

# 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

**May 08, 2023**  
**6:00 PM**

### 1. Roll Call

**Present:** 7 – Chairperson Joel Powell, Commission Member Jonathan Howard, Commission Member Keith Bentley, Commission Member Earl Rice, Commission Member Jill Gordon-Evans, Commission Member Michael Seagraves, and Commission Member Henriette Ostrzega

**Absent:** 1 – Commission Member Charles Phillips

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

### 2. Call to Order

Chairperson Joel Powell called to order the May 8, 2023, Planning and Zoning Commission meeting held at A. Max Bacon City Hall in the HR Training Room at 6:00 PM.

### 3. Chairperson Instruction and Comment

### 4. Formal Business

- A. **Z22-012** Public Hearing - Special Land Use Permit - Z22-012 - Allow a modular office building - 14.82 acres - Land Lot 560 - 1845 Freeman Pkwy - Vector Force Development

***Ward 7 Councilmember - Lewis Wheaton***

Commission Member Henriette Ostrzega made a motion to withdraw this item; seconded by Commission Member Michael Seagraves.

The motion to withdraw carried with the following vote:

**Aye:** 6 – Commission Member Howard, Commission Member Bentley, Commission Member Rice, Commission Member Gordon-Evans, Commission Member Seagraves, Commission Member Ostrzega

**Nay:** 0 – None  
**Absent:** 1 – Commission Member Phillips

**B. ORD2023-006 Public Hearing - Approval of amendments to the Code of Ordinance in relation to notification requirements for variance requests, special land use permits, administrative appeals and the Urban Design Commission  
*Citywide***

Joey Staubes, Planner II, presented the following information:

**HB 1409**

**Approved by State Legislature in 2022 which amended sections of the Zoning Procedures Law and requires compliance by July 1, 2023**

**Key Points:**

- Meeting notification for quasi-judicial boards/agencies require a minimum of 30 days. (Variances, administrative appeals, special exceptions, conditional use permits, and other similar permits.)
- Smyrna currently requires 15 days for meeting notification of variances).
- The appeal process for zoning decisions will allow new evidence and witnesses.
- For changes to single-family districts or definitions relating to single-family uses to allow multi-family uses or the abolition of all single-family classifications, two public hearings are required for the zoning decision, as well as two public hearings prior to the first zoning decision meeting

**Amended Sections**

**Staff is proposing language to accommodate meeting notice requirements for the following sections:**

- Variance Petitions
- Variance Appeals
- Administrative Appeals
- Special Land Use Permits
- Urban Design Commission

**Proposed Amendment**

**Staff is proposing the following amendment:**

~~The building inspector~~ **The Director of Community Development shall cause to have posted, in a place conspicuous to the nearest public roadway on said property, one or more signs, each of which shall not be less than six square feet in area, and each of which shall indicate that a variance petition has been filed and shall contain the date and time and place of the public hearing. No such public hearing shall take place until said signs have been posted for at least 15-30 days. At least 15 but not more than 45 days prior to the date of hearing, a notice of the date, time and place of the hearing shall be published in a newspaper having general circulation within the City of Smyrna.**

**Impact of Amendment**

- The Variance hearing schedule will remain the same (every second and fourth Wednesday)

- Submittal deadline for applications will be extended from 20 to 35 days prior to the hearing.

Commission Member Keith Bentley made a motion to approve item ORD2023-006, a public hearing for amendments to the Code of Ordinance in relation to notification requirements for variance requests, special land use permits, administrative appeals and the Urban Design Commission; seconded by Commission Member Henriette Ostrzega.

The motion to approve carried with the following vote:

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

## 5. Approval of Minutes

- A. **MIN2023-044** Approval of the April 10, 2023, Planning and Zoning Commission Meeting Minutes.

Commission Member Jonathan Howard made a motion to approve item MIN2023-044, the April 10, 2023, Planning and Zoning Commission meeting minutes; seconded by Commission Member Earl Rice.

The motion to approve carried with the following vote:

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

## 6. Other Business / Staff Comment

## 7. Adjournment

Chairperson Joel Powell adjourned the May 8, 2023, Planning and Zoning Commission meeting at 6:04 PM.

Facilities are provided throughout City Hall for 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