

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: July 31, 2024

CC: Joe Bennett, City Administrator

RE: **Zoning Amendment Case Z24-010 – 3240 South Cobb Drive**

Applicant: LBX Four Corners, LLC

Existing Zoning: GC-Conditional

Titleholder: LBX Four Corners, LLC

Proposed Zoning: GC-Conditional

Size of Tract: 4.95 acres

Location: 3240 South Cobb Drive

Contiguous Zoning:

Land Lot: 380

North GC

East GC

South GC

Ward: 5

West GC

Access: South Cobb Dr.

Hearing Dates:

Existing Improvements: A partially developed retail center with out-parcels

P&Z Board N/A

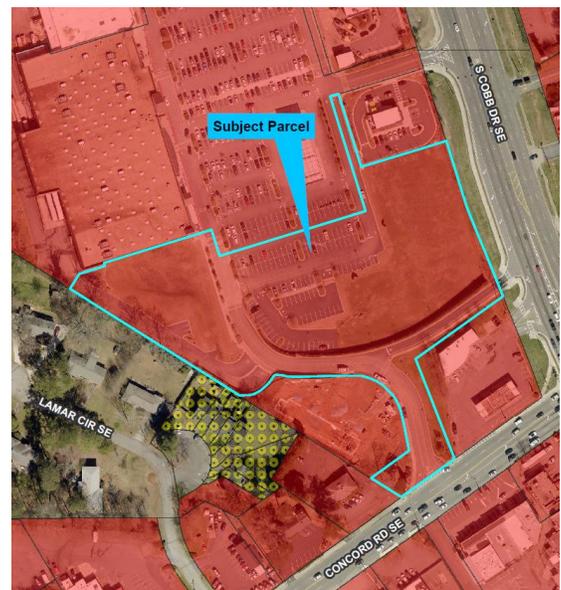
Mayor and Council August 12, 2024

Proposed Use:

Modification to the currently approved zoning stipulations and site plan from Rezoning Case Z14-011 to allow a daycare facility.

Staff Recommendation:

The Community Development recommends **denial** of the zoning amendment.



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 amendment to the original rezoning will permit a use that is suitable in the context of existing and proposed developments concerning adjacent and nearby properties. Additionally, the amendment will allow the construction of a daycare on the location that was originally approved for retail use.

Staff Analysis:

The proposed zoning amendment will change the use of the planned shopping center of retail, restaurants, and personal service uses on the property to include a daycare facility. The proposed use of a daycare facility is incompatible in view of the use and development of adjacent and nearby property from a use and safety perspective.

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 proposed amendment to the original rezoning will not adversely impact or affect the existing use or usability of adjacent or nearby properties and will, in fact, constitute a rezoning which will further advance compatible and appropriate uses and encourage development along the South Cobb Drive Corridor.

Staff Analysis:

The zoning proposal contemplates a change the use of the planned shopping center of retail, restaurants, and personal service uses to include a daycare facility. The location of the daycare facility will adversely affect the existing use or usability of adjacent or nearby property.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Applicant Response:

The proposed amendment will allow the development of a daycare on property originally approved for retail, which has remained undeveloped since the rezoning for the current Kroger shopping center.

Staff Analysis:

The subject parcel has a reasonable economic use as currently zoned General Commercial-Conditional (GC-Conditional). There is minimal multi-tenant retail connected to an anchor tenant available in the city.

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 amendment to the original rezoning will not result in a use which will have an adverse impact upon existing City of Smyrna or Cobb County infrastructure and is a use which will compliment the tenor of redevelopment along the South Cobb Drive Corridor.

Staff Analysis:

Based upon information provided by the City Engineer, the proposed development is not expected to cause an excessive burden to existing streets or transportation facilities. However, there are concerns about safety due to vehicular movement and circulation within the development.

Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the zoning amendment.

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

Applicant Response:

The proposed amendment to the original rezoning meets the overall intent and policy of the City of Smyrna's Future Land Use Map which reflects that the subject property is situated within the confines of the Mixed Use future land use designation.

Staff Analysis:

The subject site currently has a future land use designation of Mixed Use on the City's Future Development Map. The proposed zoning amendment will not require a land use change from Mixed Use. The General Commercial zoning designation is an appropriate category and corresponds with the Mixed Use land use designation.

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:

There are existing and changing conditions affecting the use and development of the subject property which give supporting grounds for approval in that the subject property will provide a viable service for the City of Smyrna and surrounding areas.

Staff Analysis:

There are no existing or changing conditions affecting the use and development of the existing plan approved by City Council.

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:

The proposed amendment to the original rezoning proposal will enhance architectural standards and aesthetics within this sub-area of Smyrna and will allow the continued development of a portion of an existing shopping center that has remained undeveloped since its zoning approval.

Staff Analysis:

The zoning proposal will not enhance the architectural standards and aesthetics of the general neighborhood and existing shopping center. The proposed renderings for the daycare facility are inconsistent with the existing shopping center in terms of scale, architectural components, and scale.

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 amendment to the original rezoning of the subject property will not create a nuisance but will allow the development of a portion of an existing shopping center that has not been developed for the originally approved retail purpose since the rezoning of the entirety of the shopping center.

Staff Analysis:

The proposed use is incompatible with existing uses in the existing shopping center.

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 amendment to the original rezoning will positively affect the trend of redevelopment within this sub-area of the City of Smyrna along the South Cobb Drive Corridor and will continue new development along this section of South Cobb Drive, particularly continued development of this property previously approved for the existing shopping center.

Staff Analysis:

The zoning proposal should negatively impact the adjoining property, general neighborhood from an area and height perspective due to the scale of the proposed building compared to what is shown in the approved plan.

The Mayor and Council rezoned the subject property (Zoning Case Z09-008) on January 19, 2010 for the redevelopment of the retail shopping center. The Mayor and Council approved the rezoning request based on the site plan and building elevations provided, along with 23 zoning conditions by a vote of 5-0. Subsequently in 2011, the property owner was required to seek a zoning amendment to modify the currently approved plans for a Chase Bank. In the zoning amendment application (Z11-009), the property owner requested the several modifications to the zoning conditions for outlots #1 thru #8. The zoning amendment was approved by the Mayor and Council at the November 21, 2011 meeting by a vote of 5-0. On March 3, 2014, the applicant was approved for a zoning amendment Z14-001 for the construction of a new McDonalds building. The zoning amendment provided several variances for parking, a ground based monument sign and the orientation of the building. Finally, on May, 19, 2014 the McDonalds was approved for a zoning amendment (Z14-011) to increase the number of wall signs for the restaurant.

The applicant is requesting a zoning amendment to allow a daycare facility within the existing shopping center. The original zoning case (Z09-008) contemplated in-line retail adjacent to the south of the Kroger grocery store. The proposed retail was connected to the Kroger to appear as one continuous building with complementary architecture. The zoning amendments in 2011 and 2014 were solely related to the development of the outlots.

The proposed daycare facility is shown as a separate 10,000 sq. ft. building disconnected from the Kroger grocery store. A 6,100 sq. ft. playground is at the back of the daycare facility adjacent to the loading area for the grocery store. The front entrance of the daycare is adjacent to the main drive aisle for the shopping center.

Twenty-three (23) parking spaces are proposed for the facility with eleven (11) parking spaces along the side of the building and twelve (12) parking spaces in the front of the building. The twelve (12) spaces in front of the building are along the main drive aisle for the shopping center and adjacent to the pharmacy drive-thru. Additionally, the location of the proposed twelve (12) parking spaces will require re-alignment of the existing ten-foot sidewalk in front of the subject property that provides pedestrian access throughout the shopping center. Community Development and the City Engineer have concerns regarding the location of the twelve (12) parking spaces due to the potential for conflicts with daycare facility patrons that are dropping off and picking up and shopping center vehicles and pedestrians that are passing through the main drive aisle.

The original plan was approved for in-line retail adjacent to the Kroger as one continuous building with complimentary architecture. The daycare facility is proposed as a stand-alone building of greater scale than the original in-line retail. Additionally, the proposed architecture of the daycare does not relate to the existing shopping center as the approved in-line retail in the original plan. Finally, the location of the daycare facility as shown will eliminate the multi-tenant retail space in the shopping center connected to an anchor tenant.

Community Development believes utilizing one of the undeveloped outlots for the daycare as a more compatible location from a safety and use perspective. Additionally, Community Development believes the proposed building elevations are inconsistent with the aesthetics, scale, and architecture of the approved plan for the shopping center. Utilizing an outlot for the daycare facility would preserve the limited amount of multi-tenant retail space connected to an anchor tenant.

Community Development does not support the requested zoning amendment to change the currently approved plan for the proposed daycare facility. Therefore, Community Development recommends **denial** of the requested zoning amendment.

Figure – 1
(Subject Property)



Figure – 2
(Subject Property)



Figure – 3
(Subject Property)

