

# 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: February 28, 2024

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z24-002– 2200 Lake Park Drive**

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**Applicant:** Amana Academy Inc.

**Existing Zoning:** GC

**Titleholder:** Murata Electronics N.A.

**Proposed Zoning:** OI-Conditional

**Size of Tract:** 6.87 acres

**Location:** 2200 Lake Park Drive

**Contiguous Zoning:**

**Land Lot:** 779

North CRC (Marietta)

South GC & RM-12

East GC & MU

West GC

**Ward:** 1

**Access:** Lake Park Drive

**Hearing Dates:**

**Existing Improvements:** One building with an office use

P&Z March 4, 2024

Mayor and Council March 11, 2024

**Proposed Use:**

The applicant is requesting a rezoning from GC to OI-Conditional for use as a charter school. The future land is OP and a land use change is not required.

**Staff Recommendation:**

**Approval** of the rezoning from **GC** (General Commercial) to **OI-Conditional** (Office-Institutional).

**Planning & Zoning Board Recommendation:**

**Approve** by a vote of 6-0 at the March 4, 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:*

*"Yes, rezoning approval will permit a suitable use given the use and development of adjacent and nearby properties. The Property is located along Lake Park Drive among existing OI uses."*

*Staff Analysis:*

*The zoning proposal consists of one tract of land totaling 6.87 acres and is zoned General Commercial (GC). Approval of the zoning proposal would allow for the use of the existing building as a charter school. The adjacent properties are primarily occupied with commercial, office, and multi-family residential uses. The proposed zoning would be consistent with the land use of the subject property and surrounding properties along the north side of Lake Park Drive.*

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, the proposed rezoning will not adversely affect the existing use or usability of any adjacent or nearby properties."*

*Staff Analysis:*

*The zoning proposal would not have an adverse effect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining commercial and office uses and should not adversely affect the usability of adjacent residential uses. The subject property is currently accessed directly from Lake Park Drive 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 Applicant submits that due to market demands and the property's unique characteristics, it does not have reasonable economic use as currently zoned."*

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:

*"No, the rezoning will not result in excessive or burdensome use of the infrastructure systems. The property has convenient access to Lake Park Drive and Cobb Parkway. The proposed development would be consistent with the existing OI, residential, and commercial uses."*

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. However, by the time of full enrollment additional improvements are required.*

*The building will be serviced with water and sewer from the city from the Lake Park Drive 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 rezoning conforms with the policy and intent of the city of Smyrna's 2040 Comprehensive Plan. The subject property is located within the Office Professional Character area. Office Professional Character area is designed for centers of professional employment within the City but can notably include uses for children, research, and development."*

Staff Analysis:

*The subject property has a future land use designation of OP (Office/Professional) on the city's 2040 Future Land Use Plan. The proposed rezoning to OI for use as a school facility will not require a land use change as it is compatible with the OP 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:

*"The Applicant submits that the character of the surrounding properties and existing uses provide supporting reasons for approval of the rezoning. In addition, the Applicant submits that the property's location, size, and dimensions, as well as its proximity to or among OI uses provides further support for approval of the rezoning."*

Staff Analysis:

*The existing condition of the surrounding properties consists of office, multi-family residential, and commercial uses. The property is currently occupied as a professional office. The change in use as a school is supported by the existing conditions.*

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 Rezoning will bring a vibrant and successful educational institution to an existing structure that only serves to enhance the property and surrounding community."*

Staff Analysis:

*The change in use from an office to a school will conform with the architectural standards as the existing building will remain the same.*

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:

*"No, the proposed use is consistent with existing classifications within the area. Moreover, a school adjacent to residential uses complements existing infrastructure."*

Staff Analysis:

*The proposed use of the property as a school facility will not create a nuisance for existing 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:

*"The rezoning will positively impact surrounding uses but will not dramatically change the physical exterior of the building."*

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.*

## **PROJECT DESCRIPTION**

Amana Academy Inc. is requesting a rezoning from GC (General Commercial) to OI (Office-Institutional) for the ability to utilize the existing 35,460 sq. ft. office building as a charter school. The subject property is zoned GC and has been used as a professional office. The GC zoning contains all the uses allowed in the OI zoning; however, the GC zoning does not permit the use for a school. Therefore, a rezoning to OI is required for the applicant's needs. The existing building will be remodeled by the applicant to accommodate the school facility. Three 63 sq. ft by 63 sq. ft. modular classrooms are proposed while the building is being renovated and are expected to be used for up to two years. After the modular classrooms are not required the applicant will store the building at an off-site facility. The applicant proposes to use property along the creek as recreational area and no sports fields are proposed.

The school currently has approximately 200 students enrolled with grades K-4. The school hopes to add one additional grade per year, up to K-8, with a maximum enrollment of approximately 600 students. The applicant is providing 179 parking spaces which meets the minimum parking requirement.

## **Project Analysis**

### **Engineering Review**

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. The subject property will utilize a full access drive on Lake Park Drive. The applicant will make improvements for internal circulation for AM drop-off and PM pick up by adding an extension in the parking lot that the applicant has demonstrated is feasible. Also, the traffic study provided by the applicant indicates that improvements for the access drive at Lake Park Drive are recommended by the time of full enrollment. The improvements include a second entrance lane, and the ability to turn right or left in the exit lane at the full access driveway on Lake Park Drive. The study also recommends traffic control by a police officer during the peak AM and PM hours. The applicant has demonstrated the improvements are feasible. However, the city may require a deceleration lane at the entrance at the time of land disturbance plan review. The signalized intersections studied in the report will continue to operate at satisfactory level of service at the school AM and PM peak hours at the proposed full enrollment year of 2031.

### **Fire Marshal Review**

The Fire Marshal's office has reviewed the current proposal and in general believes it meets the Fire Code requirements for fire truck access. During land disturbance review a turning model will be required from the applicant showing the fire truck movement through the new parking lot extension.

### 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 Office-Institutional is consistent with the Office/Professional land use designation on the Future Land Use Map.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the use as a school facility. The proposed development meets the zoning requirements for a school facility.

Community Development staff is supportive of the change in zoning from GC to OI-Conditional as it will be a downzoning from a General Commercial zoning.

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### **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from GC to OI-Conditional on 6.87 acres for a charter school **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 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.
2. All utilities within the development shall be underground.
3. 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.
4. No debris may be buried on any lot or common area.
5. 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".
6. 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.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.

8. 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'  
Side – 15'  
Rear – 40'
11. The modular classrooms shall be allowed for a period not to exceed two years. If an extension is required a request shall be made to Mayor & Council for approval.
12. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during land disturbance plan review.
13. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during land disturbance plan review.
14. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
15. The internal circulation improvement shall be installed prior to issuance of the certificate of occupancy.
16. The school shall require a police officer to direct traffic during the 7:45 AM – 8:45 AM school arrival and 3:00 PM – 3:45 PM school dismissal peak hours.
17. The developer shall be responsible for the installation of the deceleration lane, and lane striping improvements at the Lake Park access drive in substantial compliance with the site plan submitted on March 15, 2024, prior to December 31, 2025.
18. Approval of the subject property for the OI-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the circulation plan submitted on February 28, 2024, all zoning stipulations above.
19. The applicant shall be bound to the elevations submitted on January 5, 2024. Approval of any change to the elevations must be obtained from the Director of Community Development.



**Subject Property**







### **Adjacent Properties**



