

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Ken Suddreth, Community Development Director
 Russell Martin, AICP, Senior Planner

Date: December 13, 2016

CC: Michael Jones, City Administrator

RE: REZONING CASE Z16-020 – 1270 Concord Road

Applicant: Super Tax

Existing Zoning: FC
Proposed Zoning: GC-Conditional
Size of Tract: 0.535 Acres

Titleholder: James Parks

Location: 1270 Concord Road

Contiguous Zoning:
 North NS
 South LC
 East NS
 West LC & R-15

Land Lot: 523

Ward: 6

Access: Concord Road

Hearing Dates:
 P&Z November 14, 2016
 M&C December 19, 2016

Existing Improvements: Vacant Site

Proposed Use:

The development of a two-story, 5,500 sq. ft. commercial building. A land use change from Medium Density Residential to Neighborhood Activity Center will be required for this rezoning.

Staff Recommendation:

Approval of rezoning to Limited Commercial (LC) with conditions.



STAFF COMMENTS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors which must be evaluated by the Planning and Zoning Board and the Mayor and Council when considering a rezoning request. The following provides the nine factors followed by an analysis of each factor in italics:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The zoning proposal would result in the development of a two-story, 5,500 sq. ft. commercial building along Concord Road with associated surface parking and stormwater management facility. The adjoining property to the north and east is zoned Neighborhood Shopping (NS) and is occupied by a bank. The adjoining property to the south is zoned Limited Commercial (LC) and is occupied by an office building. The adjacent properties the west are zoned LC and R-15 and are occupied by a small boutique and a single-family residence. The properties along the Concord Road Corridor are predominately small scale commercial uses ranging from retail to office uses. The zoning proposal will permit a use that is suitable in the view of the use and development of adjacent and nearby property.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The subject property will have one access off Concord Road and will provide the minimum required parking to service the building. There should be no adverse effect on adjoining commercial property. The nearest residential properties to the subject properties are buffered by existing commercial and a public alley way.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject parcel has a reasonable economic use as currently zoned.

4. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

Based upon information provided by the City Engineer, the proposed development is not expected to cause a burden to the existing street network or transportation facilities.

Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Water is located on the east side of Concord Road and the developer will be required to use existing water services where possible.

Sanitary sewer is located within the middle of Concord Road and the developer shall use existing sewer services where possible. Elevations are the responsibility of the developer. This information is based upon a zoning plan for Super Tax Office Building by Acme America, dated 9/22/16.

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

The 0.535-acre property has a Future Land Use designation of Medium Density Residential. The Medium Density Residential land use designation allows density up to 6 units per acre. The zoning proposal for a commercial building is not consistent with the Future Development Plan. Therefore, the zoning proposal will require a land use change from Medium Density Residential to Neighborhood Activity Center.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

There are existing and changing conditions affecting the use and development of the property which give supporting grounds for approval of the zoning proposal. The applicant currently owns a commercial building on the north side of Windy Hill Road near South Cobb Drive. The city has planned major road improvements for the Windy Hill Road corridor and is currently working through the land acquisition process for the project. The applicant's property and building will be purchased for the project. The applicant has found the subject property as being a suitable site to relocate her business and build a new commercial building.

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

The proposed development will employ a variety of architectural features and materials that will enhance the existing aesthetics along the Concord Road corridor. The development will be required to conform to the Concord Road Corridor Design (CDD-5) standards which would enhance the architectural standards of the area.

The tree protection plan indicates the required number of tree inches for the site has been met through replanting.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposed use should not create a nuisance to existing uses in the area due to the fact that the surrounding area is also comprised of small scale commercial uses.

9. Whether due to the size of the proposed use, in either land area or building height, the proposed use would affect the adjoining property, general neighborhood and other uses in the area positively or negatively.

Factors associated with the size of the proposed use, in either land area or building height, should have a minimal affect upon adjacent properties. The applicant is requesting to rezone the property to GC-Conditional. The applicant is seeking a site plan specific rezoning to deviate from the minimum front setback. Table 1 shows the requirements of the GC zoning district versus proposed development.

Table 1: Lot Requirements for GC Zoning District vs. Proposed Development							
	Min. Lot Size (Square Feet)	Min. Lot Width at Setback Line	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)
GC Zoning District	20,000	100'	50'	10'	30'	35'	100
Proposed Development	23,304	129'	25'	10'	30'	35'	80

The applicant is requesting to rezone the property from Future Commercial (FC) to General Commercial (GC)-Conditional for the development of a two-story, 5,500 sq. ft. commercial building. The zoning proposal fronts the commercial building along Concord Road with the associated parking and stormwater management facility located behind the building. The only access to the site will be from Concord Road. The conceptual building plans submitted with the rezoning indicate the commercial elevations will employ a variety of building materials and architectural features that will enhance the architectural standards of the Concord Road corridor.

The applicant has provided a conceptual zoning plan (which shows proposed grading and stormwater management facilities) and tree plan with the rezoning application. City staff has reviewed the plans and has provided comments to Community Development to be incorporated into the zoning conditions.

The proposed development will require one variance from the zoning requirements of the GC zoning district. The requested variance is a reduction in the minimum front setback from 50' to 25'. Community Development is supportive of the variance as requested.

The applicant currently operates her tax preparation business (Super Tax) at 591 Windy Hill Road, which is on the north side of Windy Hill Road near South Cobb Drive. The city has planned major road improvements for the Windy Hill Road corridor and is currently working through the land acquisition process for the project. The applicant's property and building will be purchased for the project. The applicant has found the subject property as being a suitable site to relocate her business and build a new commercial building.

Community Development does have concerns over the rezoning of the property from FC to GC with respect to the amount of uses permitted in the GC zoning district. Some of the uses permitted in the GC zoning district are auto-centric uses and may not be

compatible with the existing uses in the area. Community Development recommends modifying the current zoning request from GC to LC. The LC zoning district provides for both retail and office uses at a small scale that is more compatible with the existing uses in the surrounding area.

Community Development recommends **approval** rezoning the subject property from **FC to LC-Conditional** for the development of a 5,500 sq. ft. commercial building with the following conditions:

Standard Conditions

(Requirement #1, 2, 3, 4, 8, 9, 10, 12,16 and 17 from Section 1201 of the Zoning Code is not applicable)

1. The stormwater management facility 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 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
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 2' shall be provided between the back of curb and sidewalk. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.
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.

Special Conditions

8. The development shall maintain the following minimum setbacks:
 - Front – 25'
 - Side – 10'
 - Rear – 30'

9. Any proposed dumpsters shall be surrounded by a three-sided brick or stucco enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.
10. Any utility boxes, HVAC components, or accessory components to the commercial building shall be screened from the public right-of-ways and adjoining property owners.
11. The commercial building shall have entry doors along Concord Road.
12. Approval of the subject property for the Limited Commercial (LC) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 10/14/2016 created by Acme American.
13. The applicant shall be bound to the building material and architectural features illustrated on the elevations titled "Super Tax" and submitted 12/5/2016. If there is any change to the elevations, it must be approved by the Director of Community Development.

Figure – 1
Subject Property



Figure – 2
Adjoining Properties



