

Minutes - Planning and Zoning Work Session November 13, 2025

NOTE: JoAnna Robinson transcribed these minutes. These minutes are a summation of the events of the meeting and not intended to be a verbatim transcription of the meeting.

Johny Purify convened the work session at 6:58 pm with the following members present for a quorum: James Taylor, Randall Madison, Roy Wade, and Kelly Fisk. Kris Boyd arrived shortly thereafter for a total of 6 people present. Wanda McDaniel was absent.

The Commission considered the following items:

Special Use PZ-25-025

Owner/Applicant	Mr. Timothy A. McTyre Sr.
Location	4818 Hill Road
Current Zoning	HI
Proposed Use	Special Use Approval
Purpose	To continue dumping mud/dirt due to his commercial grading company.

Mr. McTyre presented his operation of owning his commercial grading company that includes a 150 sf metal building constructed in the 1970s, which has been completely remodeled. (Adjacent to this project is his boat and camper parking area. He still needs to do landscaping, electrical and then wants to rent parking spaces in the future.) Mr. McTyre did state that he has a pond and sells dirt for use in his grading business. Also, he did state that he needs to redo his silt fences. Mr. McTyre also did mention that his son is normally the person that handles all of the business with the City as far as making sure all things are being communicated properly between them and the City. There was a discussion as far as Mr. McTyre keeping the dirt from his trucks off of the City roads. The applicant did mention that he has a concrete pad, about 1 foot thick, and has spent \$40K to build this. Run off concerns were brought up as well, and the response was the silt fence was down, but no run off problems are happening. The applicant was told that he will be seen on the last Monday of this month. Then Staff told the applicant that the 20th will be with the Mayor and Council. Lastly, Staff mentioned that December the 1st is where the Mayor will make his decision and that Staff will have a draft. We will have a draft of the Staff Report before his meeting. Before Mr. McTyre left that night he did mention that he had thirteen excavators, four 40 tons, and three 30 tons. The Planning and Zoning Council did ask if applicant did his RV parking yet, and applicant said he poured the pad, but it is not ready yet, but he did grade it everywhere.

Special Use – PZ25-023 and Variance PZ25-024

Owner/Applicant	Elysee Saint-Elie
Location	4026 Mobley Drive
Current Zoning	R-15
Proposed Use	Special Use Approval and Variance Approval
Purpose	To have a 6 ft fence in front yard and request to place gate closer than the allowed 25-ft right of way.

Mr. Elysee Saint-Elie presented his proposed use to place a fence in their front yard. The applicant mentioned that they are the only house on the street and that the reason for this fence is because they have deer surrounding their property. The Planning and Zoning commission did mention that the deer could jump over the fence. There was a discussion of where on the map that the Applicant lived and then the site plan was placed onto the projector. The Planning Zoning commission did mention that they saw the applicant is trying to place a six-foot fence with brick pillars. The Staff mentioned that the applicant is applying for a Special Use and a Variance. A Special Use due having a six-foot fence in their front yard and a Variance due to the gate being closer than the 25 foot right of way. There was some discussion pertaining to where the fence was going to be placed. The Applicant did mention that they would be connecting to the neighbor's fence and the City's fence as well. The Planning and Zoning Commission did ask if the purpose of this fence is to keep the deer out. The Applicant replied that they planted 23 trees and did not want the deer to snack on their fruit. The Planning and Zoning Commission then asked when the Applicant puts their fence up, will it be electric, to which the Applicant said no, it will be solar. The Applicant is not sure if they will be placing any lighting on the fence. The Planning and Zoning Commission did tell Mr. Elysee to continue working with the City to make sure they meet all of the qualifications. Mr. Elysee understood.

Annexation – ORD25-019, Rezoning – PZ25-027 and PZ25-028- Special Use

Owner/Applicant	Philip Howard
Location	3980 Sanders Road
Current Zoning	HI and R-20
Proposed Use	HI and LI (will need to be annexed and rezoned)
Purpose	To operate a Wrecker business and have a separate building for office/shop space.

The Staff presented Mr. Howard's case. Applicant is interested in annexing to the City according to their process that they are currently operating under. They need to be in this location by next summer. The reason why the applicant is applying with us is because Cobb county could not hear their case until much later than us. So, hopefully this could be a favorable situation for the City and the Applicant. Mr. Howard is applying for Annexation and a Special Use as well.

Mr. Howard introduced himself as the President of Howard's Wrecker and that they have been in business for 55 years. He mentioned that they have two locations in Smyrna. One location, they own and one location is a lease. Mr. Howard stated that they are in a timeframe crunch. He did state that they have a police contract already in place and that they service Cobb county Zone 5 which is towards Dallas Hwy going towards Acworth. Applicant did mention that one of his locations is on Windy Hill/South Cobb and they took it over in 1985. Applicant also stated that he likes to keep his properties neat, not looking like a junkyard. His other lot is on Ventura Road in Smyrna. The Ventura Road lot was then placed on the projector. Applicant mentioned that this lot is 5 acres. They did have a body shop, but they closed it 1 year ago due to not being able to find help. The fencing is 8 ft of corrugated steel. The reason why they placed this is to make the property more secure and aesthetically pleasing at the same time. That would be the fencing they would be proposing for this space.

Applicant then described the equipment that he possesses and the businesses that his business caters to. He has heavy equipment hauling, a pretty diverse clientele such as CCT, MARTA, Cobb county police, GSA government vehicles, homeland security, and FDA officials. Applicant did also mention that they are called a "marshaling point." Basically, this is when new cars come into government agencies. We unload them over there, prep them, wash them up, and then the different agencies come and pick up their cars. As far as equipment is concerned, on the towing side 34 tow trucks from something as small to tow a pick up to towing the big, heavy rotators. Applicant also did mention that they like to do 99% of their maintenance in-house. The Planning and Zoning commission did ask the

Applicant if they envision any hiring and Mr. Howard said that they have about 50 employees currently and growing. Also, as far as their Smyrna location, they have owned it since 1974 and have been leasing the Mableton location since 2015. The Applicant is trying to leave the Mableton location due to lots of residential going up over there. The owner of that lot was made a good offer from a developer and she gave Mr. Howard 6 months to vacate the premises.

The Planning and Zoning Commission asked if there was any residential property near this current property. The Staff replied that the owner of this property owns the residential properties that are near this property. While looking at the site plan, Mr. Howard did mention that he did not like how the retention pond is near the street. The Planning and Zoning Commission said as long as it is away from the main thoroughfare, it will be good.

Staff did bring up the use for this property is a towing service but if the vehicles are on the property longer than 60 days, it is classified as a wrecked vehicle compound. Mr. Howard mentioned that they have about 10% of what they tow in is close to that 60 day number. But, the Court system can take 90 days. The Staff stated that the Tow Service will be on LI, and the wrecked vehicle compound will be on HI with Special Use. Currently, 4.5 acres is HI. The smaller portion is now R-20. The Planning and Zoning Commission then asked what exactly the Applicant is asking for. Staff replied currently the property is HI in Cobb. The R-20 needs to get rezoned to LI, but keep the HI as HI. This will give a buffer from the residential to the east. Staff then stated that the HI needs to be for the parking for the vehicles. LI for the warehouse and employee/customer parking. The whole property could be all rezoned HI, but the split zoning is being brought up to allay county fears.

Lighting and security was discussed as well and the Applicant said that it will be well lit, will be 24/7 security, and no guard dogs will be on the premises. Applicant did state that their plan is to have a 14,000 sq ft building that was pleasing and aesthetic from the roadway and they would like to have the building close to the front of the property. Signage and fencing was talked about as well and Applicant mentioned that wall signage on a building is good enough as long as clients can find them on Google maps. As far as fencing is concerned, the front of the street side will be open visually to the Public. There will be a fence around the HI side with the wrecked vehicles to the back of the property. (Mr. Aurchusa owns those other two residential houses, but the Applicant is not interested in these right now. Maybe in the future. Those houses are not in this current application.)

The Applicant was asked how will this property look? The Applicant replied that all the front parking will be asphalt with curbing and the storage area will be graveled. Mr. Howard's plan is to have a row of Leyland cypress then have the fence inside the buffer line. The foliage, buffer, and fence will make it so the Public will not see any cars from the street. Staff did mention that the required distance is administratively reduced to 63 feet 9 in and 82 ft 6 in on the bottom right portion. This is because there are different buffers when adjacent to residential zoning. Staff did state that we will need a Variance for the footprint of the building possibly.

The Planning and Zoning Commission did have questions on traffic and what types of wear and tear on the roads this business will have as it is a 2 lane road. Mr. Howard responded by saying the maximum weight would be about 125,000 pounds and that all of his trucks weigh less than 25,000 pounds, although the bigger trucks weigh 35,000 pounds. As far as any issues getting out of the property, Mr. Howard would like to make a rounded curb and a decelerating lane for the property. As far as traffic is concerned, we will have 40-50 trucks going in/out so there will be constant flow. There will be customers, insurance agencies, and attorneys. He also stated that traffic will slack off at around 6pm but the latest could be 11pm. The Planning and Zoning Commission did ask if it is in the Applicant's application to be open 24/7 and Mr. Howard did say yes because of the contracts they have with the different agencies.

As far as entrance is concerned, Mr. Howard is flexible. If they need to buy signs and post "Trucks entering Road" they will. They will also cut down the overgrowth that was seen on the property. Mr. Howard was asked what is the distance from the driveway down to the redlight and the Planning and Zoning Commission replied probably about $\frac{1}{4}$ of a mile so there might be some traffic buildup. Lastly, buffers were brought up and Staff replied that doing the math variance wise, so for LI abutting Res 110ft. can be varied up to 35%. A 71.5 ft administrative variance is allowable.

Last Item is an Ordinance Amendment

Staff presented that this will be doing two different things. The standards for proving a Special Use and the standards for proving a Variance. Staff has spoken with the City Attorney about this and the City Attorney replied to make these things clear. Basically, if we have conditions for the Applicant, they come back in 1 year for a Special Use renewal, and they don't comply with conditions, it is grounds for denial. For example, there is a new residential development and there is a dead tree that can fall over and hit the newly built house. Recently, there was a developer that pushed back. There was a dead tree in the undisturbed buffer zone and we don't have any leverage if this developer will not take the tree down. We need to come up with something where the developer does not receive a CO on this house unless they take this dead tree down. Also, this will reduce our involvement. There was discussion on taking down trees. Planning and Zoning Commission disagreed and thought that more Code was being added to what we already have. This subject ended up being tabled for now.

Johnny Purify mentioned that he is stepping down at the end of December.

Staff mentioned that Mr. John Parton starts on the 14th. Also, he has had several years in the public sector.

The Adjournment of the Planning and Zoning Work Session was 8:30pm.