

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

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

Date: February 4, 2016

CC: Planning and Zoning Board  
Michael Jones, City Administrator

#### **RE: REZONING & ZONING AMENDMENT CASE Z15-012 – 4788 & 4840 Hanson Drive**

<b>Applicant:</b>	<u>Creekside Village Development Group, Inc.</u>	<b>Existing Zoning:</b>	<u>R-20 &amp; MU-Conditional</u>
<b>Titleholder:</b>	<u>Creekside Village Development Group, Inc.</u>	<b>Proposed Zoning:</b>	<u>MU-Conditional</u>
<b>Location:</b>	<u>4788 &amp; 4840 Hanson Drive</u>	<b>Size of Tract:</b>	<u>4.8 Acres</u>
<b>Land Lot:</b>	<u>690, 691</u>	<b>Contiguous Zoning:</b>	<u>HI (County)</u>
<b>Ward:</b>	<u>7</u>	North	<u>MU-Conditional</u>
<b>Access:</b>	<u>South Cobb Drive</u>	South	<u>Mixed Use &amp; GC</u>
<b>Existing Improvements:</b>	<u>Vacant Site</u>	East	<u>HI (County)</u>
		West	
			<b>Hearing Dates:</b>
		P&Z	<u>February 8, 2016</u>
		Mayor and Council	<u>March 21, 2016</u>

#### **Proposed Use:**

Zoning amendment to modify the currently approved site plan and building elevations.

#### **Staff Recommendation:**

**Approval** of the development with conditions carried over from Z13-016 (changes will be highlighted).



## 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 will permit a use that is suitable in view of the use and development of the adjacent and nearby property. The primary use of the property will remain unchanged from zoning case Z08-010, which was approved for 120 independent senior living units with 70,000 sq. ft. of commercial retail space. The applicant is requesting a zoning amendment to modify the currently approved site plan and building elevations. The applicant is proposing to increase the number of units from 120 to 200 and to eliminate the 70,000 sq. ft. of commercial retail.*

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

*The zoning proposal will not affect the existing use or usability of adjacent or nearby property. The original zoning proposal had direct access to South Cobb Drive. The proposed changes of the zoning amendment will not change the access to South Cobb Drive. The applicant has proposed a 10' buffer between the subject property and the adjoining industrial uses. The applicant has proposed a small encroachment into the proposed landscape buffer for the location of the trash compactor.*

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. The increase in the number of independent senior units will be mitigated by the elimination of the 70,000 sq. ft. of commercial retail space. The net effect of the proposed change would result in less traffic impact from the currently approved zoning plan. The City Engineer will require the construction of a deceleration lane on South Cobb Drive for the development. The State DOT will have to approve all driveways and improvements along South Cobb Drive.*

*Based on Information provided by the Cobb County Water System, adequate water and sewer capacities are available in the area to accommodate the proposed development. A 12" water main is available in the right-of-way on the west side of South Cobb Drive. The applicant is currently in the process of extending the sanitary sewer from a location 800' south of the development. This sewer extension should be completed prior to the issuance of a Certificate of Occupancy for the assisted living facility in phase I. All necessary improvements would be the responsibility of the developer.*

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

*The zoning proposal is in conformity with the policy and intent of the City's land use plan. During the original rezoning of the property, the Mayor and Council approved a land use change to the Mixed Use land use designation of the City's Future Development Map. The proposed zoning amendment will not require a change to the City's Future Development Map.*

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 applicant stated the currently approved plan was over planned with 70,000 sq. ft. of commercial retail space. The applicant is proposing to eliminate the commercial retail space in exchange for additional units.*

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 traditional architectural features and materials that will enhance neighborhood aesthetics. The applicant has submitted architectural elevations with the zoning amendment. The building facades will be composed of brick and stucco.*

*In addition to the architectural aesthetics, the development will be preserving approximately 36% of the site in green space with amenity features that compliment the surrounding terrain. There is a stream that runs along the southern boundary line that the applicant proposes to preserve during the construction process, as well as enhance through buffer restoration and clean up. The applicant plans to make the stream buffer area into an amenity area with walking trails and benches for both the assisted living facility in phase I and the independent living facility in phase II. The applicant's proposal for the amenity areas is provided in the submitted color rendering of the site plan.*

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

*The primary use of the property for independent senior living will remain unchanged from the original rezoning of the property. The elimination of the 70,000 sq. ft. of commercial retail will reduce the overall site intensity. Therefore, the zoning amendment will not create a use that will be a nuisance or is 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.

*Factors associated with the size of the proposed use, in either land area or building height, may have an effect upon adjacent properties. The applicant will meet the zoning setbacks established in the original rezoning of the property and will provide a larger setback from the adjoining property to the west. The change in setback along the western property line will be 5' to 20'. The proposed setbacks for the independent senior living will improve over the currently approved zoning plan. With regards to the building height, the currently approved building reflects a four-story mixed use building over a two level parking deck. The proposed zoning amendment will provide a ten-story building over a two-story parking deck. The ten-story building will be the highest building in the immediate area. The Mixed Use zoning district allows a maximum building height of six-stories or 66', the applicant is requesting a variance to increase the building height to ten-stories. The city's Fire Department has reviewed the proposed building plan and believes they will be able to adequately service the proposed building.*

The Mayor and Council approved the annexation and rezoning (Z08-010) of the subject property from R-20 (Cobb County) to MU-Conditional (Smyrna) on December 15, 2008 by a vote of 5-2. The approval of the rezoning allows for the construction of a mixed use development that would consist of a two-story 69 unit assisted living facility and a four-story mixed use building consisting of 120 independent senior living units and 70,000 sq. ft. of commercial retail and office space. The development was rezoned to a specific site plan and building elevations, which provided an assisted living facility on the southern portion of the site (phase I) and a mixed-use building (retail and office on the ground floor and age restricted condominiums and senior apartments on the top floors) on the northern portion of the site (phase II). Both building were proposed to have parking structures underneath each building to support each use. The independent senior living units were to be accessed off Hanson Drive and the assisted living facility was to be accessed off South Cobb Drive. The specific site plans and building elevations were approved as conditions of the zoning. Subsequently, in September 2013, the applicant requested a zoning amendment for assisted living facility in phase I. The zoning amendment for the assisted living facility dealt with modifications to the site plan and building elevations. These modifications included the elimination of the structured parking and the increase of the number of beds from 78 beds to 108 beds because the applicant wanted to add a terrace level to address geological and topographical issues on site. The Mayor and Council approved the zoning amendment by a vote of 7-0. Since the approval of the zoning

amendment, the assisted living facility has been constructed and is about to receive its Certificate of Occupancy.

The applicant is requesting a zoning amendment to modify the site plan and building elevations for the independent senior living on the norther portion of the site (phase II). The currently approved zoning plan from Rezoning Case Z08-010 allows a mixed use building with 120 independent senior living units over 70,000 sq. ft. of commercial retail space. The currently approved building provides a four-story building over a two-level parking deck. The applicant has acquired the adjoining residential property at 4788 Hanson Drive (~0.6 acres) and is proposing to annex and rezone the property to include it into the overall development project. The proposed annexation and rezoning is from R-20 (Cobb County) to Mixed Use-Conditional (Smyrna). Cobb County has reviewed the annexation and rezoning request and has responded with a letter of non-objection to the request. The applicant is proposing to amend the currently approved zoning plan by eliminating the 70,000 sq. ft. of commercial retail space and increasing the number of independent senior living units from 120 to 200. This will result in a change in approved building from a four-story building over structured parking to a ten-story building over structured parking. In addition there are slight modification to internal site circulation and access.

The proposed building will be a significant change from what was originally approved in 2010. The proposed building is to be ten-stories tall on top of structured underground parking garage. The building façade will consist of stucco and brick. The applicant has provided building elevations with the zoning amendment request. The building will support 200 independent senior living units at 243,000 sq. ft. and 37,500 sq. ft. of common area and accessory uses for the exclusive use of the residents. The common area for the development will include a lobby, reception, staff offices, multiple dining venues, a commercial kitchen, a teaching kitchen, a general store/coffee shop, theater, library, wellness center, beauty shop, business center, arts and crafts room, and an indoor swimming pool. The 200 proposed dwelling units shall include 5 different unit plans. These unit plans include:

1. 48 Units – One Bedroom Units (24%)
2. 65 Units – One Bedroom Plus a Den Units (32.5%)
3. 35 Units – Two Bedroom Units (17%)
4. 51 Units – Two Bedroom Plus a Den Units (26%)
5. 1 Unit – Guest Suite (0.5%)

The above 200 unit total ratios may be adjusted to account for market conditions. The proposed development will be restricted to residents aged 55 and older.

In addition to the building changes, the applicant has proposed slight site changes to provide better site access and circulation. The applicant is providing a deceleration lane, a new sidewalk along South Cobb Drive, new internal sidewalks, a cover drop off area at the front of the building and an increased setback from the western property line. The applicant has worked with the City's Fire Marshal's Office and the City Engineer to make sure the access drive meets City standards.

The parking for the independent living development will be mostly comprised of structured parking. The proposed layout provides two underground parking levels, which will provide 112 spaces on the lower level and 99 spaces on the upper level for a total of 211 underground parking spaces. In addition, the applicant has provided 19 surface parking spaces on the outside of the building. The total number of parking spaces for the development is 230 spaces. Per Section 906.14.3 of the Zoning Ordinance, high-rise senior housing is required to provide 0.5 spaces per dwelling unit. The proposed parking meets the parking ratio established in the City's Zoning Ordinance.

The applicant is proposing a stormwater detention facility along the between the amenities deck on the building and the proposed retaining wall along the stream buffer. The City Engineer has reviewed the proposed location and believes it will be adequate to meet the requirements of the City's Stormwater Ordinance. The final design of the facility will be required during plan review and the permitting process and will be reviewed and approved by the City Engineer.

The proposed plan will require several variances a apart of the amended zoning plan. These variances include the following:

1. Increase in the maximum front setback from 20' to 131'.
  - *This variance was granted with the currently approved site plan. The applicant is not able to meet the maximum front setback due to the presence of an existing gas easement and stream buffer. The stream buffer runs almost parallel with South Cobb Drive for the length of the property making it impossible to meet this requirement. Community Development is **supportive** of this requested variance.*
2. Reduction of landscape buffer from 10' to 5' for the access drive as shown on site plan;
  - *This variance is needed due to the location of the gas easement and stream buffer along South Cobb Drive, as well as the geometry of the property. The variance is minimal and provides the Fire Department with better turning radiiuses. Community Development is **supportive** of this requested variance.*
3. Reduction of the landscape buffer from 10' to 2' for the trash compactor as shown on site plan;
  - *This variance is needed due to the location of the access drive and to be able to provide adequate access to the trash compactor for service. The applicant is proposing to enclose the trash compactor with a masonry enclosure to match the building. The enclosure provides the necessary screening and also serves as a buffer from the adjoining industrial property to the west. Community Development is **supportive** of this requested variance.*
4. Reduction of impervious surface area setback along stream from 75' to 65' as shown on the site plan; and
  - *This variance is for two corners of the building that slightly encroach into the impervious surface area setback along stream buffers as shown on the plan. The proposed encroachment into the setback is 820 sq. ft. and the applicant is proposing to preserve 1,270 sq. ft. elsewhere along the stream buffer for a net gain of 459 sq. ft. This encroachment is due to the geometry and topography of the site and the location of the gas easement, which limit the location of the*

*building. Buffer averaging has been a common practice for development in the city along stream buffers. Community Development is supportive of this requested variance.*

5. An increase in the maximum building height from six-stories or 66' to ten-stories.
  - This variance is to increase the allowable building height from six-stories to ten-stories. Due to the site and environmental constraints above, the only option is to construct a taller building. The applicant is proposing to preserve 36% of the site area in open space. *Community Development is supportive of this requested variance.*

Community Development, the City Engineer and Fire Marshal's Office have met extensively with the applicant regarding the proposed zoning amendment. Staff believes the proposed site plan and building elevations adequately address staff's concerns. Therefore, Community Development recommends approval of the proposed zoning amendment with the following conditions carried over from Zoning Case Z13-016 (changes are highlighted in yellow):

**Standard Conditions**  
**(Requirements #2, 16 and 17 from Section 1201 of the Zoning Code are not applicable)**

1. The composition of the buildings in the development shall include 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 buildings whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot or unit. This common space shall be developed with improvements for the residential development such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners' Association.
4. The detention pond shall be placed and screened appropriately to be unobtrusive to buildings 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.
5. All utilities within the development shall be underground.
6. 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 development and outside the development 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.

7. The developer shall install a deceleration lane at the entrance for the development. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.
8. A strip of brick pavers or stamped concrete shall be installed on the street at the development entrance for a minimum distance of 20 feet.
9. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
10. No debris may be buried on any lot or common area.
11. The developer will install decorative streetlights 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".
12. 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.
13. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
14. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

**Special Conditions:**

15. The development shall maintain the following setbacks:

Two-Story Assisted Living:

Minimum Front – 0'  
Minimum Side – 5'  
Minimum Rear – 20'

Ten-Story Independent Living/Mixed Use:

Minimum Front – 0'  
Minimum Side – 5'  
Minimum Rear – 20'

16. A 10' landscape buffer shall be provided and maintained along the property lines, except where varied by the approved site plan.
17. The applicant shall provide a covered entrance way over the passenger drop off zone at the Assisted Living site.

18. If deemed necessary by the City Engineer or Cobb County during construction plan review, a second deceleration shall be provided.
19. The trash dumpsters shall utilize rubber tops and/or trash compactors be appropriately screened with a three-sided brick enclosure.
20. ~~The applicant must obtain an easement to access the private sewer system on the adjacent property to the south or if the applicant elects to use the sewer along South Cobb Drive, approval must be obtained from the appropriate jurisdiction.~~
21. Units shall be limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time. This requirement shall be included in the protective covenants developed for the property.
22. The development should incorporate applicable accessibility and "easy living" standards (as administered and copyrighted by a coalition of Georgia citizens including AARP of Georgia, Atlanta Regional Commission, Concrete Change, Georgia Department of Community Affairs, Governor's Council on Developmental Disabilities, Home Builders Association of Georgia, Shepherd Center and the Statewide Independent Living Council of Georgia) to include at least one full bath with ample maneuvering space.
23. Each unit must be protected by a fire sprinkler system.
24. ~~The mandatory homeowners association must include the following rule for the independent senior living units:~~
  - ~~• No more than 20% of the total units may be leased by individual owners at a time and for no term less than one year in duration.~~
25. The applicant shall provide a refundable deposit of \$3,000.00 per acre at the issuance of a building permit for the cost of general site maintenance should the property be abandoned and no site maintenance is provided. At the completion of the overall project and the issuance of a Certificate of Occupancy, all or a portion the deposit shall be refunded to the person or entity that provided the deposit. If the developer is unable to provide a deposit, a five-year bond or letter of credit shall be an acceptable alternative. This bond or letter of credit may be a two-year bond or letter of credit that is automatically renewed for a period of five year. At the completion of the overall project and the issuance of a Certificate of Occupancy, the bond or letter of credit should be released to the developer.
26. The proposed development shall conform in substantial compliance to the site plan dated 1/11/2016 for the independent senior living facility and the site plan submitted on 8/9/2013 in Zoning Case Z13-016 for the assisted living facility. Slight deviations to the site plan may be approved by the Community Development Director. Any significant changes to the site plan will require an amendment to this rezoning.

27. The proposed development shall conform substantially to the conceptual elevations submitted on 1/11/2016 for the independent living facility and the elevations submitted on 8/9/2013 in Zoning Case Z13-016 for the assisted living facility. Detailed elevations indicating building materials and colors shall be submitted to Community Development prior to final approval. Slight deviations to the elevations may be approved by the Community Development Director. However, any significant changes to the elevations will require an amendment to this rezoning.
28. The following uses shall not be permitted on subject property:
  - Check Cashing Offices
  - Pawn Shops
  - Package Stores
  - Tattoo Parlor
  - Arcades
  - Pool Halls
  - Cigar Shops
  - Automotive Shops and Service Centers
  - Adult Entertainment
29. If any fence is constructed on the southern property line, it shall be wooden or decorative metal.
30. Decorative metal fencing shall be constructed along the top of all retaining walls providing a structural safety barrier as well as an attractive architectural element.

**Figure – 1**  
(Hanson Drive)



**Figure – 2**



06/04/2015

**Figure – 3**  
(Existing Structure on 4788 Hanson Drive)



**Figure – 4**

**(Adjoining Property to the North)**

