



City of Smyrna

City of Smyrna
A.Max Bacon City Hall /
Council Chambers
2800 King Street
Smyrna, GA 30080
770-434-6600
www.smyrnacity.com

Meeting Minutes - Final Planning and Zoning Commission

Monday, June 14, 2021

6:00 PM

Council Chambers

1. Roll Call

Present: 6 - Joel Powell, Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

Also Present: 0

Staff: 6 - Russell Martin, Joey Staubes, Caitlin Crowe, Tyler Addison, Kevin Moore and Tina Monaghan

2. Call to Order

Chairperson Joel Powell called the June 14, 2021 Planning and Zoning Commission meeting to order at 6:03 PM.

3. Business

A. [2021-085](#)

Plat Approval for a two lot subdivision within the R-30 zoning district - Land Lot 261 - 1.82 acres - 4975 Hickory Mill Dr - Josh Drinnon - *This item will be withdrawn at the request of the applicant.*

Boardmember Michael Seagraves made a motion to withdraw Plat Approval for a two lot subdivision within the R-30 zoning district - Land Lot 261 - 1.82 acres - 4975 Hickory Mill Dr - Josh Drinnon - at the request of the applicant. Boardmember Keith Bentley seconded the motion.

The motion to withdraw at the request of the applicant was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

B. [2021-132](#)

Public Hearing - Zoning Request - Z21-004 - Allow rezoning from Future Commercial (FC) to Limited Commercial (LC) for use as a professional office - 0.25 acres - Land Lot 485 - 1120 Concord Rd - Jeremy Robinson - *This item will be tabled to the July 12, 2021 Planning & Zoning Board Meeting.*

Boardmember Henriette Ostrzega made a motion to table Zoning Request - Z21-004 - Allow rezoning from Future Commercial (FC) to Limited Commercial (LC) for use as a professional office - 0.25 acres - Land Lot 485 - 1120 Concord Rd - Jeremy Robinson -

to the July 12, 2021 Planning & Zoning Board Meeting. Boardmember Michael Seagraves seconded the motion.

The motion to table to the July 12, 2021 Planning and Zoning Board Meeting was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

C. [2021-134](#)

Public Hearing - Zoning Request - Z21-006 - Allow rezoning from NS to RM-12 for the development of 23 townhomes at a density of 11.3 units per acre - 2.03 acres - Land Lot 700 - Atlanta Rd & Campbell Rd - Morgan Capital and Development, LLC. - *This item will be tabled until the July 12, 2021 Planning & Zoning Board Meeting.*

Boardmember Charlie Phillips made a motion to table Zoning Request - Z21-006 - Allow rezoning from NS to RM-12 for the development of 23 townhomes at a density of 11.3 units per acre - 2.03 acres - Land Lot 700 - Atlanta Rd & Campbell Rd - Morgan Capital and Development, LLC. - to the July 12, 2021 Planning & Zoning Board Meeting. Boardmember Earl Rice seconded the motion.

The motion to table to the July 12, 2021 Planning and Zoning Board meeting was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

D. [2021-007](#)

Public Hearing - Zoning Request - Z21-002 - Allow annexation and rezoning from NS (Smyrna) and OI (Cobb County) to MU-Conditional for the development of a mixed use project - 8.7 acres - Land Lot 880 & 881 - 2800 & 2810 Spring Rd - RASS Associates, LLC

Mr. Joey Staubes, Planner II, presented staff recommendation for annexation and rezoning request Z21-002. The request is to be heard by Mayor and Council on July 19, 2021. There is currently a retail strip center and office complex on the property. With the annexation and rezoning, there will be retail, apartments, and a hotel. The property is currently zoned NS in Smyrna & OI in the County and is being proposed to MU-Conditional, all within Smyrna. There will be no future land use change. The project will consist of two retail buildings (17,000 sq ft and 11,000 sq ft) that face Spring Rd with an office building, hotel, and apartment complex behind. The hotel building will be a full-service hotel with 188 rooms at 8 stories. The apartments will be 5 stories mostly consisting of studio rooms. Both the apartments and hotel will have a parking deck. Smyrna's LCI plan calls for overhead pedestrian crossing, so the developer will be providing the space to allow for the crossings in the future (near Nalley Lexus and over 285 to the mall). These crossings are for future use, so these will not be built as part of the plan.

The applicant is requesting four variances, all of which the staff support:

1. Allow increase in building height from 66' to 95'.

- 2. Allow increase in density from 25 to 34.5 units per acre.
- 3. Allow reduction of average unit size from 900 sq. ft. to 811 sq. ft.
- 4. Reduction of the minimum rear setback from 100' to 35'.

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

Standard Conditions

- 1. The composition of the development 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. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
- 6. No debris may be buried on any lot or common area.
- 7. 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".
- 8. 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.
- 9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
- 10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

- 11. The development shall maintain the following setbacks for Non-Residential:
 - Front – 0'
 - Side – 0'

Rear – 20'

12. The development shall maintain the following setbacks for Residential:

Front – 20'

Side - 15'

Rear – 35'

13. The maximum building height shall be 95'.

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

15. 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. Pendant lighting shall be utilized in the in the kitchen area of the units and flush-mount LED can 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 and VCT vinyl flooring shall be prohibited;

vi. Tile flooring shall be required in both the kitchen and bathrooms including luxury vinyl tile (i.e. not sheet vinyl or VCT);

vii. All bathrooms shall have tub/shower surrounds with an aesthetic similar to tile;

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 stainless-steel sinks.

16. The maximum multi-family units shall be 300 units.

17. The average unit size shall be 811 sq. ft.

18. The developer shall provide a right in/right out access at both access drives on Spring Road.

19. The developer shall provide a deceleration lane for the eastern access drive on Spring Rd.

20. The developer shall provide a full access drive on Spring Hill Pkwy.

21. Minimum roadway length shall be 24' from curb of street, or back of sidewalk, or 22' from alleyways.

22. The developer shall be responsible for any transit improvements for the bus stop on Spring Road.

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

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

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

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

27. The developer shall make a sidewalk connection from the development to Spring Road and Spring Hill Pkwy.

28. The developer shall provide and dedicate property to the city for the landing areas of the pedestrian bridges for Spring Road and I-285 in accordance with the LCI Plan.

29. The developer shall provide a pedestrian connection from the multi-family garage.

30. The gating of the private roads shall be prohibited.

31. 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 5/4/2021 and created by Kimley Horn and all zoning stipulations above.

32. The applicant shall be bound to the elevations submitted on 5/4/2021. Approval of any change to the elevations must be obtained from the Director of Community Development.

Board member Phillips asked if there would be a landscape buffer between the building and parking lot. Mr. Staubes responded that the setbacks are to the property line, not the parking lot.

Chairman Powell asked the applicant to provide an overview of the request. Mr. Garvis Sams came up on behalf of the applicant, RASS Associates, LLC. The applicant also owns the property and is available to speak if needed. The application was originally submitted in 2017 and was unable to change the site plan as was needed at the time. The applicants are estimated to invest \$125 million to be involved in this project. This rezoning also includes an annexation of the rear portion of the property into Smyrna. Mr. Sams said his clients' focus is on hotels so it will be a full service Hilton hotel and will have a parking garage underneath. Mr. Sams also mentioned that the site may be considered over-parked at 1.8 spaces per multifamily unit.

Board member Bentley asked about access to the site from Cobb Pkwy. Mr. Sams they could make it so they come in at the right in right out off of Spring Rd, create a legal u-turn on Spring Rd, or there is a possibility that the median may be able to be parted in the future.

Board member Bentley also asked how the parking deck will look from the road. Mrs. Sams said they will complement each other but not completely screen them. Board member Bentley also asked about the construction timeline. Mr. Sams said that they would like to break ground fairly quickly and Engineer Kate Triplett said it will take approximately 2 years. Mr. Sams also emphasized that the applicant will be building everything up at the same time.

Chairman Powell opened the floor for Public Hearing and no one came forward to speak.

Boardmember Charlie Phillips made a motion to approve Zoning Request - Z21-002 - Allow annexation and rezoning from NS (Smyrna) and OI (Cobb County) to MU-Conditional for the development of a mixed use project - 8.7 acres - Land Lot 880 & 881 - 2800 & 2810 Spring Rd - RASS Associates, LLC. Boardmember Henriette Ostrzega seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

E. [2021-243](#)

Public Hearing - Zoning Request - Z21-008 - Rezoning from FC to R-8-Conditional for the subdivision of one lot into two lots at a density of up to 4.6 units per acre - Land Lot 561 - 2605 Old Roswell Road - Roselane LLC

Mr. Joey Staubes, Planner II, presented staff recommendation for annexation and rezoning request Z21-008. The request is to be heard by Mayor and Council on July 19, 2021. There is currently one existing lot which is going to become two lots. The applicant will be keeping the existing home and building one new home. This request is to rezone from FC to R-8 and may change future land use map from moderate density residential to medium density residential. However, there is an existing alley, and if abandoned by the City, will decrease the density, and no longer need a land use change. The applicant has stated that they will submit a letter of intent to acquire the alley property. No variances are needed for this property.

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. 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 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 R-8 setbacks:

Front – 25'

Side – 5'

Rear – 25'

10. The minimum lot size shall be 8,812sq. ft.

11. The minimum lot width shall be 50 feet.

12. Driveway – 20' minimum length from building face to back of curb.

13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Old Rowell Rd.

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 R-8 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/14/2021 and created by Paul Lee Consulting and all zoning stipulations above.

19. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 5/14/2021.

Chairman Powell asked the applicant to provide an overview of the request. Mr. Garvis Sams came up on behalf of the applicant, Roselane, LLC. The applicant is looking to get a lot split with almost a half-acre going from 1 lot to 2 lots. The private alley surrounding the property was on the original plat and by adding the abandoned alley, it makes the density far lower. The applicant is looking to keep and rehab the current house.

Chairman Powell asked about the existing home- why not scrape and start over. Mr. Sams said that his client believes that the home has good bones and can be salvaged.

Chairman Powell opened the floor for Public Hearing and no one came forward to speak.

Boardmember Keith Bentley made a motion to approve Zoning Request - Z21-008 -

Rezoning from FC to R-8-Conditional for the subdivision of one lot into two lots at a density of up to 4.6 units per acre - Land Lot 561 - 2605 Old Roswell Road - Roselane LLC.

Boardmember Michael Seagraves seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

F. [2021-244](#)

Plat Approval - Allow for the subdivision of land from one lot into two lots - Land Lot 384 - 1.51 acres - 3813 N Cooper Lake Rd - Christopher Mount

Mr. Rusty Martin, Community Development Director, presented staff recommendation for plat approval request. The applicant is looking to subdivide the existing property into two lots and will separate out the back half of the lot (off Austin Dr). The applicant meets all zoning of the property; however, the other subdivision regulations have not been met at this point and will need the plat to update the proposed infrastructure. The applicant will need to show stormwater management and sidewalks along Austin Dr to North Cooper Lake Rd.

Staff are recommending denial at this point until the plans are submitted.

Chairman Powell asked if the plat is the only document from the applicant provided. Mr. Martin said yes.

Chairman Powell asked the applicant to provide an overview of the request. Mr. Chris Mount came up as the applicant. Mr. Mount said he will sell off 0.5 acres and will need to add the sewer information to the plat. He said he will not be developing the property and expects the future property owners to submit plans to develop the lot.

Chairman Powell opened the floor for Public Hearing and no one came forward to speak.

Boardmember Earl Rice made a motion to deny allowing for the subdivision of land from one lot into two lots - Land Lot 384 - 1.51 acres - 3813 N Cooper Lake Rd - Christopher Mount. Boardmember Keith Bentley seconded the motion.

The motion to deny was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

G. [ORD2021-13](#)

Public Hearing - Approval of code amendments to the City Code of Ordinances to move variance requests from the Mayor and City Council to the License and Variance Board beginning July 14, 2021.

Mr. Rusty Martin, Community Development Director, came up to present. Variances were taken off License and Variance Board a few months ago and added to the Mayor and Council. However, the City Council would like to add them back to the License and Variance Board.

Chairman Powell opened the floor for Public Hearing and no one came forward to speak.

Boardmember Earl Rice made a motion of approval for submission to Mayor and Council of code amendments the City Code of Ordinances to move variance requests from the Mayor and City Council to the License and Variance Board beginning July 14, 2021. Boardmember Keith Bentley seconded the motion.

The motion of approval for submission to Mayor and Council was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

4. **Approval of Minutes:**

- A. [MIN2021-35](#) Approval of the May 10, 2021 Planning and Zoning Commission Meeting minutes.

Boardmember Michael Seagraves made a motion to approve the May 10, 2021 Planning and Zoning Commission Meeting minutes. Boardmember Charlie Phillips seconded the motion.

The motion to approve was carried by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, Keith Bentley, Henriette Ostrzega and Charlie Phillips

Absent: 2 - James Smith and Victor Jones

5. **Adjournment**

Chairperson Joel Powell adjourned the June 14, 2021 Planning and Zoning Commission meeting at 7:08 PM.