

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: May 8, 2024

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z24-008 – 2968 Ask Kay Drive**

Applicant: Robin Rosenberg

Existing Zoning: OD

Titleholder: 1906 South Cobb LLC

Proposed Zoning: GC

Size of Tract: 0.64 acres

Location: 2968 Ask Kay Drive

Contiguous Zoning:

Land Lot: 379

North OD

South GC

Ward: 5

East GC

West GC

Access: Ask Kay Drive

Hearing Dates:

Existing Improvements: One Story Structure

P&Z May 13, 2024

Mayor and Council June 17, 2024

Proposed Use:

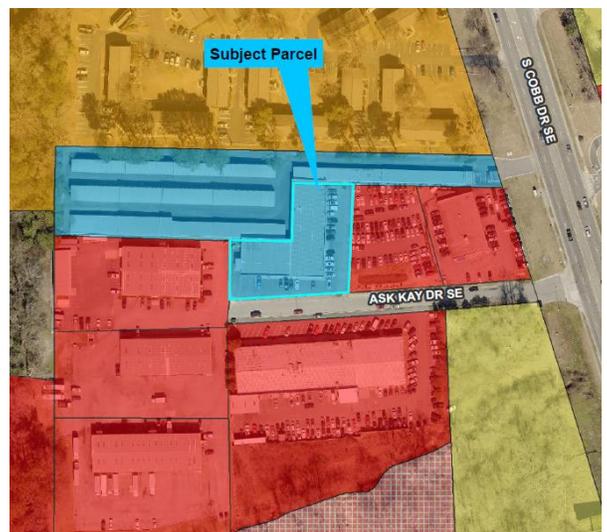
The applicant is requesting a rezoning from OD to GC. The future land use will remain as CAC – Community Activity Center.

Staff Recommendation:

Approval of the rezoning from **OD** (Office-Distribution) to **GC** (General Commercial).

Planning & Zoning Board Recommendation:

Approve by a vote of 6-0 at the May 13, 2024, meeting.



PROJECT DESCRIPTION

Robin Rosenberg is requesting a rezoning from OD (Office-Distribution) to GC (General Commercial) to allow additional tenants to operate in the existing building. Rezoning to GC will also allow the property to be within a consistent zoning district of the other properties on Ask Kay Drive.

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:

"All properties on Ask Kay Drive are currently GC. The adjacent property to the north abuts three other parcels on Ask Kay and is a low rise self storage building."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.64 acres and is zoned OD (Office-Distribution). Approval of the zoning proposal will bring the proposed uses in compliance with the allowable uses in the GC (General Commercial) zoning district. The adjacent properties to the south, east, and west are zoned GC and are occupied with commercial uses. The adjacent property to the north is zoned OD and is occupied by a self-storage facility. The proposed rezoning to GC 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:

"The project is expected to improve the value of the adjacent or nearby properties."

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 uses.

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

Applicant Response:

"It could be used as is, however the current zoning of OD is restrictive for the many businesses who are looking for very scarce space to operate in Smyrna."

Staff Analysis:

The subject parcel has reasonable 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:

"It would not increase the burden as there is no additional building or parking requirement."

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:

"It conforms to all existing property on the street, so would not affect changes more than any other existing property."

Staff Analysis:

The subject property has a future land use designation of CAC (Community Activity Center) on the city's 2040 Future Land Use Plan. The proposed rezoning to GCI is in conformity with the city's Future Land Use Plan.

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:

"Small warehouse space is increasing hard to find in Smyrna. Widening the use gives opportunity for more new and small businesses to operate in the area. We actually need more properties of this type and due to land scarcity and increased building costs, they are unlikely to become available in the future. The rezoning is actually an economic benefit to the community."

Staff Analysis:

The property is currently in a commercial zoning district zoned OD. The rezoning to GC would allow the operation of a general contractor office as well as the existing tenants. The GC zoning district will be consistent with surrounding 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:

"There are no proposed changes to the building, which is same construction as all other buildings on the street."

Staff Analysis:

The applicant is not proposing any changes to the building at this time. The building has architecture consistent with other buildings in the area.

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:

"Rezoning would not create a nuisance or incompatibility."

Staff Analysis:

The proposed use of the property with commercial uses will not create a nuisance for existing uses in the area. The proposed commercial 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:

"The building would be unchanged with no impact from a broader change of use."

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.

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.

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 CAC (Community Activity Center) Future Land Use Designation.

Community Development has reviewed the proposed rezoning against the requirements of the Zoning Ordinance and believes the GC zoning district is an appropriate zoning category consistent with adjacent properties. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of OD to GC.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from OD to GC at 2968 Ask Kay Drive.

Subject Property





Adjacent Properties



