



Meeting Minutes - Final  
City Council

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Monday, May 15, 2017

7:00 PM

Council Chambers

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**Rollcall**

**Present:** 8 - Mayor Max Bacon, Councilmember Derek Norton, Councilmember Andrea Blustein, Councilmember Teri Anulewicz, Councilmember Charles Welch, Councilmember Susan Wilkinson, Councilmember Doug Stoner and Councilmember Ron Fennel

**Also Present:** 13 - Jennifer Bennett, Kay Bolick, Dan Campbell, Scott Cochran, Heather Corn, Terri Graham, David Lee, Russell Martin, Mary Moore, Kristin Robinson, Tammi Saddler Jones, Jered Sigmon and Scott Stokes

**Call to Order**

Mayor Max Bacon called the May 15, 2017 meeting of the Mayor and Council to order at 7:00pm.

**1. Invocation and Pledge:**

Reverend Pam McCurdy, Bethany United Methodist Church (760 Hurt Road) gave the invocation and led all in the Pledge of Allegiance.

**2. Agenda Changes:**

There were no Agenda Changes as noted by Mayor Bacon.

**3. Mayoral Report:**

**A. [2017-143](#) Proclamation in Recognition of Memorial Day Poppy Weekend (May 27-29, 2017)**

**Sponsors:** Welch

A proclamation in Recognition of Memorial Day Poppy Weekend was read aloud by Councilmember Charles "Corkey" Welch.

**B. [2017-117](#) Proclamation in Recognition of Dr. William P. Marchione**

**Sponsors:** Wilkinson

A Proclamation in Recognition of Dr. William P. Marchione was read aloud and presented by Councilmember Susan Wilkinson.

**D. Resolution presented to Whitefield Academy Boys Varsity Soccer Team who won the 1A State Championship**

*Mayor Bacon announced an item that was not on the agenda but wanted to acknowledge, because they had just won the State Championship on Friday night.*

*The Whitefield Boys Varsity Soccer Team won the first ever class A State Championship Friday, May 12th. Mayor Bacon asked Councilmember Ron Fennel to do the honors. Councilmember Ron Fennel stated that Whitefield Academy is in Ward 7 in the City of Smyrna. He read a resolution with pride that acknowledged the Whitefield Wolf Pack Varsity Soccer Team and their coaches for their victory 1A State Championship. He announced each boys name and had them stand along with the coaches.*

C. [2017-175](#)

Introduction of Campbell High School Student Government President, Harold Truong, presiding over the meeting as "Honorary Mayor"

Mayor Bacon announced, as with tradition the City of Smyrna for 15 years has had the Campbell High School Student Council President preside over the Mayor and Council Meeting as the Honorary Mayor. This year he was proud to introduce Harold Truong as the "Honorary Mayor" for May 15, 2017.

Honorary Mayor Harold Truong thanked the Mayor and Council and expressed what and honor it was to be the Honorary Mayor. He then moved into the agenda.

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

A. [2017-105](#)

Public Hearing - Zoning Request - Z17-005 - Rezoning from R-15 to R-15-Conditional for the development of five single-family residences - 2.2 Acres - Land Lot 527 - 1258 Hayes Drive - Joshua W. Hall

**Sponsors:** Stoner

*City Administrator Tammi Saddler-Jones read the following background for this item: This item is a zoning request (Z17-005) for the rezoning from R-15 to R-15-Conditional for the development of five single-family residences located on 2.2 Acres, Land Lot 527, 1258 Hayes Drive by the applicant Joshua W. Hall. Joshua W. Hall is requesting a rezoning from R-15 to R-15-Conditional for the development of five (5) new single-family homes at a density of 2.27 units per acre. Four of the proposed homes will front on and will be accessed from Hayes Drive. One of the proposed homes will front on and be accessed from King Springs Road. The proposed homes will employ traditional architecture with craftsman style features.*

*The zoning request was heard by the Planning and Zoning Board at the March 13, 2017 meeting and was recommended for approval by a vote of 4-2 with staff conditions. The Planning and Zoning Board originally heard the rezoning request to rezone the property from R-15 to RAD-Conditional. During the public hearing, citizens from the immediate neighborhood expressed concerns over the use of the RAD zoning designation and the negative precedent it would set for future development in the community. The applicant was able to modify the site plan to provide 15,000 sq. ft. lots and subsequently amended the rezoning application to request a zoning change from R-15 to R-15-Conditional. The amendment to the application addressed the citizens concerns with respect to the use of the RAD zoning designation. Since there was no significant change to the layout of the site plan, staff allowed the request to move forward to the scheduled Mayor and Council meeting without having to be re-heard by the Planning and Zoning Board. The staff analysis and recommendation have been amended to reflect the new zoning request from R-15 to R-15-Conditional.*

*The Public Hearing was called and one person came forward to be sworn in to speak in regards to this property.*

*Community Development Senior Planner Rusty Martin read additional background, showed the proposed site plan, the proposed elevations, pictures of the subject property and adjacent properties and reviewed the differences in the site plan*

presented to the Planning and Zoning Board versus what was being presented to Council for approval.

Community Development recommends approval of the zoning request from R-15 to R-15-Conditional for five single-family units at a density of 2.27 units per acre with the following 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 - 35'*  
*Exterior Side - 10'*  
*Interior Side - 5'*

Rear - 30'

14. The development shall be developed with a minimum lot size of 15,000 square feet.

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

16. The developer shall install a 5' sidewalk with a 2' grass buffer along both Hayes Drive and Kings Springs Road for the length of the property.

17. 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.

18. No storm water management facility or portion thereof shall be located on any portion of the proposed lots. The storm water management facility shall be solely located on the HOA's property and shall be maintained by the HOA.

19. 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 5/3/2017 created by Ridge Planning and Engineering.

20. The applicant shall be bound to the elevations submitted and dated 3/2/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.

21. The additional stipulations agreed upon by the applicant in the letter by Garvis Sams submitted and dated on May 3, 2017. If there should be a discrepancy between the stipulations in the May 3, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

22. There shall be substantial architectural differentiation between the proposed homes. No two homes shall have the same building elevations.

23. The driveways for lots #2 & #5 shall be permitted to encroach into the 5' driveway setback as shown on the site plan submitted 5/3/2017.

Mr. Garvis Sams represents the applicant, Mr. Hall and he was invited to the podium to review further background and answer any questions Council had regarding the property.

He spoke about meeting with residents and receiving direction from them and staff that led to the changes as seen before Council.

Public Comment was opened and Ms. S. Taylor came forward to inquire as to how far back the property goes towards her home at 1201 King View Drive. Mr. Martin reviewed the map with her.

Councilmember Stoner spoke about the remaining buffer between the development and her property as well.

Councilmember Wilkinson had a question about the storm water approved by the Planning and Zoning Board and asked if the site plan showed the access easement for maintenance purposes.

Councilmember Stoner thanked Mr. Sams and Mr. Hall for working so purposefully with the surrounding residents.

A motion was made by Councilmember Doug Stoner to approve item 2017-105, zoning request - Z17-005 - rezoning from R-15 to R-15-Conditional for the development of five single-family residences on 2.2 Acres in Land Lot 527 located at 1258 Hayes Drive the applicant is Joshua W. Hall, there was a second by Councilmember Ron Fennel.

The motion carried by the following vote:

**Aye:** 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

\*\*Clerk's Note: Council Member Ron Fennel requested that item 6B be moved up in the agenda to accommodate Tammi Saddler Jones' family.

**6 B.** [2017-184](#)

Approve the appointment of Tammi Saddler Jones as the City Administrator. Approval to enter into an employment contract between Ms. Jones and the City of Smyrna and have the Mayor sign and execute all related documents

**Sponsors:** Fennel

A motion was made by Councilmember Ron Fennel to approve item 2017-184 to formally appoint Tammi Saddler Jones as the City Administrator and to enter into an employment contract between Ms. Jones and the City of Smyrna and allow the Mayor to sign and execute all related documents; seconded by Councilmember Susan Wilkinson.

The motion carried by the following vote:

**Aye:** 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**4 B.** [2017-133](#)

Public Hearing - Zoning Request Z17-007 - Rezoning from R-15 to RAD-Conditional for the development of two single-family residences - 0.384 Acres - Land Lot 664 - 2611 Argo Drive - Anthony Lim

**Sponsors:** Anulewicz

*City Administrator Tammi Saddler-Jones read the following background for this item: This item is a zoning Request (Z17-007) for the rezoning from R-15 to RAD-Conditional for the development of two single-family residences on 0.384 Acres, Land Lot 664 located at 2611 Argo Drive by the applicant Anthony Lim.*

*Mr. Anthony Lim is requesting rezoning from R-15 to RAD-Conditional for the construction of two new single-family residences at a density of 5.2 units per acre on an existing vacant lot on Argo Drive. The proposed homes will be accessed from Bates Argo Drive through individual private drive ways. The applicant has submitted building elevations and floor plans in the rezoning application. The submitted elevations reflect a more traditional style two-story home with a mixture of exterior façade materials and architectural elements. The new homes will enhance the architectural standards of the general neighborhood.*

*The zoning request was heard by the Planning and Zoning Board at the April 10, 2017 meeting and was recommended for approval by a vote of 7-0.*

*The Public Hearing was called and a gentleman came forward to be sworn in to speak about this development.*

*Community Development Senior Planner Rusty Martin was invited to the podium and gave additional background regarding this development. He reviewed the site plan, showed the elevations, pictures of the subject property as well as adjacent properties and reviewed the conditions.*

*Community Development recommends approval of the request rezoning from R-15 to RAD-Conditional for the construction of two new single-family residences at a density of 5.2 units per acre with the following conditions:*

*Standard Conditions*

*(Requirement #2, 3, 4, 8, 9, 10 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 siding for any elevation facing these roads.*

*2. 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.

3. All utilities within the development shall be underground.
4. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
5. No debris may be buried on any lot or common area.
6. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
9. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees, 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
10. The development shall maintain the following setbacks:  
Front - 35'  
Side - 10'  
Rear - 30'
11. Driveway - 22' minimum length from building face to back of sidewalk.
12. The development shall be developed with a minimum lot size of 8,000 square feet.
13. The lots shall be developed with a minimum lot width at the setback line of 50'.
14. The homes shall have a minimum floor area of 1,800 sq. ft.
15. The developer shall provide a 5' sidewalk with a 2' grass buffer along Argo Drive for the length of the development.
16. 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.
17. Approval of the subject property for the RAD zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 4/9/2017 created by Survey Land Express, Inc. All listed stipulations above shall be addressed during the plan review process.

A motion was made by Mayor pro tem/Councilmember Teri Anulewicz to approve zoning request Z17-007 a rezoning from R-15 to RAD-Conditional for the development of two single-family residences on 0.384 acres in Land Lot 664 located at 2611 Argo Drive, the applicant is Anthony Lim, there was a second by Councilmember Charles (Corkey) Welch.

The motion carried by the following vote:

**Aye:** 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

**C.** [2017-134](#)

Public Hearing - Zoning Request Z17-006 - Rezoning from CBD-Conditional to RAD-Conditional for three single-family residences - 0.76 Acres - Land Lot 486 - 3071 and 3075 Nichols Street - Rick

**Kolb & Kimberly Norwood**

**Sponsors:** Anulewicz

*City Administrator Tammi Saddler-Jones read the background for this item:  
This item is a zoning request (Z17-006) for the rezoning from CBD-Conditional to RAD-Conditional for three single-family residences on 0.76 Acres, Land Lot 486 located at 3071 and 3075 Nichols Street by the applicants Rick Kolb & Kimberly Norwood*

*Rick Kolb and Kimberly Norwood are requesting the rezoning of 0.76 acres at 3071 and 3075 Nichols Street from CBD-Conditional to RAD-Conditional for the development of three single-family homes at a density of 3.95 units per acre. Each home in the proposed development will be accessed from Nichols Street via individual driveways. The conceptual building plans submitted with the rezoning, indicate residential elevations will employ a variety of building materials and architectural features that will enhance the architectural standards of the general neighborhood.*

*In 2008, the subject property was part of an assemblage and was rezoned (Z08-001) to CBD-Conditional for the construction a parking lot that would support a mixed use building (medical office space with condominiums above) on Concord Road. The planned development never came to fruition and the subject property went into foreclosure. The adjoining properties along Medlin Street were part of the original assemblage and were subsequently rezoned from the parking area to four detached single-family homes in 2012 (Zoning Case Z12-002) and 2013 (Zoning Case Z13-012). The homes have been constructed and are currently occupied by residents.*

*The zoning request was heard by the Planning and Zoning Board at the April 10, 2017 meeting and was recommended for approval by a vote of 7-0 with staff conditions.*

*The Public Hearing was announced and no one came forward to be sworn in to speak in opposition to or in favor of this item.*

*Senior Planner for Community Development, Russell Martin was called to the podium. He read the additional background, showed the Future Development Map, the proposed site plan, photos, etc.*

*Community Development recommends approval of the rezoning the subject property from CBD-Conditional to RAD-Conditional for three detached single-family units at a density of 3.95 units per acre with the following conditions:*

- 1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.*
- 2. The storm water 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.*
- 3. All utilities within the development shall be underground.*
- 4. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.*
- 5. No debris may be buried on any lot or common area.*
- 6. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.*
- 7. All landscape plans must be prepared, stamped, and signed by a Georgia*

Registered Landscape Architect for any common areas or entrances.

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

9. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

10. The development shall maintain the following minimum setbacks:

Front - 25' (Lots #1 & #2) and 15' (Lot #3)

Side - 10'

Rear - 25' (Lots #1 & #2) and 20' (Lot #3)

11. Each home will be a minimum of 1,800 square feet in floor area.

12. The final plat for the development shall include a right-of-way dedication of 10' along Nichols Street.

13. The approval of the rezoning of the subject property shall be in substantial conformity to the site plan submitted on March 10, 2017, titled Nichols Heights Subdivision and created by Sean Murphy. Should there be any changes during Plan Review which require minor site plan revisions; any such changes shall be subject to the review and approval of the Director of Community Development.

14. The architectural style, composition and treatment of the residences shall be in substantial conformity to the renderings/elevations submitted on March 10, 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.

Mr. Rick Kolb and Mr. Shawn Murphy were invited to the podium and Mr. Murphy is representing the applicant.

Mayor Pro Tem / Councilmember Teri Anulewicz asked about storm water runoff into the DDP Yoga Studio's parking lot.

Councilmember Susan Wilkinson asked about the registered signature being one of a Landscape Architect and not an Engineer. 18. The homes shall be built in substantial compliance with the elevations submitted and dated 3/10/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.

The Public Hearing was opened and a gentleman who is a neighboring property stated he believed the survey was incorrect and the development had included part of his property as theirs.

Mayor Pro Tem / Councilmember Teri Anulewicz spoke to him and called Mr. Martin back up to discuss the issue. The applicant was called forward to the podium with a copy of his survey.

The applicant said he had the most recent survey but he would review it with the resident and be sure to confirm the accuracy prior to building.

A motion was made by Mayor pro tem Teri Anulewicz to approve item 2017-134 a zoning request Z17-006 a rezoning from CBD-Conditional to RAD-Conditional for three single-family residences on 0.76 Acres in Land Lot 486 located at 3071 and 3075 Nichols Street the applicants are Rick Kolb & Kimberly Norwood; there was a second by Derek Norton.

The motion carried by the following vote:

**Aye:** 6 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Stoner and Councilmember Fennel

**Nay:** 1 - Councilmember Wilkinson

D. [2017-135](#)

Public Hearing - Zoning Request Z17-004 - Rezoning from

NS-Conditional to NS-Conditional for the development of a 12,350 sq. ft. daycare facility and a 4,000 sq. ft. retail building - 1.9 Acres - Land Lot 621 - 4390 South Cobb Drive - Blastoff Construction, Inc.

**Sponsors:** Stoner

*City Administrator Tammi Saddler-Jones read the following background for this item. This item is a zoning request (Z17-004) for the rezoning from NS-Conditional to NS-Conditional for the development of a 12,350 sq. ft. daycare facility and a 4,000 sq. ft. retail building on 1.9 Acres, Land Lot 621 located at 4390 South Cobb Drive by the applicant Blastoff Construction, Inc.*

*Blastoff Construction, Inc. is requesting to rezone the subject property from to NS-Conditional to modify the currently approved site plan and building elevations. The zoning proposal would reduce the overall floor area from 19,200 sq. ft. to 16,350 sq. ft. and the parking spaces from 87 spaces to 57 spaces for the development of a daycare facility and a retail building. In addition, the site would be split into two separate parcels with the daycare facility on one parcel and the retail building on another. The first parcel will be 0.55 acres in size and include a 4,000 sq. ft. retail building with 22 parking spaces. The second parcel will be 1.39 acres in size and include a 12,350 sq. ft. daycare facility with 35 parking spaces. Due to the change in uses, the change in site design and the request to subdivide the property, staff thought it was appropriate to take the property through the full rezoning process, as opposed to the zoning amendment process. Staff felt the changes were significant enough to warrant re-review by the Planning and Zoning Board, as well as the Mayor and City Council. The zoning amendment process is usually reserved for minor site modifications and adjustments.*

*The subject property was originally rezoned on April 16, 2007 from OI to NS-Conditional for the construction of 19,200 sq. ft. retail center (Zoning Case Z06-039). The conditional zoning was tied to a specific site plan that reflected three one-story retail buildings with several variances. The site has laid vacant due to the economic recession.*

*The zoning request was heard by the Planning and Zoning Board at the April 10, 2017 meeting and was recommended for approval by a vote of 7-0 with staff conditions.*

*Blastoff Construction, Inc. is requesting to rezone the subject property from to NS-Conditional to modify the currently approved site plan and building elevations. The zoning proposal would reduce the overall floor area from 19,200 sq. ft. to 16,350 sq. ft. and the parking spaces from 87 spaces to 57 spaces for the development of a daycare facility and a retail building. In addition, the site would be split into two separate parcels with the daycare facility on one parcel and the retail building on another. The first parcel will be 0.55 acres in size and include a 4,000 sq. ft. retail building with 22 parking spaces. The second parcel will be 1.39 acres in size and include a 12,350 sq. ft. daycare facility with 35 parking spaces. Due to the change in uses, the change in site design and the request to subdivide the property, staff thought it was appropriate to take the property through the full rezoning process, as opposed to the zoning amendment process. Staff felt the changes were significant enough to warrant re-review by the Planning and Zoning Board, as well as the Mayor and City Council. The zoning amendment process is usually reserved for minor site modifications and adjustments.*

*The Public Hearing was announced and several residents came forward to be sworn in by City Attorney Scott Cochran.*

*Senior Planner Rusty Martin was invited to the podium to review additional background and spoke about the building elevations, the site plan and showed pictures of the subject property as well as the adjacent property.*

*Proposed use change was significant enough to go before the Planning and Zoning Board for a hearing. Currently approved site plan shown, proposed building elevations shown, proposed site plan for applicant shown requested variances and a*

reduction in minimum lot size and reduction in the rear setback.

Proposal was to parcel out that section and remediate it and put another use on it.

This site has significant environmental constraints.

Community Development recommends the approval of the rezoning request for 4390 South Cobb Drive from NS-Conditional to NS-Conditional with the following conditions carried over from Zoning Case Z06-039:

Standard Conditions (items 1, 2, 3, 4, 8, 9, 10, 16 and 17 from Section 1201 of the Zoning Ordinance are not applicable)

1. The retention or 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 ten percent reduction in a 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 two inches 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 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".
6. The developer will comply with the city's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances. There shall be a landscaped front entrance, with monument, indicating the name of the development.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

*Special Conditions*

9. Approval of the Subject Property for NS-Conditional shall be conditioned upon the development of the property in substantial compliance with the site plan submitted May 5, 2017 and created by Metro Engineering and Surveying Company.
10. The applicant shall be bound to the elevations submitted and dated February 10, 2017. 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 evergreen buffer adjacent to the rear property line. The developer shall plant Leyland Cypress trees in accordance with Section 503 of the Zoning Ordinance 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.

23. The developer shall provide a 10' landscape buffer in accordance with Section 503 of the Zoning Ordinance along the shared property lines with the adjoining residential properties.

24. The developer shall provide an 8' privacy fence along the shared property lines with the adjoining residential properties.

25. The site design shall meet all fire safety and access requirements. The City Fire Marshal shall review and approve all plans prior to the issuance of a development permit,

Attorney Ellen Smith is representing the applicant and reviewed some additional background. She mentioned the facility will be built to accommodate up to 169 children.

She also wanted to clarify two conditions as reviewed in the Planning and Zoning Board meeting:

Condition #11 refers to standard sanitation service being between the hours of 7:00am and 8:00pm.

Condition #17 refers to the A/C unit for the daycare being placed on the ground behind a brick screen enclosure and the retail A/C will be located on the roof.

The Public Hearing was open for comment and the following residents came forward to express their concerns:

Nadia Rosen: 4349 Ivey Glenn Court, Smyrna. She asked to see the pictures of the covered A/C unit as her property backs up to this location.

A resident of Ivey Glen Court had several concerns: Traffic safety was the main concern and she cited several accidents in the area. She spoke about the protection of property and safety of nearby residents. Their homes would be more visible now by the development of this property. They will not have the coverage and tree protection the previous had to their homes. Their homes have been buffered from walking traffic on South Cobb Drive and will now be exposed to it and several homeowners work from their homes. She also mentioned the 10 foot landscape buffer and noted they felt it was not adequate. The addition of an 8' foot fence to provide as much coverage as possible would be more appropriate.

Councilmember Wilkinson asked questions of the applicant regarding the previous shared access from the Chevron station in regards to garbage pick-up. She also inquired as to the Fire Truck turn around radius.

Lee Odis 4378 Ivey Glen Way thanked Council for the discussion. He also mentioned

traffic concerns and asked if a uniformed patrol officer would help with the timing during peak hours.

Councilmember Stoner reviewed the criteria for voting against an item by Council. He opined that an officer could be helpful in the situation and there may be other options as well. He noted the property owner would have to come before City as it is a state road and Council could not make that a condition.

Jessica Ludoff, resident remarked about not finding quality daycare for almost two years in Smyrna and would welcome a new quality daycare.

Ray of 4397 Ivey Glen wanted to voice concern about traffic and children's safety.

A motion was made by Councilmember Doug Stoner to approve item 2017-135 for zoning request Z17-004 - Rezoning from NS-Conditional to NS-Conditional for the development of a 12,350 sq. ft. daycare facility and a 4,000 sq. ft. retail building on 1.9 Acres in Land Lot 621 located at 4390 South Cobb Drive the applicant being Blastoff Construction, Inc. to include changes which are stipulation 11 - Retail truck delivery shall comply with 46-1 garbage service to the property shall occur between 7:00 a.m. and 8:00 p.m and stipulation 17 - HVAC units serving the retail building shall be installed on the retail building rooftop and HVAC units serving the Day Care shall be installed behind brick inclosure screening such units view from the public right-of-way and the adjoining residential properties; there was a second made by Councilmember Ron Fennel.

The motion carried by the following vote:

**Aye:** 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

## 5. Privilege Licenses:

There were no Privilege Licenses

## 6. Formal Business:

### A. [2017-183](#) Public Hearing: First Public Hearing for the FY 2018 Proposed Budget

**Sponsors:** Fennel

*Budget Officer Jered Sigmon reviewed the budget and gave a Powerpoint presentation.*

*The total proposed budget for Fiscal Year 2018 is \$92,365,507*

*To present a balanced budget, Finance and Administration cut \$4.8M from the departments' FY 2018 budget requests.*

*The complete budget can be found online and a paper copy is located in the City Clerk's Office.*

The Fiscal Year 2018 Budget 1st of 2 Public Hearings was held. It was presented to Mayor and Council and the public by Budget Officer Jered Sigmon and Finance Director Kristin Robinson. The entire Budget presentation is located on the Smyrna Website along with the entire Budget document for FY18 at [www.smyrnacity.com](http://www.smyrnacity.com). You can also view the document in the City Clerk's Office and the front desk of the library.

There was no vote for this first public hearing.

### C. [2017-144](#) Authorization to purchase playground equipment with CDBG funds for Chuck Camp Park from Kompan via the U.S. Communities state contract at a total cost of \$149,999.43.

**Sponsors:** Wilkinson

A motion was made by Councilmember Susan Wilkinson to approve item 2017-144 to Authorize the purchase of playground equipment with CDBG funds for Chuck Camp Park from Kompan via the U.S. Communities state contract at a total cost of \$149,999.43; there was a second by Councilmember Doug Stoner  
The motion carried by the following vote:

**Aye:** 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

## 7. Commercial Building Permits:

There were no Commercial Building Permits

## 8. Consent Agenda:

*City Administrator Tammi Saddler-Jones read aloud the Consent Agenda for Council approval.*

A motion was made by Mayor pro tem Teri Anulewicz to approve the consent agenda as read aloud; there was a second by Councilmember Derek Norton.  
The motion carried by the following vote:

**Aye:** 7 - Councilmember Norton, Councilmember Blustein, Councilmember Anulewicz, Councilmember Welch, Councilmember Wilkinson, Councilmember Stoner and Councilmember Fennel

- A. [2017-176](#) Approval of Mayor and Council Meeting Minutes for May 1, 2017  
**Sponsors:** City Council
- B. [2017-177](#) Approval of the Committee of the Whole Meeting Minutes for April 27, 2017  
**Sponsors:** City Council
- C. [2017-170](#) Award RFQ 17-027 Smyrna Resurfacing Project to the lowest bidder Bartow Paving Company for \$846,109.85 and authorize the Mayor to execute any related documents. Most of the resurfacing will be funded by SPLOST, except the repaving of the parking lots at Tolleson and City Hall are CIP.  
**Sponsors:** Welch
- D. [2017-171](#) Approval of Transition of Flexible Spending Account administration from Guardian to WageWorks  
**Sponsors:** Blustein

## 9. Committee Reports:

*The Honorary Mayor invited Council to give their committee reports:  
WARD 1 - Derek Norton - No committee report but thanked the finance team for their presentation and congratulated Ms. Saddler-Jones. He also thanked the Honorary Mayor.  
WARD 2 - Andrea Blustein - No committee report and also thanked the Honorary*

Mayor.

WARD 3 - Teri Anulewicz - Thanked the Honorary Mayor and spoke about Kelsey Scott transitioning out of her role as the Vision Community Liaison. Maxwell Ruppensburg would be taking on the additional duties. She congratulated Tammi Saddler-Jones.

WARD 4 - Corkey Welch - Thanked the Honorary Mayor for presiding over the meeting and welcomed Ms. Saddler-Jones to her new position.

WARD 5 - Susan Wilkinson - No committee report but thanked the Honorary Mayor and said congratulations to Tammi Saddler - Jones.

WARD 6 - Doug Stoner - No committee report and thanked the Honorary Mayor for presiding.

WARD 7 - Ron Fennel - Noted and thanked the finance team for all their hard work on the budget presentation. He acknowledged the Certificate of Achievement received by the Finance Department on behalf of the City and the Triple A Bond rating attained again.

City Attorney Scott Cochran thanked the Honorary Mayor, congratulated Tammi Saddler-Jones and noted the excellent presentation given by Jered Sigmon. City Clerk Terri Graham thanked the Honorary Mayor.

## 10. Show Cause Hearings:

There were no Show Cause Hearings

## 11. Citizen Input:

Mr. Alex Backry, a resident on Shawnee Trail spoke about the improper removal of parking signs.

Mr. Tim R. had a few questions about the subject of per household taxes.

## 12. Adjournment:

"Honorary Mayor" Harold Truong adjourned the meeting at 9:36 PM