



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** 2017-135      **Version:** 1      **Name:** Zoning Request Z17-004  
**Type:** Authorization      **Status:** Passed  
**File created:** 4/6/2017      **In control:** City Council  
**On agenda:** 5/15/2017      **Final action:** 5/15/2017  
**Title:** Public Hearing - Zoning Request Z17-004 - Rezoning from NS-Conditional to NS-Conditional for the development of a 12,350 sq. ft. daycare facility and a 4,000 sq. ft. retail building - 1.9 Acres - Land Lot 621 - 4390 South Cobb Drive - Blastoff Construction, Inc.  
**Sponsors:** Doug Stoner  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 2017-135 IssueSheet.pdf, 2. Staff Memo\_V.2\_Z17-004.pdf, 3. Zoning Vicinity Map\_Z17-004.pdf, 4. Land Use Vicinity Map\_Z17-004.pdf, 5. Amended Zoning Application\_Z17-004.pdf, 6. Site plan\_V.4\_Z17-004.pdf, 7. Building Elevation\_Z17-004.pdf, 8. Z06-039\_Minutes & Plans.pdf, 9. Letter from Ellen Smith\_05052017\_Z17-004.pdf

Date	Ver.	Action By	Action	Result
5/15/2017	1	City Council	Approved Item	Pass
4/10/2017	1	Planning and Zoning Commission	Approved with Condition(s)	Pass

**WARD:** 6

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Zoning Request Z17-004 - Rezoning from NS-Conditional to NS-Conditional for the development of a 12,350 sq. ft. daycare facility and a 4,000 sq. ft. retail building - 1.9 Acres - Land Lot 621 - 4390 South Cobb Drive - Blastoff Construction, Inc.

: Blastoff Construction, Inc. is requesting to rezone the subject property from to NS-Conditional to modify currently approved site plan and building elevations. The zoning proposal would reduce the overall floor area 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 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 need 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 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.

**GROUND:** The subject property was originally rezoned on April 16, 2007 from OI to NS-Conditional for the development of 19,200 sq. ft. retail center (Zoning Case Z06-039). The conditional zoning was tied to a specific site

that reflected three one-story retail buildings with several variances. The site has laid vacant due to the economic recession.

Zoning request was heard by the Planning and Zoning Board at the April 10, 2017 meeting and was recommended for approval by a vote of 7-0 with staff conditions.

**RECOMMENDATION/REQUESTED ACTION:** Community Development recommends the **approval** of the zoning request for 4390 South Cobb Drive from NS-Conditional to NS-Conditional with the following conditions transferred 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)**

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.

Utilities within the development shall be underground.

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 10 inches shall be provided between the back of curb and sidewalk.

Debris may be buried on any lot or common area.

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".

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.

Landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for all common areas or entrances. There shall be a landscaped front entrance, with monument, indicating the name of the development.

Yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

### **Special Conditions**

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**.

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.

Loading and Unloading on the property shall only take place between 7:00 a.m. and 8:00 p.m.

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”.

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

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.

All dumpsters shall contain rubber lids so as to minimize sounds.

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.

The developer shall install all HVAC units on the roof and screen from the public right-of-way and the adjoining residential properties.

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.

There shall be no neon signs allowed on the property except for “open/closed” signs.

The developer will remove the guard rail along South Cobb Drive.

The sidewalk to be built along South Cobb Drive shall be placed to be no closer than 15' to the back of curb.

~~Buffer averaging is allowed to address the proposed small encroachment of Building “A” into the 25' impervious surface buffer.~~

**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.**

he developer shall provide an 8' privacy fence along the shared property lines with the adjoining residential properties.

he 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.