



# City of Smyrna

## Legislation Text

City of Smyrna  
A.Max Bacon City Hall /  
Council Chambers  
2800 King Street  
Smyrna, GA 30080  
770-434-6600  
www.smyrnacity.com

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**WARD:** 1

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Zoning Request Z17-017 - Zoning Amendment to modify the currently approved site plan - 1.69 Acres - Land Lot 810 - 2528 & 2550 Spring Road - City of Smyrna, Georgia

**ISSUE:** 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 to complete roadway improvements along the frontage of RaceTrac's property. The purpose of the zoning amendment 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.

**BACKGROUND:** 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).

**RECOMMENDATION/REQUESTED ACTION:** Community Development recommends **approval** of proposed 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.