



# City of Smyrna

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

## Meeting Minutes - Final Planning and Zoning Commission

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Monday, March 13, 2017

6:00 PM

Council Chambers

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### 1. Roll Call

**Present:** 7 - Joel Powell, Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

**Absent:** 1 - Emily Hein Warren

**Also Present:** 5 - Ken Suddreth, Russell Martin, Joey Staubes, Bob Summerville and Heather Corn

### 2. Call to Order

The March 13, 2017 meeting of the Planning and Zoning Board was called to order by Chairman Joel Powell at 6:00pm.

### 3. Business

#### 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

*Chairman Joel Powell read the item and Senior Planner Rusty Martin was invited to the podium to review the following background:*

*This is a zoning request (Z17-005) for the rezoning from R-15 to RAD-Conditional for the development of five single-family residences on 2.2 Acres, Land Lot 527 located at 1258 Hayes Drive by the applicant Joshua W. Hall.*

*Joshua W. Hall is requesting a rezoning from R-15 to RAD-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.*

*This item would be heard before Mayor and Council on April 17, 2017 with the Planning and Zoning Boards recommendation from today's meeting.*

*The zoning map was shown and reviewed and it was noted that this development is in Ward 6. The developer intends to demolish the existing single family home and erect 5 new homes on the acreage. The zoning is requested to be changed from R15 to RAD Conditional.*

*The future Land use map was also shown and reviewed as was the proposed site plan and elevations. There will be a 20,000 sq ft. open space that will encompass the storm water detention for residents use.*

*Community Development recommends approval 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 12,000 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 3/2/2017 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 March 2, 2017. If there should be a discrepancy between the stipulations in the March 2, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

Chairman Powell asked if there were any questions for Mr. Martin from the Board and they had none at this time.

The applicant and his representative, Mr. Garvis Sams were invited to the podium.

Mr. Sams introduced himself as the representative for the applicant, Joshua Hall.

He acknowledged the review that Mr. Martin had provided and remarked that he would expand on several key points regarding the development.

Expanded on several points:

This is a 2.2 acre tract on the east side of King Springs at Hayes Drive. It is R15 to be redeveloped to RAD conditional if approved.

Community Development staff had recommended approval of all variance setbacks except the front setback and the applicant is amenable to this change.

Originally there were six homes planned for the acreage but that had since been reduced to the five homes as currently shown. The average lot size would be 13,623 sq. ft.

The development originally called for a joint driveway for the homes but had been amended to individual driveways for each home on the Hayes Drive side.

Mr. Sams noted there had been some phone calls from the community as well as established dialogue with City Staff regarding this proposal.

The developer expects the price range for this for sale homes to be between \$600,000.00 and \$750,000.00.

The architectural style will be consistent with the area although these will be newer homes but elements will be used and no two homes will have the same finished features. .

A mandatory HOA will be in place for the five homes and the HOA will be responsible for the common area and storm water detention upkeep. The developer is not opposed to a third party management company working with the HOA.

A landscape plan submitted will show screening of all utilities as well as the HVAC.

The storm water detention will be fenced and properly landscaped as well. Mr. Hall reviewed the site with City Engineer, Eric Randall.

The City's Fire Department is always very specific as to the Fire Engine (Ladder #4) that needs to be able to perform a turn radius in new developments.

Chairman Powell inquired as to whether the Board had any further questions for the applicants representative.

Boardmember Denny Campo asked if the applicant was agreeable to the recommendation to not approve the front setback made by Community Development.

Mr. Sams replied, yes they were in agreement. He also asked Mr. Sams about the five homes having different appearances and not being "cookie Cutter" in appearance and Mr. Sams spoke again about the variety of finishes as well as slight variations in

architectural styles.

Boardmember Ron Roberts inquired as to the proposed common area and asked if it would be accessible to all the public or just the five residents. Currently, the access would allow for the five homes to access it from the rear of their properties only. Mr. Sams went on to explain that the area would have accessory structures such as benches surrounding fire pits, some meandering pathways, etc. but that developers had moved away from gazebos and pavilions because of long term upkeep.

The development community had moved away from gazebos and pavilions.

Chairperson Powell called the public hearing portion of the meeting and several citizens came forward to express specific concerns about the development in the following areas:

Rebekah Nuss lives across from the development on Hayes Dr. Her concerns centered on losing the charm of the neighborhood, traffic, separation of these homes from the community, loss of trees and density.

Mike Frank, Resides on King Springs. He has concerns about front loaded garages and the safety issue that poses, a water well located on the property, he had questions about the storm water easement that will pass alongside his home and property and the lack of current sewer.

Ryan Taylor, resident on Ashwood Drive expressed concerns about the online calendar showing a different agenda and citizens not knowing about the meeting. He also was concerned about the character of the street, the density of the homes to the property, the architectural character of the front of the homes with front loaded garages and the loss of trees.

Christen Osborne resides across from the proposed development and has concerns similar to all the other speakers. The zoning does not compliment the community.

Steven Conner lives on Lee Street and is a resident of Forest Hills. His concerns continue regarding the trees that add to the character of not only the subdivision but also the City of Smyrna. He also stated that density is changing the look and feel of the neighborhood.

Adam Smith resides on King Springs and was under the impression the meeting started at 7:00pm and did not hear the portion about the trees. Chairman Powell stated the developer would like to keep as many trees as possible because "trees sell houses" as stated by Mr. Sams. Mr. Martin noted many of the trees on the front of the property were specimen size trees and it would benefit the developer to try to retain those however the arborist would make the final decision based on how much disturbance the root balls of the trees get from the construction.

Brad Nuss resides across from the development of Hayes Street and also has concerns about losing the charm and character of the neighborhood. The loss of mature landscaping, single family older homes and a community feel also were concerns.

Sue Levine of Clifford Drive was emotional when she stated this was a sad time. She opined that this development was tacky. She recollected when she first moved to the area from New York and found the Forest Hills subdivision with its character and charm and trees.

James Savage residing on Lee Street in Hickory Hills has serious concerns about the water runoff flooding his home from this development. He spoke about the nearby creek and previous conversations he said he has had with Community Development, Public Works as well as the City Engineer. Community Development Director Ken Suddreth spoke to him and expressed that staff also has similar concerns for all the surrounding neighbors and he asked Mr. Savage to get in contact with him so he could arrange for them to speak to Eric Randall again. He also reviewed the City Engineer's process for review of new developments in relation to drainage. Mr. Suddreth assured the City Engineer would address this prior to Mayor and Council.

Janet Harvey of Lee Street in Forest Hills noted that all property owners should have to

*follow the rules and variances should not be permitted.*

*Tracy B. resides on King Springs Court and noted her opposition to the building of these homes.*

*Boardmember Denny Campo made a comment to the attendees stating that he felt the Board could relate to their comments and he understands they want to keep their neighborhood the same as when they purchased it or moved into it. He noted that when development occurs, and it would occur, that what neighbors should hope for is quality that adds to the value of their homes and for neighbors that add to their neighborhood. Progress and development is happening all over and especially in Smyrna. The comments have impressed the Board but the Board does have to look at the future and the bigger picture for the City.*

*Chairperson Powell opined that this development placed elsewhere in Smyrna would have been a six to seven home development. This applicant took great care to be conservative and to utilize the variety of architectural differences so these do not look like five of the same homes side by side. He also recommended that neighbors reach out to developers and speak to them because sugar goes a lot further than vinegar and developers are willing to listen to concerns or recommendations from those that will have to live with it day after day.*

*Chairman Powell is proud to live in Smyrna. He is thankful for the respectful way that the residents of Forest Hills always conduct themselves when expressing their opinions and concerns to the Boards and Mayor and Council*

A motion was made by Boardmember Denny Campo to approve item 2017-105 for a zoning request (Z17-005) for the rezoning from R-15 to RAD-Conditional for the development of five single-family residences on 2.2 Acres Land Lot 527 located at 1258 Hayes Drive by the applicant Joshua W. Hall with conditions and recommended variances as read aloud by Community Development; seconded by Boardmember David Monroe.

The motion carried by the following vote:

**Aye:** 4 - Denny Campo, Ron Roberts, Earl Rice and David Monroe

**Nay:** 2 - Leslie Lightfoot and Cheri Harrington

**Absent:** 1 - Emily Hein Warren

#### **4. Approval of Minutes:**

##### **A. 2017-106 Approval of the February 13, 2017 Planning and Zoning Board Meeting Minutes**

A motion was made by Boardmember Ron Roberts to approve item 2017-106 for the approval of the February 13, 2017 Planning and Zoning Board Meeting Minutes; seconded by Boardmember Cheri Harrington.

The motion carried by the following vote:

**Aye:** 6 - Denny Campo, Ron Roberts, Leslie Lightfoot, Earl Rice, David Monroe and Cheri Harrington

**Absent:** 1 - Emily Hein Warren

#### **5. Adjournment**

The March 13, 2017 meeting of the Planning and Zoning Board was adjourned by Chairman Joel Powell at 7:07pm.