

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: September 3, 2014

CC: Eric Taylor, City Administrator

RE: REZONING CASE Z14-021 – 619 Church Road

Applicant: Venture Homes, Inc.

Existing Zoning: R-15 & RTD

Titleholder: Nancy C. Logan

Proposed Zoning: RTD-Conditional

Size of Tract: 13.203 Acres

Location: 619 Church Road

Contiguous Zoning:

Land Lot: 342 & 379

North	RTD
South	R-15, RAD & RTD
East	LC
West	R-15

Ward: 5

Access: Church Road

Hearing Dates:

Existing Improvements: Vacant Site

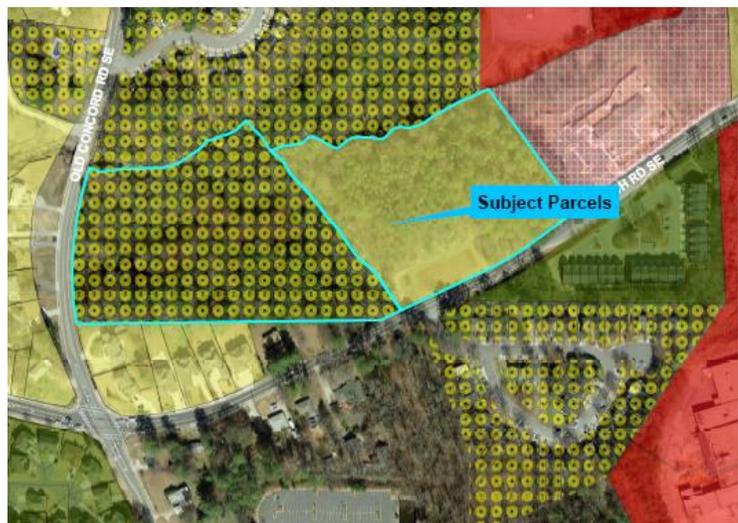
P&Z	September 8, 2014
M&C	September 15, 2014

Proposed Use:

The applicant is proposing the development of 49 townhome units. The density for the site will be 3.71 units per acre. No land use change from Medium Density Residential will be required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-15 & RTD to RTD-Conditional for forty-nine townhomes at a density of 3.71 units per acre with conditions.



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 rezoning would result in the development of a forty-nine unit townhome subdivision along Church Road. The adjoining property to the north is zoned RTD and is occupied by townhome development. The adjoining property to the east is zoned Limited Commercial (LC) and is occupied by a daycare center. The adjacent properties to the south across Church Road are zoned RTD and RAD, and are occupied by single-family homes and townhome developments. The adjacent properties to the west are zoned R-15 and are occupied by single-family residences. The proposed use is suitable in view of the use and development of adjacent and nearby 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 rezoning and development should 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 parcel has 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.

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. The City Engineer would like the applicant to complete a sight distance study for the proposed driveway location prior to construction plan review.

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-ways of Church Road. The development will require a master meter. Each individual unit will require a private sub-meter supplied by the developer and read by a third party.

Based upon information provided by Cobb County, adequate sewer capacities are available in the area to accommodate the development associated with the rezoning.

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

The 13.203-acre rezoning will be consistent with the City's Future Development Plan, which indicates a land use of Medium Density Residential. The proposed density of 3.71 units per acre for the development is well below the maximum allowable density of 6 units per acre for the Medium Density Residential land use classification on the Future Development Plan. The zoning proposal will not require a change of the Future Development Map from Medium Density Residential.

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 is 13.203 acres in size. The developer is proposing to develop only 4.49 acres of the property with the remaining 8.71 acres being open space. These 8.71 acres are located in a floodplain and are undevelopable. The zoning proposal is consistent with adjoining and nearby properties, which have been developed as either light commercial or townhome developments.

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.

The proposed development will employ a variety of architectural features and materials that will conform and enhance the existing neighborhood's aesthetics. The proposed scale of the home will be compatible with the existing homes in the immediate areas. The tree protection plan indicates the required number of tree inches for the site has been conserved on-site.

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 use should not create a nuisance to existing uses in the area due to the fact that the surrounding area is also comprised of townhomes, single-family residences and light commercial.

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, will have an effect upon adjacent properties. The applicant is

requesting to rezone the property to RTD-Conditional. The applicant is seeking a site plan specific rezoning to deviate from: 1) the required minimum front setback; 2) the required minimum side setback; 3) the required maximum allowable building height; 4) the required minimum building separation; and 5) the maximum allowable townhome units within one building. Table 1 below shows the requirements of the RTD zoning district versus the proposed development.

	Min. Lot Size (Square Feet)	Min. Lot Width at Setback Line	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)	Min. Square Footage
RTD Zoning District	80,000	20'	50'	35'	40'	35' (2.5 Stories)	30%	1,200
Proposed Lots	80,000	20'	20'	20'	40'	45' (3 stories)	30%	1,800

Venture Homes is requesting the rezoning of 619 Church Road from R-15 and RTD to RTD-Conditional for the development of a 49 unit townhome subdivision at a density of 3.71 units per acre. The 49 units will be split between 7 buildings with four 8-unit buildings, two 6-unit buildings and one 5-unit building. The applicant is proposing two different styles of townhomes within the subdivision; a three-story rear-entry townhome along Church Road and a two-story front-entry townhome within the interior of the of the development. The three-story product will be 21' wide and will employ a variety of traditional architectural features. The two-story product will be 26' wide and will employ a variety of traditional architectural features. The building facades will include, but not be limited to brick, stone, cement-fiber siding, wood or cement-fiber shingles, and other materials per the attached rendering. The applicant has provided colored renderings and floor plans for both townhome products for review with the zoning application.

The subject property is 13.203 acres in size. The developer is proposing to develop only 4.49 acres of the property with the remaining 8.71 acres being left as open space. These 8.71 acres are located in a floodplain and are undevelopable. There are several identified streams that run through the property. The first stream runs from South Cobb Drive to Old Concord Road along the northern property line and the second stream enters from the south of the property from Church Road and runs north to the first stream above. The applicant has identified the streams on the proposed site plan and has designed the project to provide the required city and state buffers. In addition to the stream buffers, the applicant has identified an error with the FEMA Flood Maps and is currently going through the process of a map revision. The process should be completed by the middle of October.

The City Engineer has reviewed the proposed location of the stormwater management facility and believes the proposed plan will meet the requirements of the City's stormwater management ordinance. The stormwater management facility will be located at the rear of the subdivision, just outside the required 50' undisturbed buffer and within the 75' impervious setback. The stormwater management facility will be allowed in this location provided the facility is above the 100-year floor elevation. In addition, the stormwater management facility will be required to be screened from the homes within the development.

The applicant has provided a proposed tree plan for the development. The applicant is able to meet the minimum required density for the site through the preservation of trees on the 8.71 acres that is being left as open space. A complete review of the tree plan will be required during the development review process and the developer will be required to meet all the City's planting requirements.

The developer is proposing the streets and utilities within the development to remain private and be maintained by the HOA. In addition, the developer is proposing a deceleration lane along Church Road at the entrance of the subdivision. Finally, the developer is proposing a 5' sidewalk with 2' grass buffer along Church Road and 4' sidewalk with a 2' grass buffer within the subdivision.

Due to the flood plain and stream buffers, the development will require several variances from the City's Zoning Ordinance. These variances are as follows:

1. A reduction in the minimum front setback from 50' to 20';
2. A reduction in the minimum side setback from 35' to 20';
3. An increase in the maximum allowable building height from 35' (2.5 stories) to 45' (3 stories);
4. A reduction in the minimum building separation from 40' to 20'; and
5. An increase in the maximum number of units per building from 6 to 8 units.

Under the city's current land use designation on the Future Development Map, the subject property would be allowed up to 79 residential units at 6 units per acre. The flood plain and stream buffers have created such a hardship for this property that the property has to be developed at a considerably less density. These variances are required to develop the site as planned. Community Development has reviewed these variances against the review standards for variances and has found them to meet all the requirements.

Community Development recommends **approval** of the request rezoning from R-15 and RTD to RTD-Conditional for the development of a 49 unit townhome subdivision at a density of 3.71 units per acre with the following conditions:

Standard Conditions

(Requirement #2 and 15 from Section 1201 of the Zoning Code is not 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% hardy plank siding. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. 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.
3. 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.

4. The detention 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 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
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. 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.
8. 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.
9. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
10. No debris may be buried on any lot or common area.
11. 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".
12. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
13. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
14. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
15. A Level I Archeological Study shall be provided for the development. The developer shall verify to the city that any historical or archeological features

(including civil war trench lines or evidence of encampments) identified in the study will be protected from development prior to the issuance of a permit for any land disturbance activities.

Special Conditions

16. The development shall maintain the following setbacks:
 - Front – 20' (from the existing Right-of-way)
 - Side – 20'
 - Rear – 40'

17. The buildings within the development shall maintain the following building separations:
 - Front to Rear – 50'
 - Front to Side – 40'
 - Side to Rear – 40'
 - Side to Side – 20'

18. Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.

19. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

20. The developer shall provide a right-of-way dedication along Church Road for the installation of a deceleration lane and sidewalk.

21. The developer shall provide a 5' sidewalk with a 2' grass buffer along Church Road and a 4' sidewalk with a 2' grass buffer within the development.

22. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the eastern property line.

23. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.

24. Trees shall be planted the entire length of Atlanta Road and Church Road at an average spacing of no more than 40'.

25. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.

26. No development permits shall be issued until the completion of the FEMA map revision.

27. Approval of the subject property for the Residential Townhome District (RTD) zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 8/14/2014 created by BH&D Engineering, Inc.
28. The applicant shall be bound to the elevations submitted and dated 7/11/2014. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure – 1
(Subject Property)



**Figure – 2
(Subject Property)**



**Figure – 3
(Adjoining Property to the East)**



Figure – 4
(Adjoining Property to the West)



Figure – 5
(Adjoining Property to the South Across Church Road)

