



City of Smyrna

City of Smyrna
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Legislation Details (With Text)

File #: 2019-305 **Version:** 2 **Name:** Zoning Request - Z19-012
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File created: 9/5/2019 **In control:** City Council
On agenda: 10/21/2019 **Final action:** 10/21/2019
Title: Public Hearing - Zoning Request Z19-012 - Rezoning from NS to GC with conditions for use as a special event center - 1.84 Acres - Land Lot 381 - 652 Concord Road - Drew Ihrig
Sponsors: Maryline Blackburn
Indexes:
Code sections:

Attachments: 1. Issue Sheet, 2. Staff Memo_Z19-012_M&C, 3. Zoning Vicinity Map_Z19-012, 4. Land Use Vicinity Map_Z19-012, 5. Application_Z19-012, 6. Survey_Z19-012, 7. Legal Ad_Z19-012

Date	Ver.	Action By	Action	Result
10/21/2019	2	City Council	Approved Item	Pass
9/9/2019	1	Planning and Zoning Commission	Approved Item	Pass

WARD: 3

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Zoning Request Z19-012 - Rezoning from NS to GC with conditions for use as a special event center - 1.84 Acres - Land Lot 381 - 652 Concord Road - Drew Ihrig

Drew Ihrig is requesting a rezoning from NS (Neighborhood Shopping) to GC (General Commercial) for ability to use the existing building as a special event center. The building was previously used as a restaurant (Café Hog, and Howard’s Restaurant). The proposed special event center is expected to average sixty events per year with an average of 175 people per event. The site will be accessed from the existing drive on Concord Road and Smyrna Hill Road. The site currently provides 105 parking spaces for the existing building and all will remain with the proposed change in use. No changes to the exterior of the building are proposed, however the applicant plans to replace the sand patio and bocce ball court with gravel, trees, and decorative plants.

BACKGROUND: The Planning and Zoning Board recommended approval by a vote of 6-0 at the September 9, 2019 meeting with a recommendation to add prohibited uses.

RECOMMENDATION/REQUESTED ACTION: Community Development recommends **approval** of the rezoning from NS to GC on 1.84 acres for the use as a special event facility, **with the following conditions:**

1. The building fire alarm system shall be brought into compliance with the local and state fire code requirements.
2. A Life Safety Plan shall be submitted to the Fire Marshal to determine occupancy load for the building and the proposed use.

3. The applicant shall restripe the parking lot prior to the issuance of an occupation tax certificate.
4. Inspection and analysis of kitchen hood may be required if cooking equipment is maintained.
5. The grease trap shall be replaced with a minimum 1,500 gallon grease trap.
6. The applicant shall either remove the non-conforming freestanding pole sign or bring the sign into compliance with the sign ordinance prior to the issuance of an occupation tax certificate.
7. The applicant shall plant street trees along Concord Road for the length of the property frontage. The trees shall be planted with a spacing of 40 feet between trees. The trees shall be a minimum of 3 caliper inches at planting. A tree plan shall be submitted to the City Arborist for review and approval.
8. The following uses shall not be permitted on the subject parcel:
 - Adult Entertainment and Adult Novelty Shops as defined by the City of Smyrna's Code of Ordinances
 - Carnivals, Circuses and other similar transient activities
 - Automobile Leasing
 - Automobile Parts - wholesale
 - Automobile Sales
 - Automobile Major Repair
 - o Automobile major repair is defined as an establishment wherein engines, transmission, drive shafts, bodies fenders are dismantled, repaired, replaced or painted.
 - Billiard Parlor (Shall not preclude a restaurant/brew pub from having billiard tables. However, the billiard tables shall not exceed 35% of the gross floor area of the establishment)
 - Boarding and Breeding Kennels. However, this stipulation shall not preclude the opportunity to lease retail space to a doggie day-care or dog obedience school with the added stipulation that no dogs shall be allowed outside, boarded or bred.
 - Boat Sales and Repairs. However, this stipulation shall not preclude retail stores such as a Dick's Sporting Goods which sells bass boats, kayaks, rafts, etc. There shall be no outside display of boats.
 - Bowling Alley
 - Self Service Automobile Wash Facilities. However, self-contained automated car washes shall not be prohibited provided that they are consistent with the architectural style and composition as aforementioned.
 - Drive-in Restaurants such as Sonic. However, drive-thru restaurants such as Chick-fil-a, Zaxby's, etc., shall be allowed provided that they are consistent with the architectural style and composition as aforementioned.
 - Drive-in Theater
 - Farm Equipment Sales and Service - Outparcel only
 - Full Service Gasoline Stations. However, grocery stores and convenience stores with gas sales shall be allowed.
 - Game Arcades. However, this stipulation shall not preclude recreational facilities or restaurant/brew pubs from having accessory game arcades which do not exceed 15% of the gross floor area of the establishment.

- Gun Shops
- House of Worship
- Linen and Diaper Services (Plant only)
- Massage Parlor (This requirement shall not prohibit the operation of Health Spas)
 - o Health Spa is defined as an establishment which provides as one (1) of its primary purposes, services or facilities which are purported to assist patrons improve their physical condition or appearance through change in weight, weight control, treatment, dieting, or exercise. Treatment shall include, but not limited to, personal services such as body wraps, hydromineral wraps, body polish, body wash, baths and hydrotub soak. Massages may be an accessory service provided by the health spa.
- Mobile Home and Travel Trailer Sales
- Motorcycle Sales and Service with outside display of motorcycles.
- Pawnshops and Check Cashing Establishments
- Printing Plant. However, said prohibition shall not apply to establishments such as FedEx, Kinkos, Blueprinters, etc.
- Skating Rinks
- Stations and Terminals for Bus and Rail Passenger Service
- Target Ranges
- Tattoo and Body Piercing Parlors
- Taxi Stands
- Movie Theaters
- Wholesale Establishments which sell only to businesses and not to customers