

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: July 17, 2017

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

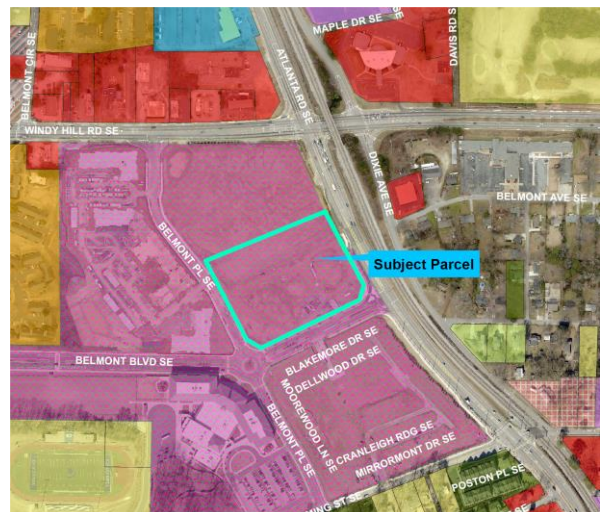
RE: ZONING AMENDMENT CASE Z17-011 – Belmont Redevelopment Project at the Northwest Corner of Atlanta Road and Belmont Boulevard

Applicant:	<u>David Weekley Homes</u>	Existing Zoning:	<u>Mixed Use</u>
Titleholder:	<u>Halpern Enterprises, Inc.</u>	Proposed Zoning:	<u>Mixed Use</u>
		Size of Tract:	<u>3.3 Acres</u>
Location:	<u>Southwest Corner of Windy Hill Road & Atlanta Road</u>		
		<u>Contiguous Zoning:</u>	
Land Lot:	<u>490</u>	North	MU
		South	MU
		East	MU
Ward:	<u>3</u>	West	MU
Access:	<u>Belmont Boulevard</u>		
		<u>Hearing Dates:</u>	
Existing Improvements:	<u>Vacant Parcel</u>	P&Z	July 10, 2017
		Mayor and Council	July 17, 2017

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

Staff Recommendation:

Approval 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 redesign of POD B. The original zoning of the property zoned POD B to a specific site plan, which reflected 11,000 sq. ft. of commercial/retail in two buildings along Atlanta Road and a four-story mixed use building with 164 units of independent senior housing and 5,000 sq. ft. of commercial/retail space wrapped around a parking garage. David Weekley Homes is proposing the elimination of the four-story mixed use building with the 164 units of independent housing and the 5,000 sq. ft. of commercial/retail space and replacing it with 59 detached single-family homes. The 11,000 sq. ft. of commercial/retail space is proposed to remain along Atlanta Road. Single-family detached homes is a permitted use within the Mixed Use zoning district. 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 development will be completely contained within POD B and separated from other property on all four sides by streets. The development of POD B 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 property 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 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.

Based upon information provided by the Public Works Director, water and sanitary sewer for the proposed development are available to the proposed development. Water is located and stubbed out on Belmont Place and sanitary sewer stubbed at Belmont Boulevard. Stub out sizes and elevations are the responsibility of the developer. Public streets with 50' right-of-way and 50' water and sewer easements are normally required, though this proposed private development will be allowed since it is a continuation of an existing planned development. Each unit will be required to have a separate water meter and sewer tap. This information is based upon a site plan titled Belmont POD B for David Weekley Homes dated 3/28/2017.

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.

Community Development is unaware of any existing or changing conditions affecting the use and development of the subject property. The property owner has made statements to Community Development that the senior housing market in Smyrna is not strong enough to support the originally approved 164 independent senior housing units with structured parking. The property owner has also submitted two letters (see attached) that address the potential negative cost implications of the parking structure on the project and a description of the property owner's efforts in trying to market the project as currently designed to senior housing developers. Neither letter provided any substantial information for review and analyzation as to real construction costs of the project related to rental rates or to the strength of the senior housing market in Smyrna.

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 comply with the architectural standards 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. The proposed building elevations for the detached

townhomes were reviewed and unanimously approved by the Urban Design Commission on June 6, 2017.

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 in the area. The proposed zoning amendment will be a continuation of the detached single-family development south of Belmont Boulevard on PODS C & D.

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 seven variances: (1) Reduction in minimum lot size from 6,250 sq. ft. to 1,300 sq. ft.; (2) Reduction of minimum lot width from 50' to 24'; (3) Reduction of 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); (5) Reduction in rear setback from 30' to 5'; (6) Reduction of the minimum floor area from 1,800 sq. ft. to 1,500 sq. ft. and (7) Reduction in minimum driveway length from 22' to 5'. The proposed housing product is a detached single-family homes with minimal building separation. The homes will be protected with fire sprinkler systems. The 59 proposed detached townhomes will be in-line with the detached single-family homes currently being constructed on PODS C & D and will be within its own development pod. Therefore, the proposed use with respect to land area or building height will not negatively affect adjoining property or the general neighborhood.

Background & History

The City of Smyrna originally rezoned the Belmont Hills project on January 20, 2009 from GC & R-15 to Mixed Use – Conditional (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 (consisting of 272 multi-family units and 164 independent senior housing 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 the Mayor and Council for approval of the changes.

The overall 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 (Zoning Case Z12-005). The second amendment to the plan occurred on April 15, 2013 to address the development schedule of the access roads between the development pods (Zoning Case Z13-005). The third 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 (Zoning Case Z14-006). The fourth amendment to the plan occurred on August 15, 2016 to modify Phase II of POD A to allow for a 30,000 sq. ft. medical office building in place of 18,000 sq. ft. of commercial/retail space (Zoning Case Z16-013).

The Belmont redevelopment project is moving towards completion and POD B is the remaining portion of the project yet to be developed. Halpern Enterprises has completed the commercial/retail space on Phase I of POD A. Wood Partners has completed the multi-family development on POD F. David Weekly Homes has constructed over half the homes in the single-family subdivision on PODS C & D. Halpern Enterprises has started construction on the medical office building on Phase II of POD A.

Development Description

The applicant (David Weekly Homes) has contracted with Halpern Enterprises, Inc. to purchase 3.3 acres of land known as POD B of the Belmont Redevelopment Project. David Weekly Homes intends to develop the property into a community of 59 single-family detached homes at a density of 17.97 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 two distinct home types built in the new community. The homes on the perimeter of the project will be two and three story homes with the main living areas on the second floor, bedrooms on the third-floor and a ground floor that includes a bonus room and the garage. The second home type will be the homes on the interior of the development and will have a traditional home layout with the main living area on the ground floor with the garage and bedrooms on the second floor. The homes within the development will have front-entry garages accessed from the private streets within the development (i.e. garages will face inward away from the exterior of the project). To illustrate the community's layout, the applicant has provided a 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..

The proposed community will be gated, which will mean all internal streets, common areas, water system and sanitary sewer system will be owned and maintained by the community's Home Owners Association (HOA). There will be a vehicular access gate at the community entrance on Belmont Boulevard. The entrance will also include brick pavers and/or stamped concrete, community signage on brick and/or stone pedestals, and will be fully landscaped. The gated entrance will also include a neighborhood call box that will have emergency access

features. There will be a gated entrance off the accessory road to the north, which will serve as an emergency entrance for the Smyrna Fire Department. The perimeter of the community will be fenced 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. There may be fencing on the interior of the site between the rears of the homes on lots #41 to #59. Community Development and Fire Marshal's Office have significant concerns over any proposed fencing in this area related to access for fire service. Community Development has recommended a zoning condition prohibiting fencing in the rear yards of lots #41 to #59.

The proposed development will not include any community amenities within POD B. The proposed community will be incorporated into the HOA for the Village of Belmont (PODS C & D). Therefore, the residents of POD B will be able to access and use the amenities of POD C & D. The amenities of PODS C & D include openspace, a dog park, a swimming pool, and a covered pavilion with a fireplace and restrooms. All amenities are located in the center of the community.

Since the proposed development will be incorporated into the Village of Belmont HOA, it will fall under the protective covenants and architectural guidelines established for that community. The Village of Belmont HOA will be administer and enforce the prescribed architectural controls and protective covenants and restrictions to safeguard the quality and integrity of the residential community. The Village of Belmont HOA will be responsible for the oversight, upkeep, and maintenance of all common areas, streets, sidewalks, and amenity areas within the community. The home owners will be responsible for the upkeep and maintenance of their property and homes.

Design Components

Variances

The proposed detached townhomes will require the following seven zoning variances:

1. Reduction in minimum lot size from 6,250 sq. ft. to 1,300 sq. ft.;
 - Community Development is **supportive** of this request because it's the same variance granted for PODS C & D.
2. Reduction of minimum lot width from 50' to 24';
 - Community Development is **supportive** of this request because it's the same variance granted for PODS C & D.
3. Reduction of minimum front setback from 20' to 5';
 - Community Development is **supportive** of this request because it's the same variance granted for PODS C & D.
4. Reduction of minimum side setback from 7.5' (with 15' building separation) to 0' (with a 3' building separation);
 - Community Development is **supportive** of this request because it's the same variance granted for PODS C & D.
5. Reduction of minimum rear setback from 30' to 5';

- Community Development is **supportive** of this request, but does have some concerns regarding the functionality of the back yards between units #51 to #59 and #41 to #50.
6. Reduction of the minimum floor area from 1,800 sq. ft. to 1,500 sq. ft.; and
 - Community Development is **supportive** of this request because it's the same variance granted for PODS C & D.
 7. Reduction in minimum driveway length from 22' to 5'.
 - Community Development is **supportive** of this request because this condition was approved in PODS C & D.

The requested variances are in-line with the variance granted for PODS C & D except for variances #5 & #7. The setback issues will be discussed in the next subsection, along with the rationale for variance #5. Variance #7 was not originally picked up in the zoning amendment for PODS C & D, but was reflected on the site plan approved for those development pods. Variance #7 is a continuation of the development practice in PODS C & D.

Setbacks

The applicant is requesting a continuation of the setbacks established in PODS C & D. The applicant is requesting a perimeter setback of 10' around the exterior of the development. Currently, Lots #1 & #35 do not meet the 10' perimeter setback along the side of the home that abuts the commercial property. Community Development believes these lots can be adjusted and shifted west to provide a 10' setback from the commercial property. In addition, the applicant is proposing a 5' front setback off the private streets, as well as a 0' side setback with 3' building separation between homes. These front and side setbacks are consistent with the setbacks approved for PODS C & D. Finally, the applicant is requesting a 5' rear setback, which affects lots #41 thru #59. Community Development is concern about the functionality of this area, as there will only be 20' between the rears of the homes. This design may create access and maintenance issues related to personal use, the provision of utilities (i.e. cable & fiber), and fire access.

Parking Requirements

The proposed development provides 132 total parking spaces for the residents (118 private spaces and 14 on-street parallel parking spaces within the development). The 118 private parking spaces are the two garage spaces per unit. The parking ratio for the site is 2.24 spaces per unit. PODS C & D were developed with 381 total parking spaces (312 private spaces and 69 on-street parallel parking spaces within the development). The 312 private parking spaces are the two garage spaces per unit. The parking ratio for PODS C & D is 2.44 spaces per unit. The proposed development is under parked by 11 guest or on-street parking spaces as compared to PODS C & D. This is a concern for the City Fire Marshal because if the site is under parked and guests park on the street it may negatively affect the Fire Department's response times and their ability to get to the home. The lack of guest parking couple with the smallest allowable street widths are very concerning with respect to the provision of fire services.

Stomwater Management

The City Engineer has reviewed the stormwater plan for the proposed development and is confident the development can meet the city's stormwater requirements. The stormwater management for the community will be provided in the existing stormwater facility on POD A. The impervious surface area coverage on the proposed plan is 107,733 sq. ft. (73.2% of the site area). The water quality requirements for POD B are outlined in a Water Quality Report prepared by LAI Engineering dated September 18, 2014. Per this report, water quality for POD B is provided in water quality pond "A" located north of the subject site in POD A. Design calculations were based on an impervious coverage of 90% for POD B. The letter from the project engineer and stormwater report were submitted to the city and approved and are attached to this memo.

Tree Ordinance

There are no trees on the subject property at this time. The applicant will be required to meet all the requirements of the City's Tree Ordinance during the permitting process. During the permitting process, staff will ensure the development meets all requirements related to tree density and street trees. All landscape plans (for any common area or entrances) will be required to be prepared, stamped and signed by a Georgia Registered Landscape Architect. Additionally, all yards and common areas will be required to be sodded, landscaped and irrigated as appropriate.

Transportation

The City Engineer has review the request and the interior of the community has no significant issues as currently designed. However, the site plan submitted for the zoning amendment reflects the entrances for the commercial/retail portion along Atlanta Road and there is a potential issue with the northern entrance. The commercial/retail entrance on the northern access road is in a location where it creates interlocking lefts with the entrance for POD A across the street. This interlocking left design creates a dangerous situation where opposing left hand turns from each entrance are turning directly into each other. The City Engineer would like to see this entrance redesigned to eliminate this scenario. This commercial entrance in question is not part of this zoning amendment and will have to be resolved either during the permitting process for that site or through zoning amendment. It is Community Development's understanding that this entrance may be redesigned to a right in/right out to resolve this traffic conflict.

Infrastructure

The Public Works Director has reviewed the proposed site plan and believes it can be adequately serviced by the City. The city sanitation trucks are able to access all homes within the community. Water and sanitary sewer will be provided off Belmont Place and the northern access road through the emergency entrance. Each home will be require to have its own water meter and sanitary sewer tap. Finally, there is a water main that is 10' off the curb on the south side of the norther access road. The Public Works Director will require that this line be relocated to provide at least 10' of clearance from any structure or improvement. The current

location of the water main would have the proposed patios of the homes and fences along the northern access road located within the easement of the water main.

Openspace

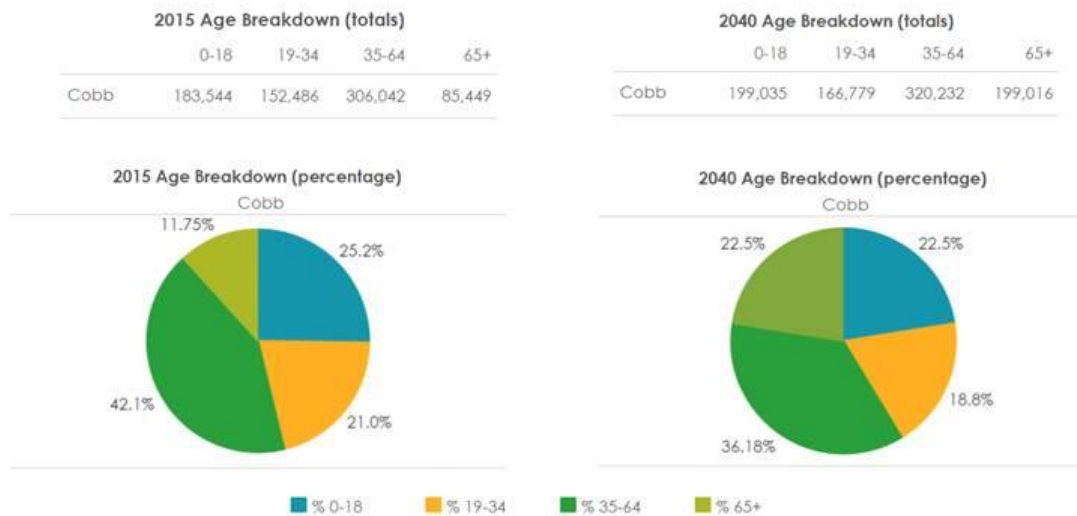
The design guidelines for the Urban Design District require the provision 20% openspace per development. The design standards allow for the common space, yards and hardscaping to be counted as open space. The applicant has provide an openspace plan that shows the total required openspace as 29,448 sq. ft. and the provided openspace as 35,819 sq. ft.

Fire Safety

The City’s Fire Marshal’s Office has reviewed the proposed site plan for compliance with the Fire Code. The Fire Marshal believes it can adequately access and service the community as currently designed. The Fire Marshal is going to require the main entrance to be redesigned to provide adequate lane widths and turning radii to enter the site. The gated entrances are going to be required to have all appropriate emergency safety devices to ensure the Fire Department has access to the community.

Senior Housing Demand

Based upon data from the Atlanta Regional Commission, the cohort of people aged 65+ in Cobb County is expected to grow from 11.75% in 2015 (or 1 in 10 people) to 22.5% in 2040 (or 1 in 5 people). This is also in-line with the national population projections for seniors.



The demand and need for senior housing is expected to grow in both Cobb County and Smyrna. There are numerous studies on the potential senior housing shortage. A quote from a Harvard study sums up the issue:

“America’s older population is in the midst of unprecedented growth. With the aging of the large baby-boom generation and increased longevity, the 50-and over population is projected to increase about 20 percent by 2030, to 132 million. In just 15 years, one in five people will be at least aged 65. Ensuring that these older adults have the housing they need to enjoy high-quality, independent, and financially secure lives has thus taken on new urgency not only for individuals and their families, but also for the nation as a whole.”

These older adults will need different forms of housing to address their many needs with respect to functionality, affordability and care. These housing needs come in many shapes and forms with varying degrees of service. Atlanta apartment developers have identified this market and have started providing market base solutions to meet these needs. Courtland Partners (an Atlanta based multi-family investment and management firm who has recently purchased several multi-family properties in Smyrna) has launched its new active living community platform called “Attiva”, which will specifically address the housing needs of Baby Boomers seeking a high-end, purpose-built active living community.

“Baby Boomers are the fastest growing demographic of renters; however, our research shows that many of the communities built for this demographic are out-of-date and do not enable the convenient, flexible and active lifestyle many older adults want...” - Steven DeFrancis, Cortland Partners CEO

“Compared to previous generations who favored traditional senior housing options, many of today’s Baby Boomers are choosing active living and rental communities. These communities are increasingly attractive as they empower residents to connect with like-minded neighbors and enjoy high-end amenities such as granite countertops, resort-style cabana pools and luxurious finishes. Additionally, communities like the Attiva properties reduce concerns and stress around home maintenance and provide activities that support active lifestyles, such as exercise classes, academic or spiritual programs and excursions.” - Steven DeFrancis, Cortland Partners CEO

The above quotes were used to illustrate that planners, researchers and the private market have identified a senior housing shortage both nationally and locally as it relates to the specific needs of senior citizens. The last two quotes were used to show that the private market is developing ways to address these issues with a market-based approach.

Smyrna Goals and Policies – Senior Housing

The elimination of the 164 independent senior housing units from the Belmont redevelopment project could be seen as a policy shift for the City of Smyrna. The Smyrna 2030 Comprehensive Plan identifies issues and opportunities related to the senior population and housing, as well as goals and policies to address those issues and opportunities. The 2030 Comprehensive Plan identifies the following issues and opportunities:

Population

- Rapid population growth is expected in the next 20 years.

- The proportion of the population that is over 65 years of age will increase and this population group will require specialized housing and services.

Housing

Housing Mix & Future Demand

- The city should continue to provide a variety of housing options to meet resident's needs at all stages of life.
- There is a lack of special needs housing (elderly, handicapped, etc.) in our community.

Workforce/Affordable Housing

- The increase in high-end housing in the City of Smyrna may create affordability issues for low-income residents and seniors.

The 2030 Comprehensive Plan identifies the following goals and policies to address the issues and opportunities identified above:

Housing

Goal 3 Provide for a range of housing choices in order to meet market demand and allow residents to remain in Smyrna across different life-cycle stages.

Policy 3.1 Encourage the construction of affordable senior housing in order to accommodate the growing senior population.

Policy 3.2 Provide housing opportunities for young families as well as “empty nester” households.

As shown above, the 164 independent senior housing units met the goals and policies outline in the City's 2030 Comprehensive Plan. Approval of the zoning amendment to eliminate the 164 senior housing units could be considered in conflict with the City's stated goals and policies. Should this zoning amendment be approved in its current form, Community Development believes it may be a lost opportunity for the city to address senior housing in the downtown area. Community Development understands there may be issues related to the structured parking that make the development of the 164 independent senior housing units difficult to build in its current form.

Staff Recommendation

As outlined in the other sections of this report, the decision process in evaluating this request involves not only the normal planning questions and considerations but also one of policy. This request should be viewed somewhat differently than most other rezoning or plan & site amendment requests in that it not only involves a mixed use zoning classification that is tied to a specific plan, but it is also divides the original parent parcel into different PODs (areas of development) with different uses proposed in each. Because of this POD approach, the issue of senior housing has been raised since this particular POD B is specifically designated for such. Staff does have concerns about removing the potential for a senior housing/age restricted product and believes that there is a demand for senior housing in the area both now and in the

future. This is demonstrated by the ARC charts previously mentioned and the recent approval by the City of Kennesaw of a senior housing product.

The question to consider is whether or not Mayor & Council wants to change the direction of POD B from senior housing to single family and do we want this particular product style and community layout. From a technical point of view the proposed single family product with the requested variances and the added conditions by staff can be built and appropriate access provided. The question from a policy standpoint is whether or not the concerns on replacing the potential for senior living with single family detached houses are great enough to deny this request.

However, given the circumstances associated with this particular piece of property and the information that the applicant has provided concerning their unsuccessful effort to attract senior housing builders (apparently due to cost factors associated with constructing a 4 story building and associated deck parking), staff understands the possible dilemma the applicants are facing. Although staff believes there is a need and demand for senior housing in the area we do not believe that removing the potential from this particular site (POD B) will negatively affect the senior housing market nor the overall mixed use aspect of this project. Nor does staff feel that it is a complete policy change away from previous statements made in our current Comprehensive Plan. In essence, in this day and time, the cost of constructing the senior living product that was approved in January, 2009 (4-stories with parking deck for 164 units) no longer appears to be a viable option for this site. In addition, supporting this request does not in and of itself change any commitment by the City of Smyrna towards encouraging senior housing, nor does it reflect support for this style of development (i.e. high density single-family detached housing on small lots with small setbacks) elsewhere in the city. As such, Community Development recommends that this request be **approved** with the following conditions carried over the previous Zoning Cases (changes are 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 "B", "C" and "D" shall be 1,500 square feet.
7. The approval of the zoning amendment and the development of Pod "B" shall be in substantial conformity to the site plan submitted on June 29, 2017, titled "Zoning Plan for David Weekley Homes" and created by Northpoint Land Surveying.
8. The approval of the zoning amendment and building elevations for the homes in Pod "B" shall be in substantial conformity to the building elevations submitted on May 3, 2017, titled "David Weekly Homes at Belmont – POD B".
9. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by the City Engineer during construction plan review.
10. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
11. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
12. The developer will be required to relocate the water main along the northern access road to 4' behind curb of the access road to prevent any private improvements (i.e. patios, porches, accessory structures, fences...) being located within 10' of the water main. No improvements shall be located within 10' of the water main.
13. The northern access road shall be a public road and dedicated to the City. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
14. The developer shall provide parallel parking along the northern access road for the length of the development.
15. The Fire Marshal's office shall review all plans for the gated entrances prior to the issuance of a Land Disturbance Permit (LDP).
16. The rear yards of lots #41 to #59 of POD B shall be prohibited from being fenced or enclosed. Screening walls shall be permitted on either end of the home per the zoning exhibit submitted by the applicant on 7/13/2017. The screening walls shall be limited to a maximum height of 6' and shall not extend further than 8' from the home. These screening walls shall not be connected in any way to enclose the backyards of the homes.

*****Note*****

The property at issue in this zoning is within the Atlanta Road Tax Allocation District (TAD). This TAD was created to achieve redevelopment to a quality that the private market would not otherwise create. Basically, TADS allow the governments to continue to collect property taxes based upon the value of property prior to a proposed redevelopment while taxes on the incremental increase in value are pledged to cover legally eligible infrastructure necessary for the new development. The Atlanta Road TAD was officially authorized in November of 2003 and an Intergovernmental Agreement was made between the governments collecting property taxes within the area (i.e. the City of Smyrna, Cobb County and the Cobb County Board of Education.) Although a TAD was created covering the Atlanta Road area, this agreement provided that a government would not be required to pledge their taxes on the increased value created by a proposed project unless it approved the proposed project. Subsequently, Cobb County and Smyrna approved the Belmont redevelopment project. Throughout the process of approving the Belmont redevelopment project, the city utilized the “but for test.” This test is designed to ensure that “but for” the assistance from the TAD, the private market wouldn’t develop the project to the same quality. The TAD is designed to help a community get a development that is of higher quality than what the private market would support. The city previously determined that the Belmont redevelopment project satisfied the “but for test” and entered into a Development Agreement with Halpern Enterprises authorizing TAD eligible infrastructure expenditure reimbursements of up to \$23,534,500. The original site plan attached with the Development Agreement provided for approximately 127,000 sq. ft. of retail/office space and 902 residential units, which included 272 multi-family units and 164 independent senior housing units. In approving this as a TAD project, the city determined that this scope and quality of redevelopment wouldn’t be undertaken by the private market alone and the proposed project was eligible to be incentivized by the TAD as contemplated by the “but for test.” Due to market conditions, the project was subsequently scaled down somewhat and the Development Agreement was amended to reduce the amount available for infrastructure reimbursement from \$23,534,500 to \$12,800,000. Halpern has provided documentation of the expenditure of this \$12,800,000 and this expenditure has been reviewed and authorized by the Smyrna Downtown Development Authority as eligible to be reimbursed from the TAD fund. Should the City Council approve the proposed zoning amendment to modify POD B by removing the 164 independent senior housing units and replacing them with 59 detached single-family homes, the scale of the project again changes. The city may choose to analyze whether the “but for test” will be met with this change. In other words, “but for” the incentive of reimbursing \$12,800,000 in infrastructure costs, would the private market have undertaken to develop the site plan that is now proposed? If the “but for” test is met, the development agreement would not be required to be amended. If the “but for” test is not met, the city may choose to revisit the agreement. Additionally, the city is required to notify the Cobb County manager of the proposed change, and presumably, he would make the same analysis.

The issues raised herein are not to be confused with the rezoning criteria. However, because the scale of the project is directly related to the previous decision to reimburse infrastructure costs from the TAD fund, this note is included.

**Figures – 1
(Subject Property)**





**Figure – 2
(Adjacent Properties)**





