

**APPLICATION FOR REZONING
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)

Ward: _____

Application No: _____

Hearing Date: _____

APPLICANT: B. Terry Seymour, III

Name: Scott Haines - Williams and Associates
(Representative's name, printed)

Address: 2470 Daniells Bridge Rd, Ste 161, Athens GA 30606

Business Phone: (706) 310-0400 Cell Phone: _____ Fax Number: (706) 310-0411

E-Mail Address: shaines@gaplanning.com

Signature of Representative: Scott Haines

TITLEHOLDER

Name: Booker Terry Seymour, III
(Titleholder's name, printed)

Address: P.O. Box 19832, ATLANTA, GA. 30325

Business Phone: _____ Cell Phone: 404 943-1594 Home Phone: _____

E-mail Address: ENTBTS@ENTFACIALPLASTICS.COM

Signature of Titleholder: Booker Terry Seymour, III
(Attach additional signatures, if needed)

(To be completed by City)

Received: _____

Heard by P&Z Board: _____

P&Z Recommendation: _____

Advertised: _____

Posted: _____

Approved/Denied: _____

ZONING REQUEST

From LI to MU
Present Zoning Proposed Zoning

LAND USE

From Mixed Use to Mixed Use (no change)
Present Land Use Proposed Land Use

For the Purpose of Constructing a 10,000 sf mixed-use building

Size of Tract 1.0 ACRE

Location 1860 FREEMAN PKWY — INTERSECTION OF FREEMAN PKWY & OAKDALE RD.
(Street address is required. If not applicable, please provide nearest intersection, etc.)

Land Lot (s) 18005501670 District 6 - Smyrna

We have investigated the site as to the existence of archaeological and/or architectural landmarks. I hereby certify that there are no X there are such assets. If any, they are as follows:

Please see attached report prepared by RS Webb and Associates.

(To be completed by City)

Recommendation of Planning Commission:

Council's Decision:

CONTIGUOUS ZONING

North: RHR

East: LI

South: LI

West: LI

CONTIGUOUS LAND USE

North: MODERATE DENSITY RESIDENTIAL

East: MIXED USE

South: MIXED USE

West: MIXED USE

INFRASTRUCTURE

WATER AND SEWER

A letter from Scott Stokes, Director of Public Works Department is required stating that water is available and the supply is adequate for this project.

A letter from Scott Stokes, Director of Public Works Department is required stating that sewer is available and the capacity is adequate for this project.

- If it is Cobb County Water, Cobb County must then furnish these letters.

Comments:

Water and sewer to be provided by Cobb County. See attached letter.

TRANSPORTATION

Access to Property? Two driveways are proposed along Freeman Parkway. The property
also has frontage along Oakdale Road.

Improvements proposed by developer? The developer proposes a two-story, 10000 sf mixed use
building, paved parking areas and associated
landscaping.

Comments:

ZONING DISCLOSURE REPORT

Has the applicant* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

No

If so, the applicant* and the attorney representing the applicant* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

Please supply the following information, which will be considered as the required disclosure:

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

The dollar amount of each campaign contribution made by the applicant* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

An enumeration and description of each gift having a value of \$250 or more by the applicant* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

If so, describe the nature and extent of such interest:

ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No.

If so, describe the nature and extent of such interest:

Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

If so, describe the relationship and the nature and extent of such interest:

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application**. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this ____ day of _____, 20__.

(Applicant's Signature)

(Attorney's Signature, if applicable)

Notes

* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

** Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

REZONING ANALYSIS

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. Please provide responses to the following using additional pages as necessary. **This section must be filled out by the applicant prior to submittal of the rezoning request.**

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

Please refer to attached report prepared by Williams & Associates.

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

Please refer to attached report prepared by Williams & Associates.

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

Please refer to attached report prepared by Williams & Associates.

REZONING ANALYSIS (CONTINUED)

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.

Please refer to attached report prepared by Williams & Associates.

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

Please refer to attached report prepared by Williams & Associates.

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.

Please refer to attached report prepared by Williams & Associates.

REZONING ANALYSIS (CONTINUED)

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.

Please refer to attached report prepared by Williams & Associates.

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

Please refer to attached report prepared by Williams & Associates.

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.

Please refer to attached report prepared by Williams & Associates.



Rezoning Analysis

FREEMAN PARKWAY AND OAKDALE ROAD
SMYRNA, GEORGIA

Prepared by Williams & Associates for Dr. Terry Seymour

Oakdale Road & Freeman Parkway – Smyrna, Georgia
08.08.2014

Property Information

Address	Freeman Parkway & Oakdale Road
Tax Parcel	18005501670
Acreage	1.0
Current Land Use	Vacant
Current Zoning	Light Industrial (LI)
Current Future Land Use	Mixed Use



Figure 1 - Parcel Map

Site Characteristics

The 1 acre site located on the northern side of the intersection of Oakdale Road and Freeman Parkway is functionally vacant. The building located near the Oakdale frontage has fallen into complete disrepair and has no assessed value. The property slopes over 50 feet from a high point along Oakdale Road to the rear property line. The property is characterized by a few significant overstory trees and numerous scrubby pines and undergrowth. No specimen trees, as defined by the City of Smyrna Tree Conservation and Replacement Ordinance, exist. The site is situated ½ mile uphill from the Chattahoochee River and just minutes from Nickajack Park. It lies along the historically significant Johnston’s River Line and boasts impressive views of downtown Atlanta.

Adjacent zoning to the east, south and west is Light Industrial. Property located across Oakdale to the north is zoned Residential High Density. The City of Smyrna recently voted to annex 82 acres to the south of the property which is slated to be developed with 1,700 new households and about 200,000 square feet of commercial and retail uses over the next ten years.

Request to Rezone

The rezone request is to amend the current zoning designation of **LI – Light Industrial** to **MU – Mixed Use** in order to construct a mixed-use development on the site. The rezone request complies with the Future Land Use designation for the property of Mixed Use.

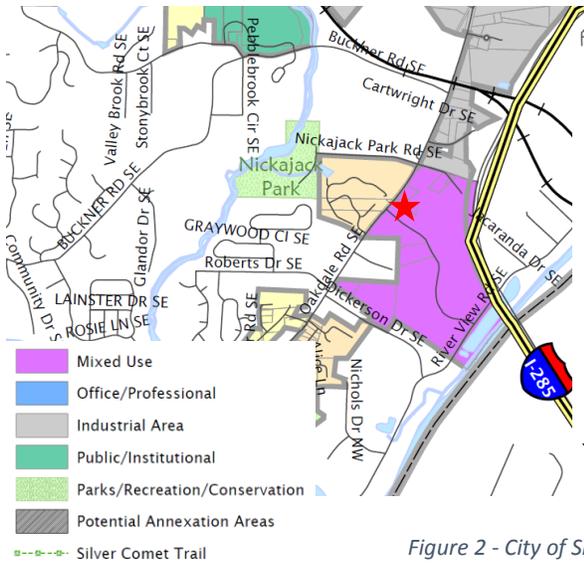


Figure 2 - City of Smyrna Comprehensive Plan

Table 1 - Future Development Area and Zoning Comparison

Future Development Area	Corresponding Zoning District
Suburban Residential	R-30, R-20, R-15, OI
Moderate Density Residential	R-15, OI
Medium Density Residential	R-12, RAD, PUD, OI
Urban Residential	RAD, RMC-8, RM-10, RM-12, RD, RD-4, RTD, OI
Neighborhood Activity Center	LC, NS, FC
Community Activity Center	GC, MU, NS, TS
Mixed Use	CBD, MU
Office / Professional	OI, OD
Industrial Area	LI, OD
Public / Institutional	OI
Parks / Recreation / Conservation	R-15

Source: Robert and Company, 2007

Proposed Use & Site Design

The proposed use is a mixed-use development consisting medical office, general office, retail, restaurant and residential uses. The two proposed buildings total 10,002 square feet. Other site improvements include large covered porches, parking, sidewalks and landscaping.

Buildings. Building One will be a 5,802 sf, two-story structure situated along the Oakdale Road frontage. The first floor will be accessed via the upper level parking area and will contain a mix of medical office and retail uses. The second floor will house general office space and a 900 square foot condominium unit.

Building Two will also be a 4,200 sf, two-story structure located behind Building One parallel to the Freeman Parkway frontage. Access to the first floor of Building Two will be from the lower level parking lot. The first floor will contain a 2,400 square foot spa. The second floor will be occupied by a restaurant with both indoor and outdoor seating. Building Two will feature a clerestory above the restaurant use.

The footprints of the buildings total 5,512 square feet. The total lot coverage of the site, including sidewalks, parking and building, total 24,253 square feet.

Access. The site can be accessed via car by driveways located along Freeman Parkway. Pedestrians can access the site via existing sidewalks along Oakdale Road and the provided connection through the property.

Access between buildings will be via a covered walkway connecting the first floor of Building One to the second floor of Building Two. Stairways throughout the development will connect visitors to the various uses and parking facilities.

Infrastructure. The site is served by the Cobb County Water System. Adequate facilities exist for water and sewer based on the proposed use. (See letter from Tim Davidson – Cobb County Water System)

Stormwater detention is proposed to be handled by an underground detention facility below the lower level parking area.

Landscaping. Trees are proposed throughout the development in accordance with the City of Smyrna Tree Preservation ordinance. The planting plan indicates overstory trees where possible and proposes understory trees where overhead utilities exist. There are no existing specimen trees on-site, and due to the extent of grading necessary to make a significantly-sloped site such as this feasible for development, on-site conservation is not possible. 29 trees are proposed for planting, including street and parking lot trees, totaling 81" of canopy caliper at time of planting. An additional 19" of caliper will be paid towards the City of Smyrna Tree Bank to meet the required 100" caliper per acre requirement for this site.

An open landscaped area is proposed in the center of the development. This area will be attractively landscaped and maintained to enhance the views from the buildings towards the Atlanta skyline. The open lawn area may occasionally be used for community events and passive recreation.

Waivers

In order to construct the best possible project on a site that is constricted both by size and topography, the applicant is requesting five (5) waivers as part of the rezone request.

- (1) Waiver from 720.3.(1)(c) to increase the maximum front building setback from 20' to 94.5'.**
Due to significant slopes on the site, the buildings must be stepped down across the site. For this reason, parking needs to be broken up and placed on the high and low sides of the site in order to provide accessible parking to both buildings. An increased building setback is necessary to accommodate for front-yard parking in this situation. Since properties to the east and west along Oakdale are currently undeveloped, this request does not represent a significant deviation from existing front yard setbacks in the area and would not result in a variation from a consistent street edge.
- (2) Waiver from 720.9(3) to allow for more than 50% of gross floor area to be in non-residential uses.**
The residential component of the proposed design is relatively small due to the overall site size. A live-work type unit is proposed on the second floor of Building One, which will provide an ideal location for a professional office user. Due to the limited area in which to develop this type of use, consideration should be given to the context of the surrounding area which includes a number of residential units within easy walking distance. Additionally, an 82-acre mixed use development, with over 1,700 households is proposed to the south of the site.
- (3) Waiver from 720.9(4) to allow for parking between the building and the street.**
Due to significant slopes on the site, the buildings must be stepped. For this reason, parking needs to be broken up and placed on the high and low sides of the site in order to access the buildings.
- (4) Waiver from 720.9(10) to allow the primary egress onto a local road.**
The only possible road with a local classification is Oakdale Road. The grade change from Oakdale into the site makes ingress nearly impossible. Additionally, the site has a relatively narrow frontage along Oakdale Road. Due to the lot configuration, adequate driveway separation could not be provided from the existing Freeman Parkway intersection. Primary ingress and egress from Freeman Parkway provides the only safe access to this site.
- (5) Waiver from 906 to allow for reduced parking on-site.**
The Mixed Use district references the Central Business District parking standards, which allow for significantly fewer parking spaces based on proximity to shared parking facilities. However, the project represents the first mixed-use development in the area so shared facilities across multiple

properties have not yet been constructed. For this reason, City Staff recommended calculating off-street parking requirements based on the standard uses from Section 906.. Based on those ratios, the required parking would be as follows:

<i>Residential: 2 spaces/unit</i>	
1 unit x 2 spaces	2 spaces
<i>Office: 1 space / 250 sf (exclusive of hallways, stairs, storage)</i>	
2,708 sf / 250	10.8 spaces
<i>Personal Service/Retail: 5.5 spaces / 1000 sf</i>	
3,380 / 1,000 x 5.5	18.6 spaces
<i>Restaurant: 1 space / 75 sf</i>	
1,800 / 75	24 spaces
Total Required:	56 spaces
Total Provided:	43 spaces

A reduction in required parking from 56 spaces to 43 spaces is substantiated as the very nature of a mixed-use development encourages parking to be shared by uses within the site. Visitors tend to utilize more than one service for each trip, thereby reducing the overall demand for parking. In addition, a number of households are located within easy walking distance to the site, which would significantly reduce the demand for parking.

Rezoning Analysis

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 for Mixed Use would permit the site to develop with a number of uses, including but not limited to, residential dwellings, retail, personal service establishments, restaurants, studios and medical and professional offices. These uses would be suitable in light of the surrounding Light-Industrial zoned properties to the east, west and south and the Residential High Density zoned property to the north. Proximity to neighborhood-scale retail, personal-service and restaurant as well as professional office space would be an asset to surrounding households and the impact of this type of development would not impact the usability of industrially zoned properties by increasing buffers or decreasing building heights.

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

The zoning proposal for Mixed Use would permit the site to develop with a number of uses, including but not limited to, residential dwellings, retail, personal service establishments, restaurants, studios and medical and professional offices. The impact of these uses would not adversely affect the surrounding Light-Industrial zoned properties to the east, west and south or the Residential High Density zoned property to the north. Proximity to neighborhood-scale retail, personal-service and restaurant as well as

professional office space would be an asset to surrounding households. The impact of a relatively small development as proposed would not significantly impact traffic.

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

The relatively small size and significant topography across the property significantly limit the site's ability to develop with a Light Industrial use. Typical light industrial uses are dependent on somewhat significant expanses of level pavement for large-truck traffic, which would be cost-prohibitive to construct on a site this small due to the amount of walls needed to make a level pad for construction.

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.

No excessive or burdensome impact on streets, transportation facilities, utilities or schools is anticipated. A moderate increase in traffic is to be expected, however, the development is at a neighborhood-scale and the expected traffic generation would not outpace the current infrastructure.

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

The proposal for a mixed-use development for this property complies with the desired Future Land Use for the area. Applicable comprehensive plan issues are:

Issues

Economic Development: Lack of professional office space.

Economic Development: Neighborhood-serving retail, restaurants, arts, and entertainment establishments are desired.

Whether there are 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 area of Smyrna are changing due, in particular, to the recent annexation of 82-acres to the south of the site in order to develop a large-scale mixed-use development. This site will become a significant feature on the south side of Smyrna and be representative of the gateway into the next phase of development in that part of the city. The increased architectural standards and emphasis on improved site design and accessibility for a Mixed Use zoned property represents an aesthetic improvement over the existing Light Industrial standards. The changing pattern of development in this appears to be better served by the type of development proposed by the applicant than what is currently permitted by-right under the Light Industrial use chart.

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.

This site will become a significant feature on the south side of Smyrna and be representative of the gateway into the next phase of development in that part of the city. The increased architectural standards and emphasis on improved site design and accessibility for a Mixed Use zoned property represents an aesthetic improvement over the existing Light Industrial standards. The changing pattern

of development in this appears to be better served by the type of development proposed by the applicant than what is currently permitted by-right under the Light Industrial use chart.

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

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.

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 of the development does not exceed 38', which is below that allowed both by the proposed MU zoning and the existing LI zoning. There would be no negative impact to the surrounding area or general area.