city. The Information Technology staff will no longer have to oversee the software maintenance and upgrades. Courtware will maintain and provide assistance for any software issues. The Municipal court technology fund was established in April of 2006 to enable Court Services to purchase Court Software. An ordinance was drafted for a surcharge to be in addition to all fines imposed by the municipal court and documented in the bond/fine schedule. There was an additional \$1.00 per paid citation allocated to this fund for ongoing technology needs. This amount funds other technology needs in the court/council court services and when there is need for probation. In 2018, 7992 fines were collected through Courtware a surcharge of \$5.00 per citation was collected for a total amount of \$39,960, \$4.00 of this amount was paid to Courtware (\$31,978.00) and \$1.00 went into the Court Technology fund (\$7,992.00). The technology fund has paid for new computers in court services, scanners at each clerk's desk to City of Smyrna Page 1 Printed on 4/9/2019 File Number: 2019-147 enable them to scan in all the file documents, a laptop for probation, a laptop for the Clerk of Court and one for the judge to use during court. The technology fund has assisted with the upgrade of Laserfiche and many other technology needs. With the new courtware cost using the 2018 citations the estimated amount based on \$6.50 per citation could be \$51,948.00, \$5.50 of this amount would be paid to Courtware (\$43,956.00) and \$1.00 could go into the technology fund for the same amount which was \$7,992.00.

Councilmember Maryline Blackburn made a motion to approve to enter into an agreement with Courtware Solutions, Inc (CSI), 5917 Edenfield Dr., Suite 110, Acworth, GA for the Azure upgrade to the current Courtware software system in the amount of \$5.50 per paid citation and allow the Mayor to execute all related documents. Councilmember Charles "Corkey" Welch seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

D. [2019-146](#)

Approval to award RFP 19-017 Multi-Use Trail at North Cooper Lake Park to American Ramp Company dba Progressive Bike Ramps 601 S. McKinley Avenue, Joplin, MO 64801 in the amount of \$320,375.68 and allow the Mayor to execute all related documents.

Sponsors: Wilkinson

A summary of the background information was presented to Mayor and Council by City Administrator Saddler Jones. Parks and Recreation and Purchasing opened the bid for the N. Cooper Lake Park multi-use trail and nine firms attended the pre-bid meeting, but only one successfully submitted a proposal for RFP 19-017. Award RFP -19-017 to American Ramp Company dba Progressive Bike Ramps Parks and Recreation requested proposals for construction of multi-use trail system at North Cooper Lake Park, located at 4201 Cooper Lake Road, Smyrna, GA 30082. The city was awarded the 2017 Recreational Trails Program grant, administered by the Georgia Department of Natural Resources and funds from this grant will be used for this project. After a pre-bid conference, one firm, American Ramp Company dba Progressive Bike Ramps, submitted a proposal. The company has been involved in the design process since the initial grant application and has provided an innovative and turn key solution for the project. American Ramp Company dba Progressive Bike Ramps 601 S McKinley Avenue Joplin, MO 64801 \$320,375.68 Parks and Recreation and Purchasing recommend award of bid RFP 19-017, Multi-Use Trail at North Cooper Lake Park to American Ramp Company dba Progressive Bike Ramps.

Councilmember Susan Wilkinson made a motion to approve and award RFP 19-017 Multi-Use Trail at North Cooper Lake Park to American Ramp Company dba Progressive Bike Ramps 601 S. McKinley Avenue, Joplin, MO 64801 in the amount of \$320,375.68 and allow the Mayor to execute all related documents. Councilmember Maryline Blackburn seconded the motion to approve.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

7. Commercial Building Permits:

There were no Commercial Building Permits.

8. Consent Agenda:

Ms. Saddler Jones read aloud the Consent Agenda for the Mayor and Council.

Councilmember Tim Gould made a motion to approve the Consent Agenda as read aloud by City Administrator Tammi Saddler Jones with a second by Councilmember Ron Fennel.

The motion to approve was carried by the following vote:

Aye: 6 - Councilmember Norton, Councilmember Blackburn, Councilmember Welch, Councilmember Wilkinson, Councilmember Gould and Councilmember Fennel

Absent: 1 - Councilmember Blustein

- A. [2019-143](#) Approval of the April 1, 2019 Mayor and Council Meeting Minutes.
- B. [2019-144](#) Approval of the April 1, 2019 Pre-Council Meeting Minutes.
- C. [2019-148](#) Approval of the March 28, 2019 Committee of the Whole Meeting Minutes
- D. [2019-99](#) Approval to allow road closures for the Smyrna Village 10K road race on November 16, 2019 from 7:45 - 10:00 AM. Road closures include the barricaded areas on each of the following roads: Powder Springs St, Village Green Cir, W Spring St, King St and Memorial Pl.
- Sponsors:** Blackburn

9. Committee Reports:

Ms. Maryline Blackburn thanked her constituents that came out to the meeting. She thanked the Smyrna Basketball Association for their hard work and dedication and congratulated the Campbell High School JROTC for their recent accomplishments. Ms. Blackburn welcomed two new employees and thanked Keep Smyrna Beautiful for their hard work on the Adopt a Road Clean Up. She added to her report by summarizing her speech on sustainability that took place at the Campbell High School Earth Day celebration. Her report was concluded by inviting everyone to visit the brand new Fire Station 2 which had its grand opening the weekend before.

Mr. Charles "Corkey" Welch spoke about the great turn out at the grand opening celebration for Fire Station 2 and noted how wonderful the facility turned out.

Ms. Susan Wilkinson announced the Friends of the Smyrna Library semi-annual used book sale which will take place at the Jonquil Festival on April 27th and 28th. The booth will be located in front of the Community Center on Village Green Circle. She also spoke about the Jonquil City Jog which will take place April 27th beginning at 7:00 am. She acknowledged a new group in Ward 5 that participated in the KSB Adopt a Mile clean up that now intends to adopt a section of Pat Mell Road for regular clean ups.

Mr. Tim Gould announced the Jonquil Jog that takes place on April 27th which benefits the Campbell High School Education Foundation. He also spoke of the Golf Tournament that takes place on April 29th that also benefits the Campbell High School Foundation. He invited anyone with questions to contact him.

Mr. Ron Fennel spoke about the Finance Committee meeting that took place that afternoon. Updates are upcoming. He acknowledged and thanked Whitfield Academy for allowing him to represent the City at the groundbreaking ceremony of the new building set to be open to students in the Fall. Mr. Fennel asked everyone to join him in a prayer for the citizens of Paris, France for the fire at the Cathedral of Notre Dame.

Ms. Tammi Saddler Jones announced that City offices would be closed on Friday, April 19, 2019 in observance of the Passover/Good Friday holiday.

10. Show Cause Hearings:

There were no Show Cause Hearings.

11. Citizen Input:

Mr. Leonard Robinson, 1809 Teasley Drive SE, spoke about sustainability. He stated how the most successful Sustainability programs are driven by citizen input and stated that the Citizen group Sustainable Smyrna are ready and willing to work with the City. Mr. Robinson invited everyone to a Sustainable Smyrna meeting that was to take place on Thursday, April 18, 2019 at 6:30pm at Chris's Caribbean Bistro. He also let everyone know that the next meeting for the group will take place on May 23rd.

12. Adjournment:

Mayor Bacon adjourned the April 15, 2019 Mayor and Council Meeting at 10:05 PM.