



Meeting Minutes - Draft
License and Variance Board

Wednesday, July 23, 2014

10:00 AM

Council Chambers

Rollcall

Present 3 - Board Member Roy Acree, Chair Person Tammi Saddler Jones, and Scott Stokes

Also Present 3 - Joey Staubes, Russell Martin, and Lisa Moore

1. Call To Order

The meeting was called to order by Assistant City Administrator Tammi Saddler Jones at 10:00 AM.

2. Business:

A. Public Hearing-Privilege License Request LIC2014-07-Change of agent-Beer Package-875 Windy Hill Rd-Dawson Food Store, Inc dba Shell Food Mart with Jennifer Leanin Berger as agent.

Assistant City Administrator Tammi Saddler Jones called Ms Berger to the podium. Ms. Berger has received, read and understands the alcohol ordinance and will abide by the ordinance. She has completed the Responsible Alcohol Sales Class. To ensure that alcohol is not sold to minors, the store plans to have classes which involve role playing on how to make sure the purchaser is of age. Mr. Acree asked how often Ms. Berger will be at the store. Her hours will be 6:30 - 3:00 every day. Mr. Acree asked about how clerks will make sure of the buyer's age. Ms. Berger stated that clerks are required to enter the date of birth in the register before alcohol or tobacco can be purchased. This is her first time as an agent. She understands that the Police Department does periodic checks to make sure they are not selling to an underage purchaser. The Police Department did a records check and there was nothing to preclude issuance of a license.

Ms. Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Roy Acree to approve LIC2014-07, Privilege License Request LIC2014-07 for a change of agent for Beer Package at 875 Windy Hill Rd-Dawson Food Store, Inc dba Shell Food Mart with Jennifer Leanin Berger as agent; seconded by Scott Stokes. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Stokes

B. Public Hearing - Variance Request - V14-023 - Allow wall sign area increase from 40 square feet to 80 square feet - 0.56 acres - Land Lot 523 - 1239 Concord Road - DDP Yoga, Inc.

Ms. Jones called Rob Barfield, Vision Investment and Development and Design, the acting agent for DDP Yoga. The variance is to increase the allowable wall signage

from 40 square feet to 80 square feet because of the architecture of the building. The plan is to make the sign a part of the building. DDP is a national brand for the type of Yoga in the studio. They will be filming videos at the studio in support of their website. Mr. Stokes asked if this is a monument sign or a wall sign. It is on a screen wall, and is a part of the architectural design of the building. Mr. Acree spoke about the Smyrna sign ordinance. City Planner Joey Staubs stated the License and Variance Board has seldom approved a sign variance unless it is a hardship. Community Development does not see a hardship and recommends a denial. Ms. Jones called for a Public Hearing and no one came forward to speak. The applicant asked if there was a possibility of any change to the request or if there was any possibility of any increase. Mr. Acree stated that the board can only hear the request that is in front of them today. Ms. Jones informed the applicant about the right to appeal to the Mayor and Council.

A motion was made by Scott Stokes to deny V14-023, a variance request to allow wall sign area increase from 40 square feet to 80 square feet on 0.56 acres in Land Lot 523 at 1239 Concord Road for DDP Yoga, Inc; seconded by Roy Acree. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Stokes

C. Public Hearing - Variance Request - V14-024 - Allow reduction of front setback from 50 feet to 25 feet - 0.56 acres - Land Lot 523 - 1239 Concord Road - DDP Yoga, Inc.

Ms. Jones called Rob Barfield, Vision Investment & Development, representing DDP Yoga as an owner's agent. The company wishes to convert the building at 1239 Concord Road into a technical studio for the Yoga company. They are under contract to buy the property. The plan is to add a 45 x 58 square foot addition on the the front of the building which will encroach on the 50 foot set back, but is commensurate with the buildings to the right and left of this building. This will allow the company to get the space they need for the business. Mr. Staubs stated this is an 2300 sq foot addition to the front of the building. Community Development is supportive of the set back because it is in line with the adjacent buildings. There has been no public comments on the proposed variance. Parking will be compromised with the setback on the 1239 Concord Road site, the company has proposed to purchase properties on Medlin Street for additional parking. Staff recommends approval with the following two conditions: 1. Approval of the requested front setback variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application; and 2. Approval of civil plan review shall be conditioned upon the acquisition and assemblage of the two parcels that comprise the Medlin Street parking area.

Mr. Acree asked how many spaces short will be they be if the variance is approved. Mr Staubs answered that they will be approximately 6 spaces short if additional properties are not purchased. The acquisition of the Medlin Street properties for parking will put them well above the parking requirements. Both Medlin Street properties are under contract The applicant is aware of the conditions. The contracts are contingent on the set back being approved. Mr. Barfield stated that the project doesn't work without the additional parking. The 1239 Concord Road site parking will be for visitors and handicapped, the other two properties will be for regular guests and staff. Mr. Barfield expressed concern that the conditions may be a problem in relation to the contract.

Mr. Acree asked Rusty Martin about changing the second condition to a less restrictive condition. Mr. Martin agreed the condition could be changed requiring that the owner must establish the minimum parking spaces. Mr. Stokes cautioned that

the right of way may have moved due to the Concord Road improvements and should be reviewed by a surveyor. Ms. Jones called for a Public Hearing and no one came forward to speak.

A motion was made by Scott Stokes to enter into Executive Session; seconded by Roy Acree. The motion carried unanimously.

A motion was made in Executive Session by Roy Acree to return to Regular Session; seconded by Scott Stokes. The motion carried unanimously.

A motion was made by Scott Stokes to approve V14-024, a variance request to allow reduction of front setback from 50 feet to 25 feet on 0.56 acres in Land Lot 523 at 1239 Concord Road by DDP Yoga, Inc. with the following two stipulations: 1. Approval of the requested front setback variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application and; 2. The owner establishing the required minimum parking spaces as established in the City Code or acquisition or assemblage of the two parcels that comprise on the Medlin Street prior to Certificate of Occupancy; seconded by Roy Acree.

The owner acknowledged and consented to the stipulations. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Stokes

3. Approval of Minutes:

A. Approval of the July 9, 2014 License and Variance Board Meeting Minutes

A motion was made by Roy Acree to approve 2014-200 for the approval of the July 9, 2014 License and Variance Board Meeting Minutes; seconded by Scott Stokes. The motion carried by the following vote:

Aye: 3 - Board Member Acree, Chair Person Saddler Jones and Stokes

4. Adjournment

The meeting was adjourned at 10:37 AM.