



# City of Smyrna

City of Smyrna  
A. Max Bacon City Hall /  
Council Chambers  
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## Meeting Minutes - Final Planning and Zoning Commission

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Monday, August 8, 2022

6:00 PM

A. Max Bacon City Hall - Council Chambers

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### Roll Call

**Present:** 6 - Joel Powell, Charlie Phillips, Jonathan Howard, Keith Bentley, Earl Rice and Michael Seagraves

**Absent:** 1 - Henriette Ostrzega

**Also Present:** 0

**Staff:** 4 - Tyler Addison, Jill Head, Russell Martin and Joey Staubes

### 1. Call to Order

Chairperson Joel Powell called to order the August 8, 2022 Planning and Zoning Commission meeting held at A. Max Bacon City Hall in Council Chambers at 6:00 PM.

### 2. Business

#### A. [2022-408](#)

**Public Hearing** - Z22-008 - Rezoning from R-15 to R-10 for a two lot single-family subdivision at a density of 3.6 units per acre - 0.548 acres - Land Lot 561 - 2625 Highland Avenue - Joe Callahan

*Joey Staubes, Planner II, presented the following background:*

*This recommendation will be forwarded to Mayor and Council on September 19, 2022. Joe Callahan is requesting a rezoning from R-15 (Residential) to R-10 (Residential) for a two-lot single-family detached subdivision. The subject property is zoned R-15 and is occupied with a single-family home. The applicant plans to retain the existing home and build one new single-family detached home on the new lot. Stormwater management for the project will be provided on the new and existing lot by a infiltration facility on each lot. The minimum lot size will be 10,000 sq. ft. The proposed setbacks for the homes are consistent with the R-10 zoning district and surrounding properties. The proposed new home will face Highland Avenue with a side-entry garage entering from Old Roswell Road. The existing home will retain driveways on both Highland Avenue and Old Roswell Road.*

*The City Engineer has reviewed the proposed rezoning with respect to stormwater management and stream buffer issues, and in general believes that it meets city requirements. There are no stream buffers affecting the property. The City Engineer is requiring an infiltration facility for both the existing lot and the proposed lot due to the topography of the subject property.*

*The City Engineer has reviewed the proposed rezoning with respect to transportation and in general believes that it meets city requirements. The City Engineer is requesting five feet of right-of-way dedication along Highland Avenue and Old Roswell Road.*

*Additionally, the City Engineer is requesting a five foot sidewalk with two foot grass buffer along Highland Avenue.*

*The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access.*

*Community Development has reviewed the zoning proposal against the City's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to R-10 maintains a future land use designation of MODR (Moderate Density Residential) under four and a half (4.5) units per acre. The proposed lot sizes and widths are in line with other nearby developments. Table 2 shows the infill development in the immediate area as it relates to density, lot size and lot width.*

*Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible. The subdivision and construction of one new single-family home results in a density of 3.6 units per acre on the subject property. The applicant is requesting a rezoning from R-15 to R-10 and the proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's 2040 Comprehensive Plan.*

*Community Development staff is supportive of the rezoning from R-15 to R-10 as it is consistent with the density allowed in the MODR Future Land Use and zoning requirements of R-10 Zoning District.*

*The zoning proposal is consistent with the City's Comprehensive Plan and the Future Land Use Plan. Therefore, Community Development recommends approval of the rezoning from R-15 to R-10 with a density of 3.6 units per acre at 2625 Highland Avenue with the following conditions:*

*Standard Conditions*

*Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.*

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

*8. The development shall maintain the R-10 setbacks:*

*Front – 25'*

*Side – 7.5'*

*Rear – 25'*

*9. The minimum lot size shall be 10,000 sq. ft.*

*10. The minimum lot width shall be 50 feet.*

*11. Driveway – 22' minimum length from building face to back of sidewalk.*

*12. The developer shall provide 5' of right-of-way dedication on Highland Avenue.*

*13. The developer shall provide 5' of right-of-way dedication on Old Roswell Road.*

*14. A 5-foot sidewalk and 2-foot grass strip shall be required for the length of the property along Highland Avenue.*

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

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

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

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

*19. Approval of the subject property for the R-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 7/31/22 and created by SJMurphy, LLC and all zoning stipulations above.*

*20. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 7/8/22.*

*Sean Murphy (3282 Lee Street) and Rick Kolb, representatives of the applicant, came forward. Mr. Murphy stated that they have gone through a couple iterations in order to address certain issues, including some concerns about the garage facing the main road. They have now made it a side-entry garage. There were other concerns about the materials that face the main corridors. Mr. Kolb stated that there is no side of the house that does not face a main corridor, so the siding will be all-brick and conform to requirements. Mr. Murphy discussed some leniencies he hoped engineering could accommodate regarding stormwater.*

*Boardmember Bentley asked about the property line. Mr. Murphy stated the property line is in line with a large oak tree that recently lost a limb.*

*Boardmember Seagraves asked if the existing home on the neighboring property will be renovated. Mr. Kolb stated the existing home is not a teardown. The existing home is a very nice home, and the resident is staying there.*

*A public hearing was called.*

*Ron Davis - 1351 Roswell Street - came forward and stated that what he was going to talk about has been addressed. He was concerned about the sides of the house facing the streets. He was happy to learn that the conditions are being recognized and enforced.*

*Derek Thompson - 2625 Highland Ave - stated he is the homeowner of the neighboring*

*property. He is in support of this because it will be a positive addition to the neighborhood and great for his family.*

Boardmember Keith Bentley made a motion to approve item 2022-408, a public hearing and rezoning (Z22-008) from R-15 to R-10 for a two lot single-family subdivision at a density of 3.6 units per acre on 0.548 acres on land lot 561 located at 2625 Highland Avenue by applicant Joe Callahan; seconded by Boardmember Michael Seagraves.

The motion to approve carried with the following vote:

**Aye:** 5 - Charlie Phillips, Jonathan Howard, Keith Bentley, Earl Rice and Michael Seagraves

**Absent:** 1 - Henriette Ostrzega

**3. Approval of Minutes:**

- A. [MIN2022-57](#) Approval of the July 11, 2022 Planning and Zoning Commission Meeting Minutes.

***Ward / Citywide***

Boardmember Earl Rice made a motion to approve item MIN2022-57, the July 11, 2022 Planning and Zoning Commission Meeting minutes; seconded by Boardmember Jonathan Howard.

The motion to approve carried with the following vote:

**Aye:** 5 - Charlie Phillips, Jonathan Howard, Keith Bentley, Earl Rice and Michael Seagraves

**Absent:** 1 - Henriette Ostrzega

**4. Adjournment**

Chairperson Joel Powell adjourned the August 8, 2022 Planning and Zoning Commission meeting at 6:15 PM.