

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Ken Suddreth, Community Development Director
Russell Martin, AICP, Senior Planner

Date: January 14, 2019

CC: Tammi Saddler-Jones, City Administrator

RE: REZONING CASE Z18-017 – 894 Pat Mell Road

Applicant: Melba T. Bush

Titleholder: Melba T. Bush

Location: 894 Pat Mell Road

Land Lot: 420

Ward: 5

Access: Pat Mell Road

Existing Improvements: One Office Building

Existing Zoning: R-15

Proposed Zoning: OI

Size of Tract: 0.88 acres

Contiguous Zoning:

North	R-20 (Cobb)
South	R-15
East	R-15
West	R-15

Hearing Dates:

Panning & Zoning	December 10, 2018
Mayor and Council	January 22, 2018

Proposed Use:

Rezone the subject property from R-15 to OI for use as an office building. There shall be no land use change from Low Density Residential is required for rezoning.

P&Z Board Recommendation:

Approval with Staff Conditions by vote of 7-0.

Staff Recommendation:

Approval of rezoning from R-15 to OI with conditions.



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:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The subject property has been used and developed as a small office building for a dentist office. The building has no residential components (kitchen, bedroom, etc...) to the building and has never been used for residential purposes. The property has an R-15 zoning designation, but has been used for office use for a long time. Dr. Bush retired and the property has remained vacant since and has lost its legal non-conforming status. The zoning proposal is to rezone the subject property to Office Institutional (OI) for the office to continue to be used for office use.

The adjoining properties to the east, south and west are zoned R-15 and are occupied by single-family residences. The adjacent properties across Pat Mell Road are zoned R-20 in unincorporated Cobb County and are occupied with single-family residences. The zoning proposal will allow for the continuation of an office use on a property that has been used for office uses for several decades. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property because the property will continue to be used in the same manner it has been used over the last several decades.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property.

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

The subject parcel has a reasonable economic use as a 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.

Based upon information from the City Engineer, the zoning proposal will not cause an excessive or burdensome use of existing streets or transportation facilities.

Based upon information from the Cobb County Water System, the zoning proposal will not cause an excessive or burdensome use of utilities. Water is available to the property and is located in Pat Mell Road.

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

The zoning proposal is not in conformity with the City of Smyrna Future Land Use Map, which designates this property as Low Density Residential (LDR). The OI zoning district and the proposed office use are not listed as a compatible zoning district and use under the city's LDR land use designation. Given the property has been used for office use for several decades, the proposed zoning is intended to deal with the immediate use of the property, but should not change the planned use and development of the property and the surrounding area on the future land use plan. No change to the city's Future Land Use Map is 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.

The change from R-15 to OI will bring the zoning in line with the historical use of the property. By rezoning the subject parcel to OI, the zoning of the property will be consistent with the way the property was developed and used for several decades. The zoning will not change the character of the neighborhood because the office use has been established for a long time. The zoning proposal brings the zoning of property in line with the use of the property.

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.

The rezoning will not have a negative effect upon the general neighborhood. The subject property has been developed and used for office use. The existing building and site will remain unchanged with this proposal. The subject property has a small one-story a-frame office building with 12 existing parking spaces that are accessed via a one-way entrance off Pat Mell Road.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposed use (office space) will not create a nuisance to adjacent properties provided future uses are limited to uses allowed under the OI zoning district.

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.

The structure on the property will remain relatively unchanged. Therefore, the factors associated with the use, land area or building height will not have an impact upon the adjacent properties.

Melba Bush is proposing to rezone the property at 894 Pat Mell Road from R-15 to OI for the continued use of the existing structure as an office building. The subject property was developed and used for a dentist's office (operated by her husband Mr. Bush) over the last few decades. The site has sat vacant since Dr. Bush retired. Due to the property being vacant for several years, the subject property has lost its legal non-conforming status and therefore requires rezoning to be used for office use.

The change from R-15 to OI will bring the zoning in line with the historical use of the property. By rezoning the subject parcel to OI, the zoning of the property will be consistent with the way the property was developed and used for several decades. The zoning will not change the character of the neighborhood because the office use has been established for a long time. The zoning proposal brings the zoning of property in line with the use of the property

The rezoning request was heard by the **Planning and Zoning Board** at their December 10, 2018 meeting and was recommended for **approval** with staff conditions by vote of 7-0.

Community Development recommends **approval** of the proposed rezoning from R-15 to OI for use as an office building with the following conditions:

1. Vehicular access to and from Wells Circle shall be prohibited.
2. A 35' undisturbed buffer shall be maintained along Wells Circle.

Subject Property





Adjacent Properties





