



City of Smyrna

Meeting Minutes - Final Planning and Zoning Commission

City of Smyrna
A. Max Bacon City Hall /
Council Chambers
2800 King Street
Smyrna, GA 30080
770-434-6600
www.smyrnacity.com

Monday, February 14, 2022

6:00 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 7 - Joel Powell, Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

Absent: 1 - Jonathan Howard

Also Present: 0

Staff: 5 - Heather Peacon-Corn, Russell Martin, Joey Staubes, Caitlin Crowe and Dat Luu

1. Call to Order

Chairman Joel Powell called the February 14, 2022 meeting of the Planning and Zoning Commission to order at 6:00 PM in the Council Chambers at A. Max Bacon City Hall.

2. Business

A. [2021-518](#)

Public Hearing - Zoning Request - Z21-015 - Allow rezoning from R-15 to NS for an antiques shop - Land Lot 522 - 0.6 acres - 2986 King Street - Antiques, Wood and Rustics, LLC.

This will be tabled to the March 14, 2022 Planning & Zoning Board meeting.

Ward 3 / Councilmember Lindley

Boardmember James J.D. Smith made a motion to table until the March 14, 2022 Planning and Zoning Commission Meeting a Public Hearing and Zoning Request for item Z21-015 to allow rezoning from R-15 to NS for an antiques shop on Land Lot 522 on 0.6 acres located at 2986 King Street by the applicant Antiques, Wood and Rustics, LLC; seconded by Boardmember Michael Seagraves.

The motion to table carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

Absent: 1 - Jonathan Howard

B. [2021-597](#)

Public Hearing - Zoning Request - Z21-017 - Allow rezoning from OI to OD for the development of a self-storage facility - 3.3 acres - Land Lots 681 & 688 - Highlands Pkwy, Fountains Office Park LP.

This will be tabled to the March 14, 2022 Planning & Zoning Board meeting at the applicant's request.

Ward 7 / Councilmember Wheaton

Boardmember James J.D. Smith made a motion to table until the March 14, 2022 Planning and Zoning Commission a Public Hearing and Zoning Request for item Z21-017 to allow rezoning from OI to OD for the development of a self storage facility on 3.3 acres on Land Lots 681 & 688 located at Highlands Pkwy, Fountains Office Park LP; seconded by Boardmember Keith Bentley.

The motion to table carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

Absent: 1 - Jonathan Howard

C. [2022-072](#)

Public Hearing - Zoning Request - Z22-001 - Allow rezoning from R-15 to GC - 0.66 acres - Land Lot 631 - 2979 & 2989 Jonquil Drive - The Woodberry Group LLC.

Ward 2

Joey Staubes, Planner II, presented staff recommendation for rezoning request Z22-001. The request is to be heard by Mayor and Council on March 21, 2022. The property currently has two residential structures that will be turned into part of the larger "Quad" project. The applicant is requesting the property to be rezoned from R-15 to GC with a future land use change from MDR to CAC. There are no variances requested with the proposal.

Staff are supportive of the rezoning and recommend approval with the following conditions:

- 1. The subject properties shall meet all ADA and parking requirements for commercial occupancy.*
- 2. The following uses shall not be permitted on the subject parcels:*
 - Adult Entertainment and Adult Novelty Shops as defined by the City of Smyrna's Code of Ordinances*
 - Carnivals, Circuses and other similar transient activities*
 - Automobile Leasing*
 - Automobile Parts – wholesale*
 - Automobile Sales*
 - Automobile Major Repair*
 - o Automobile major repair is defined as an establishment wherein engines, transmission, drive shafts, bodies fenders are dismantled, repaired, replaced or painted.*
 - Billiard Parlor (Shall not preclude a restaurant/brew pub from having billiard tables. However, the billiard tables shall not exceed 35% of the gross floor area of the establishment)*
 - Boarding and Breeding Kennels. However, this stipulation shall not preclude the opportunity to lease retail space to a doggie day-care or dog obedience school with the added stipulation that no dogs shall be allowed outside, boarded or bred.*
 - Boat Sales and Repairs. However, this stipulation shall not preclude retail stores such as a Dick's Sporting Goods which sells bass boats, kayaks, rafts, etc. There shall be no outside display of boats.*
 - Bowling Alley*
 - Self Service Automobile Wash Facilities. However, self-contained automated car washes shall not be prohibited provided that they are consistent with the architectural style and composition as aforementioned.*
 - Drive-in Restaurants such as Sonic. However, drive-thru restaurants such as*

Chick-fil-a, Zaxby's, etc., shall be allowed provided that they are consistent with the architectural style and composition as aforementioned.

- *Drive-in Theater*
- *Farm Equipment Sales and Service – Outparcel only*
- *Full Service Gasoline Stations. However, grocery stores and convenience stores with gas sales shall be allowed.*
- *Game Arcades. However, this stipulation shall not preclude recreational facilities or restaurant/brew pubs from having accessory game arcades which do not exceed 15% of the gross floor area of the establishment.*
- *Gun Shops*
- *House of Worship*
- *Linen and Diaper Services (Plant only)*
- *Massage Parlor (This requirement shall not prohibit the operation of Health Spas)*
 - o *Health Spa is defined as an establishment which provides as one (1) of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. Treatment shall include, but not limited to, personal services such as body wraps, hydromineral wraps, body polish, body wash, baths and hydrotub soak. Massages may be an accessory service provided by the health spa.*
- *Mobile Home and Travel Trailer Sales*
- *Motorcycle Sales and Service with outside display of motorcycles.*
- *Pawnshops and Check Cashing Establishments*
- *Printing Plant. However, said prohibition shall not apply to establishments such as FedEx, Kinkos, Blueprinters, etc.*
- *Skating Rinks*
- *Stations and Terminals for Bus and Rail Passenger Service*
- *Target Ranges*
- *Tattoo and Body Piercing Parlors*
- *Taxi Stands*
- *Movie Theaters*
- *Wholesale Establishments which sell only to businesses and not to customers*

Chairman Powell asked the applicant to provide an overview of the request. Mr. David Woodberry came up as the applicant. Mr. Woodberry said that the properties have been vacant; he is planning on putting businesses in the structures or starting from scratch.

Chairman Powell opened the floor for a Public Hearing.

No one came forward in favor of or in opposition to this item.

Boardmember James J.D. Smith made a motion to approve 2022-072 for a Public Hearing and Zoning Request for item Z22-001 to allow rezoning from R-15 to GC on 0.66 acres on Land Lot 631 located at 2979 & 2989 Jonquil Drive by the applicant The Woodberry Group LLC; seconded by Boardmember Michael Seagraves.

The motion to approve carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

Absent: 1 - Jonathan Howard

D. [ORD2022-05](#)

Public Hearing - Approval of Ordinance ORD2022-05 for a zoning code amendment to Section 501 of the Zoning Ordinance pertaining to accessory structures with an effective date of July 1, 2022 and authorize the Mayor to sign and execute any related documents.

Ward / Citywide

Joey Staubes, Planner II, presented staff recommendation for text amendment 2022-05. The request is to be heard by Mayor and Council on March 7, 2022. The text amendment is to Section 501 to allow short term rentals in accessory structures for owner-occupied residential properties. This is in conjunction with a new short term rentals ordinance to be brought forth at the next meeting.

Chairman Powell opened the floor for Public Hearing.

No one came forward in favor of or in opposition to this item.

Boardmember James J.D. Smith made a motion to approve ORD2022-05 for a public hearing and approval of an Ordinance ORD2022-05 for a zoning code amendment to Section 501 of the Zoning Ordinance pertaining to accessory structures with an effective date of July 1, 2022; seconded by Boardmember Earl Rice.

The motion to approve for Submission to Mayor and Council carried with the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

Absent: 1 - Jonathan Howard

3. Approval of Minutes:

- A. [MIN2022-06](#)** Approve the January 10, 2022 Planning and Zoning Commission Meeting Minutes

Boardmember Earl Rice made a motion to approve the January 10, 2022 Planning and Zoning Commission Meeting Minutes; seconded by Boardmember Henriette Ostrzega.

The motion to approve carried by the following vote:

Aye: 6 - Charlie Phillips, Keith Bentley, Earl Rice, James Smith, Michael Seagraves and Henriette Ostrzega

Absent: 1 - Jonathan Howard

4. Adjournment

Chairman Joel Powell adjourned the February 14, 2022 meeting of the Planning and Zoning Commission at 6:13 PM in the Council Chambers at A. Max Bacon City Hall.