

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: Mayor and City Council

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: July 30, 2021

**RE: VARIANCE CASE V21-081
2579 South Cobb Drive – Reduce the required distance from a school from 600 feet to 220 feet for new wine and malt beverage pouring licenses**

BACKGROUND

The applicant is requesting to reduce the required distance from a school for new wine and malt beverage pouring licenses at 2579 South Cobb Drive. The previous Vittles restaurant is being remodeled for a new restaurant called Kay's Cuisine. Section 6-118 of the City's Code of Ordinances controls the minimum required distances for alcohol licenses.

ANALYSIS

The subject parcel is on a 1.44-acre lot located on the southeast corner of the intersection of South Cobb Drive and Glendale Place (see Figure 1). The subject parcel and adjacent parcels to the south and west are zoned GC (General Commercial) and are occupied by various commercial uses. The adjacent property to the north, across Glendale Place, is zoned R-15 and is occupied by the Belmont Hills Elementary School. The adjacent properties to the east are zoned R-15 and are occupied by the single-family detached homes within the Birch Subdivision.

The subject property is currently occupied by two commercial buildings- the 3,864 square foot former Vittles restaurant and a 3,600 square foot tattoo parlor to the north. The applicant is proposing to remodel the existing restaurant building to create Kay's Cuisine, which will specialize in African food. Per the applicant, African foods often go hand in hand with alcohol due to its spicy nature. The previous Vittles location, which had existed since 1996, did not serve alcohol at the location. Since there had not been an alcohol license at the premises previously and due to the location so close to a school (220 feet from Belmont Hills Elementary School), the applicant requires a variance to reduce the required distance for wine and malt beverage pouring licenses.

The alcohol survey the applicant provided shows the restaurant 185 feet from the closest residence. However, after staff went onsite and looked at the site conditions, the restaurant backs up to a steep slope, overgrown shrubs and ivy, as well as wooden privacy fences. Thus, a person would need to walk around Glendale Place to go from the restaurant to the home, roughly measuring 340 feet, which would not require a distance reduction.

Community Development believes the hardship is not self-created, as the building was erected in 1970, prior to the Alcoholic Beverage Ordinance, enacted in 1995. Additionally, the Mexican restaurant Taqueria El Guero, which is located two doors down on South Cobb Drive, was granted a waiver from the school distance requirement in 2016 for a malt beverage pouring license so no negative precedent would be set.

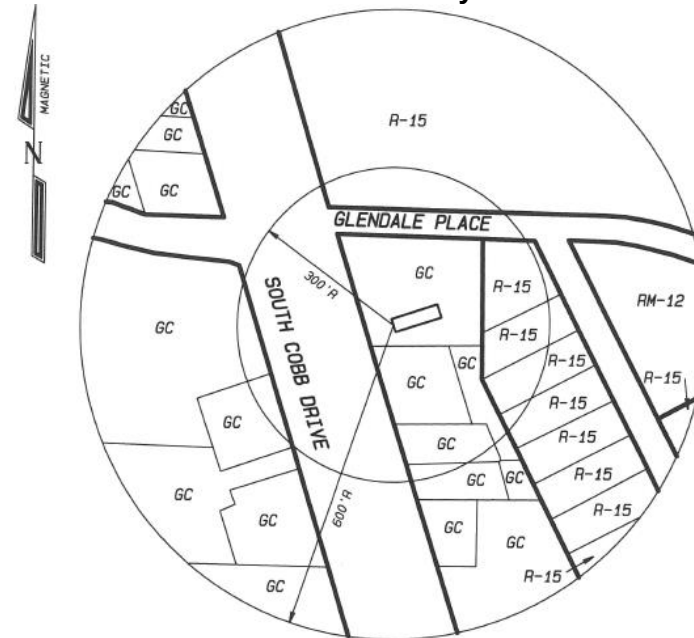
STAFF COMMENTS

The applicant is requesting to deviate from the City's required distance from a school for new wine and malt beverage pouring licenses. 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. Community Development has reviewed the requests against the variance review standards and found them to be in compliance with the review standards. Community Development believes that the requested variances will not adversely affect surrounding properties. Therefore, Community Development recommends **approval** of the requested variance.

Figure – 1



Figure – 2
Alcohol Survey



ALCOHOL LICENSE SURVEY NOTES:

NEAREST RESIDENCE 185' @ 2570 BIRCH STREET.
NEAREST CHURCH 573' - FAITH DELIVERANCE KINGDOM NOW @ 2524 SOUTH COBB DRIVE.
NEAREST PARK 876' - BURGER PARK @ 680 GLENDALE PLACE.
NEAREST PUBLIC SCHOOL 220' - BELMONT HILLS ELEMENTARY SCHOOL.
NEAREST PUBLIC BUILDING 3745' TO SMYRNA PUBLIC HEALTH CENTER @ 3001 SOUTH COBB DRIVE.
NEAREST LIBRARY 5669' - SMYRNA PUBLIC LIBRARY @ 100 VILLAGE GREEN CIRCLE.
NEAREST DRUG & ALCOHOL TREATMENT CENTER: 5122 -SOBER SOLUTIONS
PAT MELL ROAD

Figure – 3
Subject Property



Figure – 4
Alcohol Notifications



Figure – 5
Rear of Subject Property



Figure – 6
Adjacent Property to the South



Figure – 7
Adjacent Properties across South Cobb Drive

