

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: April 3, 2019

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

RE: REZONING CASE Z19-008 – East/West Connector & Camp Highland Road

Applicant:	<u>One Street Development, LLC</u>	Existing Zoning:	GC
Titleholder:	<u>TPB Holdings II, LLC</u>	Proposed Zoning:	RHR-PD
Location:	<u>East/West Connector and Camp Highland Road</u>	Size of Tract:	<u>3.11 acres</u>
Land Lot:	<u>606</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>7</u>	North	RM-8 (Cobb)
Access:	<u>East/West Connector</u>	South	RTD & RDA
Existing Improvements:	<u>Vacant Wooded Tract</u>	East	RTD & RDA
		West	RTD
		<u>Hearing Dates:</u>	
		P&Z	April 8, 2019
		Mayor and Council	May 20, 2019

Proposed Use:

The applicant is requesting a rezoning from GC to RHR-PD for the development of an 80 unit age-restricted senior living community at 25.7 units per acre. A future land use change from Medium Density Residential to High Density Residential is required for rezoning.

P&Z Recommendation: Approval with conditions by vote of 5-0.

Staff Recommendation:

Approval of the rezoning from **GC** (General Commercial) to **RHR-PD** (Residential Highrise – Planned Development) per the submitted plan **with conditions**.



PROJECT DESCRIPTION

One Street Development, LLC is requesting rezoning from GC (General Commercial) to RHR-PD (Residential Highrise-Planned Development) for the development of an 80-unit age-restricted senior housing community. The proposed senior housing units would be limited to persons 62 years of age or older and would be rental units. The submitted site plan reflects a four-story building with 50 residential units fronting East/West Connector and a three-story building with 30 residential units along the western property boundary. The site will be accessed from East/West Connector via a right-in/right-out entrance between the buildings. In addition, a deceleration lane and small acceleration lane will be provided on East/West Connector. The site plan provides 80 parking spaces for the development at a ratio of one parking space per unit. The development will provide a small amenity area with community gardens, as well as, a planned direct connection to the Silver Comet Trail. The site plan reflects underground stormwater detention facilities at the rear of the site. Finally, the site plan shows two encumbrances on the subject property, a gas easement along the rear of the property and a stream buffer on the eastern end of the property.

One Street Development, LLC has submitted building elevations with the rezoning application. The submitted building elevations are of projects previously developed by One Street Development, to reflect the type and quality of the development planned for this site. One Street Development, LLC proposes to use a mixture of façade materials for the buildings, including but not limited to brick, shake, board & batten and siding. The building elevations reflect a canopy area over a drop off area, however, there will be no canopy or drop off area planned for this site.

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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

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 age restricted community is suitable in the context of development along the East-West Connector. Townhome communities, retail and office dominate the immediate area. An age restricted community is compatible to residential uses, while lessening traffic impact."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 3.11 acres and is zoned GC. Approval of the zoning proposal would result in the development of a new 80-unit age restricted senior housing community. The adjacent property to the north is located in unincorporated Cobb County and is zoned RM-8 (Multi-family Residential) and contains the Westwood Terrace townhome community. The adjacent properties to the east and south across East/West Connector are zoned RTD (Residential Townhome) and RDA (Residential Detached/Attached) and are occupied by the Highland Overlook townhome community and the Wetherbrooke townhome community. The adjoining property to the west is zoned RTD and is occupied by the Creekside at Vinings townhome community. The subject property is surrounded by high density housing. The proposed zoning and associated improvements would continue to be consistent with the 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 surrounding properties. An age-restricted residential community is consistent with, and compliments, adjacent townhome communities and provides additional support for surrounding businesses."

Staff Analysis:

The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining townhome communities. The proposed development will also be accessed directly from the East/West Connector and not impact any local streets. Approval of the zoning proposal would also provide variances for the property to be redeveloped in suitable manner to address parcel geometry and site topography.

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

Applicant Response:

"The property as currently zoned does not have reasonable economic use. The existing GC zoning allows intense commercial use incompatible with the topography, size and shape of the property."

Staff Analysis:

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.

Applicant Response:

"The proposed age-restricted community has no impact on schools. Further, due to the age-restriction, traffic impact is minimal as compared to other uses."

Staff Analysis:

Based upon information from the City Engineer, the proposed use will not cause an excessive or burdensome use of the existing streets or transportation facilities.

Based upon information provided from the Cobb County Water System, sanitary sewer and water is available to the property. Sanitary sewer will be accessed through the private sanitary system in the Creekside at Vinings townhome community. There is an 8-inch water main located in the right-of-way of the East/West Connector. A passing fire flow test will be required prior to approval of the construction plans by Cobb County Water System.

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

Applicant Response:

"An age restricted community is consistent with the spirit of the land use plan, which calls for more dense residential uses of the property. The location, shape and topography, however, justify development at higher residential densities, if age restricted."

Staff Analysis:

The subject property has a future land use designation of Medium Density Residential (< 6 units per acre) on the city's 2040 Future Land Use Plan. The proposed development of 80 age-restricted residential units at a density of 25.7 units per acre is not in conformity with the city's Future Land Use Plan. A change to the future land use designation from Medium Density Residential to High Density Residential (> 10 units per acre) will be required for rezoning. The zoning proposal may exceed the density requirements of the Future Land Use Plan; however, it does meet several goals and policies of the city's 2040 Comprehensive Plan with respect to the provision of senior housing.

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:

"Overall development and uses of property in the immediate area justify approval of the proposal."

Staff Analysis:

The proposed use and development of the property is compatible with existing development in the immediate area. The zoning proposal would be considered a down zoning of the property, bringing the property from an intensive commercial zoning classification to a high-density residential zoning classification. In addition,

the zoning proposal will meet senior housing needs, as outlined in the city's 2040 Comprehensive Plan, which was adopted in October of 2017.

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 proposal will enhance the aesthetics of the area, especially when compared to the possible uses of the property under its current GC classification."

Staff Analysis:

The proposed development will employ a variety of architectural features and building materials that will enhance aesthetics along the East/West Connector corridor. The proposed development will provide open space within the community along with an amenity area and community gardens. The applicant is also planning to provide direct access from the community to the adjoining Silver Comet Trail pending approval from Cobb County. Finally, the proposed development appears to meet the requirements of the city's Tree Ordinance through the preservation of existing trees and the replanting of trees.

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 use for an age-restricted community will not create a nuisance and is wholly compatible with surrounding uses."

Staff Analysis:

The proposed use of the property as an age-restricted residential community will not create a nuisance for existing uses in the area. The proposed residential community is consistent with other high-density residential communities 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 community is appropriately scaled in height and intensity and will positively affect the area."

Staff Analysis:

Factors associated with the size of the proposed use, in either land area or building height, will ultimately have a positive effect upon all adjacent and nearby properties. The development will require several variances with respect to setbacks due to the geometry of the parcel and the topography of the site.

Project Analysis

Engineering Review

The City Engineer has reviewed the proposed site plan with respect to transportation, stormwater management and stream buffer issues. The site will be limited to one right-in/right-out entrance on the East/West Connector with an associated deceleration lane. A sidewalk along East/West Connector may not be required if direct access to the Silver Comet is allowed by Cobb County.

The proposed site plan reflects two underground detention areas located at the rear of the site under the parking area. The applicant has provided a stormwater management assessment as part of the zoning package. The City Engineer believes the development has allocated enough area to meet the requirements of the city's Stormwater Management Ordinance.

Finally, there is an existing stream that runs through the eastern end of the site. The stream enters the site from under the East/West Connector and flows towards the Silver Comet Trail to the north. The site plan for development has maintained the city's required stream buffers with no encroachments.

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

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal exceeds the allowable density under the Medium Density Residential land use designation of the Future Land Use Plan, but meets several senior housing goals and policies outlined in the Comprehensive Plan. These goals and policies include the following:

- H1.1 – Consider ways to offer a reduced price point in new quality apartments, such as through incentives for moderately priced units (Page 104).
- H1.3 - Encourage the construction of affordable senior housing in order to accommodate the growing senior population (Page 104).
- H3.1 – Incorporate a park into every neighborhood or provide safe pedestrian and bicycle access from every neighborhood to larger community parks (Page 106).
- H4.4 – Ensure that infill housing development is compatible with surrounding established neighborhoods (Page 107).

Community Development has reviewed the proposed development against the zoning standards in Section 1015 of the Zoning Ordinance with respect to the senior residential high-rise developments. The proposed development meets nearly all the zoning requirements for

residential high-rise development except for three requirements that deal with minimum setbacks and minimum building heights. Community Development Staff is supportive of all the requested variances listed below.

The request variances are:

1. Reduction of minimum front setback 75' to 25' (**Staff Support**);
2. Reduction of minimum side setback from 40' to 25' (**Staff Support**); and
3. Reduction of minimum building height from four (4) stories to three (3) stories (**Staff Support**).

The requested variances are necessary due to the geometry of the parcel, the topography of the site and the existing encumbrances (gas easement & stream buffer). All these issues meet the review standards for variances, such as, being unique circumstances that are not created by the applicant and the strict application of the zoning requirements eliminates reasonable use of the property.

STAFF RECOMMENDATION

The Planning Zoning Board heard the zoning request at the April 8, 2019 meeting and made a recommendation for **approval** by vote of 5-0.

Community Development recommends **approval** of the rezoning from GC to RHR-PD on 3.11 acres for the development of an 80-unit age restricted senior community at a density of 25.72 units per acre, including those variances supported by staff as shown above, **with the following conditions**:

Standard Conditions

Requirements # 2, 3, 4, 10, 12, 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. 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. No debris may be buried on any lot or common area.
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

11. The development shall maintain the following setbacks:
 - Front – 25'
 - Side – 25'
 - Rear – 40'
 - Building Separation – 80'
12. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
13. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
14. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
15. The developer shall provide a 10' landscape buffer in accordance with Section 503 of the Zoning Ordinance along the western property line.

16. The developer shall seek approval from Cobb County for the sidewalk connection to the Silver Comet Trail.
17. The trash dumpsters shall utilize rubber tops and be appropriately screened with a three-sided brick enclosure.
18. Utilization of low intensity, environmental type lighting shall be allowed within the development. The illumination of which shall be confined within the perimeter of the subject property through the use of "full cut-off lighting".
19. Approval of the subject property for the RHR-PD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/8/2019 and created by Foley Design and all zoning stipulations above.
20. The applicant shall be bound to the elevations submitted on 3/8/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.

Subject Property



Adjacent Properties



