

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

---

To: Mayor and Council

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

Date: December 8, 2020

CC: Joe Bennett, Interim City Administrator  
Planning and Zoning Board

**RE: REZONING CASE Z20-015– 1298 Concord Road**

---

<b>Applicant:</b>	<u>Shamrock Building Systems Inc</u>	<b>Existing Zoning:</b>	NS
<b>Titleholder:</b>	<u>ADP-Concord Rd LLC</u>	<b>Proposed Zoning:</b>	<u>GC</u>
<b>Location:</b>	<u>1298 Concord Rd</u>	<b>Size of Tract:</b>	<u>1.5 acres</u>
<b>Land Lot:</b>	<u>523</u>	<b>Contiguous Zoning:</b>	
<b>Ward:</b>	<u>6</u>	North	R-15 & LC
<b>Access:</b>	<u>Concord Rd</u>	South	LC
<b>Existing Improvements:</b>	<u>One-story Commercial Building</u>	East	R-15 & LC
		West	LC
		<b>Hearing Dates:</b>	
		P&Z	December 14, 200
		Mayor and Council	February 1, 2021

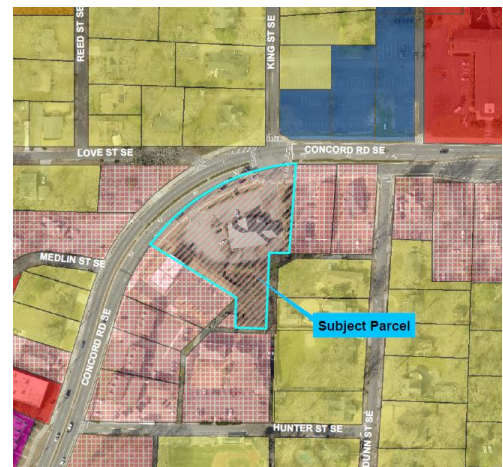
**Proposed Use:**

The applicant is requesting a rezoning from NS to GC for use as a corporate office. The future land use is currently NAC and will be required to change to CAC.

**Staff Recommendation:**

**Approval** of the rezoning from **NS** (Neighborhood Shopping) to **GC** (General Commercial).

The Planning Board recommended **approval** by a vote of 7-0 at the December 14, 2020 meeting.



## **PROJECT DESCRIPTION**

Shamrock Building Systems LLC is requesting a rezoning from NS (Neighborhood Shopping) to GC (General Commercial) for the ability to use the existing building as a corporate office. The subject property is zoned NS and has been used commercially most recently as a bank. The property is occupied by an existing structure that will remain. The applicant is requesting to rezone the property to GC to allow additional uses that permit professional office.

## **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 proposal will permit a use which is suitable within the context of existing development regarding adjacent and nearby properties."*

Staff Analysis:

*The zoning proposal consists of one tract of land totaling 1.5 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 is zoned LC (Limited Commercial) and R-15 (Residential). The adjacent property to the south is zoned LC (Limited Commercial). The adjacent property to the west is zoned LC (Limited Commercial). The adjacent property to the east is zoned LC (Limited Commercial) and R-15 (Residential). The proposed zoning 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:

*"The proposed rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The applicant is proposing to use the existing former bank building on the property. There are no plans to expand the existing footprint of the building; however, the building will be utilized and re-purposed as Shamrock's new corporate headquarters."*

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 subject property is currently accessed directly from Concord 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 proposed rezoning will allow the conversion of the existing bank building to the headquarters for Shamrock. The building to be utilized lies within the confines of an area designated as a Neighborhood Activity Center on the City's Future Land Use Map."*

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 result in a use that will have an adverse impact upon the existing City of Smyrna's infrastructure and constitutes a proposed use which comports with the trend of development along this section of Concord Road. Utilization of the former bank building will generate less traffic than the former bank building."*

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:

*"The proposal is to utilize the existing bank building for the purposes of new corporate headquarters for Shamrock which will permit a use that will be less intense than the former bank use on the site. The applicant is requesting a rezoning to the GC zoning district for this use only which constitutes a use which is allowed within the NAC future land use designation."*

Staff Analysis:

*The subject property has a future land use designation of NAC (Neighborhood Activity Center) on the city's 2040 Future Land Use Plan. The proposed rezoning to GC for use as a corporate office will require a land use change to CAC (Community Activity Center). The surrounding area is comprised of NAC, MU, and LDR.*

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:

*"There are existing and changing conditions affecting the use and development of the subject property. The subject property is located in an area primarily consisting of commercial, retail, office and residential uses. The applicant proposes to locate its corporate headquarters for its business in the existing vacant bank building, with no expansion of the footprint of the building. The proposed use will precipitate less traffic than the previous bank use."*

Staff Analysis:

*The property is zoned NS (Neighborhood Shopping) which is a zoning for local retail services; however, NS does not permit uses such as professional, corporate or contractor offices. The zoning proposal would allow the proposed business to operate with a suitable zoning category.*

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 proposed use will occupy an existing bank building and will continue to enhance architectural standards and aesthetics in accordance with the as-built photographs depicting the architectural style and composition of the building."*

Staff Analysis:

*The general area is comprised of commercial and residential properties that have co-existed for many years. The rezoning will allow the existing building operate as a corporate office within the appropriate zoning district. The property will conform with the aesthetics of the general neighborhood.*

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 rezoning will not create a nuisance as defined by local and/or state law and is compatible with existing uses in the area.”*

Staff Analysis:

*The proposed use of the property as a corporate office 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:

*“The proposed use will positively affect this area by utilizing an existing building to accommodate headquarters for the applicant's business. No new construction/development will be required; however, the building will be retrofitted, rehabbed and re-purposed for a different type of lower intensity 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.

### **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.

### **Planning Review**

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

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a corporate office. The proposed development meets all the zoning requirements for a corporate office. Community Development staff is supportive of the change in zoning from NS to GC.

## **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from NS to GC at 1298 Concord Road with the following conditions:

1. The applicant shall remove vegetation and accumulated silt/sediment from the existing detention pond and refresh rip rap around the outlet control structure.
2. The following uses shall be prohibited:
  - a. Adult themed book and novelty stores;
  - b. Archery and gun range;
  - c. Automobile parts and tire stores;
  - d. Automobile, truck, and trailer leasing;
  - e. Automotive sales, repair, or service facilities;
  - f. Automotive wash services;
  - g. Boarding and breeding kennels;
  - h. Boat sales and repairs;
  - i. Bowling alleys;
  - j. Carnival and/or circuses; and
  - k. Check cashing establishments;
  - l. Dry cleaning plants;
  - m. Farm equipment sales and service;
  - n. Fast-food establishments;
  - o. Gas stations and convenience stores with gas sales;
  - p. Landscape contractors;
  - q. Lumber, hardware, and other building material establishments;
  - r. Massage parlors;
  - s. Mobile homes and travel trailer sales;
  - t. Motorcycle sales and service;
  - u. Movie theaters;
  - v. Newspaper offices and printing plants.
  - w. Package stores;
  - x. Pawn shops;
  - y. Pool or billiard halls;
  - z. Tattoo parlors;
  - aa. Taxi stands and/or station terminals for bus and/or passengers services;
  - bb. Video arcade and game parlors;
3. There shall be no outdoor storage of equipment, supplies, or construction vehicles.
4. The additional stipulations agreed upon by the applicant in the letter submitted and dated on December 4, 2020. If there should be a discrepancy between the stipulations in the December 4, 2020 letter and the stipulations stated above, the stipulations stated above shall apply.

**Subject Property**





**Adjacent Properties**

