

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: August 8, 2014

CC: Eric Taylor – City Administrator

RE: Approval for the Extension of Work Hours for Zaxby's – 1420 Spring Road

BACKGROUND

Zaxby's is requesting an extension of normal work hours during the construction of their new restaurant. Zaxby's request can be broken down into two separate parts: (1) Allow construction to begin at 3 a.m. on August 19th for the pouring of a cement slab on-site; and (2) Extend normal working hours from 6 p.m. to 8 p.m. for the duration of the project. In order for the contractor Dimension Construction, Inc. to finish the project within the time constraints requested by Zaxby's, the contractor will need to utilize additional work hours than what is allowed by code.

There is an adjoining residential townhome development (Montclair) to the east of the subject property that immediately abuts the proposed construction. A building of townhome units directly back up to the construction site.

Per the City of Smyrna Code of Ordinance Section 46-1(b)(2)(d), noise in excess of 60 dBA for the construction of a structure shall only be permitted between the hours of 7 a.m. and 6 p.m. Monday through Friday, and on Saturday from 9 a.m. to 8 p.m. No work is allowed on Sunday. The intent of the ordinance is to protect surrounding residential properties from the noise created by construction on-site.

STAFF COMMENTS

Zaxby's is requesting a variance from the provisions of the Noise Ordinance for the entirety of the development period to complete their new restaurant at 1420 Spring Road. Zaxby's variance request includes two parts:

1. Allow construction to begin at 3 a.m. on August 19th for the pouring of a cement slab.
2. Extend the work days by two hours for the duration of the project. The proposed new work hours would be 7 a.m. to 8 p.m., Monday through Friday; and 9 a.m. to 8 p.m. on Saturdays.

