

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: July 20, 2015

CC: Planning & Zoning Board
Toni Jo Howard, City Administrator

RE: Rezoning Case Z15-002 – Vacant Property at Terminus of Ask-Kay Drive

Applicant: William L. Askea

Existing Zoning: RTD

Titleholder: Billy and Geardean Askea

Proposed Zoning: GC

Size of Tract: 5.039 Acres

Location: 790 Smyrna Hill Drive

Contiguous Zoning:

Land Lot: 342

North RM-12 (Cobb)

South RTD

East GC

West RTD

Ward: 5

Access: Ask-Kay Drive

Hearing Dates:

P&Z April 13, 2015

Mayor and Council May 18, 2015

Mayor and Council July 6, 2015

Existing Vacant

Improvements:

Proposed Use:

Rezoning from RTD to GC for commercial use as permitted under Section 712 of the Zoning Ordinance.

Staff Recommendation: Community Development recommends **approval** of the rezoning of the subject property from RTD to GC. A land use change from Medium Density Residential to Community Activity Center is required for rezoning.



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 proposed rezoning request will result in a change in zoning of the property from Residential Townhome District (RTD) to General Commercial (GC) for commercial use. The applicant is proposing to construct a 11,200 sq. ft. metal building similar to the existing buildings on his adjoining property to the east. The subject property can only be accessed off Ask-Kay drive which runs through a commercial development. The adjoining property to the east is zoned GC and is occupied by a commercial business. The adjoining property west zoned RTD and is occupied by a townhome subdivision. The adjoining property to the south is zoned RTD and is currently being developed into a townhome subdivision. The adjoining property to the north is zoned RM-12 (Cobb County) and is occupied by an apartment complex. The proposed use is suitable in 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 immediate area includes commercial uses, townhome subdivisions and an apartment complex. The subject property is located in the center of all these uses, but is only accessed off Ask-Kay Drive, which runs through the adjoining commercial property to the east. In addition, the subject property is bounded by streams on the western and southern property lines. These stream buffers provide adequate buffering from adjoining residential properties. The proposed use is in-line with the surrounding uses and will not adversely affect existing uses or usability of adjacent or nearby property.

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 on information provided by the City Engineer, the proposed development is not expected to cause an excessive burden to existing street or transportation facilities.

Based upon information provided by the Director of Public Works, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning.

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

The zoning proposal is not in conformity with the City's Future Development Plan, which indicates the subject parcel has a land use of Medium Density Residential (<6 units per acre). A land use change from Medium Density Residential to Community Activity Center is required for rezoning.

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 supporting grounds for approval of the zoning proposal. The surrounding areas are a mixture of zoning categories from GC to RTD to RM-12. The subject property is only accessible through Ask-Kay Drive which runs through an existing commercial development. The existing floodplain and stream buffers provide substantial protection to the adjoining residential properties.

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 subject property will conform to the architectural standards of the immediate area. The applicant plans to construct a metal building similar to the existing metal buildings within the commercial development along Ask-Kay Drive (See Figure 3). The development will be required to meet all applicable zoning requirements for the GC zoning district established in the City's Zoning Ordinance.

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. The existing streams will restrict accessibility to and from the adjoining residential uses as well as provide adequate buffering.

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. Any new development on the property will be required to meet all the setback and spatial requirements of the City's Zoning Ordinance.

The applicant is requesting a change in zoning for the subject property from Residential Townhome District (RTD) to General Commercial (GC) for commercial use. The applicant has owned the subject property since the 1980's and was under the impression the property was zoned for commercial use. The applicant has always intended to develop the site for commercial purposes. The applicant is proposing to develop the subject property in a similar fashion as the adjoining commercial property to the east. The applicant is proposing one 11, 200 sq. ft. metal building similar to the existing metal buildings shown in Figure 3 below.

The subject property is a vacant landlocked property with no direct access to public road frontage. The closest public roadway access is to Ask-Kay Drive through the existing commercial development. In addition to accessibility issues, the subject property has environmental issues with regard to flood plain and stream buffers. The subject property is bounded along the western and southern property lines by two streams. These streams will require at a minimum a 50' undisturbed buffer with a 25' impervious surface area setback. These stream buffers along the western and southern property lines should provide adequate buffering from the adjoining residential properties. The site plan submitted with the rezoning application reflects a building location that maintains the city's minimum stream buffer requirements. The City Engineer has reviewed the submitted site plan and believes the applicant can construct the building in accordance with the City's development requirements.

Due to the accessibility and environmental issues out lined above, Community Development recommends **approval** of the proposed rezoning subject adherence to all provisions and requirement for the General Commercial (GC) zoning district as outlined in Appendix A of the Zoning Ordinance and the following condition:

1. The following uses shall not be permitted on the subject parcel:

- Adult Entertainment Establishments and Adult Novelty Store
- Ambulance Services
- Animal Hospital and Veterinary Clinics
- Art Shows, Carnival Rides and Special Events of Community Interest
- Automobile, Truck & Trailer Leasing
- Automobile Parts & Tire Stores (both retail & wholesale)
- Automobile & Truck Sales
- Automobile Repair (Major & Minor Repairs)
- Automobile Wash Services
- Baseball Batting Cages
- 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
- Boat Sales and Repairs
- Bowling alley
- Carnivals
- Circuses
- Clubs and Lodges
- Colleges and Universities
- Day Nurseries and Kindergartens

- Drive-in restaurants
- Drive-in Theater
- Emissions and Inspection Stations
- Farm Equipment Sales and Services
- Fireworks Sales (both retail and wholesale)
- Funeral Homes
- Game Arcade
- Golf Driving Range
- Gun Shop
- Healthcare Clubs
- Health Spa
- Hospitals
- House of Worship
- Junk Yard
- Landing Area for Rotary Wing Aircraft
- Linen and Diaper Services (plant only)
- Lumber, Hardware and Other Building Material Sales Establishments (outdoor displays)
- Massage Parlor
- Mobile Home and Travel Trailer Sales
- Motorcycle Sales and Service
- Nursing, Convalescent and Rest homes
- Package Store
- Parking Lots and Parking Garages (both private and public)
- Pawnshops and Check Cashing Establishments
- Printing Plant
- Schools
- Service Station
- Skating Rink
- Stations and Terminals for Bus and Rail Passenger Service
- Target Range
- Tattoo and Body Piercing Parlors
- Taxi Stands
- Theaters
- Wholesale Establishments (which sell only to businesses and not to customers)
- Wrecker Services

Figure – 1
(Subject Property)



Figure – 2
(Subject Property)



Figure – 3
(Adjoining Property to the East)



Figure – 3
(Adjoining Property to the West)



Figure – 4
(Adjoining Property to the South)



Figure – 5
(50' Stream Buffer along Property Boundary)

