

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

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To: Mayor and Council

From: Russell Martin, AICP, Acting Director

Date: June 11, 2019

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

**RE: REZONING CASE Z19-009 – 2201 Dixie Avenue**

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<b>Applicant:</b>	<u>Gordon and Deanie Brans</u>	<b>Existing Zoning:</b>	LI
<b>Titleholder:</b>	<u>Dixie Atlanta Holdings, LLC</u>	<b>Proposed Zoning:</b>	MU-Conditional
<b>Location:</b>	<u>2201 Dixie Avenue</u>	<b>Size of Tract:</b>	<u>1.22 acres</u>
<b>Land Lot:</b>	<u>492</u>	<b><u>Contiguous Zoning:</u></b>	
<b>Ward:</b>	<u>3</u>	North	HI (Cobb)
<b>Access:</b>	<u>Dixie Avenue &amp; Davis Road</u>	South	HI (Cobb)
		East	HI (Cobb)
		West	RM-12 & GC
<b>Existing Improvements:</b>	<u>One residential building and an accessory building</u>	<b><u>Hearing Dates:</u></b>	
		P&Z	May 8, 2019
		Mayor and Council	June 17, 2019

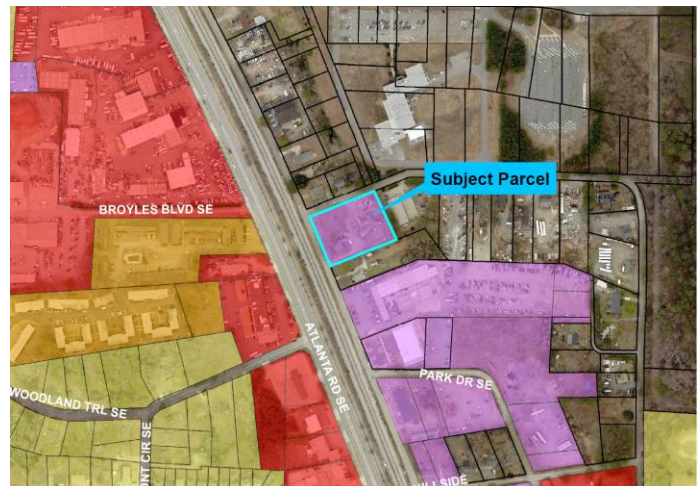
**Proposed Use:**

The applicant is requesting a rezoning from LI to MU-Conditional for the use of the subject property as a residence and a antique restoration business. A future land use change from Industrial Mixed Use is not required for rezoning.

**P&Z Board Recommendation:** Approval with conditions by vote of 7-0.

**Staff Recommendation:**

Approval of the rezoning from LI (Light Industrial) to **MU-Conditional** (Mixed Use) with conditions.



## **PROJECT DESCRIPTION**

Gordon and Deanie Brans are requesting rezoning from LI (Light Industrial) to MU-Conditional (Mixed Use) for the use of the property as a single-family residence and an antique restoration business. The applicants are currently operating their antique restoration business from the accessory building at the rear of the property with the existing residence being vacant. The applicants are requesting to renovate the residence into a new home to eventually live on-site. They are proposing to replace the existing chain link fence along Dixie Avenue and Davis Road with a new 6' iron/wood fence with masonry columns to secure the site and the business. Finally, they are also proposing to maintain the existing gravel parking area in its current form.

The applicants have submitted building elevations with the rezoning application. The submitted building elevations are of the proposed improvements to the existing residence on-site. The applicants are proposing to use a mixture of façade materials for the buildings, including but not limited to brick and lap siding.

## **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 is currently a mix of residential and commercial/industrial throughout the area."*

*Staff Analysis:*

*The zoning proposal consists of one tract of land totaling 1.22 acres and is zoned LI. The subject property has a vacant two-story single-family home (which was previously used as an office building) and a large accessory building where the applicants are currently operating their antique restoration business. Approval of the zoning proposal would allow for the restoration of the single-family home as a residence and allow for the continued operation of the antique business on the same property. Residential uses are prohibited under the LI zoning district.*

*The adjacent properties to the north, east and south are located in unincorporated Cobb County and are zoned HI (Heavy Industrial) and contain various commercial and industrial uses. The adjacent properties to the west across the Dixie Avenue, the CSX railroad and Atlanta Road are zoned GC (General Commercial) and RM-*

*12 (Multi-Family Residential) and are occupied by a small office/retail development and the Georgian Oaks apartment complex. The subject property is surrounded by commercial and industrial uses. The proposed zoning and associated improvements would 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:*

*"There should be no adverse affect to anyone since there's basically no change within the area."*

*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 and nearby properties. The subject property will maintain its existing full access entrances off Dixie Avenue and Davis Road. Traffic patterns through and around the site will be unchanged and should not affect adjacent roadways.*

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

*Applicant Response:*

*"The current structure to be renovated has no economic use as is."*

*Staff Analysis:*

*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.

*Applicant Response:*

*"There should be no change whatsoever."*

*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.*

*Based upon information provided from the Cobb County Water System, water is available to the property. There is an existing 6-inch water main on Dixie Avenue as well as a 6-inch water main on Davis Road available for use. A passing fire flow test will be required prior to approval of the construction plans by Cobb County Water System.*

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

Applicant Response:

*"Given the use of the surrounding area currently, it is."*

Staff Analysis:

*The subject property has a future land use designation of Industrial Mixed Use on the city's 2040 Future Land Use Plan. The proposed development of a residential unit on the same property as a commercial/industrial use is in conformity with the city's Future Land Use Plan. The City's 2040 Comprehensive Plan has recommended the creation of a new industrial mixed use zoning district to allow for artist and creator studios/residences in select industrial areas. The City has yet to adopt a new industrial mixed use zoning district. No change to the future land use designation of Industrial Mixed Use will be 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.

Applicant Response:

*"There are none."*

Staff Analysis:

*The proposed use and development of the property is in line with the City's vision in the 2040 Comprehensive Plan for the general area. The Industrial Mixed Use future land use designation envisions an area where artists and creators can live and work on the same property. The zoning proposal would be consistent with the vision for the general area.*

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:

*"Our project should only prove to be an enhancement to the area."*

Staff Analysis:

*The proposed renovation of the existing home will employ a variety of historical architectural features and building materials that will enhance aesthetics along the Dixie Avenue/Atlanta Road corridor. The proposed development appears to meet the requirements of the city's Tree Ordinance through the preservation of existing trees on-site.*

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:

*"Not at all."*

Staff Analysis:

*The proposed use of the property as a residence and an antique restoration business will not create a nuisance for existing 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:

*"We feel that the proposed use and project will serve as a positive enhancement to the neighborhood and surrounding area."*

Staff Analysis:

*Factors associated with the size of the proposed use, in either land area or building height, will ultimately have a positive effect upon all adjacent and nearby properties. The buildings on the property meet the zoning requirements for setbacks, building height and lot coverage under the MU zoning district. The zoning proposal will require a couple of variances for an increase in fence height in the front yard from 4' to 6' and to maintain the existing gravel parking area for the business.*

## **Project Analysis**

### Engineering Review

The City Engineer has reviewed the proposed site plan with respect to transportation, stormwater management and stream buffer issues. The site will maintain the existing full access entrances on Dixie Avenue and Davis Road.

There will be no grading or site improvements that will warrant the issuance of a Land Disturbance Permit. Therefore, the property is not required to provide stormwater management facilities because the proposed work does not exceed the thresholds established in the City's Stormwater Management Ordinance.

### Fire Marshal Review

The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access and building separation requirements. The Fire Marshal's office has stated that if the proposed residence should change to a commercial use, that the residential building will need to be brought up to commercial standards for fire safety and ADA (Americans with Disabilities Act) 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 meets the intent of the Industrial Mixed Use land use designation of the Future Land Use Plan.

Community Development has reviewed the proposed development against the zoning standards in Section 720 of the Zoning Ordinance with respect to mixed use developments. The proposed development meets all the zoning requirements on the Mixed Use zoning district. However, the applicant is requesting a couple variances with respect to fence heights and the use of gravel as a parking surface. Community Development is supportive of all the requested variances listed below.

The request variances are:

1. An increase in the fence height from 4' to 6' for a fence in the front yard per Section 501.10 of the Zoning Ordinance **(Staff Support)**; and
2. The use of gravel as a parking surface, as opposed to a paved surface per Section 901.3 of the Zoning Ordinance **(Staff Support)**.

The applicant is requesting these variances to maintain the existing gravel parking area and to replace the existing chain link fencing along Dixie Avenue and Davis Road with a 6' iron/wood fence with masonry columns to secure the site and business. Community Development believes the requested variances will not adversely impact adjoining properties and will allow the applicant to maintain the existing conditions found on site today.

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## **PLANNING AND ZONING BOARD RECOMMENDATION**

The Planning and Zoning Board heard the zoning request at the May 13, 2019 meeting and made a recommendation for approval with staff conditions by vote of 7-0.

## **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from LI to MU-Conditional on 1.22 acres for the development of a residential unit and the operation of an antique restoration business, including those variances supported by staff as shown above, **with the following conditions:**

### **Standard Conditions**

**Requirements # 1, 2, 3, 4, 5, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.**

1. All utilities within the development shall be underground.
2. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by either the City or the County during construction plan review.
3. No debris may be buried on any lot or common area.

4. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

### **Special Conditions**

7. The development shall maintain the following setbacks:
  - Front – 0'
  - Side – 0'
  - Rear – 20'
  - Building Separation – 20'
8. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
9. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.
10. The developer shall provide a 10' right-of-way dedication along both Dixie Avenue and Davis Road.
11. The developer shall be permitted to use gravel for the parking area.
12. The developer shall be permitted to construct a 6' iron/wood fence with masonry columns in place of the existing chain link fence along Dixie Avenue and Davis Road provided the fence does not impede sight distances on Dixie Avenue. The City Engineer shall review the location of any fencing.
13. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/12/2019 and created by Patrick F. Carey and all zoning stipulations above.
14. The applicant shall be bound to the elevations submitted on 4/12/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.



**Subject Property**







### Adjacent Properties









