

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Russel Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: September 3, 2020

CC: Chief Joe Bennett, Interim City Administrator
Planning and Zoning Board

RE: REZONING CASE Z20-010– 726 Windy Hill Road

Applicant: Omokhodion Medical Services

Existing Zoning: FC

Titleholder: Omokhodion Medical Services

Proposed Zoning: LC

Size of Tract: 0.25 acres

Location: 726 Windy Hill Road

Contiguous Zoning:

Land Lot: 375

North	LC
South	R-15
East	LC
West	LC

Ward: 5

Access: Burbank Circle

Hearing Dates:

Existing Improvements: Single Story Structure

P&Z	September 14, 2020
Mayor and Council	October 19, 2020

Proposed Use:

The applicant is requesting a rezoning from FC to LC for use as a professional office. The future land use will remain as NAC – Neighborhood Activity Center.

Staff Recommendation:

Approval of the rezoning from **FC** (Future Commercial) to **LC** (Limited Commercial).

The Planning Board recommended **approval** by a vote of 7-0 at the September 14, 2020 meeting.



PROJECT DESCRIPTION

Omokhodion Medical Services is requesting a rezoning from FC (Future Commercial) to LC (Limited Commercial) for the ability to use the existing building as a professional office. The subject property is zoned FC; however, it has been used commercially most recently as a hair salon (as a non-conforming use). The property is occupied by an existing structure that will remain. The applicant is requesting to rezone the property to LC to formalize how the property has historically been used.

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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Applicant Response:

"This rezoning proposal should support the use of the development of the adjacent and nearby properties as the city plans to expand development on Windy Hill Road. We would like to be able to bring professional services to the area to support the growth, hence the request for rezoning from FC to LC."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.25 acres and is zoned FC. Approval of the zoning proposal would not result in any additional development to the subject property. The adjacent property to the north across Windy Hill Road is zoned LC (Limited Commercial). The adjacent property to the south is zoned R-15 (Residential). The adjacent property to the west is zoned LC. The adjacent property to the east is zoned LC. The proposed zoning would continue to be consistent with 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.

Applicant Response:

"This should not have an adverse effect on adjacent property as the businesses that will be at the property will have limited volume traffic. We are hoping to have

professional office such as medical or consultant services where we are currently unable due to zoning restrictions.”

Staff Analysis:

The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining commercial uses. The proposed development will be accessed directly from Burbank Circle and not impact any additional local streets.

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

Applicant Response:

“Currently the property is zoned FC, therefore we have a lot of limitations on the use of the property and maximize its potential for the neighborhood.”

Staff Analysis:

The subject parcel has limited 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.

Applicant Response:

“It should not have excessive use of existing street or utilities as the professional businesses and services provided form the property will have limited foot traffic.”

Staff Analysis:

Based upon information from the City Engineer, the proposed use will not cause an excessive or burdensome use of the existing streets or transportation facilities.

The building is currently serviced with water and sewer from the city.

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

Applicant Response:

“The property was zoned FC which is believed to have the intention on future commercial development It should be in conformity within the policy and intent of the land use plan.”

Staff Analysis:

The subject property has a future land use designation of NAC (Neighborhood Activity Center) on the city’s 2040 Future Land Use Plan. The proposed rezoning to LC for a professional office is in conformity with the city’s Future 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.

Applicant Response:
"No, there are none."

Staff Analysis:
The property is zoned FC which is a residential zoning with the intent for commercial use in the future, however the property has historically been used commercially. The zoning proposal would allow the commercial business to operate and be consistent with surrounding uses. In addition, the subject property fronts on Windy Hill Road, which is an arterial road and more conducive to commercial use.

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.

Applicant Response:
"The rezoning of the property should be an enhancement to the existing space as it gives the opportunity to allow professional businesses to occupy the space for growth of the area."

Staff Analysis:
The general area is comprised of residential properties that have transitioned to commercial as well as new commercial development. The property will conform with 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.

Applicant Response:
"No. Adjacent properties has been zoned GC or LC for a number of years."

Staff Analysis:
The proposed use of the property as a professional office will not create a nuisance for existing uses in the area. The proposed commercial use is consistent with other 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.

Applicant Response:

"This should positively impact the general neighborhood as we are bringing in a professional business to occupy the space as to support the growth of the city and its population."

Staff Analysis:

Factors associated with the size of the proposed use, in either land area or building height will be unchanged and have no negative effect upon all adjacent and nearby properties.

Project Analysis

Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. No additional transportation or stormwater management improvements are required for the site. There are no stream buffers affecting the property.

Fire Marshal Review

The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access.

Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal is consistent with the NAC (Neighborhood Activity Center) Future Land Use Designation.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a professional office. The proposed development meets all the zoning requirements for a professional office. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of FC to LC.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from FC to LC at 726 Windy Hill Road.

Subject Property



Adjacent Properties



