

# 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: November 29, 2023

CC: Chief Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z23-010– 1120 Concord Rd**

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**Applicant:** Jeremy Robinson

**Existing Zoning:** LC

**Titleholder:** Jeremy Robinson

**Proposed Zoning:** R-10

**Size of Tract:** 0.25 acres

**Location:** 1120 Concord Road

**Contiguous Zoning:**

**Land Lot:** 485

North LC

South FC

**Ward:** 3

East LC

West FC

**Access:** Concord Rd & Concord Circle

**Hearing Dates:**

**Existing Improvements:** Single Story Structure

P&Z December 11, 2023

Mayor and Council January 16, 2024

**Proposed Use:**

The applicant is requesting a rezoning from LC to R-10 for use as a single-family home. The future land use will remain as NAC – Neighborhood Activity Center.

**Staff Recommendation:**

**Approval** of the rezoning from **LC** (Limited Commercial) to **R-10** (Single-family Residential).



## **PROJECT DESCRIPTION**

The subject property was rezoned from FC (Future Commercial) to LC (Limited Commercial) in 2021 (Z21-004) to convert the single-family structure for use as a professional office. The applicant was unable to satisfy the zoning conditions that required improvements to the property for parking and access necessary for a commercial use. The applicant is requesting to revert the zoning from LC (Limited Commercial) to R-10 (Residential) for use as a single-family home.

## **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:

*"Previously a residential building and nothing has changed."*

Staff Analysis:

*The zoning proposal consists of one tract of land totaling 0.25 acres and is zoned LC. Approval of the zoning proposal would not result in any additional development to the subject property. The adjacent property to the north across Concord Road is zoned LC (Limited Commercial). The adjacent property to the south is zoned FC (Future Commercial). The adjacent property to the west is zoned FC. The adjacent property to the east is zoned LC. The proposed zoning would continue to be consistent with the use and development of adjacent and nearby properties.*

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

Applicant Response:

*"No changes and will not impact anything as building next door is residential as well."*

Staff Analysis:

*The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining commercial and residential uses. The proposed development will be accessed directly from Concord Circle and 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:

*"Cost is too high to change to LC, so better suited for residential."*

Staff Analysis:

*The subject parcel has reasonable economic use as currently zoned. The property was originally zoned Future Commercial (FC) which identifies properties that are suitable for commercial development but are limited to a residential use until rezoned commercially. The applicant would like to revert back to a residential zoning district due to the infeasibility of a conversion to commercial occupancy.*

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:

*"Not Applicable."*

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 building is currently serviced with water and sewer from the city.*

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

Applicant Response:

*"Yes it is."*

Staff Analysis:

*The subject property has a future land use designation of NAC (Neighborhood Activity Center) on the city's 2040 Future Land Use Plan. No Land Use change is proposed.*

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:

*"Prior zoning proposal called for parking lot in front of building that would obstruct flow of traffic and would be expensive for a small business owner. Current residential use is more economical."*

Staff Analysis:

*The property was rezoned to LC in 2021 (Z21-004) for use as a professional office. The applicant was unsuccessful in making the required improvements necessary for a commercial occupancy. Community Development believes reverting back to a*

*residential zoning district is appropriate until such time that a property assemblage is possible to realize a feasible commercial development. The subject property fronts on Concord Road, which is an arterial road with residential and commercial uses.*

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:*

*"It will conform to prior use as residential."*

*Staff Analysis:*

*The general area is comprised of residential properties that have transitioned to commercial as well as new commercial development. The property will conform with the aesthetics of the general neighborhood.*

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:*

*"Not applicable."*

*Staff Analysis:*

*The proposed use of the property with a residential zoning will not create a nuisance for existing uses in the area. The proposed use is consistent with other uses in the area.*

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:*

*"Would conform to current neighbor building that is residential."*

*Staff Analysis:*

*Factors associated with the size of the proposed use, in either land area or building height will be unchanged and have no negative effect upon all adjacent and nearby properties. There are no changes or additions proposed for the subject property.*

## **Project Analysis**

### **Engineering Review**

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. No additional transportation or stormwater

management improvements are required for the site except for improvements to the access drives. There are no stream buffers affecting the property.

#### 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 for a residential use.

#### Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal is consistent with the NAC (Neighborhood Activity Center) Future Land Use Designation.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to a residential use. The proposed development meets all the zoning requirements for a single-family home in the R-10 Zoning District. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of LC to R-10.

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### **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from LC to R-10 at 1120 Concord Road.

**Subject Property**



**Adjacent Properties**

