

MEETING OF April 9, 2014

WARD/COMMITTEE 6

ITEM NUMBER V14-008 thru 011

\$ IMPACT N/A

**ISSUE:** The applicant is proposing to redevelop the subject property at 1420 Spring Road with a 3,652 square foot restaurant. The subject property is currently occupied by a vacant gas station. In order to develop the property as proposed, the site will require a number of variances as the site is very constrained. The applicant is requesting a parking reduction from 49 spaces to 40 spaces, landscape strip reduction from 15 feet to 3 feet, rear setback reduction from 100 feet to 76 feet, and a front setback reduction from 50 feet to 44 feet. The site is approximately 1.1 acres.

**BACKGROUND:** None.

**STAFF RECOMMENDATION:** The applicant is requesting to decrease the required parking from 49 spaces to 40 spaces, to reduce the rear setback from 100 feet to 76 feet, reduce the landscape strip from 15 feet to 3 feet, and to reduce the front setback from 50 feet to 44 feet at 1420 Spring Road. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. After a review of the standards above and consideration of the City Engineer's recommendations, Community Development believes that the requested variances will not adversely affect surrounding residents; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. A gateway feature shall be installed in the right of way at the intersection of Atlanta Road and Spring Road, subject to the approval of Community Development and City Engineer. Benches placed in the right of way, shall be of the style known as CDB 300 manufactured by Canterbury International in six-foot and eight-foot lengths to match those in Market Village.
3. Brick pavers used shall match existing pavers in the sidewalk along Atlanta road, subject to approval prior to construction.
4. Both parcels that comprise the subject property shall be combined through the final plat process prior to construction.
5. Any additional potable or other water needs shall be supplied on the Spring Road side of the property.

6. A row of evergreen trees shall be planted along the rear property line 10 feet on center approximately 180 feet in length, and a mixture of evergreen shrubs and trees planted within the median in the area of the drive thru menu board.
7. A yield sign shall be posted in the median next to the drive thru lane before the exit on Spring Road.
8. The entrance and exits on Spring and Atlanta Road shall be right in/right out only.
9. The applicant shall have the option to move the location of the menu board to an area that reduces impact on the adjacent neighborhood, subject to the approval of Community Development.
10. A connection from the ADA crosswalk on the Atlanta Road side shall have a connection to the Atlanta Road sidewalk.
11. Hours of operation shall be limited to 6:00am to 10:00pm.

**REQUESTED ACTION:** The License and Variance Board hold a public hearing per Section 1400 of the City of Smyrna Zoning Ordinance.