

# PLANNING AND ZONING COMMISSION

## Minutes - Final



A. Max Bacon City Hall  
Council Chambers  
2800 King Street SE  
Smyrna, GA 30080

Joel Powell, Mayor Appointee  
Charles Phillips (Ward 1)  
Jonathan Howard (Ward 2)  
Keith Bentley (Ward 3)  
Earl Rice (Ward 4)  
Jill Gordon-Evans (Ward 5)  
Michael Seagraves (Ward 6)  
Henriette Ostrzega (Ward 7)

City Attorney Scott Cochran  
City Administrator Joseph Bennett  
City Clerk Heather K. Peacon-Corn

**November 12, 2024**  
**6:00 PM**

### 1. Roll Call

**Present:** 8 – Chairperson Joel Powell, Commission Member Charles Phillips, Commission Member Jonathan Howard, Commission Member Keith Bentley, Commission Member Earl Rice, Commission Member Jill Gordon-Evans, Commission Member Michael Seagraves, Commission Member Henriette Ostrzega

**Staff:** 4 – Tyler Addison, Russell Martin, Heather Peacon-Corn, Joey Staubes

### 2. Call to Order

Chairperson Joel Powell called to order the November 12, 2024 Planning and Zoning Commission meeting held A. Max Bacon City Hall in Council Chambers at 6:00 PM.

### 3. Chairperson Instruction and Comment

### 4. Formal Business

- A. ORD2024-002** Public Hearing - Allow a code amendment to Section 713 of the zoning ordinance to allow an animal crematory as a permitted use in the OD (Office-Distribution) Zoning District.

***Citywide***

Joey Staubes, Planner II, provided the following background:

Community Development is proposing a code amendment to the Zoning Ordinance to allow animal cremation as a permitted use within the Office-Distribution (OD) zoning district. The Heavy Industrial (HI) zoning district allows human and animal crematories, but no other zoning district allows animal cremation as a singular use.

Community Development has reviewed the City's Zoning Ordinance and found that animal and human crematories are identified as permitted use within the Heavy Industrial (HI) zoning district. However, animal cremation is not permitted in any other zoning district.

The proposed code amendment would allow animal cremation as a permitted use within the Office-Distribution zoning district.

Community Development is proposing to amend Section 713 of the Zoning Ordinance to add animal cremation as a permitted use under the Office-Distribution (OD) zoning district.

Commission Member Earl Rice made a motion to approve item ORD2024-002; seconded by Commission Member Henriette Ostrzega.

The motion to approve carried with the following vote:

**Aye:** 7 – Commission Member Phillips, Commission Member Howard, Commission Member Bentley, Commission Member Rice, Commission Member Gordon-Evans, Commission Member Seagraves, Commission Member Ostrzega  
**Nay:** 0 – None  
**Recuse:** 0 – None

**B. Z24-014 Public Hearing - Zoning Request - Z24-014 - Allow rezoning from GC to R-15 for the development of one single-family home - 0.465 acres - Land Lot 546 - 4820 Camp Highland Road - Shamarra Goba  
*Ward 7 Councilmember - Rickey N. Oglesby Jr.***

Joey Staubes, Planner II, provided the following background:

The applicant is requesting a rezoning from GC to R15 for the development of one (1) single-family detached units at a density of 2.17 units per acre. A land use change from Industrial is not required for this rezoning.

Staff Recommendation: Approval of the rezoning from GC to R-15 for one (1) new single-family detached unit.

Shamarra Goba is seeking approval of a rezoning for 4820 Camp Highland Road from GC to R15 for the development of one (1) single-family detached residence at a density of 2.17 units per acre. The previous single-family home was demolished and a rezoning is required to build a new single-family home. The applicant is requesting a rezoning to R-15 to build the single-family home. The proposed lot will be approximately 19,000 sq. ft.

The proposed rezoning would provide for one (1) new residence at density of 2.17 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Moderate Density Residential (up to 4.5 dwelling units per acre) and Industrial.

Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible with the surrounding area. The construction of one (1) new single-family detached home results in a density of 2.17 units per acre on the subject property. The lot width and lot size are compatible with the R-15 zoning district and no variances are required. The applicant is requesting a rezoning from GC to R-15 and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development recommends approval of the rezoning from GC to R-15 for the development of one (1) single-family unit at a density of 2.17 units per acre.

Shamarra Goba, applicant, stated that when she purchased the property she did not realize a home could not be built on it because there is an existing home there already. She just wants to get the property rezoned so she can build a home there. It will be a family home, and she is trying to get it cleared out because people have been using it as a dumping site.

A public hearing was called.

Sean Murphy, 3282 Lee Street, came forward and stated he is in favor of the rezoning.

Commission Member Henriette Ostrzega made a motion to approve item Z24-014; seconded by Commission Member Jonathan Howard.

The motion to approve carried with the following vote:

**Aye:** 7 – Commission Member Phillips, Commission Member Howard, Commission Member Bentley, Commission Member Rice, Commission Member Gordon-Evans, Commission Member Seagraves, Commission Member Ostrzega

**Nay:** 0 – None

**Recuse:** 0 – None

- C. **Z24-015** Public Hearing - Zoning Request - Z24-015 - Allow rezoning from R-15 to RDA-Conditional for the development of eight single-family homes at a density of 5.0 units per acre - 1.59 acres - Land Lot 528 - 3767 & 3777 King Springs Road - Davin Harris

***Ward 6 Mayor Pro Tem / Councilmember - Tim Gould***

Joey Staubes, Planner II, provided the following background:

The applicant is requesting a rezoning from R-15 to RDA-Conditional for the development of eight (8) single-family detached units at a density of 5.0 units per acre. A land use change to Medium Density Residential is required for this rezoning.

Staff Recommendation: Approval of the rezoning from R-15 to RDA Conditional for eight (8) new single-family detached units.

Davin Harris is seeking approval of a rezoning for 3767 & 3777 King Springs Road from R-15 to RDA-Conditional for the development of eight (8) single-family detached residences at a density of 5.0 units per acre. The existing two (2) single-family homes will be demolished to allow the construction of the proposed development. Five (5) of the homes will have a rear-entry garages and face King Springs Road. Three (3) of the homes will have front-entry garages accessed from a new public street. The proposed lots will have a minimum lot size of 4,436 sq. ft. and an average lot area of 5,036 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

The applicant has provided a site plan with the rezoning application for reference. A formal review of stormwater management requirements will be assessed during plan

review and permitting. There is no stream located on the subject property. If necessary, the applicant will be required to dedicate property along King Springs Road for the installation of a sidewalk.

The two (2) properties are currently utilizing septic systems for the existing homes. The proposed development will extend a sewer main on Springwood Drive to serve the proposed development. The extension of the sewer main will provide sewer access to additional lots on King Springs that are currently utilizing septic systems.

The Fire Marshal's office has reviewed the revised site plan and believes there is sufficient access to provide emergency services to the homes.

The proposed rezoning would provide for eight (8) new residences at density of 5.0 units per acre. The subject property is located in the Low Density Residential (up to 3 dwelling units per acre) future land use designation and requires the designation be changed to Medium Density Residential (up to 6 dwelling units per acre). However, much of the surrounding properties have a future land use designation of Medium-High Density Residential (10 dwelling units per acre or greater) and are occupied by duplexes. The proposed development will provide a gradual increase between the Low Density Residential to the north and the Medium-High Density Residential to the east and south. 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 with the surrounding area. The subdivision and construction of eight (8) new single-family detached homes result in a density of 5.0 units per acre on the subject property. The lot width and lot size are compatible with the other in-fill developments in the surrounding area. The applicant is requesting a rezoning from R-15 to RDA-Conditional and the proposed zoning will require a change of the Future Land Use Plan to Medium Density Residential.

Staff is supportive of the rezoning for the proposed development and the requested variances:

1. Allow reduction of the minimum lot area from 7,260 sq. ft. to 4,436 sq. ft. (Staff Supports).
2. Allow reduction of the minimum front setback from 25 ft. to 20 ft. (Staff Supports).
3. Allow reduction of the minimum rear setback from 30 ft. to 20 ft. (Staff Supports).
4. Allow an increase in the maximum lot coverage from 45% to 55% (Staff Supports).

Community Development recommends approval of the rezoning from R-15 to RDA-Conditional for the development of eight (8) single-family units at a density of 5.0 units per acre 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 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.
9. The development shall maintain the following setbacks: Front – 20' Side – 5' Rear – 20'
10. The minimum lot size shall be 4,436 sq. ft.
11. The minimum lot width shall be 50 feet.
12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall dedicate 5 feet of property along King Springs Road.
14. The developer shall install a 5' sidewalk and 2' grass strip along King Springs Road.
15. The front elevations of Lots 1-5 shall face King Springs Road and the rear elevations shall face the new street within the development.
16. Fencing within the front yard shall be a maximum 4' in height and decorative. Both street frontages of Lots 1-5 shall be defined as a front yard.
17. Approval of the subject property for the RDA-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 10/13/2024 and created by SJM Murphy LLC. and all zoning stipulations above.
18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 10/13/2024.

Davin Harris, applicant, came forward with Sean Murphy (planner for project). Mr. Murphy initially proposed developing the two parcels into two lots. But after speaking to staff, it was determined sewer would need to be installed. It was not financially feasible. The result is to add eight homes similar to what was recently built on Church Street. He also spoke to the Fire Marshal and the turnaround is acceptable. Daryl Johnson, civil engineer, stated they would be adhering to all criteria put in place. Stormwater will be on the southeast corner, and landscaping will be part of that design. They will be tying into an existing storm pipe.

Commission Member Bentley asked what the price point will be. Mr. Harris said they will mirror the 11 on Church development and starts around the \$820K-\$890K.

Commission Member Phillips asked about the five houses facing the Big Lots shopping center and how they will screen those houses from that shopping center. Mr. Murphy said they will plant evergreens on the other side of the street in the public right-of-way. Mr. Harris spoke to the owners of the shopping center, and they are going to work with them to clean up the area. He stated he has a list of signatures from neighbors in the area.

A public hearing was called.

Garyah Goba came forward and stated he fully supports this rezoning and the project.

Commission Member Michael Seagraves made a motion to approve Z24-015; seconded by Commission Member Jill Gordon-Evans.

The motion to approve carried with the following vote:

**Aye:** 7 – Commission Member Phillips, Commission Member Howard,  
Commission Member Bentley, Commission Member Rice, Commission  
Member Gordon-Evans, Commission Member Seagraves, Commission  
Member Ostrzega  
**Nay:** 0 – None  
**Recuse:** 0 – None

## 5. Approval of Minutes

### A. MIN2024-193 Approval of the September 9, 2024 Planning and Zoning Commission Meeting Minutes

Commission Member Earl Rice made a motion to approve item MIN2024-193; seconded by Commission Member Charles Phillips.

The motion to approve carried with the following vote:

**Aye:** 6 – Commission Member Phillips, Commission Member Howard,  
Commission Member Bentley, Commission Member Rice, Commission  
member Gordon-Evans, Commission Member Seagraves  
**Nay:** 0 – None  
**Abstain:** 1 – Commission Member Ostrzega

## 6. Other Business / Staff Comment

## 7. Adjournment

Chairperson Joel Powell adjourned the November 12, 2024 Planning and Zoning Commission meeting at 6:25 PM.

Facilities are provided throughout City Hall for the convenience of persons with disabilities.

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THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN O.C.G.A. 50-14-3:  
The City of Smyrna website – [www.smyrnaga.gov](http://www.smyrnaga.gov)  
City Hall, 2800 King Street SE, Notice Boards