

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: July 9, 2020

CC: Tammi Saddler-Jones, City Administrator

RE: **REZONING CASE Z20-008 – 2930 – 2968 Jonquil Dr., 1650 Spring Rd & 1639 Corn Rd.**

Applicant: The Woodbery Group, LLC

Titleholder: M.D Eubanks & Sharon Cantrell, 1680 Spring LLC, Wanaza Allman, Aida Zafrean Investments LLC, EIB Properties LLC, Fred Shope Jr Living Trust

Existing Zoning: GC & RM-12
Proposed Zoning: MU
Size of Tract: 2.93 Acres

Location: 2930 – 2968 Jonquil Dr, 1650 Spring Rd & 1639 Corn Rd

Land Lot: 594 & 631

Ward: 2

Access: Spring Rd & Jonquil Dr

Existing Improvements: Commercial Uses

Contiguous Zoning:

| | |
|-------|-----------|
| North | GC |
| South | RTD |
| East | GC & R-15 |
| West | RTD & GC |

Hearing Dates:

| | |
|-------------------|---------------|
| P&Z | June 29, 2020 |
| Mayor and Council | July 20, 2020 |

Proposed Use:

Development of a Mixed Use development with 105 multi-family units, and 15,100 sq. ft. of commercial/amenity uses at a residential density of 35.8 units per acre.

Staff Recommendation:

Community Development recommends **approval** of the zoning request from **GC to MU-Conditional with conditions.**



P&Z Board Recommendation:

The Planning & Zoning Board recommended **denial** by a vote of 4-1 at the June 29, 2020 meeting.

PROJECT DESCRIPTION

The Woodbery Group LLC is requesting to rezone 2.93 acres of assembled properties along Spring Road, Jonquil Drive and Corn Road from GC to MU-Conditional for the development of 105 multi-family units at a density of 35.8 units per acre and 10,800 sq. ft. of commercial retail space. The applicant is proposing to demolish the existing structures to build a mixed use development.

The proposed development will consist of 105 multi-family units spread across two, four-story buildings. The buildings range in size between 40 and 65 units. Among the 105 multi-family units, 70% will be one-bedroom or studio units, 25% will be two-bedroom units, and 5% will be three-bedroom units. A total of 7 of the units will be made available to individuals or families whose incomes do not exceed the Area Median Income. The building along Spring Road will incorporate 10,800 sq. ft. of retail space and 4,300 sq. ft. of commercial space to accommodate the community's amenities (cybercafé, fitness area, leasing office, etc.). These commercial and retail spaces will be located on the ground level with the residential units located above.

The proposed development will be accessed by a right-in and right-out entrance on Spring Road and full access drives on Jonquil Drive and Corn Road. The proposed development will have 136 total parking spaces. The resident, guest and retail parking is spread throughout the community behind the buildings, and an additional 9 parallel parking spaces will be located on Jonquil Drive. The majority of the parking for the development will not be visible from the public rights-of-way of Spring Road and Jonquil Drive due to the parking being located behind the buildings.

There will be one stormwater detention facility planned for the community, which will be located underground in the parking area to the south near Corn Road.

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.

Applicant Response:

"The proposed rezoning will permit a use which is suitable in the context of existing uses and development within this area which includes a mixture of single-family detached houses, townhouses, and retail uses."

Staff Analysis:

The applicant is proposing the redevelopment of the subject property for a 105-unit mixed use development at a density of 35.8 units per acre with 15,100 sq. ft. of retail and amenity area. The adjoining properties to the east are zoned GC & R-15 and are occupied by commercial and residential uses. The adjoining property to the south is zoned RTD and is occupied by a townhome development. The adjoining properties to the west are zoned RTD & GC and are occupied by a townhome development and commercial use. The adjoining properties to the north are zoned GC and are occupied by commercial uses. Given the description of the development patterns surrounding the subject property, the proposed use and development of the subject property will be suitable in view of use and development of adjacent and nearby properties.

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 a mixture of uses which will serve an excellent transition between residential and commercial with its proposed development of residential units above retail in the building along Spring Road, and with the location of additional residential units along Jonquil Drive. This area already sustains a mixture of residential and commercial developments."

Staff Analysis:

The proposed development is surrounded by townhomes, and retail commercial uses. The existing uses would not be negatively impacted by the proposed mixed use development. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.

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

Applicant Response:

"Approval of the rezoning application will allow the assemblage of parcels located within the CAC Future Land Use Map to be redeveloped for a mixed use development. This redevelopment will serve as a transition from single-family attached and detached residential to commercial by combining both retail and residential uses into one unified development along this section of Spring Road which is within the LCI Study which was adopted in April 2017."

Staff Analysis:

The subject parcel has a reasonable economic use as a currently zoned. The GC zoning district is one of the city's most intensive commercial zoning districts and

allows a variety of permitted uses. The requested zoning would be considered a down zoning from commercial use to a mix of primarily residential uses combined with limited commercial uses.

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 and/or proposed city infrastructure and constitutes proposed uses which comport with the tenor of development along this portion of the Spring Road corridor."

Staff Analysis:

The City Engineer has reviewed the Traffic Impact Study prepared by Lowe Engineers. Based upon information from the Traffic Impact Study the proposed development will not add a significant amount of additional traffic to the Spring Road corridor. The development is planned to add less than 100 new peak hour trips. The intersection of Spring Road at Jonquil Drive is currently operating at Level of Service F. However, the Spring Road access point, Jonquil Drive access point, and Corn Road access point are all planned to operate at Level of Service A.

Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Water and sewer are located within the right-of-way of Jonquil Drive.

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

Applicant Response:

"The proposed development will be situated utilizing an assemblage of the subject parcels. All of the Subject Property is located within the CAC Future Land Use Map category and the requested MU rezoning district is compatible with the CAC designation. In addition, the proposed site plan depicts a pedestrian sidewalk along the development's Jonquil Drive road frontage along with meaningfully positioned pedestrian connectivity which is an enhancement highlighted in Smyrna's Spring Road LCI recommendations."

Staff Analysis:

The City's Future Land Use Plan indicates the subject parcel has a future land use designation of Community Activity Center (CAC) and Medium-High Density Residential (MHDR). The MU zoning district is an appropriate district under the CAC future land use designation. The assemblage will require all parcels to have a land use designation of CAC for this rezoning. The area designed MHDR is currently zoned GC and is occupied with commercial uses.

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 positively affecting the use and development of the Subject Property. The property is located in an area mixed with single-family detached and attached residential, retail, and restaurant use. Also, the property is within a heavily studied area as depicted in Smyrna’s Spring Road Corridor LCI. As such, the proposed development will act as a transition strategically connecting more commercial and residential uses to this sub-area. This redevelopment will enhance a neighborhood retail node providing local services to its residential and commercial neighbors.”

Staff Analysis:

The City of Smyrna completed and adopted the Spring Road Livable Centers Initiative (LCI) in Spring of 2017. The LCI study lays out the City’s vision for development patterns along the Spring Road Corridor. Additionally, the LCI study lays out the transportation projects and improvements to achieve these development patterns. The LCI study describes the future development of the area as follows:

The Art’s District “is envisioned as becoming more walkable with new buildings being situated closer to the street along the Spring Street frontage. The Spring Road Arts District could also benefit from a Mixed Use Designation. This would allow and encourage existing warehouses, service and retail spaces to more easily be converted to other uses, such as retail, artist studios, galleries or housing. This mix of uses encourages a neighborhood oriented, live work and play environment for this unique development node”

Per the description of the area around Art’s District in the LCI study, the proposed development meets the stated land uses, development patterns and housing types for the area.

7. Whether the development of the property under the zoning proposal will conform to, be a detriment to or enhance the architectural standards, open space requirements and aesthetics of the general neighborhood, considering the current, historical and planned uses in the area.

Applicant Response:

“The proposed development will enhance architectural standards and aesthetics in accordance with the attached renderings depicting the architectural style and composition of the proposed buildings.”

Staff Analysis:

The proposed development of the subject property under the zoning proposal will enhance the architectural standards and aesthetics of the general neighborhood.

The applicant has provided renderings of the proposed buildings 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 rezoning will not create a nuisance and is compatible with existing uses and zonings 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 a mixed use development community in an area that is already developed with residential and commercial development patterns. These uses are 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 residential and commercial development within this area that is part of the 'Gateway' district of the Spring Road Corridor LCI. The proposed development will assist by providing a Neighborhood Activity Center which provides local services, residential and commercial, to the community."

Staff Analysis:

The zoning proposal may will positively 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 most of the zoning requirements of the MU zoning district, but not all of them. The applicant is seeking the following variance from the Zoning Ordinance:

1. *Increase in the maximum allowable density from 25 units per acre to 35.8 units per acre for the MU zoning district (Section 720.9) (**Staff Supports**).*

PROJECT ANALYSIS

Zoning Review

Community Development has reviewed the proposed plan against the zoning requirements of the MU zoning district (Section 720 of the Zoning Ordinance) with regards to setbacks, building height and building separations. The zoning proposal meets a majority of the zoning requirements of the RM-12 zoning district. The applicant is seeking the following variance from Section 720 of the Zoning Ordinance:

1. Increase in the maximum allowable density from 25 units per acre to 35.9 units per acre for the MU zoning district (Section 720.9) (**Staff Supports**).

Community Development has also reviewed the proposed plan against the zoning requirements of the Spring Road Corridor Design District (Section 717 of the Zoning Ordinance). The applicant is seeking the following variance from Section 717 of the Zoning Ordinance:

1. Reduction of the minimum front setback from 50' to 5' (Section 717.162(a)) (**Staff Support**);
2. Reduction of the minimum side setback from 35' to 5' (Section 717.162(a)) (**Staff Support**);
3. Reduction of the minimum rear setback from 100' to 30' (Section 717.162(a)) (**Staff Support**); and
4. Reduction of landscape easement along Spring Road & Jonquil Drive (Section 717.101(b)) (**Staff Support**).

The Spring Road Corridor Design District regulations are inconsistent with Sec. 720 – Mixed Use District and the Spring Road LCI. The Mixed Use District and Spring Road LCI both support reduced setbacks for greater pedestrian connectivity. Additionally, the landscape buffer requirement in the Spring Road Corridor Design District is inconsistent with the intent of Sec. 720 – Mixed Use District. The applicant plans to build an outdoor patio area adjacent to Spring Road with street trees lining Spring Rd. The developer plans to provide parallel parking spaces along Jonquil Drive instead of providing a landscape easement. Street trees will be provided along both the Spring Road and Jonquil Drive road frontages.

The Spring Road LCI identifies the Arts District as suitable for the Mixed Use Land Use Designation and envisions retail and mixed use development in this development node. The developer proposes 105 multi-family units combined with 15,100 sq. ft. of retail and amenity area. A total of 7 of the units will be made available to individuals or families whose incomes do not exceed the Area Median Income and the rents for said units shall not exceed 33% of the tenants' income to address the need for work force housing. The Work Force requirement shall stay in effect for five units for a duration of five years, and two units for a duration of seven years. While the density is greater than the 25 units per acre in Section 720, Community Development believes the additional density is necessary to make the retail component viable and supports the allotment of affordable units.

Community Development is **supportive** of the requested variances because the proposed development plan is in line with the master plan developed for the area in the Spring Road LCI Study.

Traffic Study Review

Based upon information from the Traffic Impact Study completed by the applicant's traffic engineer, the proposed development will not add a significant amount of additional traffic to the Spring Road corridor. The development is planned to add less than 100 new peak hour trips. The intersection of Spring Road at Jonquil Drive is currently operating at Level of Service F. However, the Spring Road access point, Jonquil Drive access point, and Corn Road access point are all planned to operate at Level of Service A.

Stormwater Management Review

The applicant is proposing one below-ground stormwater management facility. The City Engineer takes no exception to the stormwater management concept as shown. He anticipates the design submitted during permitting will take into account site constraints such as topography, utilities, and tree/landscaping requirements. The site will be required to meet all the requirements of the City's Stormwater Management Ordinance.

Environmental Review

The proposed site plan does not depict any stream buffers impacting the subject property.

Water and Sewer Review

Adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Any required improvements are the responsibility of the developer. Water and sewer are located within the right-of-way of Jonquil Drive.

Fire Marshal Review

The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access and building separation requirements. The applicant has provided a fire truck turn analysis process that verifies maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

Planning Review

The City of Smyrna completed and adopted the LCI study in Spring of 2017. The LCI study lays out the City's vision for development patterns along the Spring Road Corridor. The LCI study also lays out the transportation projects and improvements to achieve these development patterns. Additionally, the LCI study describes the future development of the area as follows: The Art's District "is envisioned as becoming more walkable with new buildings being situated closer to the street along the Spring Street frontage. The Spring Road Arts District could also benefit from a Mixed Use Designation. This would allow and encourage existing warehouses, service and retail spaces to more easily be converted to other uses, such as retail, artist studios, galleries or housing. This mix of uses encourages a neighborhood oriented, live work and play environment for this unique development node".

The proposed development plan includes a mixed use development with multi-family residential, with the possibility of retail, restaurant, or artist gallery space. The proposed development will consist of 105 multi-family units spread across 2 buildings. The buildings range in size between 40 and 65 units. Among the 105 multi-family units, 70% will be one-bedroom or studio units, 25% will be two-bedroom units, and 5% will be three-bedroom units. A total of 7 of the units will be made available to individuals or families whose incomes do not exceed the Area Median Income. The building along Spring Road will incorporate 10,800 sq. ft. of retail space and 4,300 sq. ft. of commercial space to accommodate the community's amenities (cybercafé, fitness area, leasing office, etc.). The proposed development will be accessed by a right-in and right-out connection to Spring Road and full access drives on Jonquil Dr and Corn Road. The proposed development will have 136 total parking spaces. The resident, guest and retail parking is spread throughout the community behind the proposed buildings, and an additional 9 parallel parking spaces will be located on Jonquil Drive.

The proposed development is in line with the development pattern envisioned for the area in the LCI Plan.

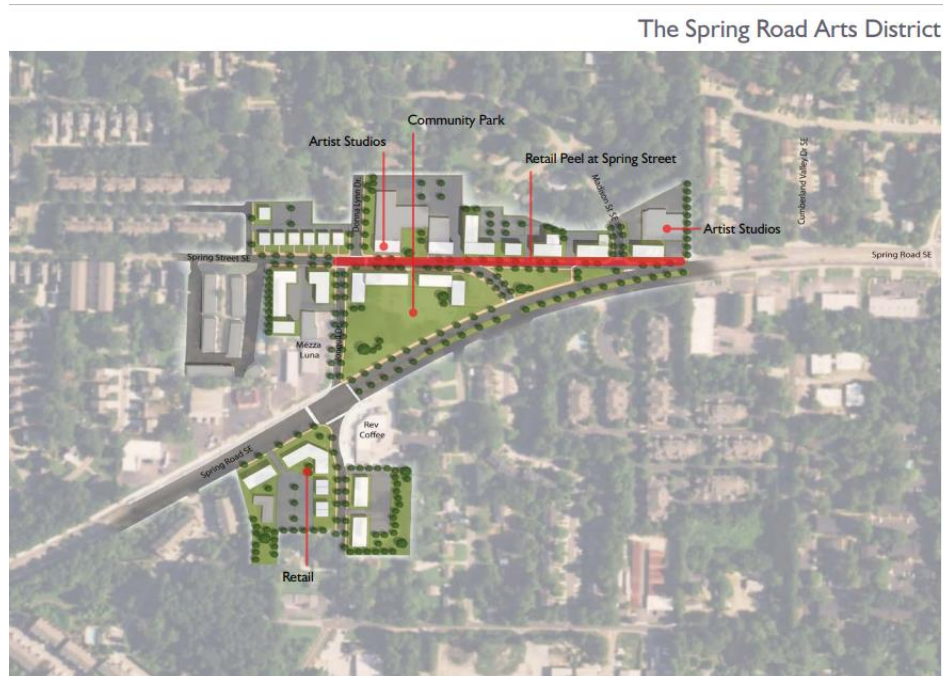


Figure 4.3i: Proposed Spring Road Arts District

The City's 2040 Future Land Use Map designates the subject property as Community Activity Center and Medium-High Density Residential. The applicant proposes to use much of the area currently designated Medium-High Density Residential as parking area, with a landscape buffer along the eastern border. The area currently designated Community Activity Center will occupy the majority of the residential and commercial uses. The proposed development is compatible with the Community Activity Center future land use designation. In addition, the proposed zoning meets the following goals and policies laid out in the City's Comprehensive Plan:

Housing

- Goal 1 – Protect and preserve established residential neighborhoods.
 - Policy 1.1 Ensure adequate buffering and screening in order to protect residential neighborhoods from negative impacts of adjacent incompatible development.
 - Policy 1.2 Ensure that infill housing development is compatible with surrounding established neighborhoods.
- Goal 2- Encourage redevelopment of older declining neighborhoods and apartment communities.
 - Policy 2.1 Identify declining neighborhoods within planning studies and target these areas for revitalization efforts.
 - Policy 2.5 Encourage adequate amounts, types and densities of housing needed to support desired mixed use redevelopment.
- Goal 3 – Encourage the development of 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 and accessible housing in order to accommodate the growing senior population.
- Policy 3.2 Encourage housing opportunities for young families, as well as “empty nester” households.
- Policy 3.3 Encourage housing opportunities to ensure those who work in Smyrna have the option of living within the City.
- Policy 3.5 Encourage opportunities for mixed use, live/work housing.

Economic Development

- Goal 5 – Promote revitalization of declining commercial & industrial areas.
 - Policy 5.1 – Promote adaptive reuse and mixed use redevelopment of declining strip commercial centers.
- Goal 6 – Promote continued economic development within downtown and other activity centers as vibrant mixed use center for residential, government, office, retail and entertainment activities.
 - Policy 6.1 Support higher-intensity housing within and adjacent to activity centers in conformity with the Future land Use Map.

Land Use

- Goal 13 – Encourage an efficient, equitable, and compatible distribution of land uses.
 - Policy 13.2 Encourage an appropriate transition of type and scale between established neighborhoods and activity centers.
- Goal 15 – Encourage infill development and redevelopment that has a positive impact on existing neighborhoods and activity centers.
 - Policy 15.1 Prioritize redevelopment and revitalization of existing underutilized commercial and industrial areas over development of new land for commercial purposes.
 - Policy 15.2 Ensure that infill development is compatible with surrounding neighborhoods and activity centers.

Quality of Life

- Goal 20 – Provide lifestyle amenities that improve the “quality of life” in Smyrna.
 - Policy 20.1 Continue to support for pedestrian-oriented, mixed use development in and around Smyrna Market Village.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from GC and RM-12 to MU-Conditional on 2.93 acres for a mixed use community at a density of 35.9 units per acre, including those variances supported by staff as shown above, **with the following conditions:**

Standard Conditions

Requirements # 2, 3, 4, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.

1. The composition of the homes in a residential subdivision shall include a mixture of elements including; but not limited to: brick, stone, shake, hardy plank and

stucco. No elevation shall be comprised of 100 percent hardy plank siding. The residences along external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.

2. 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.
3. All utilities within the development shall be underground.
4. 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 2' shall be provided between the back of curb and sidewalk.
5. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
6. No debris may be buried on any lot or common area.
7. 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".
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

11. The development shall maintain the following minimum building setbacks for Building #100:
 - Front – 5' (Spring Road)
 - Side – 5' (Jonquil Drive)
 - Side – 30' (West)
 - Rear – N/A'
12. The development shall maintain the following minimum building setbacks for Building #200:

Front – 10'
Side – 10'
Rear – 30'

13. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
14. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
15. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
16. The developer shall provide a sidewalk connection from the development to the Spring Road sidewalk.
17. The development shall not be gated.
18. The minimum floor area for attached dwelling units, condominium units and other multi-family units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).
19. Parking for the restaurants, commercial, retail and apartments within the development will be provided by means of surface and structured parking as shown on the submitted site plan, which will employ “shared” parking among the respective components and will provide sufficient and adequate parking for the total development.
20. All air conditioning condenser units, transformers and any other utilities shall be fully screened from view from any public right-of-way. The utility units components placed on the roof of the buildings may be screened by parapets and the utility components at ground level may be screened by landscaping.
21. Dumpsters shall be positioned so as to prevent visual intrusion from streets, connection points to community spaces and wherever possible with screening by landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. At grade trash compaction shall also be allowed and screened as appropriate in accordance with the City’s regulations.
22. The maximum number of residential units shall not exceed 105 Class A amenitized multi-family units. One hundred percent (100%) of the said units shall be constructed so that the units can be modified to individually owned condominium units in the event of future favorable market conditions.
23. All apartment units shall be maintained in a Class A/First Class manner.
24. The multi-family units shall include the following interior finishes:
 - i. Minimum nine-foot (9’) ceilings;

- ii. Forty-two inch (42") upper cabinets in the kitchen;
 - iii. Pendant lighting shall be utilized in the in the kitchen area of the units and spot track or recessed lighting shall be used in both the kitchen and dining areas of the units;
 - iv. Bathroom cabinets need to be of equal or similar quality as kitchen cabinets;
 - v. Sheet vinyl flooring and VCT vinyl flooring shall be prohibited;
 - vi. Tile flooring shall be required in both the kitchen and bathrooms;
 - vii. All bathrooms shall have tile tub/shower surrounds;
 - viii. All kitchen and bathroom counter and cabinet tops shall be solid surface granite or similar material. Laminate counter tops are prohibited;
 - ix. All kitchen counter tops shall be horizon style counter tops; and
 - x. All kitchen sinks shall be under-mounted stainless-steel sinks.
25. The approximate mixture of unit types shall consist of the following: seventy percent (70%) one bedrooms; twenty-five percent (25%) two bedrooms; and five percent (5%) three bedrooms.
26. A total of 7 of the units will be made available to individuals or families whose incomes do not exceed the Area Median Income and the rents for said units shall not exceed 33% of the tenants' income. The Work Force requirement shall stay in effect for five units for a duration of five years, and two units for a duration of seven years.
27. Approval of the subject property for the MU-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted July 14, 2020 and created by Eberly and Associates and all zoning stipulations above.
28. The applicant shall be bound to the elevations submitted on July 14, 2020. Approval of any change to the elevations must be obtained from the Director of Community Development.
29. The additional stipulations agreed upon by the applicant in the letter submitted and dated on July 14, 2020. If there should be a discrepancy between the stipulations in the July 14, 2020 letter and the stipulations stated above, the stipulations stated above shall apply.

Subject Property



Adjacent Properties



