



City of Smyrna

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

Meeting Minutes - Final Planning and Zoning Commission

Monday, August 10, 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**

If you wish to speak during the Public Hearing portion of this meeting and you are unable to attend the meeting due to health concerns with Covid 19, you may participate via telephone. To participate via telephone, you must register with Community Development by emailing Planner I Caitlin Crowe at CCrowe@smyrnaga.gov the following information: Name, Phone number to be called, Email and Residence Address.

*** The deadline to register to speak via telephone is August 9, 2020 at 11:59PM***

Everyone that attends the meeting in person, will have an opportunity to speak and will not have to register prior to the meeting. You will need to sign the Public Hearing /Citizen Input Sign Up Sheet at the City Clerk's desk prior to the start of the meeting at 6:00PM. If you choose to speak via telephone, you must be available to receive a call between 6:00pm and 8:00pm. Ms. Crowe will notify you on Monday, August 10th as to additional details of these procedures. Thank you for your cooperation as we navigate new ways to encourage Public Comment.

1. Roll Call

Present: 7 - Joel Powell, Tom Bartlett, Victor Jones, Keith Bentley, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 1 - Jim Davis

Also Present: 0

Staff: 6 - Heather Peacon-Corn, Russell Martin, Caitlin Crowe, Joey Staubes, Kevin Moore and Landon O'Neal

2. Call to Order

Chairman Joel Powell called the August 10, 2020 Planning and Zoning Meeting to order at 6:00PM.

3. Business

A. [2020-84](#)

Public Hearing - Plat Approval with Variances - V20-015 - 0.462 Acres
- Land Lot 627 - 1730 & 1740 Seneca Court - LaDonna Lewis.

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning and annexation request Z20-015. The request is to be heard by Mayor and Council on August 17, 2020. The applicant is looking to go from four single-family lots and reconfigure to 3 single-family lots. There is a stream buffer that runs along the lots, so the lots will have a mitigation plan to offset the encroachment.

The applicant is requesting two variances:

- 1. Reduction of the impervious surface area setback; and*
- 2. Reduction of front setback from 35 feet to 10 feet.*

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

- 1. Allow reduction of the front setback from 35' to 10'.*
- 2. Allow encroachment into the 75' impervious surface setback.*
- 3. Encroachment into the 75' impervious surface setback shall be replaced at a 1:1 ratio.*
- 4. Approval is conditioned upon substantial compliance with the site plan submitted July 31, 2020 and prepared by Surveys Plus, Inc.*

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

Mrs. LaDonna Lewis came up as the applicant. Mrs. Lewis is adding a new home to property by using a custom home builder.

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

Boardmember Henrietta Ostrzega made a motion to approve item 2020-84, a Public Hearing for the Plat Approval with Variances, V20-015, on 0.462 Acres on Land Lot 627 located at 1730 & 1740 Seneca Court by applicant LaDonna Lewis; seconded by Boardmember Earl Rice.

The motion carried for approval by the following vote:

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

Absent: 1 - Jim Davis

B. [2020-233](#)

Public Hearing - Zoning Request - Z20-006 - Rezoning from NS & RM-10 - Conditional for the development of 10 single-family attached townhomes at a density of 9.3 units per acre - 1.08 acres - Land Lot 669 - 3302 Atlanta Road - Edgeline, LLC

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning and annexation request Z20-006. The request is to be heard by Mayor and Council on August 17, 2020. The rezoning is from NS to RM-10- Conditional for the construction of 10 new attached single-family homes. Staff has requested a right-in, right-out entrance and exit on Atlanta Road and a driveway connection to Villa Court. The variances are mostly due to the lot dimensions and to bring them in line to the neighboring subdivision of Vintage Square.

The applicant is requesting four variances:

- 1. Allow reduction of the front setback from 75' to 40';*
- 2. Allow reduction of side setback from 35' to 12';*
- 3. Allow increase of impervious coverage from 35% to 65%; and*
- 4. Allow increase in the row of townhomes from 6 to 7 units.*

Staff are supportive of the variances and recommend approval 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. 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.*
- 3. 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.*
- 4. The detention 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 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.*
- 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:

- a. Front – 40'*
- b. Side – 12'*
- c. Rear – 40'*

15. Each townhome building shall be limited to no more than seven units per building.

16. The proposed homes shall be a minimum floor area of 1,800 square feet.

17. The private drive shall be a minimum of 26' wide from back to curb to back of curb.

18. The private drive shall have a permanent access easement through the Villas of Vinings Condominiums. Documentation of the easement shall be provided to the City prior to the issuance of a Land Disturbance Permit.

19. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

20. The rear of the townhome units shall have architectural features that delineate the individual townhome units.

21. The developer shall provide a 4' sidewalk within the development.

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

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

24. The developer shall provide a right-in and right-out access from the private drive to Atlanta Road.

25. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.

26. 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.

27. Approval of the subject property for the RM-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan

submitted 7/30/2020 created by Blue Landworks and all zoning stipulations above.

28. The applicant shall be bound to the elevations submitted on 7/30/2020. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

29. The additional stipulations agreed upon by the application in the letter submitted and dated on July 30, 2020. If there should be a discrepancy between the stipulations in the July 30, 2020 letter and the stipulations stated above, the stipulations stated above shall apply.

Chairman Powell clarified about why approving 7 townhomes in a row. Mr. Staubes said that the Fire Marshal's reviewed and approved the plans submitted and has enough fire access. Mr. Powell also clarified the setbacks since it seems small. Mr. Staubes said that it is the same setbacks as the next-door subdivision, Vintage Square.

Chairman Powell asked the applicant to provide an overview of the request. Mr. Garvis Sams came up to represent the applicant, Edgeline, LLC. Mr. Sams said that it is a downzoning since there is no utility for this lot to be a commercial zoning. The sewer will be coming from the Vintage Square subdivision. The price point will be from \$400-500s, depending on the upgrades chosen. All townhomes will be rear-entry with a mandatory HOA and will all be owner-owned, not rental units. Mr. Sams said that they are not keen on the right-in, right-out stipulation, but will discuss that at the Mayor and Council meeting.

Board member Bartlett asked why the architectural elements? Eric Mconicky from Edgeline, LLC said the architect is out of town.

Board member Bentley had a question over the phone on why they would need an entry and exit on Atlanta Rd if they go into Vintage Square, they would meet the light. Mr. Mconicky said that their roads weren't meant for that and that it would be difficult to go behind their units.

Chairman Powell spoke about inter-parcel access and asked if it needed to be gated. Also mentioned that there should be more access from other areas.

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

Boardmember Tom Bartlett made a motion to approve item 2020-233, for a Public Hearing for a Zoning Request, Z20-006 for a rezoning from NS & RM-10 Conditional for the development of 10 single-family attached town homes at a density of 9.3 units per acre on 1.08 acres, Land Lot 669 at 3302 Atlanta Road by the applicant Edgeline, LLC; seconded by Boardmember Michael Seagraves.

The motion for approval carried by the following vote:

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

Absent: 1 - Jim Davis

C. [2020-300](#)

Public Hearing - Zoning Request - Z20-009 - Rezoning from R-20 (Cobb County) to RDA-Conditional for the development of two new single-family detached homes at a density of 5.88 units per acre - 0.34 acres - Land Lot 632 - 2791 Mathews Street - McBev One LLC

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning and annexation request Z20-009. The request is to be heard by Mayor and Council on September 21, 2020. The rezoning and annexation are for 2791 Mathews Street. There is currently one home on the property. The lot will be subdivided, the current home demolished, and two new homes will be built. There will be a shared driveway, extending from a current shared driveway in the Village of Williams Park.

The applicant is requesting two variances:

- 1. Reduction of rear setback from 30' to 20'; and*
- 2. Reduction of minimum lot width from 50' to 39.93'.*

Staff are supportive of the variances and recommend approval 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. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.*
- 4. No debris may be buried on any lot or common area.*
- 5. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.*
- 6. All 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 tree 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 minimum setbacks:*
 - a. Front – 25' (from existing ROW)*
 - b. Side – 5'*
 - c. Rear – 30'*

10. Driveway – 20' minimum length from building face to private driveway.
11. The developer shall dedicate 10' of right-of-way along Mathews Street.
12. The developer shall install curb, gutter, and sidewalk at the frontage of property along Mathews Street.
13. The developer shall be required to expand the Mathews Street roadway to meet street width on either side of the development.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
16. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
17. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
18. Approval of the subject property for the RDA zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 7/10/2020 and created by Vaughn & Melton Consulting Engineers, Inc. and all zoning stipulations above.
19. The applicant shall be bound to the elevations submitted on 7/10/2020. Approval of any change to the elevations must be obtained from the Director of Community Development.

Board member Bentley had a question over the phone to clarify why staff is recommending approval for the smaller lot width. Mr. Staubes said that it is the best outcome for the City since it is the same developer and same architectural style as the surrounding homes.

Chairman Powell asked the applicant to provide an overview of the request. Jim Beveridge came forward as the applicant. Mr. Beveridge said that they were the same developers for Phase 1 and 3 of Village at Williams Park. Said that this lot is currently an island in the County, and that they have tried to acquire it in the past but were unsuccessful. Said he wants to make it consistent with the other development to the North and South of this lot. The price point would be around \$500s for each of the homes.

Board member Bentley had a question over the phone to ask if they would just do one house instead of two. Mr. Beveridge said that the price of the land would require a million-dollar property in Cobb County, but this seems excessive and wants to keep in line with the price point in Smyrna. Mr. Bentley also asked what the detention will look like in the front. Mr. Beveridge said the retention will be in the rear only with an expanded rain garden.

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

Boardmember Keith Bentley made a motion to approve item 2020-300, a Public

Hearing for a Zoning Request, Z20-009 for the rezoning from R-20 (Cobb County) to RDA-Conditional for the development of two new single-family detached homes at a density of 5.88 units per acre on 0.34 acres on Land Lot 632 located at 2791 Mathews Street by the applicant McBev One LLC; seconded by Boardmember Victor Jones.

The motion to approve carried by the following vote:

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

Absent: 1 - Jim Davis

- D. [ORD2020-10](#) **Public Hearing** - Ordinance 2020-10 for Code Amendments to Sections 402, 709, 710, 711, 712, and 716 to the City's Zoning Ordinance are proposed to add a definition related to automobile broker office and to list automobile broker office as a permitted use within the Limited Commercial, Office Institutional, Neighborhood Shopping, General Commercial, and Central Business Districts zoning districts.

Mr. Joey Staubes, Planner II, presented staff recommendation for the ordinance update. Auto brokers are not currently listed as a permitted use in the Zoning Ordinance. Staff are looking to add the use to the appropriate districts to lessen confusion for staff and businesses and to make it easier to enforce. Staff gave a new definition which will make a clear distinction between the automobile uses.

Chairman Powell asked if someone wanted to park a vehicle inside the facility, could they do so. Mr. Staubes said no, they would not.

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

Boardmember Henrietta Ostrzega made a motion to approve item ORD2020-10, a Public Hearing for Ordinance 2020-10 for Code Amendments to Sections 402, 709, 710, 711, 712, and 716 to the City's Zoning Ordinance are proposed to add a definition related to automobile broker office and to list automobile broker office as a permitted use within the Limited Commercial, Office Institutional, Neighborhood Shopping, General Commercial, and Central Business Districts zoning districts; seconded by Boardmember Tom Bartlett.

The motion to approve carried by the following vote:

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

Absent: 1 - Jim Davis

4. Approval of Minutes:

- A. [2020-282](#) Approval of the July 13, 2020 Planning and Zoning Commission Meeting minutes.

Boardmember Earl Rice made a motion to approve item 2020-282 for the approval of the July 13, 2020 Planning and Zoning Commission Meeting minutes; seconded by Boardmember Michael Seagraves.

The motion to approve carried by the following vote:

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

Absent: 1 - Jim Davis

5. Adjournment

Planning and Zoning Board Chairman Joel Powell adjourned the August 10, 2020 meeting at 6:58 PM.