

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: January 3, 2024

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z24-001– 940 Concord Road**

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**Applicant:** STNL Development LLC

**Existing Zoning:** R-15

**Titleholder:** The First United Methodist  
Church of Smyrna

**Proposed Zoning:** LC-Conditional

**Size of Tract:** 3.01 acres

**Location:** 940 Concord Road

**Contiguous Zoning:**

**Land Lot:** 452

North

LC

**Ward:** 3

South

R-15

East

FC & R-15

West

R-15

**Access:** Concord Road

**Hearing Dates:**

**Existing  
Improvements:** Two buildings with an  
institutional use

P&Z

January 8, 2024

Mayor and Council

February 12, 2024

**Proposed Use:**

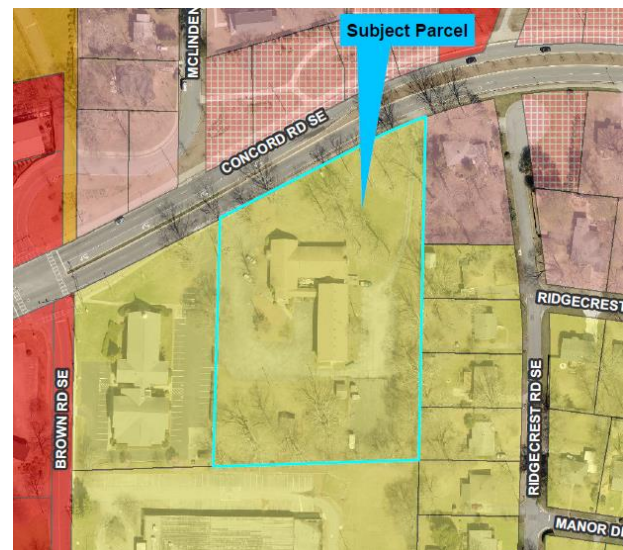
The applicant is requesting a rezoning from R-15 to LC for use as a 7,000 sq. ft. veterinary clinic, and 10,000 sq. ft. day care facility on two parcels. The future land is MEDR and a land use change to NAC is required.

**Staff Recommendation:**

**Approval** of the rezoning from **R-15** (Residential) to **LC-Conditional** (Limited Commercial).

**Planning & Zoning Board Recommendation:**

**Approve** by a vote of 6-0 at the January 8, 2024 meeting.



## **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:*

*"The proposed rezoning will permit development of a veterinarian clinic and daycare. The Subject Property is currently zoned to the R-15 zoning category despite being developed and used previously for non-residential use (a Church). Adjacent properties are likewise developed and used for non-residential or commercial purposes; except the adjacent east property which is used residentially. The proposed development under the LC category for the uses sought is compatible and suitable with adjacent and nearby commercial properties and offers low impact uses to adjacent residences."*

*Staff Analysis:*

*The zoning proposal consists of one tract of land totaling 3.01 acres and is zoned R-15 (Residential). Approval of the zoning proposal would allow for the construction of an 7,000 sq. ft. veterinary clinic on a 1.1 acre parcel and a 10,000 sq. ft. day care facility on a 1.8 acre parcel. The adjacent property to the north of the Concord Road right of way is zoned LC (Limited Commercial) and is occupied with a public park. The adjacent property to the south is zoned R-15 (Residential) and occupied by a school. The adjacent properties to the east are zoned FC and R-15 and are occupied with single-family residences. The adjacent property to the west is zoned R-15 (Residential) and is occupied with a church. The proposed zoning would be consistent with the commercial, institutional, and residential land use of the subject property and surrounding properties along the south side of Concord Road.*

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

*Applicant Response:*

*"The proposal will not adversely affect nearby properties. The proposed development for low impact businesses, such as veterinarian clinic and daycare, will not cause disruption to or in any way adversely affect any nearby commercial properties or residences located in close proximity to the Subject Property. The*

*proposed uses offer locally sought services with very little impact to area residences due to the requirements of applicable City Ordinances.”*

*Staff Analysis:*

*The zoning proposal should have no adverse effect upon the existing use or usability of nearby properties. The proposed uses are consistent with the adjoining institutional and residential uses and should not adversely affect the usability of adjacent residential uses. The subject property is currently accessed directly from Concord Road will 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 current R-15 zoning category does not provide any reasonable economic viability. The Property is not sufficiently large to develop under the existing R-15 category. The Property is adjacent to a very intense commercial activity area, which is not compatible with the existing R-15 zoning.”*

*Staff Analysis:*

*The subject parcel has 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:*

*“The proposed rezoning will not have an excessive or burdensome impact on existing facilities and infrastructure.”*

*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 buildings will be serviced with water and sewer from the city from the Concord Road right-of-way.*

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

*Applicant Response:*

*“The proposed use is not in conformity with the existing Medium High Density Residential Land Use Plan designation; however, the proposed uses and requested LC zoning category provide a much needed and far better transition in land use and zoning to adjoining residential properties.”*

*Staff Analysis:*

*The subject property has a future land use designation of MEDR (Medium Density Residential) on the city's 2040 Future Land Use Plan. The proposed rezoning to LC for use as a veterinary clinic and day care facility will require a land use change to NAC (Neighborhood Activity Center) as it is not compatible with the MEDR future land use.*

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:*

*"Rezoning of the Property to the proposed LC zoning classification to allow for the veterinarian clinic and daycare would allow for a better transitional use than higher density residential as suggested by the Future Land Use Plan. Changing road and commercial conditions at the nearby intersection of Concord Road and South Cobb Drive have resulted in far more intense commercial uses and therefore, the proposed uses provide better transition and less impact to adjacent or nearby residences."*

*Staff Analysis:*

*The property is currently zoned R-15 (Residential). The rezoning to LC (Limited Commercial) to allow a veterinary clinic and day care facility is supported by existing or changing conditions of Concord Road.*

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:*

*"Architectural standards in the immediate vicinity will be upheld, and even enhanced, by the proposed development."*

*Staff Analysis:*

*The development of the property under the zoning proposal would conform with the architectural standards and aesthetics of the general area by the proposed building elevations. The proposed elevations consists of EIFS, stone, and brick materials.*

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:*

*"The proposed development is neither a nuisance nor incompatible considering the surrounding commercial uses and developments. Additionally, the proposed uses would provide convenient, needed uses for community residents."*

*Staff Analysis:*

*The proposed use of the property as a veterinary clinic and day care facility should not create a nuisance for existing or be incompatible with the existing uses in the area. While the veterinary clinic requires a reduction of the residential property setback there are no out-door kennels proposed for the facility.*

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:**

*"The proposed development would positively affect the area and surrounding properties as it would be less intense than maximizing uses allowed in the adjacent commercial properties and as suggested by the Future Land Use Plan. The architecture and design of the proposed structures will be aesthetically pleasing, complying with the City's development standards and guidelines. The overall effect will be virtually none on adjacent commercial businesses. Residential uses will have minimal impact due to the nature of the proposed uses."*

**Staff Analysis:**

*Factors associated with the size of the proposed use, in either land area or building height should have no negative effect upon all adjacent and nearby properties. The following variances are required:*

- 1) Allow reduction of veterinary clinic setback from property with residential zoning from 100 feet to 40 feet. **(Staff Supports)**
- 2) Allow non-residential building setback from any property line which abuts a residential district from 50 feet to 40 feet. **(Staff Supports)**
- 3) Allow new structure with roof slope less than 6/12 pitch. **(Staff Supports)**

**PROJECT DESCRIPTION**

STNL Development LLC is requesting a rezoning from R-15 (Residential) to LC-Conditional (Limited Commercial) for the ability to construct an 7,000 sq. ft. veterinary clinic and 10,000 sq. ft. day care facility. The subject property is zoned R-15 and has been used for an institutional purpose as a church. The existing building will be demolished for the construction of a new veterinary clinic and day care facility on two separate parcels. The veterinary clinic parcel is 1.1 acres and the day care facility parcel is 1.8 acres. The buildings will be two stories with a maximum height of 26 feet. The project consists of a 10 ft. landscape buffer along the sides of the property adjacent to residential.

The veterinary clinic building will require two variances with respect to residential setbacks. Veterinary clinics require a setback of 100 feet from any residentially zoned property, and any non-residential building requires a setback of 50 feet from any residentially zoned property. The veterinary clinic requires a reduction of those setbacks to 40 feet. However, no outdoor kennels are proposed for the clinic, and the closest adjacent use is a church. Therefore, Community Development believes there should be no negative impact if the reduction is approved.

The proposed building will utilize stone, EIFS, and metal and cement paneling for the front façades. The applicant has provided architectural renderings with the zoning application for reference.

The applicant is providing 81 parking spaces which is greater than the minimum parking requirement of 68 spaces.

## **Project Analysis**

### **Engineering Review**

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. There are no stream buffers affecting the property. The development will utilize a detention pond for stormwater management. The main entrance will be right-in and right-out for access to Concord Road. The City Engineer does recommend obtaining an inter-parcel access agreement with the adjacent church to connect the property with Brown Road to reduce U-turn movements on Concord Road and improve access to S Cobb Drive.

### **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. The buildings will require a an automatic fire suppression system.

### **Planning Review**

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to Limited Commercial is inconsistent with the MEDR land use designation on the Future Land Use Map. Therefore, a change to NAC will be required.

The rezoning will require the following variances:

- 1) Allow reduction of veterinary clinic setback from property with a residential zoning from 100 feet to 40 feet. **(Staff Supports)**
- 2) Allow non-residential building setback from any property line which abuts a residential district from 50 feet to 40 feet. **(Staff Supports)**
- 3) Allow new structure with roof slope less than 6/12 pitch. **(Staff Supports)**

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a veterinary clinic and day care facility. The proposed development meets most the zoning requirements for the proposed uses.

Community Development staff is supportive of the change in zoning from R-15 to LC-Conditional as it will be compatible with the surrounding uses.

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## **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from R-15 to LC-Conditional on 3.01 acres for a veterinary clinic and day care facility **with the following conditions:**

### **Standard Conditions**

**Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.**

1. The composition of the building shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100 percent hardy plank siding.
2. The retention 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.
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 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 2' shall be provided between the back of curb and sidewalk.
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 for any common areas or entrances.
9. All yards and common areas are to be sodded and landscaped. Irrigate as appropriate.

### **Special Conditions:**

10. The development shall maintain the following minimum building setbacks:  
Front – 50'

External Side – 40'  
Internal Side – 10'  
Rear – 50'

11. The applicant shall coordinate with the adjacent property to obtain an inter-parcel access agreement to access Brown Road.
12. Approval of the subject property for the LC-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted January 3, 2024, and created by AXIS Infrastructure and all zoning stipulations above.
13. The applicant shall be bound to the veterinary clinic elevations submitted on December 8, 2023, and the day care elevations submitted on January 3, 2024. Approval of any change to the elevations must be obtained from the Director of Community Development.

#### Subject Property









**Adjacent Properties**

