

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: June 2, 2016

CC: Michael Jones, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z16-007 – Northwest Corner of the Intersection of Concord Road & Hollis Street

Applicant:	<u>Smyrna Restaurant Concepts, LLC</u>	Existing Zoning:	<u>LC & GC</u>
Titleholders:	<u>Smyrna Restaurant Concepts, LLC</u>	Proposed Zoning:	<u>MU-Conditional</u>
		Size of Tract:	<u>0.142 Acres</u>
Location:	<u>Concord Road & Hollis Street</u>		Contiguous Zoning:
Land Lot:	<u>452</u>	North	R-15
		South	LC & GC
		East	CBD
Ward:	<u>3</u>	West	GC & FC
Access:	<u>Hollis Street</u>		Hearing Dates:
Existing Improvements:	<u>Vacant Site</u>	P&Z	June 13, 2016
		Mayor and Council	July 18, 2016

Proposed Use:

Development of 3,500 sq. ft. restaurant building.

Staff Recommendation:

Approval of the proposed 3,500 sq. ft. restaurant building with conditions. A land use change from Medium Density Residential to Mixed Use is required for rezoning.



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 is located near the northwest corner of the intersection of Concord Road and Hollis Street. The applicant is requesting to rezone the property from LC and GC to MU-Conditional for the construction of a 3,500 sq. ft. restaurant. The applicant purchased the property from the City to develop the site with a new restaurant that integrates with the new linear park along Concord Road. The restaurant would be consistent with the City's development plan for the linear park, which was supported by city residents during the planning process.

The parcels located to the south across Concord Road are zoned Limited Commercial and are occupied by commercial businesses. The adjoining property to the west along Concord Road has no zoning and is part of the linear park. The adjoining parcels to the north are zoned R-15 and are occupied by single-family residences. The adjacent property to the east across Hollis Street has no zoning and is part of the linear park. The zoning proposal will permit a use that is suitable in view of the use and development of property along Concord Road.

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

The zoning proposal would result in a 3,500 sq. ft. restaurant along Concord Road that would be generally compatible with adjacent properties and should not have an adverse affect upon the existing use or usability of nearby properties. The subject parcels are zoned Limited Commercial and General Commercial and are located along an arterial road which is compatible with this type of development.

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 proposed development 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 rezoning. Sanitary sewer is located on the subject property. Water is located in the southbound lane of Hollis Street. Elevations are the responsibility of the developer. This information was based upon the boundary survey for the City of Smyrna, by Croy Engineering dated 3/25/16.

This commercial development will have no impact on the local school system.

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 policy and intent of the City's future land use plan. The Future Development Map designates the subject property as Medium Density Residential (up to 6 units per acre). The proposed use is consistent with the Mixed Use land use designation, but is not consistent with the Medium Density Residential land use designation. Therefore, a land use change from Medium Density Residential to Mixed Use is required for the rezoning of this property.

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 City has just completed a major transportation improvement for Concord Road. As part of those improvements, the City was left with numerous remnant parcels on the north side of the corridor. The City conducted a planning study of the corridor through the participation of city residents to see how these remnant parcels should be used. The residents proposed a linear park with several small areas of retail development. The zoning proposal is in line with the vision developed in that planning study.

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 restaurant building will enhance the architectural standards of the immediate area with the proposed 4-sided architecture. The restaurant will use the synergy of the linear park and become a gathering place for residents in the adjoining neighborhoods on both the north and south sides of Concord 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 zoning proposal will not create a nuisance or be incompatible with the existing uses in the area. The proposed restaurant will be pull up to Concord Road and there will be a 10' landscape buffer along the rear property line that abuts the adjoining residential homes.

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 scale of the development should not have an adverse affect on adjacent properties due to the restaurant being pulled up to Concord Road and the parking area being located behind the building. The proposed building is proposed to be a one-story building with roof-top dining and an outdoor patio.

The City of Smyrna completed a planning study for Concord Road corridor in 2015. That study included significant public participation in the development of the vision for the corridor. The residents' vision was to have a linear park with several small retail areas to serve the surrounding neighborhoods. This plan provided a conceptual development plan with general locations for different uses. The subject property was identified as a potential area for a small retail use. Then in January of 2016, the Smyrna Downtown Development Authority unanimously approved the bid from the applicant to purchase a 6,155 sq. ft. development pad. The applicant closed on the property on March 31, 2016.

The proposed rezoning will provide for the development of 3,500 sq. ft. restaurant building. The site plan shows the proposed restaurant pulled up to Concord Road with the main entrance coming off the Concord Road multi-use trail. In addition, the restaurant will have roof-top and patio seating overlooking the linear park. The restaurant will have 166 total seats with 112 seats in the dining areas and 54 seats in the bar area. The proposed building is a one-story building with a roof-top dining/bar area. The building elevations reflect a 4-sided brick architecture. The building elevations have been submitted as part of the rezoning packet.

The parking area on the west side of Hollis Street will provide approximately 30 to 35 parking spaces with an associated stormwater detention facility. An additional 70 to 100 parking spaces and associated detention facilities will be constructed on the east side of Hollis Street. Both these parking areas will serve as the general parking for the linear park. As such, these parking areas are planned to be constructed by the City.

Community Development believes that this development will enhance the Concord Road corridor and provide a redevelopment opportunity in an area that is currently redeveloping. For these reasons staff recommends approval of the development as currently proposed.

Community Development recommends approval of the rezoning from LC & GC to MU-Conditional with the following conditions of approval:

Standard Conditions (items 1, 2, 3, 4, 5, 7, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Ordinance are not applicable)

1. All utilities within the development shall be underground.
2. No debris may be buried on the subject parcel.
3. 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.
4. 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.
5. All common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

6. The development shall maintain the following setbacks:

Front – 0'
Side – 0'
Rear – 0'
7. There shall be no bells, whistles, or outdoor loud speakers permitted on site in conjunction with the restaurant.
8. 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.
9. 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.
10. Deliveries and trash pick-up shall only be permitted between the hours of 7:00 a.m. and 9:00 p.m.
11. The developer shall install directional sign that directs all delivery trucks to Concord Road.
12. The commercial building shall have entry doors along Concord Road.
13. The following uses shall be prohibited:
 - 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

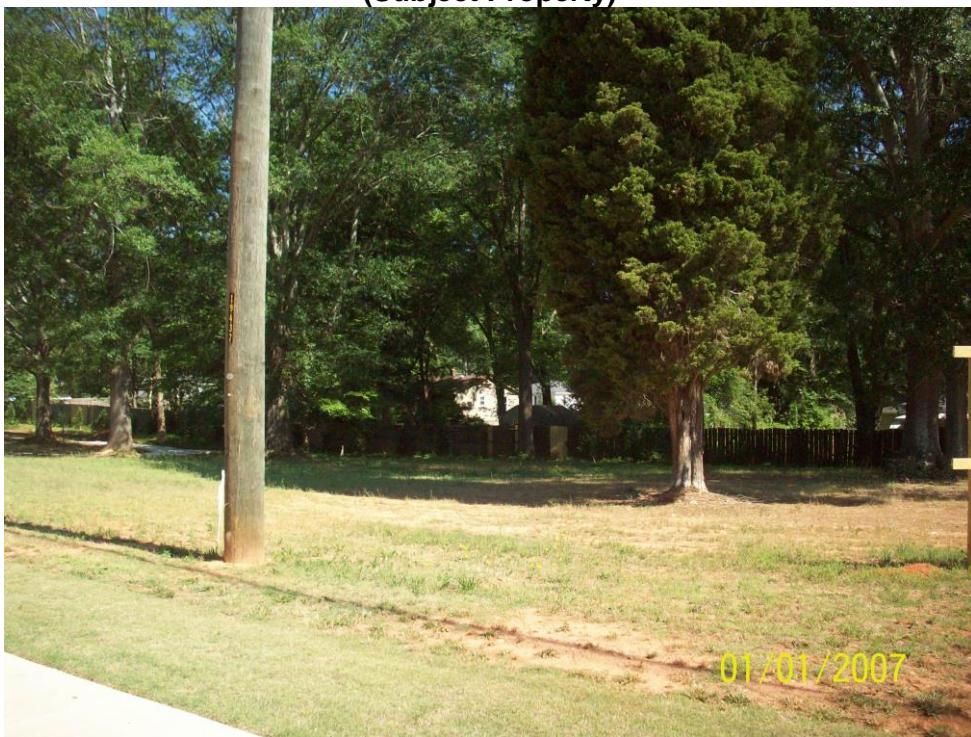
14. Approval of the Subject Property for MU--Conditional shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 5/13/2016.

15. The applicant shall be bound to the building material and architectural features illustrated on the elevations submitted and dated 5/13/2016. If there is any change to the elevations it must be approved by the Director of Community Development.

**Figure – 1
(Subject Property)**



**Figure -2
(Subject Property)**



**Figure – 3
Adjacent Property to the South Across Concord Road**

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Figure – 4
Adjoining Property to the West



Figure – 5
Adjoining Property to the North

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Figure – 6
Adjacent Property to the East Across Hollis Street

