

# 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: October 15, 2019

CC: Tammi Saddler-Jones, City Administrator  
Planning and Zoning Board

**RE: REZONING CASE Z19-012 – 652 Concord Road**

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<b>Applicant:</b>	<u>Drew Ihrig</u>	<b>Existing Zoning:</b>	NS
<b>Titleholder:</b>	<u>Drew Ihrig</u>	<b>Proposed Zoning:</b>	<u>GC</u>
<b>Location:</b>	<u>652 Concord Road</u>	<b>Size of Tract:</b>	<u>1.84 acres</u>
<b>Land Lot:</b>	<u>381</u>	<b>Contiguous Zoning:</b>	
<b>Ward:</b>	<u>3</u>	North	RDA
<b>Access:</b>	<u>Concord Road and Smyrna Hill Drive</u>	South	NS
<b>Existing Improvements:</b>	<u>Restaurant</u>	East	NS & LI
		West	R-15
		<b>Hearing Dates:</b>	
		P&Z	September 9, 2019
		Mayor and Council	October 21, 2019

**Proposed Use:**

The applicant is requesting a rezoning from NS to GC for use as a Special Event Center. The future land use will remain as CAC – Community Activity Center.

**Staff Recommendation:**

**Approval** of the rezoning from **NS** (Neighborhood Shopping) to **GC** (General Commercial) per the submitted plan **with conditions**. Planning & Zoning Board voted on September 9, 2019 to recommend approval by a vote of 6-0 with additional prohibited uses.



## **PROJECT DESCRIPTION**

Drew Ihrig is requesting a rezoning from NS (Neighborhood Shopping) to GC (General Commercial) for the ability to use the existing building as a special event center. The building was previously used as a restaurant for Crafty Hog, and Howard's Restaurant. The proposed special event center is expected to average sixty events per year with an average of 175 people per event. The site will be accessed from the existing drive on Concord Road and Smyrna Hill Road. The site currently provides 105 parking spaces for the existing building and all will remain with the proposed change in use. No changes to the exterior of the building are proposed, however the applicant plans to replace the sand patio and bocce ball court with gravel, trees, and decorative plants.

## **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:*

*"By transforming the former bar and restaurant into a special event facility we feel we will enhance the current view of adjacent and nearby properties. We will clear all debris of all patio areas including the furniture, children's plastic playground structures and alcoholic beverage advertising We will replace outdoor patio spaces with landscape gravel, decorative rocks, trees and plants inspired by Japanese Gardens."*

*Staff Analysis:*

*The zoning proposal consists of three tracts of land totaling 1.84 acres and is zoned NS. Approval of the zoning proposal would not result in any additional development to the subject property. The adjacent property to the north across Concord Road is zoned RDA (Residential Detached/Attached) and contains the Concord Lake Village community. The adjacent property to the south across Smyrna Hill Drive is zoned NS (Neighborhood Shopping) and contains Sparkles roller skating event center. The adjacent property to the west is zoned R-15 and contains Fire Station No. 2. The adjacent properties to the east are zoned NS*

*occupied by a commercial use and LI (Light Industrial) which is currently undeveloped. The proposed zoning and associated improvements would continue to be consistent with the use and development of adjacent and nearby properties.*

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

*Applicant Response:*

*“Proposed zoning and use will not affect the existing use or usability of adjacent or nearby properties. Property currently has two separate entrances leading to current parking with 105 spaces. Event guests typically car pool reducing current traffic levels. Most events take place during weekend evenings thus avoiding typical automobile rush hour periods.”*

*Staff Analysis:*

*The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining commercial uses. The proposed development will also be accessed directly from Concord Road or Smyrna Hill Drive 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 property has historically struggled with current use as a restaurant and bar. Current use has also been adversely affected by the recent opening of the Battery Entertainment Complex. Property has been for sale and vacant for some time.”*

*Staff Analysis:*

*The subject parcels have 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.

*Applicant Response:*

*“As opposed to current use as a restaurant and bar that operates seven days per week the proposed use as a special event facility would reduce the use of existing streets, transportation facilities, utilities, and schools. The proposed use would expect to average sixty events per year for an average of 175 people.”*

*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 is currently serviced with water and sewer from the city.*

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

Applicant Response:

*“Current zoning allows property to operate as a restaurant and bar with an on-site alcoholic beverage consumption license. Direct neighbor to the south is Sparkles Roller Skating Entertainment complex currently offering on site alcoholic beverage consumption and private special event hosting for up to 700 people. Property is located in an area with direct and nearby properties that are zoned GC, LI, NS, R-15 and R-30.”*

Staff Analysis:

*The subject property has a future land use designation of CAC (Community Activity Center) on the city’s 2040 Future Land Use Plan. The proposed rezoning to GC for a special event facility is in conformity with the city’s Future Land Use Plan.*

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:

*“Property has changed ownership May 30, 2019. Property has been purchased by Drew Ihrig. Drew has been an Atlanta chef for the past 27 years. Drew has owned a catering company and full-service restaurant in Atlanta for 17 years. The proposed use of property will increase the exposure of the Great City of Smyrna by bringing in visitors during each hosted event that normally might not be familiar with the city.”*

Staff Analysis:

*The Concord Road corridor has transformed from residential to commercial uses. The zoning proposal would be consistent with surrounding 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:

*“The development of the property under the zoning proposal will enhance the architectural standards, open space requirements and aesthetics of the general neighborhood by removing the current patio landscaping of sand, plastic playground apparatus and alcoholic beverage advertising and replaced with a Japanese garden style landscaping.”*

Staff Analysis:

*The applicant will enhance the landscaping and exterior signage of the building. No additional land disturbance or tree removal is proposed.*

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 zoning classification will not create a nuisance and is compatible with existing uses in the area. Building is over 100 feet from any residential property. Police officer security presence will be contracted to be present during all events. Hours of operation of proposed use would be earlier than existing use."*

Staff Analysis:

*The proposed use of the property as a special event facility will not create a nuisance for existing uses in the area. The proposed commercial use is consistent with other 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:

*"There will be no change in either land area or building height under the proposed use."*

Staff Analysis:

*Factors associated with the size of the proposed use, in either land area or building height will be unchanged and have no negative effect upon all adjacent and nearby properties.*

## **Project Analysis**

### **Engineering Review**

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. No additional transportation or stormwater management improvements are required for the site. There are no stream buffers affecting the property. The applicant is required to restripe the existing parking spaces as the previous spaces have faded.

### **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. The applicant will have to restore the fire alarm system prior to occupancy. The Fire Marshal's office will require a Life Safety Plan to determine occupancy load. Additionally, the grease trap may require inspection if the kitchen remains operable.

### Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal is consistent with the CAC (Community Activity Center) Future Land Use Designation. The Planning & Zoning Board voted to approve the request by a vote of 6-0 at the September 9, 2019 meeting. The Board requested that staff consider additional prohibited uses per comment at the public hearing. Community Development has added prohibited uses to #8 of the conditions.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the special event facility. The proposed development meets all the zoning requirements for a special event facility. Community Development Staff is supportive of the change in zoning from NS to GC.

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### **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from NS to GC on 1.84 acres for the use as a special event facility, **with the following conditions:**

1. The building fire alarm system shall be brought into compliance with the local and state fire code requirements.
2. A Life Safety Plan shall be submitted to the Fire Marshal to determine occupancy load for the building and the proposed use.
3. The applicant shall restripe the parking lot prior to the issuance of an occupation tax certificate.
4. Inspection and analysis of kitchen hood may be required if cooking equipment is maintained.
5. The grease trap shall be replaced with a minimum 1,500 gallon grease trap.
6. The applicant shall either remove the non-conforming freestanding pole sign or bring the sign into compliance with the sign ordinance prior to the issuance of an occupation tax certificate.
7. The applicant shall plant street trees along Concord Road for the length of the property frontage. The trees shall be planted with a spacing of 40 feet between

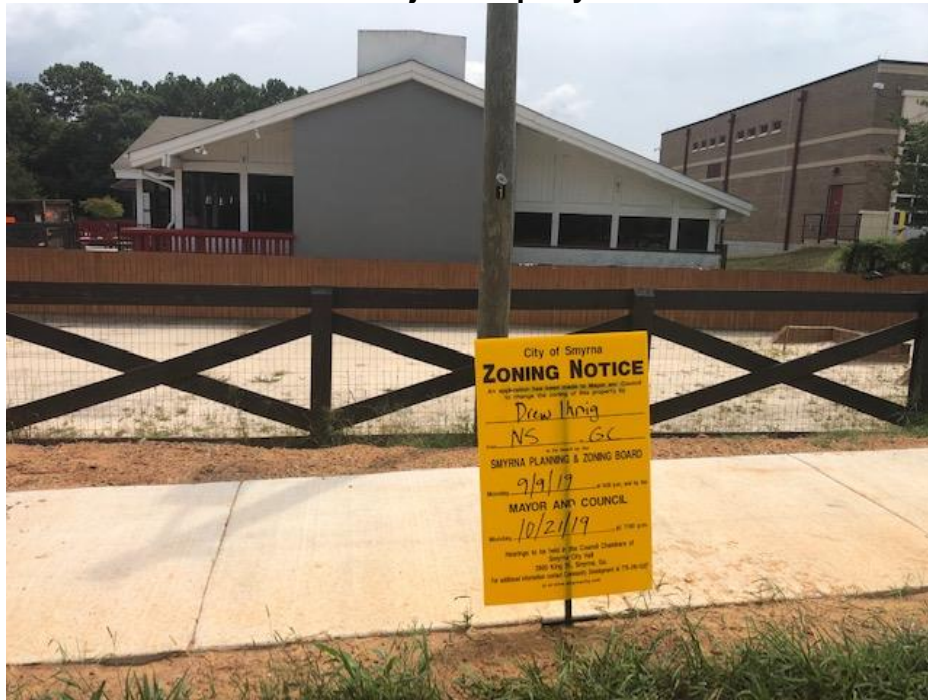
trees. The trees shall be a minimum of 3 caliper inches at planting. A tree plan shall be submitted to the City Arborist for review and approval.

8. The following uses shall not be permitted on the subject parcel:
- Adult Entertainment and Adult Novelty Shops as defined by the City of Smyrna's Code of Ordinances
  - Carnivals, Circuses and other similar transient activities
  - Automobile Leasing
  - Automobile Parts – wholesale
  - Automobile Sales
  - Automobile Major Repair
    - Automobile major repair is defined as an establishment wherein engines, transmission, drive shafts, bodies fenders are dismantled, repaired, replaced or painted.
  - Billiard Parlor (Shall not preclude a restaurant/brew pub from having billiard tables. However, the billiard tables shall not exceed 35% of the gross floor area of the establishment)
  - Boarding and Breeding Kennels. However, this stipulation shall not preclude the opportunity to lease retail space to a doggie day-care or dog obedience school with the added stipulation that no dogs shall be allowed outside, boarded or bred.
  - Boat Sales and Repairs. However, this stipulation shall not preclude retail stores such as a Dick's Sporting Goods which sells bass boats, kayaks, rafts, etc. There shall be no outside display of boats.
  - Bowling Alley
  - Self Service Automobile Wash Facilities. However, self-contained automated car washes shall not be prohibited provided that they are consistent with the architectural style and composition as aforementioned.
  - Drive-in Restaurants such as Sonic. However, drive-thru restaurants such as Chick-fil-a, Zaxby's, etc., shall be allowed provided that they are consistent with the architectural style and composition as aforementioned.
  - Drive-in Theater
  - Farm Equipment Sales and Service – Outparcel only
  - Full Service Gasoline Stations. However, grocery stores and convenience stores with gas sales shall be allowed.
  - Game Arcades. However, this stipulation shall not preclude recreational facilities or restaurant/brew pubs from having accessory game arcades which do not exceed 15% of the gross floor area of the establishment.
  - Gun Shops
  - House of Worship
  - Linen and Diaper Services (Plant only)

- Massage Parlor (This requirement shall not prohibit the operation of Health Spas)
  - Health Spa is defined as an establishment which provides as one (1) of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. Treatment shall include, but not limited to, personal services such as body wraps, hydromineral wraps, body polish, body wash, baths and hydrotub soak. Massages may be an accessory service provided by the health spa.
- Mobile Home and Travel Trailer Sales
- Motorcycle Sales and Service with outside display of motorcycles.
- Pawnshops and Check Cashing Establishments
- Printing Plant. However, said prohibition shall not apply to establishments such as FedEx, Kinkos, Blueprinters, etc.
- Skating Rinks
- Stations and Terminals for Bus and Rail Passenger Service
- Target Ranges
- Tattoo and Body Piercing Parlors
- Taxi Stands
- Movie Theaters
- Wholesale Establishments which sell only to businesses and not to customers



**Subject Property**



**Adjacent Properties**

