

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 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

July 10, 2023
6:00 PM

1. Roll Call

Present: 7 – Chairperson Joel Powell, Commission Member Charles Phillips, 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 Jonathan Howard

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

2. Call to Order

Chairperson Joel Powell called to order the July 10, 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. **Z23-005** Public Hearing - Z23-005 - Rezoning from HI to MU-Conditional for a mixed-use development with 390 multi-family units, and 5,500 sq. ft. of commercial use, at a density of 13.92 units per acre - Land Lot 284 - 28.01 acres - 6324 & 6330 Riverview Road - Brand Properties LLC
Citywide

Joey Staubes, Planner II, presented the following background:

Brand Properties LLC. is requesting to rezone 28 acres of assembled properties along Riverview Road from HI (Heavy Industrial) to MU-Conditional for the development of a mixed-use development, which includes 390 multi-family units at a density of 13.92 units per acre and 5,500 sq. ft. of commercial space. The subject property is currently occupied

by heavy industrial uses and was recently annexed from Cobb County. Portions of the site were previously used for a landfill and no permanent structures occupy the property.

The proposed development will consist of 390 units spread among three buildings. The heights will range between four to five story buildings. Building 1 will include 188 units, Building 2 will include 142 units and Building 3 will include 60 units. Among the 390 units, 245 units will be one-bedroom, 129 units will be two-bedroom, and 16 will be three-bedroom. There will be a central mailroom inside the amenity space/leasing office in Building 1 along Riverview Road. The building will incorporate 5,500 sq. ft. of commercial space on the ground level with multifamily units above.

The proposed development will be accessed by a full access drive on Riverview Road with a 20' fire lane designated for emergency response. The development also includes a second drive with additional parking spaces adjacent to the pond. The proposed development will have 630 total parking spaces which exceeds the city requirement of 418 spaces. 14 of the 630 spaces are designated for ADA. All of the parking spaces are surface level throughout the development. The Riverview Road right-of-way will be improved with 8' sidewalk, 8' bike lane, and 6' grass strip along the eastern frontage and 5' sidewalk and 2' grass strip along the western frontage. Parallel parking spaces are proposed along both sides of Riverview Road.

Approximately 3.75 acres of the development are to the east of Riverview Road that is currently a disturbed industrial use. The area is proposed to become a park for public use and include a connection to the Riverview trail. The developer has agreed to develop the park area and dedicate it to the city upon completion. The Trust for Public Lands is planning a 2.7 mile RiverLands Showcase trail in this area that will extend from Mableton Parkway to I-285. The developer will coordinate with the Trust for Public Lands to complete the portion of the trail along the eastern section of the subject property.

The existing pond on the site will be utilized for stormwater detention facilities for the development.

Zoning Review

Community Development has reviewed the proposed plan against the zoning requirements of the MU zoning district (Section 720 of the Zoning Ordinance) with regards to setbacks, building height and building separations. The zoning proposal meets most of the zoning requirements of the MU zoning district.

1. Allow the mixed use building maximum side setback from 20' to 50' (Staff Supports).

Community Development has reviewed the variance requests and is supportive of the variances as submitted. The variances are required due to the environmental and infrastructure constraints within the subject properties.

Based on an assessment by the Atlanta Regional Commission, the proposed development is below the threshold of a Development of Regional Impact (DRI) and exempt from DRI review.

Based on an assessment by the Atlanta Regional Commission the proposed development on the site is contained within the existing disturbed area and exempt from Metropolitan River Protection Act (MRPA) review by the Atlanta Regional Commission.

Transportation Review

Based upon the review of the development by the Transportation Engineer, the city recommends sidewalk and bike lane along the eastern frontage of Riverview Road to be consistent with the existing right-of-way to the north. The city recommends a 5' sidewalk along the western frontage of Riverview Road. Rapid flashing beacons may be required at the mid-block crossing on Riverview Road. Left turn lanes and a deceleration lane, or wide turning radius is recommended on Riverview Road at both entrances along the western frontage.

Stormwater Management Review

The applicant is proposing to utilize the existing pond on the property for the stormwater management facility. The City Engineer takes no exception to the stormwater management concept as shown. The design submitted during permitting will consider site constraints such as topography, utilities, and stream buffer requirements. The site will be required to meet all the requirements of the City's Stormwater Management Ordinance.

Environmental Review

The proposed site plan does depict stream buffers and 100-year floodplain on the northern section of the subject property. The proposed development will utilize land within the existing limits of disturbance. Area within the floodplain and stream buffers will remain undisturbed.

Water and Sewer Review

Adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Any required improvements are the responsibility of the developer. Water and sewer are located within the right-of-way of Riverview Road and are maintained by Cobb County.

Fire Marshal Review

The Fire Marshal's office has reviewed the site plan and in general believes that it meets the Fire Code requirements for fire truck access requirements. The applicant has provided a fire truck turn analysis process that verifies maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

Planning Review

The proposed development plan includes a mixed-use development with 390 multi-family units, and 5,500 sq. ft. of commercial space. Among the 390 units, 245 units will be one-bedroom, 129 units will be two-bedroom, and 16 will be three-bedroom. The proposed development will have 630 total parking spaces which are all surface level. Additionally, the proposed development will improve multi-modal access along Riverview Road with the installation of bike and pedestrian infrastructure along the road frontage. The proposed development will also add connectivity to the existing Riverview Trail along the Chattahoochee River.

The City's 2040 Future Land Use Map designates the subject property as Mixed Use. The proposed development is compatible with the Mixed Use future land use designation. In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

Housing

- Goal 3 – Encourage the development of a range of housing choices in order to meet market demand and allow residents to remain in Smyrna across different life-cycle stages.
 - o Policy 3.2 Encourage housing opportunities for young families, as well as “empty nester” households.

- o Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.
- o Policy 3.5 Encourage opportunities for mixed use, live/work housing.

Economic Development

- Goal 5 – Promote revitalization of declining commercial & industrial areas.
- o Policy 5.1 – Promote adaptive reuse and mixed-use redevelopment of declining strip commercial centers.
- Goal 6 – Promote continued economic development within downtown and other activity centers as vibrant mixed-use center for residential, government, office, retail and entertainment activities.
- o Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future land Use Map.

Land Use

- Goal 13 – Encourage an efficient, equitable, and compatible distribution of land uses.
- o Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.
- o Policy 15.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.
- o Policy 15.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.

Community Development recommends approval of the rezoning from HI to MU-Conditional on 28 acres for a mixed-use development at a density of 13.9 units per acre, including those variances supported by staff as shown above, 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 composition of the mixed-use building 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. No debris may be buried on any lot or common area.
6. 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".

7. 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.

8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions:

10. The development shall maintain the following minimum building setbacks:

Mixed Use Building Minimum:

Front – 0'

Side – 0'

Rear – 20'

Mixed Use Building Maximum:

Front – 20'

Side – 50'

Multi-family Building Minimum:

Front – 20'

Side – 15'

Rear – 40'

11. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

12. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.

13. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

14. The developer shall provide an 8' bike lane, 8' sidewalk and 6' grass strip on the eastern frontage of Riverview Road.

15. The developer shall provide a 5' sidewalk and 2' grass strip on the western frontage of Riverview Road.

16. The developer shall provide deceleration lanes, or large turn radius, on River View Road for both entrances on the western side of River View Road. Final design to be determined in plan review.

17. The developer shall provide an all-way stop analysis be provided during plan review to determine if stop signs are warranted at the intersection of River View Road and southern full-access driveway.

18. The developer shall provide right-of-way dedication on Riverview Road to be a minimum of 40 ft from the roadway centerline.

19. 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.

20. 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.

21. The minimum floor area for attached dwelling units, condominium units and other residential units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).

22. Parking for the commercial and residential 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.

23. The maximum number of residential units shall not exceed 390 Class A amenitized residential 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.

24. All residential units shall be maintained in a Class A/First Class manner.

25. The residential units shall include the following interior finishes:

- i. Minimum nine-foot (9') ceilings;
- ii. Forty-two inch (42") upper cabinets in the kitchen;
- iii. Decorative lighting fixtures shall be utilized in the in the kitchen area of the units and spot track or recessed lighting shall be used in both the kitchen and dining areas of the units;
- iv. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;
- v. Sheet vinyl flooring shall be prohibited;
- vi. Tile flooring shall be required in both the kitchen and bathrooms;
- vii. All bathrooms shall have tile tub/shower surrounds;
- viii. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;
- ix. All kitchen counter tops shall be horizon style counter tops; and
- x. All kitchen sinks shall be under-mounted.

26. Allow building height of up to 66 feet.

27. The developer shall develop the park area on the eastern side of Riverview Road and dedicate it to the city upon completion.

28. The developer shall coordinate with Trust for Public Lands to complete connection to the Riverview Trail extension.

29. 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 July 5, 2023 and created by Pond all zoning stipulations above.

30. The applicant shall be bound to the elevations submitted on June 6, 2023. Approval of any change to the elevations must be obtained from the Director of Community Development.

Commission Member Gordon-Evans asked about strike-through on the lap siding stipulation. Mr. Staubes said it only applied to single-family homes.

Chairman Powell asked the applicant to provide an overview of the request. Kevin Moore, on behalf of his client, Brand Properties, came forward. Michael Adams of Brand Properties was also in attendance for any questions. The City annexed the properties around Riverview Road through the legislature, so the application originally started in Cobb County. This allowed them to previously meet with the Mableton Improvement Coalition and the surrounding properties prior to the application to the City. The applicant will also be working with GDOT for a potential signal improvement at Veterans Memorial Parkway.

Commission Member Ostrzega asked about Cobb County schools and the start of construction. Mr. Staubes said there was no issue with the schools. Mr. Adams of Brand Properties said the closing date is set for May of next year.

Commission Member Bentley asked if there would be a phase two. Mr. Adams said that there is no phase two. They are trying to keep the pond looking as it is now since it looks nice and is just being cleaned up.

Chairperson Powell opened the Public Hearing.

Kenneth Patterson - Waterford Dr - owns adjacent property and wants the driveway to be moved for his own driveway.

Chairperson Powell closed the public hearing.

Chairperson Powell asked for a motion.

Commission Member Henriette Ostrzega made a motion to approve item Z23-005, a public hearing and rezoning from HI to MU-Condition for a mixed-use development with 390 multi-family units and 5,500 sq ft of commercial use at a density of 13.92 units per acre on land lot 284 on 28.01 acres located at 6324 & 6330 Riverview Road by applicant Brand Properties LLC; seconded by Commission Member Jill Gordon-Evans.

The motion to approve carried with the following vote:

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

Nay: 0 – None

Absent: 1 – Commission Member Howard

**B. Z23-006 Public Hearing - Z23-006 – Rezoning from R-20 to R-10 Conditional for the development of three single-family homes at a density of 3.29 units per acre - Land Lot 519 - 0.91 acres - 1313 & 1323 Pierce Avenue - Two Windy Hills, LLC
*Ward 3 Councilmember - Travis Lindley***

Joey Staubes, Planner II, presented the following background:

Two Windy Hills, LLC is seeking approval of a rezoning for 1313 & 1323 Pierce Avenue from R-20 to R-10-Conditional for the development of three single-family detached residences at a density of 3.29 units per acre. The two existing single-family homes will be demolished to allow the construction of three single-family homes. Each home will have a side entry garage located at the rear of the house. The proposed lots will be 13,333 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 side setback from 7.5 ft. to 5 ft. (Staff Supports)

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 three new single-family homes result in a density of 3.29 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-20 to R-10-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 3.29 units per acre to be below the 4.5 unit per acre threshold of Moderate Density Residential land use. The proposed rezoning will require a variance from the R-10 zoning district for the side setback reduction. Staff is supportive of the variances required for the proposed development.

Community Development recommends approval of the rezoning from R-20 to R-10-Conditional for the development of three single-family units at a density of 3.29 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.
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 13,333 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 Pierce Avenue.

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. facing these roads.

16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

17. 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 6/9/2023 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 6/9/2023.

Commission Member Bentley asked if the elevation is acceptable since they are showing hardiplank. Mr. Staubes agreed that it still has to meet the stipulations.

Chairperson Powell asked the applicant to provide an overview of the request. David Meyer came forward on behalf of the owners. The lots are going from two lots to three. There is currently a duplex plus an existing single-family home, so the net is zero additional units. The owner, Guy Kelley, also spoke and said he and his wife plan on living in one of the homes. They are still a long way from building and do not plan on doing this anytime soon.

Commission Member Gordon-Evans said she feels that it is crowded.

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

Commission Member Keith Bentley made a motion to approve item Z23-006, a public hearing and rezoning from R-20 to R-10 Conditional for the development of three single-family homes at a density of 3.29 units per acre on land lot 519 on 0.91 acres located at 1313 & 1323 Pierce Avenue by applicant Two Windy Hills, LLC; seconded by Commission Member Michael Seagraves.

The motion to approve carried with the following vote:

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

- C. **Z23-028** Plat Approval - Allow subdivision of 3767 & 3777 King Springs Road into three single-family lots within the R-15 zoning district - Land Lot 528 - 1.58 acres - 3767 & 3777 King Springs Road - Davin Harris
Ward 6 Mayor Pro Tem / Councilmember - Tim Gould

Commission Member Charles Phillips made a motion to table item Z23-028; seconded by Commission Member Keith Bentley.

The motion to table carried with the following vote:

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

5. Approval of Minutes

- A. **MIN2023-066** Approval of the June 12, 2023, Planning and Zoning Commission Meeting Minutes

Commission Member Henriette Ostrzega made a motion to approve item MIN2023-066, the June 12, 2023, Planning and Zoning Commission meeting minutes; seconded by Commission Member Michael Seagraves.

The motion to approve carried with the following vote:

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

6. Other Business / Staff Comment

7. Adjournment

Chairperson Joel Powell adjourned the July 10, 2023, Planning and Zoning Commission meeting at 6:46 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