

PLANNING AND ZONING COMMISSION

Action Summary - Final



A Max Bacon City Hall
HR Training Room
2800 King Street SE
Smyrna, GA 30080

Joel Powell, Mayor Appointee
Charles Philips (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

June 12, 2023
6:00 PM

1. Roll Call

Present: 7 – Chairperson Joel Powell, Commission Member Charles Philips, Commission Member Jonathan Howard, Commission Member Earl Rice, Commission Member Jill Gordon-Evans, Commission Member Michael Seagraves, Commission Member Henriette Ostrzega

Absent: 1 – Commission Member Keith Bentley

Staff: 5 – Dan Campbell, Caitlin Crowe, Jill G. Head, Russell Martin, and Joey Staubes

2. Call to Order

Chairperson Joel Powell called to order the June 14, 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. **Z23-003** Public Hearing - Zoning Request - Z23-003 - Allow rezoning from R-8 Conditional to RDA - Conditional for the development of six single-family homes at a density of 4.87 units per acre - Land Lot 632 - 1.23 acres - 2791, 2801, and 2811 Madison Street - BaeBrooke LLC.
Ward 2 Councilmember - Latonia P. Hines

Joey Staubes, Planner II, provided the following background:

Baebrook LLC is seeking approval of a rezoning for 2791, 2801, and 2811 Madison Street from R-8-Conditional to RDA-Conditional for the development of six single-family detached residences at a density of 4.87 units per acre. The property was annexed and rezoned to R-8 in 2021 (Z21-003) for the development of five single-family homes at a density of 4.07 units per acre. The plan featured three homes facing Madison and two

homes facing Mildred, with access drives for rear-entry homes. The applicant is proposing to add an additional lot to the currently approved plan with each home having a front entry garage and access from the public right of ways. Five of the homes will face Madison Street and one will face Mildred Place. The proposed lots will be between 4,299 and 14,122 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

The following variances are required for the proposed development:

1. Allow the reduction of minimum lot width from 50 ft. to 40 ft. (Staff Supports)
2. Allow the reduction of the minimum lot size from 7,260 sq. ft. to 4,299sq. ft. (Staff Supports)
3. Allow the reduction of the minimum front setback from 25 ft. to 20 ft. (Staff Supports)
4. Allow the reduction of the minimum rear setback from 30 ft. to 15 ft. (Staff Supports)

Engineering Review

The zoning proposal shows a stormwater detention facility located at the southern end of the property. 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. The applicant will be required to add new sidewalk around the development.

Fire Marshal Review

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

Planning Review

The proposed rezoning would provide for six (6) new residences at density of 4.87 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Medium Density Residential (up to 6 units per acre). The proposed lot sizes and widths would be significantly less than other lots in the area.

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 six new single-family homes result in a density of 4.87 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-8 to RDA-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 4.87 units per acre to be below the 6 unit per acre threshold of Medium Density Residential land use. The proposed rezoning will require variances from the RDA zoning district in terms of lot size and lot width. Staff is supportive of the variances required for the proposed development.

Community Development recommends approval of the rezoning from R-8 to RDA-Conditional for the development of six single-family units at a density of 4.87 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.

Special Conditions

9. The development shall maintain the following setbacks:
Front – 20'
Side – 5'
Rear – 15'
10. The minimum lot size shall be 4,299 sq. ft.
11. The minimum lot width shall be 40 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 Mildred Place and Madison Street.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
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 5/22/2023 and created by DGM Land Planning Consultants and all zoning stipulations above.
18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 3/10/2023.

Chairperson Powell asked the applicant to provide an overview of the request. David Meyer, DGM Land Planning Consultants, came forward on behalf of the owners. The site is 1.23 acres and is being rezoned from R-8 to RDA. The applicants met with Councilperson Hines in May with the original seven lot plan. After she said she was not supportive, they regrouped and went with six lots. Now all parties have voiced their support.

Commission Member Phillips asked about lot 5 with no backyard. Mr. Meyer said there will be a smaller backyard but there will be privacy screening between lots 5 and 6. Commission Member Phillips also asked if lot 5 will have extra architectural features on the corner which Mr. Meyer agreed to. The applicants, the Pacholicks, also agreed and said that they would also have screening from the adjacent property.

Commission Member Howard asked about the number of lots and in the delay of the project. The Pacholicks said that have evaluated from every angle and removed the private alleys due to council's thoughts on the project and the delay was due to inflation and Covid.

Commission Member Gordan-Evans wanted clarification on the signage posted.

Chairman Powell opened the floor for a public hearing.

David O'Rourke - 2789 Madison St - concerned with two variances which seemed rolled over from previous plan. He stated that lots 1 through 4 should not have variances and that lot 5 will flood due to storm drainage. He said he is not opposing but wants the homes to be held to a high standard.

Williams Cripps - 3897 High Dove Way – stated he likes the idea of the homes, but this is a historic area, and he is concerned about the density and about the variances. He reiterated that the variances should not be rolled over and that he is not opposed to the plan, he is opposed to the density.

Josh Tolbert - 1759 Donna Lynn Dr. – said he is a licensed PE and has built homes in the neighborhood. He would like more information to be provided to the public and is not opposed to the development but wants larger homes and properties. He is also concerned about the stormwater facility working and wants to review.

Adam Houseman - 2736 Madison St. - stated that all existing homes have issues with flooding in the neighborhood. He also said Madison St. is very tight with lots of kids on the road and is concerned with the group selling to another investor once the variances are approved.

Chairperson Powell asked Mr. Meyer to respond to the questions starting with the water. Mr. Meyer said they have not done a full hydrology study yet. Community Development Director Russell Martin said that most of the neighborhood is in Unincorporated Cobb County, so the road infrastructure is all Cobb County since Smyrna is not on both sides of the roadway. If approved, the infrastructure and hydrology would all need to be provided at the time of the land disturbance permit. Mr. Meyer said that the drainage would be resolved with the regrading on lot 5. He also said the applicant wanted to push the homes up to the curb so that the homes would be uniform but are willing to stagger them if that would be preferable. Each home will have different architectural features and colors. Mr. Martin also clarified that medium density is up to six (6) units per acre.

Commission Member Howard asked if this were to not pass, would the plan proceed with five lots? Mr. Meyer said he could not answer.

Chairperson Powell asked if the clients are going to build it out. Mr. Meyer said that this is to be determined, but the lots are tied to the plans. Mr. Powell also clarified for the public

that the applicants do not have full sets of plans at this stage since that would cost too much if it got turned down.

Chairperson Powell closed the public hearing and asked for a motion.

Commission Member Jonathan Howard made a motion to deny item Z23-003, a public hearing and zoning request (Z23-003) to allow rezoning from R-8 Conditional to RDA – Conditional for the development of six single-family homes at a density of 4.87 units per acre on land lot 632 on 1.23 acres located at 2791, 2801, and 2811 Madison Street by applicant BaeBrooke LLC; seconded by Commission Member Jill Gordon-Evans.

The motion to deny carried with the following vote:

Aye: 5 – Commission Member Philips, Commission Member Howard,
Commission Member Rice, Commission Member Gordon-Evans,
Commission Member Ostrzega
Nay: 1 – Commission Member Seagraves
Absent: 1 – Commission Member Bentley

**B. Z23-025 Public Hearing - Plat approval with variances - Land Lot 664 - 0.91 acres - Bates Street - Greg Stringer
*Ward 2 Councilmember - Latonia P. Hines***

Joey Staubes, Planner II, provided the following background:

The applicant is requesting approval to build two single-family homes on two lots on Bates Street. The lots have been assigned tax identification numbers via the tax assessor and appear as two lots on the tax map; however, Community Development can find no evidence that the two lots went through the formal plating approval process. The applicant requests formal approval of the subdivision within the requirements of the R-15 zoning district, so no rezoning is required. The subject property is 0.91 acres in size and is zoned R-15 (single-family residential). The proposed subdivision will result in two lots being 17,768 sq. ft. and 21,632 sq. ft. in size. Prior to final plat approval the applicant must obtain access easements from adjacent properties.

The proposed lots require the following variances from the zoning requirements of the R-15 zoning district.

1. Eliminate the road frontage requirement of 40' (Staff Supports)
2. Reduction of the front setback from 35' to 10' (Staff Supports)
3. Reduction of lot width from 85' to 80' (Staff Supports)
4. Reduction of minimum house size from 2,000 sq. ft. to 1,400 sq. ft. (Staff Supports)

Chairperson Powell asked the applicant to provide an overview of the request. The applicant, Greg Stringer, said the lots are existing and neither lot has frontage, so they are looking to get easements in place. He has gained an approval from the southern neighbor but has not gained permission from the northern property. They want to turn the house so that it correlates more so with the street and wants a smaller house size to correlate with the surrounding properties. He said stormwater would not be an issue due to the creek in the rear, and they will need to add an easement for the sewer line.

Chairperson Powell opened the floor for a public hearing.

Valerie Veney - 2567 Bates St. - said there is no access to the property for the curb and asked how they are getting there. She also asked where the parking is and where is the water going since she is concerned with the flooding to her property. She is not opposed but wondering why isn't going through the back side on Gordon Circle being considered.

Chairperson Powell talked about the driveway being long for the parking and cannot go through Gordon Circle due to the stream. The application could not move forward until there is access granted via easements with the neighboring property.

Chairperson Powell closed the public hearing and asked for a motion.

Commission Member Jonathan Howard made a motion to approve item Z23-025, a public hearing and plat approval with variance on land lot 664 on 0.91 acres located at Bates Street; seconded by Commission Member Charles Philips.

The motion to approve carried with the following vote:

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

C. ORD2023-007 Public Hearing - Approval of ORD2023-007 for amendments to the Subdivision Regulations in relation to public streets and authorize the Mayor to sign and execute all related documents.
Citywide

Commission Member Henriette Ostrzega made a motion to approve item ORD2023-007, a public hearing and amendments to the Subdivision Regulations in relation to public streets and authorize the Mayor to sign and execute all related documents; seconded by Commission Member Michael Seagraves.

The motion to approve carried with the following vote:

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

5. Approval of Minutes

A. MIN2023-056 Approval of the May 8, 2023, Planning and Zoning Commission Meeting Minutes

Commission Member Earl Rice made a motion to approve item MIN2023-056, the May 8, 2023, Planning and Zoning Commission meeting minutes; seconded by Commission Member Michael Seagraves.

The motion to approve carried with the following vote:

Aye: 5 – Commission Member Howard, Commission Member Rice, Commission Member Gordon-Evans, Commission Member Seagraves, Commission Member Ostrzega
Abstain: 1 – Commission Member Phillips
Absent: 1 – Commission Member Bentley

6. Other Business / Staff Comment

7. Adjournment

Chairperson Joel Powell adjourned the June 12, 2023, Planning and Zoning Commission meeting at 7:08 PM.

Facilities are provided throughout City Hall for 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