



City of Smyrna

Meeting Minutes - Final Planning and Zoning Commission

City of Smyrna
A.Max Bacon City Hall /
Council Chambers
2800 King Street
Smyrna, GA 30080
770-434-6600
www.smyrnacity.com

Monday, December 13, 2021

6:00 PM

Council Chambers

Rollcall

Present: 6 - Joel Powell, Charlie Phillips, Keith Bentley, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 1 - James Smith

Also Present: 0

Staff: 5 - Russell Martin, Heather Peacon-Corn, Joey Staubes, Caitlin Crowe and Dan Campbell

1. Call to Order

Chairperson Joel Powell called the December 13, 2021 Planning and Zoning Commission meeting to order at 6:00 PM.

2. Business

B. [2021-518](#)

Public Hearing - Zoning Request - Z21-015 - Allow rezoning from R-15 to NS for an antiques shop - Land Lot 522 - 0.6 acres - 2986 King Street - Antiques, Wood and Rustics, LLC - **This will be tabled to the January 10, 2022 Planning & Zoning Board meeting.**
Ward 3 / Councilmember Lindley

Boardmember Henriette Ostrzega made a motion to table until the January 10, 2022 Planning and Zoning Commission meeting item 2021-518, a public hearing and zoning request (Z21-015) to allow rezoning from R-15 to NS for and antiques shop on land lot 522 on 0.6 acres located at 2986 King Street by applicant Antiques, Wood and Rustics, LLC; seconded by Boardmember Michael Seagraves.

The motion to table until the January 10, 2022 Planning and Zoning Commission meeting carried with the following vote:

Aye: 5 - Charlie Phillips, Keith Bentley, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 1 - James Smith

C. [2021-597](#)

Public Hearing - Zoning Request - Z21-017 - Allow rezoning from OI to OD for the development of a self-storage facility - 3.3 acres - Land Lots 681 & 688 - Highlands Pkwy, Fountains Office Park LP - **The applicant requests the item be tabled to the January 10, 2021 Planning & Zoning Board meeting.**

Ward 7 / Councilmember Wheaton

Boardmember Charlie Phillips made a motion to table until the January 10, 2022 Planning and Zoning Commission meeting item 2021-597, a public hearing and zoning request (Z21-017) to allow rezoning from OI to OD for the development of a self-storage facility on land lots 681 and 688 on 3.3 acres by applicant Highlands Parkway, Fountains Office Park LP; seconded by Boardmember Michael Seagraves.

The motion to table until the January 10, 2022 Planning and zoning Commission meeting carried with the following vote:

Aye: 5 - Charlie Phillips, Keith Bentley, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 1 - James Smith

D. [2021-598](#)

Public Hearing - Zoning Request - Z21-016 - Allow rezoning from R-15 to R-8 for the development of two single-family homes at a density of 3.33 units per acre - 0.6 acres - Land Lot 450 - 985 Church Street - Dogwood Family Homes

Ward 3 / Councilmember Lindley

Joey Staubes, Planner II, presented staff recommendation for rezoning request Z21-016. The request is to be heard by Mayor and Council on January 18, 2022. The property currently has an existing single-family residence which will be demolished to become two lots for two new single-family homes. The property will be rezoned from R-15 to R-8 with no future land use change. The homes will have front entry garages. There are no variances requested with the proposal.

Staff are supportive of the rezoning and recommends approval with the following conditions:

Standard Conditions

1. The composition of the development 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 percent hardy plank siding. The residences along external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. All utilities within the development shall be underground.
3. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
4. No debris may be buried on any lot or common area.
5. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
7. 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

1. The development shall maintain the R-8 setbacks:

Front – 40'

Street Side – 7.5'

Rear – 25'

- 2. The minimum lot size shall be 13,563 sq. ft.*
- 3. The minimum lot width shall be 50 feet.*
- 4. Driveway – 22' minimum length from building face to back of sidewalk.*
- 5. The developer shall dedicate 5 ft. of right-of-way dedication along Church Street.*
- 6. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.*
- 7. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
- 8. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
- 9. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
- 10. Approval of the subject property for the R-8-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/12/2021 and created by Surveys Plus Inc. and all zoning stipulations above.*
- 11. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 11/12/2021.*
- 12. The additional stipulations agreed upon by the applicant in the letter submitted and dated on November 19, 2021. If there should be a discrepancy between the stipulations in the November 19, 2021 letter and the stipulations stated above, the stipulations stated above shall apply.*

Chairman Powell asked the applicant to provide an overview of the request. Mr. Garvis Sams came up on behalf of the applicant, Michael Yofee, of Dogwood Family Homes. Mr. Sams said that they have had several questions prior to the meeting from the public but none that would cause alarm. Mr. Sams also said that they will be custom homes.

Chairman Powell asked what questions people were curious about. Mr. Sams said that people asked about the houses' price points and square footage.

Board member Bentley asked about the overall architecture of the homes. Mr. Sams said that the elevations are a work in progress. Board member Bentley also asked the price point. Mr. Sams said the homes will be \$700k and up.

Chairman Powell opened the floor for a Public Hearing.

No one came forward in opposition to or in favor of this item.

Boardmember Keith Bentley made a motion to approve item 2021-598, a public hearing and zoning request (Z21-016) to allow rezoning from R-15 to R-8 for the development of two single-family homes at a density of 3.33 units per acre on 0.6 acres on land lot 450 located at 985 Church Street by applicant Dogwood Family Homes; seconded by Boardmember Earl Rice.

The motion to approve carried with the following vote:

Aye: 5 - Charlie Phillips, Keith Bentley, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 1 - James Smith

E. [2021-600](#)

Public Hearing - Zoning Request - Z21-014 - Allow rezoning from GC to MU-Conditional for the development of 163 multi-family units, 20,409 sq. ft. of commercial/restuarant space, and 7,700 sq. ft. clubhouse space at a

density of 23.5 units per acre - 6.9 acres - Land Lot 751 & 752 - S Cobb Drive & Oakdale Road - Arris Holdings

Ward 7 / Councilmember Wheaton

Joey Staubes, Planner II, presented staff recommendation for rezoning request Z21-014. The request is to be heard by Mayor and Council on January 18, 2022. There is currently one commercial building over 8 lots. The applicant will demolish the structure and create a Mixed-Use development. There will be no future land use change. The three new buildings will comprise of 163 apartment units with 20,000 sq ft commercial and a 7,700 clubhouse. There will be a one level parking deck and 316 surface parking spaces. There will be a pool courtyard with an accompanying plaza with public art. The site will have underground stormwater retention.

The applicant is requesting five variances, all of which the staff supports:

1. A reduction in required parking from 460 spaces to 402 spaces (Section 901);
2. Eliminate the requirement to have a consistent building edge along a public sidewalk (Section 720.9(5));
3. To allow off-street parking between the building and the right-of-way (Section 720.9(6));
4. Allow front setback greater than 20 feet (Section 720.3 (c)(1); and
5. Allow side setback greater than 20 feet (Section 720.3 (c)(2)).

Staff are supportive of the rezoning and recommends approval with the following conditions:

Standard Conditions

1. The composition of the buildings in the development shall include a mixture of elements including; but not limited to: brick, stone, shake, Hardie Plank and stucco. No elevation shall be comprised of 100 percent Hardie Plank siding.
2. The retention 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.
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. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
6. No debris may be buried on any lot or common area.
7. 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".
8. 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.
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 sodden, and landscaped. Irrigate as appropriate.

Special Conditions:

13. The development shall maintain the following building setbacks from the Mixed-Use District:

Minimum Setbacks:

Front – 20'

Side – 10'

Rear – 40'

Maximum Building Setbacks:

Front – 50'

Side – 70'

14. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

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

16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

17. The developer shall provide a 5' sidewalk with 2' grass strip along S Cobb Drive and Oakdale Road for the length of the development. There shall be sidewalk connection from the public sidewalk to each building.

18. Prior to the issuance of a Land Disturbance Permit the traffic study and site plan shall be reviewed by Georgia Department of Transportation (GDOT).

19. The development shall not be gated. The parking deck may use gates to control access.

20. A dedicated right turn lane/deceleration lane will be required for the entrance on SR 280. The right turn lane will need to be off the existing lanes on SR 280 and three existing through lanes on SR 280 will need to be maintained.

21. An acceleration lane will be required for the exit on SR 280. The hatching on the recently submitted site plan will need to be removed. Please maintain the existing roadway geometry on SR 280.

22. A deceleration lane will be required for the entrance on Oakdale Road.

23. Tree removal will be required for any trees within the sight distance triangle on Oakdale Road.

24. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 940 square feet. (Section 720.9(2) of the Zoning Ordinance).

25. The development will include a minimum of 402 parking spaces per the current density shown. A reduction in the residential units caused by unforeseen site constraints would cause a commensurate reduction in parking to be reviewed by the Director of Community Development.

26. Parking for the commercial, retail and apartments within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ "shared" parking among the respective components and will provide sufficient and adequate parking for the total development.

27. The parking deck shall provide a decorative brick exterior on the north, east, and south elevations.

28. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.

29. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City's regulations.

30. The maximum number of residential units shall not exceed 163 Class A amenitized multi-family units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.
31. All apartment units shall be maintained in a Class A/First Class manner.
32. The multi-family units shall include the following interior finishes:
 - i. Minimum nine-foot (9') ceilings;
 - ii. Forty-two inch (42") upper cabinets in the kitchen;
 - iii. Pendant lighting shall be utilized in the in the kitchen area of the units and flush-mount LED can lighting shall be used in both the kitchen and dining areas of the units;
 - iv. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;
 - v. Sheet vinyl flooring and VCT vinyl flooring shall be prohibited;
 - vi. Tile flooring shall be required in both the kitchen and bathrooms including luxury vinyl tile (i.e. not sheet vinyl or VCT);
 - vii. All bathrooms shall have tub/shower surrounds with an aesthetic similar to tile;
 - viii. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;
 - ix. All kitchen counter tops shall be horizon style counter tops; and
 - x. All kitchen sinks shall be under-mounted stainless-steel sinks.
33. The approximate mixture of unit types shall consist of the following: sixty-four percent (64%) one bedrooms, thirty-four percent (34%) two bedrooms, and two percent (2%) three bedrooms.
34. A minimum of 10% of the multi-family units will be designated as work-force housing affordable to households earning between 80% and 120% of the area median income, with rents capped at 30% of monthly income.
35. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted December 3, 2021 and created by Kimley-Horn and all zoning stipulations above.
36. The applicant shall be bound to the conceptual elevations submitted on December 3, 2021. Approval of any change to the elevations must be obtained from the Director of Community Development.
37. All structures on the subject property shall be demolished within nine (9) months of approval by the Mayor & Council.

Chairman Powell asked the applicant to provide an overview of the request. Mr. Parke Lammerts Came up as the applicant. Mr. Lammerts wants to rezone to a Mixed Use project with class A apartments. The project will be a mix of apartments and commercial space. They will try to target local restaurant businesses and will have 10% allocation to work force housing. Each unit will rent for \$1,800-\$3,000 per month (lower for workforce housing) and will have class A amenities. The site will have valet trash so there will be no dumpster will be onsite. There will be a 12-ft green drive median leading into the development. The applicant asked for a parking variance since they base their calculations on based on a per bedroom calculation (1 space per bedroom) and said clubhouse will only be used by residents.

Board member Ozstrega asked about affordable housing since she had heard the goal was 15-20%. Mr. Lammerts said that economic constraints required them to strip down some units. Board member Ozstrega also asked about the green space. Mr. Lammerts said that there would be a green median about 12 ft wide on length of building. The pool area has green space, and the park area has an art area. Board member Ozstrega said she would have wanted more green space and asked about ratio of commercial space to restaurants. Mr. Lammerts said he will not market until after zoning, but he is thinking roughly 3,000 sq ft of restaurant. They wanted more but

restaurants are parking intensive, so he had to trim down the restaurant amount. There will be work/live office space and local boutiques. They are looking for less-parking intensive shops. Board member Ozstrega said the traffic study was done at very specific hours but that the intersection is busy for longer periods of time. Mr. Lammerts said that they worked with GDOT on the traffic study and that GDOT did not have any recommendations. Board member Ozstrega also clarified that the rent seemed high, but Mr. Lammerts said he is confident it is in line with other developments.

Chairman Powell opened the floor for Public Hearing.

Drue Robidoux - 2150 Oakdale Estates Ct - lives across the street and was just now informed. She was shocked to see that there will be another apartment complex since there are already so many. She said there is already terrible traffic and this will just make it worse. She is also concerned since her house will now face a parking garage.

Boardmember Henriette Ostrzega made a motion to deny item 2021-600, a public hearing and zoning request (Z21-014) to allow rezoning from GC to MU-Conditional for the development of 163 multi-family units at 20,409 sq. ft. of commercial/resturant space and 7,700 sq. ft. of clubhouse space at a density of 23.5 units per acre on 6.9 acres on land lots 751 and 752 located at S Cobb Drive and Oakdale Road by applicant Arris Holdings.

The motion to deny failed for lack of second.

Boardmember Charlie Phillips made a motion to approve item 2021-600, a public hearing and zoning request (Z21-014) to allow rezoning from GC to MU-Conditional for the development of 163 multi-family units at 20,409 sq. ft. of commercial/resturant space and 7,700 sq. ft. of clubhouse space at a density of 23.5 units per acre on 6.9 acres on land lots 751 and 752 located at S Cobb Drive and Oakdale Road by applicant Arris Holdings; seconded by Boardmember Earl Rice.

The motion to approve carried with the following vote:

Aye: 4 - Charlie Phillips, Keith Bentley, Earl Rice and Michael Seagraves

Nay: 1 - Henriette Ostrzega

Absent: 1 - James Smith

A. [2021-132](#)

Public Hearing - Zoning Request - Z21-004 - Allow rezoning from Future Commercial (FC) to Limited Commercial (LC) for use as a professional office - 0.25 acres - Land Lot 485 - 1120 Concord Rd - Jeremy Robinson
Ward 3 / Councilmember Lindley

The applicant was not present.

Boardmember Charlie Phillips made a motion to table until the January 10, 2022 Planning and Zoning Commission meeting item 2021-132, a public hearing and zoning request (Z21-004) to allow rezoning from Future Commercial (FC) to Limited Commercial (LC) for use as a professional office on 0.25 acres on land lot 485 located at 1120 Concord Road by applicant Jeremy Robinson; seconded by Boardmember Earl Rice.

The motion to table until the January 10, 2022 Planning and Zoning Commission meeting carried with the following vote:

Aye: 5 - Charlie Phillips, Keith Bentley, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 1 - James Smith

3. **Approval of Minutes:**

A. [MIN2021-83](#) Approval of the November 8, 2021 Planning and Zoning Commission Meeting Minutes.

Boardmember Earl Rice made a motion to approve item MIN2021-83 the November 8, 2021 Planning and Zoning Commission Meeting minutes; seconded by Boardmember Michael Seagraves.

The motion to approve carried with the following vote:

Aye: 5 - Charlie Phillips, Keith Bentley, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 1 - James Smith

4. **Adjournment**

Chairperson Joel Powell adjourned the December 13, 2021 Planning and Zoning Commission meeting at 7:00 PM.