

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

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

Date: August 8, 2016

CC: Michael Jones, City Administrator

**RE: ZONING AMENDMENT CASE Z16-013 – Belmont Redevelopment Project at the Southwest Corner of Atlanta Road and Windy Hill Road**

<b>Applicant:</b>	<u>Halpern Enterprises, Inc.</u>	<b>Existing Zoning:</b>	<u>Mixed Use</u>
<b>Titleholder:</b>	<u>Halpern Enterprises, Inc.</u>	<b>Proposed Zoning:</b>	<u>Mixed Use</u>
<b>Location:</b>	<u>Southwest Corner of Windy Hill Road &amp; Atlanta Road</u>	<b>Size of Tract:</b>	<u>1.9 Acres</u>
<b>Land Lot:</b>	<u>447, 489, 490, 519 &amp; 520</u>	<b>Contiguous Zoning:</b>	
<b>Ward:</b>	<u>3</u>	North	<u>GC</u>
<b>Access:</b>	<u>Windy Hill Road &amp; Belmont Place</u>	South	<u>MU</u>
<b>Existing Improvements:</b>	<u>Vacant Parcel</u>	East	<u>MU</u>
		West	<u>MU</u>
			<b>Hearing Dates:</b>
		P&Z	<u>N/A</u>
		Mayor and Council	<u>August 15, 2016</u>

#### **Proposed Use:**

Modification 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 complete redesign of Phase II of Pod A. The original zoning of the property zoned Pod A to a specific site plan, which reflected 48,658 sq. ft. of commercial/retail. Phase II of Pod A (west of the entrance drive off Windy Hill Road and east of Belmont Place) was specifically planned for 18,000 sq. ft. of commercial/retail across four different buildings. Phase I of Pod A (east of the entrance drive off Windy Hill Road and to Atlanta Road) has been completed and tenants are now beginning to occupy the spaces. Halpern Enterprises is proposing to eliminate the planned 18,000 sq. ft. of commercial/retail and build a new two-story, 31,600 sq. ft. medical office building along Windy Hill Road. Office use is a permitted use under the Mixed Use zoning district. 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 for the proposed development are available and located in the right-of-ways of Windy Hill Road & Belmont Place.*

*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 road grid and the substantial improvements for the*

*existing transportation facilities, all potential transportation impacts created by the proposed project should be mitigated.*

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.

*Existing and changing conditions support approval of the proposed zoning amendment. The applicant has realized an opportunity to provide office space within the mixed use project and has a tenant ready to occupy half of the 31,600 sq. ft. of office space. The zoning proposal provides the city with professional office space in the redevelopment project and in the downtown 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.

*The proposed development will enhance the architectural standards, open space requirements and aesthetics in the general area without creating a nuisance. The subject property falls within the Downtown Design District and is subject to the requirements of the Urban Design Standards.*

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 project*

*will meet all the spatial requirements of Mixed Use zoning district. Adjoining property, the general neighborhood and other uses in the area should derive substantial benefit from the residential and commercial components which are incorporated into an overall plan for redevelopment consistent with the high standards already exhibited within the redeveloped downtown Smyrna area.*

The City of Smyrna originally rezoned the Belmont Hills project on January 20, 2009 from GC & R-15 to Mixed Use - Conditional. 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. 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.

The overall mixed use project has been amended several times to deal with changes in the location of the multi-family use, the street designs, and the single-family detached development. The Mayor and Council approved the first amendment to the plan on October 15, 2012 to relocate the multi-family development from Pod C to Pod F and redesign the street cross-sections within the development. The second amendment to the plan occurred on April 15, 2013 to address the development schedule of the access roads between the development pods. The last amendment to the plan occurred on February 17, 2014 to allow the combination of Pods C & D for the development of a single-family subdivision. Since the last amendment, the applicant has completed the first phase of Pod A (the retail pod), the multi-family development on Pod F, and has started construction on the homes in the single-family subdivision on Pods C & D. Phase II of Pod A and Pod B are the remaining portions of the project yet to be developed.

The applicant is proposing the following changes to the Belmont Redevelopment Project:

1. Modification of the undeveloped section (Phase II) of POD A. The applicant is proposing to eliminate the proposed 18,000 sq. ft. of commercial/retail and build a two-story 31,600 sq. ft. medical office building;
2. Approval for the modification of the building elevation. The applicant has provided renderings of the new medical office building; and
3. Approval of a new monument sign for the medical office building.

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 medical office building which meets the intent of the design standards. The applicant has also, provided building elevations for the office building. The exterior facade of the office building shall consist of a combination of brick and EFIS. The building will have a height of two stories, with a flat roof. Accessory details such as colors and signs shall be complementary to the overall 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 contingent on an additional review by the UDC to address the fenestration of the building along Windy Hill Road.

In addition to the proposed changes above, the applicant is requesting the ability to have a second monument on-site. The applicant has constructed a 60 sq. ft. monument at the corner of Windy Hill Road and Belmont Place for the identification of all the sections of the overall mixed development (i.e. Shops at Belmont, Alta Belmont & Village of Belmont). The applicant is requesting a second 60 sq. ft. monument sign for the medical office building and its tenants. The original zoning allowed the applicant to have two 150 sq. ft. monument signs for the development (one sign on Windy Hill & one on Atlanta Road) with a maximum height of 25'. The applicant ended up building two 60 sq. ft. signs with a maximum height of 12'. The existing signs are located at the intersection of Atlanta Road and Belmont Boulevard and the intersection of Windy Hill Road and Belmont Place. The new requested sign would not put the applicant over, in terms of sign area, the sign area allowed in the original rezoning. The sign area would just be spread across two different monument signs along Windy Hill Road. Community Development is supportive of the request for the additional monument sign for the office building.

Community Development recommends **approval** of proposed zoning amendment with the following conditions carried over from Rezoning Cases Z08-006, Z12-005, Z13-007 and Z14-006 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.

7. The approval of the zoning amendment and the development of Pod "A" shall be in substantial conformity to the site plan submitted on August 4, 2016, titled "Belmont Hills Medical Office Building" and created by Lyman Davidson Dooley, Inc.
8. The approval of the zoning amendment and building elevations for the medical office building in Pod "A" shall be in substantial conformity to the building elevations submitted on August 4, 2016, titled "Belmont Hills Medical Office Building" and created by Lyman Davidson Dooley, Inc.
9. The applicant shall be allowed a second monument sign along Windy Hill Road with a maximum sign area of 60 sq. ft. and maximum sign height of 12'.

**Figures – 1  
(Subject Property)**



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**Figure – 2**  
**(Adjacent Property to the West Across Belmont Place)**



**Figure – 3**  
**(Adjacent Property to the North Across Windy Hill Road)**



**Figure – 4**  
**(Adjacent Property to the East)**





**Figure – 4**  
**(Adjacent Property to the South)**

