

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: July 5, 2023

CC: Joe Bennett, City Administrator  
Planning & Zoning Board

RE: **REZONING CASE Z23-005– 6324 & 6330 Riverview Road**

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**Applicant:** Brand Properties LLC

**Existing Zoning:** HI

**Titleholder:** The Helen Hair Stamps  
Revocable Trust

**Proposed Zoning:** MU-Conditional

**Size of Tract:** 28 Acres

**Location:** 6324 & 6330 Riverview Road

**Contiguous Zoning:**

**Land Lot:** 284

North RDA

South HI

East MU

West HI

**Ward:** 7

**Access:** Riverview Road

**Hearing Dates:**

P&Z July 10, 2023

Mayor and Council August 21, 2023

**Existing  
Improvements:** Industrial Uses

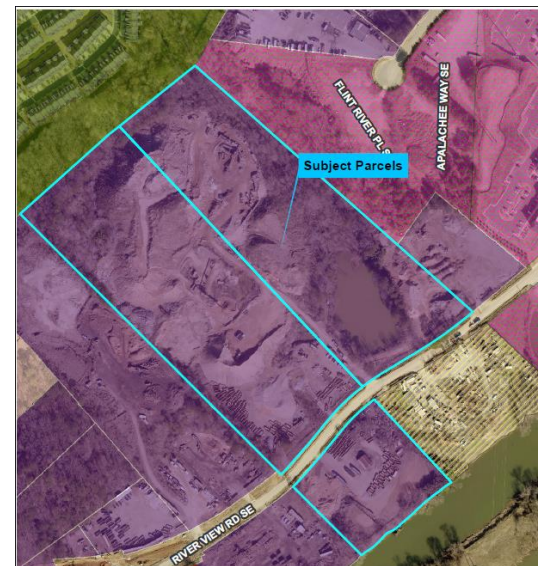
#### Proposed Use:

Development of a Mixed Use development with 390 multi-family units, and 5,500 sq. ft. of commercial use at a residential density of 13.92 units per acre.

#### Staff Recommendation:

Community Development recommends approval of the zoning request from **HI to MU-Conditional**.

**Planning & Zoning Board Recommendation:** approval by a vote of 6-0 at the July 10, 2023 meeting.



## **PROJECT DESCRIPTION**

Brand Properties LLC. is requesting to rezone 28 acres of assembled properties along Riverview Road from HI (Heavy Industrial) to MU-Conditional for the development of a mixed-use development, which includes 390 multi-family units at a density of 13.92 units per acre and 5,500 sq. ft. of commercial space. The subject property is currently occupied by heavy industrial uses and was recently annexed from Cobb County. Portions of the site were previously used for a landfill and no permanent structures occupy the property.

The proposed development will consist of 390 units spread among three buildings. The heights will range between four to five story buildings. Building 1 will include 188 units, Building 2 will include 142 units and Building 3 will include 60 units. Among the 390 units, 245 units will be one-bedroom, 129 units will be two-bedroom, and 16 will be three-bedroom. There will be a central mailroom inside the amenity space/leasing office in Building 1 along Riverview Road. The building will incorporate 5,500 sq. ft. of commercial space on the ground level with multi-family units above.

The proposed development will be accessed by a full access drive on Riverview Road with a 20' fire lane designated for emergency response. The development also includes a second drive with additional parking spaces adjacent to the pond. The proposed development will have 630 total parking spaces which exceeds the city requirement of 418 spaces. 14 of the 630 spaces are designated for ADA. All of the parking spaces are surface level throughout the development. The Riverview Road right-of-way will be improved with 8' sidewalk, 8' bike lane, and 6' grass strip along the eastern frontage and 5' sidewalk and 2' grass strip along the western frontage. Parallel parking spaces are proposed along both sides of Riverview Road.

Approximately 3.75 acres of the development are to the east of Riverview Road that is currently a disturbed industrial use. The area is proposed to become a park for public use and include a connection to the Riverview trail. The developer has agreed to develop the park area and dedicate it to the city upon completion. The Trust for Public Lands is planning a 2.7 mile RiverLands Showcase trail in this area that will extend from Mableton Parkway to I-285. The developer will coordinate with the Trust for Public Lands to complete the portion of the trail along the eastern section of the subject property.

There existing pond on the site will be utilized for stormwater detention facilities 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:

*"The proposed rezoning will permit development of a mixed-use community, consisting of multi-family residential and retail. A mixed-use development is a more suitable use for the Property than the current heavy industrial development. Further, the proposed mixed-use development will be more compatible with adjacent and nearby residential neighborhoods and other mixed-use projects."*

Staff Analysis:

*The applicant is proposing the redevelopment of industrial property for a mixed use development with 390 units and 5,500 sq. ft. of commercial area at a density of 13.9 units per acre. The adjoining property to the west and south is zoned HI and is occupied by industrial uses. The adjoining property to the north is zoned RDA and occupied by the Oakdale Bluffs subdivision. The adjoining property to east is zoned MU and is occupied by the townhome section of Riverview Landing. 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 proposal will not adversely affect nearby property. The proposed mixed-use development will not cause disruption to or in any way adversely affect nearby neighborhoods or properties."*

Staff Analysis:

*The proposed development is surrounded by industrial and residential uses as well as a mixed-use development. 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:

*"The current Cobb County zoning classifications of Heavy Industrial ("HI") and R-20 are reasonable economic uses. However, the proposed mixed-use development is far more compatible to adjacent developments."*

Staff Analysis:

*The subject parcel has limited economic use as a currently zoned. The HI zoning district is one of the city's most intensive industrial zoning districts and allows a variety of heavy industrial uses. The zoning proposal would change the zoning of the subject property from the industrial HI zoning district to the pedestrian-oriented MU zoning district. The requested zoning would be considered a down zoning from industrial 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 have an excessive or burdensome impact on existing facilities and infrastructure."*

Staff Analysis:

*The City Engineer believes the development will not add a significant amount of additional traffic to the Riverview Road corridor. The proposed development will incorporate sidewalks and bike paths that allow multi-modal access along the corridor.*

*Based upon information provided by Cobb County, 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 Riverview Road and will be coordinated through the county.*

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

Applicant Response:

*"The proposed use is not in conformity with the existing Heavy Industrial (Cobb County) Land Use designation but is consistent with the City of Smyrna Mixed Use ("MU") Land Use Plan designation and adjacent properties. However, given the character and conditions of similarly situated properties on River View Road, and the surrounding area, the proposed use provides a better use for the property, while causing minimal effects on infrastructure such as roads, water, and sewer."*

Staff Analysis:

*The City's Future Land Use Plan indicates the subject parcel has a future land use designation of Industrial (I). The proposed rezoning requires a land use change to Mixed Use (MU). The MU zoning district is an appropriate district under 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:

*"The Property is immediately adjacent to a townhome community and other residential communities are located in close proximity thereto. Rezoning of the Property to zoning classification within the City of Smyrna for the proposed mixed-use development would allow for a lesser intense use than the existing Heavy Industrial classification."*

Staff Analysis:

*The Riverview Road corridor is gradually evolving from industrial uses to lower impact mixed use and residential uses. The proposed development is consistent with the long term vision for the Riverview Road corridor.*

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:

*"Architectural standards in the community will be upheld, and even enhanced, by the proposed development."*

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:

*"The proposed development is neither a nuisance nor incompatible considering the surrounding residential neighborhoods and commercial uses. Additionally, the proposed mixed-use development would provide housing in a highly sought after area of Cobb County, with connectivity to updated and improved roadways and interstates."*

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 that is more compatible with the existing uses than the current industrial uses that occupy the property. The proposed development will integrate and be consistent with Riverview Landing.*

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 mixed-use development would positively affect the area and surrounding properties as it would be less intense than allowing the Property, which adjoins residential neighborhoods, to be used for industrial purposes. Two of the three buildings will be located closer to River View Road, as shown and reflected on the submitted Site Plan, and the third building will be located to the rear of the Property. The buildings will be located within the setbacks required by*

*the City Zoning Ordinance; as well as, being situated to provide buffer areas to adjacent properties. The architecture and exterior finishes of the buildings will enhance the Property and the surrounding communities. The frontage of the development on River View Road will be heavily landscaped. A portion of the main tract will have open space; together with the passive recreational park area provided on the opposite side of River View Road, overlooking the Chattahoochee River.”*

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 the zoning requirements of the MU zoning district.*

## **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.

1. Allow the mixed use building maximum side setback from 20' to 50' **(Staff Supports)**.

Community Development has reviewed the variance requests and is **supportive of the variances as submitted**. The variances are required due to the environmental and infrastructure constraints within the subject properties.

Based on an assessment by the Atlanta Regional Commission, the proposed development is below the threshold of a Development of Regional Impact (DRI) and exempt from DRI review.

Based on an assessment by the Atlanta Regional Commission the proposed development on the site is contained within the existing disturbed area and exempt from Metropolitan River Protection Act (MRPA) review by the Atlanta Regional Commission.

### Transportation Review

Based upon the review of the development by the Transportation Engineer, the city recommends sidewalk and bike lane along the eastern frontage of Riverview Road to be consistent with the existing right-of-way to the north. The city recommends a 5' sidewalk along the western frontage of Riverview Road. Rapid flashing beacons may be required at the mid-block crossing on Riverview Road. Left turn lanes and a deceleration lane, or wide turning radius is recommended on Riverview Road at both entrances along the western frontage.

### Stormwater Management Review

The applicant is proposing to utilize the existing pond on the property for the stormwater management facility. The City Engineer takes no exception to the stormwater management concept as shown. The design submitted during permitting will consider site constraints such as

topography, utilities, and stream buffer 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 depict stream buffers and 100-year floodplain on the northern section of the subject property. The proposed development will utilize land within the existing limits of disturbance. Area within the floodplain and stream buffers will remain undisturbed.

#### 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 Riverview Road and are maintained by Cobb County.

#### Fire Marshal Review

The Fire Marshal's office has reviewed the 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 390 multi-family units, and 5,500 sq. ft. of commercial space. Among the 390 units, 245 units will be one-bedroom, 129 units will be two-bedroom, and 16 will be three-bedroom. The proposed development will have 630 total parking spaces which are all surface level. Additionally, the proposed development will improve multi-modal access along Riverview Road with the installation of bike and pedestrian infrastructure along the road frontage. The proposed development will also add connectivity to the existing Riverview Trail along the Chattahoochee River.

The City's 2040 Future Land Use Map designates the subject property as Industrial, which carried over the land use designation from the recent annexation. The proposed development requires a land use change to Mixed Use. The Mixed Use zoning district 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.

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#### **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from HI to MU-Conditional on 28 acres for a mixed-use development at a density of 13.9 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 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. No debris may be buried on any lot or common area.
6. 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".
7. 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.
8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

### **Special Conditions**

10. The development shall maintain the following minimum building setbacks:  
Mixed Use Building Minimum:  
    Front – 0'  
    Side – 0'  
    Rear – 20'  
Mixed Use Building Maximum:  
    Front – 20'  
    Side – 50'  
  
Multi-family Building Minimum:  
    Front – 20'  
    Side – 15'  
    Rear – 40'
11. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
12. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
13. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
14. The developer shall provide an 8' bike lane, 8' sidewalk and 6' grass strip on the eastern frontage of Riverview Road.

15. The developer shall provide a 5' sidewalk and 2' grass strip on the western frontage of Riverview Road.
16. The developer shall provide deceleration lanes, or large turn radius, on River View Road for both entrances on the western side of River View Road. Final design to be determined in plan review.
17. The developer shall provide an all-way stop analysis be provided during plan review to determine if stop signs are warranted at the intersection of River View Road and southern full-access driveway.
18. The developer shall provide right-of-way dedication on Riverview Road to be a minimum of 40 ft from the roadway centerline.
19. 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.
20. 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.
21. The minimum floor area for attached dwelling units, condominium units and other residential units may not be less than an average of 900 square feet. (Section 720.9(2) of the Zoning Ordinance).
22. Parking for the commercial and residential 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.
23. The maximum number of residential units shall not exceed 390 Class A amenitized residential 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.
24. All residential units shall be maintained in a Class A/First Class manner.
25. The residential 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.
- 26. Allow building height of up to 66 feet.
- 27. The developer shall develop the park area on the eastern side of Riverview Road and dedicate it to the city upon completion.
- 28. The developer shall coordinate with Trust for Public Lands to complete connection to the Riverview Trail extension.
- 29. 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 August 7, 2023 and created by Pond all zoning stipulations above.
- 30. The applicant shall be bound to the elevations submitted on June 6, 2023. Approval of any change to the elevations must be obtained from the Director of Community Development.

**Subject Property**



### **Adjacent Properties**

