

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: January 5, 2017

CC: Planning and Zoning Board
Michael Jones, City Administrator

RE: **REZONING CASE Z17-001 – 2264 Atlanta Road**

Applicant: Ray's Five Star, LLC

Existing Zoning: GC & R-15

Titleholder: Robert & Sarah Wilder

Proposed Zoning: GC

Size of Tract: 1.1 Acres

Location: 2264 Atlanta Road

Contiguous Zoning:

Land Lot: 491

North GC

South GC

East LI

West R-15

Ward: 3

Access: Atlanta Road & Belmont Circle

Hearing Dates:

P&Z January 9, 2017

M&C February 20, 2017

Existing Improvements: Car Wash

Proposed Use:

The development of a one-story, 10,000 sq. ft. commercial building. A land use change from Suburban Residential to Community Activity Center will be required for this rezoning.

Staff Recommendation:

Approval of rezoning to General Commercial (GC) 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 zoning proposal would result in the development of a one-story, 10,000 sq. ft. commercial building along Atlanta Road with associated surface parking and stormwater management facilities. The adjoining properties to the north and south are zoned GC and are occupied by commercial uses. The adjoining property to the west is zoned R-15 and is occupied by a single-family residence. The adjacent properties to the east across the CSX Rail line are zoned Light Industrial (LI) and are occupied by a body shop and contractor offices. The properties along the Atlanta Road Corridor are predominately commercial uses ranging from retail to office uses to auto repair and body shops. 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 proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The subject property will maintain the existing accesses off Atlanta Road and Belmont Circle. In addition, the applicant will provide the required parking to service the building and maintain the required landscape buffer between the adjoining residential uses. There should be no adverse effect on adjoining commercial and 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

Atlanta Road and Belmont Circle right-of-ways. Elevations are the responsibility of the developer. Existing taps shall be used when possible. Any taps to be abandoned by the developer shall be at the expense of the developer, including new or relocated taps. This information is based upon a proposed site plan for Ray's Package Store, 2264 Atlanta Road by KSI Design Group dated 12/14/16.

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

The 1.1-acre property has a Future Land Use designation of Community Activity Center and Suburban Residential. The Suburban Residential portion of the property is located at the southwest corner of the site (See Attached Future Development Map). The zoning proposal for a commercial building 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.

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 existing and changing conditions affecting the use and development of the property which give supporting grounds for approval of the zoning proposal. The applicant currently owns a commercial building on the north side of Windy Hill Road near Belmont Circle. The city has planned major road improvements for the Windy Hill Road corridor and is currently working through the land acquisition process for the project. The applicant's property and building will be purchased for the project. The applicant has found the subject property as being a suitable site to relocate his business and build a new commercial building.

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 redevelop an existing self-service car wash facility with a new 10,000 sq. ft. commercial building. The proposed development will employ a variety of architectural features and materials that will enhance the existing aesthetics along the Atlanta Road corridor north of Windy Hill Road. The development will be required to maintain a minimum 10' landscape buffer along the adjoining property line with the residential property to the rear.

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 commercial uses.

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 proposing to meet all zoning and building code requirements applicable to this development without any variances. Table 1 shows the requirements of the GC zoning district versus proposed development.

Table 1: Lot Requirements for GC Zoning District vs. Proposed Development							
	Min. Lot Size (Square Feet)	Min. Lot Width at Setback Line	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)
GC Zoning District	20,000	100'	50'	10'	30'	35'	100
Proposed Development	20,000	100'	50'	10'	30'	35'	100

The applicant is requesting to rezone the property from GC & R-15 to GC for the development of a one-story, 10,000 sq. ft. commercial building. The subject property is composed of two parcels, the parcel that fronts on Atlanta Road is zoned GC and the parcel that fronts on Belmont Circle is zoned R-15. The subject property has an existing self-serve car wash on the portion of the property that is zoned GC. However, a portion of the parking area for the car wash was constructed on the vacant property zoned R-15 (See Attached Vicinity Map). The applicant is proposing to re-purpose a portion of the car wash building and redevelop the site with a new 10,000 sq. ft. commercial building. The applicant is proposing a 5,682 sq. ft. package store and 4,297 sq. ft. of general retail space to be leased out to other tenants. The zoning proposal fronts the commercial building along Atlanta Road with the associated parking and stormwater management facilities located in the front and side of the building. The applicant will maintain the existing access to the site from Belmont Circle & Atlanta Road. The conceptual building plans submitted with the rezoning indicate the commercial elevations will employ a variety of building materials and architectural features that will enhance the architectural standards of the Atlanta Road corridor north of Windy Hill Road.

The applicant has proposed to develop the site in two phases. The first phase will consist of the construction of the 5,682 sq. ft. package store and the re-purposing of 1,369 sq. ft. of the existing car wash building. The second phase will consist of a 2,800 sq. ft. building addition for additional retail space. The applicant will be required to provide additional parking area for the 2,800 sq. ft. addition at time of permitting. The additional parking area has been accounted for in the submitted site plan.

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 distance requirements for an Alcoholic Beverage License for package sales of beer and liquor and believes the zoning proposal can meet those requirements.

Community Development has reviewed the site with respect to commercial zoning encroaching on the residential neighborhood to the rear along Belmont Circle. Rezoning the vacant lot on Belmont Circle would not extend commercial zoning into the existing neighborhood any further than it currently exists across Belmont Circle.

The applicant currently operates his package store (Ray's Package Store) at 999 Windy Hill Road, which is on the north side of Windy Hill Road near Belmont Circle. The city has planned major road improvements for the Windy Hill Road corridor and is currently working through the land acquisition process for the project. The applicant's property and building will be purchased for the project. The applicant has found the subject property as being a suitable site to relocate his business and build a new commercial building. The subject property allows the applicant to stay in the same area as his existing clientele. However, the applicant has identified the subject property will not garner the same visibility his site on Windy Hill Road had due to lower traffic counts on Atlanta Road.

Community Development recommends **approval** rezoning the subject property from GC & R-15 to GC for the development of a 10,000 sq. ft. commercial building 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 – 50'
Side – 10'
Rear – 30'
9. 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.
10. 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.
11. The commercial building shall have entry doors along Atlanta Road.
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 right-of-ways along Atlanta Road and Belmont Circle shall be increased to include all sidewalks in the public right-of-way. Therefore, a small dedication may be required.
15. The developer shall provide a 5' sidewalk with a 2' grass buffer along Belmont Circle and Atlanta Road for the length of the development.
16. Approval of the subject property for the General Commercial (GC) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 12/14/2016 created by KSi Design Group, Inc.
17. The applicant shall be bound to the building material and architectural features illustrated on the elevations titled "Ray's Package Store" and submitted 12/14/2016. If there is any change to the elevations, it must be approved by the Director of Community Development.

Figure – 1
Subject Property





Figure – 2
Adjoining Properties



