

MEETING OF October 9, 2013

WARD/COMMITTEE 1

ITEM NUMBER V13-020 thru 024

\$ IMPACT N/A

ISSUE: The applicant is requesting five variances (V13-020 through 024) at 2591 Spring Road for the redevelopment of a McDonald's restaurant.

**VARIANCE CASE V13-020**

**2591 Spring Road – Side Building Setback Reduction from 35 feet to 27 feet**

**VARIANCE CASE V13-021**

**2591 Spring Road – Rear Building Setback Reduction from 100 feet to 85 feet**

**VARIANCE CASE V13-022**

**2591 Spring Road – Parking Reduction from 55 Spaces to 41 Spaces**

**VARIANCE CASE V13-023**

**2591 Spring Road – Landscape strip reduction from 15 feet to 7 feet along Spring Rd and 10 feet to 6 feet along Cumberland Blvd**

**VARIANCE CASE V13-024**

**2591 Spring Road – Additional Directional sign at Spring Rd and Cumberland Blvd driveway**

SUMMARY: The applicant is proposing to develop the subject property on the corner of Spring Road and Cumberland Boulevard with a 4,110 square foot McDonald's restaurant. The existing store will be demolished and a new restaurant is proposed. The development will involve encroachment into the 100' rear-building setback, 35 foot west side setback, and necessitate a reduction in the landscape buffers along Spring Road and Cumberland Boulevard, and a reduction in parking from 55 spaces to 41 spaces.

BACKGROUND: None.

STAFF RECOMMENDATION: The applicant is requesting to decrease the required rear building setback from 100 feet to 85 feet, reduce the west side setback from 35 feet to 27 feet, reduce the required parking from 55 spaces to 41 spaces, reduce the landscape buffer to 7 feet along Spring Road and 6 feet along Cumberland Blvd, and to add an additional directional sign at each driveway. According to Section 1403 of the Zoning Ordinance, variances must be reviewed under the following standards: (1) Whether there are unique and special or extraordinary circumstances applying to the property; (2) Whether any alleged hardship is self-created by any person having an interest in the property; (3) Whether strict application of the relevant provisions of the code would deprive the applicant of reasonable use of the property; and (4) Whether the variance proposed is the minimum variance needed. After a review of the standards above and consideration of the City Engineer's recommendations, Community Development believes that the setback encroachments and parking reduction will not adversely

affect surrounding residents or set a negative precedent; therefore, staff recommends **approval** of the requested variances with the following conditions:

1. McDonald's will submit a shared parking easement to Community Development before building permits will be issued.
2. Approval of the requested variance shall be conditioned upon the development of the property in substantial compliance with the site plan submitted with the variance application.
3. Construction activity where it affects Cumberland Blvd or Spring Rd shall be limited to the hours of 9 am to 4 pm.

**REQUESTED ACTION:** The License and Variance Board hold a public hearing per Section 1400 of the City of Smyrna Zoning Ordinance.