



Meeting Minutes - Preliminary
Planning and Zoning Commission

Monday, October 14, 2019

6:00 PM

Council Chambers

1. **Roll Call**

Present: 6 - Joel Powell, Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

Also Present: 4 - Russell Martin, Joey Staubes, Caitlin Crowe and Tina Monaghan

2. **Call to Order**

Chairman Joel Powell called the October 14, 2019 Planning and Zoning Commission meeting to order at 6:00 PM.

3. **Business**

A. **2019-230**

Public Hearing - Zoning Request Z19-011 - Rezoning form Neighborhood Shopping (NS) to Office/Institutional-Conditional (OI) for the development of a 48,000 sq. ft. medical office building - 2.03 Acres - Land Lot 700 - Southeast Corner of Atlanta Road and Campbell Road Intersection - GHS Investments, LLC - ***This item will be tabled to the November 11, 2019 Planning and Zoning Board meeting at the request of the applicant.***

Sponsors: Bartlett and Norton

Boardmember David Monroe made a motion to table Zoning Request Z19-011 - Rezoning form Neighborhood Shopping (NS) to Office/Institutional-Conditional (OI) for the development of a 48,000 sq. ft. medical office building - 2.03 Acres - Land Lot 700 - Southeast Corner of Atlanta Road and Campbell Road Intersection - GHS Investments, LLC - to the November 11, 2019 Planning and Zoning Board meeting at the request of the applicant. Boardmember Cheri Harrington seconded the motion.

The motion to table was carried by the following vote:

Aye: 4 - Tom Bartlett, Earl Rice, Cheri Harrington and David Monroe

Nay: 1 - Monty Bye

Absent: 2 - Leslie Lightfoot and Michael Seagraves

B. **2019-363**

Public Hearing - Zoning Request - Z19-016 - Rezoning from R-20 to RDA - Conditional for the development of a 43 unit subdivision at 3.38 units per acre - 12.7 Acres - Land Lot 542 - 1465 Buckner Road -

Planners and Engineers Collaborative, Inc. - *The applicant requests this item be tabled until the November 11, 2019 Planning and Zoning Board meeting.*

Sponsors: Monroe

Boardmember Tom Bartlett made a motion to table Zoning Request - Z19-016 - Rezoning from R-20 to RDA - Conditional for the development of a 43 unit subdivision at 3.38 units per acre - 12.7 Acres - Land Lot 542 - 1465 Buckner Road - Planners and Engineers Collaborative, Inc. - to the November 11, 2019 Planning and Zoning Board meeting at the request of the applicant. Boardmember David Monroe seconded the motion.

The motion to table was carried by the following vote:

Aye: 5 - Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

C. [2019-364](#)

Public Hearing - Approval of subdivision plat with variances for lot area and front setback - 0.46 Acres - Land Lot 378 - 2900 & 2930 S Cobb Drive - 2900 S Cobb Drive, LLC

Sponsors: Harrington and Wilkinson

Mr. Joey Staubes, Planner II, presented staff recommendation for plat approval. The request is to be heard by Mayor and Council on October 21, 2019. The applicant is requesting to separate the lots.

The applicant is requesting two variances:

1. *Reduction of minimum front setback from 50' to 40'; and*
2. *Reduction of minimum lot area from 1 acre to 0.46 acre.*

Staff are supportive of the variances and recommend approval.

Chairman Powell asked the representative for the applicant to provide an overview of the request.

Garvis Sams came forward on behalf of the applicant and mentioned that Chris Pridgeon was available as well in case there were questions. Mr. Sams said that the lots have been historically taxed separately so the current tenant, Smoothie King, can purchase the property from Mr. Pridgeon.

Board member Harrington asked if Smoothie King was going to undergo a facelift. Mr. Sams responded that they may in the future, but there are no plans now.

Chairman Powell opened the floor for Public Hearing- no one came forward.

Boardmember Cheri Harrington made a motion to approve of subdivision plat with variances for lot area and front setback - 0.46 Acres - Land Lot 378 - 2900 & 2930 S Cobb Drive - 2900 S Cobb Drive, LLC. Boardmember David Monroe seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

D. [2019-362](#)

Public Hearing - Zoning Request Z19-015 - Rezoning from RD to R-8 for the development of a 2 lot subdivision at 4.35 units per acre - 0.46 Acres - Land Lot 593 - 1540 Whitefield Street - Allan Khalife

Sponsors: Bye and Blackburn

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning request Z19-015. The request is to be heard by Mayor and Council on November 18, 2019. The applicant is requesting to rezone the property from RD to R-8 to turn the current duplex into two single-family homes. No land use map change is needed.

Staff are supportive with several 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 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.

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.

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

8. 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

9. The development shall maintain the following setbacks:

- a. Front – 25'*
- b. Side – 5'*
- c. Rear – 25'*

10. Driveway – 22' minimum length from building face to private driveway.

11. The right-of-way along Whitfield Street shall be increased to 50 feet. Therefore, a dedication of approximately 10' feet is required along Whitefield Street.

12. The developer shall donate a fee to the sidewalk bank in lieu of installation of curb, gutter, and sidewalk.

13. All structures will be limited to a maximum height of 35' as measured from the sidewalk along the front elevation.

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.

Chairman Powell asked the applicant Allan Khalife to provide an overview of the request. Mr. Khalife said he has been building in Smyrna for 25 years. The homes will have brick and stone veneer. They will also be fully automated homed so an owner can use their phone to operate the house's utilities.

Board member Bye asked for the square footage of the property and the price point. Mr. Khalife said that the homes would be 3,400 sq. ft. and roughly \$620,000.

Chairman Powell opened the floor for Public Hearing.

Blake Martin- Whitefield St- in support of the change but inquired if the applicant could move the front setback to 45 ft to keep the continuity of the street. Director Rusty Martin said that would affect the trees in the rear.

Boardmember Monty Bye made a motion to approve Zoning Request Z19-015 - Rezoning from RD to R-8 for the development of a 2 lot subdivision at 4.35 units per acre - 0.46 Acres - Land Lot 593 - 1540 Whitefield Street - Allan Khalife. Boardmember Earl Rice seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

E. [ORD2019-22](#)

Public Hearing - Zoning code amendment to Sections 501 & 503 of the Zoning Ordinance pertaining to fencing requirements - City of Smyrna

Sponsors: Gould

Mr. Rusty Martin, Community Development Director, presented staff recommendation for the fencing amendment. The request is to be heard by Mayor and Council on October 21, 2019. Fencing can currently be found throughout the ordinance but will now be consolidated into one section- Section 503. The amendment will also address having the finished side facing outward and include photos.

Board member Bartlett asked if there could still be a variance if they wanted

something different. Mr. Martin responded that yes, they could still get a variance.

Chairman Powell asked if there would be a fence permit. Mr. Martin said no, there will be no permit required.

Board member Monroe asked how long the public has had to see the amendment. Mr. Martin responded that it has been advertised in the Marietta Daily Journal for the Council meeting.

Board member Harrington asked what the repercussions would be if the fence was not done to code. Mr. Martin said it would go through code enforcement.

Chairman Powell asked if the amendment pertains to existing fences. Mr. Martin said no, they will be grandfathered in.

Chairman Powell opened the floor for Public Hearing.

Ms. Shaun Martin- Anderson Cir- asked if the neighbor will have any say. Mr. Martin said only if there is an HOA.

Boardmember Tom Bartlett made a motion to approve Zoning code amendment to Sections 501 & 503 of the Zoning Ordinance pertaining to fencing requirements - City of Smyrna. Boardmember Cheri Harrington seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

F. [ORD2019-20](#)

Public Hearing - Code amendments to the Zoning Ordinance to include wineries as permitted uses in the General Commercial, Light Industrial, Central Business District and Mixed Use zoning districts.

Sponsors: Gould

Mr. Rusty Martin, Community Development Director, presented staff recommendation for the winery amendment. The request is to be heard by Mayor and Council on October 21, 2019. A gentleman is looking to open a mead shop. Since by state law he is categorized as a winery, it needs to be added to the list of approvable uses. Will need to add definitions for dessert wine, fortified wine, table wine, wine, and winery (all definitions created by the state). Also added winery as a use in the GC, LI, CBD, and MU zoning districts.

Chairman Powell opened the floor for Public Hearing- no one came forward.

Boardmember Cheri Harrington made a motion to approve Code amendments to the Zoning Ordinance to include wineries as permitted uses in the General Commercial, Light Industrial, Central Business District and Mixed Use zoning districts. Boardmember David Monroe seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

G. [ORD2019-23](#) Public Hearing - Approval of proposed code amendments to Chapter 90 of the City's Code of Ordinance for the establishment of a Sidewalk Bank for alternative compliance to the City's sidewalk requirements - City of Smyrna

Sponsors: Gould

Mr. Rusty Martin, Community Development Director, presented staff recommendation for the sidewalk amendment. The request is to be heard by Mayor and Council on October 21, 2019. At the request of Mayor and Council, staff investigated developments that require sidewalks and found an alternative compliance method that would be at the discretion of the Public Works Director. The funds would be set aside to future sidewalk and maintenance projects. The fee would be the same as Cobb County, at \$76 per linear foot.

Board member Bye asked if there was already an alternative compliance. Mr. Martin said they currently waive the requirement is unneeded.

Board member Bartlett asked about the current sidewalk width requirement. Mr. Martin said five feet.

Board member Monroe asked if the Public Works Director would have help making his decision. Mr. Martin said that there is currently a sidewalk plan, but that Mayor and Council may have to address the issue.

Board member Bartlett commented that it seems redundant since you can already have a variance.

Chairman Powell opened the floor for Public Hearing.

Mr. Blake Martin- Whitefield St- said it sounds like a tax. Chairman Powell said he agreed, and that he would like it to only apply to new construction and remedy "sidewalk islands"/ Mr. Martin said that they do have provisions in this amendment and Mayor and Council would like to keep it fair amongst contractors.

Ms. Shaun Martin- Anderson Cir- supports the amendment.

Boardmember Monty Bye made a motion to deny the proposed code amendments to Chapter 90 of the City's Code of Ordinances for the establishment of a Sidewalk Bank for alternative compliance to the City's sidewalk requirements - City of Smyrna. Boardmember Earl Rice seconded the motion.

The motion to deny carried by the following vote:

Aye: 5 - Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

H. [ORD2019-19](#) Public Hearing - Code Amendment to the City's Tree Ordinance - Chapter 106 - Vegetation - City of Smyrna

Sponsors: Gould and Seagraves

Mr. Rusty Martin, Community Development Director, presented staff recommendation for the tree ordinance amendment. The request is to be heard by Mayor and Council on

November 18, 2019. Mr. Martin gave an in-depth PowerPoint presentation on the tree ordinance amendments and how the changes came about. The large topics Mr. Martin covered included how Smyrna compares to other cities, how the City counts density, and who the ordinance applies to.

Board member Harrington clarified who the ordinance applies to.

Board member Bye wanted to clarify any penalties.

Board member Monroe asked which meetings were open to the public and he was concerned the Board did not have enough time to review the ordinance. Mr. Martin said the public was able to go to all the Tree Board meetings and that they were posted.

Board member Bartlett mentioned that he used to be on the Tree Board and knows that they began discussing the ordinance changes years ago.

Chairman Powell opened the floor for Public Hearing.

Ms. Kate Conner- Lee St- in full support of the ordinance. Said the Tree Board has been talking with Mayor and Council, has been to the Jonquil festivals and advertised and that there needs to be trust in the process.

Mr. Chris Zweifel- Lee St- in full support of the ordinance

Mr. Blake Martin- Whitefield St- asked how you could decide if a tree is dead. Mr. Martin said you would need to take a photo.

Ms. Jean Manki- Forest Hills- supports the ordinance

Ms. Shaun Martin- Anderson Cir- supports the amendment

Board member Monroe expressed concern that Ward 7 will not currently be represented at Mayor and Council for this ordinance.

Chairman Powell said that he believes the ordinance change is not the way to proceed and that it feels like another tax.

Boardmember Tom Bartlett made a motion to approve Code Amendment to the City's Tree Ordinance - Chapter 106 - Vegetation - City of Smyrna. Boardmember Monty Bye seconded the motion.

The motion to approve was carried by the following vote:

Aye: 4 - Tom Bartlett, Monty Bye, Earl Rice and David Monroe

Nay: 1 - Cheri Harrington

Absent: 2 - Leslie Lightfoot and Michael Seagraves

4. Approval of Minutes:

- A. [2019-360](#) Approval of the September 9, 2019 Planning and Zoning Commission Meeting minutes.

Boardmember Monty Bye made a motion to approve of the September 9, 2019

Planning and Zoning Commission Meeting minutes. Boardmember Earl Rice seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Tom Bartlett, Monty Bye, Earl Rice, Cheri Harrington and David Monroe

Absent: 2 - Leslie Lightfoot and Michael Seagraves

5. Adjournment

Chairman Powell adjourned the October 14, 2019 Planning and Zoning Commission meeting at 8:24 PM.