

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: May 9, 2017

CC: Tammi Saddler-Jones, City Administrator

RE: REZONING CASE Z17-004 – 4390 South Cobb Drive

Applicant: Blastoff Construction, Inc.

Existing Zoning: NS - Conditional

Titleholder: Oral Ceramics Dental Studio

Proposed Zoning: NS - Conditional

Size of Tract: 1.90 acres

Location: 4390 South Cobb Drive

Contiguous Zoning:

Land Lot: 621

North	GC (Cobb) & R-20
South	GC & R-20 (Cobb)
East	South Cobb Drive
West	RM-10 (Cobb)

Ward: 6

Access: South Cobb Drive

Hearing Dates:

Existing Improvements Vacant Lot

P&Z Board	April 10, 2017
Mayor and Council	May 15, 2017

Proposed Use:

The applicant is seeking approval to rezone the 1.90 acre property from NS-Conditional to NS-Conditional to modify the currently approved plan for a 19,200 sf. retail center (Zoning Case Z06-039) to a daycare facility and a 4,000 sq. ft. retail building. A land use change is not required for the rezoning.

Staff Recommendation:

Community Development recommends **approval** of the rezoning with conditions.



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 proposed rezoning would result in the development of a 12,350 sq. ft. daycare facility and a 4,000 sq. ft. retail building. The original site plan specific zoning of the property allowed a 19,200 sf retail center with 3 buildings along South Cobb Drive (Zoning Case Z06-039). The adjacent properties along South Cobb Drive have commercial uses such as service stations, retail centers and a dental clinic. The adjacent properties along Cooper Creek Drive are low density townhomes. The adjacent properties along Ivy Glen Court are medium density residential townhomes. The zoning proposal will permit a use that is suitable in 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 proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby property. The zoning proposal will improve the building setbacks from the adjoining residential properties. The zoning proposal eliminates one building that was approved to abut the townhomes on Cooper Creek Drive. Overall, the zoning proposal will reduce the square footage of the development from 19,200 sq. ft. to 16,350 sq. ft. (a net reduction of 2,850 sq. ft.).

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 from the Plan Review Engineer of the Cobb County Water System (CCWS), adequate water and sewer capacities are available for the proposed development. There is an existing 16 inch water main on South Cobb

Drive available for use. A passing fire flow test will be required prior to approval of construction plans by CCWS.

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

The use associated with the zoning proposal is in conformity with the City's Future Development Map land use designation of Neighborhood Activity Center. Neighborhood Shopping is a corresponding zoning classification for the Neighborhood Activity Center land use designation per the City's Comprehensive Plan. No land use change is required for rezoning.

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 subject parcel has a twenty-foot sanitary sewer easement and a twenty-foot drainage easement that are located side by side on the property. These easements start from the southeast corner of the property and run diagonally through the property to the northwest. The zoning proposal provides a suitable use of the property that adequately works around site constraints.

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 employs architectural designs similar to designs utilized for commercial developments along the South Cobb Drive corridor. The subject parcel lies within the Corridor Design District – 4 for South Cobb Drive. The proposed development is held to the design standards established in the City's Zoning Ordinance for this corridor design district.

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 uses are allowed under the NS zoning district and 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 size of the proposed use, in either land area or building height, should not negatively affect adjoining properties. The proposed development will require variances from the following requirements: (1) Minimum lot size in the CCD-4; and (2) Minimum rear setback from residential property. The

request for the rear setback reduction is the exact same request as the currently approved plan form Zoning Case Z06-039.

The subject property was originally rezoned on April 16, 2007 from OI to NS-Conditional for the construction of 19,200 sq. ft. retail center (Zoning Case Z06-039). The conditional zoning was tied to a specific site plan that reflected three one-story retail buildings with several variances. The site has laid vacant due to the economic recession.

Blastoff Construction, Inc. is requesting to rezone the subject property from to NS-Conditional to modify the currently approved site plan and building elevations. The zoning proposal would reduce the overall floor area from 19,200 sq. ft. to 16,350 sq. ft. and the parking spaces from 87 spaces to 57 spaces for the development of a daycare facility and a retail building. In addition, the site would be split into two separate parcels with the daycare facility on one parcel and the retail building on another. The first parcel will be 0.55 acres in size and include a 4,000 sq. ft. retail building with 22 parking spaces. The second parcel will be 1.39 acres in size and include a 12,350 sq. ft. daycare facility with 35 parking spaces. Due to the change in uses, the change in site design and the request to subdivide the property, staff thought it was appropriate to take the property through the full rezoning process, as opposed to the zoning amendment process. Staff felt the changes were significant enough to warrant re-review by the Planning and Zoning Board, as well as the Mayor and City Council. The zoning amendment process is usually reserved for minor site modifications and adjustments.

There are numerous site constraints that affect the design and layout of the proposed development. These site constraints include the geometry of the site, the topography of the site and the presence of a sanitary sewer and drainage easements that run through the center of the site. These constraints have led to the proposed layout of the development.

The zoning proposal has been reviewed by the City Engineer for stormwater management requirements. The City Engineer believes the developer can meet the city requirements for stormwater management for the site. The applicant has set aside plenty of property for the stormwater management facility, which shall maintained by the property owner.

The zoning proposal has been reviewed by the City Fire Marshal and he has concerns with the current site layout with regards to fire truck access. The Fire Marshal believes a redesign of the parking area during the permit review process can bring the site into compliance for fire access. The Fire marshal has added a zoning stipulation that requires the site plan to meet all fire access standards prior to the approval of a development permit.

The proposed development will require several variances from the requirements of the City's Code of Ordinances. These variances include the following:

- 1) a reduction in the minimum lot size from 3 acres to 0.5 acres (Section 717 of the Zoning Ordinance - **Staff Support**); and
- 2) a reduction in the minimum rear setback setback from 50' to 15' (Section 802 of the Zoning Ordinance – **Staff Support**) (*this variance was supported in the original rezoning*).

The applicant is requesting to subdivide the subject property into two parcels to meet a State's Bright from the Start requirement that no daycare facility be located on a parcel that has contaminated soils. The Chevron gas station to the north has contaminated the soils in a small portion of property at the north end of the site. The applicant has surveyed the site and found all contaminated soils and has plans for remediation prior to development. The proposed subdivision will have the daycare facility on a separate parcel with uncontaminated soils that meet the State's Bright from the Start requirements. Community Development is **supportive** of the request to reduce the minimum lot size from 3 acres to 0.5 acres. The second variance request to reduce the rear setback from 50' to 15' is a carryover from the original zoning of the property (Zoning Case Z06-039). Staff is **supportive** of this request.

Community Development recommends the **approval** of the rezoning request for 4390 South Cobb Drive from NS-Conditional to NS-Conditional for the development of a 12,350 sq. ft. daycare facility and 4,000 sq. ft. retail building with the following conditions carried over from Zoning Case Z06-039:

Standard Conditions (items 1, 2, 3, 4, 8, 9, 10, 16 and 17 from Section 1201 of the Zoning Ordinance are not applicable)

1. The retention or detention pond 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 ten percent reduction in a 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 two inches shall be provided between the back of curb and sidewalk.
4. No debris may be buried on any lot or common area.
5. The developer will install decorative streetlights within the development, subject to approval by the city engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".
6. 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.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances. There shall be a landscaped front entrance, with monument, indicating the name of the development.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

9. Approval of the Subject Property for NS-Conditional shall be conditioned upon the development of the property in substantial compliance with the site plan submitted May 5, 2017 and created by Metro Engineering and Surveying Company.
10. The applicant shall be bound to the elevations submitted and dated February 10, 2017. If there is any change to the elevations it must be approved by the Director of Community Development.
11. Loading and Unloading on the property shall only take place between 7:00 a.m. and 8:00 p.m.
12. Utilization of low intensity, environmental type lighting shall be allowed within the development. The illumination of which shall be confined within the perimeter of the subject property through the use of "full cut-off lighting".
13. The following uses, whether permissible or not within the NS zoning district, shall not be allowed on the property:
 - Adult Entertainment Establishments
 - Automobile Service Stations
 - Check Cashing Establishments (where check cashing represents more than 25% of the overall business operation)
 - Coin Operated Laundry
 - Composting Facility
 - Drive-up Restaurants
 - Funeral Homes
 - Group Homes
 - Package Stores
 - Shelter for the Homeless
 - Tattoo Parlors
14. 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.
15. All dumpsters shall contain rubber lids so as to minimize sounds.
16. There shall be a 10', heavily-landscaped and maintained evergreen buffer adjacent to the rear property line. The developer shall plant Leyland Cypress trees in accordance with Section 503 of the Zoning Ordinance along the rear property line. These trees shall be maintained with an irrigation system.

17. The developer shall install all HVAC units on the roof and screen from the public right-of-way and the adjoining residential properties.
18. The developer shall install a coated or painted (green, black, or brown) chain link fence with a climb-over deterrent along the rear property line.
19. There shall be no neon signs allowed on the property except for "open/closed" signs.
20. The developer will remove the guard rail along South Cobb Drive.
21. The sidewalk to be built along South Cobb Drive shall be placed to be no closer than 15' to the back of curb.
- ~~22. Buffer averaging is allowed to address the proposed small encroachment of Building "A" into the 25' impervious surface buffer.~~
23. The developer shall provide a 10' landscape buffer in accordance with Section 503 of the Zoning Ordinance along the shared property lines with the adjoining residential properties.
24. The developer shall provide an 8' privacy fence along the shared property lines with the adjoining residential properties.
25. The site design shall meet all fire safety and access requirements. The City Fire Marshal shall review and approve all plans prior to the issuance of a development permit.

Figure – 1
Subject Property



Figure – 2
Adjacent Properties





