



City of Smyrna

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

Meeting Minutes - Final Planning and Zoning Commission

Monday, September 14, 2020

6:00 PM

Community Center

**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**

Rollcall

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

Also Present: 0

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

2. Call to Order

Chairman Joel Powell called the September 14, 2020 Planning and Zoning Commission meeting to order at 6:02 PM.

3. Business

A. [2020-125](#)

Public Hearing - Zoning Request - Z20-004 - Rezoning from RM-10 & R-15 to RM-10 Conditional for the development of 12 single-family detached homes at a density of 7.5 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC - This item will be tabled to the November 2, 2020 Mayor & Council Meeting at the request of the Applicant.

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning request Z20-004. The request is to be heard by Mayor and Council on October 19, 2020. The rezoning is from RM-10 and R-15 to RM-10- Conditional for the construction of 12 new detached single-family homes. There are 3 existing single-family homes which will be demolished to make way for the new subdivision. There will be a future land use change from Medium to Medium-High Residential. The new subdivision will have a private drive with a hammerhead ending and will add two crosswalks at the Church Street intersection. The applicant is requesting six variances since the RM-10 zoning district is typically for multi-family buildings, so staff is working within different unusual parameters.

The applicant is requesting six variances:

1. Allow the reduction of the minimum lot area from 12,000 sq. ft. to 3,441 sq.
2. Allow the reduction of the minimum lot width from 100' to 43'.

3. Allow the reduction of the front setback from 50' to 22'.
4. Allow the reduction of the rear setback from 40' to 15'.
5. Allow the reduction of the side setback from 35' to 5'.
6. Allow the reduction in Right-of-Way from 40' to 38'.

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% 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. 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 retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside of the development. The storm water detention plan shall be designed to create at least a 10 percent reduction in a 100-year storm event. The engineer shall approve all plans.
5. 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.
6. 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.
7. No debris may be buried on any lot or common area.
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.
11. 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

12. *The development shall maintain the following setbacks:*

a. Front – 22’

b. Side – 5’

c. Rear – 15’

13. *Driveway – 22’ minimum length from building face to private driveway.*

14. *The developer shall dedicate 5’ of right-of-way along Church Street.*

15. *The developer shall install curb, gutter, and sidewalk at the frontage of property along Church Street.*

16. *The developer shall provide a cross-walk across the private street as well as Church Street.*

17. *The developer shall be required to expand the Church Street roadway to meet street width on either side of the development.*

18. *All structures will be built to a maximum height of 35’ as measured from the sidewalk along the front elevation.*

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

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

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

22. *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 8/17/2020 and created by Contineo Group Engineers and all zoning stipulations above.*

23. *The applicant shall be bound to the elevations submitted on 2/14/2020. Approval of any change to the elevations must be obtained from the Director of Community Development.*

24. *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 asked the applicant to provide an overview of the request.

Mr. Garvis Sams came up to represent the applicant, Martinello Group, LLC. Mr. Sams said that they chose to apply for the RM-10 zoning district since they wanted to use the

higher density but that they were fine with downzoning from a multi-family building. There will be 12 townhomes at 2,500 square feet with a price point of \$450-550s, depending on the upgrades chosen. Mr. Sams said each home will have a 2-car garage with a mandatory HOA. There will also be a decorative wall surrounding the detention facility in the rear of the property.

Board member Jones asked why make the street private? Mr. Sams said that is made more sense to have a private road since there was a mandatory HOA.

Board member Bentley had several questions over the phone: why are the two homes not facing Church St, if the trash truck could make the turn, and why not a cul-de-sac. Mr. Sams responded that they are not facing Church St for aesthetics (per Joe Romano), that the Fire Marshal did not ask for a turning radius, and the cul-de-sac would take away two lots. Board member Bentley commented that there may be interaction issues with more than one car with the hammerhead instead of a cul-de-sac.

Chairman Powell opened the floor for Public Hearing.

Scott Taylor- Church St- Agreed that the homes should face Church St; also wanted guarantees that there would be some type of privacy factor put in along his property line but is overall ok with the development.

Evan Sturgis- Church St- ok with the development; wants to know why the detention cannot be underground; wants the homes to face Church St and believes allowing the hammerhead will set a bad precedent in the City.

Eddie Carter- Church St- wants the cul-de-sac rather than the hammerhead and also wants the homes to face Church St

Board member Bartlett asked if the applicant could come back up and address the citizen's concerns. Mr. Sams said that they could look into having a cul-de-sac and facing the homes to Church St.

Boardmember Keith Bentley made a motion to deny Zoning Request - Z20-004 - Rezoning from RM-10 & R-15 to RM-10 Conditional for the development of 12 single-family detached homes at a density of 7.5 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC. Boardmember Tom Bartlett seconded the motion.

The motion to deny was carried by the following vote:

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

B. [2020-348](#)

Public Hearing - Zoning Request - Z20-010 - Rezoning from FC to LC for the use as a professional office - 0.25 acres - Land Lot 375 - 726 Windy Hill Road - Omokhodion Medical Services

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning Z20-010. The request is to be heard by Mayor and Council on October 19, 2020. The applicant would like to rezone the property from FC to LC to allow for a professional office. The property has historically been used as a commercial property, most recently as a hair salon. There will be no future land use change. Staff are supportive of the variances and recommend approval.

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

Dr. Omokhodion and his wife came up as the applicant. Dr. Omokhodion wants to rezone the property to keep his options open to either rent it out or have his own medical practice at the subject property.

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

Boardmember Tom Bartlett made a motion to approve Zoning Request - Z20-010 - Rezoning from FC to LC for the use as a professional office - 0.25 acres - Land Lot 375 - 726 Windy Hill Road - Omokhodion Medical Services. Boardmember Earl Rice seconded the motion.

The motion to approve was carried by the following vote:

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

4. Approval of Minutes:

A. [2020-362](#) Approval of the August 10, 2020 Planning and Zoning Commission Meeting Minutes.

Boardmember Michael Seagraves made a motion to approve of the August 10, 2020 Planning and Zoning Commission Meeting Minutes. Boardmember Earl Rice seconded the motion.

The motion to approve was carried by the following vote:

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

5. Adjournment

Chairman Powell welcomed new member JD Smith to the Board.

City Clerk Peacon-Corn announced the new Interim City Administrator was Police Chief Joe Bennett and the new Interim Assistant City Administrator was Penny Mocerri.

Chairman Joel Powell adjourned the September 14, 2020 Planning and Zoning Commission meeting at 6:55 PM.