

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: August 15, 2017

CC: Tammi Saddler-Jones, City Administrator

**RE: ZONING AMENDMENT CASE Z17-017 – 2528 & 2550 Spring Road**

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**Applicant:** City of Smyrna

**Titleholder:** RaceTrac Petroleum Inc.

**Location:** 2528 & 2550 Spring Road

**Land Lot:** 810

**Ward:** 1

**Access:** Spring Road

**Existing Improvements:** Gas Station & Convenience Store

**Existing Zoning:** GC-Conditional

**Proposed Zoning:** GC-Conditional

**Size of Tract:** 1.75 acres

**Contiguous Zoning:**

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

**Hearing Dates:**

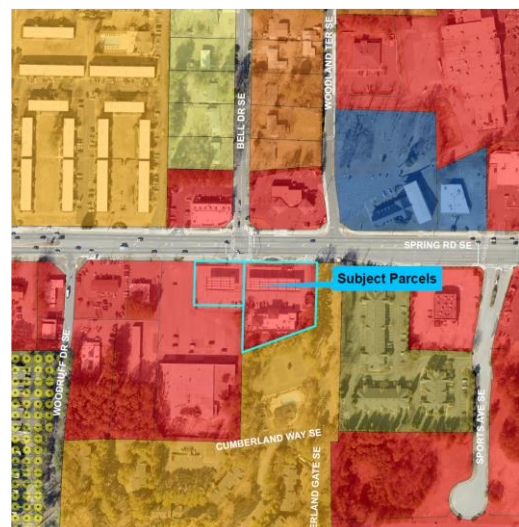
P&Z Board	N/A
Mayor and Council	August 15, 2017

**Proposed Use:**

Modification of the currently approved site plan due to right-of-way purchase for a city road improvement project along Spring Road.

**Staff Recommendation:**

**Approval** of proposed zoning amendment with conditions carried over from Z11-003.



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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 zoning proposal will not change the use of the property. The zoning of the property binds the property to a specific site plan, which was approved by the Mayor and Council on July 18, 2011. Since the original rezoning in 2011, the city has completed a road improvement project along Spring Road, which required the acquisition of right-of-way and roadway improvements along the frontage of RaceTrac's property. The purpose of the zoning proposal is to update the approved zoning plan with a new zoning plan that shows all road improvements and removes any non-conforming issues created by the road project.*

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. The subject property is already developed and will continue to be used in the same manner it was approved for in 2011.*

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.

*The zoning proposal will not result in any changes to the subject property. Therefore, the zoning proposal will not result in or cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.*

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

*The zoning proposal is in conformity with the policy and intent of the land use plan.*

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.

*The zoning proposal allows the City to update the approved zoning plan for the property due to the City's road improvements along Spring Road. The updated site plan will address all non-conforming issues on the subject property created by the purchase of right-of-way for the road improvements.*

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 subject property is currently developed and fully operational. The zoning proposal will not change any aspect of the development as it current stands today. The zoning proposal will conform to the architectural standards, open space requirements and the aesthetics of the general neighborhood.*

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 not change the use and operation of the subject property. The use of the property will not create a nuisance or be incompatible with 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.

*The zoning proposal will not change the use or development of the subject site. The subject property was developed in accordance to the site plan approved with Zoning Case Z11-003 in 2011. The zoning proposal will update the approved zoning plan to address non-conforming issues created by the City's road improvement project along Spring Road.*

The subject property was rezoned by the Mayor and Council from GC to GC-Conditional for the redevelopment of the site for a RaceTrac convenience store on July 18, 2011 by a vote of 7-0 (Zoning Case Z11-003). The conditional zoning of the property tied the development of the site to a specific zoning plan which granted several variances with the zoning. The site was developed in 2012 and has been fully operational ever since. In 2016, the City started work on road improvements for the Spring Road corridor from Bell Drive to Cobb Parkway. These improvements addressed pedestrian and operational improvements, as well as streetscape beautification. As part of the project, City acquired right-of-way and made road and sidewalk improvements along RaceTrac's property frontage. The right-of-way acquisition and road improvements led to the RaceTrac's property line being pushed back 10 to 12 feet, which has created non-conforming issues with respect to front setback and landscape easement requirements of the Zoning Ordinance. The existing canopy over the gas pumps that met the front setback requirement of 50' is now located within 35' of the front property line. The required 15' landscape easement required along the property frontage has been reduced to 2' due to road improvements. The zoning amendment will update the approved and recorded zoning plan with a new zoning plan that reflects all the changes due to the Spring Road improvements.

Approval of the new zoning plan will remove all non-conforming issues created by the road improvements.

Community Development recommends approval of proposed zoning amendment with conditions carried over from Z11-003:

- (1) The composition of the commercial buildings in the development shall include a mixture of elements including; but not limited to: brick and stone. No elevation shall be comprised of 100 percent hardy plank siding.
- (2) The retention/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 (10%) reduction in a 2-year to 100-year storm event. The city engineer shall approve all plans.
- (3) All utilities within the development shall be underground.
- (4) 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.
- (5) No debris may be buried on any lot or common area.
- (6) 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".
- (7) 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.
- (8) All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect.
- (9) All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
- (10) The parking lot shall provide both landscape islands at the terminus of each row and one (1) landscape island every 10<sup>th</sup> parking space (except as identified on the zoning plan submitted 7/1/2011 8/15/2017 created by RaceTrac). Each landscape island shall provide a tree with a minimum caliper of 4".
- (11) Outside temporary sales and displays will only be located on the sidewalk in front of the store that is adjacent to the building.

- (12) 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. Where dumpster enclosures are visible from the right-of-way, evergreen landscaping shall be used to mask the presence of the structure. Said evergreen landscaping shall be deemed adequate by the Community Development Director or his/her designee.
- ~~(13) All existing nonconforming freestanding signs shall be removed within 90 days of final approval of the rezoning by the Mayor and Council.~~
- (14) There shall be no exterior pay phones provided on site. If the applicant decides to provide pay phones; these phones must be provided within the convenience store.
- (15) The applicant shall comply with the City's current sign ordinance.
- (16) The property shall be regraded and brought down to the same elevation of the Spring Road. All grading plans are subject to the approval of the City Engineer.
- (17) The approval of the rezoning to the subject property shall be in substantial conformity to the site plan submitted on ~~July 1, 2011~~ 8/15/2017 dated ~~June 29, 2011~~ 6/20/2017 and created by RaceTrac.
- (18) The architectural style, composition and treatment of the building and canopies shall be in substantial conformity to the rendering/elevation submitted on July 1, 2011. However, should minor modifications be required during the Plan Review process, said modifications shall be subject to the review and approval of the Director of Community Development.
- (19) The applicant shall work with the City Arborist/Landscape Architect during plan review to provide additional trees along the eastern and western (within the proposed landscape island) property lines, as well as provided additional shrubbery and trees in the plaza area along the proposed retaining walls. All additional planting and modifications shall be subject to the review and approval of the Director of Community Development.
- (20) The additional eleven (11) stipulations agreed upon by the applicant in the letter submitted and dated on July 1, 2011 by the applicant with the omission of stipulations #3 (signage) and #7 (tree replacement plan) as described in the letter. Stipulations #3 and #7 do not meet the requirements and intent of the sign and tree ordinances. If there should be a discrepancy between the stipulations in the July 1, 2011 letter and the stipulations stated above, the stipulations stated above shall apply.