



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, November 14, 2022

6:00 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 8 - Charlie Phillips, Joel Powell, Jonathan Howard, Keith Bentley, Earl Rice, Jill Gordon-Evans, Michael Seagraves and Henriette Ostrzega

Also Present: 0

Staff: 4 - Tyler Addison, Russell Martin, Heather Peacon-Corn and Joey Staubes

1. Call to Order

Chairperson Joel Powell called to order the November 14, 2022 Planning and Zoning Commission meeting held at A. Max Bacon City Hall in Council Chambers at 6:00 PM.

2. Business

[2022-567](#)

Move item E. 2022-556 to be heard before item D. 2022-557.

Boardmember Henriette Ostrzega made a motion to approve item 2022-567, an agenda change to hear item E. 2022-556 before item D. 2022-557; seconded by Boardmember Charlie Phillips.

The motion to approve carried with the following vote:

Aye: 7 - Charlie Phillips, Jonathan Howard, Keith Bentley, Earl Rice, Jill Gordon-Evans, Michael Seagraves and Henriette Ostrzega

A. [2022-520](#)

Approval of the 2023 Planning and Zoning Board Meeting dates as attached.

Ward / Citywide

Boardmember Michael Seagraves made a motion to approve item 2022-520, the 2023 Planning and Zoning Commission meeting dates as attached; seconded by Boardmember Jill Gordon-Evans.

The motion to approve carried with the following vote:

Aye: 7 - Charlie Phillips, Jonathan Howard, Keith Bentley, Earl Rice, Jill Gordon-Evans, Michael Seagraves and Henriette Ostrzega

B. [2022-552](#)

Public Hearing - Z22-013 - Special Land Use Permit to allow a modular classroom - 8.09 acres - Land Lot 596 - 3130 Atlanta Road - David Stallings - *This item will be tabled to the December 12, 2022 Planning & Zoning Board meeting.*

Ward 6 / Councilmember Gould

Boardmember Michael Seagraves made a motion to table to the December 12, 2022 Planning and Zoning Commission meeting item 2022-552, a public hearing and special land use permit (Z22-013) to allow a modular classroom on 8.09 acres on land lot 596 located at 3130 Atlanta Road by applicant David Stallings; seconded by Boardmember Jonathan Howard.

The motion to table this item to the December 12, 2022 Planning and Zoning Commission meeting carried with the following vote:

Aye: 7 - Charlie Phillips, Jonathan Howard, Keith Bentley, Earl Rice, Jill Gordon-Evans, Michael Seagraves and Henriette Ostrzega

C. [2022-551](#)

Public Hearing - Z22-012 - Special Land Use Permit to allow a modular office - 3.59 acres - Land Lot 560 - 1845 Freeman Pkwy - Adam Spence - *This item will be tabled to the December 12, 2022 Planning & Zoning Board meeting.*

Ward 7 / Councilmember Wheaton

Boardmember Henriette Ostrzega made a motion to table to the December 12, 2022 Planning and Zoning Commission meeting item 2022-551, a public hearing and special land use permit (Z22-012) to allow a modular office on 3.59 acres on land lot 560 located at 1845 Freeman Pkwy by applicant Adam Spence; seconded by Boardmember Charlie Phillips.

The motion to table this item to the December 12, 2022 Planning and Zoning Commission meeting carried with the following vote:

Aye: 7 - Charlie Phillips, Jonathan Howard, Keith Bentley, Earl Rice, Jill Gordon-Evans, Michael Seagraves and Henriette Ostrzega

E. [2022-556](#)

Public Hearing - Zoning Request - Z22-011 - Allow a rezoning from R-15 to NS for an 8,000 sq. ft. retail business - 0.91 acres - Land Lot 700 - 3410 Atlanta Road - Grow Smyrna

Ward 6 / Councilmember Gould

Russell Martin, Community Development Director, provided the following background:

Grow Smyrna is requesting a rezoning from R-15 (Residential) to NS-Conditional (Neighborhood Shopping) for the ability to develop an 8,000 sq. ft. retail building for Neighborhood Feed & Seed. The subject property is zoned R-15 and is vacant, however it was formerly occupied with a single-family home. The applicant is requesting to rezone the property to NS-Conditional to allow a zoning district that permits small retail uses.

The City Engineer has reviewed the proposed rezoning and supports a full access drive for the site. A sight distance analysis was provided to ensure there is appropriate visibility for northbound and southbound turning movements at the full access drive. Additional easements may be required if any portion of private property is within the sight distance triangle and existing vegetation within the sight distance triangle will need to be removed. Based on historical sales data, the proposed business will generate approximately 40 trips per day. Given the current zoning of R-15, approximately 2 homes could be built on the subject property. The ITE manual estimates that a single-family home generates 9.52 trips per unit, which equates to

19.04 trips per day. If the property was developed to the 6 units per acre allowed by the Future Land Use Plan, the 6 units would create 57.12 vehicle trips per day. Therefore, the proposed rezoning would have no greater than impact to the road network than a residential use of the property that meets the City's Future Land Use designation of Medium Density Residential (6 units per acre). The zoning proposal should not change the current level of service for Atlanta Road based on the trip generation from the business.

There have been concerns raised regarding the proposed entrance and its impact to the Devonshire neighborhood and children using the Atlanta Road corridor for school. The proposed full access entrance will not impact the existing deceleration lane for the Devonshire neighborhood. In addition, the full access drive will have a fully striped crosswalk and stop bar for pedestrian crossing. Finally, the current design should not impact the school bus pick up and drop off because the stop shall remain in the deceleration lane and will stop all traffic on Atlanta Road due to no median in the roadway. Also, the opening for the business is at 9:30 am, which is after the bus pick up in the morning.

The City Engineer has reviewed the proposed rezoning with respect to stormwater management and stream buffer issues. Stormwater management will be provided by a detention facility at the front of the property. The stormwater from the site will be managed within the proposed detention facility and will then be discharged into the City's stormwater system in Atlanta Road. There are no stream buffers affecting the property.

The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access.

One of the main responsibilities of the City's Economic Development Department is business retention within the city. Neighbor's Feed and Seed is a successful home-grown business within the city. They were originally located off Roswell Street in the Williams Park neighborhood, surrounded by single-family homes. The property they operated from was sold, which left them looking for a new location. The City's Economic Development Department has assisted Neighbor's Feed and Seed with finding new locations within the City of Smyrna since January of 2022. The locations provided by staff were either too costly or did not meet the operational parameters for the business. In addition, the city currently has a low vacancy rate and there are not many commercial locations available. The applicant found the subject property on their own and proceeded through the rezoning process.

One of the main economic development goals of the City's Comprehensive Plan is the retention of successful businesses. A low intensity neighborhood orientated business that serves both the immediate neighborhood and the city as a whole is a benefit to the city. The Atlanta Road corridor has similar uses and zoning up and down the corridor. This zoning would develop one of the last remaining developable tracts in the Atlanta Road corridor.

The applicant is proposing a rezoning from R-15 to NS-Conditional for the construction of an 8,000 sq. ft. retail business. The development will include a full-access drive on Atlanta Road. A 10 ft. landscape buffer is provided along the north, south, and east perimeter, and a 15 ft. landscape buffer will be provided along Atlanta Road. The business will provide 20 parking spaces for the development. Based on the applicant's historical sales data the business is estimated to have less than 40 cars a day, with no peak period. Therefore, a reduction to 20 spaces is sufficient to provide ample

off-street parking for the business for the operational hours of 9:30 am to 5:30 pm.

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to Neighborhood Shopping requires a Land Use change to NAC (Neighborhood Activity Center). In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

Housing:

Policy 1.1 - Ensure adequate buffering and screening in order to protect residential neighborhoods from negative impacts of adjacent incompatible development.

Economic Development:

Policy 4 - Attract and retain a diverse variety of businesses in order to provide quality employment opportunities for residents and maintain a healthy tax base.

Policy 4.5 - Focus some economic development activities on retention, expansion and support of existing businesses

Land Use:

Policy 13.1 – Provide for a reasonable accommodation of a broad range of land uses within the City.

Policy 13.2 - Encourage an appropriate transition of type and scale between established neighborhoods and activity centers

The Comprehensive Plan identifies Atlanta Road as a priority redevelopment corridor on the Policy Map and Priority Redevelopment Areas Map.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a retail business in the NS Zoning District. The proposed development meets most of the zoning requirements for a retail business however, variances are required for the following:

- 1. Allow an increase in a retail building size from 5,000 sq. ft. to 8,000 sq. ft. (Section 711.13 of the Zoning Ordinance) (Staff Supports); and*
- 2. Reduction of required parking spaces from 44 to 20 spaces. (Section 906.10 of the Zoning Ordinance) (Staff Supports).*

A rezoning to GC (General Commercial) would eliminate the need for a variance for the size of the building. However, staff supports the variance for the NS zoning district given that GC allows all commercial and retail uses, while NS is much more restrictive regarding the allowable uses and eliminates the amount of uses that a potential owner would be entitled to if the zoning is approved. Rezoning the property to NS as opposed to GC would reduce the number of permitted uses from 105 permitted uses down to 17 permitted uses.

The proposed conditional zoning ties the zoning of the property to the site plan and building elevations approved during the rezoning process. Should the applicant decide not to move forward with the approved plan and decide to change the plan, they would be required to come back to the Mayor and City Council for approval of the change, which would require a formal public hearing on the proposed change.

Community Development recommends approval of the rezoning from R-15 to NS-Conditional at 3410 Atlanta Road with the following conditions:

Standard Conditions

Requirements # 1, 2, 3, 4, 5, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning

Code are not applicable. The following requirements remain applicable.

1. All utilities within the development shall be underground.
2. 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.
3. No debris may be buried on any lot or common area.
4. 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.
5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

7. The development shall maintain the following setbacks:
Front – 50'
Side – 10'
Rear – 30'
8. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
9. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.
10. The developer shall provide right-of-way dedication along both Atlanta Road if required for the sidewalk to be located on public property.
11. Additional easements may be required if any portion of private property is within the sight distance triangle.
12. Existing vegetation within the sight distance triangle shall be removed.
13. The development shall provide a 10' landscape buffer on all sides that adjoin single-family property, except the Atlanta Road frontage will shall provide a 15' landscape buffer.
14. A double row of trees shall be planted along the western property line.
15. Any wall visible from the right-of-way shall have decorative screening.
16. The access on Atlanta Road shall include crosswalk striping, ADA ramp, and stop bar at the entrance.
17. Any repair or replacement of the sidewalk on Atlanta Road shall be a minimum width of 10 feet.
18. There shall be no bells, whistles, or outdoor paging systems permitted on-site.
19. Any proposed dumpsters shall be surrounded by a three-sided brick or stucco enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.
20. Any utility boxes, HVAC components, or accessory components to the commercial building shall be screened from the public right-of-ways and adjoining property owners.
21. Deliveries and trash pick-up shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m.
22. The commercial building shall have entry doors along Atlanta Road.
23. The following uses shall be prohibited on subject property:
 - Automobile service station
 - Emission and inspection station
 - Package store
24. Approval of the subject property for the NS zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan

submitted 11/10/2022 and created by Paul Lee Consulting Engineering Associates, Inc. and all zoning stipulations above.

25. The applicant shall be bound to the elevations submitted on 9/27/2022. Approval of any change to the elevations must be obtained from the Director of Community Development.

Eric Randall, City Engineer/Public Works Director, discussed site distance analysis. Overgrowth currently compromises site distance and needs to be cleared per stipulation. Mr. Randall stated that if he felt any issues that are currently compromising site distance safety were not going to be addressed by the applicant, he would not support this, but he feels certain these issues will be resolved appropriately.

Kevin Moore, representing the applicant, came forward. Mr. Moore spoke about the Comprehensive Plan and how this meets priorities set forth in the Comprehensive Plan as it would be located on Atlanta Road and could co-exist with mixed use, residential, and commercial properties. Mr. Moore also discussed traffic impact. He stated it is a low-intensity retail business, even if compared to a townhome community - it will not cause hardship on roads or add to traffic concerns. An economic development goal is to retain homegrown businesses, and this Neighborhood Feed-N-Seed is a homegrown business in a location that fits.

Boardmember Phillips stated he likes the architecture of the building but mentioned a concern which is the larger footprint from 5,000 sq. ft to 8,000 sq. ft. He asked what was driving the need for the larger building. Mr. Moore stated it does not reflect an increase in customers, but rather it reflects a more comfortable customer experience within the store as well as accommodate more office space and storage space. The required parking study that was completed showed that there are roughly no more than 40 spaces needed. Boardmember Howard stated that though the current nature of the store requires fewer spaces, because of the location on Atlanta Road and potential future growth, the assumption would be more traffic and more need for additional spaces. Mr. Moore stated that the intention is not to increase customer base because they enjoy the neighborhood feel, and they do not see the need for additional parking. Boardmember Bentley asked how long the business has been in operation in Smyrna. Bill Lobe, owner, answered that it is over a hundred years old. It was in the Williams Park neighborhood since 1976. Mr. Bentley asked what the construction timeline would be and what the financial investment is in the project. Mr. Lobe stated that he hopes to be in the new location by early summer. The financial investment is approximately \$1 million. Boardmember Gordon-Evans asked if they have been approached by someone who is in opposition that would be in support if they decreased the size of the building. Mr. Lobe stated no one has stated such. Boardmember Ostrzega asked if they have a plan for overflow parking because the concern is that overflow parking would end up in the subdivision. Mr. Lobe stated there is no discussion about overflow parking and there has been no need for it in the past.

Chairperson Powell opened the public hearing.

Chris Norek - 2005 Belridge Ct - president of the HOA of Devonshire Court. The community is a 67-home neighborhood with many families with children. People will park in the neighborhood to pick up kids from school, and some kids walk to school from there. The intersection is a school bus stop as well as a turnout for the subdivision. He has significant concerns about traffic.

Nkateko Okwera - 2019 Belridge Ct - stated she has two kids. The bus drops the kids off right there at the property in question, and there are no sidewalks, and the kids just

run. She stated she does not like the property as it is because it is an eyesore, and she has no problem with the business. Her concern is mainly about safety. Currently people use the subdivision pool parking as overflow, and kids run through that area. Foot traffic in the neighborhood is high, and she asked what can be done for safety to stop people from using the neighborhood as a turnaround and overflow parking. Is there consideration for a traffic light or a crossing guard?

Josh Daugherty - 3027 Ivory Trl - is a resident and business owner in Smyrna. Mr. Daugherty has been helping out at the business since it moved, and he realized how much of a community resource it is, how it brings the community together. He stated he also shares the concerns about children safety, and he sees the business as a safe place for kids to be dropped off to be safe. He stated that they want to be part of the solution, help make things beautiful, teach people to eat healthier and make their properties more beautiful. He stated he is 100% in support of this business.

Rosann Gapusan - 2010 Belridge Ct - thanked the Commission for responding and keeping an open dialog. Ms. Gapusan spoke specifically about traffic concerns. There have been many accidents, fender benders, and near misses. The site lines will not be fixed by removing the overgrowth. She stated she supports Smyrna and local businesses, but she worries about the food trucks that Mr. Lobe hosts at his business on weekends because it adds so much traffic. The traffic is already dangerous without the business being there yet. She urged the commission to resolve these concerns before making a decision.

Christopher Bellizzi - 2020 Belridge Ct - has a property that abuts the site in question. He stated he does not want to have a commercial business in his backyard not only because of the potential of the eyesore from his property, but also because his property sits lower than the property in question, he is concerned about runoff. He also stated that his second floor windows face the property in question which could create problems with light from the commercial property entering his home. The dumpster would also be very close to his property.

Bryson Cook - 2023 Belridge Ct - spoke about the runoff into the neighborhood. He stated he feels the process has been a little rushed, but also he prefers this business over something like a more high-volume CVS. His concerns center around runoff and how it could negatively affect the neighborhood.

Marissa Maldonado - 1548 Roswell St - Williams Park resident. She stated her house faces the old Feed-N-Seed, and she understands the traffic concerns, but there really were not any issues that she experienced. The food trucks that were brought in was during the pandemic which was really great for the community, but the traffic was not an issue at all. She stated that the Feed-N-Seed is missed in Williams Park. She believes they will be good neighbors to Devonshire Court subdivision.

Kate Conner - 3700 Lee St - She stated that the store offers neighborhood beautification, and the number of yards the store has helped and impacted positively is wonderful.

Angelica Hurtado - 3406 Belridge Dr - stated she loves the area. Her residence is one of those that backs up to the property in question, and her concerns are similar to others - drainage issues, water pollution, light pollution. She stated no one can guarantee what will happen to this property after the Feed-N-Seed is no longer there. What business will take its place? The most important issue, though, is the children and their safety.

Stokes O'Shields - 122 Rondak Cir - moved to the area in 2020. She stated she is very supportive of this business and is in favor of the move. She also is a proponent for traffic calming in this area. She stated this is not a Feed-N-Seed issue, this is an ongoing City issue. She believes both the Feed-N-Seed should be approved and traffic calming for the area should go forward as well.

Darby Gracey - 3503 Belridge Ct - stated they are incredibly concerned about traffic and safety. Several parents in the neighborhood has to work directly with the principal of the middle school and the police department to stop people from parking in their pool parking lot, and this is without a business being on the property in question.

Joseph Martinez - 3400 Mallard Cv - he stated that Neighbors Feed-N-Seed has helped he and his family be more self-sufficient and bring more songbirds to his yard. He likes the small businesses. He understands the concerns about traffic, but believes the benefits outweigh the concerns.

Stephanie Eaddy - 3413 Belridge Dr - stated her children attend St. Benedicts. She stated she and her father have shopped at the Feed-N-Seed, but she does not feel like this is a good spot for this business. She stated it is like a square peg in a round hole. There is no traffic light, and the business is surrounded on three sides by residences. When it was in Williams Park, she experienced having to park across the street, and she does foresee that could be a problem with Devonshire Court. She stated she agrees the property is an eyesore right now, but that should be addressed with the current property owner. She expressed concerns that the location will grow the business, and there will be deliveries, large pallets, etc. There is no way to determine the impact this business will have on traffic.

Jessica DeLa Guera - 2775 North Ave - stated small business are the heart of Smyrna. From her experience with Neighbors Feed-N-Seed, she believes they would have a safe place for kids. She believes this is a great opportunity for the neighborhood.

Shaun Martin - 2884 Anderson Cir - She stated there is an opportunity to bring the neighbors and businesses together to find a solution. She spoke about the low points on the site plan and detention plans. Water runoff can be an issue as she has had her own experiences with that in Williams Park.

Colin Brown - 3399 Pinetree Dr - stated he shares the concerns about traffic. Something needs to be done about the traffic in this City. The property is currently an eyesore, and he can think of no better use for that property than a homegrown business that helps all residents to beautify their yards. He stated the business is nothing but an asset for the community, and he encourages the Commission to approve the rezoning.

Chantal Debross - 1697 Wynndowne Trl - spoke in support of the Feed-N-Seed store moving to the property in question.

Hill Scott - 3491 Pinetree Dr - stated he is reassured by the process seen tonight. He spoke in support of the owner, Bill Lobe, and stated that his concern has always been how best to be a good neighbor to the adjoining subdivision.

Martha Fasse - 215 N. Chambord Dr - expressed support for the business and the owner. Mr. Lobe is so knowledgeable and has quality products.

Jeff Gapusan - 2010 Belridge Ct - stated he is pro small business. He stated the property has challenges which is why it has always been zoned residential. He encourages a less challenging site for the business, and he concurs with the City Engineer that the site lines are an issue along with traffic.

Everette Moss - 890 Cooper Lake Rd - stated there is always risk when moving to certain areas, including moving to an area that affronts Atlanta Road. The concept of "Not in My Backyard" is not an argument; the issues need to be worked through. This business should be supported. There is a way to support both neighborhoods and small businesses.

Nadia Williams - 1970 Mercer Rd - stated that she lived both in William's Park and not far from Devonshire Court. She stated she is excited about the plan for the business to move on the lot in question. Instead of thinking about it as a square peg in a round hole, it should be thought of as silly putty in a quirky lot.

Suzanne Touchstone - 3818 Cliff Crest Dr - stated whatever goes into that location is not going to fix the problem. These issues need to be addressed by the City.

Megan Hawkins - 1124 Church St - stated that because it is zoned commercial, anything could go into that location. The Feed-N-Seed is what anyone would want there because they want to help the neighborhood and make it better for everyone.

Sebastian Perez - 3406 Belridge Dr - stated that traffic is a City issue, not a neighborhood issue. His concern is that the elevation of the building is going to face the second story windows causing light pollution for those residences. The size of the building and the height of the building are concerns for the neighborhood.

Jordan Gutzman - 2012 Belridge Ct - stated she bought her home with the assumption that this area would remain residential. She has had experience living behind a commercial property, and it is not an experience she wants to repeat. There are many people who walk, run, stroll the neighborhood.

Chairperson Powell closed the public hearing and invited Mr. Moore back to the podium to address the issues brought forward in the public hearing.

Mr. Moore stated that the Neighborhood Feed-N-Seed are committed to securing offsite parking for any special events. The concerns about light pollution are addressed by having hooded and shielded parking lot lighting and building lighting. The stormwater intrusion and drainage ties into an existing drainage system. The building will not be sitting on top of the hill that they see now. It will be developed appropriately so that the screening buffer will be effective. The 8,000 sq. ft. building was always part of the site plan. The only changes have been site distance plans which have been updated. As it relates to traffic control and pedestrian safety, this is a major concern for the business owner. They will have proper sidewalks and crosswalks in place. When they turned to the professionals, it was determined that the business there will not result in traffic safety problems. They will agree to the 25 proposed staff conditions read into record.

Boardmember Michael Seagraves made a motion to approve item 2022-556, a public hearing and zoning request (Z22-011) to allow a rezoning from R-15 to NS for an 8,000 sq. ft. retail business on 0.91 acres on land lot 700 located at 3410 Atlanta Road by applicant Grow Smyrna; seconded by Boardmember Henriette Ostrzega.

The motion to approve carried with the following vote:

Aye: 6 - Jonathan Howard, Keith Bentley, Earl Rice, Jill Gordon-Evans, Michael Seagraves and Henriette Ostrzega

Nay: 1 - Charlie Phillips

D. [2022-557](#)

Public Hearing - Zoning Request - Z22-014 - Allow a rezoning from GC to MU for the development of 24 multi-family units and 9,450 sq. ft. of office/commercial area - 1.09 acres - Land Lot 559 - 2934 Atlanta Road, 0 Atlanta Road, and 2950 Atlanta Road - Tanalta LLC & Jamac Corp.

Ward 3 / Councilmember Lindley

Russell Martin, Community Development Director, provided the following background:

Tanalta LLC & Jamac Corp. is requesting to rezone 1.09 acres of assembled properties along Atlanta Road from GC to MU-Conditional for the development of a four-story, 37,800 sq.ft. mixed-use building, which includes 24 multi-family units at a density of 22 units per acre and 9,450 sq. ft. of commercial/office space. The applicant is proposing to demolish the existing restaurant and office building to construct the mixed-use development.

The proposed development will consist of 24 multi-family units within a four-story building. Among the 24 multi-family units, 12 units will be one-bedroom/studio units, 12 units will be two-bedroom units. These residential units will be located within the second, third, and fourth floors of the building. The building will incorporate 9,450 sq. ft. of commercial/office space and on the ground level.

The proposed development will be accessed by a right-in and right-out entrance on Church Street and a full access drive on Atlanta Road. The proposed development will have 73 total parking spaces which exceeds the city requirement of 34 spaces. The majority of the parking for the development will be located within a two-level parking deck in addition to five surface level parking spaces.

There will be two underground stormwater detention facilities planned for the development.

Community Development has reviewed the proposed plan against the zoning requirements of the MU zoning district (Section 720 of the Zoning Ordinance) with regards to setbacks, building height and building separations. The zoning proposal meets the zoning requirements of the MU zoning district.

Community Development has also reviewed the proposed plan against the site design requirements of the Urban Design District (Appendix E of the City's Code of Ordinances). The proposed zoning plan is consistent with the requirements of the Urban Design District except for three issues. The applicant is seeking the following variance from Appendix E of the City's Code of Ordinances:

- 1. Allow a driveway curb cut on an arterial street when a driveway curb cut can be provided on a side or rear street. (Section 2.14.2(m)(2)) (Staff Support);*
- 2. Increase the maximum allowable parking from 41 spaces to 73 spaces. (Section 2.14.3(a)(4)) (Staff Supports); and*
- 3. Eliminate requirement for parking spaces in excess of the required minimum to be porous concrete or grasscrete. (Section 2.14.3(a)(6)) (Staff Supports).*

Community Development has reviewed the variance requests and is supportive of the variances as submitted. The variance regarding the driveway curb cut reduces the existing driveway curb cuts from three to two. Also, two driveway curb cuts are needed to access each level of the proposed parking deck. The upper level of the deck will be accessed from the Church Street curb cut and the lower portion of the deck will be accessed from the Atlanta Road curb cut. The variances regarding the parking spaces are appropriate due to the use of the building. The applicant is proposing 33 parking spaces for the 24 residential units and 38 parking spaces of the office/retail uses. Finally, the parking spaces are provided for in a parking deck and therefore can't meet the porous concrete requirement.

The developer proposes 24 multi-family units combined with 9,450 sq. ft. of office/commercial area. The development will contain a two-level parking deck with 68 spaces, along with 5 surface level parking spaces.

Community Development is supportive of the requested variances because the proposed development plan is in line with the intent of the Mixed Use zoning district.

Based upon the review of the development by the Transportation Engineer, the city recommends the two existing curb cuts on Atlanta Road, closest to the traffic signal at the intersection of Atlanta Road and Church Street, be closed and replaced with curb & gutter, a grass strip, and trail in-kind with the remainder of Atlanta Road. A deceleration lane and/or large turning radius is recommended for the access on Atlanta Road. Additional right-of-way is recommended along Church Street and Atlanta Road.

The applicant is proposing two below-ground stormwater management facilities. The City Engineer takes no exception to the stormwater management concept as shown. He anticipates the design submitted during permitting will consider site constraints such as topography, utilities, and tree/landscaping requirements. The site will be required to meet all the requirements of the City's Stormwater Management Ordinance.

The proposed site plan does not depict any stream buffers impacting the subject property.

Adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Any required improvements are the responsibility of the developer. Water and sewer are located within the right-of-way of Atlanta Road.

The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access requirements. The applicant has provided a fire truck turn analysis process that verifies maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

The proposed development plan includes a mixed-use development with multi-family residential, and office/commercial space. The proposed development will consist of 24 multi-family units within a four-story building. Among the 24 multi-family units, 50% will be one-bedroom or studio units, and 50% will be two-bedroom units. The development along will incorporate 9,450 sq. ft. of office and commercial space. The proposed development will be accessed by a right-in and right-out connection to Church Street and full access drives on Atlanta Road. The proposed development will have 73 total parking spaces. 68 spaces are in a two-level parking deck and 5 spaces are surface level.

The City's 2040 Future Land Use Map designates the subject property as Mixed Use. The proposed development is compatible with the Mixed Use future land use designation. In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

Housing

- *Goal 3 – Encourage the development of a range of housing choices in order to meet market demand and allow residents to remain in Smyrna across different life-cycle stages.*
 - o *Policy 3.1 Encourage the construction of affordable and accessible housing in order to accommodate the growing senior population.*
 - o *Policy 3.2 Encourage housing opportunities for young families, as well as “empty nester” households.*
 - o *Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.*
 - o *Policy 3.5 Encourage opportunities for mixed use, live/work housing.*

Economic Development

- *Goal 5 – Promote revitalization of declining commercial & industrial areas.*
 - o *Policy 5.1 – Promote adaptive reuse and mixed-use redevelopment of declining strip commercial centers.*
- *Goal 6 – Promote continued economic development within downtown and other activity centers as vibrant mixed-use center for residential, government, office, retail and entertainment activities.*
 - o *Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future Land Use Map.*

Land Use

- *Goal 13 – Encourage an efficient, equitable, and compatible distribution of land uses.*
 - o *Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.*
- *Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.*
 - o *Policy 15.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.*
 - o *Policy 15.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.*

Quality of Life

- *Goal 20 – Provide lifestyle amenities that improve the “quality of life” in Smyrna.*
 - o *Policy 20.1 Continue to support for pedestrian-oriented, mixed-use development in and around Smyrna Market Village.*

Urban Design Commission Review

The proposed development is within the Urban Design District that requires review by the Urban Design Commission. This meeting will be scheduled after the Planning & Zoning Board meeting and both recommendations will be provided to Mayor & Council.

Community Development recommends approval of the rezoning from GC to MU-Conditional on 1.09 acres for a mixed-use development at a density of 22 units per acre, including those variances supported by staff as shown above, with the following

conditions:

Standard Conditions

Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. The composition of the mixed-use building 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. 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. No debris may be buried on any lot or common area.
6. 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".
7. 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.
8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

10. The development shall maintain the following minimum building setbacks:

Front – 0'

Side – 0'

Rear – 20'

11. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
12. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
13. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
14. The developer shall provide a sidewalk connection from the development to the Atlanta Road sidewalk/multi-use trail.
15. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).
16. Parking for the commercial, office, 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.
17. 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.

18. 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.

19. A five-foot sidewalk and two foot grass strip shall be installed along the frontage of Church Street and shall connect to the existing sidewalk to the west.

20. The access on Church Street shall be restricted to right in/right out.

21. The access on Atlanta Road shall provide a large turning radius.

22. The access on Atlanta Road shall be designed to accommodate queuing for left turns into the development which may require modifying the centerline striping on Atlanta Road. Final design to be determined in plan review.

23. The two existing curb cuts on Atlanta Road, closest to the traffic signal at the intersection of Atlanta Road and Church Street shall be closed and replaced with curb & gutter, a grass strip, and trail in-kind with the remainder of Atlanta Road.

24. Right-of-way dedication shall be provided on Church Street for the new sidewalk to be located within the City right-of-way.

25. Right-of-way dedication on Atlanta Road to be a minimum of 50 ft from the roadway centerline or a minimum of 3 ft from the back of sidewalk.

26. The maximum number of residential units shall not exceed 24 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.

27. All apartment units shall be maintained in a Class A/First Class manner.

28. 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. Decorative lighting fixtures shall be utilized in the in the kitchen area of the units and spot track or recessed 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 shall be prohibited;

vi. Tile flooring shall be required in both the kitchen and bathrooms;

vii. All bathrooms shall have tile tub/shower surrounds;

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.

29. The approximate mixture of unit types shall consist of the following: fifty percent (50%) one bedrooms and fifty percent (50%) two bedrooms.

30. Allow building height of 66 feet.

31. The parking deck shall provide a decorative brick exterior where visible from the public right-of-way.

32. The loading area shall be screened through the use of solid brick walls, latticework, trees or shrubbery.

33. A maximum of 73 parking spaces shall be included in the development.

34. Eliminate requirement for parking spaces in excess of the required minimum to be porous concrete or grasscrete.

35. A driveway curb cut on an arterial street shall be allowed.

36. 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 October 14, 2022 and created by Doulgerakis Consulting Engineers, Inc. all zoning stipulations above.

37. The applicant shall be bound to the elevations submitted on October 14, 2022. Approval of any change to the elevations must be obtained from the Director of Community Development.

Mr. Martin stated that if this application is approved tonight, it will be heard before the Urban Design Commission because it is located in the downtown area to ensure it meets the requirements of the urban design standards. If approved through the UDC, then it will go before Mayor and Council.

Boardmember Ostrzega asked if these are rental units. Mr. Martin stated that there will be rental units.

Joe Knight, applicant, came forward. Mr. Knight stated that he has a similar building on Marietta Square. There will be 24 rental units with a parking deck in the back. He spoke to the neighboring church pastor, and they are aware of the proposal and it on board with it. He stated it works financially and fits into the community. It is a \$13 million development and will be one of the nicest developments in Smyrna.

Chairperson Powell called a public hearing.

Marie Smith - 1215 Bank St - stated that she does not think a 4-story building right on Atlanta Road is an attractive look for the area. The zero foot setback on Atlanta Road and Church Street does not seem appealing either.

Shaun Martin - 2884 Anderson Cir - stated she is disappointed in the UDC guidelines of the zero foot setback. Ms. Martin stated she as an architect sees this architecture of this space as having no character. She asked that the commission consider the development and architecture because the City deserves more at the street level, especially with pedestrian traffic. She is opposed to this development, and she is concerned about the precedent this sets.

Robert Harrison - 2889 Alexander St - stated he is speaking as a member of the Arts & Culture Task Force. He wanted to know if they will allow public art on this building to participate in the ARTery.

Heather Meehan - 3224 King Springs Rd - spoke about the potential traffic challenges with the addition of this larger building, an aquatic center, a parking garage, etc. around the City Center.

Ryann Myers - 3391 Creatwood Trl - stated one of her favorite things about living in Smyrna is being able to walk in Smyrna. She stated she is concerned that the addition of this building could increase traffic. She does not agree that the architecture will fit in the area.

Jamie Fine - 402 Spring Heights Ln - stated the aesthetic of the proposed building does not match the rest of the City. The density of the City continues to grow, especially in this area which lends to worsened traffic.

Chairperson Powell stated that the UDC meeting is December 12, 2022, and the Mayor and Council meeting is December 19, 2022. Chairperson Powell closed the public hearing.

Joe Knight came forward to state that there is 96% - 97% occupancy in the Marietta building. He stated there is a spot for a restaurant in this proposed building.

Boardmember Howard stated that a 4-story building right on Atlanta Road does seem obtrusive. He asked if there is a possibility to make it a 3-story building instead. Mr. Knight stated that at these interest rates, they need the fourth story.

Boardmember Charlie Phillips made a motion to approve item 2022-557, a public hearing and zoning request (Z22-014) to allow a rezoning from GC to MU for the development of 24 multi-family units and 9,450 sq. ft. of office/commercial area on 1.09 acres on land lot 559 located at 2934 Atlanta Road, 0 Atlanta Road, and 2950 Atlanta Road by applicant Tanalta LLC & Jamac Corp.; seconded by Boardmember Keith Bentley.

The motion to approve carried with the following vote:

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

Nay: 3 - Jonathan Howard, Jill Gordon-Evans and Henriette Ostrzega

3. Approval of Minutes:

A. [MIN2022-81](#) Approval of the October 10, 2022 Planning and Zoning Meeting Minutes. *Ward / Citywide*

Boardmember Michael Seagraves made a motion to approve item MIN2022-81, the October 10, 2022 Planning and Zoning Commission meeting minutes; seconded by Boardmember Henriette Ostrzega.

The motion to approve carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, Jill Gordon-Evans, Michael Seagraves and Henriette Ostrzega

Abstain: 1 - Jonathan Howard

4. Adjournment

Chairperson Joel Powell adjourned the November 14, 2022 Planning and Zoning Commission meeting at 8:38 PM.