

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: June 7, 2017

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

RE: REZONING CASE Z17-009 – East/West Connector and Fontaine Rd.

| | | | |
|-------------------------------|--|----------------------------------|---------------------------|
| Applicant: | <u>Weekley Homes, LLC</u> | Existing Zoning: | <u>R-20 (Cobb County)</u> |
| Titleholder: | <u>Cooper Lake Limited Partnership</u> | Proposed Zoning: | <u>RAD-Conditional</u> |
| Location: | <u>Southwest Corner of East/West Connector & Fontaine Road</u> | Size of Tract: | <u>4.12 Acres</u> |
| Land Lot: | <u>332 & 333</u> | <u>Contiguous Zoning:</u> | |
| Ward: | <u>7</u> | North | RAD |
| Access: | <u>Fontaine Road</u> | South | RAD |
| Existing Improvements: | <u>Undeveloped Site</u> | East | R-12 |
| | | West | RAD |
| | | <u>Hearing Dates:</u> | |
| | | P&Z | June 12, 2017 |
| | | M&C | July 17, 2017 |

Proposed Use:

The applicant is proposing the development of 15 single-family homes at a density of 3.64 units per acre. A land use change from Suburban Residential to Moderate Density Residential will be required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-20 to RAD-Conditional for 14 single-family homes 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 15 home subdivision along East/West Connector and Fontaine Road. The adjoining and adjacent properties to the north, south and west are zoned RAD, and are occupied by single-family residences. The adjacent properties to the east across Fontaine Road are zoned R-12 and are occupied by single-family residences. The proposed use is consistent with the single-family residential uses in the immediate area and 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 zoning proposal and associated development should not have an adverse effect upon the existing use or usability of nearby properties. The surrounding properties are zoned RAD and R-12 and have been developed as single-family subdivisions. The zoning proposal is consistent with the single-family developments in the area and 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.

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.

Based upon information provided by Cobb County Water System, adequate water capacities are available in the area to accommodate the development associated with the rezoning. A 12" water main exists on Fontaine Road. A passing fire flow test is a requirement of approval of construction plans.

Based upon information provided by Cobb County Water System, sanitary sewer is readily available and/or adjacent to the proposed development.

All water and sewer taps are the responsibility of the developer. Pressure and elevations are the responsibility of the developer.

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

The 4.12-acre rezoning will not be consistent with the City's Future Development Plan, which indicates a land use of Suburban Residential. The Suburban Residential land use designation allows densities up to 3 units per acre. The zoning proposal will provide a density of 3.64 units per acre. Therefore, the zoning proposal will require a change of the Future Development Map from Suburban Residential to Moderate Density Residential (< 4.5 units per acre).

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.

There are changing conditions affecting the use and development of the property, which give supporting grounds for approval of the zoning proposal. The immediate area along Fontaine Road continues to be developed into single-family residential neighborhoods. The zoning proposal is consistent with those subdivisions and would complete the development of the intersection at East/West Connector and Fontaine 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 proposed development will employ a variety of architectural features and materials that will conform and enhance the aesthetics of the immediate area. The tree protection plan indicates the required number of tree inches for the site will either be conserved or re-planted 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 single-family residences.

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 not have an effect upon adjacent properties. The applicant is requesting to rezone the property to RAD-Conditional. The applicant is seeking a site plan specific rezoning to deviate from: 1) the required minimum lot size; 2) the required minimum lot width at the setback line; 3) the required minimum front setback; 4) the required minimum side setback; and 5) the required minimum rear setback. Table 1 below, shows the requirements of the RAD 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 |
|----------------------------|------------------------------------|---------------------------------------|---------------------------|--------------------------|--------------------------|--------------------|------------------------------------|----------------------------|
| RAD Zoning District | 15,000 | 100' | 40' | 10' | 30' | 35' | 45 | 1,800 |
| Proposed Residences | 5,478 | 12' | 25' & 20' | 5' | 20' | 35' | 45 | 1,800 |

Weekley Homes, LLC is requesting the annexation and rezoning of the subject property from R-20 to RAD-Conditional for the development of a 15 home subdivision at a density of 3.64 units per acre. The proposed subdivision will be accessed from Fontaine Road with a public road that encircles a community space in the center of the property. The proposed lots will range between 5,478 sq. ft. and 15,267 sq. ft. with an average lot size of 7,991 sq. ft.. The proposed lots will maintain a front setback of 25' (with the exception of lots # 3, #4 and # 15, which will have a 20' front setback), a side setback of 5' (with a minimum of 10' be buildings) and a rear setback of 20'. The homes 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 renderings. The applicant has provided elevations and floor plans for review with the zoning application.

The applicant is proposing to construct public streets and infrastructure within the subdivision. The homes within the subdivision will be designed to be front-entry homes and will be accessed from the new public street. The applicant will maintain openspace along the East/West Connector and Fontaine Road to provide a buffer from those roadways. In addition, the applicant will provide a small community area in the center of the subdivision that will include a walkway and fire pit. Finally, the applicant is proposing to maintain a 20' landscape buffer along the adjoining property line with the Oak Hills Subdivision to mitigate any impact the proposed development may have on the adjoining residential lots.

The City Engineer has reviewed the proposed location of the stormwater management facility and believes the proposed plan should be able to meet the requirements of the City's stormwater management ordinance. The stormwater management facility is proposed to be an above ground facility located at the lowest point of the property at the intersection of East/West Connector and Fontaine Road.

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 and replanting of trees on-site. 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 proposed rezoning is a site plan specific zoning and will require several variances from the City's Zoning Ordinance & Subdivision Regulations. These variances are as follows:

1. A reduction minimum lot size from 15,000 sq. ft. to 5,478 sq. ft. (Per Section 801 of the City's Zoning Ordinance) ;
2. A reduction of the minimum lot width at the setback line from 100' to 12' (Per Section 801 of the City's Zoning Ordinance);
3. A reduction in the minimum front setback from 35' to 25' & 20' (lots 3,4 & 15) (Per Section 801 of the City's Zoning Ordinance);
4. A reduction in the minimum side setback from 10' to 5' (Per Section 801 of the City's Zoning Ordinance);
5. A reduction in the minimum rear setback from 30' to 20' (Per Section 801 of the City's Zoning Ordinance); and
6. A reduction of the minimum required road frontage from 40' to 12' for lot #13 (Per Section 708.5 of the City's Subdivision Regulations).

Community Development is **supportive the variances #1, #3, #4 & #5** due to the design of the site with respect to amount of openspace preserved along the East/West connector and Fontaine Road and the proposed 20' buffer along rear of the property. In addition, the proposed variances #1, #3, #4 and #5 are comparable with other subdivision in the immediate area, such as Oak Hills and Fontaine at Cooper Lake. Community Development is **not supportive of variances #2 and #6** with respect to the reduction in required lot width at the setback line and the required lot frontage on a public road for lot #13. These variances pose issues with respect to lot access, streetscape and impervious lot coverage. In addition, staff believes approval of these two variances will set a negative precedent moving forward. Should the Mayor and Council not support variances #2 & #6, the applicant would lose lot #13 from the request and total number of lots for the subdivision would reduce from 15 lots to 14 lots.

Under the Suburban Residential land use designation on the Future Development Map, the subject property is allowed up to 3 units per acre. With a proposed density of 3.64 units per acre, the zoning proposal will require a land use change from Suburban Residential to Moderate Density Residential (<4.5 units per acre). The Oak Hills Subdivision, which is contiguous to the west and south, has a land use designation of Moderate Density Residential on the Future Development Map. The proposed land use change would bring the subject property in-line with the land use on the west side of Fontaine Road. Table 2 below, provides a comparison of the proposed development against the Oak Hills Subdivision and the Fontaine at Cooper Lake Subdivision.

| Table 2: Proposed Development vs. Infill Developments | | | | |
|--|-------------------------------|-----------------------|---------------------|---------------------------------------|
| Name of Development | Location | Number of Lots | Site Density | Minimum Lot Size (square feet) |
| Proposed Development | E/W Connector & Fontaine Rd. | 15 | 3.64 | 5,478 |
| Oak Hills | Fontaine Road | 72 | 3.0 | 6,000 |
| Fontaine at Cooper Lake | Fontaine Road & E/W Connector | 60 | 1.74 | 5,000 |

The rezoning and annexation was sent to Cobb County per the City’s Intergovernmental Agreement with the County. The County identified the proposed development was within the terms of the agreement and issued a notice of non-objection for the annexation and zoning request.

Community Development recommends **approval** of the request rezoning from R-20 to RAD-Conditional for the development of **14 single-family homes** with the following conditions:

Standard Conditions

(Requirement #8 & #9 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. The developer shall provide an undisturbed buffer with a minimum width of 20 feet parallel to any right-of-way external to the development (except along East/West Connector & Fontaine Road where the detention facility is located along the right-of-way and behind lots #14 & #15 as shown on the submitted site plan).
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. 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.
6. All utilities within the development shall be underground.
7. The developer shall be responsible for any traffic improvements (including additional right-of-way dedications) deemed necessary by the City 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.
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.
14. Each individual lot shall have three four-inch caliper trees replanted per lot. The following species of trees may be used: Nuttall Oak, Swamp Chestnut Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the city.
15. A Level 1 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 minimum setbacks:
 - Front – 25' & 20' for lots #3, #4 & #15
 - Side – 5' (with a minimum 10' between buildings)
 - Rear – 20'
17. Driveway – 22' minimum length from building face to back of sidewalk.
18. The developer shall provide a 5' sidewalk with a 2' grass buffer along Fontaine Road for the length of the development and a 5' sidewalk with a 2' grass buffer within the subdivision.
19. The developer shall provide either a minimum 20' undisturbed buffer or a 20' landscape buffer in accordance with Section 503 of the Zoning Ordinance along the shared property line with the adjoining single-family homes.
20. 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.
21. Any portion of the detention facility wall visible from the public right-of-way shall be clad with a decorative brick or stone façade.
22. 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.
23. Approval of the subject property for the RAD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/2/2017 created by North Point Land Surveying with only 14 lots and the all zoning stipulations above.
24. The applicant shall build the homes in substantial compliance to the building elevations submitted and dated 4/7/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure – 1
(Subject Property)



**Figure – 2
(Adjacent Properties)**



