

# 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 Z18-001 – Belmont Redevelopment Project at the Northwest Corner of Atlanta Road and Belmont Boulevard**

---

<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>Size of Tract:</b>	<u>1.123 Acres</u>

**Location:** Southwest Corner of Windy Hill Road & Atlanta Road

**Contiguous Zoning:**

**Land Lot:** 490

North	MU
South	MU
East	GC & RAD
West	MU

**Ward:** 3

**Access:** Belmont Boulevard

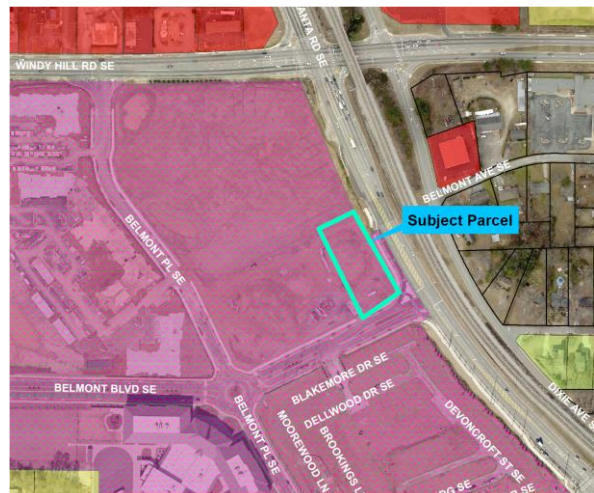
**Hearing Dates:**

**Existing Improvements:** Vacant Parcel

P&Z	N/A
Mayor and Council	January 16, 2018

**Proposed Use:**  
Modification of the currently approved zoning site 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 with an open plaza area between the buildings. Halpern Enterprises is proposing to combine the two buildings into one building by eliminating the plaza area and relocating the outdoor dining areas to the ends of the building. In addition, Halpern is requesting to increase the floor area of the building by 1,000 sq. ft. to 12,000 sq. ft. total. The proposed change will allow Halpern Enterprise to address grade/elevation changes on the site and improve the building orientation to Atlanta Road. 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. The City Engineer will require the entrance to POD A, north of the subject site, be modified to a right-in/right-out entrance to*

*eliminate turning conflicts created by the inter-locking left turns of the driveway alignments.*

*Based upon information provided by the Public Works Director, water and sanitary sewer for the proposed development are available to the proposed development.*

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

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

*The subject property has a 10 to 12-foot grade change from Belmont Boulevard to the access road to the north along Atlanta Road. The proposed changes will allow the applicant to address the grade changes on site, as well as improve the orientation of the building to Atlanta Road.*

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 retail buildings were reviewed and unanimously approved by the Urban Design Commission on July 18, 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 not change the use proposed for this section of POD B.*

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 use of the property will not change and the buildings will be combined into one building with improved orientation to Atlanta Road. 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 fifth amendment to the plan occurred on July 17, 2017 to allow the 164 independent senior housing units to be replaced with 59 single-family homes (Zoning Case Z17-011).

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 Weekley Homes has constructed over half the homes in the single-family subdivision on PODS C & D. Halpern Enterprises has completed construction on the medical office building on Phase II of POD A.

### **Development Description**

Halpern Enterprises is requesting a redesign of commercial/retail buildings on POD B of the Belmont Redevelopment Project. 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 with an open plaza area between the buildings. Halpern Enterprises is proposing to combine the two proposed buildings into one building by eliminating the plaza area and relocating the outdoor dining areas to the ends of the building and locating a service court for dumpsters and mechanicals in the center of the building. In addition, Halpern Enterprises is requesting to increase the floor area of the building by 1,000 sq. ft. to 12,000 sq. ft. total. The proposed change will allow Halpern Enterprise to address grade/elevation changes on the site and improve the building orientation to Atlanta Road. The currently approved zoning plan, in its current design would have the buildings situated 5' or more below the elevation of Atlanta Road. The redesigned plan will allow the buildings to be brought up closer to the Atlanta Road elevation. The exterior façade and design will remain similar to what was approved by the Urban Design Commission on July 18, 2017.

### **Staff Recommendation**

Community Development has reviewed the zoning amendment request and believes the requested changes will not negatively affect the adjoining properties and will improve the building orientation to Atlanta Road. Therefore, Community Development recommends that the zoning amendment 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.
17. The approval of the zoning amendment and the development of the commercial portion of Pod "B" shall be in substantial conformity to the site plan submitted on December 15, 2017, titled "Belmont – Buildings 5 & 6" and created by Atwell.



**Figures – 1  
(Subject Property)**



**Figure – 2  
(Adjacent Properties)**







