

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: August 5, 2015

CC: Planning and Zoning Board  
Toni Jo Howard, City Administrator

**RE: REZONING CASE Z15-015 – 1680 Roswell Street**

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**Applicant:** Christopher & Yvonne Ogbuefi

**Existing Zoning:** NS - Conditional

**Titleholder:** Christopher & Yvonne Ogbuefi

**Proposed Zoning:** NS - Conditional

**Size of Tract:** 1.61 acres

**Location:** 1680 Roswell Street

**Contiguous Zoning:**

**Land Lot:** 634

North	NS & GC & RM-12
South	OD
East	OD
West	GC

**Ward:** 3

**Access:** Hawthorne Avenue & Roswell Street

**Hearing Dates:**

Planning & Zoning	August 10, 2015
Mayor and Council	September 21, 2015

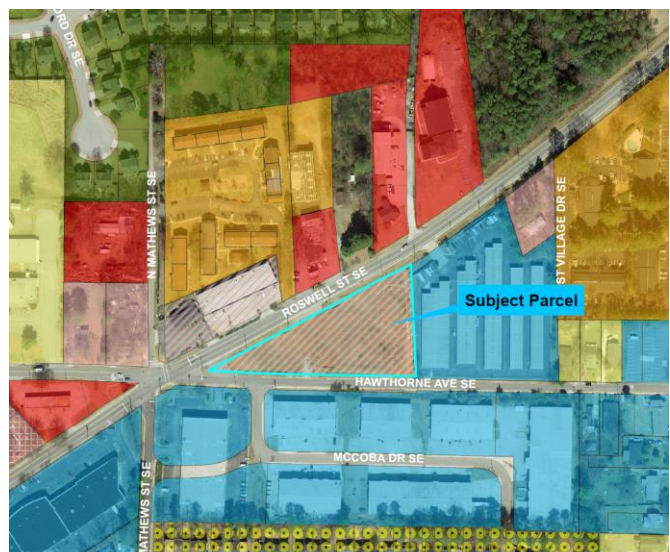
**Existing Improvements** 8,553 sq. ft. food store

**Proposed Use:**

The applicant is seeking approval to modify the currently approved site plan and building elevations from Zoning Case Z06-048.

**Staff Recommendation:**

**Approval** of the zoning amendment to modify the current approved site plan and building elevations from Zoning Case Z06-048 with conditions.



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## STAFF COMMENTS

Section 1508 of the Smyrna Zoning Code details nine zoning review factors that 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 parcel is bounded by the Public Storage warehouse facility to the east and the intersection of Roswell and Hawthorne Streets to the west. The southern property line is adjacent to Hawthorne Street while the northern boundary is formed by Roswell Street. The property zoning designation to the north is a mixture of Neighborhood Shopping, RM-12 and General Commercial. The designations south and east of the subject parcel are both Office Distribution. The zoning proposal will not change the use of the property from a retail use and will remain a suitable use in the view of 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.

*The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.*

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

*The subject property has 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, there are adequate water and sewer capacities are available in the area to accommodate the zoning proposal. Water is located in both Hawthorne Avenue and Roswell Street. Sewer is not readily available to this development; however, this proposed development is Phase II of the original development and sanitary sewer connection from Phase I to Phase II may be possible and would be the responsibility of the developer. This information is based upon the site plan titled Roswell Street Plaza – Phase II by Pyramid EDC Consultants, Inc. dated March 30, 2015.*

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

*The zoning amendment does not require an amendment to the City Future Development Map. Therefore, the zoning proposal is in conformity with the policy and intent of the Future Development. The current land use for the subject parcel is Neighborhood Activity Center. The Neighborhood Shopping zoning district is consistent with the Neighborhood Activity Center land use category.*

6. Whether there are other existing or changing conditions affecting the use and development of the property that give supporting grounds for either approval or disapproval of the zoning proposal.

*The zoning proposal allows the applicant to expand his existing food store for retail and storage needs. In addition, the zoning proposal provides two retail spaces to maintain the original intent of the initial rezoning of the property.*

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 of the property will enhance the neighborhood by redeveloping a corner that was in desperate need of redevelopment. The proposed development will be held to the standards and requirements established for all developments and planned uses.*

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 will be the completion of the phase II of the original development. The development will now go from a shopping center with multiple uses/businesses to food store with two retail shops. The proposed use should not create a nuisance to existing 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.

*Factors associated with the use, land area or building height will not have an impact upon the adjacent properties.*

The 1.61 acre subject property was originally approved for rezoning from OD to NS - Conditional by the Mayor and Council on November 20, 2006 by a vote of 6-1 (Zoning Case: Z06-048). The zoning proposal provided for a 15,960 sf. retail center. The retail center was planned to accommodate 6 retail stores averaging 1,160 sf. per store, a 5,160 sf. food store, and two restaurants averaging 1,920 sf. The applicant has developed the site and completed

Phase I, which includes an 8,553 sq. ft. food store. The applicant submitted development plans for Phase II, but was not approved because the plans did not meet the requirements of Zoning Case Z06-048. The applicant was notified that they would need to go through the zoning amendment process to get approval from the Mayor and Council for the development of the project as submitted. The applicant submitted an application for a zoning amendment on June 12, 2015.

The applicant is proposing to construct a 6,131 sq. ft. addition onto the existing food store and a 2,550 sq. ft. multi-tenant building to bring the total floor area for the site up to 17,234 sq. ft.. This is an increase of 1,283 sq. ft. of building floor area over the original zoning for the property. The 6,131 sq. ft. addition to the food store will provide additional retail space, storage area and a receiving area for the store. The 2,550 sq. ft. multi-tenant building will provide two retail/restaurant locations with the possibility of roof top dining. The applicant has provided a site plan and a building floor plan to show how these uses will be implemented within the buildings. The zoning proposal keeps the use of the property inline with the intent of the original zoning and allows the applicant to accommodate his growing business.

The zoning proposal will not change the provided parking for the site. There should be no conflicts with the shared use of the parking area with the food store and the retail/restaurant building. Both the City Engineer and Fire Marshal have reviewed the zoning proposal and believe the parking layout will provide adequate traffic circulation and access for services.

The architecture of the building will be consistent with the existing building constructed during Phase I of the development. The building façade of the addition will employ both brick and stucco, with a majority of the façade covered in brick. The new addition will also carry the same window design of the original building along Roswell Street. There are no windows planned for the corner of the building along Mathews Street and the back of the building along Hawthorne Avenue. The site plan reflects a fountain at the intersection of Roswell Street, Mathews Street and Hawthorne Avenue.

Community Development has reviewed the zoning request against the zoning review standards and believes the zoning proposal will not create an adverse impact on nearby properties. In addition, the zoning proposal is inline with the intent of the original rezoning and the City's Comprehensive Plan. Therefore, Community Development recommends the approval of the zoning request to modify the site plan and building elevations from Zoning Case Z06-048 with the following conditions carried over from Z06-048 (changes are highlighted in yellow):

#### **Standard Conditions**

**(Requirements #1, 2, 3, 4, 5, 8, 9, 12, 16 and 17 from Section 1201 of the Zoning Code are not applicable)**

1. All utilities within the development shall be underground.
2. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
3. No debris may be buried on any lot or common area.

4. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
6. All open space and common areas are to be sodded, and landscaped. Irrigate as appropriate.

### Special Conditions

7. The retention pond shall be placed and screened appropriately to be unobtrusive inside and outside the development. The stormwater retention 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.
8. A ten-foot wide sidewalk shall be constructed along Roswell Street and Hawthorne Avenue.
9. A ten-foot landscape buffer shall be provided and maintained along the eastern property line.
10. Any proposed dumpsters shall be surrounded by a three-sided brick enclosure with an opaque gate in the front. The brick shall match the color and material used for the commercial buildings.
11. The commercial buildings shall utilize four-sided brick or stone elevations which generally match the elevations presented during the November 13, 2006 Planning and Zoning Board Meeting submitted on 7/22/2015.
12. The applicant shall incorporate windows or shadowboxes (false window or display area) along the northern (Roswell Street elevation of building), western (Mathews Street elevation of the building) and eastern (Public Storage elevation of building) façade of the food store and multi-tenant building.
13. No neon or flashing signs shall be permitted. All freestanding signs shall be monument style.
14. The applicant shall remove the existing billboard on site within 90 days of the approval of the rezoning.
15. The proposed development shall have the following setbacks:  

Front – 0'  
Side – 30'  
Street Side – 0'

Rear – 0'

16. The following uses shall be prohibited in the proposed shopping center:

- Automotive sales/repair
- Automobile wash service
- Boat sales and repairs
- Boarding and breeding kennels
- Dry cleaning plants
- Farm equipment sales and service
- Lumber, hardware and other building material establishments
- Mobile home and travel trailer sales
- Motorcycle sales and service
- Pawnshops
- Adult novelty stores
- Package stores
- Service stations
- Stations and terminals for bus and rail passenger service
- Taxi stands
- Theaters
- Tattoo Parlor
- Arcade or Video Game Parlor
- Massage Parlor
- Pool Hall
- Check Cashing Store

17. The construction of the project shall be based on the site plan submitted with the zoning application dated October 6, 2006 on 7/22/2015 and created by A'Vant Architecture. Any significant change to this site plan requires the approval of Mayor and Council.

18. The applicant shall remove parallel parking spaces labeled one and two on the site plan dated October 6, 2006. The applicant shall make modifications to the site plan dated October 6, 2006 to address all stipulations stated above. These modifications shall be completed prior to the plan review process.

19. The applicant shall dedicate the necessary right-of-way to the City needed to complete the round-about road improvement planned for the intersection of Hawthorne Avenue, Mathews Street and Roswell Street.



**Figure – 1**  
**(Subject Property)**



**Figure – 2**  
**(Adjoining Property to the East)**



**Figure – 3**  
**(Adjacent Property to the North)**





**Figure – 4**  
**(Adjacent Property to the South)**



**Figure – 5**  
**(Adjacent Property to the West)**

