



City of Smyrna

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

Meeting Minutes - Final Planning and Zoning Commission

Monday, October 9, 2017

6:00 PM

Council Chambers

1. Roll Call

Present: 7 - Joel Powell, Leslie Lightfoot, Earl Rice, David Monroe, Cheri Harrington, Denny Campo and Tom Barlett

Absent: 1 - Emily Hein Warren

Also Present: 6 - Ken Suddreth, Russell Martin, Joey Staubes, Bob Summerville, Eric Randall and Terri Graham

2. Call to Order

Chairman Joel Powell called the meeting to order of the Planning Commission at 6:02 PM

3. Business

A. Public Hearing - Zoning Request Z17-012 - Rezoning from LC and R-15 to RAD-Conditional for the development of 43 townhomes at a density of 7.83 units per acre - 5.487 Acres - Land Lot 558 - 3030, 3040 and 3050 Atlanta Road - John Wieland Homes and Neighborhoods.

Sponsors: Campo and Stoner

This application was withdrawn by the applicant,. There was no vote by the Planning Commission.

B. Public Hearing - Zoning Request Z17-013 - Rezoning from R-15 to RAD-Conditional for the development of four single-family residences at a density of 3.39 units per acre - 1.18 Acres - Land Lot 593 - 1505 & 1515 Spring Street - Neighborhood Commercial, LLC

Sponsors: Stoner

Rusty Martin presented staff's recommendation. The subject property is 1.8 acres and is currently vacant. The applicant wishes to rezone from R-15 to RAD Conditional for the development of 4 single family detached homes. The adjacent property is zoned R-15 and RAD. Proposed density is 3.39 units per acre which is consistent with the future land use of Moderate Density Residential. The applicant proposes to install a new private road along eastern boundary. Lot 1 will face Spring St, the others will face the private drive. A turnaround is proposed for emergency vehicles. Proposed setbacks are 20' front, 5' side, and 30' rear. Includes open space and detention. A 5' right of way dedication is proposed along with 5' sidewalk. Proposed site plan and elevations shown. Staff recommends approval with the following conditions:

Standard Conditions

(Requirements #2, 8 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. *A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.*

8. *The development of any streets (including private) shall conform to the city's standards for public right-of-ways.*

9. *No debris may be buried on any lot or common area.*

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

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

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

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

14. 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

15. The development shall maintain the following setbacks:

Front – 20'

Side – 5' with a minimum of 10' between buildings

Rear – 30'

16. The development shall be developed with a minimum lot size of 9,080 square feet.

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

18. The driveways shall have a minimum length of 22' from building face to edge of Private Street. Each unit shall have a two-car garage.

19. The final plat for the development shall include a right-of-way dedication of 5' along Springs Street.

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

21. A new 5' sidewalk with 2' grass buffer shall be constructed along both Spring Street and the new private street.

22. The private street shall have a minimum width of 26' back of curb to back of curb.

23. The applicant shall work with the City Engineer to remedy any sight distance issues along Spring Street. The applicant shall be responsible for any improvements deemed necessary by the City Engineer.

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

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

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

27. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.

28. 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.

29. The developer shall create deed covenants for the private street in which the ownership, maintenance, and utilization are the shared responsibility of the HOA. These covenants must be supplied to the City prior to the issuance of a building

permit.

30. The home adjacent to Spring Street shall have the front of the home on Spring Street.

31. The private street shall not be gated.

32. 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 7/25/2017 created by BH & D Engineering. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.

33. The applicant shall be bound to the elevations submitted and dated 8/7/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.

34. The approval of the rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated September 26, 2017 by Garvis Sams with Sams, Larkin, and Huff, LLP. If there should be a discrepancy between the stipulations in the September 26, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

Garvis Sams, attorney representing applicant, Neighborhood Commercial LLC spoke. Mr. Sams mentioned that the site 1.18 acres, bounded by other RAD properties. Proposed development is similar to other nearby developments, but density is within land use allowable density. Referred to previous application from 2015 but noted differences that previous plan contained more houses, and lower sale prices. Minimum sales prices range from \$600k to \$700k, and the current proposal will contain it's own separate open space and detention. Floor area is proposed at 3,000-4,500 sq. ft. Lot 1 will present to Spring St other houses will face to interior street. Will have landscape buffer to the north to act as buffer to adjacent houses. Detention pond will be landscaped. If signage is deemed appropriate provisions are in place to do that. Open space is passive and will have gazebo, trails. Will have sodded front, side and rear yards. Acknowledged concerns with existing water shed, and will work with City Engineer to address those. Believes plan is consistent with city's regulations.

Chairman Powell inquired about the side setbacks and how it is stated in the conditions. Staff commented that the intention is to have a minimum of 10 feet of separation between structures, but the minimum side setback on each lot is 5 feet.

Chairman Powell calls for the public hearing and asked for anyone that wishes to speak to come forward.

Public Hearing:

Lemuel Ward hands out a letter of objection. Resides across Spring Street, believes proposal is not in compliance with code or subdivision code. Provided legal challenge to board and city clerk. Concerns that houses do not have frontage on public street. Believes cannot use alley for a frontage street. Concerns with traffic. Believes council vote should be postponed until after special election.

Susan Bentley, Gilbert St, opposed and believes proposal does not fit character of neighborhood. Concerned about private alley.

Amy Shea, Mimosa Cir, concerns about drainage, concerns with trash pick up and debris pick up, and that houses do not fit character of neighborhood. Concerns about private alley.

Ron Davis, Roswell St, thinks private alley will have negative precedent. Thinks it should only be two lots instead of four.

Lee Freeman, Wright St, concerns about character of proposal, does not fit neighborhood believes there should be two houses.

Will Newton speaks for his HOA. This goes against the traits of Williams Park

Any further discussion: Mr. Monroe would like to know if Mr. Sams would like to comment on a letter that was presented to the Board. Mr. Sams has not had a chance to look at the letter. It is out of the ordinary to hand out a letter at the time of a hearing without presenting to applicant's counsel. Mr. Sams states that they have oriented the houses by the first house

Joel Powell made a couple of comments he commends Williams Park for their respectful comments

A motion was made by Boardmember Denny Campo to deny zoning request Z17-013 - Rezoning from R-15 to RAD-Conditional for the development of four single-family residences at a density of 3.39 units per acre - 1.18 Acres - Land Lot 593 - 1505 & 1515 Spring Street - Neighborhood Commercial, LLC; seconded by Boardmember Leslie Lightfoot.

The motion to deny carried by the following vote:

Aye: 5 - Leslie Lightfoot, Earl Rice, Cheri Harrington, Denny Campo and Tom Barlett

Nay: 1 - David Monroe

Absent: 1 - Emily Hein Warren

C. Public Hearing - Zoning Request Z17-014 - Rezoning from NS & OI to MU-Conditional for the development of a mixed use project with 310 multi-family units, a 200 room hotel, 15,000 sq. ft. of retail space and 80,000 sq. ft. of office space - 8.7 Acres - Land Lots 880 & 881 - 2800 & 2810 Spring Road - Westplan Investors Acquisitions, LLC - *This zoning request will be tabled to the December 11, 2017 Planning and Zoning Board meeting to allow for the completion of the DRI review process by ARC & GRTA.*****

Sponsors: Norton and Roberts

A motion was made by Boardmember Leslie Lightfoot to table zoning request Z17-013 to November 13, 2017 - Rezoning from R-15 to RAD-Conditional for the development of four single-family residences at a density of 3.39 units per acre - 1.18 Acres - Land Lot 593 - 1505 & 1515 Spring Street - Neighborhood Commercial, LLC; seconded by Boardmember Cheri Harrington.

The motion to table to November 13, 2017 to allow for the completion of a Development of Regional Impact (DRI) review by the Atlanta Regional Commission (ARC) & the Georgia Regional Transportation Authority (GRTA); carried by the following vote:

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

Absent: 1 - Emily Hein Warren

D. Public Hearing - Zoning Request Z17-015 - Rezoning from R-20 & GC to GC-Conditional for a veterinary clinic - 0.59 Acres, Land Lots 631 and 632 - 1763 Spring Street & 2808 Madison Street - PWH Engineering, Inc. - ***This zoning request will be tabled to the December 11, 2017 Planning and Zoning Board meeting at the request of city staff.***

Sponsors: Hein Warren and Stoner

A motion was made by Boardmember Denny Campo to table zoning request Z17-015 to the November 13, 2017 Planning and Zoning meeting at the request of the applicant, for 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; seconded by Boardmember Leslie Lightfoot.

The motion carried to table to November 13, 2017 by the following vote:

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

Absent: 1 - Emily Hein Warren

E. Public Hearing - Zoning Request Z17-018 - Rezoning from FC to RAD-Conditional for the development of two single-family homes - 0.446 Acres - Land Lot 452 - 990 Dell Avenue - Kimberly Norwood Properties, LLC.

Sponsors: Stoner

Staff presented their recommendation. The property is 0.446 acres and is currently one lot proposed to be two lots. Property is FC, Future Commercial, and applicant is requesting to rezone to RAD. Surrounded by commercial and residential property. Density is consistent with land use plan and adjoining lots. Sidewalk and ROW dedications are proposed. Recommend approval with the following conditions:

Standard Conditions

(Requirement #1, 2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not applicable)

1. The stormwater management facility 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.

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 (unless noted elsewhere). 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'
Street Side – 10'
Rear – 30'
10. Driveway – 22' minimum length from building face to back of sidewalk.
11. The right-of-ways along both Dell Avenue shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along Dell Avenue.
12. The developer shall provide a 5' sidewalk with a 2' grass buffer along Dell Avenue for the length of the development and connect the sidewalk to the existing sidewalk in the Evelyn Street right-of-way.
13. All new water and sewer taps shall be bored.
14. 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.
15. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 8/14/2017 created by Sean J. Murphy.
16. The architectural style, composition and treatment of the residences shall be in substantial conformity to the renderings/elevations submitted on 8/14/2017. However, should minor modifications be required during the Plan Review process, said modifications shall be subject to the review and approval of the Director of Community Development.

Sean Murphy and Rick Kolb, the applicants spoke and commented that their plan is consistent with similar lot split approved recently. Currently the property consists of a

rental home and hopes to convert to owner occupied. Price point is mid \$400k.

Chairman Powell opened the floor for public hearings

Public Hearing:
None came forward to speak.

A motion was made by Boardmember David Monroe to approve item 2017-360 for - zoning request Z17-018 - Rezoning from FC to RAD-Conditional for the development of two single-family homes - 0.446 Acres - Land Lot 452 - 990 Dell Avenue - Kimberly Norwood Properties, LLC.; seconded by Boardmember Leslie Lightfoot.
The motion to approve was carried by the following vote:

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

Absent: 1 - Emily Hein Warren

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

Sponsors: Hein Warren and Stoner

A motion was made by Boardmember Leslie Lightfoot to table item 2017-362 to the November 13, 2017 Planning and Zoning meeting at the request of the applicant - Zoning Request Z17-019 - Special Land Use Permit for the installation of a cell tower - 2.8 Acres - Lant Lot 634 - 1700 Roswell Street - Verizon Wireless; seconded by Boardmember Cheri Harrington.
The motion to table to November 13, 2017 carried by the following vote:

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

Absent: 1 - Emily Hein Warren

G. Public Hearing - Zoning Request Z17-021 - Rezoning from GC to MU for the development of a mixed use project - 10.4 Acres - Land Lots 845 & 846 - 3110 Sports Avenue - JLB Realty, LLC - *This zoning request will be tabled to the December 11, 2017 Planning and Zoning Board meeting at the request of the applicant.*****

Sponsors: Norton and Roberts

A motion was made by Boardmember David Monroe to table item 2017-357 - zoning request Z17-021 to the November 13, 2017 Planning and Zoning Meeting at the request of the applicant, for Rezoning from GC to MU for the development of a mixed use project - 10.4 Acres - Land Lots 845 & 846 - 3110 Sports Avenue - JLB Realty, LLC; seconded by Boardmember Cheri Harrington.
The motion to table to November 13, 2017 carried by the following vote:

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

Absent: 1 - Emily Hein Warren

H. Public Hearing - Zoning Request Z17-020 - Rezoning from GC to OD

for the development of a self-storage facility - 2.74 Acres - Land Lot 810 - 2520 Spring Road - Stein Investment Company - **This zoning request has been withdrawn by the applicant.**

Sponsors: Roberts and Norton

A motion was made by Boardmember Leslie Lightfoot to table item 2017-359 - zoning request Z17-020 to the November 13, 2017 Planning and Zoning Meeting at the request of the applicant, for the rezoning from GC to OD for the development of a self-storage facility - 2.74 Acres - Land Lot 810 - 2520 Spring Road - Stein Investment Company; seconded by Boardmember David Monroe.

The motion to table to November 13, 2017 carried by the following vote:

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

Absent: 1 - Emily Hein Warren

I. Public Hearing - Rezoning from R-15 to RM-15-Conditional for the development of 59 townhome units - 4.71 Acres - Land Lot 809 - 2708, 2720, 2732, 2742, 2754, 2766, 2776, 2788, 2800 and 2812 Bell Drive - The Woodberry Group -

Sponsors: Norton

Staff presented their recommendation. The property is 4.71 acres along Bell Drive and 59 townhomes are proposed. Currently 10 single family homes are there. Property is zoned R-15 and proposed zoning is RM-15 at a density of 12.52 units per acre. Land use plan is urban density residential as is the adjoining property. To the north medium density residential. Afton Downs without ROW is approximately 9 units per acre, and Falling Waters is approximately 11 units per acre. Townhomes will face Bell Drive. There will be three entry points with internal drive. Development contains a future ROW dedication consistent with Spring Road LCI. Landscape buffers to north and south will provide some buffer to existing properties. The request includes an impervious surface increase, however detention will be sized appropriately. Reviewed elevations. Recommend approval with the following conditions:

Standard Conditions

(Requirement #2, 8, 16 and 17 from Section 1201 of the Zoning Code is not applicable)

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.

2. There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.

3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.

4. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be

designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.

5. All utilities within the development shall be underground.

6. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.

7. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.

8. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.

9. No debris may be buried on any lot or common area.

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

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

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

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

Special Conditions

14. The development shall maintain the following setbacks:

- Front – 15' (from the existing Right-of-way)*
- Front – 10' for front porches, porticos & stoops*
- North Side – 20'*
- South Side – 10'*
- Rear – 20'*

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

- Front to Rear– 50'*
- Side to Side – 20'*

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

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

18. Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.
19. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.
20. The rear of the townhome units shall have architectural features that delineate the individual townhome units.
21. The developer shall provide a 5' sidewalk with a 2' grass buffer along Bell Drive for the length of the development and a 5' sidewalk within the development.
22. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the western and southern property lines. The developer shall provide a 20' landscape buffer per Section 503 of the Zoning Ordinance along the northern property line.
23. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
24. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
25. The developer shall provide a 50' public access & utility easement over the private street for water and sanitary sewer services. All water and sanitary sewer mains must be located within this utility easement.
26. The private street shall not be gated.
27. The developer shall dedicate a 50' right-of-way from Bell Drive to the adjoining apartment complex (as shown on the submitted site plan) for a future road at time of final platting.
28. The entrance within the right-of-way that will be dedicated to the city for a future road shall be designed to city's right-of-way requirements.
29. 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.
30. Trees shall be planted the entire length of Bell Drive and Woodland Terrace at an average spacing of no more than 40'.
31. 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.
32. Approval of the subject property for the RM-15 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 9/26/2017 created by DGM Land Planning Consultants and all zoning stipulations above.
33. The applicant shall be bound to the elevations submitted and dated 8/17/2017 & 9/26/2017. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

34. The additional stipulations agreed upon by the applicant in the letter submitted and dated on September 26, 2017. If there should be a discrepancy between the stipulations in the September 26, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

35. Channel protection shall be required, discharge into an MS4 maintained system cannot be considered for relief from this design.

36. The detention facility shall be designed to delay the peak flows sufficiently to allow the downstream system to develop adequate capacity.

37. The detention facility shall not be located under the private streets. If required volumes cannot be achieved within the proposed footprint, extending reinforced concrete pipes under the streets may be considered at the City Engineer's discretion.

Garvis Sams, attorney representing applicant provided handout to Board. Mr. Sams, commented that plan is consistent with LCI and future land use plan. Developer is sensitive to concerns of Afton Downs and has addressed concerns in plan. Believes proposal is a good transition in density. Has responded to concerns from staff, residents, and recently adopted plans. Earlier proposals have displayed a master plan, which this is a part of. Other properties on Bell were recently rezoned by applicant. Townhomes will range from 3,000 sq. ft., depending on width of townhome, which are 26' 25' and 24' widths. Will each have garage. Guest parking around open space. Private drive but built to city standards.

Chairman Powell opened the floor for public hearing.

Public Hearing:
None came forward to speak.

Board Member Bartlett inquired if there will be underground detention and tree placement. Staff commented that tree placement setback from detention is 10'.

A motion was made by Boardmember Tom Bartlett to approve item 2017-358 for a rezoning from R-15 to RM-15-Conditional for the development of 59 townhome units - 4.71 Acres - Land Lot 809 - 2708, 2720, 2732, 2742, 2754, 2766, 2776, 2788, 2800 and 2812 Bell Drive - The Woodberry Group; seconded by Boardmember Cheri Harrington.

The motion to approve carried by the following vote:

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

Absent: 1 - Emily Hein Warren

4. Approval of Minutes:

A. Approval of the August 14, 2017 Planning and Zoning Minutes.

A motion was made by Boardmember Earl Rice to approve item 2017-361 the August 14, 2017 Planning and Zoning Minutes; seconded by Boardmember Leslie Lightfoot, The motion to approve carried by the following vote:

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

Absent: 1 - Emily Hein Warren

5. Adjournment

Chairman Joel Powell adjourned the meeting of the Planning Commission at 7:48 PM.