

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: September 6, 2023

CC: Joe Bennett, City Administrator

RE: Zoning Amendment Case Z23-009 – 661 Church Road

Applicant: Primrose of Smyrna West

Existing Zoning: LC Conditional

Titleholder: Hebert Real Estate of Smyrna, Inc.

Proposed Zoning: LC Conditional

Size of Tract: 4.407 acres

Location: 661 Church Rd

Contiguous Zoning:

Land Lot: 379

North GC
South RAD Conditional
East R-15
West R-15

Ward: 5

Access: Church Rd

Hearing Dates:

Existing Improvements: A Children's Daycare Facility

P&Z N/A
Mayor and Council September 18, 2023

Proposed Use:

A 3,027 sq. ft. addition to the existing daycare facility.

Staff Recommendation:

Approval of the proposed zoning amendment with conditions.



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, the use of daycare is already approved. We are not requesting a use change. We are requesting to be allowed a 3,027 sq. ft. addition that will serve 48 additional children."

Staff Response:

The zoning proposal will result in the construction of a 3,027 sq. ft. addition to the existing 11,780 square foot daycare facility. The addition will allow for three additional classrooms for an additional 48 students. The zoning proposal will not change the use of the site. The proposed zoning amendment is a suitable use in view of the existing 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 new adverse effects will occur to the adjacent properties nearby."

Staff Response:

The proposed zoning amendment will not adversely affect the existing use or usability of adjacent or nearby property. The proposed building addition will not change the vehicular traffic patterns on site and will not significantly increase vehicle trips to the site.

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

Applicant Response:

"The property affected does have a reasonable economic use as currently zoned, however, there is a rising need for more childcare in the immediate area as many childcare centers have closed as a result of COVID. Rising staff costs have burdened the economics of the childcare industry, and adding the capability to serve more children at an existing location will help support the economic standing and feasibility of this business at this location."

Staff Response:

The subject parcel has a 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:

"This addition will not cause an additional traffic burden. It is anticipated that out of the additional 48 children this proposed addition would serve, many will be siblings of families already enrolled at this location. Also, there is no set start/finish time for childcare like there is for elementary school children. Therefore, parents arrive and depart in the mornings and evenings in a time-staggered manner. There is no long queue of drop-off or pick-up times associated with school-aged elementary schools."

Staff Response:

Based upon information provided by the Director of Public Works, 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:

"Yes, the zoning proposal continues to use the land at it's current use classification."

Staff Response:

The rezoning is in conformity with the Future Development Plan, which indicates the subject parcel has a land use of Neighborhood Activity Center. No land use change from Neighborhood Activity Center is required for the zoning amendment.

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 no new changing conditions to this property that we are aware of that would affect this application approval."

Staff Response:

The Primrose Daycare Facility has identified a need for additional space in the immediate area of Smyrna. The business is able to provide the additional space on-site within the limits of the City's zoning requirements without placing an excess burden on nearby or surrounding properties.

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 design of this building addition will match the existing building materials and colors. The site design of the building addition maximizes the already used area on the site and allows the large undeveloped woods to the north and east to remain unchanged."

Staff Response:

The proposed addition to the daycare facility will employ residential features that will enhance the architectural standards of the general neighborhood, as well as blend seamlessly with the existing facility. The proposed addition to the daycare facility will utilize a combination of brick and siding for the exterior façade, as well as, provide a pitched roof with architectural grade shingles. The proposed building addition will enhance the general 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:

"The property's use will not be changing, and therefore no new nuisance will occur. There will not be more children outside on the playground than already occurs because the playground sizes limit the number of children allowed outside at any given time."

Staff Response:

The proposed zoning amendment will not create a nuisance or be incompatible with the existing uses in the area. The proposed building addition will allow the existing daycare facility the opportunity to provide additional service to the residents of the city.

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 height and proposed use will not be changing with this proposed addition. There are no tower elements proposed for this structure that would be seen or noticeable from neighboring properties."

Staff Response:

Factors associated with the size of the proposed building addition, in either land area or building height, should have a minimal affect upon adjacent properties. The proposed building additions will meet the city's zoning requirements for the Limited Commercial (LC) zoning classification. The proposed building addition will not negatively affect the adjoining properties or the general area.

The subject property was initially rezoned from RAD-Conditional to LC-Conditional on December 15, 2008 (Rezoning Case Z08-007) for the development of a 10,699 sq. ft. daycare facility. The zoning of the property was conditioned upon the development of the property to a specific site plan and building elevations. The project went through the development process and was completed in 2009. The property owner subsequently added 14 green parking spaces in 2010 to help with parking for special events. The possible need for additional parking was contemplated in stipulation #21 and therefore allowed without the need for a zoning amendment. The proposed zoning amendment slightly increases the intensity of the use on-site as well as, changes the currently approved site plan from Z08-007.

A zoning amendment was approved November 19, 2012, (Zoning Amendment Case Z12-008) to allow construction of a 1,081 sq. ft. addition to the existing daycare facility for a total enrollment of 168 students. The proposed addition created one (1) new infant care room with eight (8) children and two (2) staff people for the facility. In addition to the new room, the addition allowed the applicant the opportunity to reconfigure other classroom and office space for the daycare facility. The façade addition matched the existing façade of the daycare and will incorporate similar architectural features. The applicant has provided building elevations and floor plans for the proposed building addition.

The current zoning amendment is proposed to add 3,027 sq. ft. for 48 additional students. The additional area is proposed to create three additional classrooms and support spaces. The building addition will match the existing building materials and colors.

The existing daycare facility currently provides fifty (50) parking spaces for its customers. Based off the zoning stipulation #21 from Z08-007, the requirement parking ratio for the site is one (1) parking space for every nine (9) students and one (1) parking space per employee. With a total capacity of 216 students and twenty-six (26) employees, the total required parking is fifty (50) parking spaces which meets the minimum requirement.

The applicant has also provided a new hydrology study with regards to the stormwater impacts of the new proposed addition. The study found the existing stormwater detention facility has adequate storage capacity for the new building addition and no changes to the existing pond are required.

Community Development recommends approval of the requested zoning amendment with the following conditions carried over from Z08-007& Z12-008 (with changes being highlighted):

Standard Conditions

(Requirement #1, 2, 3, 4, 9, and 17 from Section 1201 of the Zoning Code is not applicable)

1. The detention pond shall be placed and screened appropriately. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
2. All utilities within the project 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

applicant adjacent to any public right-of-way consistent with City's requirements for the extent of the project. A grass buffer with a minimum width of 2' shall be provided between the back of curb and sidewalk.

4. The applicant shall install a deceleration lane at the entrance for the project. The deceleration lane shall have a minimum length of 150' with a 50' taper.
5. No debris may be buried on any lot or common area.
6. The applicant shall install decorative streetlights 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".
7. The applicant will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the applicant during construction.
8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

10. The development shall maintain the following setbacks:

Front -40'

Rear - 50'

Side - 20'
11. The composition of the building shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and stucco. No elevation shall be comprised of 100% hardy plank siding. The elevations that face a roadway shall not be permitted to utilize hardy plank.
12. Any proposed dumpsters shall be surrounded by a three-sided brick, stone or stucco enclosure with an opaque gate in the front. The enclosure shall match the exterior façade of the principal building and the lid of the dumpster shall be made of rubber.
13. Any utility boxes, HVAC components, or accessory components to the proposed building shall be screened through the use of landscaping or architectural features from the public right-of-way and adjoining residential property owners.
14. The applicant shall install and maintain a 10' wide landscape buffer in accordance to Section 503 of the Zoning Ordinance along the western property line.

15. The applicant shall provide a right-of-way dedication of 5' along Church Road.
16. The applicant shall provide a 6' decorative fence which meets the requirements of Section 501.10 of the Zoning Ordinance along Church Road and along the eastern fence line.
17. All State and County regulations for daycare facilities are complied with.
18. The applicant will comply with the City's current Sign Ordinance.
19. If an easement isn't already provided, the applicant shall provide a 20' drainage easement over the 48" CMP pipe from Church Road to the rear property line.
20. The parking lot shall provide landscape islands after every tenth parking space the design of which must be approved by the City of Smyrna. A landscape strip shall also be provided between all head-to-head parking spaces.
21. The applicant or business owner shall be required to provide additional parking at a ratio of 1 parking space per employee and 1 parking space for every 9 students if employment and/or enrollment numbers expand beyond the proposed 25 employees and 178 students. Additional parking may be in the form of green parking.
22. No land disturbance or land clearing shall take place on the subject property until a building permit has been issued.
- ~~23. The applicant shall provide a refundable deposit of \$3,000.00 per acre at the issuance of a building permit for the cost of general site maintenance should the property be abandoned and no site maintenance is provided. At the completion of the overall project and the issuance of a Certificate of Occupancy, all or a portion the deposit shall be refunded to the person or entity that provided the deposit. If the developer is unable to provide a deposit, a five-year bond or letter of credit shall be an acceptable alternative. This bond or letter of credit may be a two-year bond or letter of credit that is automatically renewed for a period of five year. At the completion of the overall project and the issuance of a Certificate of Occupancy, the bond or letter of credit should be released to the developer.~~
24. Approval of the subject property for Limited Commercial shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 10/11/2012 created by Stantee 1/31/2023 created by Coffman Engineers Inc.
25. The applicant shall be bound to the elevations submitted and dated 10/11/2012 ~~created by Children's Design Group~~ 2/28/2023 by Calbert Design Group. Approval of any change to the elevations must be obtained from the Director of Community Development.
- ~~26. The applicant shall use of off-duty police personnel to help abate traffic problems during the peak hours.~~

Figure – 1
(Subject Property)



Figure – 2
(Subject Property)

