



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, May 9, 2022

6:00 PM

A. Max Bacon City Hall - Council Chambers

Roll Call

Present: 5 - Joel Powell, Charlie Phillips, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 3 - Jonathan Howard, Keith Bentley and James Smith

Also Present: 0

Staff: 5 - Dan Campbell, Caitlin Crowe, Jill Head, Russell Martin and Joey Staubes

1. Call to Order

Chairperson Joel Powell called to order the May 9, 2022 Planning and Zoning Commission meeting held at A. Max Bacon City Hall in Council Chambers at 6:00 PM.

2. Business

A. [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 item will be tabled to the June 13, 2022 Planning & Zoning Commission meeting at the applicant's request.

Ward 7 / Councilmember Wheaton

Boardmember Charlie Phillips made a motion to table to the June 13, 2022 Planning and Zoning Commission meeting item 2021-597, a public hearing and zoning request (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 Henriette Ostrzega.

The motion to table to the June 13, 2022 Planning and Zoning Commission meeting carried with the following vote:

Aye: 4 - Charlie Phillips, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 3 - Jonathan Howard, Keith Bentley and James Smith

B. [2022-246](#)

Public Hearing - Z22-006 - Zoning Amendment to allow changes to previously approved site plan - Land Lot 382 - 1.37 acres - 3482 S Sherwood Road - Midtown Builders Group LLC.

This item will be withdrawn at the request of the applicant.

Ward 3 / Councilmember Lindley

Boardmember Michael Seagraves made a motion to withdraw item 2022-246 at the request of the applicant, a public hearing and zoning amendment (Z22-006) to allow changes to previously approved site plan on land lot 382 on 1.37 acres located at 3482 S Sherwood Road by applicant Midtown Builders Group LLC; seconded by Boardmember Earl Rice.

The motion to withdraw carried with the following vote:

Aye: 4 - Charlie Phillips, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 3 - Jonathan Howard, Keith Bentley and James Smith

C. [ORD2022-13](#)

Public Hearing - Ordinance 2022-13 - Approval of code amendments to Sections 402, 601, 714.1, 802, 902, and 1104 of the Zoning Ordinance for the establishment of a Heavy Industrial Zoning District - Community Development Department.

Ward / Citywide

Russell Martin, Community Development Director, provided the following background:

The Community Development Department reviewed the list of allowable uses within the City's Zoning Ordinance as part of a preparation for the annexation of several properties with industrial uses. The uses occurring at the subject properties are industrial uses that exceed the permitted uses in the City's Light Industrial zoning district. Therefore, Community Development recommends the adoption of a Heavy Industrial zoning district, where the annexed properties may stay in conformance.

The City's Zoning Ordinance currently has only one industrial zoning category for (LI) Light Industrial uses. The Light Industrial category allows for the manufacture, storage, sale and distribution of goods and the conduct of related commercial and industrial activities and limits industrial operations and processes to those that are not objectionable in terms of the emission of noise, vibration, smoke, dust, gas, fumes, odors and do not create fire or explosion hazards, or other obnoxious conditions.

Community Development has reviewed the Heavy Industrial zoning district of the County and other surrounding jurisdictions and is recommending adoption of a Heavy Industrial zoning district to provide locations for uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, and warehousing and storage.

The setback and yard requirements will be discussed in a subsequent code amendment with the HI zoning district.

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

Boardmember Henriette Ostrzega made a motion to approve for submission to Mayor and Council item ORD2022-13, a public hearing and code amendments to Ordinance 2022-13 to Sections 402, 601, 714.1, 802, 902, and 1104 of the Zoning Ordinance for the establishment of a Heavy Industrial Zoning District as recommended by Community Development Department; seconded by Boardmember Michael Seagraves.

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

Aye: 4 - Charlie Phillips, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 3 - Jonathan Howard, Keith Bentley and James Smith

- D.** [ORD2022-14](#) Approval of a code amendment to repeal Section 18-33 of Chapter 18 - Building and Building Regulations of the City's Code of Ordinance to remove the bonding requirements for general contractors - Community Development Department
Ward / Citywide

Joey Staubes, Planner II, provided the following background:

Community Development is recommending the removal of the requirement for a general contractor to have a \$15,000 code compliance bond to conduct work in the City of Smyrna. General Contractors are licensed through the State and are required to carry insurance coverage as part of their licensure. The proposed amendment will eliminate the need for General Contractors to obtain a code compliance bond from an insurance agent prior to submitting for a building permit with the City of Smyrna. This amendment will save General Contractors the time to purchase the bond and the cost of the bond. This amendment will streamline permitting, as well as create efficiency within the Community Development Department.

Community Development has surveyed the other municipalities in Cobb County and no other municipality is requiring General Contractors to carry a code compliance bond to work in their jurisdiction. This amendment will bring Smyrna inline with other municipalities. The City of Smyrna has not had to use a Code Compliance Bond for any project in the last 15 years. With the elimination of the code compliance bond requirement, Community Development would require proof of insurance prior to the issuance of the building permit.

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

Boardmember Earl Rice made a motion to approve for submission to the Mayor and Council item ORD2022-14, a code amendment to repeal Section 18-33 of Chapter 18 the Building and Building Regulations of the City's Code of Ordinance to remove the bonding requirements for general contractors as recommended by Community Development Department; seconded by Boardmember Henriette Ostrzega.

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

Aye: 4 - Charlie Phillips, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 3 - Jonathan Howard, Keith Bentley and James Smith

3. Approval of Minutes:

- A.** [MIN2022-31](#) Approval of the April 11, 2022 Planning and Zoning Commission Meeting Minutes
Ward / Citywide

Boardmember Charlie Phillips made a motion to approve item MIN2022-31, the April 11, 2022 Planning and Zoning Commission Meeting minutes; seconded by

Boardmember Michael Seagraves.

The motion to approve carried with the following vote:

Aye: 4 - Charlie Phillips, Earl Rice, Michael Seagraves and Henriette Ostrzega

Absent: 3 - Jonathan Howard, Keith Bentley and James Smith

4. Adjournment

Russell Martin, Community Development Director, stated that the comprehensive plan is currently being updated, and a survey will be posted online for public input. This will be for the 2040 Comprehensive Plan.

Chairperson Joel Powell announced that James "J.D." Smith (Ward 5) will no longer be serving on the License and Variance Board. Mr. Powell thanked him for his contribution to the Board.

Chairperson Joel Powell adjourned the May 9, 2022 Planning and Zoning Commission meeting at 6:10 PM.