



Meeting Minutes - Final
Planning and Zoning Commission

Monday, January 8, 2018

6:00 PM

Council Chambers

1. **Roll Call**

Present: 11 - Joel Powell, Leslie Lightfoot, Leslie Lightfoot, Monty Bye, Earl Rice, Earl Rice, Cheri Harrington, Cheri Harrington, Denny Campo, David Monroe and David Monroe

Absent: 2 - Tom Bartlett and Tom Bartlett

Also Present: 5 - Ken Suddreth, Russell Martin, Joey Staubes, Caitlyn Walsh and Terri Graham

2. **Call to Order**

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

A.

Public Hearing - Zoning Request Z17-014 - Rezoning from NS & OI to MU-Conditional for the development of a mixed use project with 310 multi-family units, a 200 room hotel, 15,000 sq. ft. of retail space and 80,000 sq. ft. of office space - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Westplan Investors Acquisitions, LLC - ***This Item is to be tabled to the March 12, 2018 Planning and Zoning Board Meeting at the request of the applicant.***

Sponsors: Norton and Bartlett

A motion was made by Boardmember Leslie Lightfoot to table Zoning Request Z17 014 Rezoning from NS & OI to MU Conditional for the development of a mixed use project with 310 multi family units, a 200 room hotel, 15,000 sq. ft. of retail space and 80,000 sq. ft. of office space 8.7 Acres Land Lots 880 & 881 2800 & 2810 Spring Road Westplan Investors Acquisitions, LLC This zoning request will be tabled to the February 12, 2018 Planning and Zoning Board meeting to allow for the completion of the DRI review process by ARC & GRTA; seconded by Boardmember David Monroe.

The motion to table the item carried by the following vote:

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

Absent: 1 - Tom Bartlett

B.

Public Hearing - Zoning Request Z17-015 - Rezoning from R-20 & GC to GC-Conditional for a veterinary clinic - 0.59 Acres, Land Lots 631 and 632 - 1763 Spring Street & 2808 Madison Street - PWH Engineering, Inc. - ***This Item is to be tabled to the March 12, 2018 Planning and***

Zoning Board Meeting at the request of the applicant.

Sponsors: Bye and Blackburn

A motion was made by Boardmember David Monroe to table Zoning Request Z17 015 Rezoning from R 20 & GC to GC Conditional for a veterinary clinic 0.59 Acres, Land Lots 631 and 632 1763 Spring Street & 2808 Madison Street PWH Engineering, Inc. This zoning request will be tabled to the February 12, 2018 Planning and Zoning Board meeting at the request of the applicant; seconded by Boardmember Cheri Harrington.

The motion to table the item carried by the following vote:.

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

Absent: 1 - Tom Bartlett

C.

Public Hearing - Zoning Request Z17-021 - Rezoning from GC to MU for the development of a mixed use project - 10.4 Acres - Land Lots 845 & 846 - 3110 Sports Avenue - JLB Realty, LLC - **This Item is to be tabled to the March 12, 2018 Planning and Zoning Board Meeting at the request of the applicant.**

Sponsors: Norton and Bartlett

A motion was made by Boardmember Leslie Lightfoot to table Zoning Request Z17 021 Rezoning from GC to MU for the development of a mixed use project 10.4 Acres Land Lots 845 & 846 3110 Sports Avenue JLB Realty, LLC This zoning request will be tabled to the February 12, 2018 Planning and Zoning Board meeting at the request of staff; seconded by Boardmember David Monroe.

The motion to table the item carried by the following vote:

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

Absent: 1 - Tom Bartlett

D.

Public Hearing - Zoning Request Z17-023 - Rezoning from R-15 & R-20 to RAD-Conditional for the development of fifteen single-family residences at a density of 3.57 units per acre - 4.2 Acres - Land Lot 340 - 3328 & 3366 Old Concord Road - Epic Homes, LLC

Sponsors: Bye and Blackburn

Rusty Martin, Senior Planner, presented staff recommendation. Subject property is at Old Concord Rd. Originally project contained 16 homes with a cul de sac, but was revised to 15 lot subdivision, without a cul de sac. Homes will be oriented towards Old Concord Rd. Property was zoned R 15 in county, and the request is to rezone to RAD Conditional. Property is 4.2 acres. Land use is Low Density Res in County, under 3 units per acre. Land Use change proposed for moderate density, under 4.5 units per acre. Concord Lake Village is also moderate density residential land use. Charlotte Cir will provide access to rear entry private driveway. Five variances requested for lot size reduction, lot width reduction, front, side, and rear setback reduction. Proposed setbacks are Front 25 feet, interior side to 5 feet, and rear setback of 25 feet. Curb and gutter plus sidewalk, and new right turn lane on Concord Road. Private driveway is 20 feet, with driveway length of 22 feet. Approximately 1 acre of open space. Consistent with prior rezonings in area. Elevations were shown.

Recommend approval with conditions:

Standard Conditions

(Requirements #2, 8, 9, 10 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. No debris may be buried on any lot or common area.

8. The developer will install decorative streetlights within the development, subject to approval by the City Engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full cutoff lighting".

9. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.

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

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

12. All single family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, 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

13. The development shall maintain the following setbacks:

Front – 25'

Exterior Side – 25' (Along Charlotte Circle)

Interior Side – 5'

Rear – 25'

14. The development shall be developed with a minimum lot size of 7,365 square feet.

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

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

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

18. 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.

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

20. The developer shall install a 5' sidewalk with a 2' grass buffer along Old Concord Road, Concord Road and Charlotte Circle for the length of the property.

21. The developer shall install curb and gutter along Old Concord Road, Concord Road and Charlotte Circle.

22. The developer shall install a right turn lane on Old Concord Road at the intersection of Concord Road.

23. The private shared drive shall have a minimum width of 20'.

24. The developer shall provide a 10' landscape buffer along the western property boundary in accordance with Section 503 of the Zoning Ordinance.

25. 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.

26. 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.

27. 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 12/19/2017 created by Terra BuildUsa, Inc..

28. The applicant shall be bound to the elevations submitted and dated 10/24/2017.

Approval of any change to the elevations must be obtained from the Director of Community Development.

29. The additional stipulations agreed upon by the applicant in the letter by Garvis Sams submitted and dated on December 4, 2017. If there should be a discrepancy between the stipulations in the December 4, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

30. There shall be substantial architectural differentiation between the proposed homes. No two homes shall have the same building elevations. Chairman Powell inquired about the side setbacks in Concord Lake Village. Mr. Martin replied that the setbacks are 0 feet, with 10 feet separation between structures Board Member Campo inquired about average lot size. Mr. Martin replied 7300 – 9500 sq. ft. approx. 8300 sq. ft. average. Garvis Sams, attorney representing Epic Homes for the annexation and rezoning. Mr. Sams commented that County has not disputed annexation. Has amended plan based on staff's recommendation. Applicant plans to build 15 custom residential homes. Has largest width, average, lot size of prior rezonings. 3 4 bedrooms, average price point of \$400 450k, and 2600 sq. ft. minimum house size. Concord Lake Village has indicated support for rezoning, which is a newer subdivision nearby with 34 homes, and subject property is comparable. Homes will have four sided architecture. HOA will maintain storm water and open space. Preliminary hydrology report submitted. Consistent with city and county development plans for future density.

Public Hearing announced and 2 people came forward to speak.

Marylofton Solly – Can development have wider sidewalk for bikes, along Old Concord.

Jill Evans – Ward 5, Hickory Acres – supports right turn lane, concerns about upholding standards uniformly in each ward.

A motion was made by Boardmember Monty Bye to approve Zoning Request Z17 023 Rezoning from R 15 & R 20 to RAD Conditional for the development of fifteen single family residences at a density of 3.57 units per acre on 4.2 Acres located in Land Lot 340 at 3328 & 3366 Old Concord Road by Epic Homes, LLC; seconded by Boardmember Leslie Lightfoot.

The motion to approve carried by the following vote.

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

Absent: 1 - Tom Bartlett

E. Public Hearing - Zoning Request Z18-002 - Rezoning from R-15 to LC for the use of the building as an office - 0.25 Acres - Land Lots 340 & 381 - 596 Concord Road - William and Kathryn Rhodes

Sponsors: Bye and Blackburn

Rusty Martin presented staff report for 596 Concord Road, rezoning from R 15 to LC, for office use. Currently single family home, that will convert to commercial office. ADA parking and access will be provided. CAC land use, no land use change required. Adjacent properties are commercial, across street is county. Plan proposes four parking spaces, 10' landscape buffer at rear of property. Staff recommends approval with conditions:

1. *The applicant must provide four (4) parking spaces in substantial compliance with the parking plans shown on the site plan and tree plan designed by Paul Lee Consulting and Engineering Associates, Inc. and submitted 12/15/2017.*
2. *The stormwater detention facility shall be placed and screened appropriately to be unobtrusive to homes outside the development. The stormwater detention plan shall be designed to create at least a 10% reduction in a 2 year to 100 year storm event. The City Engineer shall approve all plans.*
3. *There shall be no bells, whistles, or outdoor loud speakers permitted on site in conjunction with the commercial use.*
4. *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.*
5. *The applicant shall install two (2) four inch (4") caliper overstory trees along the Concord Road street frontage.*

Garvis Sams, attorney representing applicant, stated that the property is one of last remaining residential properties on Concord Rd. Land Use supports commercial zoning. Applicant is requesting the most restrictive non residential zoning, LC – Limited Commercial. Applicant will bring structure up to commercial code. Property will be used as an office for non profit management, with 3 4 staff. Applicant agrees to zoning stipulations. Will limit uses to office only. Work hours are proposed from Monday to Friday, 8am to 5pm. Building will fit existing character and development pattern of surrounding area.

Public Hearing was announced and no one came forward to speak.

Chairman Powell requested a motion.

E. 2018-18 Public Hearing - Zoning Request Z18-002 - Rezoning from R-15 to LC for the use of the building as an office - 0.25 Acres - Land Lots 340 & 381 - 596 Concord Road - William and Kathryn Rhodes

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

Absent: 1 - Tom Bartlett

4. Approval of Minutes:

A. Approval of the December 11, 2017 Planning and Zoning Meeting Minutes.

A motion was made to approve the Planning and Zoning Meeting Minutes for December 11, 2017 by Boardmember Earl Rice; seconded by Boardmember Leslie Lightfoot. The motion to approve carried by the following vote:

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

Absent: 1 - Tom Bartlett

5. Adjournment

Go Dawgs 6:43 PM