

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

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

Date: November 28, 2016

CC: Michael Jones, City Administrator

**RE: REZONING CASE Z16-017 – Belmont Circle**

<b>Applicant:</b>	<u>Yorkshire Real Estate Group Corporation</u>	<b>Existing Zoning:</b>	<u>NS</u>
<b>Titleholder:</b>	<u>Anthony &amp; Diane Nguyen</u>	<b>Proposed Zoning:</b>	<u>GC-Conditional</u>
<b>Location:</b>	<u>Belmont Circle</u>	<b>Size of Tract:</b>	<u>0.40 acres</u>
<b>Land Lot:</b>	<u>446</u>	<b>Contiguous Zoning:</b>	
		North	NS
		East	GC
<b>Ward:</b>	<u>5</u>	South	NS
		West	R-15
<b>Access:</b>	<u>Belmont Circle</u>	<b>Hearing Dates:</b>	
<b>Existing Improvements:</b>	<u>Vacant Site</u>	P&Z Board	<u>September 12, 2016</u>
		Mayor and Council	<u>December 5, 2016</u>

#### Proposed Use:

Rezoning from NS to GC-Conditional for the redevelopment of the site for a 5,000 sq. ft. commercial building.

#### Staff Recommendation:

Approval of proposed rezoning with conditions.



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## 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 subject property is currently zoned Neighborhood Shopping (NS) and as such, the zoning proposal will be consistent with the other commercial developments along the Windy Hill Road Corridor. The adjoining property to the north is zoned NS and is occupied by a dentist office. The adjacent properties to the east across Belmont Circle are zoned GC and are occupied by commercial and office uses. The adjoining property to the south is zoned NS and is occupied by a commercial building with several commercial businesses. The adjoining property to the west is zoned R-15 and is occupied by a single-family restaurant. The adjoining property to the south will be purchased by the city as part of the Windy Hill Road Improvement Project. The zoning proposal will allow for the development of the site, as well as allow businesses from the adjoining property to the south to relocate into the proposed building and remain in their market area. The zoning proposal will permit a use that is suitable in 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 should not adversely affect the existing use or usability of adjacent or nearby property. The zoning proposal will not change the use of the existing property. The rezoning will be tied to a specific site plan and building elevations, which will provide several variances from the Zoning Ordinance necessary for development.*

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 an excessive burden to existing streets or transportation facilities.*

*Based upon information provided by Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the zoning proposal.*

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

*The subject site currently has a future land use designation of neighborhood Activity Center on the City's Future Development Map. No land use change is required for this rezoning.*

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.

*There are both existing and changing conditions affecting the use and development of the subject property, which provide supporting grounds for approval of the zoning proposal. The Windy Hill Road Improvement Project is a large scale transportation project that will provide operational and aesthetic improvements throughout the corridor. Some properties will have to be purchased due to the size and scale of the project. This proposed building will provide an opportunity for some of the displaced businesses to remain in the area.*

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 proposed development will employ traditional architecture and will enhance the architecture standards of the general neighborhood. The development will be required to conform to the Windy Hill Road Corridor Design (CDD-3) standards which would enhance the architectural 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 zoning proposal should not create a nuisance or be incompatible with existing uses in the area. The development of the site will not change any traffic patterns, nor generate significantly more vehicle trips per day.*

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 not negatively affect adjoining properties. The applicant is proposing to meet all spatial requirements under the city's zoning Ordinance.*

The applicant is requesting a rezoning of subject property from NS to GC-Conditional for the development of a new commercial building on Belmont Circle. The subject property is 0.4 acres in size and is zoned NS. The applicant is proposing to relocate some of the existing businesses (the pharmacy and dentist office) from 969 Windy Hill Road into the proposed commercial building after the acquisition of 969 Windy Hill Road by the city for the Windy Hill Road Improvement Project. The dentist office use is not identified as a permitted use under Section 711 of the Zoning Ordinance. Therefore, a rezoning from NS to GC is required to allow the dentist office as a permitted use.

The applicant has submitted a site plan for the development of the new commercial building. The site plan is provided in the zoning packet for your reference. The applicant is proposing a two-story, 5,000 sq. ft. building for the site. The building will have 2,500 sq. ft. building footprint and the front door will be orientated towards Windy Hill Road. The site will be accessed directly from Belmont Circle with 18 total parking spaces for the building. Also, included the zoning packet are renderings of the proposed building, which show the use of brick and a metal standing seam roof.

The applicant is requesting a couple variances from the city's Zoning Ordinance with respect to the project. Below is a list of requested variances and the applicable zoning code (for reference):

1. Reduction of landscape easement from 15' to 7' (Section 717.101(b) of the Zoning Code); and
2. Orientation of the parking spaces perpendicular to the building (Section 717.141(c) of the Zoning Code).

Community Development is the **supportive** of the requested variances. The applicant has designed his site to try and mitigate any potential impacts on the adjoining residential properties. The requested variances are the minimum variances needed to develop the site.

Community Development recommends **approval** of the proposed rezoning from NS to GC-Conditional for the development of a new commercial building with the following conditions of approval:

- (1) The composition of the commercial buildings in the development shall include a mixture of elements including; but not limited to: brick, stone and stucco. No elevation shall be comprised of 100 percent hardy plank siding.
- (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 development and outside the development adjacent to any public right-of-way consistent with city's requirements for the extent of the development.
- (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.
- (7) All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
- (8) Dumpsters shall be enclosed with a minimum of six (6) foot high enclosure consistent with architectural style and composition of the main commercial building on three (3) sides with an opaque wooden door. The access side shall remain in a closed position except when the dumpster is being emptied. All dumpsters shall have rubber lids to minimize noise.
- (9) The applicant shall comply with the City's current sign ordinance.
- (10) The developer shall provide a walkway connecting the sidewalk to the building. The crosswalk shall be either brick pavers or stamped concrete.
- (11) The following uses shall be prohibited:
  - Automotive sales/repair
  - Automobile wash service
  - Boarding and breeding kennels
  - Dry cleaning plants
  - Adult Novelty Stores & Adult Entertainment
  - Pawnshops
  - Check Cashing Stores
  - Pool Hall or Arcade
  - Service stations
  - Coin Operated Laundry
  - Composting Facility
  - Funeral Homes
  - Group Homes
  - Shelter for the Homeless
  - Tattoo Parlor
  - Truck Rental, Sales, Service or Repairs
  - Motorcycle Sales, Service or Repairs
  - Tire Sales or Services
  - Taxi Stands (including storage and repair of vehicles)
  - Self-Storage Facilities
  - Massage Parlor
- (12) The approval of the rezoning to the subject property shall be in substantial conformity to the site plan submitted on August 12, 2016 and created by Civil Engineering Consultants, Inc.

(13) The commercial building shall be constructed in substantial compliance with the architectural elevations submitted and dated 11/23/2016. The home shall meet the façade requirements established in stipulation #1 above. Approval of any change to the elevations must be obtained from the Director of Community Development.

**Figure – 1  
(Subject Property)**



**Figure – 2**  
**Adjoining Property to the North**



**Figure – 3**  
**Adjoining Property to the South**



**Figure – 4**  
**Adjacent Property to the East across Belmont Circle**

