

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

March 04, 2024
6:00 PM

1. Roll Call

Present: 7 – Chairperson Joel Powell, Boardmember Charles Phillips, Boardmember Jonathan Howard, Boardmember Keith Bentley, Boardmember Earl Rice, Boardmember Michael Seagraves, Boardmember Henriette Ostrzega

Absent: 1 – Boardmember Jill Gordon-Evans

Staff: 6 – Caitlin Crowe, Dat Luu, Eddie Matano, Russell Martin, Heather Peacon-Corn, and Joey Staubes

2. Call to Order

Chairperson Jowel Powell called to order the March 4, 2024 Planning and Zoning Commission meeting held at A. Max Bacon City Hall in Council Chambers at 6:00 PM.

3. Chairperson Instruction and Comment

4. Formal Business

- A. Z24-002** Public Hearing - Zoning Request - Z24-002 - Allow rezoning from GC to OI for a charter school - Land Lot 779 - 6.87 acres - 2200 Lake Park Drive - Amana Academy Inc.
Ward 1 Councilmember - Glenn Pickens

Joey Staubes, Planner II, provided the following background:

Amana Academy Inc. is requesting a rezoning from GC (General Commercial) to OI (Office-Institutional) for the ability to utilize the existing 35,460 sq. ft. office building as a charter school. The subject property is zoned GC and has been used as a professional office. The GC zoning contains all the uses allowed in the OI zoning; however, the GC zoning does not permit the use for a school. Therefore, a rezoning to OI is required for the applicant's needs. The existing building will be remodeled by the applicant to accommodate the school facility. Three 63 sq. ft by 63 sq. ft. modular classrooms are proposed while the building is being renovated and are expected to be used for up to two years. After the modular classrooms are not required the applicant will store the building

at an off-site facility. The applicant proposes to use property along the creek as recreational area and no sports fields are proposed.

The school currently has approximately 200 students enrolled with grades K-4. The school hopes to add one additional grade per year, up to K-8, with a maximum enrollment of approximately 600 students. The applicant is providing 179 parking spaces which meets the minimum parking requirement.

Community Development recommends approval of the rezoning from GC to OI-Conditional on 6.87 acres for a charter school with the following conditions:

Standard Conditions

Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. 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.
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 2' 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 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".
6. 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.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

9. The development shall maintain the following minimum building setbacks:
Front – 50'
Side – 15'
Rear – 40'
10. The modular classrooms shall be allowed for a period not to exceed two years. If an extension is required a request shall be made to Mayor & Council for approval.
11. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during land disturbance plan review.
12. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during land disturbance plan review.
13. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
14. The internal circulation improvement shall be installed prior to issuance of the certificate of occupancy.

15. The developer shall be responsible for any traffic improvements deemed necessary by the City Engineer during land disturbance plan review. Such improvements may require a deceleration lane at the front entrance as well as lane striping decisions.
16. Approval of the subject property for the OI-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the circulation plan submitted on February 28, 2024, all zoning stipulations above. Additional improvements to the entrance may be required and approved by the City Engineer during land disturbance plan review.
17. The applicant shall be bound to the elevations submitted on January 5, 2024. Approval of any change to the elevations must be obtained from the Director of Community Development.

Chairperson Powell asked the applicant to provide an overview of the request. Anre Washington, on behalf of the applicant Amana Academy, came forward to speak. The plans are to retrofit the existing building for the charter school with a current enrollment of 200 children. They are projected to reach 600 children in the next five years. A police officer will be onsite to manage the lanes during school drop off and pick up.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Boardmember Charles Phillips made a motion to approve item Z24-002; seconded by Boardmember Michael Seagraves.

The motion to approve carried with the following vote:

Aye: 6 – Boardmember Phillips, Boardmember Howard, Boardmember Bentley, Boardmember Rice, Boardmember Seagraves, Boardmember Ostrzega
Nay: 0 – None
Absent: 1 – Boardmember Gordon-Evans

- B. Z24-004 Public Hearing - Zoning Request - Z24-004 - Allow rezoning from R-20 to R-8 for the development of three single-family detached homes - Land Lot 664 - 1.28 acres - 2571 Davenport Street - Xcel Properties Inc.**

Ward 2 Councilmember - Latonia P. Hines

Joey Staubes, Planner II, provided the following background:

The request is to be heard by Mayor and Council on April 8, 2024. The property is 1 acre with 1 or 2 structures, which will be demolished to build 3 new single-family homes. The rezoning request is from R-20 to R-8 with no future land use change. The applicant is requesting one variance, which the staff supports:
1. Allow reduction in minimum lot width from 50 ft to 42 ft.

Staff are supportive of the rezoning and recommend approval with the following 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. 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.

Special Conditions

9. The development shall maintain the following setbacks:
Front – 25'
Side – 5'
Rear – 25'
10. The minimum lot size shall be 17,684 sq. ft.
11. The minimum lot width shall be 42 feet.
12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Davenport Street.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. Approval of the subject property for the R-8-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 2/5/2024 and created by Betterton Surveying & Design Inc. and all zoning stipulations above.
16. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 2/1/2024.

Boardmember Phillips asked about stormwater. Mr. Staubes said there will be water quality devices but no stormwater management for the site.

Chairperson Powell asked the applicant to provide an overview of the request. Greg Stringer came forward as the applicant. Mr. Stringer said the existing house must be demolished and he will build three homes with front entry garages. He stated he agrees with all staff recommendations.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Boardmember Jonathan Howard made a motion to approve item Z24-004; seconded by Boardmember Earl Rice.

The motion to approve carried with the following vote:

Aye: 6 – Boardmember Phillips, Boardmember Howard, Boardmember Bentley, Boardmember Rice, Boardmember Seagraves, Boardmember Ostrzega
Nay: 0 – None
Absent: 1 – Boardmember Gordon-Evans

- C. **Z24-005** Public Hearing - Zoning Request - Z24-005 - Allow rezoning from LC to OI for the use as a medical clinic - Land Lot 520 - 1.43 acres - 1300 Hawthorne Ave - Tabono Holdings LLC.

Ward 3 Councilmember - Travis Lindley

Joey Staubes, Planner II, provided the following background:

Tabono Holdings LLC dba as Breast, Body, Beauty LLC is requesting a rezoning from LC (Limited Commercial) to OI (Office-Institutional) for the ability to use the existing building at the subject property for a physician's office and ambulatory care. The applicant may operate a medical dispensary at the facility which would also be allowed in OI. The subject property is zoned LC and was previously occupied a professional office. The LC zoning district will allow a physician office; however, it does not permit the use of ambulatory care or a medical dispensary. Rezoning from LC to OI will allow the applicant to operate a physician's office, ambulatory care, and medical dispensary at the subject property. The applicant plans to use the existing building currently on the property. Staff are supportive of the rezoning and recommend approval.

Chairperson Powell asked the applicant to provide an overview of the request. Dr. Aisha Baron came forward as the surgeon and applicant. Dr. Baron said she performs cosmetic surgeries, primarily breast reconstruction surgery for those who have suffered from breast cancer.

A public hearing was called, and no one came forward in favor of or in opposition to this item.

Boardmember Keith Bentley made a motion to approve item Z24-005; seconded by Boardmember Earl Rice.

The motion to approve carried with the following vote:

Aye: 6 – Boardmember Phillips, Boardmember Howard, Boardmember Bentley, Boardmember Rice, Boardmember Seagraves, Boardmember Ostrzega
Nay: 0 – None
Absent: 1 – Boardmember Gordon-Evans

- D. **Z24-006** Public Hearing - Zoning Request - Z24-006 - Allow rezoning from R-15 to R-10 for the development of two single-family detached homes - Land Lot 489 - 0.76 acres - 1070 Fleming Street - Thomas & Kathryn Sobeck.
Ward 3 Councilmember - Travis Lindley

Joey Staubes, Planner II, provided the following background:

The request will go to Mayor and Council on April 8, 2024. The site is 0.7 acres and is proposing to rezone from R-15 to R-10-conditional. There will be no future land use change. The site will maintain R-10 setbacks and have 1 front entry garage and one side entry garage. There will be a 5 ft sidewalk and 2 ft grass buffer with City ROW dedication. There are no variances being requested. The water quality is showing in the rear of the properties.

Staff are supportive of the rezoning and recommend approval with the following 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. 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.

Special Conditions

9. The development shall maintain the following setbacks:
Front – 25'
Side – 7.5'
Rear – 25'
10. The minimum lot size shall be 10,000 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 install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Fleming Street.
14. The developer shall dedicate 10 ft. of right-of-way dedication along Fleming Street.
15. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
16. Approval of the subject property for the R-10-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 2/5/2024 and created by Gaddy Surveying & Design Inc. and all zoning stipulations above.
17. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 2/13/2024.

Chairperson Powell asked the applicant to provide an overview of the request. Kathryn Sobeck, applicant, came forward. Ms. Sobeck stated they will be building their personal house as well as a second house next door to sell.

A public hearing was called.

Dionne Plantamura - 2635 Grady St - asked if the smaller home will be the personal residence or if plans will change at a later date. She was also concerned about trees and stormwater runoff.

Tiffany Traynum - 1080 Fleming St - expressed concern about drainage and tree removal.

Matthew Keiss - 2629 Grady St - wanted to know why the City is contemplating one larger lot and one smaller when zoning should create conformity in a neighborhood. He has concerns with drainage and trees being removed. He is also concerned with how far the house is going back and would like to see houses on equal properties.

Brandee Keiss - 2629 Grady St - expressed concerns about asbestos removal.

Tiffany Traynum - 1080 Fleming St - came forward a second time and expressed concern about the retaining wall and what it will look like along the property line.

Chairperson Powell answered the asbestos question. He stated it is regulated by the EPA and will need to be done prior to the demolition permit issuance. Community Development Director Russell Martin agreed and explained that they will also need to submit a rodent abatement letter and tree protection plan. Mr. Martin further explained that they have to go through the land disturbance permit process which will look at stormwater management and the tree plan as well as coordinate a pre-construction meeting with the contractor. There are several levels of protection to ensure that the plan is being followed. Chairperson Powell reiterated that the stormwater will actually need to be reduced on site for permit approval.

Ms. Sobeck came forward again to answer which house they are going to live in. She stated that they would be living in the house on the right.

Chairperson Powell talked about the idea of uniformity and conformity of the lots. This is more complex and subjective. Mr. Martin explained that the zoning ordinance sets the parameters for lot size, setbacks, driveway coverage, impervious surface area, etc. It sets those minimums. He said the houses are more or less aligned with the neighboring lots and are within the regulations and are consistent with the zoning of the nearby houses.

Boardmember Keith Bentley made a motion to approve item Z24-006; seconded by Boardmember Michael Seagraves.

The motion to approve carried with the following vote:

Aye: 5 – Boardmember Howard, Boardmember Bentley, Boardmember Rice,
Boardmember Seagraves, Boardmember Ostrzega
Nay: 1 – Boardmember Phillips
Absent: 1 – Boardmember Gordon-Evans

5. Approval of Minutes

A. **MIN2024-028** Approval of the February 5, 2024 Planning and Zoning Commission Meeting Minutes ***Citywide***

Boardmember Henriette Ostrzega made a motion to approve item MIN2024-028; seconded by Boardmember Charles Phillips.

The motion to approve carried with the following vote:

Aye: 5 – Boardmember Phillips, Boardmember Bentley, Boardmember Rice,
Boardmember Seagraves, Boardmember Ostrzega
Nay: 0 – None
Abstain: 1 – Boardmember Howard
Absent: 1 – Boardmember Gordon-Evans

6. Other Business / Staff Comment

7. Adjournment

Chairperson Jowel Powell adjourned the March 4, 2024 Planning and Zoning Commission meeting at 6:43 PM.

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

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
City Hall, 2800 King Street SE, Notice Boards