

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Russell Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: March 30, 2022

CC: Joe Bennett - City Administrator
Planning & Zoning Board

RE: REZONING CASE Z22-005– 2855 Spring Hill Parkway & 2685 Spring Road

Applicant: Mogar Farms Funding, LLC

Titleholder: Mogar Farms Funding, LLC

Location: 2855 Spring Hill Parkway &
2685 Spring Road

Land Lot: 846, 880 & 881

Ward: 1

Access: Spring Hill Parkway & Spring
Road

**Existing
Improvements:** Six-Story Hotel

Existing Zoning: GC & OI
Proposed Zoning: TS-Conditional
Size of Tract: 3.115 Acres

Contiguous Zoning:

North	GC
South	TS & GC
East	MU
West	GC & R-16

Hearing Dates:

P&Z	April 11, 2022
Mayor and Council	May 16, 2022

Proposed Use:

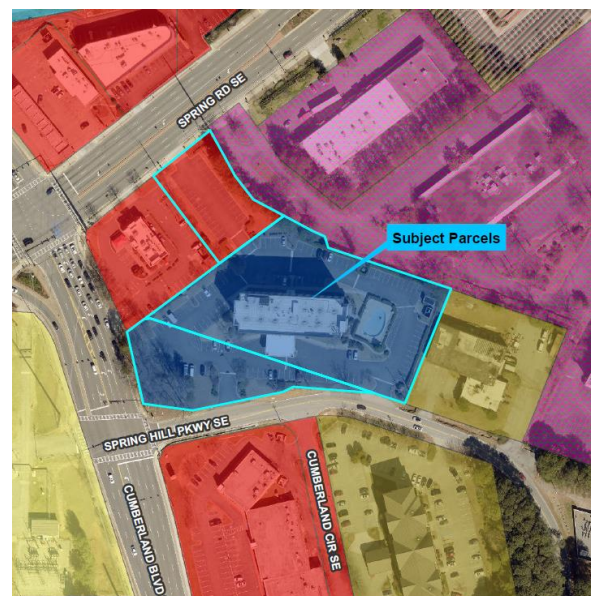
Rebranding of existing six-story, 135 key hotel and development of a new seven-story, 107 key boutique hotel. The land use designation will remain (RAC) Regional Activity Center.

Staff Recommendation:

Approval of the zoning request with conditions.

Planning & Zoning Board Recommendation:

Approval by a vote of 6-0 at the April 11, 2022, meeting.



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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

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

Applicant Response:

"The proposal will permit a use which is suitable within the context of existing development regarding adjacent and nearby properties."

Staff Analysis:

The applicant is proposing the redevelopment of the subject property for a new seven-story, 107 room hotel and rebranding of the existing six-story 135 room hotel with 194 surface parking spaces. The adjoining property to the north is zoned General Commercial (GC) and is occupied by commercial uses. The adjoining property to the south is zoned General Commercial (GC) and Tourist Services (TS) and is occupied by commercial uses and a hotel. The adjoining property to the west is zoned GC and R-15 and is occupied by a restaurant and public utility. The adjoining property to the east is zoned Mixed Use (MU) and has been approved for a mixed use development with a 188-room hotel, 37,500 sq. ft. of commercial/retail, and 300 multi-family units. 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.

Applicant Response:

"The proposed rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The applicant is proposing to redevelop the property for the construction of a new hotel in addition to re-branding and re-purposing of the existing hotel. The new seven-story hotel will be constructed on what is now a parking lot on the northwest portion of the subject property."

Staff Analysis:

The existing hotel will remain in the center of the property and will be renovated and rebranded. The new hotel will be connected to the existing hotel by a courtyard with shared lobby and pool. The zoning proposal for an additional seven-story, 107 room hotel with surface parking is in line with development patterns on adjoining and adjacent properties in the Spring Road/Cumberland Boulevard area. The

zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.

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

Applicant Response:

"The proposed rezoning will allow the re-branding and remodeling of an existing hotel site and the construction of a new hotel. The newly proposed suite hotel will consist of seven-stories with 107 units and the existing hotel will be six-stories with 135 units. The existing pool area will be converted into parking and a new pool will be situated between the two hotels. Architects are working on a revised floorplan to depict a building which will amount to two (2) hotels and assist in accommodating joint hotel(s) services."

Staff Analysis:

The subject parcel has a reasonable economic use as a currently zoned. The property is currently zoned GC& OI in the city.

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.

Applicant Response:

"The proposed rezoning will not result in a use that will have an adverse impact upon the existing City of Smyrna's infrastructure and constitutes a proposed use which comports with the trend of development along this section of Spring Road and Spring Hill Parkway."

Staff Analysis:

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 Public Works, 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 Hill Parkway via an 8" water main. A passing fire flow test is a requirement of approval of construction plans by this department.

Based upon information provided by Public Works, adequate sewer capacities are available in the area to accommodate the development associated with the rezoning.

Based upon information from the applicant, the zoning proposal will not have a impact on Smyrna schools. The zoning proposal calls for a new hotel which will provide temporary lodging for white-collar professional, "traveling millennials", and other professionals and executives.

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

Applicant Response:

"The rezoning proposal is in conformity with the policy and intent of the City's Future Land Use Map ("FLUM"). The subject property is further defined as being within one of the City's Corridor Design Districts (CDD-2 Spring Road)."

Staff Analysis:

The zoning proposal 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 proposed hotel and TS zoning district are an appropriate use and zoning district 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.

Applicant Response:

"There are existing and changing conditions affecting the use and development of the subject property which give supporting grounds for the rezoning proposal. Moreover, the Applicant's proposal constitutes a suitable use of the subject property which will not adversely affect the adjacent properties, and which will be beneficial to the City of Smyrna."

Staff Analysis:

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 zoning proposal meets the general intent of the LCI study with respect to land use.

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.

Applicant Response:

"The rezoning proposal will provide the re-branding of the existing hotel and add a new hotel to enhance architectural standards and aesthetics in accordance with the renderings provided by the applicant herein."

Staff Analysis:

The proposed development of the property under the zoning proposal will enhance the architectural standards and aesthetics of the general neighborhood. The applicant has provided renderings of the proposed building with the rezoning application.

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

Applicant Response:

"The proposed zoning classification of TS will not create a nuisance; is consistent with the existing Regional Activity Center FLUM designation and is compatible with the existing uses in the area."

Staff Analysis:

The zoning proposal will not create a nuisance or be incompatible with existing uses in the area. The zoning proposal is for a new hotel and rebranding of the existing hotel in an area that is already dense with respect to development patterns and has several nearby hotels. The proposed use is 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.

Applicant Response:

"The proposed rezoning will positively affect the trend of development within this sub-area of the City and will encourage other compatible uses in this area of both the City of Smyrna and Unincorporated Cobb County."

Staff Analysis:

The zoning proposal will 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 meets a majority of the zoning requirements of the TS zoning district and the Spring Road Corridor Design District (CDD-2), but not all of them. The applicant is seeking the following variances from Sections 717 & 802 of the Zoning Ordinance:

1. Reduce the front setback from 50' to 25' (Section 717); **(Staff Support)**
2. Reduce the side setback from 35' to 5' (Section 717); **(Staff Support)**
3. Reduce the requirement of a 15' landscape buffer adjacent to the parking lot (Section 717); **(Staff Support)** and
4. Increase the maximum allowable building height from 5 stories to 7 stories (Section 802). **(Staff Support).**

Project Description

Mogar Farms Funding, LLC is requesting to rezone the property at 2855 Spring Hill Parkway & 2685 Spring Road from Office/Institutional (OI) and General Commercial (GC) to Tourist Services (TS) – Conditional for the development of a seven-story, 107 room boutique hotel and rebranding of an existing six-story 135 room hotel with surface parking.

The applicant is proposing to redevelop an existing surface parking area to construct a seven-story, 107 room hotel. The new hotel will connect to the existing six-story hotel with a courtyard and shared lobby. The site will be accessed from a full access driveway on Spring Hill Parkway and right in/right out access on Spring Road. There are 194 parking spaces proposed for the development which exceeds the minimum requirement of 121 parking spaces for the combined 242 rooms.

Project Analysis

Zoning Review

Community Development has reviewed the proposed plan against the zoning requirements of the TS zoning district and the Spring Road Corridor Design District (CDD-2 - Section 717 of the Zoning Ordinance) with regards to setbacks, building height, parking requirements and landscaping. The zoning proposal meets a majority of the zoning requirements of the TS zoning district and the Spring Road Corridor Design District. The applicant is seeking the following variances from Sections 717 and 802 of the Zoning Ordinance:

1. Reduce the front setback from 50' to 25' (Section 717) (**Staff Support**);
2. Reduce the side setback from 15' to 5' (Section 717) (**Staff Support**);
3. Reduce the requirement of a 15' landscape buffer adjacent to the parking lot (Section 717) (**Staff Support**); and
4. Increase the maximum allowable building height from 5 stories to 7 stories (Section 802) (**Staff Support**).

Community Development has reviewed the requested variances with respect to the design of the site and site constraints. Community Development is **supportive** of the requested variances because the design of the site meets the general intent of the Spring Road LCI and the City's Comprehensive Plan while dealing with topography issues.

Transportation Review

The City Engineer has reviewed the proposed zoning application for traffic issues. With regards to traffic improvements, the City Engineer would recommend the following improvements be completed applicant/developer: 1) Creating a shared entrance on Spring Road with the adjacent parcel to the north, or eliminating the six parking spaces to realign the entrance on Spring Road at a 90 degree angle; (2) Providing sidewalk connectivity between the internal sidewalk and the sidewalk on Spring Rd; (3) Providing sidewalk along the frontage of Spring Hill Parkway; (4) Dedicating additional right-of-way on Spring Hill Parkway a minimum of 3 ft from the back of curb.

Stormwater Review

With regards to on-site stormwater management, the applicant has not provided enough 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 provide a preliminary hydrology study prior to the Mayor and City Council Hearing. The applicant will be required to meet all city stormwater management requirements during the plan review process.

Fire Marshal Review

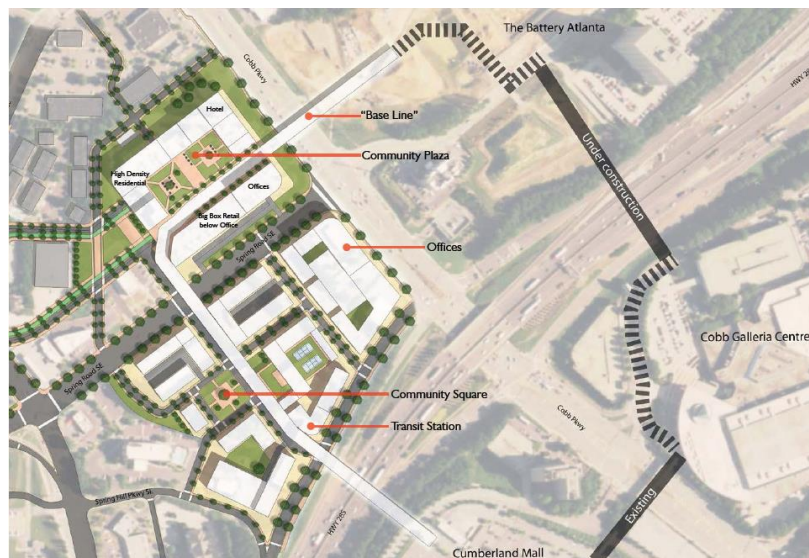
The City's Fire Marshal's Office has reviewed the proposed plan and believes that the Department will be able to serve the zoning proposal provided that it meets the City & State Fire Codes. The Fire Marshal's Office has provide the following items that need to be addressed with respect to the site plan to provide appropriate emergency response and access:

1. The applicant shall provide a full turning model for fire truck access with the specifications of the City's largest truck;
2. All radii within the development shall be a minimum of 25';
3. The site will be required to meet ADA requirements for access and parking; and
4. The building will be required to have a fire sprinkler system.

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 consistent with the land use recommendations in the Spring Road LCI Master Plan along the southern portion of the Spring Road Corridor. The subject property is located in the "South Spring" area of the LCI Plan that calls for higher intensive uses such as commercial, office, hotels and multi-family housing.



STAFF RECOMMENDATION

Community Development recommends approval of the rezoning from GC & OI to TS-Conditional for a proposed seven-story, 107 room boutique hotel and rebranding the existing six-story, 135 room hotel with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10, 11, 16 and 17 from Section 1201 of the Zoning Code is not applicable)

1. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a ten percent reduction in a 100-year storm event. The city engineer shall approve all plans.
2. All utilities within the development shall be underground.
3. 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 subdivision and outside the subdivision 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 two feet shall be provided between the back of curb and sidewalk.
4. No debris may be buried on any lot or common area.
5. The developer will comply with the city's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances. There shall be a landscaped front entrance, with monument, indicating the name of the development.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

8. The development shall maintain the following setbacks:

Front – 25'

Side – 5'

Rear – 100'
9. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.
10. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.

11. The developer shall provide a 5' sidewalk and 2' grass strip along Spring Hill Parkway.
12. The developer shall provide 3' of right-of-way dedication along Spring Hill Parkway.
13. The entrance on Spring Road shall meet the geometry specifications required by the City Engineer; or provide a shared drive with the adjacent property to the north.
14. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
15. The proposed dumpster shall be located at the rear of the property and screened from the public right-of-way with a 3-sided brick enclosure that matches the façade of the principal building.
16. The development shall be limited to one access point on Spring Hill Parkway.
17. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.
18. Approval of the subject property for the TS-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/18/2022 created by Kimley Horn and all zoning stipulations above.
19. The applicant shall be bound to the elevations submitted and dated 3/18/2022. Approval of any change to the elevations must be obtained from the Director of Community Development.
20. The additional stipulations agreed upon by the applicant in the letter submitted and dated on March 18, 2022. If there should be a discrepancy between the stipulations in the March 18, 2022, letter and the stipulations stated above, the stipulations stated above shall apply.

Subject Property



Adjacent Properties



