



Meeting Minutes - Final
City Council

Monday, August 19, 2013

7:30 PM

Council Chambers

Call to Order

Presiding Officer Mayor Max Bacon called the meeting to order at 7:30 pm

Present: 8 - Mayor Max Bacon, Mayor pro tem/Councilmember Melleny Pritchett, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Wade Lnenicka and Councilmember Ron Fennel

Also Present: 17 - Jennifer Bennett, Eric Taylor, Dan Campbell, David Lee, Jason Lanyon, Steve Ciaccio, Toni Jo Howard, Ken Suddreth, Jered Sigmon, Russell Martin, Scott Stokes, Tammi Saddler Jones, Tom Boland, Virginia Davis, Terri Graham, Scott Cochran and Samantha Kasraie

1. Invocation and Pledge:

Pastor Shell Osbon of the Life Church Assembly of God delivered the invocation and led all to the pledge to the flag.

2. Agenda Changes:

The Mayor stated that there were none.

3. Mayoral Report:

The Mayor stated that there were none.

4. Land Issues/Zonings/Annexations:

A. Public Hearing - Approval of Zoning Request Z13-008 - Rezoning from R-15 to RAD-Conditional - 1.19 Acre Tract - Land Lot 593 - 1523 and 1531 Spring Street - JWB Properties, LLC

Sponsors: Anulewicz

Mr. Taylor explained that the applicant's original request was denied 6-0 by the Planning and Zoning Board on July 8, 2013. He advised that the applicant had since reduced the lot size and number of homes. Mr. Taylor stated that staff had reviewed the proposal and recommended approval.

The Mayor asked if the applicant was present and announced the public hearing, calling for comment. There was none.

Councilwoman Anulewicz noted the large crowd present and informed all in attendance for this matter to come forward. She requested that Community

Development present a report and Mr. Suddreth displayed maps, site plans and proposed elevations. He shared that staff had concerns about the original design and recommended denial; a decision upheld by the planning commission. Mr. Suddreth made known that the developer had since made modifications that resolved staff concerns. Elevations, photographs of the subject and adjacent properties were shown and conditions were reviewed.

Standard Conditions

(Requirements #2, 8, 9, 10, 12 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 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

11. 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

12. The development shall maintain the following setbacks:

Front - 20'

Side (exterior) - 7'

Side (interior) - 5' with a minimum of 10' between buildings

Rear - 40'

13. The development shall be developed with a minimum lot size of 10,200 square feet.

14. The proposed homes shall have a minimum floor area of 2,200 sq. ft.

15. Driveway - 22' minimum length from building face to edge of shared driveway. Each unit shall have a two-car garage.

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

17. A new 5' sidewalk shall be constructed along Spring Street.

18. Water quality shall be provided in accordance to the City's Stormwater Management Ordinance.

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

20. The developer shall create deed covenants for the shared driveway 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.

21. 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 7/25/2013 created by DGM Land Planning Consultants. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.

22. The applicant shall be bound to the elevations submitted and dated 7/25/2013. Approval of any change to the elevations must be obtained from the Director of Community Development.

23. The approval of the rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated July 25, 2013 by Garvis Sams

with Sams, Larkin, and Huff, LLP. If there should be a discrepancy between the stipulations in the July 25, 2013 letter and the stipulations stated above, the stipulations stated above shall apply.

Mr. Suddreth advised that staff recommended approval of the revised plan.

Councilwoman Anulewicz shared that staff had been working with the developer and Williams Park residents for several months and thanked them for their efforts. She noted the extensive conversations and cooperation that had taken place in achieving a project that would enhance the community.

Mr. Garvis Sams, representative for JWB properties, introduced himself and his client Jim Brown. Mr. Sams submitted that the proposed development would improve the aesthetics of the street and that no land use change was being sought. He shared that Mr. Brown had made overtures and conducted conversations with the owner of the adjacent property, Mrs. Beasley and her son. He expressed gratitude to city staff and neighborhood residents for their input and guidance.

Mr. Sams stated that his client was agreeable to all stipulations and conditions presented. He referenced a letter dated July 25, 2013 that contained additional, self-imposed conditions and welcomed those becoming part of the official stipulations. He shared price point, garage and driveway specifications and architectural components to ensure its home had its own distinctive style.

Mr. Sams noted that there would be covenants and a mandatory HOA responsible for managing landscaping, open spaces and easements. To maintain homogeneity with the existing neighborhood there would be no identification signage or stockade style fencing. He noted that landscape plans had been submitted, stormwater would be screened from view, lawns would be sodded and open spaces would be owned and controlled by the HOA. Mr. Sams made known that a portion of the property had been conveyed to the adjacent owners and that there would be a passive recreational area established with input from residents.

Mr. Sams advised that all utilities would be enclosed or concealed from view and that water would be over-detained and subject to city engineer review. He discussed the sidewalks, 10' no access easement and installation of a fire hydrant. Mr. Sams made known that the proposed plan was designed to allow the Community Development Director and Ward 3 Councilmember the ability to make modifications. He offered assurance that Williams Park neighbors would be included in potential further dialogue.

Mr. Sams detailed arrangements made with Mrs. Beasley including flood insurance, installation of a decorative retaining wall, evergreen landscape buffer and side setbacks. He noted that a privacy fence was not necessary as a well-maintained existing fence was in place. Mr. Sams shared the Beasley's concern about potential negative impact on older, specimen trees along the property line as a result of construction. He stated that should the city's arborist determine that those trees became diseased or died as a result of the construction that it would be the responsibility of the HOA to provide for their removal.

Councilwoman Anulewicz requested clarification that the side setback would

be 8' despite the plat indicating 7' and Mr. Sams responded in the affirmative. There was additional discussion about the width of the homes.

Mr. Larry Beasley asked that the existing fence remain and requested it be entered into the record that the Beasley family not be financially responsible for the removal of any trees along the property line if they died. Councilwoman Anulewicz asked if he was agreeable to the flood insurance and Mr. Beasley responded in the affirmative. He stated that he would have preferred more than an 8' setback but was agreeable. The Councilwoman opined that she felt it was a good compromise as constructing homes any more narrow would make her uncomfortable.

Lemuel Ward of 1496 Spring St. stated that he often came in opposition to projects but was in support of this. He expressed his pleasure that this would be a good responsible development and lauded work of this builder.

Mrs. Liz Davis of 1351 Roswell St. made known that both she and her husband were excited to have the development and appreciated the builder reaching out to them.

Councilwoman Anulewicz noted that this was the builder's first project in Smyrna and based on her interactions with him she invited him to take on more projects in the City. She expressed her appreciation of the level of engagement for the project being considered.

A motion was made by Councilmember Teri Anulewicz to approve Zoning request Z13-008 - rezoning R-15 to RAD-Conditional - 1.19 acre tract - land lot 593 - 1523 and 1531 Spring Street - JWB Properties, LLC., with all stipulations discussed including 8' eastern setback. seconded by Councilmember Andrea Blustein.

Councilman Lnenicka clarified that the stipulations to be applied are those presented by staff plus the letter and the 8' setback requirement.

The motion carried by the following vote:

Aye: 7 - Mayor pro tem/Councilmember Pritchett, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Lnenicka and Councilmember Fennel

B.

Public Hearing - Approval of Zoning Request Z13-012 - Rezoning from CBD-Conditional to RAD-Conditional - 0.30 Acres - Land Lots 486 and 523 - 1180 Medlin Street - Weekly Homes, LLC

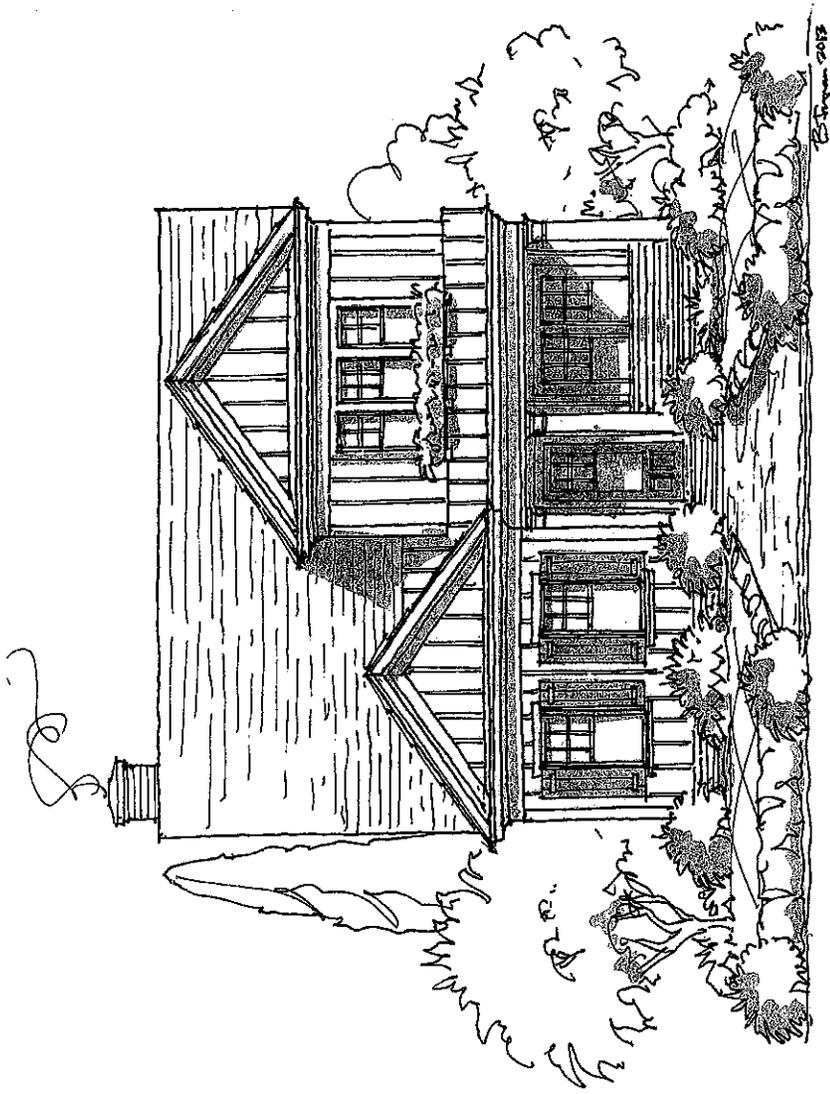
Sponsors: Welch

Mr. Taylor stated that the applicant was seeking rezoning for two homes on Medlin and provided a history of the zoning on the property. He advised that the request was heard by the Planning and Zoning Board on July 8, 2013 and approved 6-0. Mr. Taylor made known that Community Development recommended approval.

Mr. Suddreth shared that the applicant was requesting consideration similar to that recently given the neighboring property. He noted that this location had previously been part of a proposed assembly that did not materialize. Maps and site plans were displayed and Mr. Suddreth reviewed requirements,

APPROVED

per M3C 8/19/13



FRONT ELEVATION
1/4" SCALE



RECEIVED
7/25/13

**SPRING STREET
COTTAGES**
SMYRNA, GEORGIA

**COTTAGE 'A'
ELEVATION**

HEATED SQUARE FOOTAGE

Main Level
1,528 Square Feet

Upper Level
728 Square Feet

WIDTH
27'-0"

DEPTH:
69'-5"

3 Bedrooms
2 1/2 Bathrooms

EXTERIOR MATERIALS:

Board & Batten Siding
with Brick Watertable



C. BRANDON INGRAM
DESIGN

SPRING STREET COTTAGES

SMYRNA, GEORGIA

COTTAGE 'A' FLOORPLAN

HEATED SQUARE FOOTAGE

Main Level
1,528 Square Feet

Upper Level
728 Square Feet

WIDTH
27'-0"

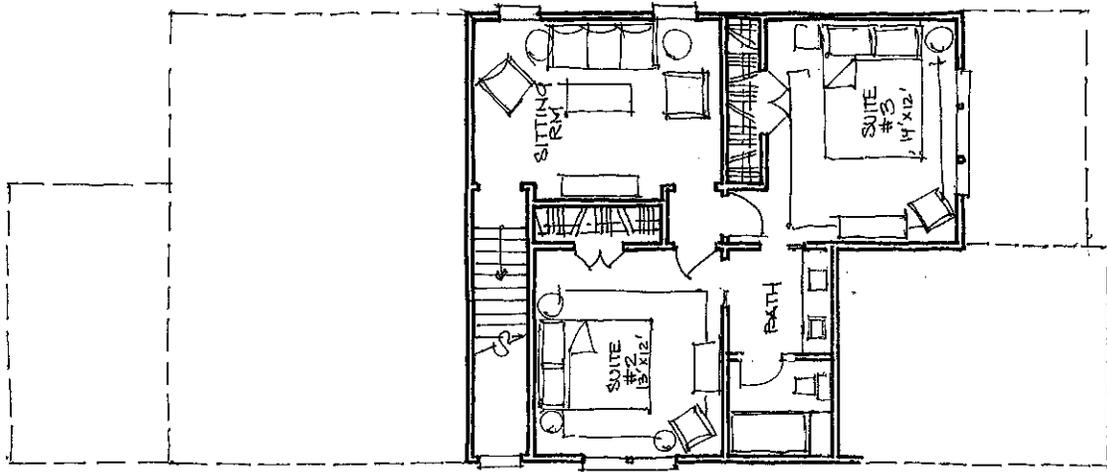
DEPTH:
69'-5"

3 Bedrooms
2 1/2 Bathrooms

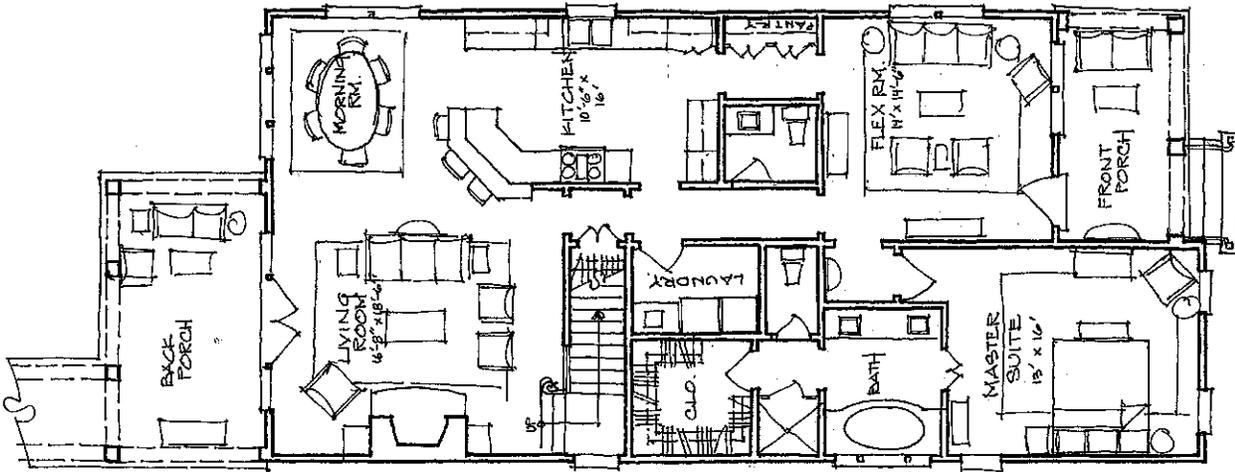
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7/25/13



C. BRANDON INGRAM
DESIGN



UPPER LEVEL FLOORPLAN
3/16" SCALE



MAIN LEVEL FLOORPLAN
3/16" SCALE

SPRING STREET
COTTAGES
SMYRNA, GEORGIA

COTTAGE 'B'
ELEVATION

HEATED SQUARE FOOTAGE

Main Level
1,106 Square Feet
Upper Level
1,106 Square Feet

WIDTH
27'-0"

DEPTH:
54'-6"

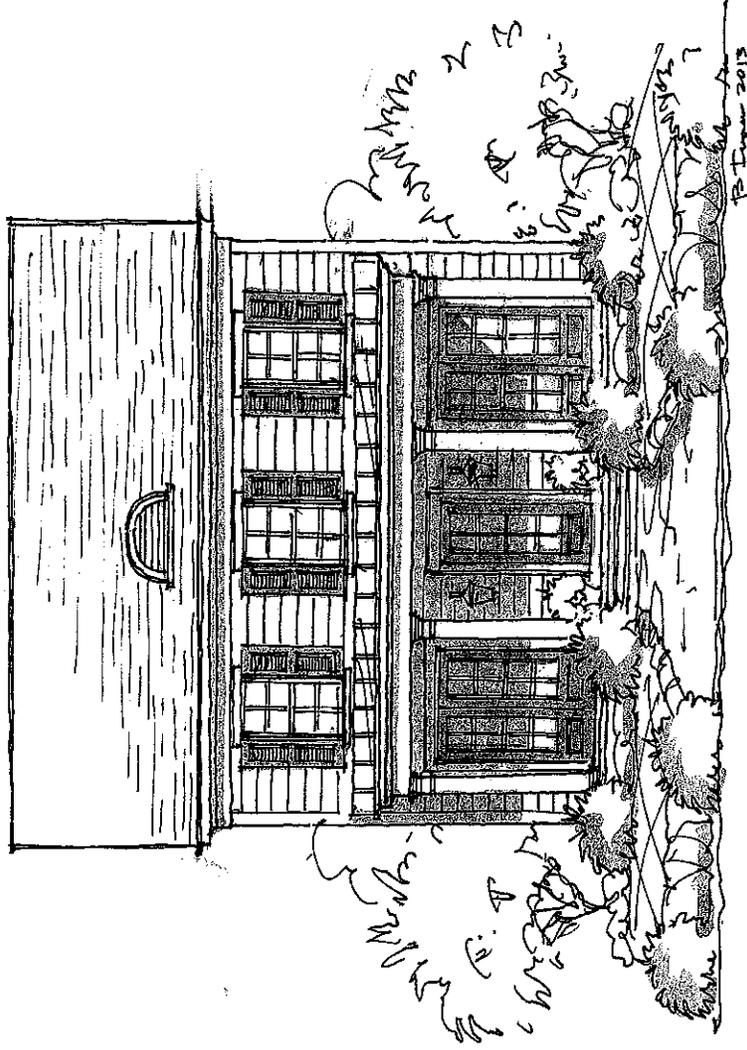
3 Bedrooms
2 1/2 Bathrooms

EXTERIOR MATERIALS:

Lap Siding
with Brick Watertable



C. BRANDON INGRAM
DESIGN



FRONT ELEVATION
1/4" SCALE



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SPRING STREET COTTAGES SMYRNA, GEORGIA

COTTAGE 'B' FLOORPLANS

HEATED SQUARE FOOTAGE

Main Level
1,106 Square Feet

Upper Level
1,106 Square Feet

WIDTH
27' 0"

DEPTH
54' 6"

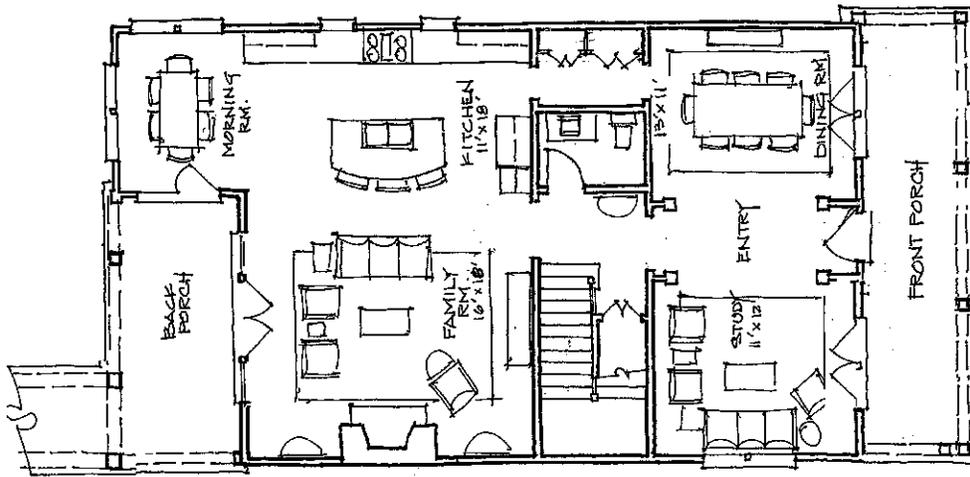
3 Bedrooms
2 1/2 Bathrooms

EXTERIOR MATERIALS:

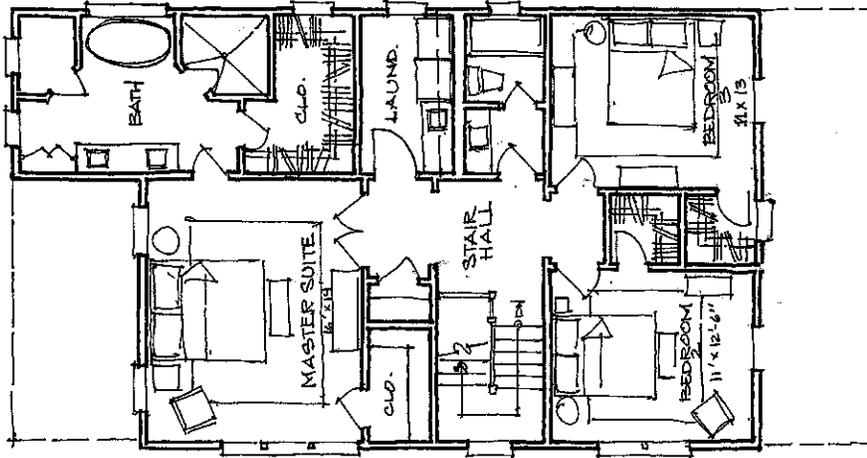
Lap Siding
with Brick Watertable



C. BRANDON INGRAM
DESIGN



MAIN LEVEL FLOORPLAN
3/16" SCALE



UPPER LEVEL FLOORPLAN
3/16" SCALE

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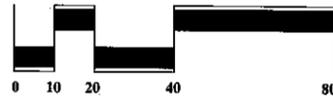
Rezoning Plan - Sheet 1 of 3

Spring Street Community

City of Smyrna, Georgia Land Lot 593, 17th District, 2nd Section

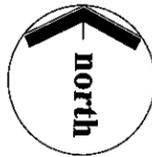
owner:

Jim Brown
JWB Properties, LLC
4840 Roswell Road
Suite C200
Atlanta, Georgia 30342
404 915 4447



Scale: 1" = 30'

July 22, 2013



DGM
LAND PLANNING
CONSULTANTS



975 Cobb Place
Bldg. Suite 212
KENNESAW
GA 30144
770 514-9086
FAX 514-9491



Site Data

- Total Site Area:** 1.19 AC
- Present Zoning:** R-15
- Proposed Zoning:** RAD-Conditional
- Proposed Density:** 3.36 UN/AC
- Minimum Lot Size:** 10,232 SF
- Maximum Lot Size:** 10,769 SF
- Average Lot Size:** 10,506 SF
- Proposed Lot Sizes Shown:**

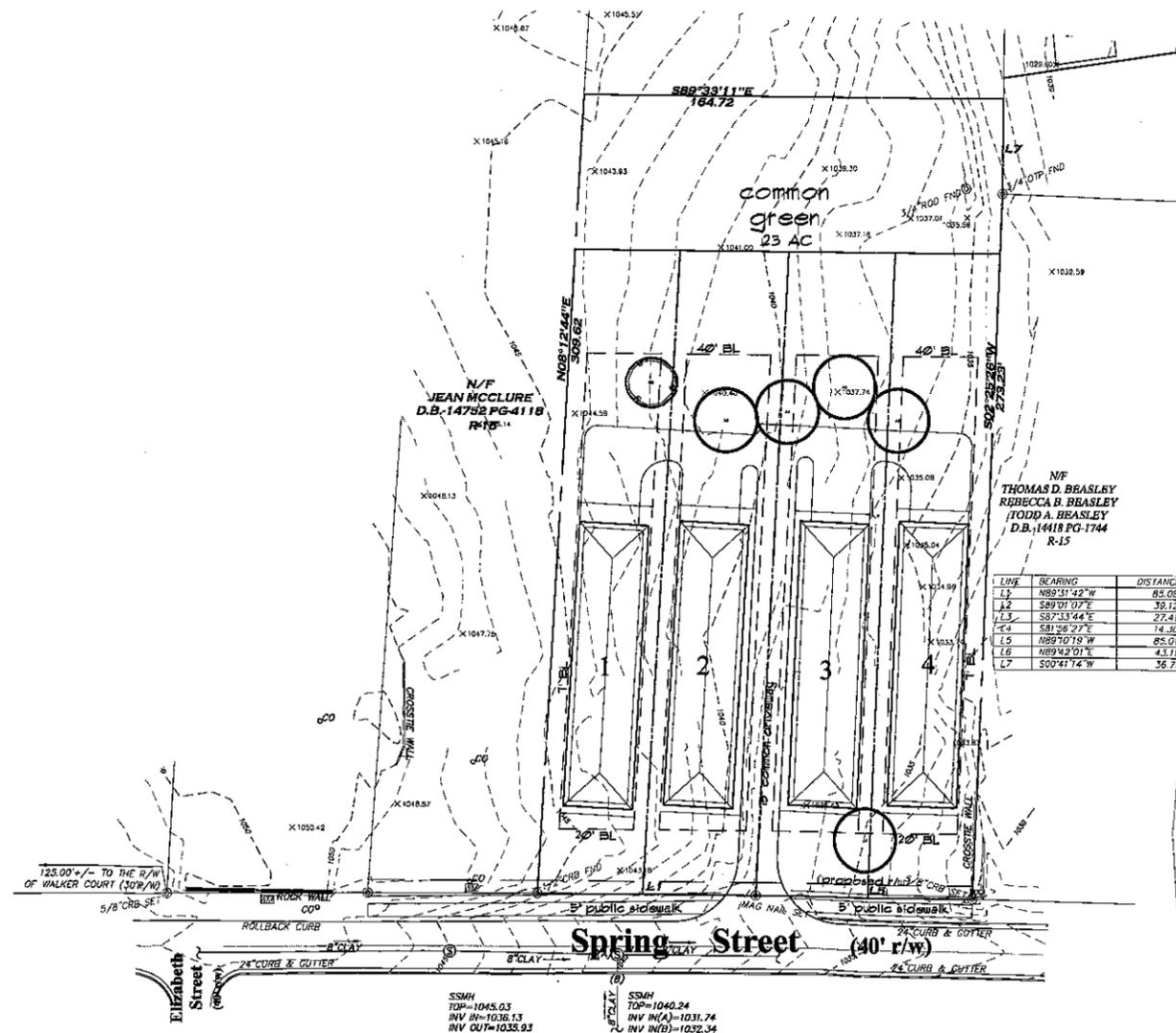
- 1) 10,232 SF
- 2) 10,760 SF
- 3) 10,769 SF
- 4) 10,244 SF

Proposed Building Setbacks:

- front:** 20'
- side:** 7' (exterior), 5' (interior)
- rear:** 40'

General Notes:

1. Boundary survey and topographic information by Lowery and Associates Land Surveying, LLC April 3, 2013.
2. According to Flood Insurance Rate Map (FIRM) #3067C0119H, March 4, 2013, no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No streams or wetlands are known to exist on site.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.
7. Stormwater and water quality to be managed on a lot by lot basis based on hydrologic study.



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7/25/13



per MIC 8/19/13

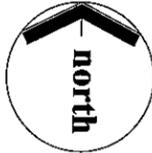
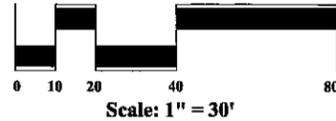
APPROVED

Spring Street Community

City of Smyrna, Georgia Land Lot 593, 17th District, 2nd Section

owner:

Jim Brown
JWB Properties, LLC
4840 Roswell Road
Suite C200
Atlanta, Georgia 30342
404 915 4447



July 22, 2013

Site Data

Total Site Area: 1.19 AC
Present Zoning: R-15
Proposed Zoning: RAD-Conditional

DGM
LAND PLANNING
CONSULTANTS



975 Cobb Place
Buna Suite 212
Kennesaw GA 30144
770 514-8006
FAX 514-9491



Removed Specimen Tree Inches			
Tree Number	Tree Species	Tree Size DBH (in inches)	CRZ Radius (in feet)
162	Red Oak	35	53
Total Inches:		35	

Preserved Non Specimen Tree Inches			
Tree Number	Tree Species	Tree Size DBH (in inches)	CRZ Radius
201	Oak	8	12
202	Pecan	25	37.5
203	Oak	6	9
204	Oak	6	9
205	Pecan	27	40.5
Total Inches:		72	

ARBORIST REPORT FOR:

Spring Street Tracts
Smyrna, Georgia

Prepared For: Mr. Jim Brown - jim@jwbproperties.com JWB Properties

Visual Inspection only Prepared by: T.J. Schell, LLC, Landscape Architects, And Certified Arborists
2985 Gordy Parkway, Suite 422, Marietta, GA 30066, Fax 770-578-9126, Cell 770-361-2319

Teresa H. Eldredge, RLA, ISA
Certified Arborist
ISA SO-5442A
March 28, 2013

1. Water Oak (Tag #160) 31" Caliper - Not Specimen - Hollow at base, Co-dominant, with included bark at split - signs of decay; 2 dead branches and mistletoe in canopy
2. Water Oak (No Tag - Offsite) + / - 28" Caliper - Not Specimen - Hollow at base, Co-dominant, with obvious decay
3. Red Oak (Tag #162) 35" Caliper - No obvious decay at base. 10% dieback and somewhat asymmetrical with water sprouts - Fair to Good Condition
4. Water Oak (Tag #161) 54" Caliper - Not Specimen - Co-dominant with obvious decay at included bark and some slime flux lower on tree, 5 major dead branches with approximately 20% dieback
5. Red Oak (No Tag) 28" Caliper - Some pruning due to power lines - Fair to Good Condition

NOTE:

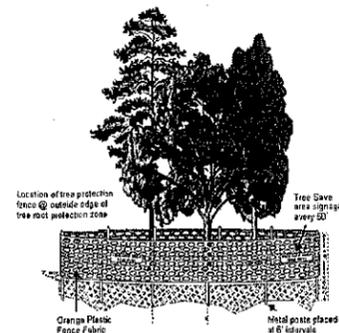
CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 319-5387 TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVE OCCURS.

ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.

BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.

Tree Protection for Non-Specimen Trees

Tree Protection Fence Installation Detail



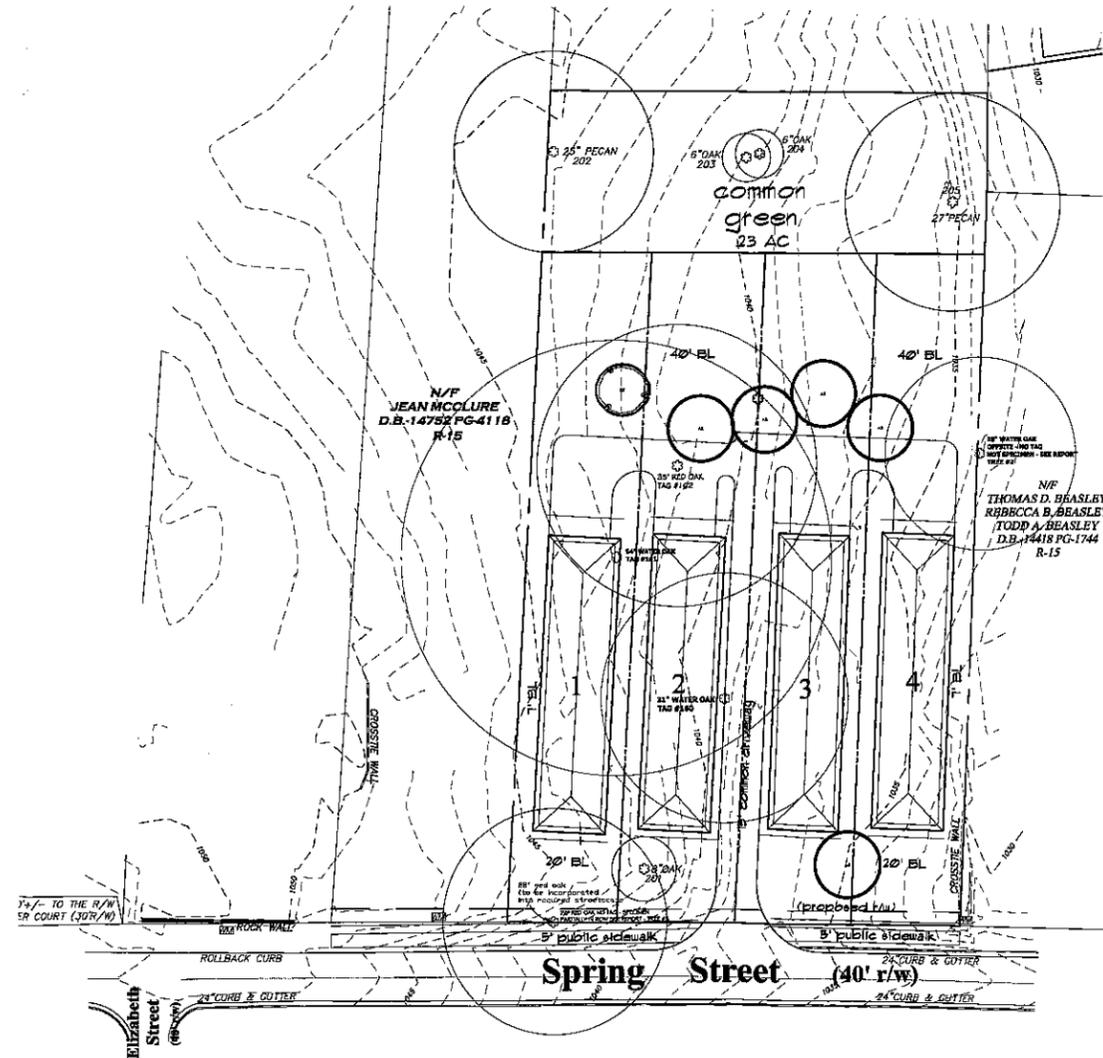
*specimen tree protection requires orange polyethylene fence be replaced with chain link fence.

Site Area Calculation:
Net Site Area = 1.13 AC
(1.19 less .06 AC in road area = 1.13 AC)

Tree Density Calculation:
1.13 AC x 100"/AC = 113 Total Inches Required
EDF + RDF = SDF
EDF = 72" (72" of non-specimens preserved)
RDF = 41" (41" of the total 76" replacement trees are being counted)
72" + 41" = 113"
therefore density is satisfied

Specimen Tree Recompense Calculation:
35 inches of specimen trees have been removed (see Tree Survey/Protection Plan)
35" of the total 76" of 4" hardwood replacement trees are being counted to meet this requirement. These inches are all exclusive of the 41" that have been provided to meet the density requirement.

Street Tree Requirement:
3 trees are required per the street tree requirement. A total of 3 x 4" caliper trees have been provided on site. Street trees have been placed at every viable and appropriate location possible. The 3 trees have been also been counted in satisfying the density requirement.



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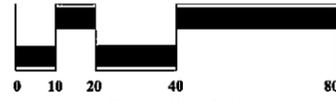
Tree Replacement Plan - Sheet 3 of 3

Spring Street Community

City of Smyrna, Georgia Land Lot 593, 17th District, 2nd Section

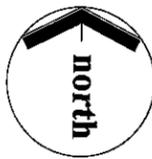
owner:

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Scale: 1" = 30'

July 22, 2013



DGM
LAND PLANNING
CONSULTANTS



975 Cobb Place
Bldg Suite 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



Site Data

Total Site Area: 1.19 AC
Present Zoning: R-15
Proposed Zoning: RAD-Conditional

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(1.19 less .06 AC in road area = 1.13 AC)

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35" of the total 76" of 4" hardwood replacement trees are being counted to meet this requirement.
These inches are all exclusive of the 41" that have been provided to meet the density requirement.

Street Tree Requirement:
3 trees are required per the street tree requirement. A total of 3 x 4" caliper trees have been provided on site. Street trees have been placed at every viable and appropriate location possible. The 3 trees have been also been counted in satisfying the density requirement.

Removed Specimen Tree Inches

Tree Number	Tree Species	Tree Size DBH (in inches)	CRZ Radius (in feet)
162	Red Oak	35	53
Total Inches:		35	

Preserved Non Specimen Tree Inches

Tree Number	Tree Species	Tree Size DBH (in inches)	CRZ Radius
201	Oak	8	12
202	Pecan	25	37.5
203	Oak	6	9
204	Oak	6	9
205	Pecan	27	40.5
Total Inches:		72	



Zelcova



Chinese Pistache



Willow Oak

Replacement Trees

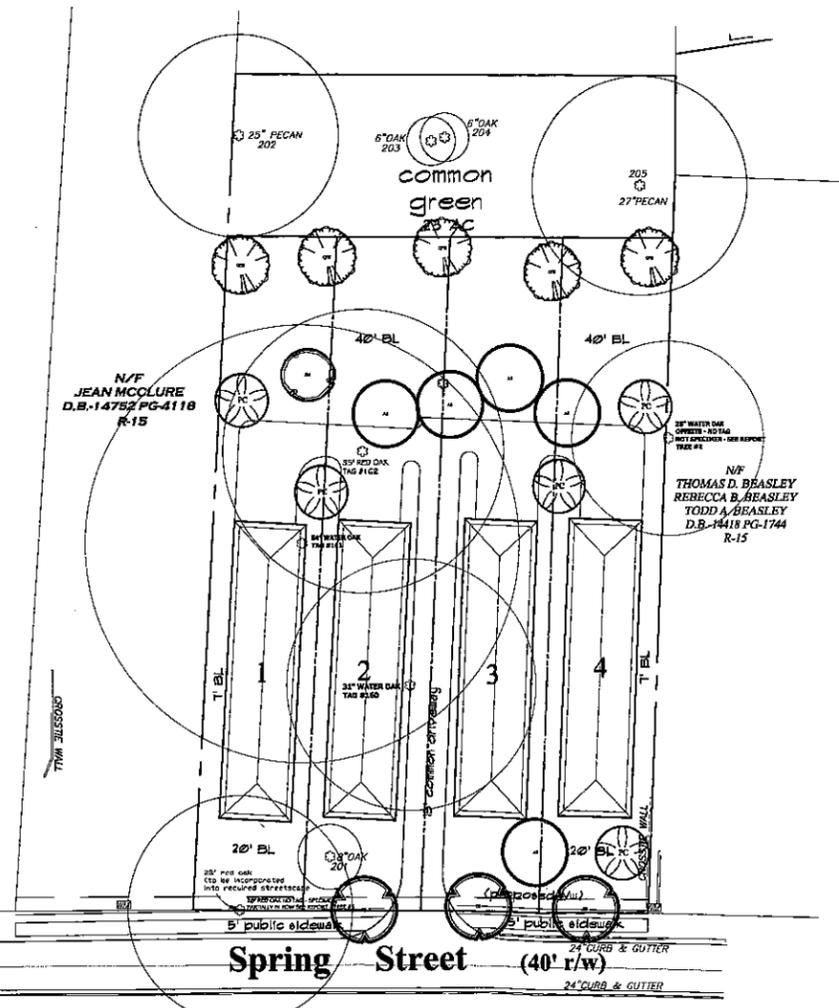
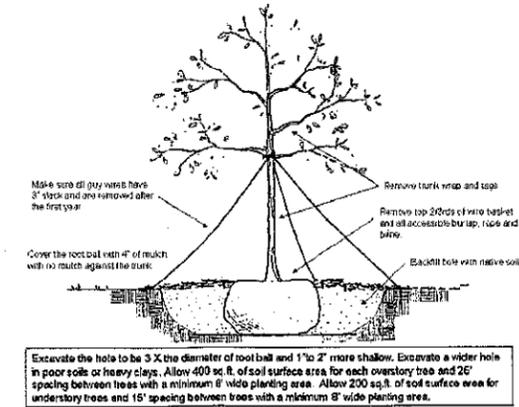
PLANT TYPE LABEL	QUAN.	COMMON NAME	BOTANICAL NAME	SIZE	INCH VALUE	TOTAL INCHES	MIN. SPACE	% Genus
Trees								
QPH	5	Willow Oak	Quercus phellos 'Hightower'	4" Cal.	4	20 25' o.c.	26.3%	
ZS	3	Zelcova	Zelcova serrata	4" Cal.	4	12 25' o.c.	15.8%	
PC	5	Chinese Pistache	Pistacia chinensis	4" Cal.	4	20 25' o.c.	26.3%	
AS	5	Sugar Maple	Acer saccharum	4" Cal.	4	20 25' o.c.	26.3%	
BN	1	River Birch	Betula nigra	4" Cal.	4	4 25' o.c.	5.3%	
	19					TOTAL " VALUE	76	100.0%

NOTE:
CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 319-5387 TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVE OCCURS.

ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.

BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.

Figure 11: Tree Planting Detail



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7/25/13