

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: May 8, 2014

CC: Eric Taylor, City Administrator

RE: **ZONING AMENDMENT CASE Z14-009 – 1155 Concord Road**

Applicant: Peacock Partnership, Inc.

Existing Zoning: CBD-Conditional

Titleholders: Smyrna Downtown
Development Authority

Proposed Zoning: CBD-Conditional

Size of Tract: 1.38 acres

Location: 1155 Concord Road

Contiguous Zoning:

Land Lot: 485 & 486

North	R-15
South	LC & GC
East	CBD
West	GC & FC

Ward: 4

Access: Dunton Ave

Hearing Dates:

**Existing
Improvements:** Partially Built Retail
Development

P&Z	N/A
Mayor and Council	May 19, 2014

Proposed Use:

The applicant is proposing to change the currently approved (Rezoning Case Z07-027) site plan and building elevations.

Staff Recommendation:

Approval of the proposed amendments with conditions drawn from the previously approved rezoning case Z07-027.



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 zoning proposal will change the approved use the property from retail/restaurant uses to professional/medical office uses. The proposed office uses are less intensive than the currently approved retail uses. The zoning proposal will permit uses that are suitable in view of the use and development of adjacent and nearby property.

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

The proposed zoning amendments would result in an increase in the total floor area from 14,583 sq. ft. of retail space to 22,000 sq. ft. of professional office space, as well as a change in the building elevations to a more traditional looking office building. The increase of approximately 7,417 sq. ft. in total floor area will not negatively affect the use or usability of adjacent and nearby properties because the professional office uses are less intensive than retail uses.

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 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 provided by the City Engineer, the zoning proposal is not expected to cause an excessive burden to existing streets or transportation facilities.

Based upon information provided by the City's Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the zoning proposal.

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

The subject property does not meet the intent of the future land use plan. However, at the time of the original rezoning, the proposed plan was in conformity with the policy and intent of the 2006 land use plan. Since the approval of the original rezoning, the City of Smyrna has adopted the 2030 Comprehensive Plan, which designates the subject property as Medium Density Residential.

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.

A major transportation improvement is currently under construction for Concord Road, and will be funded by the approved Special Purpose Local Option Sales Tax (SPLOST). Right-of-way on the north side of Concord Road was acquired to widen Concord Road, and to install a multi-use trail in front of the proposed building. The proposed amendments take the road improvements into consideration and will not have a negative affect on the project. In addition, the applicant has oriented the building toward Concord Road and has provided the ability to access the building from the multi-use trail. The zoning proposal is still in-line with the original intent of the project and does address all traffic issues with respect to the Concord Road project.

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 proposed changes to the currently approved building elevations would enhance the aesthetics of Concord Road with the building facing Concord Road and parking area located in the rear. The changes will allow for a two-story office building with a flat roof with a tower element that has pitched roof. The applicant is proposing four-sided architecture with a mixture of brick and stucco. The elevations submitted are consistent with the adjoining Laurel Hills Subdivision's commercial/office building use of brick, stone, and other masonry products on building fronts and sides. The proposed changes will add aesthetical value to the surrounding area.

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 amendments should not create a nuisance or be incompatible to 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.

The zoning proposal will not negatively affect adjoining property or the general neighborhood with respect to the size of the proposed use and building height. The

zoning proposal uses the existing structures on-site and is not a significant departure from the currently approved plan.

The subject property was originally rezoned on May 21, 2007 for a one-story 12,225 sq. ft. retail center by a vote of 6-0 (Zoning Case Z07-011). The property was subsequently approved for a zoning amendment on December 17, 2007 which allowed for modifications to the site plan and building elevations (Zoning Case Z07-027). These modifications resulted in changing the building from a one-story retail building to a two-story building with an increase in square footage from 12,225 sq. ft. to 14,583 sq. ft. The zoning amendment carried over the 31 original zoning stipulations from Z07-011. The property was partially developed when the economy crashed in 2008. No work has been done on the property since 2008. The property has been foreclosed on and was purchased by the Smyrna Downtown Development Authority in March 2012.

The applicant is proposing changing the development from a two-story retail shopping center to a two-story professional/medical office building. The office building will reuse the existing building foundation and steel structure that is standing today. The applicant is proposing a redesign of the parking area to increase the number of parking spaces from 71 spaces to 80 spaces to accommodate the additional office space. In addition, the applicant is proposing changing the building elevations from a retail center design to a traditional office building design. Access to the building will be provided from both Concord Road and the parking area. Access from Concord Road will be through the first floor and access from the parking area will be through the second floor. Overall, the applicant has done great job of maintaining the intent of the original rezoning, while modifying the building for professional/medical office space.

The applicant is asking for the elimination of zoning condition #28 from the list of zoning conditions. The applicant believes the change in use from retail to office no longer warrants the additional travel lane required on Dunton Street from the driveway to Concord Road. Community Development and the City Engineer still believe the additional travel lane is need on Dunton Street because this is the only access for this commercial development. City staff and the applicant have met on-site several times to discuss the need for the travel lane and to see if the additional work could be incorporated into the overall scope of the Concord Road project. The contractor and designers for the Concord Road project are currently reviewing the cost to expand the scope of the road project to include this improvement. The cost of the additional scope of work will be the responsibility of the applicant.

Finally, the applicant is asking for several modifications to the zoning conditions approved in Z07-011. The modifications include the following (staff responses are provided in italics):

- Modification of zoning condition #10 for a 6' right-of-way dedication Dunton Street.
 - *4' of right-of-way was dedicated during the initial development of the site. Staff supports the modification of this stipulation.*
- Elimination of zoning condition #11 for the dedication of right-of-way along Concord Road.
 - *This dedication has already occurred and the city has obtained the necessary right-of-way for the Concord Road project per the Croy Survey dated July 24, 2012. Staff supports the elimination of this stipulation.*

- Elimination of zoning condition #13 for the dedication of a sidewalk easement along Concord Road.
 - *The dedication of the necessary right-of-way for the multi-use path has already occurred per the Croy Survey dated July 24, 2012. Staff supports the elimination of this stipulation.*
- Elimination of zoning condition #21 for directional signs directing delivery trucks to Concord Road.
 - *Even though the uses have changed from retail uses to office uses, the commercial traffic still needs to be directed to Concord Road. Staff does not support the elimination of this stipulation.*
- Elimination of zoning condition #22 for requirement of a landscape strip between head to head parking spaces.
 - *The applicant has redesigned the parking area to accommodate the require amount of parking spaces for this development. There is ample landscaping along the perimeter of the parking area to meet the parking area landscaping requirements. Staff supports the elimination of this stipulation.*
- Modification of zoning condition #26 to reflect the site plan submitted with the zoning amendment application.
 - *Staff supports the modification of this stipulation to reflect the submitted site plan.*
- Modification of zoning condition #27 to reflect the building elevations submitted with the zoning amendment application.
 - *Staff supports the modification of this stipulation to reflect the submitted building elevations.*
- Elimination of zoning condition #28 requiring the additional south bound travel lane on Dunton Street.
 - *The applicant believes the change in uses from retail to office reduces commercial traffic generated by the site. Therefore, the additional lane is no longer warranted. Community Development and the City Engineer have reviewed this request and are not supportive of eliminating this zoning stipulation.*

Community Development has reviewed the requested amendment to the zoning stipulations and has amended the zoning stipulations accordingly in the staff recommendation. Therefore, Community Development recommends approval of the proposed zoning amendment with the following conditions of approval drawn from rezoning case Z07-027 (All changes and modifications are highlighted in yellow):

Standard Conditions (items 1, 2, 3, 4, 8, 9, 10, 16 and 17 from Section 1201 of the Zoning Ordinance are not applicable)

1. The storm water detention plan shall be designed to create at least a 10% reduction in a 100-year storm event. The City Engineer shall approve all plans. Any retention pond shall be placed and screened appropriately to be unobtrusive to homes adjacent to the development.
2. All utilities within the development shall be underground.

3. 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. Sidewalks shall be provided by the developer inside the subdivision and outside the subdivision adjacent to any public right-of-way consistent with City's requirements for the extent of the development. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.
4. No debris may be buried on the subject parcel.
5. The developer will install decorative streetlights within the development, subject to approval by the City Engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".
6. 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.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances. There shall be a landscaped front entrance, with monument, indicating the name of the development.
8. All common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

9. The development shall maintain the following setbacks:
 - Front – 12'
 - Street Side – 12'
 - Interior Side – 5'
 - Rear – 12'
 - Adjoining Residential Property – 50'
10. The right-of-way along Dunton Street and Dell Avenue shall be increased to 50 feet to match other residential road right-of-ways. Therefore, a dedication of 5 feet is required for Dell Avenue and a dedication of 40' 6" is required for Dunton Street. Setbacks shall be measured from the new right-of-way.
- ~~11. The developer shall dedicate the required right-of-way along Concord Road for the completion of the Concord Road Project. The developer shall remain in contact with Community Development for the dedication which shall be based upon the final design of the project.~~
12. The developer shall improve Dunton Street by widening the street by 4' 8".

- ~~13. The developer shall dedicate a sidewalk easement along Concord Road for the proposed 10' multi-use trail.~~
14. There shall be no bells, whistles, or outdoor loud speakers permitted on site in conjunction with the retail center.
15. Any proposed dumpsters shall be surrounded by a three-sided brick or stucco enclosure with an opaque gate in the front. The lid of the dumpster shall be made of rubber.
16. Any utility boxes, HVAC components, or accessory components to the commercial building shall be screened from the public right-of-ways and adjoining property owners.
17. The developer shall install and maintain a 10' wide evergreen buffer consisting of 8' to 10' trees installed in a staggered manner on 5' centers along the western property line that adjoin single-family residences.
- ~~18. The developer shall install and maintain an evergreen landscape buffer along Concord Road in front of the plaza. The trees within this buffer shall meet a mature maximum height of 8' to 10'.~~
19. The developer shall install a 6' tall opaque fence along the western property line that adjoins single-family residences.
20. Deliveries and trash pick-up shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m.
21. The developer shall install directional sign that directs all delivery trucks to Concord Road.
- ~~22. The parking lot shall provide landscape islands after every tenth parking space the design of which must be approved by the City of Smyrna. A landscape strip shall also be provided between all head-to-head parking spaces.~~
- ~~23. The structure shall have a sloped roof of at least 6/12 pitch. Deviations may be approved by the Director of Community Development.~~
24. The commercial building shall have entry doors along Concord Road.
25. The following uses shall be prohibited in the proposed shopping center:
 - Automotive sales/repair
 - Automobile wash service
 - Boarding and breeding kennels
 - Dry cleaning plants
 - Adult Novelty Stores & Adult Entertainment
 - Pawnshops

- Check Cashing Stores
 - Pool Hall or Arcade
 - Service stations
 - Coin Operated Laundry
 - Composting Facility
 - Funeral Homes
 - Group Homes
 - Shelter for the Homeless
 - Tattoo Parlor
26. Approval of the proposed amendments shall be conditioned upon the development of the property in substantial compliance with the submitted site plan titled "Smyrna Heights Pavilion" and submitted 4/11/2014.
27. The applicant shall be bound to the building material and architectural features illustrated on the elevations titled "Smyrna Heights Pavilion and submitted 4/11/2014. If there is any change to the elevations it must be approved by the Director of Community Development. The need to provide a pitch roof as referenced in stipulation #22 must still be met.
28. The developer shall add an additional driving lane going south on Dunton Street from the proposed project entrance to the intersection with Concord Road. This road widening shall be done in addition to the required widening previously stipulated. This additional lane shall be used to separate southbound traffic on Dunton Street by providing one dedicated left turn lane for traffic wishing to go east on Concord Road and another straight/right turn lane for traffic traveling south on King Springs Road or west on Concord Road.
- ~~29. The developer shall provide a cross parking agreement for the Laurel Commons development.~~
- ~~30. No live music or bands shall be permitted on site.~~
31. The developer shall provide 4" caliper trees in the landscape buffer along Dell Avenue.

Figure – 1
(Subject Property)



Figure – 2
(Adjacent Property to the East Across Dunton Street)



Figure – 3
(Adjacent Property to the South Across Concord Road)



Figure – 4
(Adjacent Property to the South Across Concord Road)

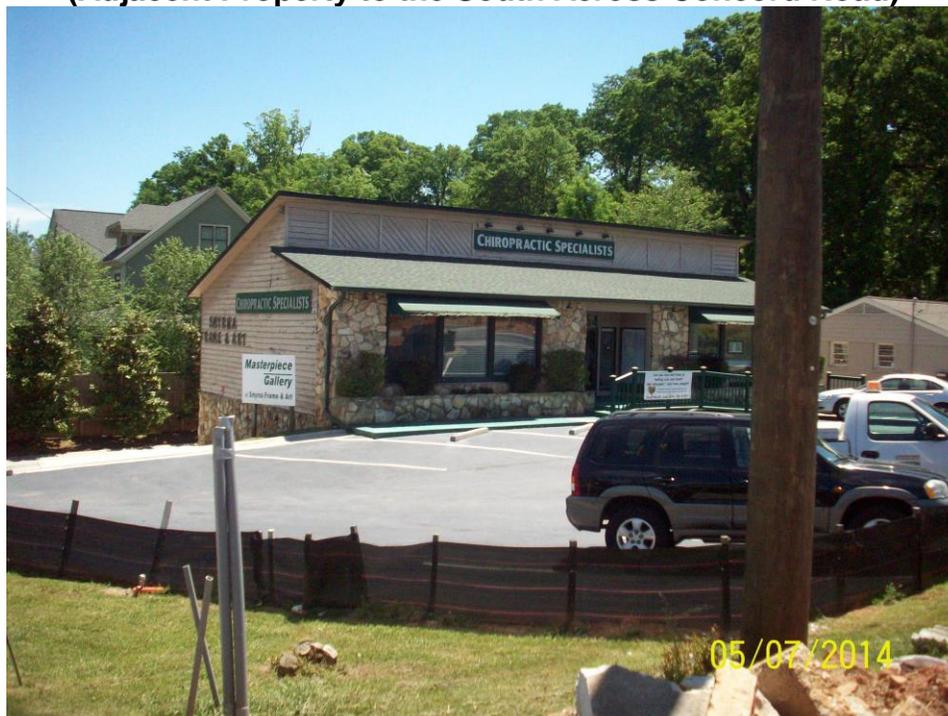


Figure – 5
(Adjoining Property to the West)

