

CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

To: License and Variance Board

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

Date: July 29, 2021

**RE: VARIANCE CASE V21-082
5150 South Cobb Drive – Parking reduction from 61 spaces to 40 spaces**

**VARIANCE CASE V21-083
5150 South Cobb Drive – Remove street tree requirement along South Cobb Drive**

**VARIANCE CASE V21-084
5150 South Cobb Drive – Reduce landscape easement along South Cobb Drive
and Oak Drive**

BACKGROUND

The applicant is proposing to redevelop the existing British Petroleum (BP) and McDonald's at 5150 S Cobb Drive to accommodate a new drive-thru stand-alone McDonald's and remove the gas station. The proposed changes will necessitate a parking reduction of 21 spaces, remove the street tree requirements along South Cobb Drive, and reduce the landscape easement along South Cobb Drive and Oak Drive. Section 906 of the Zoning Ordinance controls the minimum required parking spaces per use, Section 717.101 of the Zoning Ordinance requires a landscape buffer of 5 feet in width with planted trees along the easement within the South Cobb Corridor district (CDD-4).

ANALYSIS

The subject parcel is a 1.22-acre lot located on the southwest corner of the intersection of South Cobb Drive and Oak Drive (see Figure 1). The subject parcel and the adjacent parcel to the north and west are zoned GC (General Commercial) and are occupied by a Krystal fast-food restaurant and a hotel, respectively. The adjacent properties across South Cobb Drive to the east are in Cobb County and are occupied by various commercial uses. The adjacent properties across Oak Drive to the south are zoned RDA (residential Detached/Attached) and GC, and are occupied by townhomes and a gas station, respectively.

The subject property is currently occupied by a 5,273 square foot building that serves as both a drive-thru McDonald's and convenience store with a BP gas station with six gas pumps. The applicant is proposing a complete redevelopment of the property to remove the gas station and replace the building with a new 4,600 square foot stand-alone McDonald's building. After the original building was erected in 1996, the overlay districts were introduced, which means that for

VARIANCE CASES V21-082 through 084

July 29, 2021

Page 2 of 7

any redevelopment on the property, the site needs to meet current Zoning Code as well as the CDD-4 overlay requirements.

Section 906.17 of the Zoning Ordinance requires 61 parking spaces on the subject property, which is calculated at one space per 75 square feet of gross floor area. However, the site is currently under parked with only 46 parking spaces. Six parking spaces will be removed to make room for the redevelopment (including the pedestrian access route to South Cobb Drive), bringing the total parking spaces to 40. The majority of the McDonald's business is through the drive-thru window, which does not require customers to park in the parking lot to order. The 40 spaces will still provide sufficient parking for those wishing to dine inside and for staff parking, thus Community Development is supportive of the parking reduction.

Per Section 717.101, Promotion of Citywide Beautification, "every new residential, commercial or institutional development adjacent to a primary street shall grant a landscaped easement, five feet in width, measured from the front property line" and "appropriate trees (1½-inch diameter or greater) shall be planted and maintained at average spacing of no more than 35 feet along the entire length of said buffer easement". However, the property currently has an existing retaining wall that surrounds the corner of the property on both South Cobb Drive and Oak Drive. The retaining wall's structural geo-grid does not allow for the planting of trees within its area since tree roots could damage the structural integrity of the wall (see Figure 2 in pink). The applicant plans on planting shrubs and trees outside of the buffered area along Oak Drive and some smaller shrubs along South Cobb Drive, all out of the required 5-foot buffer. Since the variances are requested from the section dedicated to citywide beautification, staff can support the variances with the stipulation that the applicant installs a brick façade along the roadway-facing side of the concrete wall surrounding the site's detention pond to enhance the look of the corner lot from both public roadways.

Community Development believes the hardships are not self-created, as the non-conforming parking and retaining walls have existed since the building was constructed in 1996 and has not obstructed daily operations for the subject property or surrounding businesses. Additionally, the parking lot will be redesigned to comply with the current code requirements, including ADA parking.

STAFF COMMENTS

The applicant is requesting to deviate from the City's required parking minimums and South Cobb Corridor overlay district requirements. 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 variances with the following conditions:

1. Approval of the requested variances shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. The existing detention pond concrete wall, fronting on both South Cobb Drive and Oak Drive, shall have brick façade installed prior to final Certificate of Occupancy.

Figure – 1



Figure – 2 Site Plan

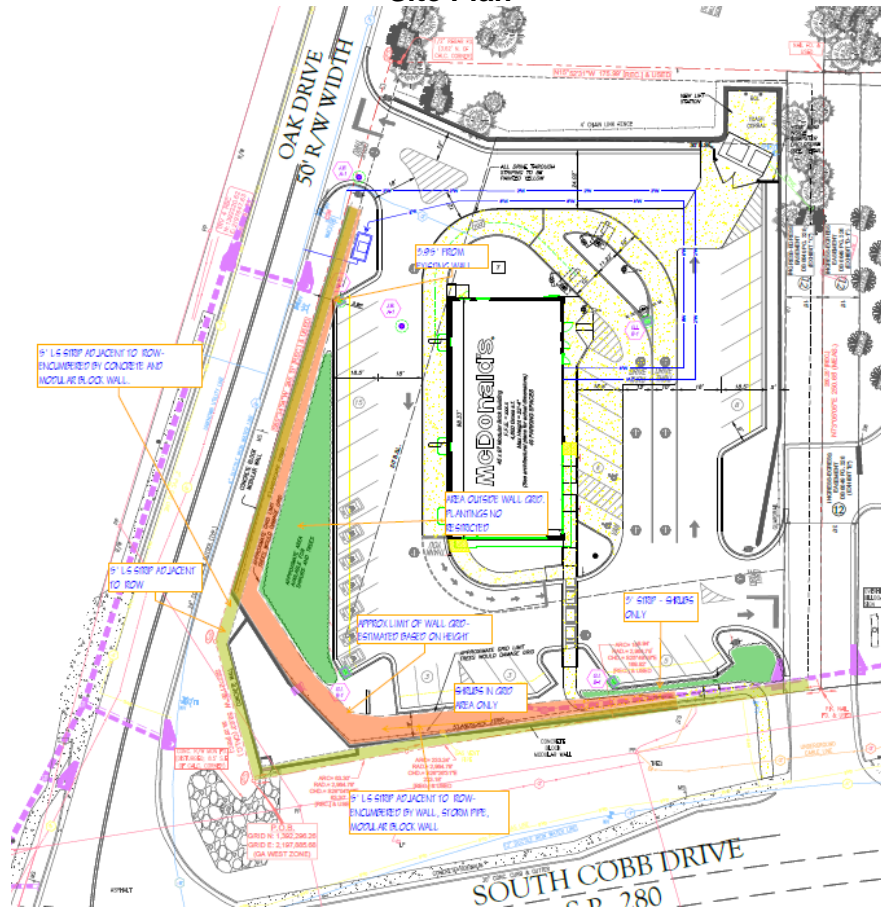


Figure – 3
Front Elevation facing South Cobb Drive



Figure – 4
Subject Property from South Cobb Drive



Figure – 5
Subject Property



Figure – 6
Subject Property from Oak Drive



Figure – 7
Adjacent Property across Oak Drive



Figure – 8
Adjacent Property to the North



Figure – 9
Adjacent Property across South Cobb Drive

