

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: November 26, 2024

CC: Joe Bennett, City Administrator
Planning & Zoning Board

**RE: REZONING & ANNEXATION CASE Z22-016– 1101 Windy Hill Road, 0 Atlanta Road,
0 Dixie Avenue and 1278 Davis Road.**

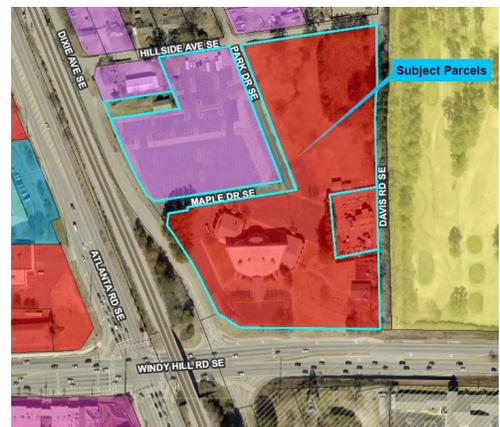
Applicant:	<u>WSE Development LLC</u>	Existing Zoning:	<u>GC & LI (Smyrna) HI (Cobb County)</u>
Titleholder:	<u>Int'l Gospel Outreach Church Inc., Surrounding Landscapes Inc. Cobb County</u>	Proposed Zoning:	<u>MU-Conditional</u>
Location:	<u>NE Intersection of Windy Hill & Dixie Ave.</u>	Size of Tract:	<u>9.8 Acres</u>
Land Lot:	<u>491</u>	Contiguous Zoning:	
Ward:	<u>3</u>	North	HI (Cobb County) & LI (Smyrna)
Access:	<u>Dixie Ave. & Davis Dr.</u>	South	R-20
Existing Improvements:	<u>Church</u>	East	R-15
		West	GC & OD
		Hearing Dates:	
		P&Z	December 2, 2024
		Mayor and Council	January 6, 2025

Proposed Use:

Development of a Mixed Use development with 295 multi-family units at a density of 29 units per acre and 30,000 sq. ft. building for civic uses.

Staff Recommendation:

Community Development recommends **approval** of the annexation and zoning request from **GC & LI (Smyrna) & HI (Cobb County) to MU-Conditional** with conditions.



PROJECT DESCRIPTION

WSE Development LLC. is requesting to rezone 9.8 acres of assembled properties at the north eastern intersection of Dixie Avenue and Windy Hill Road. 0.2 acres is zoned HI (Heavy Industrial) in Cobb County, and the remainder is zoned GC (General Commercial) & LI (Light Industrial) in Smyrna. Maple Drive and Park Drive will be abandoned and incorporated within the proposed development. After abandonment and dedication the development is approximately 10.3 acres.

The applicant is proposing to demolish the existing church and parking lot to construct the mixed-use development. The proposed mixed use development includes one four-story building, one four-five split level building at the interior of the property, two garage units at the western perimeter, and a two-level parking deck at the northern perimeter. The multi-family units will include a pool, amenity area, and fitness facility. The mixed-use development will house 295 multi-family units at a density of 29 units per acre and 30,000 sq. ft. building for civic uses. A central road will connect the multi-family and civic building and incorporate the two uses as a cohesive development.

The proposed development will be accessed by three access drives on Davis Road, one access drive on Dixie Avenue, and one access drive on Hillside Drive. The proposed development will have 472 total parking spaces for the multi-family units and 141 spaces for the civic building. The majority of the parking for the development will be surface parking and 146 within a two-level parking deck.

There will be two underground stormwater detention facilities planned for the development.

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:

“Yes. The subject property is surrounded by commercial uses and a city owned golf course. The intended project will integrate well into this existing development fabric. The subject property is bounded to the west by CSX Rail line and Dixie Avenue, to the north by Hillsdale Avenue, mixed residential / commercial and light industrial, to the east by Fox Creek Golf Course and Driving Range and to the south by Windy Hill Road, GHK Irrigation, Trilingual Academy and Calvary Baptist Church.”

Staff Analysis:

The applicant is proposing the redevelopment of the subject property for a mixed use development with 295 multi-family units at a density of 29 units per acre and a 30,000 sq. ft. civic building. The adjoining properties to the west across Atlanta Road are zoned GC & OD and are occupied by commercial uses. The adjoining properties to the south across Windy Hill Road are zoned R-20 and are occupied by residential uses. The adjoining property to the east is zoned R-15 and is occupied by a golf course. The adjoining properties to the north are zoned LI (Smyrna) and HI (Cobb County) and are occupied by industrial 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:

"No. The intended project will have a positive effect on the value of surrounding properties. The intended project represents an almost \$100 million capital investment on Windy Hill Road, effectively extending the Windy Hill Road District to the east. The Intended Project will ultimately locate 295 new households, an aquatics and gymnastics center at the intersection of Atlanta Road and Windy Hill Road, where the FLUM projects Mixed-Use and Community Activity Center uses."

Staff Analysis:

The proposed development is surrounded by commercial and industrial 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:

"No. The intended project will be consistent with the overall goals of the 2040 Smyrna Plan, replace a declining church and one small business, with vibrant city owned community amenities, 295 households, code-compliant practices for stormwater management and provide meaningful property taxes in replacement for the current use, which pays no taxes."

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. However, the existing property which includes a large church building is not easily converted to another use. The zoning proposal would change the zoning of the subject property from the automobile-oriented GC zoning district to the pedestrian-oriented MU zoning district. The requested zoning would be considered a down zoning from commercial use to a mix of primarily residential uses combined with civic 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:

"No. Utilities and other City services exist in sufficient capacity to serve the intended project. In addition, while the Intended Project is not designed for, or targeted at households with school age children (SF's, amenities, etc.), it appears that Cobb County public school capacity, except for elementary which is projected to decline. The utilization for this location is as follows:

ES - GADOE capacity for Green Acres Elementary is 937 students; enrollment is currently 1,111 students. Cobb County School District Enrollment Study (CCSDES) completed in the spring of 2024, projects enrollment to decline to 1,062 students by 2033 or 113 capacity.

MS - GADOE capacity for Pearson Middle School is 3,300 students; enrollment is currently 2,928 students. CCSDES completed in the spring of 2024, projects Campbell enrollment to grow to 2,950 students by 2033 or 89% capacity.

HS - GADOE capacity for Campbell Middle School is 1,437 students; enrollment is currently 1,257 students. CCSDES completed in the spring of 2024, projects Campbell enrollment to decline to 1,230 students by 2033 or 86% capacity.

The subject property is, itself, a declining institutional use, a small business operation and a "island" of land owned by Cobb County. The Subject Property will be redeveloped with a new use which will meet the needs of households seeking higher density / "infill" housing options within the City of Smyrna and community recreation centers. The Applicant will work with Smyrna Transportation to implement a new signalized intersection that can be coordinated with the intersection of Windy Hill and Atlanta Road to allow traffic to flow without any significant burden on the system. In doing so, Applicant believes households seeking to live in the intended project will, in turn, provide support for other current commercial, office and retail uses along Windy Hill and Atlanta Road, without negatively impacting existing stakeholders.."

Staff Analysis:

The City Engineer has reviewed the traffic study prepared by A&R Engineering for the development. The City Engineer believes the development will not add a significant amount of additional traffic to the Windy Hill Road corridor. The proposed development will improve Windy Hill Road with a traffic signal at Davis Drive. Davis Drive will be improved to city standards and Hillside Drive will be improved to Cobb County standards. Both roads will be widened and have curb, gutter, and sidewalk installed.

Based upon information provided by the Water & Sewer Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Water is located within the right-of-way of Davis

Drive. Sewer is located within the right-of-way of Atlanta Road. Croy Engineering has conducted a sewer capacity analysis and believes there is sufficient capacity to serve the development.

Cobb County Schools has responded that the proposed development will not have a negative impact on capacities for the schools in this district.

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

Applicant Response:

"Yes. The intended project has been planned to achieve many of the goals of the Comp. Plan by introducing civic uses, with the addition of the City's proposed Aquatic and Gymnastics Center, adjacent high-density housing, internal connected streetscapes and pedestrian experiences all walkable to Belmont and the redeveloping Windy Hill corridor."

Staff Analysis:

The City's Future Land Use Plan indicates the subject parcel has a future land use designation of Public Institutional (PI). A rezoning to The MU zoning district will require a future land use change to the MU future land use designation.

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:

"Yes. Following the pandemic, much of the membership moved to "attending" services online or relocating to a different church altogether, leaving the ministry in a difficult position. As a result, the founding Pastor and church leadership have elected to place the property up for sale and find a smaller venue to continue their mission in the City of Smyrna.

The intended project has been conceived in response to changing economic conditions affecting the Subject Property's current use and has been designed with the goals of the 2040 Smyrna Plan in mind.

Staff Analysis:

The proposed development meets the stated land uses, development patterns and housing types for the area. Additionally, the development meets many of the goals in the adopted 2040 Comprehensive Plan including:

- *Maximize land use through the development of mixed-use communities.*
- *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.*
- *Promote revitalization of declining commercial and industrial areas.*

- *Promote continued economic development within Downtown Smyrna and other activity centers as vibrant mixed use centers for residential, government, office, retail, and entertainment activities.*
 - *Enhance connectivity within and among Smyrna communities through the design, introduction, extension and general improvement of walking, running, biking and multi-use trails and paths; sidewalks; connecting open spaces and pocket parks; and local streets.*
 - *Improve the community function, efficiency and aesthetic appeal of arterial roadways that border (Spring Road-Concord Road, South Cobb Drive, and Windy Hill Road) and divide (Atlanta Road) the study 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:

"Yes. The intended project is consistent with the policies and goals of the 2040 Smyrna Plan, including:

- Encourage adequate amounts, types and densities of housing needed to support desired mixed-use development (Smyrna Tomorrow pg. 8)*
- Support higher-intensity housing within and adjacent to activity centers (Smyrna Tomorrow pg. 9)*
- Promote revitalization of declining commercial and industrial areas (Smyrna Tomorrow pg. 9)*
- Provide a variety of recreational opportunities including both active, organized recreation, as well as areas for passive recreation (Smyrna Tomorrow pg. 14)*

However, to effectuate these goals Applicant is requesting a FLUM amendment to change the Subject Property's use designation from PI and NAC to MU.

Staff Analysis:

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

"No. The subject property is bounded by Windy Hill Road, a CSX railroad line, the City owned Fox Creek Golf Course and industrial land situated in Cobb County. ."

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 in an area that is already developed with industrial 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:

"Positively. The intended project will revitalize the land use, add two civic amenities for the city and offer best-in-class rental housing. With a forward-looking land plan, the Intended Project could encourage redevelopment of the property immediately to the north along Hillside Avenue and Park Drive.

Staff Analysis:

The zoning proposal will not negatively impact the adjoining properties, general neighborhood and other uses due to the size of the proposal in either land area or building height. The zoning proposal meets many of the zoning requirements of the MU zoning district. The following variances are required from Sec. 720:

1. *Allow reduction of the minimum front, side, and rear building setback to 10 feet. **(Staff Supports)***
2. *Allow side to side building separation reduced from 20 feet to 10 feet for the separation between the maintenance building and garage units. **(Staff Supports)***
3. *Allow reduction of the minimum parking requirement from 1.75 spaces per unit to 1.5 spaces per unit. **(Staff Supports)***
4. *Allow an increase in residential density from 25 units per acre to 29 unit per acre. **(Staff Supports)***
5. *Allow parking between the building and right-of-way. **(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 most of the zoning requirements of the MU zoning district.

The applicant is seeking the following variance from Sec. 720 of the City's Code of Ordinances:

1. *Allow reduction of the minimum front, side, and rear building setback to 10 feet. (Staff Supports)*
2. *Allow side to side building separation reduced from 20 feet to 10 feet for the separation between the maintenance building and garage units. (Staff Supports)*
3. *Allow reduction of the minimum parking requirement from 1.75 spaces per unit to 1.5 spaces per unit. (Staff Supports)*
4. *Allow an increase in residential density from 25 units per acre to 29 unit per acre. (Staff Supports)*
5. *Allow parking between the building and right-of-way. (Staff Supports)*

Community Development has reviewed the variance requests and is **supportive of the variances as submitted**. The variances for the setback reductions are only for the two garage units at the western perimeter and parking deck at the norther perimeter. The main residential building are within the interior of the development facing an internal road that connects to the civic building. The applicant is proposing a total of 472 parking spaces for the 295 residential units. Community Development believes the parking proposed is sufficient for the multi-family units.

The developer proposes a density of 29 units per acre. Community Development believes the proposed density is consistent with other mixed use developments approved with in the city.

Community Development is **supportive** of the requested variances because the proposed development plan is in line with the intent of the Mixed Use zoning district.

Transportation Review

Based upon the review of the development by the Transportation Engineer, the city supports the proposed traffic signal at Davis Drive and Windy Hill Road. Davis Drive will be widened to meet city standards and improved with curb, gutter and sidewalk. The developer will be responsible for all traffic improvements associated with the development as outlined in this memo

Stormwater Management Review

The applicant is proposing two below-ground stormwater management facilities. The City Engineer takes no exception to the stormwater management concept as shown. The City Engineer anticipates the design submitted during permitting will consider 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. Croy Engineering has provided a sewer capacity analysis and determined there is sufficient sewer capacity for the development. Any required improvements are the responsibility of the developer. Water is located within the right-of-way of Davis Drive and sewer is located within the right-of-way of Atlanta Road.

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 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 proposed development plan includes a mixed-use development with multi-family residential, and civic space. The proposed development will consist of 295 multi-family units within a four-story building, four-five split level building, and two garage buildings with residential units above. Among the 295 multi-family units, 70% will be one-bedroom, 27% will be two-bedroom, and 3% will be three-bedroom units. The average unit size will be just above 900 sq. ft. The development will be designed with a central road network that connects the multi-family units with the building for civic uses. Sidewalk connections will be installed internally as well as around the perimeter of the proposed development.

The City's 2040 Future Land Use Map will require the subject property changed to a Mixed Use land use designation. The proposed development is compatible with the Mixed Use 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 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 3.2 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 & LI as well as annexation and rezoning from HI (Cobb County) to MU-Conditional on 9.8 acres for a mixed-use development with 295 multi-family units at a density of 29 units per acre, and 30,000 sq. ft. civic building including those variances supported by staff as shown above, **with the following conditions:**

Standard Conditions

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

1. The composition of the mixed-use building 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. The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.

6. 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.
7. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
8. No debris may be buried on any lot or common area.
9. 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".
10. 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.
11. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
12. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

13. The development shall maintain the following minimum building setbacks:
 - Front – 10'
 - Side – 10'
 - Rear – 10'
14. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
17. 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).
18. The maximum number of residential units shall not exceed 295 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.
19. All apartment units shall be maintained in a Class A/First Class manner.

20. 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. Decorative lighting fixtures 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 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.
21. The approximate mixture of unit types shall consist of the following: seventy percent (70%) one-bedrooms, twenty-seven percent (27%) two-bedrooms, and three percent (3%) three-bedrooms.
22. The maximum building height shall be 66 feet as measured by code.
23. 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.
24. 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.
25. A five-foot sidewalk and two-foot grass strip shall be installed along the frontage of Dixie Avenue, Windy Hill Road, Davis Drive, and Hillside Drive.
26. Right-of-way dedication shall be provided on Davis Drive as well as installation of curb, gutter, and sidewalk to meet City standards.
27. Right-of-way dedication shall be provided on Hillside Drive well as installation of curb, gutter, and sidewalk to meet Cobb County standards.
28. The parking deck and any retaining wall shall provide a decorative brick exterior where visible from the public right-of-way.
29. A minimum of 472 parking spaces shall be provided for the multi-family units.

30. The developer shall be responsible for installation of the traffic signal on Windy Hill Road.
31. The developer shall be responsible for installation of a deceleration/turn lane on Windy Hill Road and Davis Drive.
32. 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 November 1, 2024 and created by Summit Engineering Consultants Inc. all zoning stipulations above.
33. The applicant shall be bound to the elevations submitted on November 1, 2024. Approval of any change to the elevations must be obtained from the Director of Community Development.

Subject Property



Subject Property



Adjacent Properties

