

# 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 Z24-005 – 1300 Hawthorne Ave**

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**Applicant:** Tabono Holdings LLC

**Existing Zoning:** LC

**Titleholder:** Brian Wicklund & Wen Khee Wicklund

**Proposed Zoning:** OI

**Size of Tract:** 1.43 acres

**Location:** 1300 Hawthorne Ave

**Contiguous Zoning:**

**Land Lot:** 520

North LI, LC & RDA  
South R-15  
East R-15  
West GC

**Ward:** 3

**Access:** Hawthorne Ave & Gilbert St.

**Hearing Dates:**

**Existing Improvements:** Two Story Structure

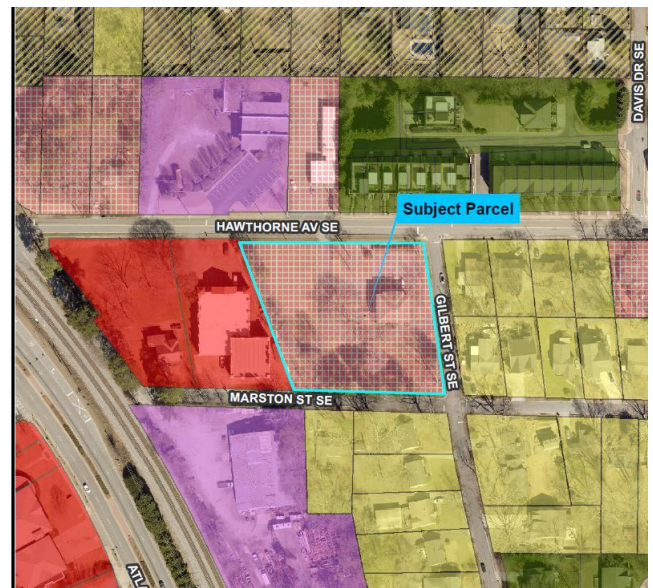
P&Z March 4, 2024  
Mayor and Council April 8, 2024

#### Proposed Use:

The applicant is requesting a rezoning from LC to OI. The future land use will remain as NAC – Neighborhood Activity Center.

#### Staff Recommendation:

**Approval** of the rezoning from **LC** (Limited Commercial) to **OI** (Office-Institutional).



## **PROJECT DESCRIPTION**

Tabono Holdings LLC dba as Breast, Body, Beauty LLC is requesting a rezoning from LC (Limited Commercial) to OI (Office-Institutional) for the ability to use the existing building at the subject property for a physician's office and ambulatory care. The applicant may operate a medical dispensary at the facility which would also be allowed in OI. The subject property is zoned LC and was previously occupied a professional office. The LC zoning district will allow a physician office, however, it does not permit the use of ambulatory care or a medical dispensary. Rezoning from LC to OI will allow the applicant to operate a physician's office, ambulatory care, and medical dispensary at the subject property. The applicant plans to use the existing building currently on the property.

## **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 property and any modifications will conform to the aesthetic requirements of the area."*

*Staff Analysis:*

*The zoning proposal consists of one tract of land totaling 1.43 acres and is zoned LC. Approval of the zoning proposal will bring the proposed uses in compliance with the allowable uses in the OI zoning district. The adjacent properties to the north across Hawthorne Ave are zoned LI (Light Industrial) LC (Limited Commercial) and RDA (Residential). The adjacent property to the south is zoned R-15 (Residential). The adjacent property to the east is zoned R-15 (Residential). and the property to the west is zoned GC (General Commercial). The proposed zoning to OI 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. The proposed development will be accessed directly from Hawthorne Ave with a secondary access on Gilbert Street, and should 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 property can concurrently be used with positive economic impact as currently zoned while the zoning change is being sought."*

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:

*"The proposed zoning and subsequent use will not cause any burden to the existing streets or nearby facilities, utilities or schools."*

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:

*"We believe the commercial use under the existing and proposed zoning conform to the policy and intent of the land use plan."*

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. The proposed rezoning to OI 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:

*"Due to the nature of the business, the clientele will bring increased visibility and revenue to this beautiful area."*

Staff Analysis:

*The property is currently a commercial zoning district zoned LC. The rezoning to OI would allow the operation of a medical clinic with physician's office and ambulatory care. The OI 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:

*"This type of business will enhance the general aesthetics of the general neighborhood."*

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. Expansion of the facility may be attempted in the future.*

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 zoning classification is compatible with the existing uses in the area."*

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:

*"Any future buildings will be no higher than the existing structure, and will not negatively affect the adjacent properties. The possible addition of an ambulatory surgical center will have a positive impact on the general neighborhood."*

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 NAC (Neighborhood Activity Center) Future Land Use Designation.

Community Development has reviewed the proposed rezoning against the requirements of the Zoning Ordinance and believes the OI zoning district is the most appropriate zoning category. Community Development Staff is supportive of the change in zoning from the non-conforming zoning of LC to OI.

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## **STAFF RECOMMENDATION**

The subject property is currently zoned LC which does not permit ambulatory care or medical dispensary. Rezoning the property to the OI zoning district will allow the applicant to operate a physician's office, ambulatory care, and medical dispensary on the subject property. Community Development recommends **approval** of the rezoning from LC to OI at 1300 Hawthorne Ave.

### Subject Property





### Adjacent Properties



