

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

From: Ken Suddreth, Community Development Director  
 Russell Martin, AICP, Senior Planner

Date: September 3, 2014

CC: Eric Taylor, City Administrator

**RE: REZONING CASE Z14-023 – 1860 Freeman Parkway**

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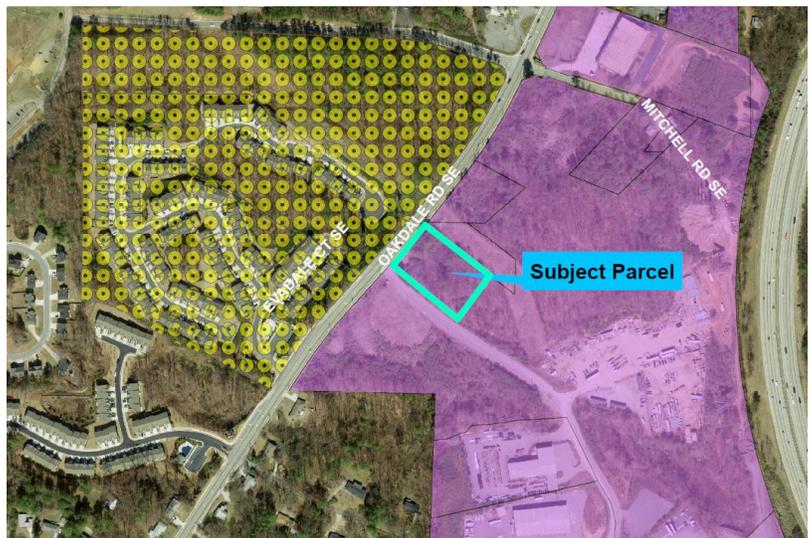
<b>Applicant:</b>	<u>B. Terry Seymour, III</u>	<b>Existing Zoning:</b>	<u>LI</u>
<b>Titleholder:</b>	<u>Booker Terry Seymour, III</u>	<b>Proposed Zoning:</b>	<u>MU-Conditional</u>
<b>Location:</b>	<u>1860 Freeman Parkway</u>	<b>Size of Tract:</b>	<u>1 Acre</u>
<b>Land Lot:</b>	<u>55</u>	<b><u>Contiguous Zoning:</u></b>	
<b>Ward:</b>	<u>7</u>	North	LI
<b>Access:</b>	<u>Freeman Parkway</u>	South	LI
<b>Existing Improvements:</b>	<u>Vacant Accessory Building</u>	East	LI
		West	RTD
		<b><u>Hearing Dates:</u></b>	
		P&Z	September 8, 2014
		M&C	October 20, 2014

**Proposed Use:**

The applicant is proposing the development of a 10,000 sq. ft. mixed use building. No land use change from Mixed Use will be required for this rezoning.

**Staff Recommendation:**

**Approval** of the rezoning from LI to MU-Conditional 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:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

*The zoning proposal would permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed 10,000 sq. ft. mixed use building will provide a residential unit, office space, retail space and a restaurant. These uses will serve the surrounding community and is in line with the with the new mixed use community planned along the Chattahoochee River.*

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

*The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The adjoining property is currently zoned Light Industrial (LI) and is vacant. This immediate area has yet to be developed and therefore there should be no adverse impact on the use and 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.

*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.

*Based upon information provided by the City Engineer, the proposed development is not expected to cause a burden to the existing street network or transportation facilities.*

*Based upon information provided by the Cobb County Water System (CCWS), adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. CCWS records indicate that there is an existing 12" water main on Oakdale Road available for use. A passing flow test will be required prior to approval of construction plans by CCWS.*

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

*The 1 acre rezoning will be consistent with the City's Future Development Plan, which indicates a land use of Mixed Use. The zoning proposal will not require a change of land use on the Future Development Map from Mixed Use.*

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.

*Conditions in this part of Smyrna are changing due, in particular to the recent annexation of 82 acres to the south of the subject property in order to develop a large-scale mixed use development. This mixed use development will incorporate approximately 1,700 residential units and 200,000 sq. ft. of commercial space. This particular part of Smyrna has been transitioning from industrial uses to more residential uses. The zoning proposal falls in line with this transition.*

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.

*The proposed development will employ a variety of architectural features and materials that will conform and enhance the existing neighborhood's aesthetics. The proposed scale of the development will be compatible with be adequate to service the immediate residential areas. The tree protection plan indicates the required number of tree inches for the site has been replanted on-site.*

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

*The zoning proposal will not create a nuisance or be incompatible with the 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.

*This project represents a modest development with a mix of professional and medical office, personal service, restaurant and residential uses that represent an ideal neighborhood-scale commercial development for the existing nearby residential. The overall height does not exceed 38', which below that allowed by the proposed MU zoning district and LI zoning district. Factors associated with the size of the proposed use, in either land area or building height will have no effect upon adjacent properties.*

The proposed rezoning from LI to MU-Conditional would result in the development of a 10,000 sq. ft. mixed use building. The 1 acre site is located on the northeastern corner of the Oakdale Road and Freeman Parkway intersection. The property has severe topographical challenges which include an elevation drop of about 50' from Oakdale Road the rear of the property. The property is not located in the Chattahoochee River Corridor and therefore falls outside the regulatory guidelines of MURPA. The site is surrounded by light industrial zoning on the east side of Oakdale Road and bordered by a townhome development on the west side of Oakdale Road. The surrounding area is transitioning from industrial to residential, which is being further established through the rezoning and annexation of the Riverview Landing development along Riverview Road. This mixed use development is scheduled to have approximately 1,700 residential units (single-family, townhome and multi-family) and 200,000 sq. ft. of commercial space.

The proposed building will be stepped down across the site to accommodate the significant elevations changes. The building facades will incorporate a number of architectural features including porches, varying rooflines and vertical and horizontal definition. The front portion of the structure situated along Oakdale Road will be two-stories with 5,802 sq. ft. of space devoted to a mix of medical office, general office, retail, and a 900 sq. ft. residential condominium unit. Access will be provided through the upper level parking area along Oakdale Road. The rear portion of the structure that parallels Freeman Parkway contains 4,200 sq. ft. of finished floor space with a personal spa on the basement level and a restaurant above. Access to the basement level will be from the lower level parking lot. Stairways and covered walkways throughout the development will connect visitors to the various uses and parking facilities.

The foot print of the building will total 5,512 sq. ft.. The total lot coverage of the site, including sidewalks, parking and building, will be 24,253 sq. ft. The site can be accessed by driveways located along Freeman Parkway. Pedestrians can access the site via an existing sidewalk along Oakdale Road and the provided connections through the property. Stormwater detention is proposed to be handled by an underground detention facility below the lower level parking area.

Landscaping is proposed throughout the site in accordance with the City's Tree Ordinance. The planting plan shows overstory trees where possible and understory trees where overhead power lines exist. There are no existing specimen trees on-site to preserve. The required tree density will be met through replanting.

Due to the size of the site and its topography, the applicant is request five waivers from the MU zoning district. These waivers include the following:

1. Waiver from Section 720.3(1)(c) to increase the maximum front building setback from 20' to 95';
2. Waiver from Section 720.9(3) to allow for more than 50% of the gross floor area to be in non-residential uses;
3. Waiver from Section 720.9(4) to allow for parking between the building and the street;
4. Waiver from Section 720.9(10) to allow the primary egress onto a local road; and
5. Waiver from Section 906 to allow reduced parking from 56 spaces to 43 spaces.

Community Development has reviewed these waiver requests against the variance review standards and has found the waivers to meet those standards due to the constraints of the site with respect to the topography. In addition, had this property been located in a true urban area, some of these requested waivers would not be needed (i.e. the parking reduction) because the parking ratios would have been significantly less due to downtown parking requirements. Since there is no opportunity for shared parking, each use must meet the standard parking ratios. The parking ratios for the site are broken down according to the following uses:

- Residential: 2 spaces per unit - 1 unit x 2 spaces = 2 required spaces
- Office: 1 space/ 250 sq. ft. – 2,708 sq. ft./250 = 10.8 required spaces
- Retail: 5.5 spaces/ 1,000 sq. ft. – 3,380 sq. ft./1,000 sf. ft. x 5.5 = 18.6 required spaces
- Restaurant: 1 space/75 sq. ft. – 1,800 sq. ft./ 75 sq. = 24 required spaces

The required total number of spaces is 56 parking spaces and the proposed plan provides 43 parking spaces. Community Development is supportive of the reduced parking due to opportunity to share spaces within the development.

Community Development recommends **approval** of the request rezoning from LI to MU-Conditional for the construction of a 10,000 sq. ft. mixed use building with the following conditions:

**Standard Conditions**

**(Requirement #2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not 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% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. The detention 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 10% reduction in a 2-year to 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 and parking lot lights 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 (unless noted elsewhere). 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 setbacks:  
Front – 0'  
Side – 0'  
Rear – 20'  
  
The development shall maintain the following maximum setbacks:  
Front – 86'  
Side – 20'
11. The developer shall provide a 5' sidewalk with a 2' grass buffer along Freeman Parkway for the length of the development.
12. Approval of the subject property for the Mixed Use (MU) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 8/8/2014 created by Williams and Associates.
13. The applicant shall be bound to the elevations submitted and dated 8/8/2014 by Blue Frog Construction. Approval of any change to the elevations must be obtained from the Director of Community Development.

**Figure – 1**  
**(Subject Property)**



**Figure – 2**  
**(Subject Property)**



**Figure – 3**  
**(Adjoining Property to the North)**



**Figure – 4**  
**(Adjacent Property to the South Across Freeman Parkway)**

