

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: November 9, 2022

CC: Joe Bennett, City Administrator  
Planning & Zoning Board

RE: **REZONING CASE Z22-014– 2934 & 2950 Atlanta Road**

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**Applicant:** Tanalta LLC & Jamac Corp.

**Existing Zoning:** GC

**Titleholder:** Joseph Knight & Scott Cochran

**Proposed Zoning:** MU-Conditional

**Size of Tract:** 1.09 Acres

**Location:** 2934, 2950, & 0 Atlanta Road

**Contiguous Zoning:**

**Land Lot:** 559

North	GC
South	GC
East	MU
West	GC

**Ward:** 3

**Access:** Church Street & Atlanta Road

**Hearing Dates:**

**Existing Improvements:** Commercial Uses

P&Z	November 14, 2022
Mayor and Council	December 19, 2022

#### Proposed Use:

Development of a Mixed Use development with 24 residential lofts, and 9,450 sq. ft. of commercial/office uses at a residential density of 22 units per acre.

#### Staff Recommendation:

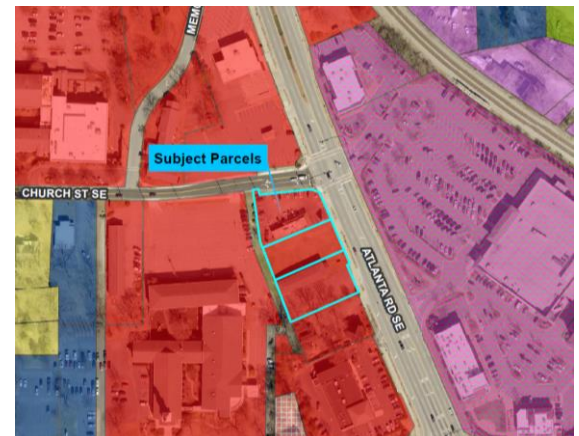
Community Development recommends **approval** of the zoning request from **GC to MU-Conditional**.

#### Planning & Zoning Board Recommendation:

**Approval** by a vote of 4-3 at the November 14, 2022, meeting.

#### Urban Design Commission Recommendation:

**Approval** by a vote of 7-0 at the December 12, 2022, meeting.



## **PROJECT DESCRIPTION**

Tanalta LLC & Jamac Corp. is requesting to rezone 1.09 acres of assembled properties along Atlanta Road from GC to MU-Conditional for the development of a four-story, 37,800 sq. ft. mixed-use building, which includes 24 lofts at a density of 22 units per acre and 9,450 sq. ft. of commercial/office space. The applicant is proposing to demolish the existing restaurant and office building to construct the mixed-use development.

The proposed development will consist of 24 lofts within a four-story building. Among the 24 lofts, 12 units will be one-bedroom/studio lofts, 12 units will be two-bedroom lofts. The lofts will be located within the second, third, and fourth floors of the building. The building will incorporate 9,450 sq. ft. of commercial/office space and on the ground level.

The proposed development will be accessed by a right-in and right-out entrance on Church Street and a full access drive on Atlanta Road. The proposed development will have 73 total parking spaces which exceeds the city requirement of 34 spaces. The majority of the parking for the development will be located within a two-level parking deck in addition to five surface level parking spaces.

There will be two underground stormwater detention facilities planned for the development.

## **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:

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 proposed development fits in with the surrounding buildings and uses. There is currently a good mix of residential units (Sync at Jonquil), retail (Publix and the shops and restaurants in Market Village), offices (there are many small office buildings in the surrounding area)."*

### **Staff Analysis:**

*The applicant is proposing the redevelopment of the subject property for a four-story, 37,800 sq. ft. mixed-use building, which will include 24 residential units at a density of 22 units per acre with 9,450 sq. ft. of commercial/office space. The adjoining properties to the east across Atlanta Road are zoned MU and are occupied by a large mixed-use development with commercial and residential uses. The adjoining property to the south is zoned GC and is occupied by commercial use (retail stores). The adjoining properties to the west are zoned GC and are occupied by an institutional use (church). The adjoining property to the north*

*across Church Street is zoned GC and is occupied by commercial uses (bank). Given the description of the development patterns surrounding the subject property, the proposed use and development of the subject property will be suitable in view of 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 proposed development will have no adverse effect on the surrounding properties and should be benefit to them."*

*Staff Analysis:*

*The proposed development is surrounded by commercial uses and a mixed-use development. The existing uses would not be negatively impacted by the proposed mixed-use development. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.*

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

*Applicant Response:*

*"Yes, the property could stay zoned as General Commercial and be viable, but for it's highest and best used it should be rezoned to allow for a mixed use."*

*Staff Analysis:*

*The subject parcel has a reasonable economic use as a currently zoned. The GC zoning district is one of the city's most intensive commercial zoning districts and allows a variety of permitted uses. The subject property is in the Urban Design District for downtown, which contemplates pedestrian oriented mixed-use development in the downtown area. The zoning proposal would change the zoning of the subject property from the automobile-oriented GC zoning district to the pedestrian-oriented MU zoning district. The requested zoning would be considered a down zoning from commercial use to a mix of primarily residential uses combined with limited commercial uses.*

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 development's office and retail will be about the same impact as what is currently onsite with a restaurant and an office. The additional 24 lofts will have a negligible impact on the streets, schools, and utilities."*

*Staff Analysis:*

*The City Engineer believes the development will not add a significant amount of additional traffic to the Atlanta Road corridor. The subject properties contain three*

*existing curb cuts. The proposed development will eliminate one curb along Atlanta Road and therefore improve access management along the corridor.*

*Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Water and sewer are located within the right-of-way of Atlanta Road.*

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

*Applicant Response:*

*"Yes, this development fits in with the future land use plan."*

*Staff Analysis:*

*The City's Future Land Use Plan indicates the subject parcel has a future land use designation of Mixed Use (MU). The MU zoning district is an appropriate district under the MU future land use designation.*

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 changing conditions in the area that give ground for disapproval. The growth of Smyrna over the last decade illustrates that Smyrna needs more housing, office space and retail establishments."*

*Staff Analysis:*

*The proposed development meets the stated land uses, development patterns and housing types for the area. Additionally, the development meets many of the goals in the adopted Atlanta Road LCI plan including:*

- Provide retail, dining, entertainment and other commercial offerings within Smyrna – preferably near the Market Village in order to create a critical mass sufficient to attract a destination retail market.*
- Maximize land use through the development of mixed-use communities that allow live-shop – and possibly live-work – convenience to residents.*
- Encourage development that will protect and enhance existing Study area neighborhoods while connecting them to the civic and commercial center of "Downtown Smyrna."*
- Enhance connectivity within and among Smyrna communities through the design, introduction, extension and general improvement of walking, running, biking and multi-use trails and paths; sidewalks; connecting open spaces and pocket parks; and local streets.*

- *Improve the community function, efficiency and aesthetic appeal of arterial roadways that border (Spring Road-Concord Road, South Cobb Drive, and Windy Hill Road) and divide (Atlanta Road) the study area.*

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 proposed development will be a major architectural improvement over the current buildings."*

*Staff Analysis:*

*The proposed development of the subject property under the zoning proposal will enhance the architectural standards and aesthetics of the general area. The applicant has provided renderings of the proposed buildings with the rezoning application. The zoning proposal will go to the Urban Design Commission for review and recommendation prior to the final public hearing with the Mayor and City Council. The Urban Design Commission reviews all development in the downtown area for compliance with the Urban Design District standards outlined in Appendix E of the City's Code of Ordinances.*

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. It is very compatible with the surrounding area."*

*Staff Analysis:*

*The zoning proposal will not create a nuisance or be incompatible with existing uses in the area. The zoning proposal is a mixed-use development in an area that is already developed with residential and commercial development patterns. These uses are compatible with 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 future use plan calls for buildings of this height and usage and the size positively affects the adjoining property and general neighborhood."*

*Staff Analysis:*

*The zoning proposal will not negatively impact the adjoining properties, general neighborhood and other uses due to the size of the proposal in either land area or building height. The zoning proposal meets the zoning requirements of the MU zoning district.*

## **PROJECT ANALYSIS**

### **Zoning Review**

Community Development has reviewed the proposed plan against the zoning requirements of the MU zoning district (Section 720 of the Zoning Ordinance) with regards to setbacks, building height and building separations. The zoning proposal meets the zoning requirements of the MU zoning district.

Community Development has also reviewed the proposed plan against the site design requirements of the Urban Design District (Appendix E of the City's Code of Ordinances). The proposed zoning plan is consistent with the requirements of the Urban Design District except for three issues. The applicant is seeking the following variance from Appendix E of the City's Code of Ordinances:

1. Allow a driveway curb cut on an arterial street when a driveway curb cut can be provided on a side or rear street. (Section 2.14.2(m)(2)) **(Staff Support)**;
2. Increase the maximum allowable parking from 41 spaces to 73 spaces. (Section 2.14.3(a)(4)) **(Staff Supports)**; and
3. Eliminate requirement for parking spaces in excess of the required minimum to be porous concrete or grasscrete. (Section 2.14.3(a)(6)) **(Staff Supports)**.

Community Development has reviewed the variance requests and is **supportive of the variances as submitted**. The variance regarding the driveway curb cut reduces the existing driveway curb cuts from three to two. Also, two driveway curb cuts are needed to access each level of the proposed parking deck. The upper level of the deck will be accessed from the Church Street curb cut and the lower portion of the deck will be accessed from the Atlanta Road curb cut. The variances regarding the parking spaces are appropriate due to the use of the building. The applicant is proposing 33 parking spaces for the 24 residential units and 38 parking spaces of the office/retail uses. Finally, the parking spaces are provided for in a parking deck and therefore can't meet the porous concrete requirement.

The developer proposes 24 residential lofts combined with 9,450 sq. ft. of office/commercial area. The development will contain a two-level parking deck with 68 spaces, along with 5 surface level parking spaces.

Community Development is **supportive** of the requested variances because the proposed development plan is in line with the intent of the Mixed Use zoning district.

### **Transportation Review**

Based upon the review of the development by the Transportation Engineer, the city recommends the two existing curb cuts on Atlanta Road, closest to the traffic signal at the intersection of Atlanta Road and Church Street, be closed and replaced with curb & gutter, a grass strip, and trail in-kind with the remainder of Atlanta Road. A deceleration lane and/or large turning radius is recommended for the access on Atlanta Road. Additional right-of-way is recommended along Church Street and Atlanta Road.

#### Stormwater Management Review

The applicant is proposing two below-ground stormwater management facilities. The City Engineer takes no exception to the stormwater management concept as shown. He anticipates the design submitted during permitting will consider site constraints such as topography, utilities, and tree/landscaping requirements. The site will be required to meet all the requirements of the City's Stormwater Management Ordinance.

#### Environmental Review

The proposed site plan does not depict any stream buffers impacting the subject property.

#### Water and Sewer Review

Adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Any required improvements are the responsibility of the developer. Water and sewer are located within the right-of-way of Atlanta Road.

#### Fire Marshal Review

The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access requirements. The applicant has provided a fire truck turn analysis process that verifies maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

#### Planning Review

The proposed development plan includes a mixed-use development with residential lofts, and office/commercial space. The proposed development will consist of 24 loft units within a four-story building. Among the 24 lofts, 50% will be one-bedroom or studio lofts, and 50% will be two-bedroom lofts. The development along will incorporate 9,450 sq. ft. of office and commercial space. The proposed development will be accessed by a right-in and right-out connection to Church Street and full access drives on Atlanta Road. The proposed development will have 73 total parking spaces. 68 spaces are in a two-level parking deck and 5 spaces are surface level.

The City's 2040 Future Land Use Map designates the subject property as Mixed Use. The proposed development is compatible with the Mixed Use future land use designation. In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

#### Housing

- Goal 3 – Encourage the development of a range of housing choices in order to meet market demand and allow residents to remain in Smyrna across different life-cycle stages.
  - Policy 3.1 Encourage the construction of affordable and accessible housing in order to accommodate the growing senior population.
  - Policy 3.2 Encourage housing opportunities for young families, as well as “empty nester” households.
  - Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.
  - Policy 3.5 Encourage opportunities for mixed use, live/work housing.

#### Economic Development

- Goal 5 – Promote revitalization of declining commercial & industrial areas.

- Policy 5.1 – Promote adaptive reuse and mixed-use redevelopment of declining strip commercial centers.
- Goal 6 – Promote continued economic development within downtown and other activity centers as vibrant mixed-use center for residential, government, office, retail and entertainment activities.
  - Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future land Use Map.

#### Land Use

- Goal 13 – Encourage an efficient, equitable, and compatible distribution of land uses.
  - Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.
  - Policy 15.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.
  - Policy 15.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.

#### Quality of Life

- Goal 20 – Provide lifestyle amenities that improve the “quality of life” in Smyrna.
  - Policy 20.1 Continue to support for pedestrian-oriented, mixed-use development in and around Smyrna Market Village.

#### Urban Design Commission Review

The proposed development is within the Urban Design District that requires review by the Urban Design Commission. The Urban Design Commission recommended approval by a vote of 7-0 at the December 12, 2022 meeting.

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#### **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from GC to MU-Conditional on 1.09 acres for a mixed-use development at a density of 22 units per acre, including those variances supported by staff as shown above, **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 composition of the mixed-use 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 percent hardy plank siding. The residences along external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. 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.

3. All utilities within the development shall be underground.
4. 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.
5. No debris may be buried on any lot or common area.
6. 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".
7. 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.
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 minimum building setbacks:  
Front – 0'  
Side – 0'  
Rear – 20'
11. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
12. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
13. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
14. The developer shall provide a sidewalk connection from the development to the Atlanta Road sidewalk/multi-use trail.

15. The minimum floor area for attached dwelling units, condominium units and other residential units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).
16. Parking for the commercial, office, and lofts within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ "shared" parking among the respective components and will provide sufficient and adequate parking for the total development.
17. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.
18. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City's regulations.
19. A five-foot sidewalk and two-foot grass strip shall be installed along the frontage of Church Street and shall connect to the existing sidewalk to the west.
20. The access on Church Street shall be restricted to right in/right out.
21. The access on Atlanta Road shall provide a large turning radius.
22. The access on Atlanta Road shall be designed to accommodate queuing for left turns into the development which may require modifying the centerline striping on Atlanta Road. Final design to be determined in plan review.
23. The two existing curb cuts on Atlanta Road, closest to the traffic signal at the intersection of Atlanta Road and Church Street shall be closed and replaced with curb & gutter, a grass strip, and trail in-kind with the remainder of Atlanta Road.
24. Right-of-way dedication shall be provided on Church Street for the new sidewalk to be located within the City right-of-way.
25. Right-of-way dedication on Atlanta Road to be a minimum of 50 ft from the roadway centerline or a minimum of 3 ft from the back of sidewalk.
26. The maximum number of residential units shall not exceed 24 Class A amenitized residential units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.
27. All residential units shall be maintained in a Class A/First Class manner.

28. The residential units shall include the following interior finishes:
  - i. Minimum nine-foot (9') ceilings;
  - ii. Forty-two inch (42") upper cabinets in the kitchen;
  - iii. Decorative lighting fixtures shall be utilized in the in the kitchen area of the units and spot track or recessed lighting shall be used in both the kitchen and dining areas of the units;
  - iv. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;
  - v. Sheet vinyl flooring shall be prohibited;
  - vi. Tile flooring shall be required in both the kitchen and bathrooms;
  - vii. All bathrooms shall have tile tub/shower surrounds;
  - viii. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;
  - ix. All kitchen counter tops shall be horizon style counter tops; and
  - x. All kitchen sinks shall be under-mounted.
29. The approximate mixture of unit types shall consist of the following: fifty percent (50%) one bedrooms and fifty percent (50%) two bedroom lofts.
30. Allow building height of 66 feet.
31. The parking deck shall provide a decorative brick exterior where visible from the public right-of-way.
32. The loading area shall be screened through the use of solid brick walls, latticework, trees or shrubbery.
33. A maximum of 73 parking spaces shall be included in the development.
34. Eliminate requirement for parking spaces in excess of the required minimum to be porous concrete or grasscrete.
35. A driveway curb cut on an arterial street shall be allowed.
36. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted October 14, 2022 and created by Doulgerakis Consulting Engineers, Inc. all zoning stipulations above.
37. The applicant shall be bound to the elevations submitted on October 14, 2022. Approval of any change to the elevations must be obtained from the Director of Community Development.
38. The applicant shall receive approval by the Urban Design Commission of architectural plans and building materials prior to the issuance of building or land disturbance permit.

## Subject Property



### **Adjacent Properties**





