

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

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To: Mayor and Council

From: Ken Suddreth, Community Development Director  
Tom Boland, Economic Development Manager  
Russell Martin, AICP, Senior Planner

Date: May 15, 2018

CC: Tammi Saddler-Jones, City Administrator  
Planning and Zoning Board

**RE: ANNEXATION AND REZONING CASE Z17-014 – 2800 & 2810 Spring Road**

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**Applicant:** Westplan Investors Acquisitions, LLC.

**Existing Zoning:** NS (Smyrna) & OI (Cobb County)

**Titleholder:** Accent Cumberland Apartments, LP.

**Proposed Zoning:** MU-Conditional  
**Size of Tract:** 8.7 Acres

**Location:** 2800 & 2810 Spring Road

**Contiguous Zoning:**

**Land Lot:** 880 & 881

North GC & NS  
South OI, TS & RRC  
East RRC & CRC (Cobb)  
West GC & OI

**Ward:** 3

**Access:** Spring Road & Springhill Parkway

**Hearing Dates:**

**Existing Improvements:** Retail Center and Office Park

P&Z April 9, 2018  
Mayor and Council May 21, 2018

**Proposed Use:**

Development of a mixed use development consisting of a hotel, office building, retail building and an apartment building.

**Planning & Zoning Board Recommendation:**

**Denial** of the zoning request by vote of 6-0.

**Staff Recommendation:**

**Denial** of the zoning request.



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## 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 applicant is proposing the redevelopment of the subject property for a mixed use project consisting of multi-family housing, a hotel, an office building and a retail/commercial building. The adjoining properties to the east are zoned Neighborhood Shopping (NS) and General Commercial (GC) and are occupied by commercial uses, such as an Applebee's restaurant and a vacant Pizza Hut restaurant (Cobb County) and a hotel (Cobb County). The adjoining properties to the south are zoned GC and Office/Institutional (OI) and are occupied by a hotel and a small office/warehouse building. The adjacent properties to the north across Spring Road are zoned GC and are occupied by a retail center and a Discount Tire store. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*

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

*The proposed project is a Development of Regional Impact (DRI) and was reviewed by both Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) for environmental and transportation impacts on the region. Both reviewing bodies were supportive of the project provided their conditions laid out in the Notice of Decision are met during the development of the site. Therefore, 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.

*The subject parcel has a reasonable economic use as a currently zoned. The property is zoned NS in the city and OI in the county.*

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, adequate water capacities are available in the area to accommodate the development associated with the rezoning. Water is located within the right-of-way of Spring Road.*

*Based upon information provided by the Cobb County Water System, adequate sewer capacities are available in the area to accommodate the development associated with the rezoning.*

*Community Development has sent notification to the Cobb County Board of Education (BOE) regarding the annexation and rezoning request. The Cobb County BOE has not responded to the zoning application at the writing of this memo.*

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

*The rezoning is in conformity with the City's Future Land Use Plan, which indicates the subject parcel has a future land use designation of Regional Activity Center (RAC). The Mixed Use (MU) zoning district is an appropriate use under the RAC future land use designation. There will be no change to the future land use designation required for this rezoning.*

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.

*The City of Smyrna completed and adopted the Spring Road Livable Centers Initiative (LCI) in Spring of 2017. The Spring Road LCI lays out the City's vision for development patterns along the Spring Road Corridor. The LCI also lays out the transportation projects and improvements to achieve these development patterns. The mixed use development meets the general intent of the LCI study with respect to land use, but the site design and project lay out fall significantly short of the intent of the LCI study with respect to meaningful pedestrian and vehicular connectivity through the site and to adjacent sites. The proposed development lacks community open space and plazas, as well as the integration and connection of all the uses on site. The current design does not allow for substantive interaction between the uses, which is vital for successful mixed use development.*

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 of the property under the zoning proposal may enhance the architectural standards and aesthetics of the general neighborhood. The applicant has provided renderings of the proposed buildings with the rezoning application.*

*The proposed development does not provide any significant open space within the development. The only open space provided is located within the multi-family building, which is not accessible to the general community.*

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 existing uses in the area. The zoning proposal is for multi-family housing, retail space, office space and a hotel in an area that is already dense with respect to 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.

*The zoning proposal may not negatively affect the adjoining property, general neighborhood and other uses due to the size of the proposal in either land area or building height. The zoning proposal only meets a majority of the zoning requirements of the MU zoning district, but not all of them. The applicant is seeking the following variances from Section 720 of the Zoning Ordinance:*

1. *Increase of the maximum front setback for the retail building from 20' to 25' (Section 720.3(1)(c)(1)) ;*
2. *Increase the maximum allowable building height from 5 stories to 12 stories (Section 720.5);*
3. *Eliminate the requirement to have a consistent building edge along a public sidewalk (Section 720.9(5));*
4. *To allow off-street parking between the building and the right-of-way for the retail building and hotel (Section 720.9(6));*
5. *To eliminate the requirement for public plaza or places that are connected to pedestrian zones (Section 720.9(7)); and*
6. *To allow drive-thru facilities in between the building and the Spring Road right-of-way (Section 720.9(11)). \*\*The applicant has not specifically asked for a variance with respect to a drive-thru window on the north side of the retail building, but the retail building and the associated drive aisle create a condition where a tenant may want to install a drive-thru window.\*\*\**

## **Project Description**

Westplan Acquisitions, LLC is requesting to annex and rezone the property at 2800 & 2810 Spring Road from Neighborhood Shopping (NS) and Office/Institutional (OI) to Mixed Use (MU) – Conditional for the development of a mixed use development consisting of a hotel, an office building, a retail/office building and a multi-family development.

The existing retail center that fronts on Spring Road at 2800 Spring Road is located within the city limits and is zoned NS. The retail center is comprised of a restaurant, a small convenience store, some retail shops and a salon. The existing office park at 2810 is located in unincorporated Cobb County and is zoned OI. The office park is comprised of three, two-story office buildings with frontage on I-285. The applicant plans to demolish all the buildings on both sites and redevelop the site with a new mixed use development.

The proposed mixed use development will have the following uses:

1. A 6 to 12 story hotel (126,000 sq. ft.), which will accommodate 140 to 250 rooms with associated structured parking below the hotel. The hotel will be located near Spring Road.
2. A 5 to 6 story multi-family building consisting of 310 apartment units wrapped around a 5 to 6 story parking deck with 465 parking spaces. The multi-family building will be 389,333 sq. ft. in floor area with an average unit size of 900 sq. ft.. The multi-family building will be located towards the rear of the property along I-285.
3. A 3 to 4 story office building containing 80,000 sq. ft. of floor area with frontage on I-285.
4. A two-story flex retail/office building with 7,500 sq. ft. of retail space on the bottom floor and 7,500 sq. ft. of office/commercial space on the second floor over the retail, located along Spring Road.

The proposed project is designed with the 15,000 sq. ft. retail building and the hotel being locate near Spring Road with the multi-family building and office building located in the interior of the site along I-285. The applicant is requesting two right-in/right-out entrances on Spring Road with an associated deceleration and a full access entrance on Springhill Parkway, which is in the rear of the property. The first entrance road will run alongside the hotel, the multi-family building and office building and connect to the full access entrance on Springhill Parkway. The second entrance road will run between the retail building and the hotel and connect back to the first entrance road near the multi-family building, which connects back to Springhill Parkway.

The proposed project provides a total of 1,191 parking spaces for the project. There are 465 parking spaces within the multi-family building parking structure at a ratio of 1.5 spaces per unit. The city's parking ratio for dwelling units in the MU zoning district is 1 parking space per unit (Section 906.4.1(3)). The multi-family parking structure will be wrapped by the multi-family building and will not be visible from the right-of-way. The hotel will provide 140 to 250 parking spaces in underground structured parking beneath the hotel at a ratio of 1 parking space per room. The city's parking ratio for hotels in the MU zoning district is 0.5 parking space per room (Section 906.4.1(2)). The retail building will provide 76 surface parking spaces at a ratio of 5 parking spaces per 1,000 square feet of floor area. The city's parking ratio for commercial buildings in the MU zoning district is 1 parking space per 1,000 square feet of floor area (Section 906.4.1(1)). The office building will provide 400 parking spaces at a ratio of 5 parking spaces per 1,000 sq. ft. of floor area. The city's parking ratio for office buildings in the MU zoning district is 1 parking space per 1,000 sq. ft. of floor area (Section 906.4.1(1)). The applicant has not shown where the parking for the office building will be located, so the assumption is the parking will be located in a parking structure under the office building. The applicant will also provide 40 bike racks throughout the development to meet the conditions of the DRI review.

The proposed plan reflects sidewalks throughout the site with connections from Spring Road to Springhill Parkway. The applicant has shown two potential pedestrian bridge locations on the property in an attempt to meet the general intent of the Spring Road LCI. The LCI calls for above grade crossing of Spring Road and I-285 to complete pedestrian connectivity to the Braves Stadium, Cumberland Mall and the Galleria. The first bridge location is on the Spring Road right-of-way near the parking and rear of the retail building. The second bridge location is at the rear of the property along I-285. The applicant has provided sidewalk connections from the bridges to the sidewalks within the development.

There are several site constraints that affect the development of the property. First, the property has significant topographical issue with the property dropping between 30 and 40 feet from Spring Road to I-285. In addition, there are two easements that run through the property along the I-285 property line. The first being a 20' sanitary sewer easement and the second being a 10' gas line easement.

The applicant has stated that their intention is to begin developing the site once they receive zoning approval. The applicant plans to start with the development of the multi-family building and parking structure first. The other building sites (hotel, office and retail building) would be sold to other developers and constructed at a later date. The applicant has added a condition to their stipulation letter (dated March 26, 2018 by Garvis Sams) that a building permit for the hotel will be applied for prior to the final Certificate of Occupancy being issued for the multi-family structure. Staff does not believe this condition is strong enough to ensure that the other uses proposed for the site actually occur.

## **Project Analysis**

### **Development of Regional Impact Review**

Prior to the start of the zoning process, the applicant had to complete a Development of Regional Impact (DRI) Review by the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA). The DRI review provides all adjoining jurisdictions and municipalities and opportunity to comment on developments that will have a regional impact. Mixed Use developments exceeding 600,000 sq. ft. of floor area are deemed large enough to require a DRI review. The DRI review concentrates on transportation impacts of the development on the existing infrastructure and systems. The DRI review was completed on February 5, 2018 and a Notice of Decision was issued. ARC and GRTA have both issued a Notice of Decision for the project. Below are the requirements from reviewing authorities:

General Conditions of Approval for the Notice of Decision (Attachment A in NOD):

- Provide sidewalks on both sides of all internal roads connecting all buildings and site access points.
- Provide sidewalks along all frontages.
- Provide pedestrian facilities internally connecting all structures and land uses creating a network throughout the DRI project site.
- Provide bike racks at all non-residential or multi-family buildings.
- Provide internal pedestrian connectivity between pedestrian bridges on site.

Required Improvements to Serve the DRI (Attachment C in NOD):

- Replace the existing eastbound protected left turn phase with protected + permissive phasing at the intersection of Spring Road at Cumberland Boulevard.
- Create a channelized island on the southbound right turn lane at the intersection of Spring Road at Cumberland Boulevard.
- Create a channelized island for westbound right-turn movements at Cumberland Boulevard and Springhill Parkway.

#### 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, building separations, parking requirements, buffering and landscaping. The zoning proposal meets a majority of the zoning requirements of the MU zoning district. The applicant is seeking the following variances from Section 720 of the Zoning Ordinance:

1. Increase of the maximum front setback for the retail building from 20' to 25' (Section 720.3(1)(c)(1)) ;
2. Increase the maximum allowable building height from 5 stories to 12 stories (Section 720.5);
3. Increase in the maximum allowable density from 25 units per acre to 35 units per acre (Section 720.9(1));
4. Eliminate the requirement to have a consistent building edge along a public sidewalk (Section 720.9(5));
5. To allow off-street parking between the building and the right-of-way for the retail building and hotel (Section 720.9(6));
6. To eliminate the requirement for public plaza or places that are connected to pedestrian zones (Section 720.9(7)); and
7. To allow drive-thru facilities in between the building and the Spring Road right-of-way (Section 720.9(11)).

Community Development has also reviewed the proposed plan against the zoning requirements of the Spring Road Corridor Design District (Section 717 of the Zoning Ordinance). The applicant is seeking the following variances from Section 717 of the Zoning Ordinance:

1. Reduction of the required landscape easement along Spring Road from 15' to 5' (Section 717.101(b));
2. Reduction in the distance between curb cuts from 200' to 150' on Spring Road (Section 717.124(b)); and
3. Reduction of the minimum rear setback from 100' to 35' (Section 717.162(a))

#### Engineering Review

The City Engineer has reviewed the proposed zoning amendment for traffic and stormwater management issues. With regards to traffic improvements, the City Engineer would recommend the following improvement be completed applicant/developer: 1) Installation of two right-in/right out entrances on Spring Road; 2) Installation of a deceleration between the proposed right-in/right-out entrances on Spring Road; 3) Installation of a full access entrance on Springhill Parkway; and 4) The developer shall be responsible for any public improvements required by ARC or GRTA from the DRI review. With regards to on-site stormwater management, the applicant has not provided any information as to how they plan to meet the city's stormwater

requirements. The City Engineer cannot provide comment on stormwater issues due to the lack of information. The applicant will be required to meet all city stormwater management requirements during the plan review process.

Fire Marshal Review

The City's Fire Marshal's Office has reviewed the proposed plan and believes that in the current design they cannot adequately serve this development. The Fire Marshal's Office has provide the following items that need to be addressed with respect to the site plan to provide appropriate emergency response and access:

1. All entrances must be a minimum 26' in width from back of curb to back of curb (BOC);
2. All private roads through the development must be increased to 26' width (BOC);
3. All private roads shall be constructed to city standards;
4. All radii within the development shall be a minimum of 25';
5. The emergency lane around the multi-family building shall be paved;
6. The drive aisle around the retail building shall be a minimum of 20';
7. A 26' paved access lane shall be provided around the office building;
8. The perpendicular parking between the hotel and retail building on main access road presents accessibility issues;
9. The five parking space near the first right-in/right-out entrance shall be removed; and
10. There is no parking or accessibility design for the office building.

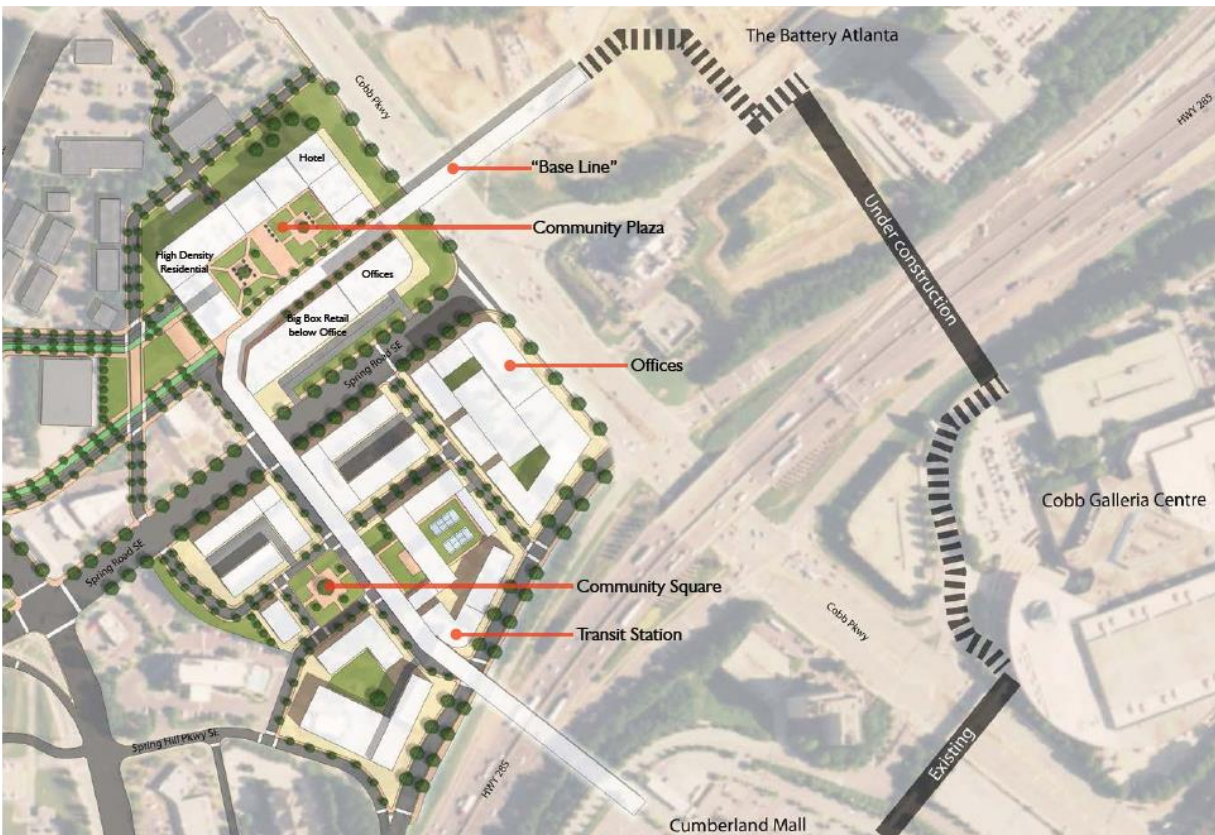
This development will need to address all the issues described above and meet all the city requirements with regards to the fire code.

Planning Review

The development proposal is generally consistent with the land use recommendations in the Spring Road LCI Master Plan for mixed-use along the southern portion of the Spring Road Corridor. However, it falls well short of the intent of the more comprehensive master plan concept set forth in the Spring Road Corridor LCI Master Plan document. By ignoring the larger issue of providing accommodation for critical and transformative public infrastructure improvements for the area, it not only sells the development potential of the site short, it limits, to a large extent, the future development potential of adjacent and nearby parcels.

The site is situated in such a way that it is a critical component to realizing the vision for the entire area. The eventual success and long term viability and sustainability of the LCI plan concept is based, to a large degree, on the interconnectivity of the key development nodes identified in the LCI plan. This interconnectivity concept helps create a synergy where the "sum of the parts is greater than the whole".





The “South Spring” and “Smyrna Plaza” nodes, as defined in the LCI plan, are significantly compromised by the current site plan. The most important infrastructure components in the master plan are not addressed in the development proposal. The site plan, as submitted, creates permanent barriers that prevent the critical infrastructure elements, as proposed in the LCI plan, from being effectively implemented.

Little, if any, consideration is provided in the site plan that would allow this key development node (South Spring) to accommodate the recommended public infrastructure improvements.

Specifically:

- **The Baseline** that provides an uninterrupted pedestrian link connecting all four quadrants of the I-285/Cobb Parkway interchange is not effectively accommodated in the site plan. This transformative pedestrian circulation concept (The Baseline) is an opportunity to address the significant pedestrian barriers posed by the major local (Spring Road) and regional (Cobb Parkway and I-285) traffic thoroughfares in the immediate area. It is the key infrastructure element that helps transform what is currently an inhospitable pedestrian environment into a unique opportunity by incorporating an iconic, grade separated pedestrian facility connecting three existing major development nodes (The Battery/Sun Trust Park, the Cobb Galleria Convention Center Complex and Cumberland Mall) to the South Spring and Smyrna Plaza

development nodes. This connection is key to unlocking the future potential of these two important development nodes.

- There is no consideration given, either initially or in the future, for the development of a **community square/plaza concept** in the South Spring development node, as proposed in the LCI plan.

In conclusion, rather than presenting a development proposal that serves as a positive catalyst for quality development in one of the most dynamic urban communities in the Metro Atlanta area, this development proposal takes a myopic, short sighted approach. The chance to create a unique and sustainable urban environment envisioned by the officially adopted and supported LCI Spring Road Corridor Master Plan is severely hampered, if not permanently damaged, by the current development proposal.

The rezoning request was heard by the Planning and Zoning Board at the April 9, 2018 meeting and was recommended for denial by a vote of 6-0.

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## **STAFF RECOMMENDATION**

If the proposed development is viewed as providing "mixed uses", then one could say in a broad sense that it is "generally consistent" with the land use recommendations in the Spring Road LCI Master Plan. However, if viewed in the larger context of meeting the intent and goals of the LCI plan, then the current proposal as designed falls short. The proposed plan does provide different types of uses within the development (apartments, hotel(s), retail and office); however, the layout, design and integration of those uses within the site does not draw someone's interest into the site nor does it encourage easy and natural connectivity within the site or to adjacent sites. As currently design, the proposed use within the site and are isolated and independent of one another. The only thing connecting one use to the other is a sidewalk that runs from Spring Road to Springhill Parkway. In addition, the ranges in building heights and number of rooms for the proposed hotel are different than those submitted for the DRI. Further, staff has only been provided limited information regarding the type of hotel that is being requested. The LCI study suggests that "a select service type of establishment (somewhat upgraded from a conventional limited service hotel) is possible in the study area. Staff does not have enough information to determine what type of hotel is actually being proposed and as such is not supportive.

The current design does not encourage the essential interactions between the uses to make a successful mixed use development due to building orientation, traffic flow through the site and the site topography. The 30 to 40 foot elevation change from Spring Road to I-285 would allow for the construction of all the buildings on top of a parking structure with the parking below. If all the parking was located below buildings, the development could be designed in such a way to meet all the goals and policies established in the Spring Road LCI Master Plan. The buildings could be constructed at the same elevation on a community plaza or open space while separating pedestrians from vehicular traffic and providing integrated landing spots for the pedestrian bridges over Spring Road and I-285. The proposed apartment complex should be oriented closer to and/or along Spring Road with the proposed hotel located closer to I-285.

The proposed site design negatively and permanently impacts the city's opportunity to achieve the officially adopted LCI Master Plan. The opportunity costs associated with the approval of the development are significant with respect to future development south of Spring Road between Cobb Parkway and Cumberland Boulevard. In addition, the proposed plan presents concerns with respect to fire safety & accessibility, as well as stormwater management (since no information was presented). Therefore, Community Development recommends **denial** of the request.

### **Subject Property**









**Adjacent Properties**















