



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, April 11, 2022

6:00 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 7 - Joel Powell, Jonathan Howard, Keith Bentley, Earl Rice, Michael Seagraves, Henriette Ostrzega and Charlie Phillips

Absent: 1 - James Smith

Also Present: 0

Staff: 6 - Caitlin Crowe, Russell Martin, Heather Peacon-Corn, Joey Staubes, Tyler Addison and Frank Carruba

1. Call to Order

Chairperson Joel Powell called to order the April 11, 2022 Planning and Zoning Commission meeting held at A. Max Bacon City Hall Council Chambers at 6:01 PM

2. Business

A. [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.

This item will be tabled to the May 9, 2022 Planning & Zoning Commission meeting at the applicant's request.

Ward 7 / Councilmember Wheaton

Boardmember Henriette Ostrzega made a motion to table until the May 9, 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 3.3 acres on land lots 681 & 688 located at Highlands Pkwy, Fountains Office Park LP; seconded by Boardmember Jonathan Howard.

The motion to table until the May 9, 2022 Planning and Zoning Commission meeting carried with the following vote:

Aye: 6 - Jonathan Howard, Keith Bentley, Earl Rice, Michael Seagraves, Henriette Ostrzega and Charlie Phillips

Absent: 1 - James Smith

B. [2021-518](#)

Public Hearing - Zoning Request - Z21-015 - Allow rezoning from R-15 to CBD for an antiques shop - Land Lot 522 - 0.6 acres - 2986 King Street - Antiques, Wood and Rustics, LLC.

Ward 3 / Councilmember Lindley

Joey Staubes, Planner II, presented staff recommendation for rezoning request Z22-015. The request is to be heard by Mayor and Council on May 16, 2022. The applicant is requesting a rezoning from R-15 to CBD. The applicant originally wanted to rezone to NS but staff recommended CBD to limit the allowable uses on the property. There will be no future land use change. The existing house will be renovated and will add parking to the rear of the property- roughly 10 spaces will be added and they will maintain a 10 ft landscape buffer. There are no variances requested.

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

Standard Conditions

1. 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 feet shall be provided between the back of curb and sidewalk.
2. No debris may be buried on any lot or common area.
3. 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.
4. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

5. The development shall maintain the CBD setbacks:
Front – 12' (King Street)
Front – 12' (Concord Road)
Side – 0'
Rear – 0'
6. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
7. The subject property shall provide a 10-foot landscape buffer along the northern and western property lines that adjoin single-family residential zoning.
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 during construction plan review.
10. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
11. The outside storage of goods or merchandise shall be prohibited.
12. Approval of the subject property for the CBD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted March 22, 2022, and created by Surveys Plus, Inc. and all zoning stipulations above.
13. The additional stipulations agreed upon by the applicant in the letter submitted and dated on March 22, 2022. If there should be a discrepancy between the stipulations in the March 22, 2022, letter and the stipulations stated above, the stipulations stated above shall apply.

Boardmember Bentley asked if the majority of the property to the north and west is

residential. Mr. Staubes said yes.

Chairman Powell asked the applicant to provide an overview of the request. Parks Huff, Sams, Larkin & Huff, LLP, came up on behalf of the applicant. The applicants want to open an antique store on the property. He said that this is a transitional property to commercial and the applicants agree to all stipulations.

Boardmember Phillips asked about the parking and asked if they considered a variance to allow for less parking or have talked to the church if they would share the property. Mr. Huff said that they always try and fit to the requirements rather than request variances.

Boardmember Howard asked about the set up of the shop and Mr. Huff agreed that was correct.

Boardmember Bentley asked if the antique shop goes under, what will happen to the property. Mr. Huff said that it would then be developed in accordance with the CBD zoning and that that is one of the reasons they asked to go to CBD. Rusty Martin, Community Development Director, also agreed that they would be allowed to do any type of uses that fit the CBD district. This is not as intensive as GC which would allow auto uses and such as that.

Boardmember Howard asked if the value of the property matches with the antique store or if this is a short-term play. Mr. Huff said this is a long-term goal for the applicants.

Chairman Powell opened the floor for Public Hearing. Jeff Meadows - Reed St - came forward. His is not a specific objection since it would be a similar store to Love St.; however, his concerns about the future are that someone will assemble the parcels and put a quick retail in the location, and it then becomes more than an antique shop. Mr. Meadows wants restrictions placed on the property so that it does not become a larger commercial entity. Mr. Martin said that the rezoning is restricted to what is on the plan - if they wanted to demo the building, they would have to come back through rezoning. They are also in the urban design district, so they are required to go through that committee as well for all site improvements. Mr. Martin also read out all the allowable uses in the CBD district.

Boardmember Keith Bentley made a motion to deny item 2021-518, a public hearing and zoning request (Z21-015) to allow rezoning from R-15 to CBD for an antiques shop on land lot 522 on 0.6 acres located at 2986 King Street by applicant Antiques, Wood and Rustics, LLC.

The motion failed for lack of a second.

Absent: 1 - James Smith

Boardmember Henriette Ostrzega made a motion to approve item 2021-518, a public hearing and zoning request (Z21-015) to allow rezoning from R-15 to CBD for an 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 approve carried with the following vote:

Aye: 4 - Jonathan Howard, Earl Rice, Michael Seagraves and Henriette Ostrzega

Nay: 2 - Keith Bentley and Charlie Phillips

Absent: 1 - James Smith

C. [2022-145](#)

Public Hearing - Zoning Request - Z22-005 - Allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel - 3.115 acres - Land Lots 846, 880 & 881 - Mogar Farms Funding LLC - 2855 Spring Hill Pkwy & 2685 Spring Rd.
Ward 1 / Councilmember Pickens

Joey Staubes, Planner II, presented staff recommendation for rezoning request Z22-005. The request is to be heard by Mayor and Council on May 16, 2022. The applicant is requesting a rezoning from GC & OI to TS-conditional. There is no future land use change. There is an existing non-conforming 6-story hotel, and they are looking to add a second 7-story hotel which will share an entrance and lobby in the middle. They are proposing a right in, right out driveway from Spring Road. Staff would prefer a connection with the Emerson Center, but they have not made that connection as of yet.

The applicant is requesting four variances, which the staff supports:

- 1. Reduce the front setback from 50 ft to 25 ft;*
- 2. Reduce the side setback from 35 ft to 5 ft;*
- 3. Reduce the required 15 ft landscape buffer adjacent to the parking lot; and*
- 4. Increase the maximum allowable building height from 5 stories to 7 stories.*

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

Standard Conditions

- 1. 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.*
- 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 feet 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 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.*
- 7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.*

Special Conditions

- 8. The development shall maintain the following setbacks:
Front – 25'*

Side – 5'

Rear – 100'

9. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.

10. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.

11. The developer shall provide a 5' sidewalk and 2' grass strip along Spring Hill Parkway.

12. The developer shall provide 3' of right-of-way dedication along Spring Hill Parkway.

13. The entrance on Spring Road shall meet the geometry specifications required by the City Engineer; or provide a shared drive with the adjacent property to the north.

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

15. The proposed dumpster shall be located at the rear of the property and screened from the public right-of-way with a 3-sided brick enclosure that matches the façade of the principal building.

16. The development shall be limited to one access point on Spring Hill Parkway.

17. 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.

18. Approval of the subject property for the TS-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/18/2022 created by Kimley Horn and all zoning stipulations above.

19. The applicant shall be bound to the elevations submitted and dated 3/18/2022. Approval of any change to the elevations must be obtained from the Director of Community Development.

20. The additional stipulations agreed upon by the applicant in the letter submitted and dated on March 18, 2022. If there should be a discrepancy between the stipulations in the March 18, 2022, letter and the stipulations stated above, the stipulations stated above shall apply.

Chairman Powell asked the applicant to provide an overview of the request. Parks Huff came forward on behalf of the applicant. Mr. Huff said that the proximity to the Battery and Spring Rd is consistent with the proposed area. There is a need for a hotel, and this will meet the needs without requiring people to go elsewhere. With more rooms, you can increase the amenities and services provided to the guests.

Boardmember Phillips asked if they would be participating in any of the traffic improvements on Spring Rd. He also asked if they have to combine the driveway onto one property. Mr. Huff pointed out that they have access along Springhill Pkwy and cannot require them to have access through another property. Mr. Martin said that Engineering has reviewed it and they have met all requirements. Mr. Huff also said that they could ask Google Maps to tell people to go Springhill Pkwy. Boardmember Howard wanted to echo the sentiments of member Phillips in regards to traffic.

Chairman Powell opened the floor for Public Hearing, and no one came forward in favor of or in opposition to this item.

Boardmember Charlie Phillips made a motion to approve with condition that they make a good faith effort to resolve the back-to-back driveways item 2022-145, a public hearing and zoning request (Z22-005) to allow rezoning from GC & OI to TS-Conditional for the development of a 107 room hotel and rebranding of a 135 room hotel on 3.115 acres on land lots 846, 880 & 881 located at 2855 Spring Hill Pkwy & 2685 Spring Rd. by applicant Mogar Farms Funding LLC; seconded by Boardmember Michael

Seagraves.

The motion to approve carried with the following vote:

Aye: 6 - Jonathan Howard, Keith Bentley, Earl Rice, Michael Seagraves, Henriette Ostrzega and Charlie Phillips

Absent: 1 - James Smith

D. [2022-193](#)

Public Hearing - Zoning Request - Z22-007 - Allow rezoning from R-15 to R-10 for a two lot subdivision at a density of 4.29 units per acre - 0.466 acres - Land Lot 489 - 1195 Hill Street - David Gann and Donna Mathis
Ward 3 / Councilmember Lindley

Joey Staubes, Planner II, presented staff recommendation for rezoning request Z22-007. The request is to be heard by Mayor and Council on May 16, 2022. There will be no future land use change. The existing home will stay and the lot line will be split in the middle. A new house will be built with a side entry garage. The new home will do ROW dedication and a sidewalk.

The applicant is requesting two variances, which the staff supports:

- 1. Allow driveway setback reduction from 5 ft to 1 ft; and*
- 2. Allow accessory structure size up to 35% for the garage on the existing home.*

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

Standard 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. 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 feet 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

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

Front – 25'

Side – 7.5'

Rear – 25'

- 9. The minimum lot size shall be 10,000 sq. ft.*
- 10. The minimum lot width shall be 50 feet.*
- 11. Driveway – 22' minimum length from building face to back of sidewalk.*
- 12. The driveway setback shall be a minimum of 1'.*
- 13. The detached garage on Tract B shall be a maximum of 35% of the primary home.*
- 14. The developer shall provide right-of-way dedication on Hill Street to increase the width to 25 feet from the centerline.*
- 15. A 5-foot sidewalk and 2-foot grass strip shall be required for the length of the property.*
- 16. Construction details of the retaining wall shall be required at permitting for the home.*
- 17. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.*
- 18. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
- 19. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
- 20. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
- 21. Approval of the subject property for the R-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/10/22 and created by Paul Lee Consulting Engineering Associates, Inc. all zoning stipulations above.*
- 22. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 3/10/22.*

Chairman Powell asked the applicant to provide an overview of the request. Mr. Parks Huff came up on behalf of the applicant. Mr. Huff said the homeowners reached out to the community via social media and asked if anyone had questions or concerns, and no one reached out to them with any objections. The homeowners are planning on living in the new home, and they plan to remain the owners and either rent it out or have a family member live in the old home.

Chairman Powell opened the floor for Public Hearing, and no one came forward in favor of or in opposition to this item.

Boardmember Keith Bentley made a motion to approve item 2022-193, a public hearing and zoning request (Z22-007) to allow rezoning from R-15 to R-10 for a two lot subdivision at a density of 4.29 units per acre on 0.466 acres on land lot 489 located at 1195 Hill Street by applicants David Gann and Donna Mathis; seconded by Boardmember Charlie Phillips.

The motion to approve carried with the following vote:

Aye: 6 - Jonathan Howard, Keith Bentley, Earl Rice, Michael Seagraves, Henriette Ostrzega and Charlie Phillips

Absent: 1 - James Smith

3. Approval of Minutes:

A. [MIN2022-22](#) Approval of the March 14, 2022 Planning and Zoning Commission

Meeting Minutes

Boardmember Henriette Ostrzega made a motion to approve item MIN2022-22, the March 14, 2022 Planning and Zoning Commission Meeting minutes; seconded by Boardmember Michael Seagraves.

The motion to approve carried with the following vote:

Aye: 6 - Jonathan Howard, Keith Bentley, Earl Rice, Michael Seagraves, Henriette Ostrzega and Charlie Phillips

Absent: 1 - James Smith

4. Adjournment

Chairperson Joel Powell adjourned the April 11, 2022 Planning and Zoning Commission meeting at 6:58 PM.