



City of Smyrna

Meeting Minutes - Final Planning and Zoning Commission

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

Monday, November 8, 2021

6:00 PM

Council Chambers

Roll Call

Present: 7 - Joel Powell, Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

Also Present: 0

Staff: 4 - Russell Martin, Heather Peacon-Corn, Joey Staubes and Dan Campbell

1. Call to Order

Chairperson Joel Powell called to order the November 8, 2021 Planning and Zoning Commission meeting at 6:00 PM.

2. Business

A. [2021-519](#)

Public Hearing - Zoning Request - Z21-014 - Allow rezoning from GC to MU - Land Lots 751 & 752 - 6.923 acres - S Cobb Drive & Oakdale Road - Arris Holdings - ***The applicant requests the item be tabled to the December 13, 2021 Planning & Zoning Board hearing.***

Boardmember Michael Seagraves made a motion to table to the December 13, 2021 Planning and Zoning Commission Meeting item 2021-519, a public hearing and zoning request (Z21-014) to allow rezoning from GC to MU on land lots 751 and 752 on 6.923 acres located at S Cobb Drive and Oakdale Road by applicant Arris Holdings; seconded by Boardmember James Smith.

The motion to table carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

B. [2021-518](#)

Public Hearing - Zoning Request - Z21-015 - Allow rezoning from R-15 to NS for an antiques shop - Land Lot 522 - 0.6 acres - 2986 King Street - Antiques, Wood and Rustics, LLC - ***The applicant request the item be tabled to the December 13, 2021 Planning & Zoning Board hearing.***

Boardmember Henriette Ostrzega made a motion to table to the December 13, 2021 Planning and Zoning Commission Meeting item 2021-518, a public hearing and zoning request (Z21-015) to allow rezoning from R-15 to NS for an antiques shop on land lot 522 on 0.6 acres located at 2986 King Street by applicant Antiques, Wood and Rustics, LLC; seconded by Boardmember Earl Rice.

The motion to table carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

C. [2021-134](#)

Public Hearing - Zoning Request - Z21-006 - Allow rezoning from NS to RDA-Conditional for the development of 12 single-family homes at a density of 5.9 units per acre - 2.03 acres - Land Lot 700 - Atlanta Rd & Campbell Rd - Morgan Capital and Development, LLC.

Ward 1 / Councilmember Glenn Pickens

Joey Staubes, Planner II, presented the following background:

The zoning proposal consists of one tract of land totaling 2.03 acres and is zoned NS (Neighborhood Shopping). The applicant is seeking to develop the parcel for twelve (12) single-family detached homes at a density of 5.9 units per acre. The adjacent property to the north is zoned R-15 (Campbell Middle School). The adjacent property to the south is zoned OI (Office Institutional) and will be developed for a church. The adjacent property to the west across Atlanta Rd is zoned GC & RM-12 and occupied with commercial and residential uses. The adjacent property to the east is zoned R-15 and is occupied with single-family detached homes (Argyle Estates). The rezoning application for 12 single-family detached homes is considerably less dense than the original plan for 23 townhomes, and would be less impactful than a commercial use.

The proposed development requires several variances from the zoning requirements for RDA:

- 1. Reduce the front setback from 25' to 20' (Staff Supports)*
- 2. Reduce the rear property setback from 30' to 10' (Staff Supports)*
- 3. Allow increase in impervious coverage from 45% to 58% (Staff Supports)*
- 4. Allow minimum lot size reduction from 7,260 to 3,150 sq. ft. (Staff Supports)*
- 5. Allow reduction of minimum lot width from 50' to 35' (Staff Supports)*

Community Development recommends approval of the rezoning from NS to RDA-Conditional with a density of 5.9 units per acre at Atlanta Rd & Campbell Rd with the following conditions:

Standard Conditions

(Requirement #2, 8, 16 and 17 from Section 1201 of the Zoning Code is not 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. 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 comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.

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

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

Special Conditions

13. The development shall maintain the following setbacks:

Front – 20'

Side – 5'

Rear – 10'

14. The proposed homes shall have a minimum floor area of 1,800 sq. ft.

15. The minimum lot size shall be 3,150 sq. ft.

16. The maximum impervious coverage shall be 58% per lot.

17. The minimum lot width shall be 35'.

18. The private drive shall be a minimum of 24' wide from back of curb to back of curb.

19. The developer shall provide right-of-way dedication on Campbell Road where required by the City Engineer.

20. The front elevations of Lots 1-6 shall face Campbell Road and the front elevations Lots 7-12 shall face the detention pond/open space area. The rear elevation shall be on the private street.

21. All homes shall have a two car rear-entry garage.

22. Privacy fencing shall be prohibited within the development. Fencing within the front yard shall be a maximum 4' in height and decorative.

23. The front entrance to the development shall not be gated.

24. The development shall include a 10' landscape strip along Atlanta Road.

25. The development shall include a 50' landscape buffer along the northern boundary. The landscape buffer will include a 6' high planted berm, and no trees taller than 15' within 20' of the property line

26. The developer shall be responsible for sidewalks along Atlanta Road and Campbell Road.

27. The existing detention pond will be modified by the developer to be an amenity feature with a passive recreational area; including walking trails and landscaping in accordance with the site plan dated 10/19/2021.

28. The developer shall be responsible for sidewalk and landscaping within the amenity area.

29. The developer shall be responsible for installation of the private roads within the development and will be privately maintained by the HOA.

30. The shared sidewalk and road connections with the church property will be installed and constructed by the developer as shown on the 10/19/2021 site plan.

31. The development shall provide appropriate turning radius for non-emergency commercial vehicles.

32. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
33. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
34. 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.
35. 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 10/19/2021 created by Planners and Engineers and all zoning stipulations above.
36. The applicant shall be bound to the elevations submitted and dated 6/2/2021. Approval of any change to the elevations must be obtained from the Director of Community Development.

Boardmember Phillips asked that the record show that the berm is between the detention pond and the residences.

Kevin Moore representing the applicant was invited to the podium to speak. With this location being across the street from Campbell Middle School and at an intersection that has high traffic flow, the surrounding communities have been highly opposed to the building of these homes because of traffic concerns. Mr. Moore stated that because it is just twelve homes, increased traffic should not be a concern. There will be a shared access road with the church and the proposed development. The church will be adding trees in the berm as part of their development. They are working with the church to make the landscaping and architecture cohesive, create walking paths, share the retention pond, create an amenity for the residents and the church members. The houses themselves will have rear-loaded garages, the fronts of the houses will all be forward-facing, and there will be a small community park at the corner. He stated that the applicant is in agreement with all staff recommendations.

Boardmember Seagraves asked what type of fencing will be installed and who the architect of the homes is. Mr. Moore explained that it would be four foot tall decorative fencing and the architect is Roger Caldwell.

Boardmember Phillips asked about preserving the existing trees in the berm area. Mr. Moore stated that the area in question is to be addressed by the church as part of their development, and that they asked that the natural and current berm be preserved. Community Development Director Russell Martin explained that behind the church there are several trees that provide shading but that do not necessarily provide a natural screen, so the church is going to plant more trees to supplement the berm area.

Chairperson Powell called a public hearing. Sean Murphy came forward and stated he is in favor of this project.

Boardmember Charlie Phillips made a motion to approve item 2021-134, a public hearing and zoning request (Z21-006) to allow rezoning from NS to RDA-Conditional for the development of 12 single-family homes at a density of 5.9 units per acre on 2.03 acres on land lot 700 located at Atlanta Road and Campbell Road by applicant Morgan Capital and Development, LLC; seconded by Boardmember James Smith.

The motion to approve carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

D. [2021-445](#)

Public Hearing - Zoning Request - Z21-012 - Allow rezoning from R-15 to R-8 for the development of two single-family homes at a density of 4.59 units per acre - Land Lot 560 - 0.435 acres - 1439 Walker Court - Joe Callahan.

Ward 3 / Councilmember Travis Lindley

Joey Staubes, Planner II, presented the following background and recommendation:

Joe Callahan is requesting a rezoning from R-15 (Residential) to R-8 (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 demolish the existing home and build two new single-family detached homes on two lots. The minimum lot size will be 8,590 sq. ft. The proposed setbacks are consistent with the R-8 zoning district and surrounding properties. The proposed homes will face Walker Court with front entry garages.

Community Development has reviewed the zoning proposal against the City's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to R-8 requires a future land use change from MODR (Moderate Density Residential) under four and half (4.5) units per acre to MEDR (Medium Density Residential) under six (6) units per acre. Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the R-8 zoning standards. The proposed development meets the zoning requirements for R-8.

Community Development staff is not supportive of the rezoning from R-15 to R-8 and future land use change to MEDR (Medium Density Residential).

The zoning proposal is inconsistent with the City's Comprehensive Plan and the Future Land Use Plan. The density associated with the zoning request will require a change to the Future Land Use Plan. Changing the Future Land Use Plan would create inconsistency in the plan because you would be placing a property with MEDR designation (up to 6 units per acre) in a neighborhood designated as MODR (up to 4.5 units per acre). City staff worked with the applicant to develop remedies to the density issue, but the applicant was unsuccessful in resolving the issue. Therefore, Community Development recommends denial of the rezoning from R-15 to R-8 with a density of 4.59 units per acre at 1439 Walker Court.

Sean Murphy representing the applicant came forward. He asked for clarification from staff about the density and asked if that is the reason for recommending denial. Mr. Staubes confirmed. Mr. Murphy stated that there are already properties that are medium density in that area. He showed a property search showing many lots in the vicinity of this build that are substantially smaller than what is being proposed here. Because it does not agree with future land use map, to consider approval rather than denial because they are proposing lots the same size as already in the neighborhood.

Boardmember Seagraves who lives in Williams Park commented that the aspects that may seem to go unnoticed by residents are actually important to the neighbors in those neighborhoods.

Chairperson Powell asked about many feet are in question. Russell Martin, Community Development Director, stated it is about 430 sq feet of a difference. The City's comprehensive plan says this is supposed to be moderate density residential land use. Mr. Martin noted that the residents of Williams Park asked specifically for moderate density. The acreage depends on whether it is privately owned or community open

space. They are attempting to meet the intent, and it works, but the definition between moderate and medium density is what leads him to recommend denial.

Rick Kolb, Joe Callahan's partner, approached the podium. He stated that he has built over 34 home in Smyrna, has had numerous conversations with Rob Allen, the HOA President of Williams Park, and has voiced support of this development. Mr. Kolb said that he has never left Planning and Zoning with a denial because he has always brought reasonable builds to the board and to Mayor and Council.

Chairperson Powell called a public hearing.

Garrett Plyler, 1501 Walker Street, stated that there is a petition signed by seventeen residents in support of denying this rezoning. He expressed that the elevations do not match the other homes in the neighborhood. He asked about the retention pond and piping. Chairperson Powell stated that he also has that same question and will get that answered.

August Zigon, 2749 Morris Circle SE, opposes putting another home there because of quality of life. The street width where he lives is 20 ft 3 in. Traversing that narrow road is difficult at times. The width of the street where the proposed homes are to be built is only 14 ft 6 in. He believes that is too narrow and dangerous as this is a neighborhood with young children.

Chairperson Powell asked Mr. Murphy to come forward again. Mr. Powell asked if as part of the subdivision, would they tie into the existing sidewalk if they were to get approval. Mr. Martin stated that they would be required to build a sidewalk to connect. Mr. Powell asked if there are plans to widen that street. Mr. Martin stated he would have to talk to Public Works. Mr. Powell asked Mr. Murphy to address the stormwater runoff. Mr. Murphy stated that in new details there is a 10" pipe and access to clean out the leaves and such that could clog the system. This did not meet the threshold for full hydrology study.

Boardmember Keith Bentley made a motion to deny item 2021-445, a public hearing and zoning request (Z21-012) to allow rezoning from R-15 to R-8 for the development of two single-family homes at a density of 4.59 units per acre on land lot 560 on 0.435 acres located at 1439 Walker Court by applicant Joe Callahan; seconded by Boardmember Henriette Ostrzega.

The motion to deny failed with the following vote:

Aye: 3 - Keith Bentley, Earl Rice and Henriette Ostrzega

Nay: 3 - Charlie Phillips, James Smith and Michael Seagraves

Boardmember James Smith made a motion to approve item 2021-445, a public hearing and zoning request (Z21-012) to allow rezoning from R-15 to R-8 for the development of two single-family homes at a density of 4.59 units per acre on land lot 560 on 0.435 acres located at 1439 Walker Court by applicant Joe Callahan; seconded by Boardmember Michael Seagraves.

The motion to approve carried with Chairperson Joel Powell being the tie-breaking vote in the affirmative:

Aye: 4 - Joel Powell, Charlie Phillips, James Smith and Michael Seagraves

Nay: 3 - Keith Bentley, Earl Rice and Henriette Ostrzega

3. Approval of Minutes:

- A. [MIN2021-76](#) Approval of the October 11, 2021 Planning and Zoning Commission meeting minutes.

Boardmember James Smith made a motion to approve item MIN2021-76 the October 11, 2021 Planning and Zoning Commission meeting minutes; seconded by Henriette Ostrzega.

The motion to approve carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

4. Adjournment

Chairperson Joel Powell adjourned the November 8, 2021 Planning and Zoning Commission meeting at 7:05 PM.