

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: February 7, 2014

CC: Eric Taylor, City Administrator

RE: ZONING AMENDMENT CASE Z14-006 – Belmont Redevelopment Project at the Northwest Corner of Atlanta Road and Fleming Street

Applicant:	<u>David Weekly Homes</u>	Existing Zoning:	<u>Mixed Use</u>
Titleholder:	<u>Halpern Enterprises, Inc.</u>	Proposed Zoning:	<u>Mixed Use</u>
		Size of Tract:	<u>10.454 Acres</u>

Location: Northwest Corner of Fleming Street & Atlanta Road

Land Lot: 489, 490, 519 & 520

Ward: 3

Access: Belmont Parkway & Fleming Street

Existing Improvements: Vacant Parcel

Contiguous Zoning:

North	MU
South	R-15 & RAD
East	Atlanta Road & CSX
West	MU

Hearing Dates:

P&Z	N/A
Mayor and Council	February 17, 2014

Proposed Use:
Amendment of the currently approved zoning plan and building elevations.

Staff Recommendation:
Approval of the proposed zoning amendment 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 proposed zoning amendment will result in the development of 164 single-family homes on Pods "C" and "D" of the Belmont Hills Redevelopment Project. The proposed density for the site is 15.8 units per acre. The original zoning of the property (Z08-006) approved a maximum of 902 residential units for the redevelopment project. The approved 902 residential units were broken down to the following categories; 164 units for independent senior living, 274 units for multi-family housing and 464 owner-occupied units (condominiums, townhomes and detached single-family homes). The proposed 164 single-family homes are within the residential unit requirements established in the original zoning of the property. In addition, Pods "C" and "D" both allowed for fee-simple residential as a permitted use within the Pods. The proposed amendment will not change the overall intensity of the redevelopment project and is in-line with the original intent of the development. After review of the use and development of the adjacent and nearby property, the zoning proposal will permit a use that is suitable.

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

The proposed zoning amendment will not have an adverse affect upon the existing use or usability of nearby properties.

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

The subject parcels have 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 Public Works Director, water and sanitary sewer is available for the proposed development. As designed, the development within Pods "C" and "D" will be private water and sanitary sewer. There should be an existing water stub on Belmont Place for this development. The development will have an 8" master meter and 8" DDC. All building/units will be required to be privately and individually metered. The sanitary sewer system shall also be

accessed on Belmont Place. Utility elevations are the responsibility of the developer. The information above is based upon the land plan titled "Belmont Hills Pods C and D" by Ridge Planning and Engineering.

Based upon information provided by the City Engineer, the city's transportation facilities should not be negatively impacted by the proposed redevelopment project. With the creation of the proposed road grid and the substantial improvements planned for the existing transportation facility, all potential transportation impacts created by the proposed project should be addressed. The proposed project was classified as a Development of Regional Impact (DRI) and was sent to the Atlanta Regional Commission and the Georgia Regional Transportation Authority for review. Both commissions reviewed the proposed project and made recommendations for improvement. These recommendations have been incorporated into the proposed project. The only changes from the originally zoned Belmont Hills Redevelopment plan are the elimination of the road between Pods "C" and "D" and the shifting of the deceleration lane for that road down to the Fleming Street and Atlanta Road intersection.

Based upon the information provided by Cobb County Board of Education, the proposed development will have a minor impact on Smyrna area school system. Currently, Smyrna Elementary Schools is under capacity by 100 students; Campbell Middle School is over capacity by 100 students; and Campbell High School is under capacity. Cobb County Board of Education has concerns over the increased traffic on Fleming Street. Upon the completion of the proposed development, the Belmont Parkway will be completed and traffic light at Atlanta Road will be installed, creating further connectivity through the site and relieving traffic on Fleming Street.

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

The proposed zoning amendment is in conformity with City of Smyrna's Future Development Plan which designates the subject parcel as having a Mixed Use land use designation. The Mixed Use zoning designation is an allowable and appropriate zoning under the Mixed Use future land use designation. A land use change from Mixed Use is not required for this zoning amendment. Therefore, the zoning proposal is in conformity with the city's policy contained within its land use plan.

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 property owner of the subject property did not have a specific development plan for Pods "C" and "D", but was approved for a list of permitted uses within these Pods. It was the understanding of all parties (the property owner and the City) that any development plan for these Pods would come back to the Mayor and City Council for approval. The property owner has designed a development plan

that meets the original intent of the redevelopment project and has therefore applied for approval of the zoning amendment.

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 enhance the architectural standards, open space requirements and aesthetics in the general neighborhood without creating a nuisance, but will constitute an event which will precipitate redevelopment along the Atlanta Road and Windy Hill Road corridor as envisioned for this area of the City of Smyrna. The subject property falls within the Downtown Design District and has been reviewed by the Urban Design Commission. The Urban Design Commission approved the design of the development at their January 14, 2014 meeting by a vote of 8-0.

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

The proposed zoning amendment should not create a nuisance to existing uses and is compatible with existing uses and proposed future uses in the area. The proposed zoning amendment shall provide a better transition from the existing land uses, as well as enable the redevelopment to continue on a quality basis.

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.

Factors associated with the size of the proposed use, in either land area or building height, should have a minimal affect upon adjacent properties. The proposed detached single-family homes will require the following five variances: (1) Reduction in minimum lot size from 6,250 sq. ft. to 1,340 sq. ft.; (2) Reduction of minimum lot width from 50' to 24'; (3) Minimum front setback from 20' to 5'; (4) Reduction of minimum side setback from 7.5' (with 15' building separation) to 0' (with a 3' building separation); and (5) Reduction of the minimum floor area from 1,800 sq. ft. to 1,500 sq. ft.. The proposed housing product is a detached townhome with minimal building separation. The townhomes will be protected with fire sprinkler systems. The design of the development is in line with the original intent of the redevelopment project and will provide a more urban feel in the downtown area. Therefore, the proposed use with respect to land area or building height will not negatively affect adjoining property or the general neighborhood.

The City of Smyrna rezoned of the 47.49877 acre tract on January 20, 2009 from GC & R-15 to Mixed Use for the construction of the Belmont Redevelopment Project (Zoning Case Z08-006). The approved project was a mixed use development providing a variety of uses, including; retail shops, restaurants, office space, independent living senior housing, luxury apartments,

condominiums, townhomes and single-family detached housing. The approved development was planned to have a maximum of 127,088 square feet of commercial space and a maximum of 902 residential units. Of the residential units, a maximum of 164 independent senior housing units are allowed and a maximum of 274 luxury rental units are allowed with the remaining units being owner occupied housing (condominiums, townhomes and single-family detached homes). As part of the initial rezoning, the applicant provided a zoning plan, building elevations and street cross-sections. The rezoning was approved based on the specific zoning plan, elevations and street cross sections, along with several zoning conditions. If any of these items were to significantly change the applicant would have to come back to Mayor and Council for approval of the changes.

On October 15, 2012, the property owner applied for a zoning amendment (Zoning Case Z12-005) to redesign several components of the original zoning plan for the property. The property owner requested and was approved for the following changes to the Belmont Redevelopment Project:

1. The relocation of the 274 luxury multi-family units from Pod "C" to Pod "F". This included the elimination of the planned parking garage and replaced it with surface parking.
2. The modification of the building elevations for the multi-family buildings.
3. The re-designation of Pod "C" permitted uses from multi-family" to "retail, office, condominiums, and fee-simple residential".
4. The redesign internal street cross-sections to provide for wider internal street lanes.

The Mayor and Council approved the zoning amendment Z12-005 by a vote of 7-0.

The architectural design and site design of the site are controlled through the Mixed Use zoning district and the city's Urban Design Standards. These design standards shall control setbacks, building orientation, building height, architectural features and etc. The applicant has provided a site plan for the development which meets the intent of the design standards. The applicant has also, provided building elevations for the various types of homes within the development. Ensuring that the purpose and intent of the Urban Design Standards are met, the developer submitted building elevations and site plans to the Urban Design Commission (UDC) for review. The UDC approved the building elevations and site plans by vote of 8-0 at the January 14, 2014 meeting.

The applicant (David Weekly Homes) has contracted with Halpern Enterprises, Inc. to purchase 10.4 acres of land known as Pods "C" and "D" of the Belmont Hills Redevelopment Project. David Weekly Homes intends to develop the property into an innovative community of 164 single-family detached homes at a density of 15.8 units per acre. The homes to be constructed in the community will be zero lot line homes with approximately three feet (3') of building separation. There will be three distinct home types built in the new community. The homes on the perimeter of the project will be three-story homes with the main living area on the second floor, bedrooms on the third-floor and a ground floor that includes a bonus room and a rear-entry garage accessed off private alleyways (i.e. garages will face inward away from the exterior of the project). The second home type will be a traditional layout home with the main living area on the ground floor and bedrooms on the second floor. This home type will also have a rear-entry garage served by an alley. The third type of home will have the main living area on

the ground floor along with the master bedroom. Secondary bedrooms and/or flex space will be located on a second story. This third type of home will front the community's common green space and will have rear-entry garages on private alleys. To illustrate the community's layout, the applicant has provided a colored site plan depicting the location of each type of home.

The homes to be constructed in the community will have mixed façade materials consisting of board/batten and fibrous cement siding ("hardi-plank siding"); along with brick, stone, stucco and cedar shake accents. Example elevations and typical materials are illustrated in the conceptual rendering included in the zoning amendment packet. The square footage of the proposed homes will range from 1,500 sq. ft. to over 2,000 sq. ft.. Given that this housing type is new to the Smyrna Market, how to classify it for minimum floor area purposes is an issue. As such, a zoning condition permitting the floor area range above provided in the in the list of conditions below.

The proposed community will be gated, which will mean all internal streets, alleys, common open space, water system and sanitary sewer system will be owned and maintained by the community's Home Owners Association (HOA). There will be vehicular access gates at the community entrances on Fleming Street and Belmont Parkway. The entrances will also include brick pavers and/or stamped concrete, community signage on brick and/or stone pedestals, and will be fully landscaped. These gated entrances will also include a neighborhood call box that will have emergency access features. The remainder of the community will be ringed by a black tubular steel fence with masonry columns. The proposed fencing will be approximately four feet (4') high. There will be pedestrian gates in the perimeter fencing to allow for connectivity to the neighboring school and other portions of the Belmont project.

All landscape plans (for any common area or entrances) will be prepared, stamped and signed by a Georgia Registered Landscape Architect. All yards and common areas will be sodded, landscaped and irrigated as appropriate.

Community amenities will include a swimming pool and a covered pavilion with a fire place and restrooms. There will also be a dog park with multiple benches and a drinking water fountain for both residents and dogs. All amenities will be located in and/or adjacent to the common green located in the center of the community.

There will be protective covenants and architectural guidelines established for the community. An HOA will be established to administer and enforce the prescribed architectural controls and protective covenants and restrictions to safeguard the quality and integrity of the residential community. The HOA will be responsible for the oversight, upkeep, and maintenance of all common areas, private alleys and streets, sidewalks, and amenity areas. The HOA will also handle the landscape maintenance for all homes within the community.

Community Development recommends **approval** of proposed zoning amendment with the following condition carried over from Rezoning Case Z08-006, Zoning Amendment Case Z12-005 and several additional conditions (highlighted in yellow):

1. The rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated January 20, 2009 by Kevin Moore with Moore, Ingram, Johnson and Steele, LLP.

2. The approval of the zoning amendment shall be in substantial conformity to the zoning plan submitted on August 10, 2012, titled Belmont Zoning Plan and created by Halpern Enterprises, Inc. (Replace stipulation #2 in the letter above.)
3. The approval of the zoning amendment shall be in substantial conformity to the road cross sections submitted on August 10, 2012, titled Belmont Road Sections and created by Halpern Enterprises, Inc. (Replace stipulation #A (4) in the letter above.)
4. The approval of the zoning amendment and the development of Pods "C" and "D" shall be in substantial conformity to the site plan submitted on January 17, 2014, titled "Belmont Hills Pods C and D" and created by Ridge Planning and Engineering.
5. The approval of the zoning amendment and building elevations for the homes in Pods "C" and "D" shall be in substantial conformity to the building elevations submitted on January 17, 2014, titled "David Weekly Homes at Belmont Hills" and created by Caldwell & Cline Architects and Designers.
6. The minimum floor area for the homes in Pods "C" and "D" shall be 1,500 square feet.

Figure – 1



Figure – 2



Figure – 3

