

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

From: Russel Martin, AICP, Community Development Director  
Joey Staubes, AICP, Planner II

Date: November 9, 2022

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z22-011– 3410 Atlanta Road**

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**Applicant:** Grow Smyrna

**Titleholder:** Paul Iribe

**Location:** 3410 Atlanta Road

**Land Lot:** 700

**Ward:** 6

**Access:** Atlanta Road

**Existing Improvements:** Vacant Property

**Existing Zoning:** R-15  
**Proposed Zoning:** NS-Conditional  
**Size of Tract:** 0.91 acres

**Contiguous Zoning:**  
North RDA  
South RDA  
East RDA  
West OI & RM-12

**Hearing Dates:**  
P&Z November 14, 2022  
Mayor and Council December 5, 2022

#### Proposed Use:

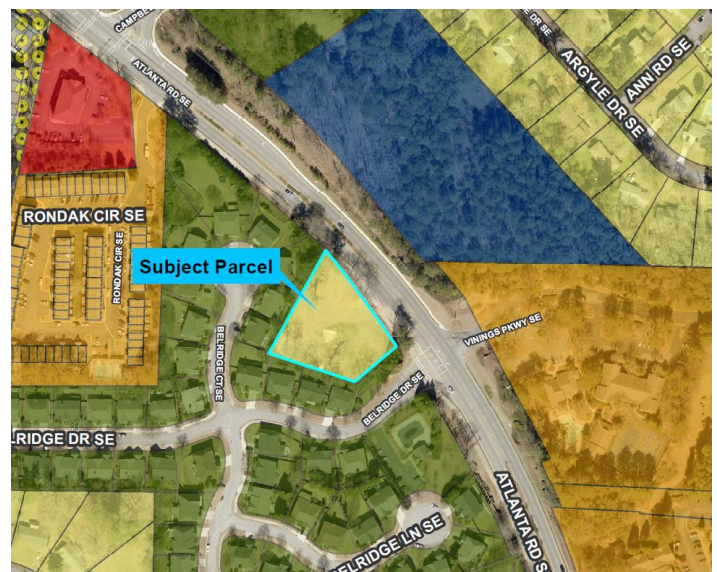
The applicant is requesting a rezoning from R-15 to NS-Conditional for use as a 8,000 sq. ft. retail business. The future land use is currently MEDR and will be required to change to NAC.

#### Staff Recommendation:

**Approval** of the rezoning from **R-15** (Residential) to **NS-Conditional** (Neighborhood Shopping) with conditions.

#### Planning & Zoning Board Recommendation:

**Approval** by a vote of 6-1 at the November 14, 2022 meeting.



## **PROJECT DESCRIPTION**

Grow Smyrna is requesting a rezoning from R-15 (Residential) to NS-Conditional (Neighborhood Shopping) for the ability to develop an 8,000 sq. ft. retail building for Neighborhood Feed & Seed. The subject property is zoned R-15 and is vacant, however it was formerly occupied with a single-family home. The applicant is requesting to rezone the property to NS-Conditional to allow a zoning district that permits small retail uses.

## **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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

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

### *Applicant Response:*

*"The proposed zoning will permit development of a neighborhood feed and seed store. The property is less than one acre in size, and the low impact of the proposed business is a more suitable use for the property than the density of a residential development. Further, the proposed development for the use sought is compatible with the adjacent and nearby commercial areas and residential neighborhoods."*

### *Staff Analysis:*

*The zoning proposal consists of one tract of land totaling 0.91 acres and is zoned R-15. Approval of the zoning proposal would allow an 8,000 sq. ft. retail business to occupy the property. The adjacent properties to the north, south, and west are zoned RDA (Residential) and occupied with residential uses. The adjacent properties to the east are zoned OI (Office/Institutional) and RM-12 (multi-family) and are occupied by a church and apartments. The proposed zoning would continue to be consistent with the use and development of adjacent and nearby properties along the Atlanta Road corridor.*

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

### *Applicant Response:*

*"The proposal will not adversely affect nearby property. The proposed development for a neighborhood oriented, low impact business, such as the proposed*

*Neighborhood Feed and Seed store, will not cause disruption to or in any way adversely affect nearby neighborhoods or residences.”*

Staff Analysis:

*The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed development will have a 10 ft. landscape buffer around the perimeter of the property to screen it from the adjoining residential properties. The subject property is currently accessed directly from Atlanta Road and not impact any additional local streets.*

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

Applicant Response:

*“The current R-15 zoning provides no economic viability; and, therefore, is not reasonably zoned.”*

Staff Analysis:

*The subject parcel has limited 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.

Applicant Response:

*“The proposed rezoning will not have an excessive or burdensome impact on existing facilities and infrastructure.”*

Staff Analysis:

*Based upon information from the City Engineer, the proposed use will not cause an excessive or burdensome use of the existing streets or transportation facilities.*

*The building will be serviced with water and sewer from the city from the Atlanta Road right-of-way.*

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

Applicant Response:

*“The proposed use is not in conformity with the existing Medium Density Residential Land Use category; however, given the character and conditions of similarly situated properties on Atlanta Road, the proposed use provides a better use for the property, without causing burdening effects on infrastructure, such as roads, water, and sewer.”*

Staff Analysis:

*The subject property has a future land use designation of MEDR (Medium Density Residential), which allows a density of 6 dwelling units per acre, on the city’s 2040*

*Future Land Use Plan. The proposed rezoning to NS-Conditional for use as a retail business will require a land use change to NAC (Neighborhood Activity Center). The surrounding area's land use designation on the west side of Atlanta Road is comprised of MEDR (Medium Density Residential) for the Devonshire Court neighborhood, and MHDR (Medium High Density Residential) for the Vintage Square neighborhood. The surrounding area's land use designation on the east side of Atlanta Road is comprised of NAC (Neighborhood Activity Center) for the church and HDR (High Density Residential) for the multi-family development.*

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.

*Applicant Response:*

*"The expansion of retail, commercial, office, and institutional uses on smaller parcels along Atlanta Road supports the proposed development, which is less in intensity and impact than other similarly situated commercial uses."*

*Staff Analysis:*

*The property is zoned R-15 (Residential Single-Family) which is a zoning for single-family detached residential. The 0.91-acre site could potentially yield a total of 2 single-family detached residential units under the existing R-15 zoning. A rezoning to NS-Conditional would be required to allow a retail business to operate on the property. The zoning proposal would allow the proposed business to operate with a suitable zoning category that allows the retail business but restricts most other auto oriented commercial uses.*

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.

*Applicant Response:*

*"Architectural standards in the community will be upheld, and even enhanced, by the proposed development."*

*Staff Analysis:*

*The general area is comprised of commercial, institutional, and residential properties. The rezoning will allow the retail business to operate within an appropriate zoning district. The property will conform with the aesthetics of the general neighborhood and be sufficiently screened from adjacent properties.*

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

*Applicant Response:*

*"The proposed development is neither a nuisance nor incompatible considering the surrounding commercial uses and neighborhoods. Additionally, the proposed*

*neighborhood feed and seed store would provide a convenient, needed use for community residents.”*

**Staff Analysis:**

*Community Development believes the proposed use of the property as a retail business will not create a nuisance for existing uses in the area. The proposed commercial use is consistent with other commercial and residential uses in the area.*

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.

**Applicant Response:**

*“The proposed development would positively affect the area and surrounding properties as it would be less intense than maximizing residential density on a smaller tract. The proposed neighborhood feed and seed store will be located as shown and reflected on the submitted Site Plan, and within the setbacks required by the City Zoning Ordinance. The structure shall be a maximum of 8,000 square feet, one story in height, with exterior finishes enhancing the neighborhood. The natural berm on the property line would remain and be enhanced with a ten (10) foot landscape buffer along the perimeter, adjacent to residential properties. Additionally, there will be a fifteen (15) foot landscape buffer along the property frontage on Atlanta Road. Grading for the proposed development would be done on the level of Atlanta Road, which would screen the structure from view of the adjacent residences.”*

**Staff Analysis:**

*Factors associated with the size of the proposed use, in either land area or building height should not have a negative effect upon all adjacent and nearby properties. The zoning proposal requires the following variances from the floor area and parking requirements:*

1. Allow an increase in a retail building size from 5,000 sq. ft. to 8,000 sq. ft. (Section 711.13 of the Zoning Ordinance) **(Staff Supports)**;
2. Reduction of required parking spaces from 44 to 20 spaces. (Section 906.10 of the Zoning Ordinance) **(Staff Supports)**; and
3. Allow reduction of the rear setback from 50 ft. to 30 ft. (Section 801 of the Zoning Ordinance) **(Staff Supports)**.

## **Project Analysis**

### **Transportation Review**

The City Engineer has reviewed the proposed rezoning and supports a full access drive for the site. A sight distance analysis was provided to ensure there is appropriate visibility for northbound and southbound turning movements at the full access drive. Additional easements may be required if any portion of private property is within the sight distance triangle and

existing vegetation within the sight distance triangle will need to be removed. Based on historical sales data, the proposed business will generate approximately 40 trips per day. Given the current zoning of R-15, approximately 2 homes could be built on the subject property. The ITE manual estimates that a single-family home generates 9.52 trips per unit, which equates to 19.04 trips per day. If the property was developed to the 6 units per acre allowed by the Future Land Use Plan, the 6 units would create 57.12 vehicle trips per day. Therefore, the proposed rezoning would have no greater than impact to the road network than a residential use of the property that meets the City's Future Land Use designation of Medium Density Residential (6 units per acre). The zoning proposal should not change the current level of service for Atlanta Road based on the trip generation from the business.

There have been concerns raised regarding the proposed entrance and its impact to the Devonshire neighborhood and children using the Atlanta Road corridor for school. The proposed full access entrance will not impact the existing deceleration lane for the Devonshire neighborhood. In addition, the full access drive will have a fully striped crosswalk and stop bar for pedestrian crossing. Finally, the current design should not impact the school bus pick up and drop off because the stop shall remain in the deceleration lane and will stop all traffic on Atlanta Road due to no median in the roadway. Also, the opening for the business is at 9:30 am, which is after the bus pick up in the morning.

#### Stormwater Review

The City Engineer has reviewed the proposed rezoning with respect to stormwater management and stream buffer issues. Stormwater management will be provided by a detention facility at the front of the property. The stormwater from the site will be managed within the proposed detention facility and will then be discharged into the City's stormwater system in Atlanta Road. There are no stream buffers affecting the property.

#### Fire Marshal Review

The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access.

#### Economic Development Review

One of the main responsibilities of the City's Economic Development Department is business retention within the city. Neighbor's Feed and Seed is a successful home-grown business within the city. They were originally located off Roswell Street in the Williams Park neighborhood, surrounded by single-family homes. The property they operated from was sold, which left them looking for a new location. The City's Economic Development Department has assisted Neighbor's Feed and Seed with finding new locations within the City of Smyrna since January of 2022. The locations provided by staff were either too costly or did not meet the operational parameters for the business. In addition, the city currently has a low vacancy rate and there are not many commercial locations available. The applicant found the subject property on their own and proceeded through the rezoning process.

One of the main economic development goals of the City's Comprehensive Plan is the retention of successful businesses. A low intensity neighborhood orientated business that serves both the immediate neighborhood and the city as a whole is a benefit to the city. The Atlanta Road

corridor has similar uses and zoning up and down the corridor. This zoning would develop one of the last remaining developable tracts in the Atlanta Road corridor.

#### Planning Review

The applicant is proposing a rezoning from R-15 to NS-Conditional for the construction of an 8,000 sq. ft. retail business. The development will include a full-access drive on Atlanta Road. A 10 ft. landscape buffer is provided along the north, south, and east perimeter, and a 15 ft. landscape buffer will be provided along Atlanta Road. The business will provide 20 parking spaces for the development. Based on the applicant's historical sales data the business is estimated to have less than 40 cars a day, with no peak period. Therefore, a reduction to 20 spaces is sufficient to provide ample off-street parking for the business for the operational hours of 9:30 am to 5:30 pm.

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to Neighborhood Shopping requires a Land Use change to NAC (Neighborhood Activity Center).

In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

#### Housing:

Policy 1.1 - Ensure adequate buffering and screening in order to protect residential neighborhoods from negative impacts of adjacent incompatible development.

#### Economic Development:

Policy 4 - Attract and retain a diverse variety of businesses in order to provide quality employment opportunities for residents and maintain a healthy tax base.

Policy 4.5 - Focus some economic development activities on retention, expansion and support of existing businesses

#### Land Use:

Policy 13.1 – Provide for a reasonable accommodation of a broad range of land uses within the City.

Policy 13.2 - Encourage an appropriate transition of type and scale between established neighborhoods and activity centers

The Comprehensive Plan identifies Atlanta Road as a priority redevelopment corridor on the Policy Map and Priority Redevelopment Areas Map.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a retail business in the NS Zoning District. The proposed development meets most of the zoning requirements for a retail business however, variances are required for the following:

1. Allow an increase in a retail building size from 5,000 sq. ft. to 8,000 sq. ft. (Section 711.13 of the Zoning Ordinance) **(Staff Supports)**;
2. Reduction of required parking spaces from 44 to 20 spaces. (Section 906.10 of the Zoning Ordinance) **(Staff Supports)**; and
3. Allow reduction of the rear setback from 50 ft. to 30 ft. (Section 802 of the Zoning Ordinance) **(Staff Supports)**.

A rezoning to GC (General Commercial) would eliminate the need for a variance for the size of the building. However, staff supports the variance for the NS zoning district given that GC allows all commercial and retail uses, while NS is much more restrictive regarding the allowable uses and eliminates the amount of uses that a potential owner would be entitled to if the zoning is approved. Rezoning the property to NS as opposed to GC would reduce the number of permitted uses from 105 permitted uses down to 17 permitted uses.

The proposed conditional zoning ties the zoning of the property to the site plan and building elevations approved during the rezoning process. Should the applicant decide not to move forward with the approved plan and decide to change the plan, they would be required to come back to the Mayor and City Council for approval of the change, which would require a formal public hearing on the proposed change.

Community Development staff is **supportive** of the change in zoning from R-15 to NS-Conditional.

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## STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-15 to NS-Conditional at 3410 Atlanta Road with the following conditions:

### Standard Conditions

**Requirements # 1, 2, 3, 4, 5, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.**

1. All utilities within the development shall be underground.
2. 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.
3. No debris may be buried on any lot or common area.
4. 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.



5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

**Special Conditions**

7. The development shall maintain the following setbacks:  
Front – 50'  
Side – 10'  
Rear – 30'
8. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
9. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.
10. The developer shall provide right-of-way dedication along both Atlanta Road if required for the sidewalk to be located on public property.
11. Additional easements may be required if any portion of private property is within the sight distance triangle.
12. Existing vegetation within the sight distance triangle shall be removed.
13. The development shall provide a 10' landscape buffer on all sides that adjoin single-family property, except the Atlanta Road frontage will shall provide a 15' landscape buffer.
14. A double row of trees shall be planted along the western property line.
15. Any wall visible from the right-of-way shall have decorative screening.
16. The access on Atlanta Road shall include crosswalk striping, ADA ramp, and stop bar at the entrance.
17. Any repair or replacement of the sidewalk on Atlanta Road shall be a minimum width of 10 feet.
18. There shall be no bells, whistles, or outdoor paging systems permitted on-site.
19. 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.

20. 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.
21. Deliveries and trash pick-up shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m.
22. The commercial building shall have entry doors along Atlanta Road.
23. Signage shall be installed on the subject property to identify overflow parking locations.
24. Pedestrian safety signage shall be installed to make customers aware of pedestrians as they are leaving the business.
25. Provide a 5' sidewalk along the north side of Belridge Drive from the neighborhood entrance to the driveway of the pool parking area.
26. The following uses shall be prohibited on subject property:
  - Automobile service station
  - Emission and inspection station
  - Package store
  - Vape Sales or Smoke shop
27. Approval of the subject property for the NS zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/10/2022 and created by Paul Lee Consulting Engineering Associates, Inc. and all zoning stipulations above.
28. The applicant shall be bound to the elevations submitted on 9/27/2022. Approval of any change to the elevations must be obtained from the Director of Community Development.

### Subject Property



**Adjacent Properties**





