

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

From: Russel Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: February 9, 2022

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z22-001– 2979 & 2989 Jonquil Drive

Applicant:	<u>The Woodberry Group LLC</u>	Existing Zoning:	R-15
Titleholder:	<u>EJ Drive LLC</u>	Proposed Zoning:	<u>GC</u>
Location:	<u>2979 & 2989 Jonquil Drive</u>	Size of Tract:	<u>0.667 acres</u>
Land Lot:	<u>631</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>2</u>	North	R-15
Access:	<u>Jonquil Drive</u>	South	R-15
Existing Improvements:	<u>Two Single-Story Structures on Two Lots</u>	East	R-15
		West	GC
		<u>Hearing Dates:</u>	
		P&Z	February 14, 2022
		Mayor and Council	March 21, 2022

Proposed Use:

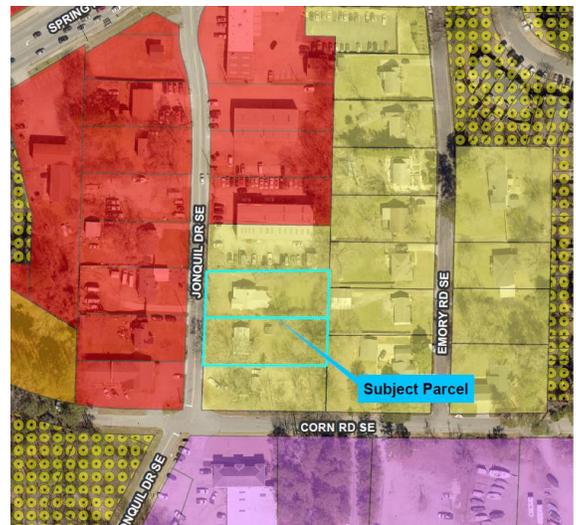
The applicant is requesting a rezoning of two lots from R-15 to GC for commercial and office uses. The future land use of MODR – Moderate Density Residential will require change to CAC – Community Activity Center.

Staff Recommendation:

Approval of the rezoning from R-15 (Residential) to GC (General Commercial).

Planning & Zoning Board Recommendation:

Approval by a vote of 6-0 at the February 14, 2022 meeting.



PROJECT DESCRIPTION

David Woodberry LLC is requesting the rezoning of two lots from R-15 (Residential) to GC (General Commercial) for the ability to use the existing structures for commercial purposes. The subject properties are zoned R-15 and currently occupied with a residential structure on each lot. 2979 Jonquil Drive is occupied with a 1,548 sq. ft. structure and a 513 sq. ft. two story garage, and 2989 Jonquil Drive is occupied with a 971 sq. ft. structure and a 134 sq. ft. shed. The existing structures on the two lots that will remain with improvements that allow the properties to be operated for commercial and office use. Both lots have a vegetative buffer that separate the properties to the east. The applicant would like to relocate the plumbing business at 2978 Jonquil Drive, on the west side, to one of the subject properties on the east side.

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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

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

Applicant Response:

"The proposed rezoning will permit a use that is suitable with the use and development of adjacent and nearby properties. There are properties adjacent and nearby which have the same use as the proposed zoning."

Staff Analysis:

The zoning proposal consists of two tracts of land totaling 0.667 acres and are zoned R-15. Approval of the zoning proposal would not result in any additional development to the subject property other than improvements for parking and ADA accessibility. The adjacent property to the north is zoned R-15 (Residential) but is used for commercial purposes as an auto garage. The adjacent property to the south is zoned R-15. The adjacent property to the west is zoned GC (General Commercial). The adjacent property to the east is zoned R-15. The proposed zoning would continue to be consistent with the use and development of adjacent and nearby properties.

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

Applicant Response:

"The proposed rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The proposed is consistent with uses along the

street and neighborhood and will be a benefit by making the street consistent in use.”

Staff Analysis:

The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining commercial uses along Jonquil Drive. The proposed development will be accessed directly from Jonquil Drive and not impact any additional local streets.

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

Applicant Response:

“The property has been vacant residential property for years because almost all of the other properties along Jonquil Drive are commercially zoned for commercial in use.”

Staff Analysis:

The subject parcel has limited reasonable economic use as currently zoned. The GC zoning district will allow the property to be used for commercial development and be consistent with the majority of uses on Jonquil Drive.

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.

Applicant Response:

“The proposed rezoning will not result in adverse impact on City infrastructure.”

Staff Analysis:

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

The building is currently serviced with water and sewer from the city.

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

Applicant Response:

“The zoning proposal does not confirm with the current land use plan but does conform with the vast majority of the actual land use occurring on the street and nearby properties.”

Staff Analysis:

The subject property has a future land use designation of MODR (Moderate Density Residential) on the city’s 2040 Future Land Use Plan. The proposed rezoning to GC will require a change of the Future Land Use Plan to CAC (Community Activity Center).

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.

Applicant Response:

“There are existing and changing conditions that positively support the proposal. The existing conditions include the property adjacent to the north is an auto garage and across the street there is a new commercial development that gives more momentum to this area attracting more investment and businesses to the street and area in general.”

Staff Analysis:

Both properties are zoned R-15 which is a residential zoning that allows single-family detached residential. The zoning proposal would allow a commercial business to operate on each lot that will be consistent with surrounding uses.

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.

Applicant Response:

“Approving the commercial zoning will allow for improvements to be made to the structures that will upgrade the standards and appearance of the property.”

Staff Analysis:

The general area is comprised of residential and commercial structures that have transitioned to commercial uses. The properties will conform with the aesthetics of the general neighborhood.

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

Applicant Response:

“The proposed zoning does not create a nuisance or is incompatible with the existing uses in the area. The zoning compliments the area uses.”

Staff Analysis:

The proposal to rezone to GC will not create a nuisance for existing uses in the area. The proposed commercial use is consistent with other 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.

Applicant Response:

“The size of the property of the proposed zoning is small but it will positively affect the general neighborhood by upgrading the property bring investment to area.”

Staff Analysis:

Factors associated with the size of the proposed use, in either land area or building height will be unchanged and have no negative effect upon all adjacent and nearby properties.

Project Analysis

Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. No additional transportation or stormwater management improvements are required for the site except for improvements to the access drives. There are no stream buffers affecting the property.

Fire Marshal Review

The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access. The applicant will be required to provide ADA parking and accessibility to the building.

Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal will require a change of the future land use designation from MODR (Moderate Density Residential) to CAC (Commercial Activity Center) for the zoning change to GC.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to commercial use and found it to be in compliance. Community Development Staff is supportive of the change in zoning from R-15 to GC.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-15 to GC at 2979 & 2989 Jonquil Drive with the following condition:

1. The subject properties shall meet all ADA and parking requirements for commercial occupancy.
2. The following uses shall not be permitted on the subject parcels:
 - Adult Entertainment and Adult Novelty Shops as defined by the City of Smyrna's Code of Ordinances
 - Carnivals, Circuses and other similar transient activities
 - Automobile Leasing
 - Automobile Parts – wholesale
 - Automobile Sales

- Automobile Major Repair
 - Automobile major repair is defined as an establishment wherein engines, transmission, drive shafts, bodies fenders are dismantled, repaired, replaced or painted.
- Billiard Parlor (Shall not preclude a restaurant/brew pub from having billiard tables. However, the billiard tables shall not exceed 35% of the gross floor area of the establishment)
- Boarding and Breeding Kennels. However, this stipulation shall not preclude the opportunity to lease retail space to a doggie day-care or dog obedience school with the added stipulation that no dogs shall be allowed outside, boarded or bred.
- Boat Sales and Repairs. However, this stipulation shall not preclude retail stores such as a Dick's Sporting Goods which sells bass boats, kayaks, rafts, etc. There shall be no outside display of boats.
- Bowling Alley
- Self Service Automobile Wash Facilities. However, self-contained automated car washes shall not be prohibited provided that they are consistent with the architectural style and composition as aforementioned.
- Drive-in Restaurants such as Sonic. However, drive-thru restaurants such as Chick-fil-a, Zaxby's, etc., shall be allowed provided that they are consistent with the architectural style and composition as aforementioned.
- Drive-in Theater
- Farm Equipment Sales and Service – Outparcel only
- Full Service Gasoline Stations. However, grocery stores and convenience stores with gas sales shall be allowed.
- Game Arcades. However, this stipulation shall not preclude recreational facilities or restaurant/brew pubs from having accessory game arcades which do not exceed 15% of the gross floor area of the establishment.
- Gun Shops
- House of Worship
- Linen and Diaper Services (Plant only)
- Massage Parlor (This requirement shall not prohibit the operation of Health Spas)
 - Health Spa is defined as an establishment which provides as one (1) of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. Treatment shall include, but not limited to, personal services such as body wraps, hydromineral wraps, body polish, body wash, baths and hydrotub soak. Massages may be an accessory service provided by the health spa.
- Mobile Home and Travel Trailer Sales
- Motorcycle Sales and Service with outside display of motorcycles.

- Pawnshops and Check Cashing Establishments
- Printing Plant. However, said prohibition shall not apply to establishments such as FedEx, Kinkos, Blueprinters, etc.
- Skating Rinks
- Stations and Terminals for Bus and Rail Passenger Service
- Target Ranges
- Tattoo and Body Piercing Parlors
- Taxi Stands
- Movie Theaters
- Wholesale Establishments which sell only to businesses and not to customers

Subject Property



Subject Property



Adjacent Properties



Adjacent Properties

