

# CITY OF SMYRNA COMMUNITY DEVELOPMENT MEMORANDUM

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To: License and Variance Board

From: Ken Suddreth, Community Development Director  
Joey Staubes, Planner I

Date: April 1, 2014

**RE: VARIANCE CASE V14-008  
1420 Spring Road – Parking reduction from 49 to 40 spaces**

**VARIANCE CASE V14-009  
1420 Spring Road – Reduction of Spring Rd landscape strip from 15 feet to 3 feet**

**VARIANCE CASE V14-010  
1420 Spring Road – Reduction of the rear setback from 100 feet to 76 feet**

**VARIANCE CASE V14-011  
1420 Spring Road – Reduction of Spring Rd front setback from 50 feet to 44 feet**

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## **BACKGROUND**

The applicant is proposing to redevelop the subject property at 1420 Spring Road with a 3,652 square foot restaurant. The subject property is currently occupied by a vacant gas station. In order to develop the property as proposed, the site will require a number of variances as the site is very constrained. The applicant is requesting a parking reduction from 49 spaces to 40 spaces, landscape strip reduction from 15 feet to 3 feet, rear setback reduction from 100 feet to 76 feet, and a front setback reduction from 50 feet to 44 feet. The site is approximately 1.1 acres.

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## **ANALYSIS**

The subject property is located on the south side of Spring Road at the intersection of Atlanta Road and Spring Road. The subject property is zoned GC – General Commercial (See Figure 1). The adjacent property to the north is zoned Mixed Use, RAD to the east, General and Limited Commercial to the west, and R-15 to the South. To the east of the subject property is the Montclair subdivision, while the rest of the adjacent properties are commercial in nature.

The applicant is proposing to demolish the existing structure and build a 3.652 square foot restaurant. The site is approximately 1.1 acres. Due to the alignment of Atlanta Road at the intersection of Spring and Atlanta Road, the property is uniquely shaped. Additionally, the width

of the right of way on Spring Road varies from approximately 100 feet to 190 feet which also affects the shape of the lot. There are also significant topographical issues with the site that limit development in certain areas.

The applicant has requested a parking reduction from 49 spaces to 40 spaces. The applicant has stated that 40 spaces meet their corporate standard for parking. The City's parking requirements are calculated at 1 space for every 75 square feet of gross floor area for restaurants, regardless of whether there is a drive-thru.

The applicant has requested a reduction in the landscape strip on Spring Road from 15 feet to 3 feet. The reduction of the landscape strip is only on the section where the right of way starts widening, to the east of the entrance on Spring Road. While the landscape strip will be reduced on the subject property side, the right of way is sodded, and visually there would be no indication that the landscape strip has been reduced.

The applicant has requested a reduction to the rear setback from 100 feet to 76 feet. The original site plan required a reduction to 63 feet. However, after meeting with the Montclair neighborhood, the building was shifted forward, which requires less of a setback reduction. The applicant has also planted trees on the rear property line, to help buffer noise from the residential occupants.

Finally, the applicant has also requested a reduction in the front setback from 50 feet to 44 feet. This is largely due from the City and Montclair neighborhood's request to shift the building forward. The City also requested the applicant to provide brick pavers in the crosswalks, to plant shrubs in the median buffering the drive thru lane, and to provide a city amenity feature at the intersection of Atlanta and Spring Road. Additionally, at the request of the City Engineer, the applicant has placed a yield sign near the drive thru window to help prevent a collision with those circling the building. The applicant has agreed to add these items and they are shown on the current site plan.

Staff has asked the applicant to explore options to redirect the menu board sign so that it does not project directly into the Montclair neighborhood. The menu board is located where it is because a specific stacking distance is required between the board and the pick-up window. Also, redirecting the menu board affects the standard architectural plans for the building. The applicant does not have architectural plans that provide a suitable option for redirecting the menu board. The nearest home is over 100 feet from the menu board and according to the applicant the sound level of the speaker should be approximately 38 dB at that distance, which is equivalent to a quiet library. The applicant has modified the median at the menu board by adding shrubs and trees to provide a buffer. Also, trees have been added to the rear property line to provide a buffer. The hours of operation for the business are 6:00am to 10pm. Community Development has requested the applicant continue to explore options to redirect the menu board, however, the possibility exists that the proposed location is the only feasible location.

Staff has also asked the applicant to connect the ADA crosswalk on Atlanta Road to connect to the Atlanta Road sidewalk. Due to the severe topography no suitable connection can be constructed that is ADA compliant. The City Engineer has requested the applicant supply a non-ADA compliant connection with a sign directing mobility challenged persons to the Spring Road walkway which the applicant is amenable to.

Due to the shape of the lot and challenging topography, Community Development does believe there are sufficient hardships to justify the variance requests. Furthermore, the applicant has been diligent in responding to the concerns of the adjacent neighborhood and Community Development Staff and has made every effort to lessen the impact of the requested variances on the surrounding properties. Community Development believes there would be no negative impact should the variances be approved. Strict application of one or all of the relevant provisions of code would deny the applicant the ability to develop the subject property. Denying one variance would most likely result in the need to increase the impact of some of the other variances. The applicant has worked with staff to develop a plan that requires the minimum variances needed.

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## STAFF COMMENTS

The applicant is requesting to decrease the required parking from 49 spaces to 40 spaces, to reduce the rear setback from 100 feet to 76 feet, reduce the landscape strip from 15 feet to 3 feet, and to reduce the front setback from 50 feet to 44 feet at 1420 Spring Road. 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. After a review of the standards above and consideration of the City Engineer's recommendations, Community Development believes that the requested variances will not adversely affect surrounding residents; therefore, staff recommends approval of the requested variances with the following conditions:

1. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan and elevations submitted with the variance application.
2. A gateway feature shall be installed in the right of way at the intersection of Atlanta Road and Spring Road, subject to the approval of Community Development and City Engineer. Benches placed in the right of way, shall be of the style known as CDB 300 manufactured by Canterbury International in six-foot and eight-foot lengths to match those in Market Village.
3. Brick pavers used shall match existing pavers in the sidewalk along Atlanta road, subject to approval prior to construction.
4. Both parcels that comprise the subject property shall be combined through the final plat process prior to construction.
5. Any additional potable or other water needs shall be supplied on the Spring Road side of the property.
6. A row of evergreen trees shall be planted along the rear property line 10 feet on center approximately 180 feet in length, and a mixture of evergreen shrubs and trees planted within the median in the area of the drive thru menu board.
7. A yield sign shall be posted in the median next to the drive thru lane before the exit on Spring Road.
8. The entrance and exits on Spring and Atlanta Road shall be right in/right out only.

9. The applicant shall have the option to move the location of the menu board to an area that reduces impact on the adjacent neighborhood, subject to the approval of Community Development.
10. A connection from the ADA crosswalk on the Atlanta Road side shall have a connection to the Atlanta Road sidewalk.
11. Hours of operation shall be limited to 6:00am to 10:00pm.

**Figure – 1**



**Figure – 2**  
**Subject Property**



**Figure – 3**  
**Adjacent Property Across Atlanta Road**



**Figure – 4**  
**Rear View of Subject Property**



**Figure – 5**  
**View of Right of Way along Spring Road**

