



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** 2017-215      **Version:** 1      **Name:** Zoning Request Z17-011  
**Type:** Authorization      **Status:** Passed  
**File created:** 6/8/2017      **In control:** City Council  
**On agenda:** 7/17/2017      **Final action:** 7/17/2017  
**Title:** Public Hearing - Zoning Request Z17-011 - Zoning Amendment to modify the currently approved site plan and building elevations - 3.3 Acres - Land Lot 490 - Northwest corner of the intersection of Atlanta Road and Belmont Boulevard - David Weekley Homes.  
**Sponsors:** Teri Anulewicz  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Issue Sheet 2017-215.pdf, 2. Staff Memo\_V.2\_Z17-011.pdf, 3. Zoning Vicinity Map\_Z17-011.pdf, 4. Land Use Vicinity Map\_Z17-011.pdf, 5. Rezoning Application\_Z17-011.pdf, 6. Site Plan\_V.3\_Z17-011.pdf, 7. Building Elevations\_Z17-011.pdf, 8. Building Elevations\_V.2\_Z17-011.pdf, 9. Street Cross-Section\_V.3\_Z17-011.pdf, 10. Impervious Coverage-Utility Plan\_V.3\_Z17-011.pdf, 11. Open Space Plan\_V.3\_Z17-011.pdf, 12. Truck Turning Model\_V.3\_Z17-011.pdf, 13. Legal - Belmont Pod B.pdf, 14. Consultant Market Statement\_Z17-011.pdf, 15. Halpern Statement\_Z17-011.pdf, 16. Stormwater Letter\_Z17-011.pdf, 17. M&C Minutes\_Z08-006 (Jan. 20, 2009).pdf, 18. Screening Wall Exhibit\_Z17-011.pdf

Date	Ver.	Action By	Action	Result
7/17/2017	1	City Council	Approved Item	Pass
7/10/2017	1	Planning and Zoning Commission	Approved with Condition(s)	Pass
6/12/2017	1	Planning and Zoning Commission	tabled to a specific date	Pass
6/12/2017	1	Planning and Zoning Commission	tabled to a specific date	Pass

**WARD:** 3

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Zoning Request Z17-011 - Zoning Amendment to modify the currently approved site plan and building elevations - 3.3 Acres - Land Lot 490 - Northwest corner of the intersection of Atlanta Road and Belmont Boulevard - David Weekley Homes.

**ISSUE:** 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.

The proposed zoning amendment will result in the redesign of POD B at 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 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 townhomes. The 11,000 sq. ft. of commercial/retail space along Atlanta Road is proposed to remain and not part of this application.

**GROUND:** The City of Smyrna originally rezoned the Belmont Hills project on January 20, 2009 from GC & Mixed Use - Conditional (Zoning Case Z08-006). The approved project was a mixed use development with a variety of uses, including; retail shops, restaurants, office space, independent living senior housing, 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. 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, with several zoning conditions. If any of these items were to significantly change the applicant would have to go back to 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, 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 to sign 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 next amendment to the plan occurred on February 17, 2014 to change the combination of Pods C & D for the development of a single-family subdivision (Zoning Case Z14-006). The final 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. The 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 started construction on the medical office building on Phase II of Pod A.

This zoning request was tabled from the June 12, 2017 Planning and Zoning Board meeting to the July 10, 2017 meeting at the request of the applicant. The zoning request was heard by the Planning and Zoning Board at the July 10, 2017 meeting and was recommended for approval by a vote of 5-0 with staff recommendations.

**RECOMMENDATION/REQUESTED ACTION:** Community Development recommends that this request be approved with the following conditions carried over the previous Zoning Cases (changes are highlighted in red):

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.

