

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: July 17, 2014

CC: Eric Taylor, City Administrator

RE: **ZONING AMENDMENT CASE Z14-015 – Hawthorne Avenue, Davis Drive, & St Charles Avenue,**

Applicant:	<u>Traton Homes, LLC.</u>	Existing Zoning:	<u>RAD-Conditional</u>
Titleholders:	<u>Several: See File</u>	Proposed Zoning:	<u>RAD Conditional</u>
Location:	<u>Hawthorne Ave, Davis Drive & Saint Charles Ave</u>	Size of Tract:	<u>3.13 acres</u>
Land Lot:	<u>519 & 562</u>	Contiguous Zoning:	
Ward:	<u>3</u>	North	R-20 (Cobb Co.)
Access:	<u>Hawthorne Ave & Davis Dr</u>	South	R-15 & LC
Existing Improvements:	<u>Partially Developed Site</u>	East	RAD-Conditional
		West	LC
		Hearing Dates:	
		P&Z	N/A
		Mayor and Council	June 16, 2014

Proposed Use:

Modification of currently approved site plan and building elevations.

Staff Recommendation:

Approval of the zoning amendment to modify the currently approved site plan and building elevations.



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 zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The zoning proposal will not result in a change of use from the property. The property will continue to be zoned RAD-Conditional and will be developed as residential townhomes.

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 will not have an adverse affect upon the existing use or usability of nearby properties. The zoning proposal will not change the use of the property and will remain substantially similar in design to the original rezoning.

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 zoning proposal is not expected to cause an excessive burden to existing streets or transportation facilities.

Based upon information provided by the City's Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development. The water system is located across the street on Hawthorne Avenue. All taps and meters shall be located in the right-of-way of Hawthorne Avenue. The sanitary sewer system is available to this development on Hawthorne Avenue and Saint Charles Avenue.

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

The zoning proposal does conform to the City's Future Development Plan, which indicates the subject property has a future land use designation of Urban

Residential (>6 units per acre). The zoning proposal will increase the number of units from 28 units (8.86 units per acre) to 32 units (10.22 units per acre), which is still in conformity with the Urban Residential land use designation. No change in land use designation is required for the zoning request.

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 zoning proposal will remain consistent with the vision developed for the Hawthorne Avenue neighborhood as part of the Smyrna Town Center LCI Plan. The concept plan envisioned high-density townhomes fronting Hawthorne Avenue and single-family detached residences between the townhomes and Windy Hill Road.

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 zoning proposal will result in the change of the townhome product built on-site. The proposed townhomes will be significantly different from the existing townhomes in the development. The proposed townhomes will have a more residential feel than the existing townhomes. The zoning proposal will enhance neighborhood aesthetics and develop a property that has remained vacant for approximately 6 years. The developer will have to comply with the City's current tree ordinance, and other stipulations concerning building materials and openspace.

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. The use will remain unchanged from the original zoning of the property.

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 not have an affect upon adjacent properties. The applicant is not requesting any changes with regards to setbacks and zoning requirements.

The subject property was originally rezoned (Z06-022) from FC, GC, and LC to RAD-Conditional for the development of 28 townhomes at a density of 8.86 units per acre on May 1, 2006 by a vote of 7-0. The original zoning tied the development to a specific site plan and building elevations. The property was later approved for a zoning amendment (Z07-010) on April 16, 2007 by a vote of 6-0 to modify the building elevations and the zoning condition

requiring four-sided architecture. The site was developed and all infrastructure was installed. Ten of the twenty-eight units were constructed and finished prior to the project stalling during the 2008 recession. The remaining property has been vacant and undeveloped for the last six years.

The applicant is interested in completing the project and is seeking a zoning amendment to modify the currently approved site plan and building elevations. The applicant is requesting the following amendments to the original zoning of the property:

1. Increase the number of townhomes from 28 units (8.86 units per acre) to 32 units (10.22 units per acre);
2. Reduction in the width of the approved townhomes from 25' to 20';
 - The reduction in townhome width will allow for the increase in density without changing the building footprints. The net result will be two new units on the building with units #9 to #18, one new unit on the building with units #23 to #27 and one new unit on the building with units #28 to #32.
3. Modification of the approved building elevations and floor plans to reflect the building elevations and floor plans submitted by the applicant;
 - The applicant is proposing to build the same product constructed at the Village Walk subdivision at Atlanta Road and Fleming Street. The exterior facades will be comprised of brick, shake and board and batten on the front and side elevations. The rear elevations will be comprised of hardi-plank siding. In addition, the townhome units will have a pitched roof as opposed to the flat roof units originally constructed. Rendering of the proposed building elevations are provided in the zoning packet.
4. Reduction of the major side setback from 15' to 10';
 - This change will not result in a change in the location of the building setback. It is merely taking into account the 5' right-of-way dedication that has already occurred.
5. Amend stipulations #20 and #21 to allow three-sided architecture and the use of siding on the rear of the homes.

Community Development was able to facilitate two meetings with the homeowners of the Hawthorne Gate community, the developer and Councilwoman Anulewicz. The first meeting allowed the homeowners to express their concerns regarding the zoning proposal. The second meeting provided Traton Homes the opportunity to address those concerns and come to a compromise on several issues. These compromises are expressed in the form of zoning conditions #26 thru #28 in the staff recommendation below.

Community Development has reviewed the requested changes associated with the zoning amendment and has found these changes to be in-line with recent infill developments and market trends. The completion of this project will be a benefit to the Williams Park neighborhood. Community Development recommends approval of the zoning amendment to modify the currently approved site plan and building elevations with the following conditions drawn from Zoning Cases Z06-022 and Z07-010 (changes are highlighted in yellow):

**Standard Conditions
(Requirements # 2, 8, 16, and 17 from Section 1201 of the Zoning Code are 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 with a mandatory homeowners association 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. 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 (unless noted elsewhere). 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. A 10' landscape buffer shall be provided along the northern development boundary.
15. The right-of-way along Saint Charles Avenue and Davis Drive shall be increased to 50' to match other residential road right-of-ways. Therefore a dedication of 5' is required.
16. The maximum distance between trees along Hawthorne Avenue, Davis Drive, and St Charles Avenue shall be 35'.
17. The association documents shall contain a restriction such that garages are to be used for vehicle parking only.
18. Driveways shall have a minimum length of 22' from building face to edge of common drive.
19. The development shall maintain the following setbacks from the existing right of ways:

Front - 25'
Rear - 25'
Major Side (Davis Drive & St Charles Avenue) - 15' 10'
West Side - 10'

Building side to side - 35'
Building side to rear - 60'

~~20. All buildings will incorporate four-sided architecture.~~

21. The townhomes shall be designed with ~~four~~ **three**-sided brick or stucco architecture and match the renderings provided with the rezoning amendment documentation **submitted 5/9/2014**. The developer must obtain approval from the Director of Community Development for any changes in the elevations.
22. The developer shall be permitted to use siding on the rear elevation ~~of half~~ of the units in the development. However, if the developer chooses to incorporate

siding into the elevations, the developer shall provide ~~a fountain on-site as~~ an amenity for the development.

23. Units #19 and #20 rear elevations face a public right-of-way and shall be prohibited from using siding on these elevations.
24. The side elevation of the townhouses facing Davis Drive and Saint Charles Avenue shall include a mixture of elements to provide architectural interest including; but not limited to: doors, windows, shutters, and juliet balconies.
25. Approval of the subject property for the requested zoning amendment shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/9/2014 created by Gaskins.
26. In lieu of the amenity improvements, the developer will install brick dividers between the decks on the second floor of the proposed units.
27. The developer/home builder will use its best efforts to compliment the brick and trim colors of the existing units.
28. The developer/home builder will explore the cost of screening the air conditioner units located in the rear of the townhomes.

**Figure -1
Subject Property**



**Figure - 2
Subject Property**



Figure – 3
Adjacent Property to the South Across Hawthorne Avenue



Figure – 4
Adjacent Property to the East Across Saint Charles Avenue



Figure – 5
Adjoining Property to the North



Figure – 6
Adjoining Property to the West

