

CITY OF SMYRNA

COMMUNITY DEVELOPMENT

MEMORANDUM

To: License and Variance Board

From: Rusty Martin, AICP, Community Development Director
Caitlin Crowe, Planner I

Date: June 4, 2024

RE: VARIANCE CASE V24-044
5120 South Cobb Drive – Reduce the rear setback from 50 feet to 43 feet
(Withdrawn)

VARIANCE CASE V24-045
5120 South Cobb Drive – Reduce the southern side setback from 20 feet to 17 feet

VARIANCE CASE V24-046
5120 South Cobb Drive – Reduce the required parking spaces from 28 spaces to
23 spaces

VARIANCE CASE V24-047
5120 South Cobb Drive – Allow additional accessory structure

BACKGROUND

The applicant is proposing three variances for the existing Chick-Fil-A restaurant at 5120 South Cobb Drive to accommodate a building addition and second drive-thru lane: a southern side setback reduction, a parking reduction of 21 spaces, and allow an additional accessory structure. Section 906 of the Zoning Ordinance controls the minimum required parking spaces per use, Section 501 controls the numbers of accessory structures, and Section 802 controls the setbacks in the GC zoning district. The rear setback reduction variance was withdrawn (V24-044), as the rear setback is 30 feet in the GC zoning district and thus a rear setback variance was not necessary.

ANALYSIS

The subject parcel is a 0.78-acre lot located on the southeast corner of the intersection of Highlands Parkway and South Cobb Drive (see Figure 1). The subject parcel and the adjacent parcels to the north, south, and west are zoned GC (General Commercial) and are occupied by a car wash, Krystal fast-food restaurant and a dialysis center, respectively. The adjacent properties across South Cobb Drive to the east are in Unincorporated Cobb County and are occupied by a small shopping center and gas station.

The subject property is currently occupied by a 2,830 square foot Chick-Fil-A fast food restaurant with an existing single-lane drive-thru lane entering and exiting from a private drive,

VARIANCES V24-044 through 047

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directly off South Cobb Drive. The applicant is proposing a remodel of the existing building to include a 315 square foot building addition to expand the existing kitchen and install a drive-thru door as well as the addition of two canopies for customer ordering and food pickup. However, the primary focus of the remodel will be to add a second drive-thru lane to the property, which will accommodate more stacking as customers place and wait for their orders. The current single-lane drive-thru lane often leads to vehicles stacking out onto South Cobb Drive or along the private drive during peak hours. The additional drive-thru lane will allow for double the number of stacked cars to better accommodate the drive-thru demand and relieve the traffic issues that currently exist today due to the vehicle spillover on South Cobb Drive. An access lane surrounding the parking lot will still be available to those wishing to bypass the drive-thru lanes to park and/or exit the property.

With the additional square footage added to the building, Section 906.17 of the Zoning Ordinance requires 44 parking spaces on the subject property, which is calculated at one space per 75 square feet of gross floor area. The proposed plan shows the property under-parked with 23 parking spaces. A parking reduction variance was approved on the site previously in 2006 (V06-064) to 28 parking spaces. Five spaces were removed directly to the north of the building due to the addition of the second drive-thru lane, causing the change from 28 spaces to 23 spaces. However, Chick-Fil-A's business model is primarily based on drive-thru traffic, which does not require customers to park to order. The 23 proposed spaces will still provide sufficient parking for those wishing to enter the building to eat and for staff parking, thus Community Development is supportive of the parking reduction.

A unique part of the Chick-Fil-A business model is to have an employee outside taking orders and delivering directly to customers' vehicles, rather than pulling up to a window at the side of the building. Thus, part of the building design is for two canopies: one over the ordering area and the other over the pick-up area; the pickup canopy will be attached to the main structure while the ordering canopy will be detached. Both canopies allow for the employees to wait on vehicles out of the elements. In order to erect the canopies over both the drive-thru lanes, the canopies will be encroaching into the southern side setback by 3 feet. Since the subject property is located at the intersection of two arterial roadways (Highlands Parkway and South Cobb Drive) with the private road on the southern side of the property, the available buildable area is limited. The canopies should have little impact on surrounding properties since they are not enclosed, and passersby will still have views directly to the building façades.

The 1,396 square foot canopy over the ordering area and the enclosed dumpster (with attached 200 square foot storage shed) in the rear of the property are both separated from the main restaurant structure. This means that there are two accessory structures on the parcel, which is not permissible under Section 501.11 of the Zoning Ordinance. However, both the canopy and dumpster are essential for Chick-Fil-A's business operation and have little to no effect on the surrounding parcels.

Community Development believes the variances requested are the minimum variances needed to allow for an efficient Chick-Fil-A fast food location on the corner property. Community Development does not foresee any negative impacts to adjacent properties should the variances be approved since the business has been in operation on the subject property since

2007. At the time of this report, Community Development has not received any calls in opposition to these requests.

STAFF COMMENTS

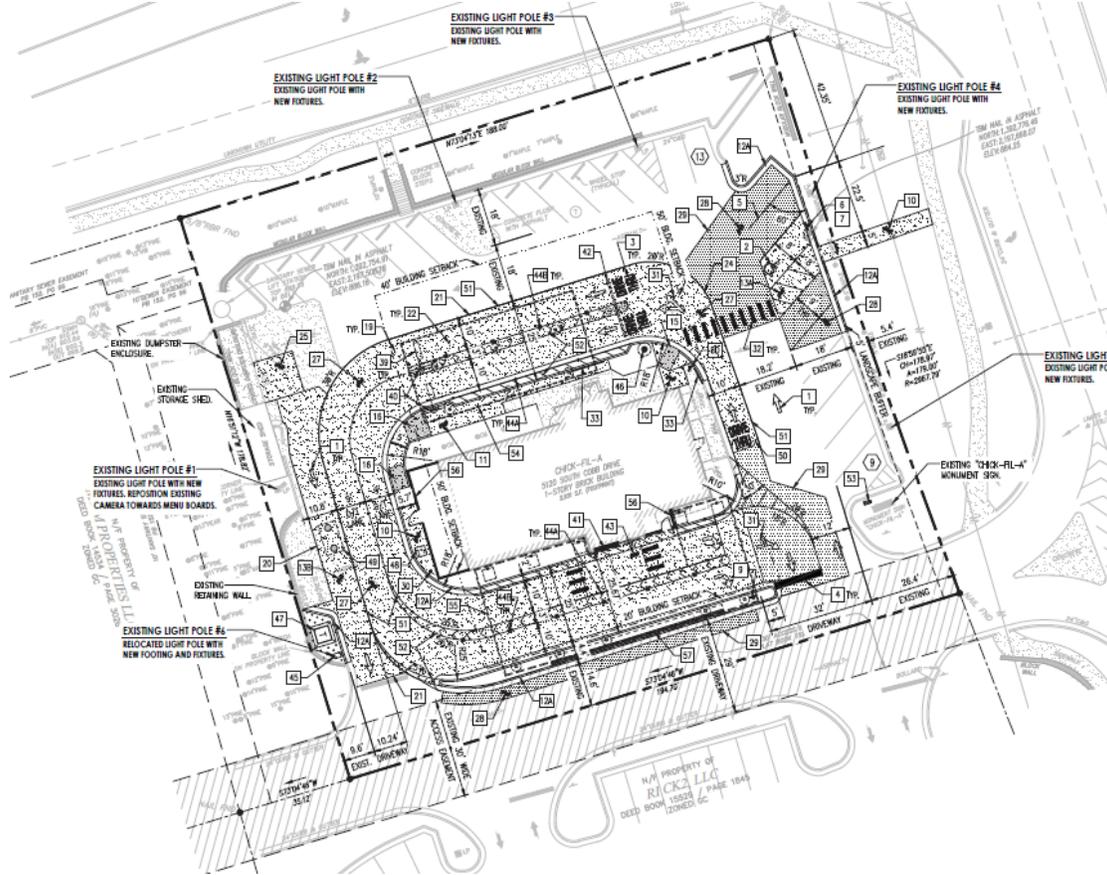
The applicant is requesting to deviate from the City's required parking minimums, accessory structure maximums, and setbacks. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. Community Development believes that the requested variances will not adversely affect surrounding properties. Therefore, Community Development recommends **approval** of the requested variances with the following condition:

1. Approval of the requested variances shall be conditioned upon substantial compliance with the site plan and elevations submitted with the variance application.

Figure – 1



**Figure – 2
 Site Plan**



**Figure – 3
 Front Elevation from South Cobb Drive**



Front Elevation from Highlands Parkway

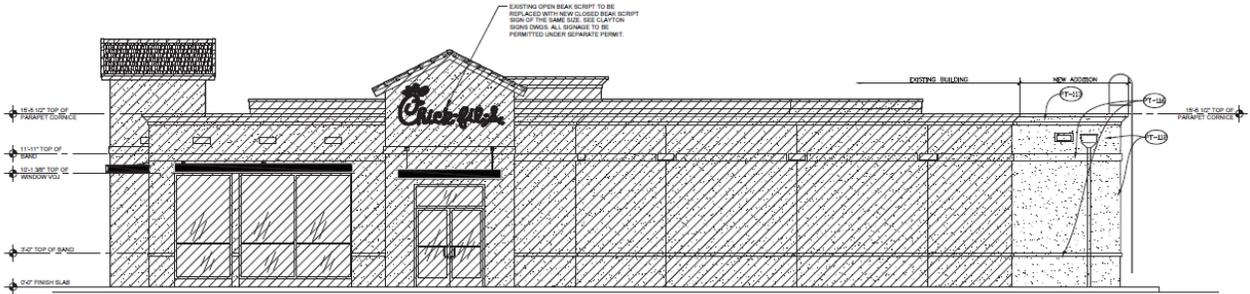


Figure – 4
Subject Property from South Cobb Drive



Figure – 5
Subject Property from Highlands Parkway



Figure – 6
Adjacent Property to the South



Figure – 7
Subject Property from South Cobb Drive



Figure – 8
Adjacent Property across South Cobb Drive



Figure – 9
Adjacent Property across Highlands Parkway

