

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: October 19, 2015

CC: Michael Jones, Interim City Administrator
Planning and Zoning Board

RE: Special Land Use Permit – Installation of Utility Hut at 4201 N. Cooper Lake Road

BACKGROUND

The City of Smyrna was one of nine cities in the Metro Atlanta area selected as an installation site for Google's ultra-high-speed internet service (Google Fiber). The nine selected cities include: Atlanta, Avondale Estates, Brookhaven, College Park, Decatur, East Point, Hapeville, Sandy Springs and Smyrna. The process for attracting Google Fiber to Smyrna began in 2010 when staff expressed interest through the City of Smyrna IT Department. The announcement in 2014 that Smyrna was among nine cities being considered began the process of evaluating the feasibility of infrastructure and processes, leading to selection of Smyrna and, now, this first step in the process of beginning the installation of infrastructure to supply network connections up to 100 times faster than basic broadband for Smyrna residents. The infrastructure is expected to make service an option for all areas of Smyrna.

Google Fiber has now applied for Special Land Use Permits for the installation of three utility huts throughout the city for the provision of high speed internet services. The utility hut compound is primarily comprised of a 12' x 28' pre-fabricated equipment enclosure (utility hut) which will house the data processing and fiber optic transmission equipment. Additionally, there will be a natural gas emergency generator adjacent to the hut. Finally, there will be four (4) underground vaults that will connect the hut to the fiber backbone network. The entire compound will be enclosed in an 8' tall chain-link fence topped with a 45 degree angle at the top as a deterrent. Development plans and building elevations were submitted as part of the Special Land Use Permit application and is attached for reference.

The applicant has selected 4201 North Cooper Lake Road as a location for one of the utility huts. The subject property is city-owned and is occupied by a North Cooper Lake Park. The proposed facility will be located on the south side of the entrance road into the park on an undeveloped portion of land. The proposed fence enclosure will be approximately 16' off the side property line and utility hut will be approximately 28' of the side property line. The adjoining property to the west which abuts the proposed facility is a vacant undeveloped tract of land that is zoned R-15. The enclosure will be accessed from the entrance road for North Cooper Lake Park. The proposed facility will be required to meet the landscaping and buffering requirements

as established in the City's Zoning Ordinance and Tree Ordinance. Compliance with these requirements will be fully reviewed during the plan review process for permitting.

The applicant is requesting a variance from Section 512.2 of the Zoning Ordinance with respect to the location of the utility hut. Section 512.2 of the Zoning Ordinance requires all utility buildings to be located at least 50' from any property line. The proposed building is 28' from the property line. The location of the proposed building will minimize impact to the existing park, as well as locate the building in an area easily accessible for fiber optics. Community Development and the City Engineer are in support of the proposed variance.

ANALYSIS

In order to approve the special land use permit, the governing body of the City of Smyrna must determine that, in their sole discretion, the granting of the permit would meet the requirements contained in Section 1510(5)(a) through (n) of the Zoning Code of the City of Smyrna. The following provides the fourteen factors followed by a staff analysis of each factor in italics:

- a) The use shall not have a significant adverse affect on the area or neighborhood in which the proposed use will be located.

The proposed facility will be located on city property at North Cooper Lake Park on North Cooper Lake Road. The utility hut is a 12' x 28' pre-fabricated equipment enclosure which will house data processing and fiber optic transmission equipment. Additionally, there will be a natural gas emergency generator adjacent to the hut. The proposed utility hut and emergency gas generator will be screened and fenced in accordance with the Zoning Ordinance. The utility hut will not be located closer than 350' from the nearest residentially used property. The utility hut will be accessed and serviced from the existing park entrance drive. The proposed use will not have a significant adverse impact on the area or the neighborhood in which the proposed use will be located.

- b) The use shall not be significantly incompatible with the zoning district or nearby districts.

The subject property is zoned R-15 (Single-Family Residential) and is occupied by an undeveloped area of North Cooper Lake Park. Section 512 of the Zoning Ordinance allows the location of utilities in any zoning district provided it meets six requirements. The applicant is requesting a variance from the requirement that the building be setback 50' from any property line. The proposed location of the building is 28' from the share property line. Community Development and the City Engineer are supportive of the requested variance. The proposed use is not significantly incompatible with the zoning district or nearby districts.

- c) The use shall not result in the creation of a nuisance as defined under Georgia law.

The proposed use will not result in the creation of a nuisance as defined under Georgia law. The service and transmission components will be located within the hut and not create and produce any obnoxious noises or odors.

- d) The use shall not adversely affect the quiet enjoyment of the surrounding property.

Due to the proposed location of the facility being a minimum 350' from residentially used property, the landscape buffer around the facility and the transmission components being completely housed within a utility hut, the proposed use shall not adversely affect the quiet enjoyment of the surrounding property.

- e) The use shall not adversely affect the property values of surrounding property.

Due to the proposed location of the facility being a minimum 350' from residentially used property, the landscape buffer around the facility and the transmission components being completely housed within a utility hut, the proposed use shall not adversely affect the property values of the surrounding property.

- f) The use shall make adequate provisions for traffic, water and sewage, according to a traffic, water, sewage and other appropriate utilities study prepared by a registered engineer, and approved by the Mayor and Council of the City of Smyrna, in its sole discretion.

The proposed facility will not generate any traffic to the site beyond the general inspection, maintenance and service by Google employees. No water and sewer services are proposed for this facility.

- g) The site or intensity of the use is appropriate.

Both the site and intensity of the use are appropriate for this facility location.

- h) Provisions are made, in writing, regarding appropriate hours of operation.

The proposed facility is an unmanned facility, so there are no general hours of operation.

- i) Adequate limits or controls are placed on deliveries, receiving and shipping.

The proposed utility hut will have no deliveries, receiving or shipping taking place at the site. There will be periodic inspections and maintenance done by Google employees to service the facility.

- j) Fencing and landscape plans are incorporated in the plans and proposals to ensure appropriate transitions between the subject property and surrounding properties.

The applicant has provided development plans which reflect a proposed 8' chain-link fence with a 45 degree angle on top around the perimeter of the facility as a deterrent. In addition, the applicant has proposed landscaping on the outside of the fencing and around the perimeter of the facility. The plantings will be required to be in accordance with the provisions of the City's Tree Ordinance and Section 501.16(5) of the Zoning Ordinance. The planting will be reviewed for compliance during the plan review and permitting process.

- k) The public health, safety and welfare of the surrounding neighborhood will not be adversely affected.

The proposed utility facility will not adversely affect the surrounding neighborhood. The facility will be adequately screened in accordance with the provisions of the Zoning Ordinance and secured with the use of an 8' chain-link fence. The facility will not emit any obnoxious noise or odors.

- l) The site is accessible without travel over residential streets as defined by the City.

The site can be accessed through from entrance drive to North Cooper Lake Park which is off North Cooper lake Road. The park is located in the middle of a residential neighborhood and there is no other means for access other than from North Cooper Lake Road.

- m) The applicant has supplied sufficient evidence of bonding capacity, references and financial strength, as required by the City of Smyrna, for the project under consideration.

The applicant is a large national technology company. The contractor for the applicant will be required to provide all applicable bonds and indemnifications prior to the issuance of any development permits.

- n) Annual host fees shall be required for transfer centers, composting centers and landfills, as established from time to time, and on record with the City Clerk's Office, to City of Smyrna.

The proposed use is a utility hut for the provision of utility services and this requirement is not applicable.

STAFF COMMENTS

Google Fiber Georgia, LLC is seeking approval of a Special Land Use Permit for the construction of a utility hut at 4201 North Cooper Lake Road. The utility hut will provide Google Fiber Georgia, LLC the opportunity to install the necessary infrastructure to provide high-speed internet service. Community Development recommends **approval** of the requested Special Land Use Permit with the following conditions:

1. The utility hut shall be installed in substantial compliance with the development plans submitted on August 14, 2015 and created by Bechtel Infrastructure and Power Corporation.
2. The applicant shall be bound to the elevations submitted August 14, 2015. Approval of any change to the elevations must be obtained from the Director of Community Development.
3. The proposed chain-link fencing shall be black coated vinyl fencing.

4. The applicant will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the applicant during construction.
5. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
6. All landscape plans shall, at a minimum, meet the following screening requirements:
 - a. The intent of the landscape area(s) shall be to address the following:
 - i. Screening to enhance aesthetic appeal;
 - ii. Control or direct vehicular and pedestrian movement;
 - iii. Reduce glare;
 - iv. Buffer noise;
 - v. Establish privacy; and
 - vi. Promote public health and safety.
 - b. Plantings are to be a mix of rows of evergreen trees and shrubs, deciduous trees and taller evergreen trees, or a combination of both;
 - c. Species are to be ecologically compatible to site and appropriate for design situation;
 - d. Minimum height of plant materials at installation is to be five feet for trees;
 - e. Final approval of the required landscape plan must be obtained from the Community Development Director or designee.
7. The applicant shall provide a concrete driveway apron and access road off the North Cooper Lake Park Road to service the proposed utility hut.

Figure – 1



**Figure – 2
(Subject Site)**



Figure – 3
Adjacent Properties



