



City of Smyrna

City of Smyrna
City Hall
2800 King Street
Smyrna, GA 30080
770-434-6600
www.smyrnacity.com

Meeting Minutes - Final Planning and Zoning Commission

Monday, December 14, 2020

6:00 PM

Community Center Large Gym

Smyrna Community Center Large Gym / 200 Village Green Circle SE
Parking and entrance to meeting on Powder Springs Street Side of Building
MASKS REQUIRED / TEMPERATURE WILL BE CHECKED

1. Roll Call

6:04PM

Present: 8 - Joel Powell, Earl Rice, Michael Seagraves, Tom Bartlett, Keith Bentley, James Smith, Henriette Ostrzega and Victor Jones

Also Present: 0

Staff: 5 - Russell Martin, Joey Staubes, Kevin Moore, Caitlin Crowe and Heather Peacon-Corn

2. Call to Order

Chairperson Joel Powell called the December 14, 2020 Planning and Zoning Meeting to order at 6:04PM.

3. Business

A. [2020-468](#)

Public Hearing - Zoning Request - Z20-014 - Rezoning from R-15 & LC to RDA for the development of 32 single-family attached units - 5.487 acres - Land Lot 558 - 3030, 3040, and 3050 Atlanta Road - KRB Investments - *The applicant requests to withdraw the application without prejudice.*

Boardmember Michael Seagraves made a motion to withdraw without prejudice at the request of the applicant for item 2020-468, a Public Hearing for a Zoning Request (Z20-014) for a rezoning from R-15 & LC to RDA for the development of 32 single-family attached units on 5.487 acres on Land Lot 558 - 3030, 3040, and 3050 Atlanta Road by KRB Investments; seconded by Boardmember James Smith.

The motion carried by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Tom Bartlett, Keith Bentley, James Smith, Henriette Ostrzega and Victor Jones

B. [2020-519](#)

Plat Approval - Subdivision of one lot into two lots - Land Lot 334 - 3.86 acres - N Cooper Lake Rd (17033400190) - Benchmark Homes

Mr. Joey Staubes, Planner II, presented staff recommendation for plat approval. The request is to be heard by Mayor and Council on December 21, 2020. The applicant

wants to subdivide the lot into 2 lots, each about 2 acres, keeping the R-15 zoning district regulations. Staff are supportive and recommend approval.

Chairman Powell asked the applicant to provide an overview of the request. Scott Justice of Benchmark Homes came up as the applicant. Was originally looking to do a larger subdivision but determined they would be best off splitting the lot into two.

Chairman Powell asked about the sewer connection. The applicant said that they would be on septic systems.

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

Boardmember James Smith made a motion to approve item 2020-519 for a Plat approval for the Subdivision of one lot into two lots on Land Lot 334, 3.86 acres located on N Cooper Lake Rd (17033400190) by Benchmark Homes; seconded by Boardmember Tom Bartlett.

The motion carried by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Tom Bartlett, Keith Bentley, James Smith, Henriette Ostrzega and Victor Jones

C. [2020-520](#)

Public Hearing - Plat Approval with Variances - V20-073 - Subdivision of two lots into four lots for four single-family detached homes - Land Lot 485 - 1.8 acres - 3278 & 3288 King Springs Road - PM Builders LLC

Mr. Joey Staubes, Planner II, presented staff recommendation for plat approval with variance request V20-073. The request is to be heard by Mayor and Council on December 21, 2020. The property will be a lot split from 2 lots to 4 lots with one central common drive with rear access garages for each lot. The applicant will be consolidating construction on front the third of the lot.

The applicant is requesting two variances:

- 1. Reduction in the minimum side setback from 10 feet to 5 feet; and*
- 2. Reduction in the minimum lot width from 85 feet to 50 feet.*

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

- 1. The property shall maintain the following setbacks:
 Front – 40 feet
 Side – 5 feet
 Rear – 30 feet*
- 2. The project shall have a minimum lot width of 50 feet.*
- 3. A site distance analysis shall be provided for the proposed shared driveway.*
- 4. The homes shall be rear-entry homes.*
- 5. The development of more than 5,000 sq. ft. of new impervious surface the Storm Water Management Ordinance would be applicable.*

6. Approval is conditioned upon substantial compliance with the site plan submitted on December 9, 2020.

Board member Bartlett asked how staff would make sure the homes were built in the front. Mr. Staubes said that the plans was site-plan dependent.

Chairman Powell asked the applicant to provide an overview of the request. Brad Thompson came up as the applicant. Mr. Thompson said that they will be building 4 modern-farmhouse style homes. He said that the shared driveway will allow him to preserve trees in the front yard. Mr. Thompson said each home will be about 3,000 sq ft in size and will sell in the \$500.

Board Member Bentley asked to clarify what a "modern farmhouse" is. Mr. Thompson said that it would be board and batten with shingles and brick.

Chairman Powell opened the floor for Public Hearing.

Amy Thompson- King Springs Rd- spoke about the congestion on King Springs Rd since it is a thoroughfare. Ms. Thompson listed several cons to the proposal and said that the homes are too close together and that they will create a negative precedent. Ms. Thompson also said that she would appreciate 3 houses instead of 4.

Chairman Powell asked the applicant Mr. Thompson to come back up to address Ms. Thompson's comments.

Mr. Thompson said that from his standpoint it wouldn't work at 3 homes so would need to be 4 and said that he is on the low end of the R-15 density scale.

Boardmember Keith Bentley made a motion to approve item 2020-520 Public Hearing for a Plat Approval with Variances (V20-073) for the subdivision of two lots into four lots for four single-family detached homes on Land Lot 485, 1.8 acres located at 3278 & 3288 King Springs Road by PM Builders LLC.; seconded by Boardmember Michael Seagraves.

The motion carried by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Tom Bartlett, Keith Bentley, James Smith, Henriette Ostrzega and Victor Jones

D. [2020-521](#)

Public Hearing - Zoning Request - Z20-015 - Allow rezoning from NS to GC for the use as a corporate office - 1.5 acres - Land Lot 523 - 1298 Concord Road - Shamrock Building Systems Inc.

Mr. Joey Staubes, Planner II, presented staff recommendation for plat approval with variance request Z20-015. The request is to be heard by Mayor and Council on January 19, 2021. The property will be rezoned from NS to GC to use as a corporate office. There is currently a mixture of zonings in the area and there will be a change of land use from neighborhood activity center to community activity center. The exterior will not be modified from what is existing.

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

1. The applicant shall remove vegetation and accumulated silt/sediment from the existing detention pond and refresh rip rap around the outlet control structure.

2. The following uses shall be prohibited:
- a. Video arcade and game parlors;
 - b. Adult themed book and novelty stores;
 - c. Automotive sales, repair, or service facilities;
 - d. Movie theaters;
 - e. Gas stations and convenience stores with gas sales;
 - f. Fast-foot establishments;
 - g. Pawn shops;
 - h. Automotive wash services;
 - i. Boat sales and repairs;
 - j. Boarding and breeding kennels;
 - k. Dry cleaning plants;
 - l. Farm equipment sales and service;
 - m. Lumber, hardware, and other building material establishments;
 - n. Mobile homes and travel trailer sales;
 - o. Motorcycle sales and service;
 - p. Check cashing establishments;
 - q. Taxi stands and/or station terminals for bus and/or passengers services;
 - r. Tattoo parlors;
 - s. Pool or billiard halls;
 - t. Massage parlors, and
 - u. Package stores.

3. The additional stipulations agreed upon by the applicant in the letter submitted and dated on December 4, 2020. If there should be a discrepancy between the stipulations in the December 4, 2020 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 but said that the owners of the property are present to answer questions. The current owners bought the property roughly a month ago and plan to move their corporate offices for Shamrock Building Systems, Inc.

Board member Bartlett asked if there would be outside storage. Mr. Sams said no.

Chairman Powell opened the floor for Public Hearing.

Maggie Shannon- wanted to clarify what type of business and ask if it is sold if it will go back to NS.

Mr. Sams said it will not revert back to NS. One of the owners, Joseph Burke also said that it will be more of a design office than a storage facility for the company.

Chairman Powell asked how many employees will be on location. Mr. Burke said there would be 12 employees.

Boardmember James Smith made a motion to approve item 2020-519 for a Plat Approval for the Subdivision of one lot into two lots on Land Lot 334, 3.86 acres located on N Cooper Lake Rd (17033400190) by Benchmark Homes; seconded by Boardmember Tom Bartlett.

The motion carried by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Tom Bartlett, Keith Bentley, James Smith, Henriette Ostrzega and Victor Jones

E. [2019-440](#)

Public Hearing - Zoning Request - Z19-019 - Rezoning from NRC & OI to RM-10-PD for the development of 151 townhomes at a density of 6.3 units per acre - 23.95 Acres - Land Lots 775, 810, & 811 - 2320 Campbell Road - InLine Communities, LLC.

Mr. Rusty Martin, Community Development Director, presented staff recommendation for rezoning request Z19-019. The request is to be heard by Mayor and Council on December 20, 2020. The Planning & Zoning Board already heard the request in July but it was taken back through due to the changes that were made to the plan. The Planning & Zoning Board originally denied the request. The site is 23.95 acres and is currently undeveloped. The applicant is proposing to develop the site with 151 townhomes and rezone it from NRC & OI in the County to RM-10-PD in the City. There will be no future land use change. There will be 73 front entry townhomes and 78 rear entry townhomes with 54 total guest parking spaces.

The applicant is requesting several variances:

- 1. Reduction of the side setback (Adjacent to Gas Station) from 10 feet to 0 feet;*
- 2. Reduction of side to side building separation from 30 feet to 20 feet;*
- 3. Reduction of front setback along Campbell Road Extension from 50 feet to 10 feet;*
- 4. Allow driveway length 22 feet from back of curb, 20 feet from back of sidewalk, and 18 feet for alleyways.*

Staff are supportive of the rezoning and recommend 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 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. There shall be protective covenants on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.*
- 4. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.*
- 5. All utilities within the development shall be underground.*

6. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.

7. 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.

8. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.

9. No debris may be buried on any lot or common area.

10. 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".

11. 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.

12. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

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

Special Conditions

14. The development shall maintain the following setbacks:

- Front – 50'
- Front (along Campbell Road Extension) -10'
- Eastern Side – 35'
- Western Side – 35'
- Side (Adjacent to Gas Station) – 0'
- Rear – 40'

15. The development shall maintain the following building separations:

- Side to Side – 30' (Western Side of Development)
- Side to Side - 20' (Eastern Side of Development)
- Front to Side – 40'
- Front to Back – 50'
- Front to Front – 50'

16. The maximum impervious surface area coverage for the development shall be 65%.

17. The maximum building height for the townhomes shall be 45'.

18. The maximum number of units per building shall be 6 units.

19. The developer shall install deceleration lanes at the entrance of the development along Spring Road and Campbell Road with a minimum length of 100 feet and taper of 50 feet.

20. The developer shall provide a left turn lane to the development on Campbell Road for southbound traffic.

21. The developer shall provide access management that restricts turning movements near the Spring Road intersection on Campbell Road.

22. The developer shall construct a dedicated eastbound right-turn lane on Spring Road and connect it to the existing dedicated receiving lane on Cumberland Boulevard to form a free flow right-turn lane movement.

23. The developer shall change the signal phasing of the southbound right-turn lane to "Protected-Overlap" at the Spring Rd & Cumberland Boulevard intersection.

24. The developer shall restripe the existing southbound shared 'through and left-turn-lane' into a shared through/right-turn/left-turn-lane on Village Parkway.

25. The developer shall change the signal phasing of the southbound right-turn approaches to "Protected-Overlap" at the Spring Rd & Village Parkway intersection.

26. Minimum driveway length shall be 22' from curb of street, or back of sidewalk, or 18' from alleyways.

27. The roads and utility infrastructure within the community shall be private and shall be maintained by the HOA.

28. The 50' stream buffer and 25' impervious surface area setback along the stream buffer shall be compensated at a ratio of 1:1 square feet for any encroachment along the same stream buffer within the development.

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

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

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

32. The developer shall provide a 20' landscape buffer in accordance with Section 1013.3 of the Zoning Ordinance along the western property line and 10' along the Eastern property line.

33. The developer shall replace any disturbed sidewalk, curb, and gutter along the frontage of Campbell Road and Spring Road.

34. The developer shall make a sidewalk connection from the development to Campbell Road.

35. The developer shall dedicate right-of-way along Campbell Road to meet the minimum of 30 feet from the centerline.

36. *The gating of the private roads shall be prohibited.*

37. *Approval of the subject property for the RM-10-PD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 12/15/2020 and created by Planners and Engineers Collaborative and all zoning stipulations above.*

38. *The applicant shall be bound to the elevations submitted on 11/8/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.*

Board member Bartlett asked if the applicant is taking advantage of the setbacks. Mr. Martin said that it is in part due to the ROW dedication and that it is a conceptual plan, so it may change slightly so that they can use some wiggle room.

Chairman Powell asked Mr. Martin to speak to the improvements on the roadways. Mr. Martin said that there will be several dedicated turning lanes and there will be a curb median to restrict the shopping center from turning onto Campbell towards Spring Rd. Chairman Powell said that it is being annexed- if they were to leave it in the county, what could it be? Mr. Martin said that it could potentially be a retail center in the front of the property with office space in the rear (this is allowed by right to do this in Cobb County- would not need to go to Smyrna at all).

Board member Bartlett asked if the plans come back from the engineer saying that it isn't possible, what would they do? Mr. Martin said that the zoning allows for any type of improvement from the City Engineer.

Chairman Powell asked the applicant to provide an overview of the request. Mr. Kevin Moore came up as the representative of the applicant. Mr. Moore said they removed the senior living portion that was previously submitted and have also removed the connection to Woodruff Dr and just have a walking path and bridge. Toll Brothers will be the builder of the townhomes, which should sell in the \$450-525 range. Mr. Moore said that 41% of the space is open space and will be passive walking trails.

Board member Jones asked the price point. Mr. Moore said \$450-525.

Chairman Powell opened the floor for Public Hearing.

Robert Thompson- Woodruff Dr- on the HOA board; is now in support of the development but wants Woodruff Dr to be removed completely.

Donna Buffington- close to property line; worried that there will just be a wall.

Richard Shannon- Nancy Cir- concerned with the quantity (too many townhomes), quality (too many garage fronted units), and connectivity (wanted Woodruff to connect- said it would be better to overall area); he also mentioned the impact to the schools.

Maggie Shannon- Nancy Cir- her subdivision does not have an HOA so they have not heard from the developer in any way; she is also concerned about the schools.

Brad Coyle- HOA president of Oakey Downs; traffic is an issue.

Virginia Sohusky- Vinings Pointe- against the development; brought up several points

of how it does not conform to the planned unit development; density is too high; goes into hillside too much.

Dan Campbell- Drewsbury Ct- although happy about the median, does not wish to see another entrance to Campbell Rd.

Monty Bye- Spring St- brought up letter that was sent to Cobb County against a proposed development from Cobb; mentioned other zoning in the area; also talked about traffic; said it was against the rezoning requirements.

Jenny Shover- Vinings Pointe- opposed to the project; asked how long the construction would last and how it would impact the traffic during construction.

James Nottolly- Drewsbury Ct- opposes project; concerned about widening the road and doesn't see how it will fit.

Chairman Powell asked the applicant to come back up to answer the concerns that came up.

Mr. Moore came back up to represent the applicant. Mr. Moore first spoke of the topography and said they would have a heavily landscaped 20 ft buffer in addition to the HOA landscape buffer behind them.

Board member Bartlett asked about the school information. Mr. Moore said that they met with the school board to discuss concerns. Cobb County also gave a letter on non-objection. Mr. Martin said that they did not receive anything from Cobb County schools either.

Chairman Powell asked Mr. Martin to address the letter sent to Cobb County two years ago. Mr. Martin said that at the time, the pertinent information was not provided, and it did not provide the connection they were looking for. Also significantly decreased the density. Mr. Martin also said that staff also wanted City of Smyrna to be the main contributors, not Cobb County so they could control what was happening. Chairman Powell also asked about stipulations. Mr. Martin said there are 17 standard stipulations, so the others are special.

Chairman Powell asked about the park. Mr. Moore said that there is an active amenity area behind the gas station. The preserved open space will have walking trails installed that Woodruff and this community can enjoy with pocket parks are also spread throughout the community.

Board member Bartlett wanted clarification on why they should approve a site that still has variances to work out.

Chairman Powell made several comments prior to the vote. Chairman Powell asked construction timeline, which Mr. Moore said it would be about 2-2 ½ years.

Boardmember Tom Bartlett made a motion to deny item 2019-440 for a Public Hearing Zoning Request (Z19-019) for a Rezoning from NRC & OI to RM-10-PD for the development of 151 townhomes at a density of 6.3 units per acre on 23.95 Acres, Land Lots 775, 810, & 811 located on 2320 Campbell Road by InLine Communities, LLC.; seconded by Boardmember James Smith.

The motion carried by the following vote:

Aye: 6 - Earl Rice, Michael Seagraves, Tom Bartlett, James Smith, Henriette Ostrzega and Victor Jones

Nay: 1 - Keith Bentley

4. Approval of Minutes:

4. Approval of Minutes:

A. [2020-489](#)

Approval of the November 9, 2020 Planning and Zoning Commission Meeting minutes.

A motion was made by Boardmember Earl Rice to approve the minutes of the November 9, 2020 Minutes of the Planning and Zoning Board; seconded by Boardmember Seagraves,.

The motion carried by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Tom Bartlett, Keith Bentley, James Smith, Henriette Ostrzega and Victor Jones

5. Adjournment

Chairperson Joel Powell adjourned the December 14, 2020 meeting of the Planning and Zoning Commission at 8:26 PM.