

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

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

Date: March 8, 2018

CC: Tammi Saddler-Jones, City Administrator  
Planning and Zoning Board

**RE: REZONING CASE Z17-015 – 1763 Spring Street & 2808 Madison Street**

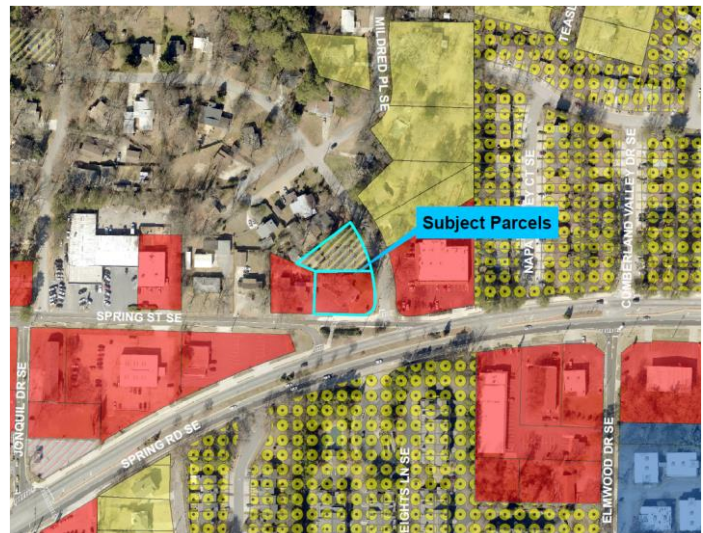
|                               |                                                                  |                                  |                       |
|-------------------------------|------------------------------------------------------------------|----------------------------------|-----------------------|
| <b>Applicant:</b>             | <u>PWH Engineering, Inc.</u>                                     | <b>Existing Zoning:</b>          | <u>GC &amp; R-20</u>  |
| <b>Titleholder:</b>           | <u>Michael P. Good</u>                                           | <b>Proposed Zoning:</b>          | <u>GC-Conditional</u> |
| <b>Location:</b>              | <u>1763 Spring Street &amp; 2808 Madison Street</u>              | <b>Size of Tract:</b>            | <u>0.59 Acres</u>     |
| <b>Land Lot:</b>              | <u>631 &amp; 632</u>                                             | <b><u>Contiguous Zoning:</u></b> |                       |
| <b>Ward:</b>                  | <u>3</u>                                                         | North                            | R-20 (Cobb)           |
| <b>Access:</b>                | <u>Spring Street &amp; Madison Street</u>                        | South                            | RTD                   |
| <b>Existing Improvements:</b> | <u>One Single-Family Residence &amp; One Commercial Building</u> | East                             | GC & R-15             |
|                               |                                                                  | West                             | GC                    |
|                               |                                                                  | <b><u>Hearing Dates:</u></b>     |                       |
|                               |                                                                  | P&Z                              | March 12, 2018        |
|                               |                                                                  | M&C                              | April 16, 2018        |

**Proposed Use:**

The applicant is requesting rezoning from R-20 & GC to GC-Conditional to use the existing buildings for a veterinary clinic, grooming & boarding. A land use change from Suburban Residential to Community Activity Center will be required for this rezoning.

**Staff Recommendation:**

**Approval** of rezoning from R-20 & GC to **LC-Conditional** with conditions.



## 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 applicant is requesting rezoning of the subject property from R-20 and GC (General Commercial) to GC-Conditional for use of the existing buildings as a veterinary clinic, pet grooming and boarding. 2808 Madison Street is a portion of the subject property and is currently zoned R-20 and occupied by a single-family residence. 1763 Spring Street is also a portion of the subject property and is zoned GC and currently operated as a pet grooming and boarding facility. The zoning proposal would allow for the existing residential building at 2808 Madison Street to be used as a veterinary clinic and the commercial building at 1763 Spring Street to remain a pet grooming and boarding facility. The zoning proposal provides for additional parking and vehicular access between the buildings with a stormwater management facility at the northwest corner of Madison Street & Spring Street. The adjoining property to the north is zoned R-20 in unincorporated Cobb County and is occupied by a single-family residence. The adjoining property to the west is zoned GC and is occupied by a veterinary clinic. The adjacent properties to the south across Spring Street & Spring Road are zoned Residential Townhome District (RTD) and are occupied by residential townhomes. The adjacent properties across Madison Street are zoned R-15 & GC and are occupied by a single-family home and a shopping center. The properties along Spring Street are commercial properties and as you move north along Madison Street the properties transition to single-family homes. The zoning proposal would continue a use that is currently in operation in the immediate area and would improve the area with respect to vehicular access, stormwater management and aesthetics. The zoning proposal will permit a use that is suitable in the 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 zoning proposal may adversely affect the existing use or usability of adjacent or nearby property. The applicant is proposing to board dogs in the existing accessory building in the rear yard of 2808 Madison Street. This accessory structure is 7' from the adjoining residential property to the north. The applicant has stated that the adjoining residential property is in support of the zoning change and the proposed use. In addition, with the installation of a landscape buffer along the shared property line and improvements to the accessory structure to reduce noise generated from the building, these perceived impacts maybe mitigated. There may be adverse effect on adjoining residential properties.*

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 a burden to the existing street network or transportation facilities.*

*Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Water and sanitary sewer are located in both the Spring Street and Madison Street right-of-ways. Elevations are the responsibility of the developer. Existing taps shall be used when possible. Any abandoned water and sewer taps shall be capped by the developer at the main. The developer is responsible for making all new water and sewer taps. No meters can be located in driveways or sidewalks. Sewer tap clean outs must be in metal boxes if located in driveways or sidewalks. This information is based upon a proposed zoning plan for Pet Spa at Vinings Renovations by PWH Engineering dated 17/14/17.*

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

*The 0.59-acre property has a Future Land Use designation of Community Activity Center and Suburban Residential. The Suburban Residential portion of the property is the 2808 Madison Street Property. The zoning proposal for a commercial use is not consistent with the Future Development Plan for that portion of the site. Therefore, the zoning proposal will require a land use change from Suburban Residential to Community Activity Center for 2808 Madison Street.*

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 zoning proposal allows for the expansion and growth of the existing pet care business at 1763 Spring Street. The zoning proposal allows for the improvement of both 1763 Spring Street and 2808 Madison Street with respect to vehicular access, public safety access, stormwater management and aesthetics. The zoning proposal should significantly improve the corner of Spring Street & Madison Street.*

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 zoning proposal will improve the general aesthetics of the immediate area due to the landscaping and road frontage improvement proposed with the zoning. The development will be required to conform to the Spring Road Corridor Design (CDD-2) standards which would enhance the aesthetic standards of the 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 use should not create a nuisance to existing uses in the area due to the fact that the surrounding area is also comprised of similar uses and the zoning proposal provides ways to mitigate impacts to adjoining residential properties. In addition, staff is recommending both properties be consolidated into one property and the zoning of the property be changed from GC to LC to reduce the amount of potential uses allowed on the property, which in essence would amount to a downzoning for 1763 Spring Street and a slight up-zoning for 2808 Madison Street. The tradeoff would be allowing small scale commercial uses on 2808 Madison Street and reducing the overall uses on 1763 Spring Street to bring the allowable uses more in line with the subject property's current condition.*

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.

*Factors associated with the size of the proposed use, in either land area or building height, should have a minimal affect upon adjacent properties. The applicant is requesting to rezone the property to GC. The applicant is not proposing to expand or build any new buildings, but is proposing site improvement with respect to parking and stormwater management. The applicant is requesting several variances to the Spring Road Corridor Design District, which will be discussed below.*

Dr. Good (the property owner) annexed 1763 Spring Street in to the City on May 16, 2005. The property was annexed from Cobb County to the City as General Commercial with an existing pet grooming and boarding facility. During the annexation the property was granted variances from the city ordinances that require veterinary clinics and pet care businesses to be located more than 200' from adjoining residential property. The variances were approved by vote of 7-0 with conditions requiring an 8' privacy fence along the shared property line with the residential property, the prohibition outdoor boarding and the allowance of one dog to be walked outdoor at any time.

Dr. Good also owned 2808 Madison Street, the adjacent property to the north, and annexed that property into the City on September 8, 2015. 2808 Madison Street was annexed into the City of Smyrna under the R-20 zoning district as a single-family home.

The PWH Engineering, Inc. is requesting rezoning of the subject property from R-20 and GC (General Commercial) to GC-Conditional for use of the existing buildings as a veterinary clinic, pet grooming and boarding. 2808 Madison Street is a portion of the subject property that is currently zoned R-20 and occupied by a single-family residence. 1763 Spring Street is also a portion of the subject property that is zoned GC and currently operated as a pet grooming and boarding facility. The zoning proposal would allow for the existing residential building at 2808

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Madison Street to be used as a veterinary clinic and the commercial building at 1763 Spring Street to remain a pet grooming and boarding facility. The zoning proposal provides for additional parking and vehicular access between the existing buildings with a stormwater management facility at the northwest corner of Madison Street & Spring Street.

The business owner of the pet grooming and boarding facility would like the opportunity to open a veterinary clinic at 2808 Madison Street to support her pet grooming and boarding at 1763 Spring Street. The veterinary clinic would serve as office space for vet care with the opportunity for boarding in the existing accessory building at the rear of the property. The applicant is proposing parking between both of the existing buildings with a stormwater management facility at the corner. The parking area will provide direct connection from Madison Street to Spring Street. In addition, the applicant is proposing a 10' landscape buffer along the shared property line to the north and landscaping along both Spring Street and Madison Street frontages. The proposed parking (19 Spaces) will exceed the required parking (14 spaces) for both uses. The proposed improvements should improve traffic circulation through the site, public safety access to the site, stormwater management and aesthetics for the general Spring Street area.

The applicant has provided a conceptual zoning plan (which shows proposed grading and stormwater management facilities) and tree plan with the rezoning application. City staff has reviewed the plans and has provided comments to Community Development to be incorporated into the zoning conditions.

Community Development has reviewed the site with respect to commercial zoning encroaching on the residential neighborhood to the rear along Madison Street. The rezoning would extend commercial zoning into the existing neighborhood further than it currently exists across Madison Street. However, staff is requesting a change in the requested zoning from General Commercial to Limited Commercial to reduce the amount of allowable uses and to bring the uses in line with the developments in the immediate area.

The applicant is requesting several variances with proposed rezoning. These variances include the following:

1. Reduction in the front setback for 1763 Spring Street from 50' to 27' for the existing building.
  - The requested variance is to clean up an existing condition due to the building being built prior to the enactment of the zoning ordinance. **(Staff Supports)**
2. Reduction in the front setback for 2808 Madison Street from 35' to 30' for the existing building.
  - The requested variance is to clean up an existing condition due to the building being built prior to the enactment of the zoning ordinance. **(Staff Supports)**
3. Reduction in the street side setback for 1763 Spring Street from 40' to 33' for the existing building.
  - The requested variance is to clean up an existing condition due to the building being built prior to the enactment of the zoning ordinance. **(Staff Supports)**
4. Reduction of the landscape easement along road frontage from 15' to 10'.
  - The requested variance is due to the location of the proposed parking between the building. Outside of the area of the proposed parking the applicant can provide the 15' landscape easement. **(Staff Supports)**
5. Reduction of the minimum setback for a commercial accessory structure to residential property from 25' to 7'.

- The existing accessory building is located 7' from the shared property line with the residential property. Staff will require the structure be insulated so that no noises can be heard with 10' of the structure. **(Staff Supports)**
- 6. Reduction of the required landscape buffer between commercial and residential properties from 10' to 7'.
  - The existing accessory structure is located within 7' of the shared property line with the residential use. The rest of the buffer outside the accessory structure meets the 10' requirement. The applicant is proposing a planted buffer in accordance with Section 503 of the Zoning Ordinance. **(Staff Supports)**
- 7. Reduction of the separation requirements between veterinary uses and residential uses from 200' to 7'.
  - The applicant will be required to improve the accessory structure and the building to mitigate noise transference to adjoin residential property. **(Staff Supports)**

**Community Development does have concerns over the rezoning of the property from R-20 to GC with respect to the amount of uses permitted in the GC zoning district. Some of the uses permitted in the GC zoning district are auto-centric uses and may not be compatible with the existing uses in the area. Community Development recommends modifying the current zoning request from GC to LC. The LC zoning district provides for both retail and office uses at a small scale that is more compatible with the existing uses in the surrounding area. In addition, the LC zoning category allows for veterinary clinics, which would provide the applicant with the zoning they need to operate on site.**

Community Development recommends **approval** rezoning the subject property from **R-20 & GC to LC-Conditional** with the following conditions:

**Standard Conditions**

**(Requirement #1, 2, 3, 4, 8, 9, 10, 12, 16 and 17 from Section 1201 of the Zoning Code is not applicable)**

1. The stormwater management facility shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.
4. No debris may be buried on any lot or common area.

5. 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.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

### **Special Conditions**

8. The development shall maintain the following minimum setbacks:
  - Front – 27'
  - Side – 10'
  - Rear – 30'
9. The accessory shall maintain a 7' setback from the adjoining residential property.
10. The roof structure on the north side of the building and the existing driveway at 2808 Madison Street shall be removed during the land development process.
11. The stormwater management facility shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 20% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
12. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
13. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director.
14. The developer shall be responsible for any site safety and access improvements deemed necessary by the City Fire Marshal.
15. 2808 Madison Street and 1763 Spring Street shall be consolidated into one lot of record.
16. The developer shall provide new curb and gutter and a 5' sidewalk with a 2' grass buffer along Madison Street for the length of the development.
17. Any structure containing animals shall be insulated in such a way that no outside noise is detectable within 10' of the structure.
18. The developer shall provide a 10' evergreen buffer along the northern property line in accordance with Section 503 of the Zoning Ordinance, except where the existing accessory structure encroaches 3' into the buffer.

19. The developer shall install an 8' privacy fence along the northern property line from the rear property line to the front face of the building. **(This stipulation is a carryover from the approved annexation and variances in 2005)**
20. There shall be no outside boarding of dogs on the subject property. **(This stipulation is a carryover from the approved annexation and variances in 2005)**
21. Only one dog shall be allowed outside at any time and must be supervised by an employee at all times. **(This stipulation is a carryover from the approved annexation and variances in 2005)**
22. 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.
23. 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.
24. Approval of the subject property for the Limited Commercial (LC) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 7/14/2017 created by PWH Engineering.



**Figure – 1**  
**Subject Property**





**Figure – 2**  
**Adjoining Properties**







