

(B) Public Hearing - Amendment to the Sign Ordinance regarding real estate signs

Mr. Wright stated staff has concerns with regards to regulating signage based on content and has recommended changes embodied in the proposed ordinance amendment.

Honorary Mayor Roos stated this is a public hearing and asked for public comment. There was none.

MOTION: Council Member Newcomb made a motion to approve Ordinance 2007- 4 amending Chapter 82, Sections 82-2 *Definitions*, 82-3 *Signs not requiring permits* and 82-16 *Signs allowed in zoning districts* of the Smyrna Code of Ordinances regarding signs. The motion was seconded by Council Member Pritchett. Motion was approved 6 – 0. (Clerk's Note: Council Member Smith departed the meeting at this time)

(C) Public Hearing – appeal of License and Variance Board decision -Variance Request V07-007/V07-008 – permits for two signs with dimensions in excess of prescribed limits – 3240 South Cobb Drive – Tri-Land Properties

Mr. Wright stated this request was denied by the License and Variance Board and appealed to the city council.

Honorary Mayor Roos stated this is a public hearing and asked for public comment. There was none.

Council Member McNabb recognized Mr. Jeff Koenig with Tri-Land Properties (TLP), and Mr. Koenig provided details to those present regarding the subject property. Council Member McNabb asked Mr. Koenig if a temporary sign 32 s.f. in size, which would comply with the recently amended ordinance, would be acceptable to TLP, and Mr. Koenig answered in the affirmative.

MOTION: Council Member McNabb made a motion to withdraw the appeal of the License and Variance Board decision for Variance Requests V07-007 and V07-008 for permits for two signs with dimensions in excess of prescribed limits at 3240 South Cobb Drive for Tri-Land Properties. The motion was seconded by Council Member Pritchett. Motion to withdraw the appeal was approved 6 – 0.

(D) Public Hearing – Rezoning Request Z06-039 – OI Conditional to NS-Conditional - Land Lot 604 and Land Lot 621, 4390 South Cobb Drive – 1.9 acre tract – Cooper Lake, LLC

Mr. Wright stated the applicant is seeking approval to rezone the subject property from OI-Conditional to NS-Conditional to accommodate a 19,200 s.f. retail center. Mr. Wright stated the requested rezoning will not require a land use change. Mr. Wright stated the Planning and Zoning Board recommended denial of this request. Mr. Wright stated staff recommends approval of the rezoning request subject to a number of conditions.

Mr. Suddreth provided additional details concerning this request to those present. Mr. Suddreth read special conditions of this rezoning request as follows:

Special Conditions

9. Approval of the Subject Property for Neighborhood Shopping shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 4/16/07.
10. The applicant shall be bound to the elevations submitted 4/16/2007. If there is any change to the elevations, it must be approved by the Director of Community Development.
11. Loading and Unloading on the property shall only take place between 7:00 a.m. and 8:00 p.m.
12. 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".
13. The following uses, whether permissible or not within the NS zoning district, shall not be allowed on the property:
 - Adult Entertainment Establishments
 - Automobile Service Stations
 - Check Cashing Establishments (where check cashing represents more than 25% of the overall business operation)
 - Coin Operated Laundry
 - Composting Facility
 - Drive-up Restaurants
 - Funeral Homes
 - Group Homes
 - Package Stores
 - Shelter for the Homeless
 - Tattoo Parlors
14. Any proposed dumpsters shall be surrounded by a three-sided brick enclosure with an opaque gate in the front. The brick shall match the color and material used for the commercial buildings.
15. All dumpsters shall contain rubber lids so as to minimize sounds.
16. There shall be a 10', heavily-landscaped and maintained buffer adjacent to the rear property line. The developer shall plant Leyland Cypress trees along the rear property line. These trees shall be maintained with an irrigation system.
17. The developer shall install all HVAC units on the roof and screen from the public right-of-way and the adjoining residential properties.
18. The developer shall install a coated or painted (green, black, or brown) chain link fence with a climb-over deterrent along the rear property line.
19. There shall be no neon signs allowed on the property except for "open/closed" signs.

20. The developer will remove the guard rail along South Cobb Drive.
21. The sidewalk to be built along South Cobb Drive shall be placed to be no closer than 15' to the back of curb.
22. Buffer averaging is allowed to address the proposed small encroachment of Building "A" into the 25' impervious surface buffer.

Honorary Mayor Roos stated this is a public hearing and asked for public comment, and the oath was administered to several persons by Mr. Cochran.

Council Member Lnenicka recognized Ms. Lauren Hansford, an attorney representing the applicant, and Ms. Hansford provided additional details concerning this request to those present. Ms. Hansford stated representatives of Cooper Lake, LLC (CL) have met with City staff and officials and residents of the affected area to help with the synthesis of a suitable plan. Ms. Hansford stated the subject property has significant development restraints. Ms. Hansford stated new elevation plans for this project have been submitted to the City for approval. Ms. Hansford stated a reduction in the rear buffer behind Building A has been requested. Ms. Hansford stated the subject property has been pre-leased and is about 85% full at the present time. Ms. Hansford introduced Mr. Bill Ramsbottom from CL to those present. Council Member Lnenicka thanked Ms. Hansford and Mr. Ramsbottom for meeting with the residents of the affected area regarding this proposal. Council Member Lnenicka asked Ms. Hansford if the special conditions and applicable standard conditions of this rezoning request are acceptable to CL, and Ms. Hansford answered in the affirmative. Council Member Lnenicka asked Ms. Hansford why this property cannot be marketed with an OI zoning. Ms. Hansford stated the developer would like to have flexibility for certain other uses.

Honorary Mayor Roos recognized Ms. Mary Rose Barnes, and Ms. Barnes expressed opposition to this rezoning request. Ms. Barnes expressed the view that the proposal does not meet the standards of the neighborhood shopping code, nor does it protect the property rights of adjacent homeowners in Cooper Creek. Ms. Barnes expressed the view that the planned buildings are not in scale with surrounding structures. Ms. Barnes expressed reservations about underground water detention systems such as the one proposed for use at the subject property. Ms. Barnes expressed the view that the subject property has a viable use as currently zoned. Ms. Barnes asked the city council to deny this rezoning request.

Mr. Ramsbottom stated he is unfamiliar with the type of water filtration system Ms. Barnes alluded to, but advised he will work with staff to ascertain if they are conversant with such matters. Council Member Lnenicka asked Mr. Ramsbottom if he is willing to work with the city engineer to arrive at a suitable egress and ingress plan for the subject property, and Mr. Ramsbottom answered in the affirmative.

MOTION: Council Member Lnenicka made a motion to approve Rezoning Request Z06-039 from O-I Conditional to NS-Conditional for Land Lot 604 and Land Lot 621 at 4390 South Cobb Drive for a 1.9 acre tract for Cooper Lake, LLC subject to special conditions and applicable standard conditions with the note that special conditions #9 and #10 are modified to change the date of submission of the site plan and building renderings to the date of this meeting. The motion was seconded by Council Member Wood. Council Member McNabb stated he believes the subject tract could be developed with OI zoning. Council Member McNabb stated he will not support this rezoning. Council Member McNabb stated he believes office space suitable for health care offices and facilities are needed in the subject area. Council Member Newcomb

stated he will not support this rezoning. Council Member Newcomb stated provisions for water filtration should not be considered on a case-by-case basis. Council Member Newcomb stated more office and institutional zoned property and less retail zoned property is needed on South Cobb Drive. Council Member Newcomb stated the Planning and Zoning Board recommended denial of this request and there are reasons they voted this way. Council Member Newcomb stated staff comments in the rezoning analysis of this case indicate adjacent properties could be adversely affected by the rezoning as proposed and that one of the citizens present at this meeting pointed out that the subject property has a viable use as currently zoned. Council Member Newcomb expressed the view that the city council should stand by its 2002 decision to allow the subject property to be developed for office and institutional type uses. Motion resulted in a tie vote of 3 – 3 with Council Members McNabb, Newcomb and Scoggins in opposition. Mayor Bacon voted in favor of the measure to break the tie, and the motion was approved. Mayor Bacon expressed the view that developers are conversant with land use matters and that in this instance he will rely on the developer's conclusions. Council Member Lnenicka stated Council Member Smith indicated earlier this evening that he was not feeling well, and this is the likely reason for his absence from this meeting.

- (E) Public Hearing – Rezoning Request Z07-010 – zoning amendment (change in elevations) – Hawthorne Avenue – Cottage Craft Homes, LLC and DGD Holdings, Inc.

Mr. Wright stated the applicant is requesting permission to change the elevations of the townhouses planned for the subject property and that staff recommends approval of the request.

Mr. Suddreth provided additional details concerning this request to those present. Mr. Suddreth reviewed the special conditions of this rezoning request for those present

Honorary Mayor Roos stated this is a public hearing and asked for public comment. There was none.

Council Member Scoggins recognized Mr. Ryan Casadaban, and Mr. Casadaban provided details to those present concerning the requested design changes. Council Member Scoggins asked Mr. Casadaban if he agrees with the conditions of the rezoning amendment. Mr. Casadaban stated he would like the flexibility to depart from four-sided brick or stucco architecture for the rear elevations of the planned units. Council Member McNabb stated he would like to see a stipulation for this zoning amendment requiring construction of a fountain on the subject premises. Mr. Casadaban asked if the stipulation could be written so that the requirement for a fountain becomes mandatory if some form of horizontal siding material is used on any of the rear elevations, and Council Member McNabb said yes. Council Member Newcomb asked Mr. Casadaban if he would agree to a condition of rezoning to require 50% of all the units to have four-sided masonry architecture with flexibility for finishing the rear elevations of the remaining 50% in other materials, and Mr. Casadaban answered in the affirmative. Council Member Newcomb asked Mr. Casadaban if it is correct that the changes he is requesting include changing the maximum allowed height of the planned structures from 35' to 42' and to be allowed to build at least 50% of all the units to have four-sided masonry or stucco architecture with flexibility for finishing the rear elevations of the remaining 50% in other suitable materials, and Mr. Casadaban answered in the affirmative. Council Member Scoggins asked Mr. Casadaban if he agrees with the conditions of the rezoning amendment, and Mr. Casadaban answered in the affirmative.

January 8, 2007

The regular scheduled meeting of the City of Smyrna Planning and Zoning Board (PZB) was held at Smyrna City Hall. Presiding officer Chairman Mike Terry called the meeting to order at 6:00 o'clock p.m. The following board members were present: **Don Mitchell, Dale LaValley, Frank Pologruto, Larry Jones, Andrea Blustein and Marcia Curtis**. The following City staff members were also present: Rusty Martin, City Planner.

(A) **Z06-049:** The petition of Capital City Properties, LLC to rezone 7.416 acres in LL 486 from RM-12 to RHR-Conditional.

This applicant requested this case be tabled until February 12, 2007.

MOTION: Board Member Jones made a motion to table Rezoning Request Z06-049 from RM-12 to RHR-Conditional for 7.416 acres in LL 486 for Capital City, LLC. The motion was seconded by Board Member Mitchell. Motion to table the request was approved 6-0.

(B) **Z06-039:** The petition of Cooper Lake, LLC to rezone 2.24 acres in LLs 604 & 621 from OI to NS-Conditional.

Mr. Martin made his presentation indicating the applicant is seeking approval to rezone a 2.24-acre property from OI to NS-Conditional to accommodate a 19,600 sf. retail center. The retail center would accommodate six to eight retail stores. The land use for the parcel is Neighborhood Activity Center and would not require a land use change for the rezoning. Due to the numerous public safety issues, zoning issues and an inadequate supply of land zoned Office Institution staff recommended denial of rezoning request for 4390 South Cobb Drive.

Chairman Terry recognized Mr. Doug Galloway, the legal representation for the applicant Billy Ramsbottom of Copper Lake, LLC. Mr. Galloway stated that the applicant currently has the subject property under contract. Mr. Galloway went on to summarize the location, size and access of the development.

Chairman Terry asked Mr. Galloway about delivery truck access and if there were any potential tenants. Mr. Galloway proceeded to answer the question and was interrupted by Mr. Billy Ramsbottom. Mr. Ramsbottom stated that there would be no deliveries made after 7:00 p.m. He also stated that the tenants were going to be small tenants and would not require large delivery trucks. Mr. Ramsbottom stated that he has three tenants lined up to move into the development, one of which was his brother. He went on to state that these potential tenants were insurance companies and mortgage lending companies. Mr. Ramsbottom stated that since his brother is a partner in this venture and his insurance company will be located in the proposed retail center, the retail center will be constantly maintained.

Chairman Terry and Board Member Jones asked Mr. Galloway about the detention facilities planned for this development. Mr. Galloway stated that the detention facilities will be placed underground and will comply with the detention requirements for the City of Smyrna.

Board Member Jones asked Mr. Ramsbottom about the landscaping proposed on site. Mr. Ramsbottom stated that he was going to buffer the adjoining residences with Leland Cypress. He

also stated that he was going to install an irrigation system on-site. With respects to the rest of the site Mr. Ramsbottom stated that he would abide all landscaping requirements for the site.

Chairman Terry asked if there were any citizens present that wanted to comment on the proposed development. Chairman Terry recognized Mrs. Mary Rose-Barnes. Mrs. Barnes spoke to the violation of maximum size limit for a building in the Neighborhood Shopping Zoning District. Mrs. Barnes expressed concerns over the proposed setback of the building and releasing traffic on to a residential street.

Chairman Terry recognized Mrs. Donna who resides at 4334 Ivy Glen Court. Mrs. Donna expressed concerns over the height of the buildings, the setback of the buildings, the increase in traffic on South Cobb Drive and trespassing problems.

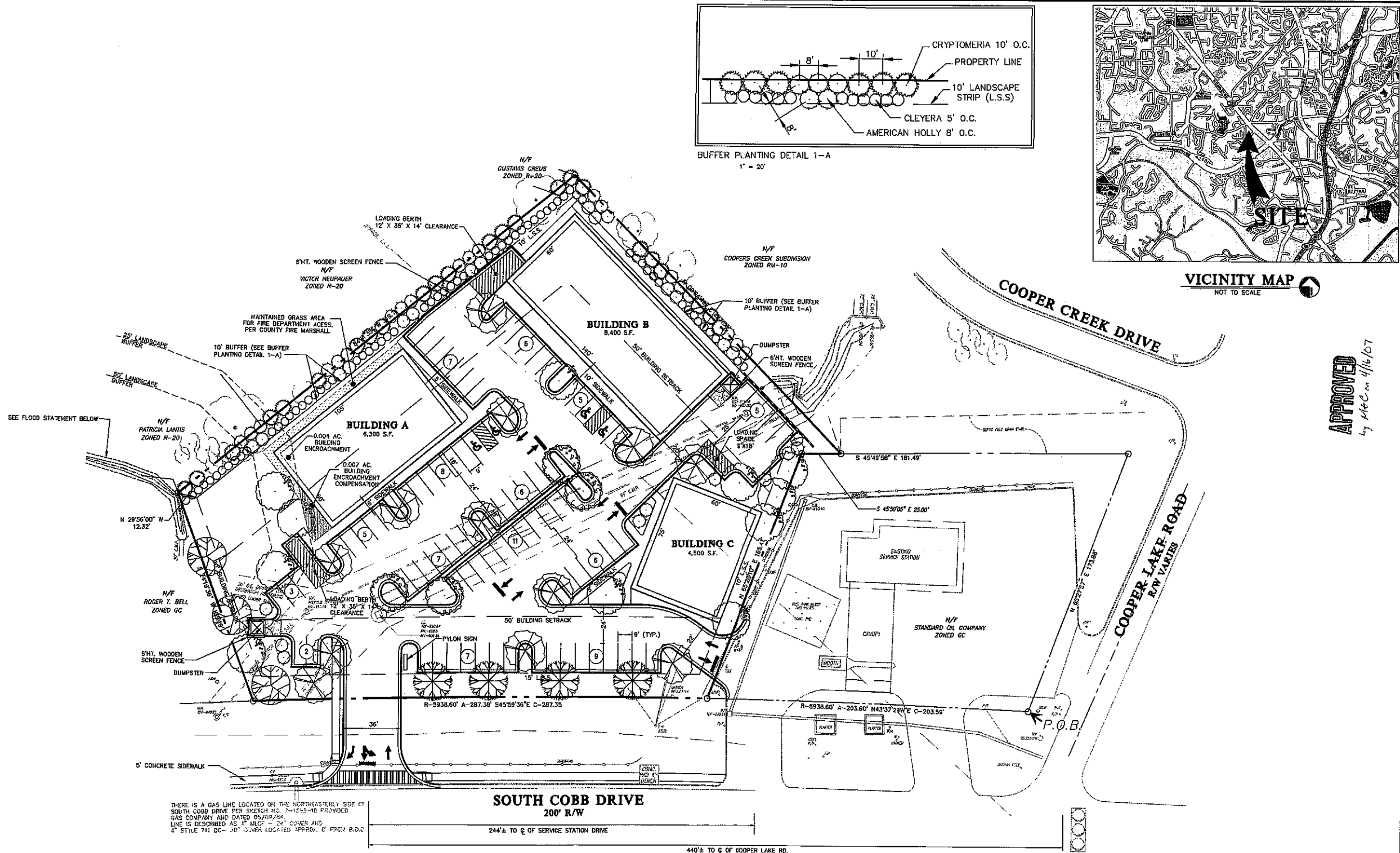
Chairman Terry recognized Ross Kuhl, who is the current owner and previous rezoning applicant on the property. He stated that the current applicant has a great plan and the city should allow the rezoning. He stated he was unable to build the office facility proposed back in 2002 due to site constraints and exorbitantly high construction costs. He stated that the city would be missing out on a great opportunity to develop this vacant piece of land.

MOTION: Board Member Mitchell made a motion to deny Rezoning Request Z06-039 from OI to NS-Conditional for 2.24 acres in LLs 604 & 621 for Cooper Lake, LLC. The motion was seconded by Board Member Curtis. Motion to deny the request was approved 5-1.

With no further business, the meeting was adjourned at approximately 7:30 p.m.

Mike Terry, Chairman
Smyrna Planning and Zoning Board

Susan D. Hiott, City Clerk



FLOOD STATEMENT
A PORTION OF THIS PROPERTY IS LOCATED IN A FLOOD HAZARD AREA ACCORDING TO F.I.R.M. PANEL #13067C0075 F LAST REVISED ON AUGUST 18, 1992.
CREEK CENTERLINE AND TOP OF BANK LOCATION BASED ON FIELD RUN TOPOGRAPHY BY PAULSON MITCHELL, INC. MARCH 8, 2007.

ZONING PLAN
SCALE: 1" = 30'

0 15' 30' 60' 120'
SCALE: 1" = 30'

SITE ANALYSIS	
PROPOSED SHOPS	19,200 S.F.
TOTAL BUILDING AREA	19,200 S.F.
PARKING REQUIRED (4.50/MSF)	87 SPACES
PARKING PROVIDED (4.50/MSF)	87 SPACES
SHOPS LAND AREA	1.90 ACRES±
TOTAL LAND AREA TO BE REZONED GC	1.90 ACRES±

PAULSON MITCHELL
INCORPORATED

LAND PLANNERS
ENGINEERS - SURVEYORS
TRANSPORTATION
LANDSCAPE ARCHITECTS

85-A MILL STREET
SUITE 200
ROSWELL, GEORGIA 30075
VOICE 770.650.7685
FAX 770.650.7684
www.paulsonmitchell.com

PROJECT:
PROPOSED SHOPPING CENTER
4390 S. COBB DRIVE
LAND LOTS 604 & 621
17th DISTRICT;
CITY OF SMYRNA
COBB COUNTY, GEORGIA

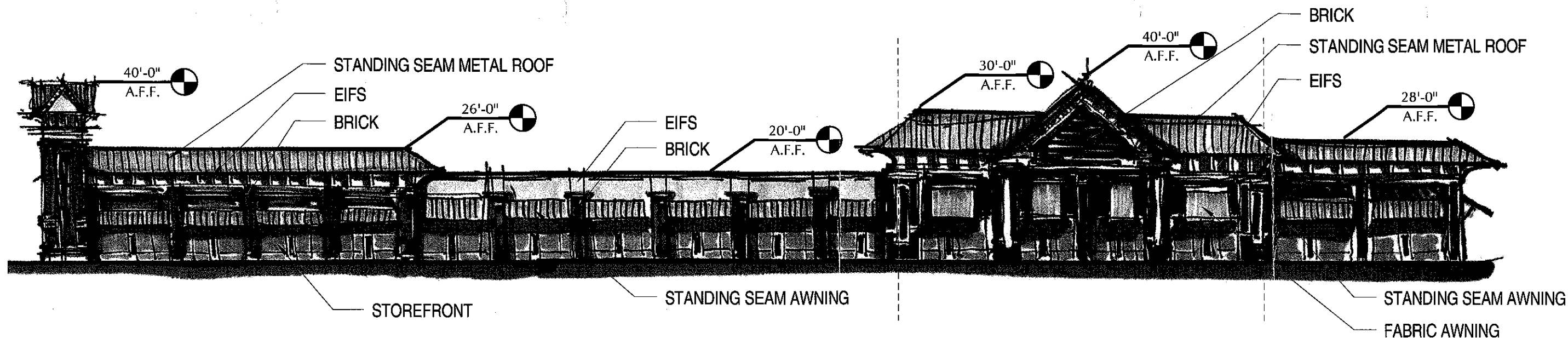
FOR:
THE RAMSBOTTOM COMPANY
892 MULBERRY ST.
P.O. BOX 57401
MACON, GA 31208
(478) 743-7200

REVISIONS

200620221.DWG 04.09.07

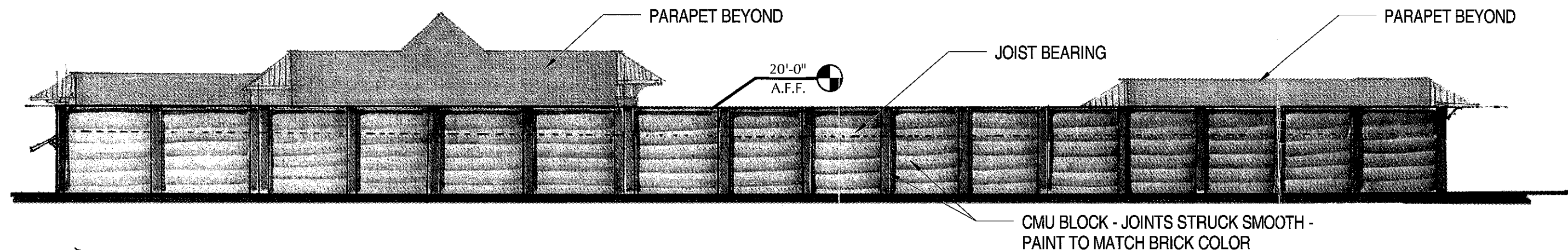
ZONING PLAN **Z.1**

Loop 1, 100



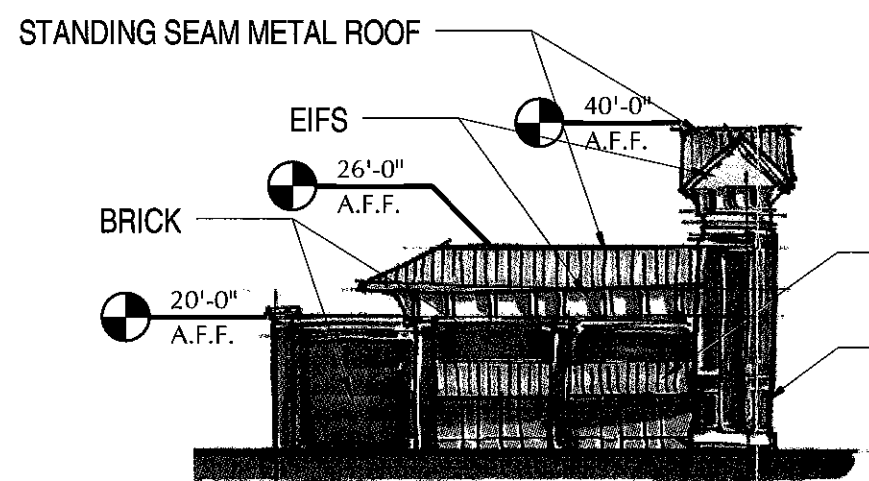
South Cobb Drive Elevation

scale: 3/64" = 1'-0"



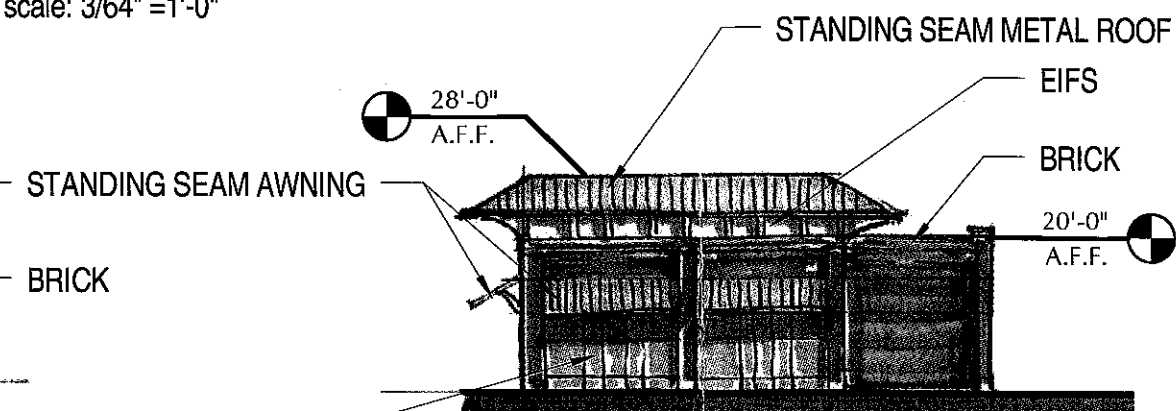
Rear Elevation

scale: 3/64" = 1'-0"



Left Elevation

scale: 3/64" = 1'-0"



Right Elevation

scale: 3/64" = 1'-0"

APPROVED
by MTC on 4/16/07

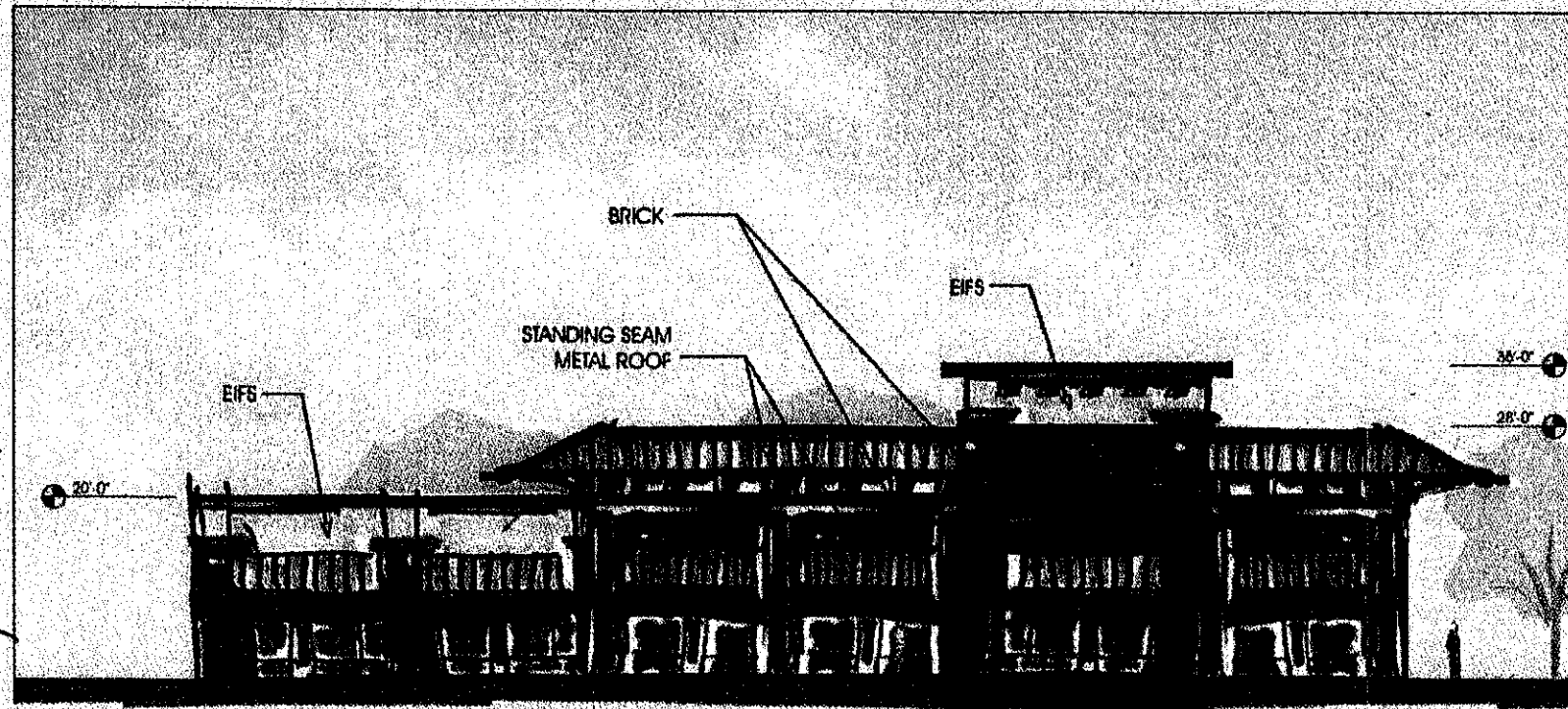
Schematic Elevation and Plan



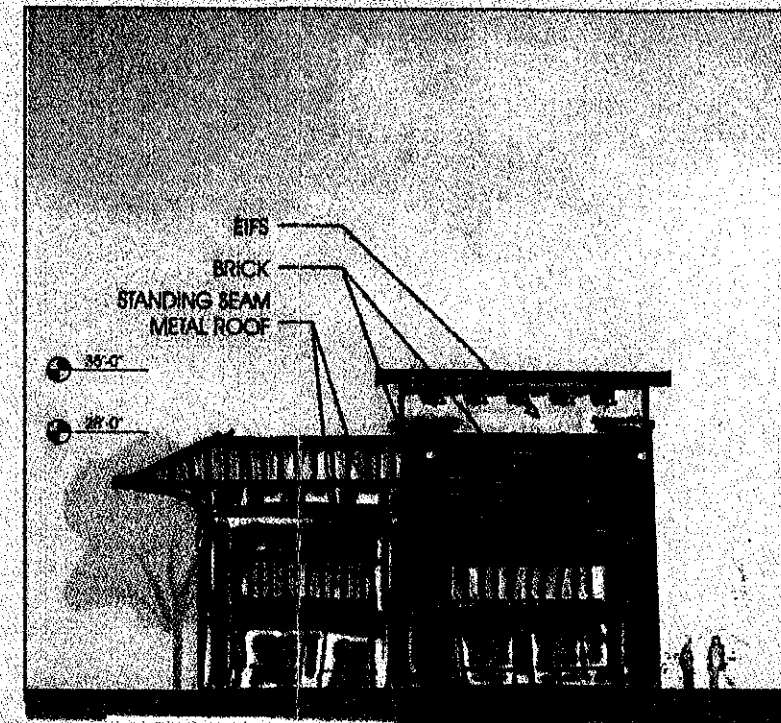
November 30th, 2006

RAMSBOTTOM COMPANY

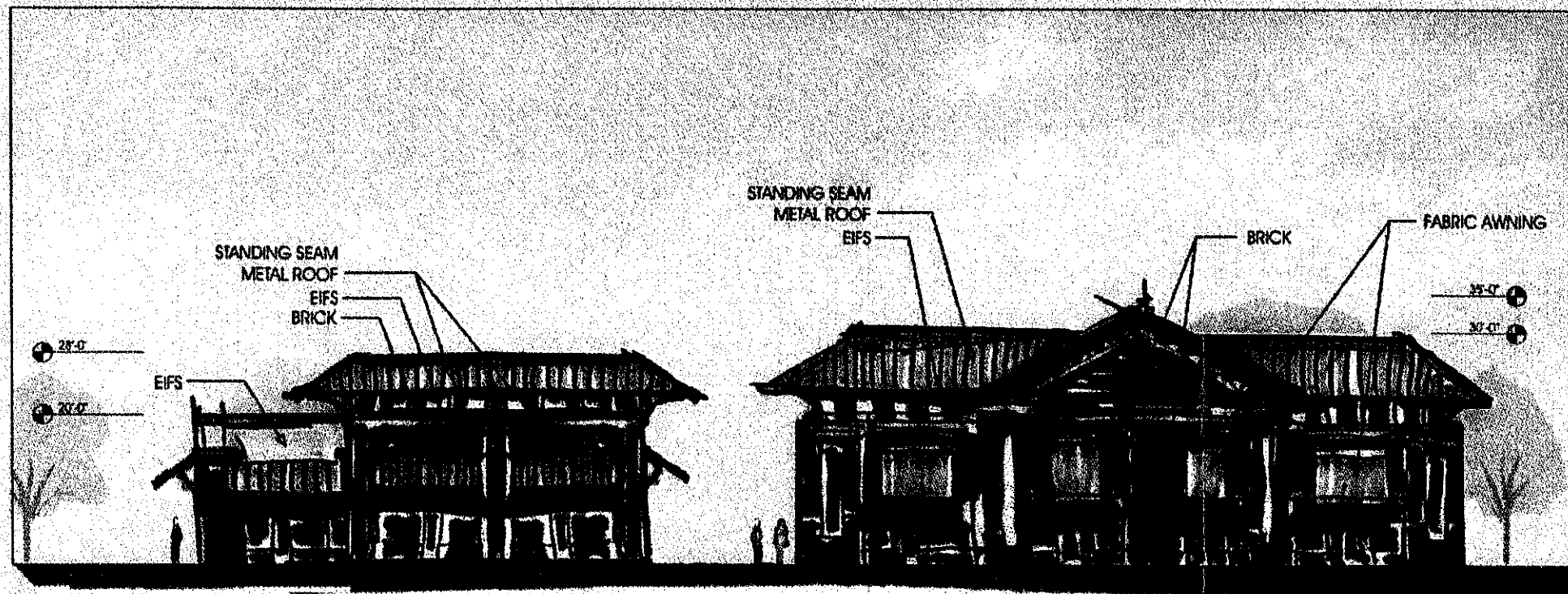
APPROVED
by M&C 4/16/07



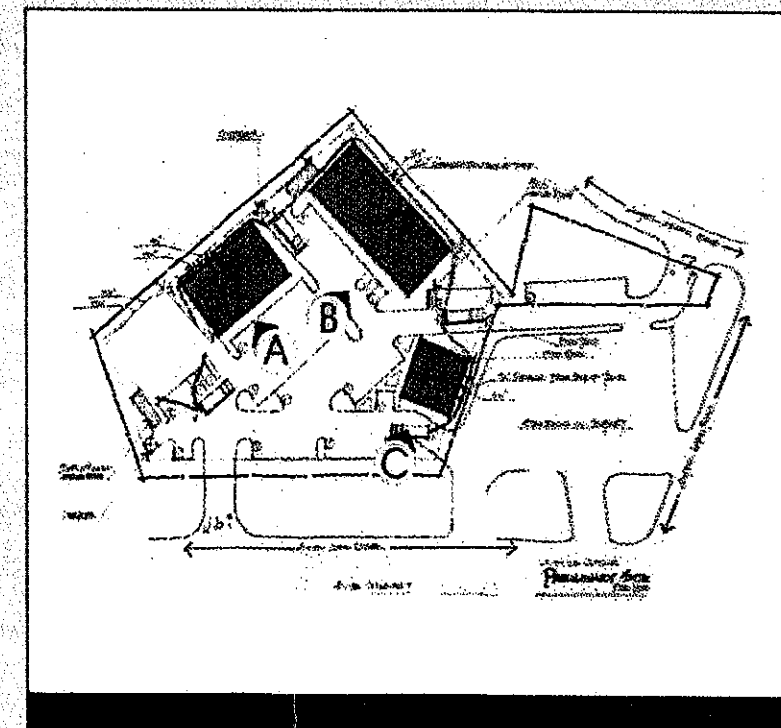
ELEVATION B



ELEVATION C



ELEVATION A



ELEVATION KEY PLAN

REVISIONS TO SCULPTURE DRAW - 2/16/07

AMENDED BY COMM. DEV.

April 2007



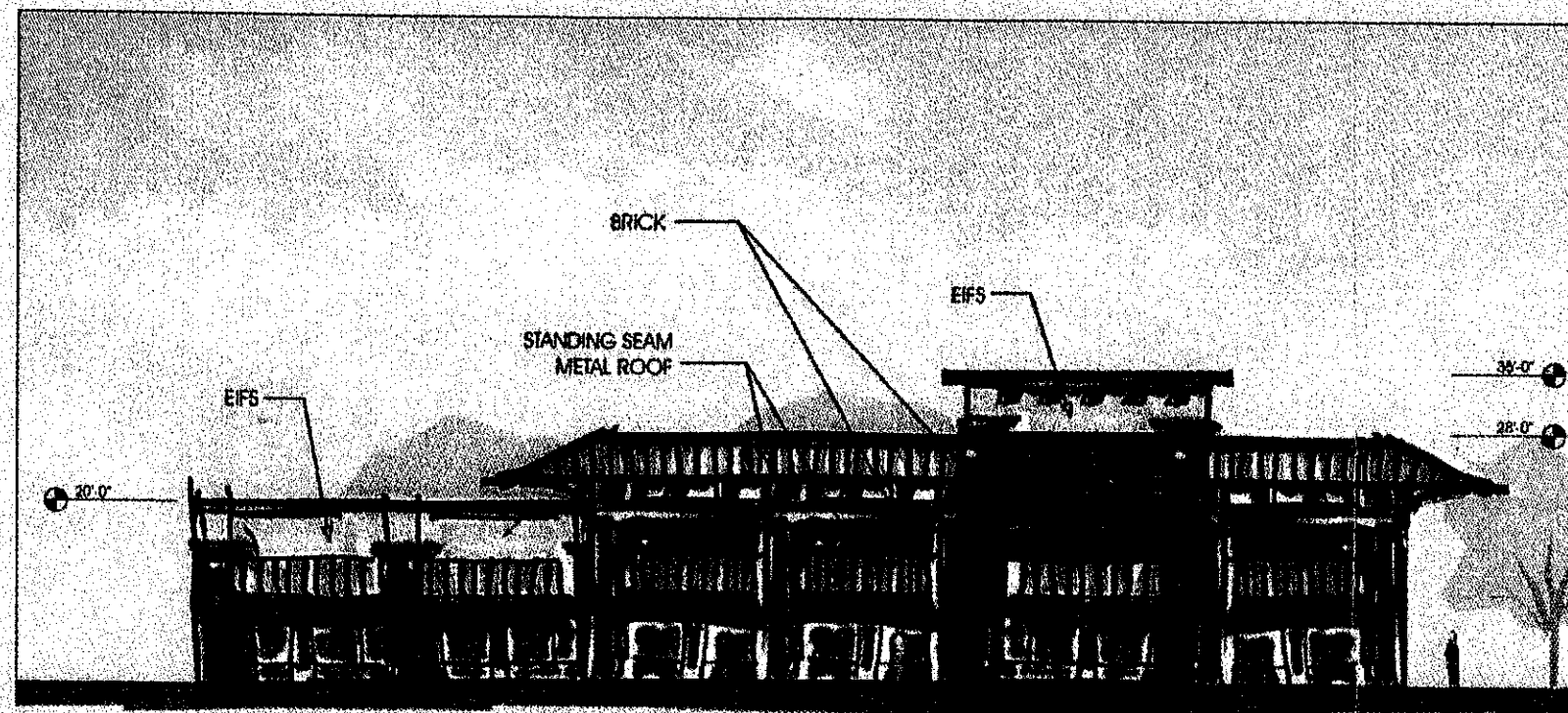
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RAMSBOTTOM COMPANY

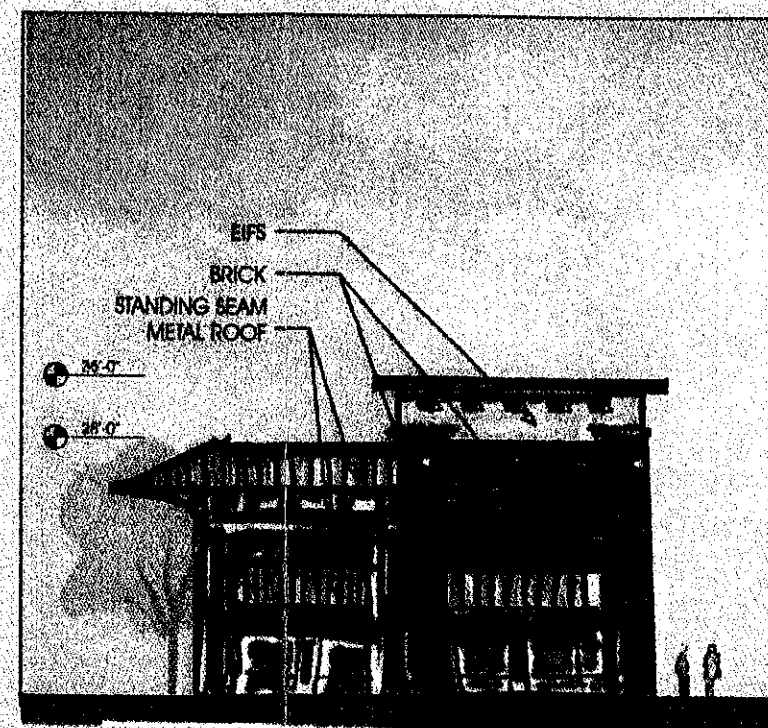
April 2007

APPROVED

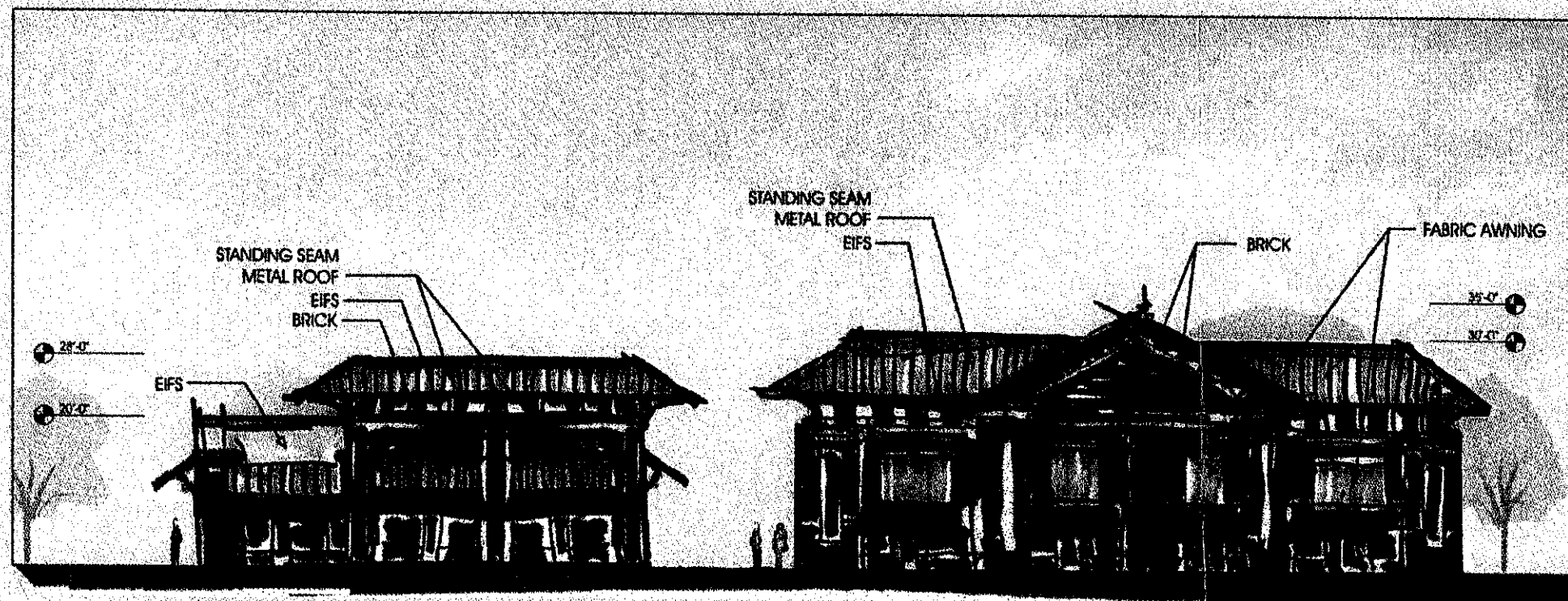
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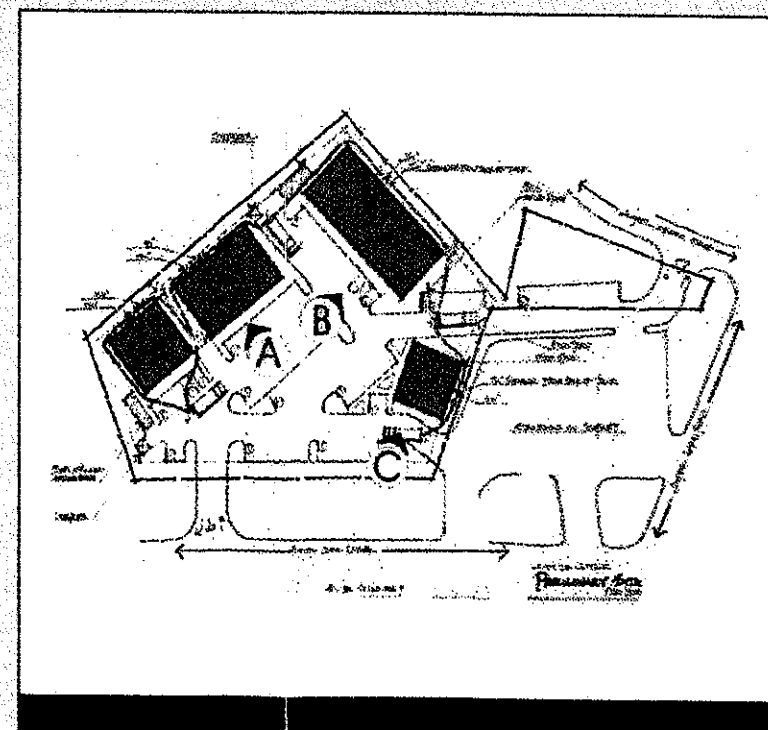
ELEVATION B



ELEVATION C



ELEVATION A



ELEVATION KEY PLAN

10111 RAMSBOTTOM COMPANY DRIVE, SUITE 200, ROSWELL, GA 30075