

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: November 3, 2020

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

RE: REZONING CASE Z20-013– 3515 N Cooper Lake Rd

Applicant: Tracey & Bearin Santos

Existing Zoning: NS

Titleholder: Tracey & Bearin Santos

Proposed Zoning: GC

Size of Tract: 1.55 acres

Location: 3515 N Cooper Lake Rd

Contiguous Zoning:

Land Lot: 339

North

GC

South

RDA & LC

East

GC & R-15

West

LC

Ward: 3

Access: N Cooper Lake Rd

Hearing Dates:

Existing Improvements: One-story Warehouse Building

P&Z

November 9, 2020

Mayor and Council

December 21, 2020

Proposed Use:

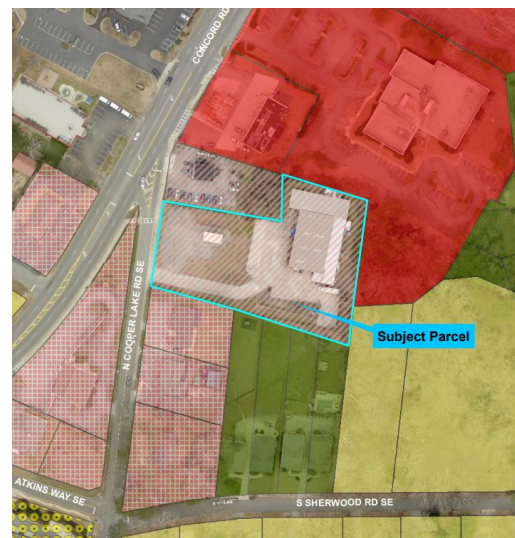
The applicant is requesting a rezoning from NS to GC for use as a general contractor office, professional office, and indoor batting cage. The future land use is currently NAC and will be required to change to CAC.

Staff Recommendation:

Approval of the rezoning from **NS** (Neighborhood Shopping) to **GC** (General Commercial).

Planning Board Recommendation:

Approval by a vote of 7-0 at the November 9, 2020 meeting.



PROJECT DESCRIPTION

Tracey and Bearin Santos are requesting a rezoning from NS (Neighborhood Shopping) to GC (General Commercial) for the ability to use the existing building as a general contractor office, professional office, and indoor batting cage. The subject property is zoned NS; however, it has been used commercially most recently as a tape and label manufacturer (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 GC 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:

"Yes, this zoning proposal is suitable to this property and neighboring properties. This land and building has been used for 35 years as a manufacturing/printing facility and the neighboring properties are zoned primarily GC or LC Zones. Those businesses will not be negatively affected by our operations. The houses and daycare center on the south side have co-existed with the previous "exception" manufacturing facility for years and we plan to be less disruptive, generate less traffic and less noise."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 1.55 acres and is zoned NS. Approval of the zoning proposal would not result in any additional development to the subject property. The adjacent property to the north is zoned NS (Neighborhood Shopping) and GC (General Commercial). The adjacent property to the south is zoned RDA (Residential) and LC (Limited Commercial). The adjacent property to the west is zoned across N Cooper Lake Rd is zoned LC (Limited Commercial). The adjacent property to the east is zoned GC (General Commercial) and R-15 (Residential). 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:

"No negative impact is foreseen. Our driveway will remain the same. Our property will have less noise and less traffic than the previous owner."

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 N Cooper Lake Rd 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:

"The property has been operating with an exception to the current NS zoning for the past 35 years and could have been rezoned for the Quality Tape & Label business use to more properly fit the zoning regulations as defined. The property and metal warehouse style building are not currently economically suitable for NS as currently zoned."

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:

"There will be substantially less tractor trailer traffic with our businesses. There will be fewer employee cars, work hours are normal 8-5 business hours and no second shift as in the previous manufacturing industry."

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 planned use for this property is compliant with GC which allows LC, OI, and NS. The following uses are aligned with our businesses: Big Bear Construction (General Contractor, Sec. 712.14), Glass Frog Consulting (Professional Office, Sec. 709.6), Laughing Tracey (photographic studio, Sec. 711.11), and Big Bear Sports (indoor baseball facility, Sec. 712.19)."

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 GC for a general contractor office and professional office will require a Land Use Change to CAC (Community Activity Center). The surrounding area is comprised of CAC, NAC, and LDR.

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:

"This property had a manufacturing business for 35 years that seems to fit LI (Light Industrial) but was operationally zoned as NS. We are seeking to update the zoning to more appropriately match the past use and future use for the land and existing building. We are moving Big Bear Construction from our current Smyrna location on Ask Kay Drive to this location to keep our small business in Smyrna. We plan to use offices within the building to also support three additional Smyrna businesses (Laughing Tracey – photography of local youth sports and children's book author) and Glass Frog Consulting – supporting business consulting for Government contracts such as Lockheed Martin and other large primes for support, and Big Bear Sports (indoor batting cages/pitching facility for baseball and softball as well as areas for indoor physical training)."

Staff Analysis:

The property is zoned NS (Neighborhood Shopping) which is a zoning for local retail services; however, the property has historically been used as a manufacturing facility as a non-conforming use. The zoning proposal would allow a commercial business to operate with a suitable zoning category.

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 property has been unoccupied for several months, trash dumping is occurring, and the property is not being maintained. By allowing the rezoning to occur and for our business to fully occupy the property, we will keep up the aesthetics of the area, improve lighting, improve signage, maintain the grass/green spaces, driveway, parking and building. We will bring economic stability to this property."

Staff Analysis:

The general area is comprised of commercial and residential properties that have co-existed for many years. The rezoning will bring the use into compliance with an appropriate zoning district. 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:

"Our business will operate during similar hours to surrounding businesses, make less noise and order, utilize no harmful chemicals, and operate with minimal tractor trailer deliveries. No nuisance or incompatibilities are foreseen for our planned business operations."

Staff Analysis:

The proposed use of the property as a general contractor office, professional office, and indoor sport facility 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:

"There will be no negative impact based on the proposed use. The building size is not planned to change. There will be several positive impacts: The building will now be used for multiple businesses, create jobs for the Smyrna area and promote small business economic growth; the property will be well maintained and well-lit to deter vandals, theft, or trash dumping; the planned indoor sports business will provide athletic training services that support the health and fitness for our Smyrna youth."

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 and existing non-conforming use requires a Land Use change to CAC (Community Activity Center).

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a general contractor office, professional office, and indoor batting cage. 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 NS to GC.

STAFF RECOMMENDATION

Community Development recommends approval of the rezoning from NS to GC at 3515 N Cooper Lake Road with the following condition:

1. The applicant shall remove vegetation and accumulated silt/sediment from the existing detention pond.
2. The applicant shall record an Inspection and Maintenance Agreement for the pond.

Subject Property



Adjacent Properties



