

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

From: Ken Suddreth, Community Development Director
Russell Martin, AICP, Senior Planner

Date: January 15, 2019

CC: Tammi Saddler-Jones, City Administrator

RE: ZONING AMENDMENT CASE Z19-001 – Brookside Lake Manor

Applicant: Taylor Morrison of Georgia, LLC

Existing Zoning: RM-12-Conditional

Titleholder: Taylor Morrison of Georgia, LLC

Proposed Zoning: RM-12-Conditional
Size of Tract: 17.77 Acres

Location: Veterans Memorial Highway & Brookside Village Parkway

Contiguous Zoning:

Land Lot: 168 & 178

North R-20 (Cobb County)
South LI (Cobb County)
East RAD & GC (Smyrna) & LI (Cobb County)
West LI (Cobb County)

Ward: 7

Access: Veterans Memorial Highway

Hearing Dates:

Existing Improvements: Vacant Parcel

P&Z N/A
Mayor and Council January 22, 2019

Proposed Use:
Modification of zoning condition #5 from Z-149 (Cobb County) to eliminate the requirement for a two-car garage for each townhome unit.

Staff Recommendation:
Approval of the requested zoning amendment.



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.

The proposed zoning amendment will result in the modification of zoning condition #5, which requires the provision of a two-car garage for each townhome in the community. The applicant is requesting the stipulation be modified to allow for one-car garages with a two-car driveway. The zoning proposal will not alter the existing use of the property.

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

The proposed zoning amendment will not have an adverse affect upon the existing use or usability of nearby properties.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject parcels have a reasonable economic use as currently zoned.

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.

Existing streets, transportation facilities, utilities and schools will not be affected by the proposed zoning amendment to modify stipulation #5 to allow for one-car garages. The development has already been approved and permitted. There will be no material change to the use of the property or supporting infrastructure with the requested zoning amendment.

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

The proposed zoning amendment will not affect the City's Future Land Use Plan.

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.

The subject property was originally rezoned in 2006 in Cobb County from RM-12 & PSC to RM-12-Conditional with conditions. The developer received a land disturbance permit in 2007 from Cobb County, but only demolished the existing apartment complex. The site remained vacant and undeveloped from 2007 to 2015, when it was annexed into the City of Smyrna with zoning conditions required by Cobb County. The site has been developed and all infrastructure has been installed. The homebuilder has completed one building and is currently under construction on two other buildings within the community. The zoning proposal would apply to all the remaining buildings within the development.

The applicant is requesting the zoning amendment to address changes in the housing market and to provide varied unit types to be able to accommodate different household types.

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.

Under this zoning proposal, the overall architectural style of the homes will remain unchanged. The proposed facades will have a mixture of brick, stone, shake and siding. The zoning proposal will maintain the aesthetics of the general neighborhood.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The proposed zoning amendment should not create a nuisance to existing uses and is compatible with existing uses and proposed future 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.

Factors associated with the size of the proposed use, in either land area or building height, should have a minimal affect upon adjacent properties. The project will meet all the spatial requirements of RM-12 zoning district.

The subject property was originally rezoned in Cobb County from RM-12 & PSC to RM-12-Conditional (Z-149) for the demolition of an existing apartment complex and the development 156 townhome units. In 2007, the developer received a land disturbance permit from Cobb County and demolished the existing apartment complex. The developer did not proceed with any other work due to the downturn in the economy. The subject property remained idle and vacant from 2007 to 2015. The applicant approached the city at the end of 2015 to annex the subject property into the city with the same zoning conditions approved by Cobb County. In December of 2015, the city annexed the subject property with the same zoning conditions approved by Cobb County. The site has been developed and all infrastructure has been

installed. The homebuilder has completed one building and is currently under construction on two other buildings within the community.

One of the zoning conditions placed on the property during rezoning by Cobb County required the provision of a two-car garage for each townhome within the community:

“5. The size of the homes shall range from 1,800 sq. ft. up to 2,400 sq. ft. with each home having an attached two-car garage. The architectural style of the home shall be traditional and the composition of the homes shall consist of a mixture of brick, stone, hardy shake, or hardy plank on at least three (3) sides consistent with the elevations/renderings, which were submitted under separate cover on September 20, 2006.”

The applicant would like to amend this stipulation to remove the requirement for a two-car garage and replace it with a one-car garage. The applicant is proposing to provide two-car garages with two-car driveways on the end units of the building (four cars total) with the interior units having one-car garages with two-car driveways (three cars total). In addition, to the changes in the garage type, the applicant is proposing to lower the building heights from three story buildings to two and half story buildings (meaning the third story will be incorporated into the roofline of the home). The proposed changes will also allow the main entrance of the homes to move from the second floor to the first floor, as well as move the second bedroom from the third floor to the first floor on the one-car garage units. The townhome units will remain the unchanged with respect to unit width. The applicant has stated the proposed changes will allow them to provide product flexibility to meet the different household types in the market.

The zoning proposal strictly deals with the building elevations and garage types. There will be no changes to the total number of units in the community or the infrastructure.

Community Development recommends **approval** of proposed zoning amendment with the following modification to zoning condition #5 from Cobb County Zoning Case Z-149 (2006) (highlighted in yellow):

5. The size of the homes shall range from 1,800 sq. ft. up to 2,400 sq. ft. with each home having **at a minimum** an attached **two one**-car garage. The architectural style of the home shall be traditional and the composition of the homes shall consist of a mixture of brick, stone, hardy shake, or hardy plank on at least three (3) sides consistent with the elevations/renderings, which were submitted under separate cover on September 20, 2006.

Subject Property





