



City of Smyrna

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Legislation Text

File #: 2018-29, **Version:** 1

WARD: 3

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Zoning Request Z18-001 - Modification of currently approved site plan and building elevations for commercial buildings on Pod B of the Belmont Redevelopment Project - 1.123 Acres - Land Lot 490 - Northwest corner of the intersection of Atlanta Road and Belmont Boulevard - Halpern Enterprises, Inc.

: 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 10,000 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 restrooms 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 Enterprises 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.

GROUND: The City of Smyrna originally rezoned the Belmont Hills project on January 20, 2009 from GC & Single-Family to Mixed Use - Conditional (Zoning Case Z08-006). The approved project was a mixed use development including a variety of uses, including; retail shops, restaurants, office space, independent living senior housing, townhomes, 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, 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 third amendment to the plan occurred on February 17, 2014 to

the combination of PODS C & D for the development of a single-family subdivision (Zoning Case Z14-006). A 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. David Weekley Homes Partners has completed the multi-family development on POD F. David Weekley Homes has constructed 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.

RECOMMENDATION/REQUESTED ACTION: Community Development recommends that the zoning amendment be **approved** with the following conditions carried over from 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.