



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, April 12, 2021

6:00 PM

A. Max Bacon City Hall Council Chambers
2800 King St SE, Smyrna Ga. 30080

MASKS REQUIRED / TEMPERATURE WILL BE CHECKED

1. **Roll Call**

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

Also Present: 0

Staff: 5 - Heather Peacon-Corn, Russell Martin, Joey Staubes, Caitlin Crowe and Tyler Addison

2. **Call to Order**

Chairman Joel Powell called the April 12, 2021 meeting of the Planning and Zoning Board to order at 6:00PM.

3. **Business**

A. **[2021-007](#)**

Public Hearing - Zoning Request - Z21-002 - Allow 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 - ***This item will be tabled to the May 10, 2021 Planning and Zoning Board Meeting.***

Boardmember Michael Seagraves made a motion to table until the May 10, 2021 Planning and Zoning meeting item 2021-007, a Public Hearing for a Zoning Request (Z21-002) to allow rezoning from NS (Smyrna) and OI (Cobb County) to MU-Conditional for the development of a mixed use project on 8.7 acres on Land Lot 880 & 881 located at 2800 & 2810 Spring Rd by the applicant RASS Associates, LLC.; seconded by Boardmember Earl Rice.

This motion carried for approval to table by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Keith Bentley, James Smith, Henriette Ostrzega, Victor Jones and Charlie Phillips

B. **[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 tabled until the May 10, 2021 Planning & Zoning Board meeting.***

A motion was made by Boardmember Keith Bentley to table until the May 10, 2021

Planning and Zoning Board meeting item 2021-085 for a Plat Approval for a two lot subdivision within the R-30 zoning district on Land Lot 261, 1.82 acres located at 4975 Hickory Mill Dr. by the applicant Josh Drinnon; seconded by Boardmember Henriette Ostrzega.

This motion carried for approval to table by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Keith Bentley, James Smith, Henriette Ostrzega, Victor Jones and Charlie Phillips

C. [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 - Jeremy Robinson - *This item will be tabled to the June 14, 2021 Planning & Zoning Board Meeting.*

A motion was made by Boardmember James (J.D.) Smith to table until the May 10, 2021 Planning and Zoning Board meeting item 2021-132 for a Public Hearing and Zoning Request (Z21-004) to allow rezoning from Future Commercial (FC) to Limited Commercial (LC) for use as a professional office on 0.25 acres, Land Lot 485 by the applicant Jeremy Robinson; seconded by Boardmember Charlie Phillips.

This motion carried for approval to table by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Keith Bentley, James Smith, Henriette Ostrzega, Victor Jones and Charlie Phillips

D. [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 - **The applicant requests to table until the May 10, 2021 Planning & Zoning Board Meeting.**

A motion was made by Boardmember Michael Seagraves to table until the May 10, 2021 Planning and Zoning Board meeting item 2021-134 for a Public Hearing and Zoning Request (Z21-006) to allow rezoning from NS to RM-12 for the development of 23 town homes at a density of 11.3 units per acre on 2.03 acres, Land Lot 700 located at Atlanta Rd & Campbell Rd by the applicant Morgan Capital and Development, LLC.; seconded by Boardmember Charlie Phillips.

The motion carried for approval to table by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Keith Bentley, James Smith, Henriette Ostrzega, Victor Jones and Charlie Phillips

E. [2021-139](#)

Public Hearing - Zoning Request - Z21-007 - Allow rezoning from R-15 to R-10 for a two lot subdivision at a density of 4.08 units per acre - 0.49 acres - Land Lot 304 - 454 Smyrna Powder Springs Road - AOS 454 LLC

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning request Z21-007. The request is to be heard by Mayor and Council on May 17, 2021. The applicant is planning on keeping the house on the corner and adding one additional house. No variances will be required for this request. Staff are recommending denial

since it does not fit in with the neighborhood.

The applicant, Mr. Bob Rash, came up. Mr. Rash had a presentation with a slide show. Mr. Rash said that the lots are not smaller; in fact, they are larger than 38% of homes in a ¼ mile radius. Mr. Rash also spoke of the front setback and the house separation from the nearest structure. Mr. Rash also spoke of precedence and that these types of homes have been approved in the past.

Chairman Powell opened the floor for Public Hearing.

Jill Gordon Evans- Hickory Acres Dr- speaking in opposition to request and wants surrounding neighbors to be respected.

Gary LaRue- HOA president- concern is over the precedence and density and is opposed to the rezoning.

Adebambo Sonaike- owner of the property since 2014- said that the smallest lot is 77% bigger than the lots in Smyrna Grove nearby and quoted other areas that this lot will be larger. Mentioned that they bought the home to try and bring up the value and will ensure the new homes fits right into the neighborhood.

A motion was made by Boardmember James (J.D.) Smith to deny item 2021-139 for a Public Hearing and Zoning Request (Z21-007) to allow rezoning from R-15 to R-10 for a two lot subdivision at a density of 4.08 units per acre on 0.49 acres, Land Lot 304 located at 454 Smyrna Powder Springs Road by the applicant AOS 454 LLC.; seconded by Boardmember Michael Seagraves.

The motion carried for denial of this item by the following vote:

Aye: 5 - Earl Rice, Michael Seagraves, James Smith, Henriette Ostrzega and Victor Jones

Nay: 2 - Keith Bentley and Charlie Phillips

F. [2021-141](#)

Public Hearing - Zoning Request - Z21-005 - Allow rezoning from GC to MU for a mixed use development - 9.73 acres - Land Lots 779, 780, 805 and 806 - 2400 Lake Park Drive - 2400 Lake Park Atlanta Office LLC

Mr. Joey Staubes, Planner II, presented staff recommendation for rezoning request Z21-005. The request is to be heard by Mayor and Council on May 17, 2021. The property is 9.73 acres and the applicant will retain the office building and build a mixed-use development with 277 multi-family units. The applicant is requesting to rezone from GC to MU and will change the land use from office professional to mixed use. The property will adhere to MU setbacks. The new building is currently where the parking lot is and will have a parking deck to accommodate parking for all uses. There will be a sidewalk connection to Cobb Pkwy as well as a multi-use trail connection to connect to Lake Park Dr. The storm water detention facility will not be disturbed nor will it affect the stream buffer. There will be no 3 bedroom or larger units in the complex. The applicant provided a parking demand model to show that the parking reduction will work for the site.

The applicant is requesting three variances:

- 1. Increase in the maximum allowable density from 25 units per acre to 28.5 units per acre for the MU zoning district;*

2. Reduce the average minimum floor area from 900 square feet to 765 square feet;
and

3. Reduce the minimum parking requirements from 1,005 spaces to 515 spaces.

Staff are supportive of the variances and are recommending approval with the following conditions:

Standard Conditions

1. The composition of the buildings in 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. 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.

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 minimum building setbacks from the Mixed Use District:

*Front – 0’
Side – 0’
Rear – 20’*

- 12. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.*
- 13. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.*
- 14. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.*
- 15. Prior to issuance of a Certificate of Occupancy, the applicant shall have the stormwater detention pond maintained per the Blue Book Operations and Maintenance Guidance Document.*
- 16. The developer shall provide a sidewalk connection from the development to Cobb Parkway and Lake Park Drive.*
- 17. Prior to the issuance of a Land Disturbance Permit the traffic study and site plan shall be reviewed by Georgia Department of Transportation (GDOT).*
- 18. The development shall not be gated.*
- 19. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 762 square feet. (Section 720.9(2) of the Zoning Ordinance).*
- 20. The development will include a minimum of 515 parking spaces.*
- 21. Parking for the office, commercial, retail and apartments within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ “shared” parking among the respective components and will provide sufficient and adequate parking for the total development.*
- 22. The parking deck will provide a decorative brick exterior as shown on the elevations provided on April 2, 2021.*
- 23. The applicant shall construct the initial segment of the Mountain to River Trail for pedestrian and bicycle connectivity.*
- 24. The applicant will re-stripe the private drive for safety and operational improvements at Cobb Parkway.*
- 25. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.*
- 26. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and*

screened as appropriate in accordance with the City's regulations.

27. The maximum number of residential units shall not exceed 277 Class A amenitized multi-family units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.

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

29. The multi-family units shall include the following interior finishes

- a. Minimum nine-foot (9') ceilings;
- b. Forty-two inch (42") upper cabinets in the kitchen;
- c. Crown molding in the main living area (i.e. living room & kitchen);
- d. Pendant lighting shall be utilized in the in the kitchen area of the units and spot track lighting shall be used in both the kitchen and dining areas of the units;
- e. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;
- f. Sheet vinyl flooring and VCT vinyl flooring shall be prohibited;
- g. Tile flooring shall be required in both the kitchen and bathrooms;
- h. All bathrooms shall have tile tub/shower surrounds;
- i. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;
- j. All kitchen counter tops shall be horizon style counter tops; and
- k. All kitchen sinks shall be under-mounted stainless-steel sinks.

30. The approximate mixture of unit types shall consist of the following: seventy-seven percent (77%) one bedrooms and twenty-three percent (23%) two bedrooms.

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 April 2, 2021 and created by Pond and all zoning stipulations above.

32. The applicant shall be bound to the elevations submitted on April 2, 2021. Approval of any change to the elevations must be obtained from the Director of Community Development.

Attorney David Kirk came up on behalf of the applicants. Mr. Kirk also had Paul Oshaunessy and Eric Swan from Grubb Properties come up to speak on the project. The applicant wants this project to bring new energy to an aging corridor. Grubb Properties bought the property in 2019 and is investing 3.5 million dollars into the project to try to draw in young office professionals. The applicant is trying to have accessible housing in the area. Mr. Swan came up to speak about the biking and infrastructure complete with a slide-show presentation.

Board member Jones asked about the pond in the rear and if the owners will clean up the area without negatively impacting the detention facility. Board member Jones also asked about recycling. Mr. Oshaunessy said yes, they will have recycling and are very passionate about that. Board member Jones asked if the project will have affordable housing. Mr. Oshaunessy said no, they will not but they are looking at roughly \$1,000 for the studios. They will also have a long-term renter program where the renter caps at the rate after 5 years.

Board member Bentley asked how the long-distance trail happens. Mr. Oshuanessy

said they will be building on their properties they own at the moment but have also talked with Cobb, Smyrna, Marietta, and the CID about potential expansion.

Chairman Powell opened the floor for Public Hearing.

Robert Wade- former Smyrna resident- asked if the detention pond will be the same and remain in pristine position. Mr. Oshuenessy said that their intention is to keep it nice and not negatively impact the pond.

Carol Hainkine- question about the trees on the property.

A motion was made by Boardmember Charlie Phillips to approve item 2021-141 for a Public Hearing and Zoning Request (Z21-005) to allow rezoning from GC to MU for a mixed use development on 9.73 acres, Land Lots 779, 780, 805 and 806 located at 2400 Lake Park Drive by the applicant 2400 Lake Park Atlanta Office LLC.; seconded by Boardmember Earl Rice.

The motion carried to approve by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Keith Bentley, James Smith, Henriette Ostrzega, Victor Jones and Charlie Phillips

G. [ORD2021-05](#)

Public Hearing - Approval of Ordinance 2021-05 for the Code Amendment to the City's Code of Ordinance - Sections 402 and 505 - Home Occupation - City of Smyrna.

Mr. Rusty Martin, Community Development Director, came up to present. The text amendment is to bring the ordinance up to current practices by removing the need for notification letters to adjoining neighbors. The ordinance will also eliminate "emergency consultations," which is in conflict with other provisions of the ordinance which do not allow any site visits on residential property. This section is unenforceable for code enforcement. The ordinance will also remove one-chair beauty parlors so there is no physical contact and no person is coming to the property. There will also be no customer parking on residential property; added or internet.

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

A motion was made by Boardmember Henriette Ostrega to approve item ORD2021-05 for a Public Hearing and approval of Ordinance 2021-05 for the Code Amendment to the City's Code of Ordinance, Sections 402 and 505 under Home Occupation, City of Smyrna Code of Ordinances; seconded by Boardmember James (J.D.) Smith.

The motion carried to approve for submission to Mayor and Council by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Keith Bentley, James Smith, Henriette Ostrzega, Victor Jones and Charlie Phillips

4. Approval of Minutes:

A. [MIN2021-24](#)

Approval of the March 8, 2021 Planning and Zoning Board Meeting Minutes.

A motion was made by Boardmember Earl Rice to approve item MIN2021-24 for the approval of the March 8, 2021 Planning and Zoning Board Meeting Minutes; seconded

by Boardmember Michael Seagraves.

The motion carried to approve by the following vote:

Aye: 7 - Earl Rice, Michael Seagraves, Keith Bentley, James Smith, Henriette Ostrzega, Victor Jones and Charlie Phillips

5. Adjournment

Chairman Joel Powell adjourned the April 12, 2021 meeting of the Planning and Zoning Commission at 7:12PM.