

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, 2021

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

RE: REZONING CASE Z21-004– 1120 Concord Rd

Applicant:	<u>Jeremy Robinson</u>	Existing Zoning:	FC
Titleholder:	<u>Jeremy Robinson</u>	Proposed Zoning:	<u>LC</u>
Location:	<u>1120 Concord Road</u>	Size of Tract:	<u>0.25 acres</u>
Land Lot:	<u>485</u>	Contiguous Zoning:	
Ward:	<u>3</u>	North	LC
Access:	<u>Concord Rd & Concord Circle</u>	South	FC
Existing Improvements:	<u>Single Story Structure</u>	East	LC
		West	FC
			Hearing Dates:
		P&Z	January 18, 2022
		Mayor and Council	February 21, 2022

Proposed Use:

The applicant is requesting a rezoning from FC to LC for use as a professional office. The future land use will remain as NAC – Neighborhood Activity Center.

Staff Recommendation:

Approval of the rezoning from **FC** (Future Commercial) to **LC** (Limited Commercial).

Planning & Zoning Board Recommendation:

Approval by a vote of 7-0 at the January 10, 2022 meeting.



PROJECT DESCRIPTION

Jeremy Robinson is requesting a rezoning from FC (Future Commercial) to LC (Limited Commercial) for the ability to use the existing building as a professional office. The subject property is zoned FC and was previously occupied as a residential structure. The property is occupied by an existing structure that will remain with improvements that allow it to operate as a commercial structure. The applicant is requesting to rezone the property to LC to permit the use as a 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 property is zoned for future use commercial and will be used in a manner commensurate with other businesses nearby."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.25 acres and is zoned FC. Approval of the zoning proposal would not result in any additional development to the subject property other than improvements for parking. The adjacent property to the north across Concord Road is zoned LC (Limited Commercial). The adjacent property to the south is zoned FC (Future Commercial). The adjacent property to the west is zoned FC. The adjacent property to the east is zoned LC. 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:

"It will not."

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 Concord Circle 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:

"Law firm is a reasonable economic use."

Staff Analysis:

The subject parcel has limited reasonable economic use as currently zoned. The Future Commercial (FC) zoning district identifies properties that are suitable for commercial development but are limited to a residential use until rezoned commercially.

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:

"This will be a small law firm with 2-3 attorneys, which will not be burdensome to streets, etc."

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:

"It is zoned for future commercial use, so yes it is."

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 LC for a professional 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 other existing conditions."

Staff Analysis:

The property is zoned FC which is a residential zoning with the intent for commercial use in the future. The zoning proposal would allow the commercial business to operate and be consistent with surrounding uses. In addition, the subject property fronts on Concord Road, which is an arterial road and more conducive to commercial use.

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 law firm will enhance the quality of the neighborhood and businesses by supporting them.”

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 nuisance will be created.”

Staff Analysis:

The proposed use of the property as a professional 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:

“This will not affect the neighborhood negatively.”

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 except for improvements to the access drives. 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. The applicant will be required to provide ADA parking and accessibility to the building.

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 NAC (Neighborhood 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 professional office. The proposed development meets all the zoning requirements for a professional office. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of FC to LC.

STAFF RECOMMENDATION

Community Development recommends approval of the rezoning from FC to LC at 1120 Concord Road with the following condition:

1. Approval of the subject property for the LC zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/18/2021 and created by TC3 Design Studio LLC.

Subject Property



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Adjacent Properties



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