

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

From: Russell Martin, AICP, Acting Community Development Director

Date: July 9, 2019

CC: Tammi Saddler-Jones, City Administrator  
Planning and Zoning Board

**RE: REZONING CASE Z19-003 – 3110 Sports Avenue**

**Applicant:** Lennar Homes

**Titleholder:** Cumberland Community Church, Inc. & Psychological Studies Institute, Inc.

**Location:** 3110 Sports Avenue

**Land Lot:** 845 & 846

**Ward:** 1

**Access:** Sports Avenue

**Existing Improvements:** Church Building

**Existing Zoning:** GC

**Proposed Zoning:** RM-12-Conditional

**Size of Tract:** 12.495 Acres

**Contiguous Zoning:**

North	GC & TS
South	RM-8 (Cobb)
East	RM-12
West	R-15

**Hearing Dates:**

P&Z	June 10, 2019
Mayor and Council	July 15, 2019

**Proposed Use:**

Development of a 108-unit townhome community at a density of 8.64 units per acre.

**P&Z Board Recommendation:** Approval with conditions by vote of 3-2.

**Staff Recommendation:**

Community Development recommends approval of the zoning request from GC to RM-12-Conditional with conditions.



## **PROJECT DESCRIPTION**

Lennar Homes is requesting to rezone 12.495 acres at 3110 Sports Avenue from GC to RM-12-Conditional for the development of 108 townhome units at a density of 8.64 units per acre. The applicant is proposing to demolish the existing Cumberland Community Church building and build the new townhome subdivision in its place.

The proposed development will consist of 108 townhome units spread across 20 buildings. The buildings range in size between three and seven units. There will be one three-unit building, two four-unit buildings, six five-unit buildings, ten six-unit buildings and one seven-unit building. The applicant is proposing two townhome products: a 20' wide, three-story rear-entry townhome and a 24' wide, three-story front-entry townhome. The proposed floor area for the townhomes will range between 2,000 sq. ft. and 2,400 sq. ft.. The proposed unit breakdown between the unit types is: 33, 20' wide rear-entry units and 75, 24' wide front-entry units.

The proposed development will be accessed by Sports Avenue with the streets within the development being private. A new future public right-of-way that will run east to west from the adjoining property to the east to the Alder Park apartment complex to the west along the shared property line with the Extended Stay Hotel will be preserved along the northside of the property. The applicant is proposing the new public road in accordance with the Spring Road LCI study, which contemplates a new local street that will run parallel to Spring Road to connect this area with Cumberland Boulevard. The long-term purpose of this connection would be to relieve traffic congestion on Spring Road by providing alternative access to Cumberland Boulevard. The proposed plan reflects sidewalks throughout the site with connections from Spring Road to the development and future connections along the new proposed road. With the zoning request, the applicant is requesting that the City abandon the portion of Sports Avenue south of the Extended Stay property line (essentially the cul-da-sac) in exchange for the future public right-of-way. The proposed streets within the development will be private but will be built to the City's construction standards. The applicant has agreed not to gate the community.

The applicant is proposing each townhome have a two-car garage with a two-car driveway for a potential of four parking spaces per unit in addition to guest parking along the streets. The proposed development will have 481 total parking spaces with 432 parking spaces for the townhome units and 49 guest parking spaces. The guest parking is spread throughout the community and is placed in a manner to limit on-street parking.

The applicant is representing 3.5 acres (or 34.86% of openspace for the development). A mail kiosk is reflected in the openspace at the front of the neighborhood, but no amenity feature has been reflected on the plan.

There are two stormwater detention facilities planned for the community. The first detention facility is an existing facility located on the east side of the property right behind the Burger King. This facility will be retrofitted to meet the City's current stormwater management requirements. The second detention facility is an existing facility located on the western side of the property behind the Extended Stay Hotel. This facility will be retrofitted to meet the City's current stormwater management requirements.

There are several site constraints that affect the development of the property. First, there is an existing 100' power easement that runs through the northern corner of the property over the existing detention facility behind the Burger King. Second, there is an existing stream buffer in the same general location of the power easement. Finally, there is a 20' sanitary sewer easement that runs along the northern property line behind the Extended Stay Hotel and along the shared property line with the Alder Park apartment complex. These issues are addressed in the project analysis section below.

### **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 rezoning proposal will permit a use which is suitable in view of the uses and development of adjacent and nearby properties. The totality of the area consisting of the subject property as well as a preponderance of the area the subject property is located within an area designated as a Regional Activity Center, in both Cobb County and the City of Smyrna, which contemplates the type of use proposed by the applicant."*

*Staff Analysis:*

*The applicant is proposing the redevelopment of the subject property for a 108-unit townhome community at a density of 8.64 units per acre. The adjoining property to the east is zoned R-15 and is occupied by utility uses such as an electrical substation and gas easements. The adjoining property to the south is zoned RM-8 in unincorporated Cobb County and is occupied by an apartment complex. The adjoining property to the west is zoned RM-12 and is occupied by an apartment complex called Alder Park. The adjoining properties to the north are zoned General Commercial (GC) & Tourist Services (TS) and are occupied by a Burger King and an Extended Stay Hotel. 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 rezoning proposal will not have an adverse impact upon the usability of adjacent or nearby properties. The applicant, a nationally branded residential developer, is proposing the construction and development of an upscale*

*townhome community consisting of a total number of 108 townhomes consisting of 33 rear-loaded townhomes (20' in width) and 75 front-loaded townhomes (24' in width). The adjacent properties consist of high-density residential zonings and commercial uses."*

*Staff Analysis:*

*The proposed development is surrounded by multi-family, commercial and tourist service uses. The existing uses would not be negatively impacted by the proposed townhome 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 subject property in its GC zoning classification does not have a reasonable economic use considering the context of market conditions and the lack of exposure to the Spring Road Corridor and the "halo-enhanced" development precipitated by the Braves' Sun Trust Park and The Battery."*

*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. The requested zoning would be considered a down zoning from commercial use to residential use.*

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 rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools."*

*Staff Analysis:*

*Based upon information provided by the City Engineer, the proposed development is not expected to cause a burden to the existing street network or transportation facilities.*

*Based upon information provided by the Public Works Director, adequate water capacities are available in the area to accommodate the development associated with the rezoning. Water is located within the right-of-way of Sports Avenue.*

*Based upon information provided by the Public Works Director, sanitary sewer is not available through the City's public sanitary sewer system. There is an existing 8" private sewer line within a 20' private sanitary sewer easement that runs through the property from Sports Avenue along the northern shared property line with the Extended Stay Hotel west to the shared property with the Alder Park apartment complex and south to the railroad right-of-way. When the private sewer*

*easement gets to the railroad right-of-way it runs under the track and runs through the adjoining apartment complex to Springhill Parkway where it connects to the County sanitary sewer system. The applicant has provided documentation of the easement and their ability to use that easement. The applicant has completed a study of the private infrastructure from the subject property all the way to the County system. The applicant's engineer believes there is adequate capacity within the private sanitary sewer line; however, the private line will require extensive work to correct existing problems with the line. The applicant is aware of the cost of the repairs and the extent of those repairs.*

*The City has not received any information from the Cobb County School Board with respect to the impacts of the proposed development on the school system. The applicant believes the proposed development will have minimal impact on enrollment due to their market demographics. The applicant does believe the proposed project will have a positive impact on school tax revenue and school SPLOST revenue.*

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

*Applicant Response:*

*"The rezoning proposal is in conformity with the policy and intent of the City's LCI Master Plan and the City's Comprehensive Plan and Future Land Use Map. The subject property is further defined as being located within what is denominated as a "key development node" under the City's LCI Study, which anticipates the use proposed by the applicant."*

*Staff Analysis:*

*The rezoning is in conformity with the City's Future Land Use Plan, which indicates the subject parcel has a future land use designation of Regional Activity Center (RAC). The RM-12 zoning district is an appropriate district under the RAC future land use designation. There will be no change to the future land use designation required for this rezoning.*

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:*

*"There are existing and changing conditions affecting the use and development of the property which give supporting grounds for the rezoning. Moreover, Lennar Homes' proposal constitutes a suitable use of the subject property which will not adversely affect adjacent properties; which will be beneficial to the City of Smyrna; and, which will comport with the LCI Study Initiatives."*

*Staff Analysis:*

*The City of Smyrna completed and adopted the Spring Road Livable Centers Initiative (LCI) in Spring of 2017. The LCI study lays out the City's vision for development patterns along the Spring Road Corridor. Additionally, the LCI study*

lays out the transportation projects and improvements to achieve these development patterns. The LCI study describes the future development of the area as follows:

*“The Sports Avenue redevelopment area will consist predominately of medium density housing with neighborhood-oriented retail fronting Spring Road. The housing types in this area should vary from attached to detached townhomes, to cottages and accessory dwelling units. A more walkable grid with houses fronting on the street and hidden parking plaza will create a more walkable character similar to that which is found in other neighborhoods throughout Smyrna.”*

*Per the description of the area around Sports Avenue in the LCI study, the proposed development meets the stated land uses, development patterns (except for the front-entry townhome units) and housing types for the 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:*

*“The rezoning proposal will comprehensively enhance the architectural standards and aesthetics of the area in which the subject property is situated as evidenced by the architectural rendering/elevations being submitted concurrently herewith.”*

*Staff Analysis:*

*The proposed development of the subject property under the zoning proposal will enhance the architectural standards and aesthetics of the general neighborhood. 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 zoning classification of RM-12 will not create a nuisance; is consistent with the existing RAC designation; consistent with the LCI Study and Master Plan; and is compatible with existing uses in the area.”*

*Staff Analysis:*

*The zoning proposal will not create a nuisance or be incompatible with existing uses in the area. The zoning proposal is a residential townhome community in an area that is already dense with respect to residential 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:

*"The proposed rezoning will positively affect the trend of development within this sub-area of the City and will encourage other compatible uses in this area of both the City of Smyrna and Unincorporated Cobb County."*

Staff Analysis:

*The zoning proposal may will positively affect the adjoining property, general neighborhood and other uses due to the size of the proposal in either land area or building height. The zoning proposal meets most of the zoning requirements of the RM-12 zoning district, but not all of them. The applicant is seeking the following variances from the Zoning Ordinance:*

1. *Reduction of the front setback for the townhomes from 50' to 15' (Section 801);*
2. *Increase in the maximum allowable density from 8 units per acre to 8.64 units per acre for the RM-12 zoning district (Section 1013.6);*
3. *Increase in the maximum allowable units per building from 6 to 7 (Section 1013.7);*
4. *Reduction of side to side building separation from 30' to 20' (Section 1013.5);*
5. *Reduction of the rear to rear building separation from 50' to 30';*
6. *Increase of the impervious surface are lot coverage from 35% to 69% (Section 801); and*
7. *Increase the maximum building height from 35' to 40' (Section 801).*

## **PROJECT ANALYSIS**

### Zoning Review

Community Development has reviewed the proposed plan against the zoning requirements of the RM-12 zoning district (Sections 801 and 1013 of the Zoning Ordinance) with regards to setbacks, building height and building separations. The zoning proposal meets a majority of the zoning requirements of the RM-12 zoning district. The applicant is seeking the following variances from Sections 801 and 1013 of the Zoning Ordinance:

1. Reduction of the front setback for the townhomes from 50' to 15' (Section 801);
2. Increase in the maximum allowable density from 8 units per acre to 8.64 units per acre for the RM-12 zoning district (Section 1013.6);
3. Increase in the maximum allowable units per building from 6 to 7 (Section 1013.7);
4. Reduction of side to side building separation from 30' to 20' (Section 1013.5);
5. Reduction of the rear to rear building separation from 50' to 30';
6. Increase of the impervious surface are lot coverage from 35% to 69% (Section 801); and
7. Increase the maximum building height from 35' to 40' (Section 801).

Community Development has also reviewed the proposed plan against the zoning requirements of the Spring Road Corridor Design District (Section 717 of the Zoning Ordinance). The applicant is seeking the following variance from Section 717 of the Zoning Ordinance:

1. Reduction of the minimum rear setback from 100' to 40' (Section 717.162(a)).

Community Development is **supportive** of the requested variances because the proposed development plan is in line with the master plan developed for the area in the Spring Road LCI Study. Also, the presence of the site constraints identified above leave a good portion of the site undevelopable.

#### Traffic Study Review

Based upon information from the Traffic Impact Study completed by the applicant's traffic engineer, the proposed development will not add a significant amount of additional traffic to the Spring Road corridor. The Intersection of Spring Road at Cumberland Boulevard will see less than 2.5% increase in overall delay and the Sports Avenue intersection will continue to operate acceptably with the addition of site traffic. Because the Spring Road corridor was recently widened, and the study intersections were upgraded with several improvements, no further improvements have been recommended as part of this study.

#### Stormwater Management Review

The applicant is proposing two aboveground stormwater management facilities. There is an existing aboveground detention facility located at the northern end of the site behind Burger King, which will remain and will be upgraded to meet the current stormwater management requirements. Also, there is an existing detention facility located on the west side of the property near the Extended Stay Hotel and Alder Park apartment complex, which will remain and be upgraded to meet current stormwater management requirements.

The City Engineer takes no exception to the stormwater management concept as shown. He anticipates the design submitted during permitting will take into account 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 shows a stream buffer located at the northeastern corner of the site behind the Burger King and east of the existing detention facility. The applicant is reflecting no encroachment into the 50' stream buffer and the 25' impervious surface area setback as part of this plan.

#### Water and Sewer Review

Adequate water capacities are available in the area to accommodate the development associated with the rezoning, pressure is the responsibility of the developer. Water is located within the right-of-way of Sports Avenue.

Sanitary sewer is not available through the public city sanitary sewer system. There is an existing 8" private sewer line within 20' private sanitary sewer easement that runs through the property from Sports Avenue along the northern shared property line with the Extended Stay Hotel west to the western shared property with Alder Park apartment complex and south to the railroad right-of-way. When the private sewer easement gets to the railroad right-of-way it runs under the track and runs through the adjoining apartment complex to Springhill Parkway where it connects to the County's sanitary sewer system. The applicant has provided documentation of the easement and their ability to use that easement.



The applicant has completed a study of the private infrastructure from the subject property all the way to the County system. The applicant's engineer believes there is adequate capacity within the private sanitary sewer line; however, the private line will require extensive work to correct existing problems with the line. The applicant is aware of the cost of the repairs and the extent of those repairs.

The City's Public Works Director would require the capacity data analysis to be completed prior to submittal for permitting. Also, all defects noted in the June 8<sup>th</sup> Summit Engineering letter must be corrected and detailed on all site development plans. Finally, any deficiencies found from the completed capacity data analysis will be installed, corrected and addressed on the site development plans. Any improvements required for the system will be the responsibility of the applicant/developer.

#### 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 and building separation requirements. The applicant will have to provide a fire truck turn analysis during the permitting process to verify maneuverability through the site. The Fire Marshal's office will also require the buildings to have a fire sprinkler system.

#### Planning Review

The City of Smyrna completed and adopted the LCI study in Spring of 2017. The LCI study lays out the City's vision for development patterns along the Spring Road Corridor. The LCI study also lays out the transportation projects and improvements to achieve these development patterns. Additionally, the LCI study describes the future development of the area as follows: "The Sports Avenue redevelopment area will consist of predominately of medium density housing with neighborhood oriented retail fronting Spring Road. The housing types in this area should vary from attached to detached townhomes, to cottages and accessory dwelling units. A more walkable grid with houses fronting on the street and hidden parking plaza will create a more walkable character similar to that which is found in other neighborhoods throughout Smyrna." The proposed development plan does provide a walkable grid within the Sports Avenue area. The proposed plan reflects a right-of-way abandonment of the existing cul-da-sac to allow for a more walkable street pattern. In addition, the proposed plan reflects an area for a future public road that will flow east/west through the site and could provide connection to Cumberland Boulevard in accordance with the LCI study. All the proposed streets within the development will be private, the applicant has agreed to a zoning stipulation that prohibits the gating of the community.

The LCI study also contemplates the type of development envisioned for the area, which included owner occupied attached and detached single-family housing along with accessory dwelling units. The proposed development is in line with the development pattern and ownership rates envisioned for the area.



The City's 2040 Future Land Use Map designates the subject property as Regional Activity Center, which allows for more intensive development than other parts of the City to the west. The proposed development is compatible with the Regional Activity Center future land use designation.

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## STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from GC to RM-12-Conditional on 12.45 acres for a 108 unit townhome community at a density of 8.64 units per acre, including those variances supported by staff as shown above, **with the following conditions:**

### Standard Conditions

**Requirements # 2, 8, 16 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain applicable.**

1. The composition of the homes in a residential subdivision 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. There shall be protective covenants on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.
4. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
5. All utilities within the development shall be underground.
6. 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.
7. 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.
8. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
9. No debris may be buried on any lot or common area.
10. 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".
11. 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.
12. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
13. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

### **Special Conditions**

14. The development shall maintain the following setbacks:  
Front – 15'  
Side – 35'

Rear – 40'

15. The development shall maintain the following building separations:
  - Front to Front – 50'
  - Rear to Rear – 30'
  - Side to Side – 20'
  - Rear to Front – 40'
16. The maximum impervious surface area coverage for the development shall be 69%.
17. The maximum building height for the townhomes shall be 40'.
18. The maximum number of units per building shall be 7 units.
19. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
20. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
21. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
22. The developer shall provide a 10' landscape buffer in accordance with Section 503 of the Zoning Ordinance along the western property line.
23. The developer shall provide a sidewalk connection from the development to the Spring Road multi-use trail along Sports Avenue.
24. The private streets within the development shall not be gated.
25. Approval of the subject property for the RM-12-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/6/2019 and created by Planners and Engineers Collaborative and all zoning stipulations above.
26. The applicant shall be bound to the elevations submitted on 5/6/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.
27. The additional stipulations agreed upon by the applicant in the letter submitted and dated on May 6, 2019. If there should be a discrepancy between the stipulations in the May 6, 2019 letter and the stipulations stated above, the stipulations stated above shall apply.



**Subject Property**





**Adjacent Properties**







