

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 3, 2019

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

RE: REZONING CASE Z19-017 – 736 Windy Hill Road

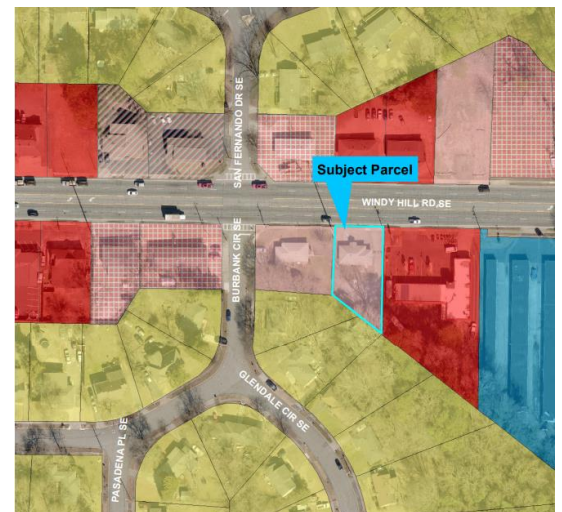
Applicant:	<u>Trustor South, Inc</u>	Existing Zoning:	FC
Titleholder:	<u>Trustor South, Inc</u>	Proposed Zoning:	<u>LC</u>
Location:	<u>736 Windy Hill Road</u>	Size of Tract:	<u>0.23 acres</u>
Land Lot:	<u>375</u>	Contiguous Zoning:	
Ward:	<u>5</u>	North	GC
Access:	<u>Windy Hill Road</u>	South	R-15
Existing Improvements:	<u>Single Story Structure</u>	East	GC
		West	FC
		Hearing Dates:	
		P&Z	December 9, 2019
		Mayor and Council	January 21, 2020

Proposed Use:

The applicant is requesting a rezoning from FC to LC for use by a chiropractor and office. The future land use will remain as CAC – Community Activity Center.

Staff Recommendation:

Approval of the rezoning from **FC** (Future Commercial) to **LC** (Limited Commercial). The Planning & Zoning Board voted to recommend approval by a vote of 7-0 at the December 9, 2019 meeting.



PROJECT DESCRIPTION

Trustor South, Inc is requesting a rezoning from FC (Future Commercial) to LC (Limited Commercial) for the ability to use the existing building by a chiropractor and office. The FC zoning category designates properties that are suitable to be rezoned to a commercial category. The property is occupied by an existing structure that has been historically used commercially. The applicant is requesting to rezone the property to LC to formalize how the property has historically been used.

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:

"There will be no changes to the property's exterior and/or interior. The property will be used by a Chiropractor and as an office."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.23 acres and is zoned FC. Approval of the zoning proposal would not result in any additional development to the subject property. The adjacent property to the north across Windy Hill Road is zoned GC (General Commercial). The adjacent property to the south is zoned R-15 (Residential). The adjacent property to the west is zoned FC (Future Commercial). The adjacent property to the east is zoned GC and occupied by a car wash. 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:

"Proposed zoning and use will not affect the existing use or usability of adjacent or nearby properties."

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 be accessed directly from Windy Hill 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:

"It is already zoned as commercial and the rezoning being applied is due to being required by the City of Smyrna. The rezoning application will not in any way impact any other business or personal properties in Smyrna."

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:

"The property is approximately 1,000 sq. ft. and will be used by a licensed chiropractor for seeing patients as well as for office purposes."

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:

"No changes from current zoning to the new zoning."

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 LC for a chiropractor and office 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:

"No changes are proposed."

Staff Analysis:

The property is zoned FC which designates properties likely to be 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 property will conform with the aesthetics of the general neighborhood."

Staff Analysis:

The general area is comprised of residential properties that have transitioned to commercial as well as new commercial development. 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:

"No."

Staff Analysis:

The proposed use of the property by a chiropractor and 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:

"No negative impact."

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 is consistent with the CAC (Community Activity Center) Future Land Use Designation.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a chiropractor office. The proposed development meets all the zoning requirements for a chiropractor office. Community Development Staff is supportive of the change in zoning from FC to LC.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from FC to LC on 0.23 acres.

Subject Property



Adjacent Properties

