

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

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

Date: February 14, 2017

CC: Michael Jones, City Administrator

#### **RE: REZONING CASE Z16-018 – King Springs Road and South Cobb Drive**

<b>Applicant:</b>	<u>Waters Edge Group, Inc.</u>	<b>Existing Zoning:</b>	<u>OI-Conditional</u>
<b>Titleholder:</b>	<u>Circle W Construction Co., Inc.</u>	<b>Proposed Zoning:</b>	<u>RTD-Conditional</u>
		<b>Size of Tract:</b>	<u>3.35 Acres</u>
<b>Location:</b>	<u>King Springs Road &amp; South Cobb Drive</u>	<b>Contiguous Zoning:</b>	
<b>Land Lot:</b>	<u>528</u>	North	RM-12
		South	R-15
<b>Ward:</b>	<u>6</u>	East	RM-12
		West	GC & NS
<b>Access:</b>	<u>King Springs Road</u>	<b>Hearing Dates:</b>	
<b>Existing Improvements:</b>	<u>Vacant</u>	P&Z Board	November 14, 2016
		Mayor and Council	February 20, 2017

#### **Proposed Use:**

Development of twenty-six townhouses at a density of 7.76 units per acre. The rezoning will not require a land use change from Community Activity Center.

#### **Staff Recommendation:**

Approval of rezoning from OI-Conditional to RTD-Conditional 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 zoning proposal will result in the development of twenty six townhome units at a density of 7.76 units per acre. The adjoining property to the north and east is zoned RM-12 and occupied by an apartment complex. The adjoining property to the south is zoned R-15 and occupied by a utility station. The adjacent properties to the west are zoned General Commercial (GC) and Neighborhood Shopping (NS) and are occupied by a vacant gas station and commercial retail. The zoning proposal will permit a use that is suitable in view of 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.

*The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The zoning proposal will provide a suitable transition from the commercial uses along South Cobb Drive back to the residential uses along King Springs Road.*

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 the Public Works Director, adequate water capacities are available in the area to accommodate the development associated with the rezoning. Water is located on the north side of King Springs Road which will require a case and bore by the developer. Each unit will require a separate sub-water meter.*

*Based upon information provided by the Public Works Director, adequate sewer capacities are available in the area to accommodate the development associated with the rezoning. Sanitary sewer is located within the right-of-way of South Cobb Drive. Sanitary sewer main extension will be required by the developer with easements. Each unit will require a separate sewer service. The elevations are the responsibility of the developer. This information is based upon the zoning plan titled King Springs with no date shown by Ridge Planning and Engineering.*

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

*The rezoning is not in conformity with the city's Future Development Plan, which designates the subject parcel as Community Activity Center. The zoning proposal is a less intensive use than permitted under the Community Activity Center land use designation. Therefore, no change of the Future Development Plan is required for rezoning.*

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 existing and changing conditions affecting the use and development of the property which give grounds for approval. The subject property was rezoned in 2006 from GC to RAD-Conditional for twenty townhome units. The property was subsequently rezoned in 2008 from RAD-Conditional to OI-Conditional for a 48,000 sq. ft. medical office building. The site was never developed and has remained vacant ever since. Since the last rezoning, Emory Adventist Hospital has shut down. Emory has purchased the site and plans on re-opening the Hospital.*

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 surrounding area. The tree protection plan indicates the required number of tree inches for the site will be either replanted or 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 comprised of an apartment complex and commercial uses.*

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 RTD-Conditional. The applicant is seeking a site plan specific rezoning to deviate from: 1) the required minimum side to side building separation; 2) the required minimum side to front/back building separation; and 3) the minimum street width. Table 1 below shows the requirements of the RTD zoning district versus the proposed development.*

Table 1: Lot Requirements for RTD Zoning District vs. Proposed Development						
	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)	Min. Square Footage
RTD Zoning District	50'	35'	40'	35'	30%	1,200
Proposed Development	50'	35'	40'	35'	30%	1,200

On August 21, 2006, the subject property was rezoned from General Commercial to RAD-Conditional by Mayor and Council by a vote of 6-0. The rezoning allowed for the construction of 20 townhome units at a density of 5.97 units per acre marketed towards active adults with a minimum age of 55. Due to the down turn in the housing market the previous applicant decided not to build the townhome development. On January 22, 2008, the subject property was rezoned RAD-Conditional to OI-Conditional for the development of a four-story, 48,000 sq. ft. medical office building. Due to the recession, the medical office building was never developed and the site has remained vacant ever since.

The Waters Edge Group is requesting the rezoning the subject property from OI-Conditional to RTD-Conditional for the development of a twenty-six unit townhome subdivision at a density of 7.76 units per acre. The twenty-six units will be split between five buildings with three, six-unit buildings and two, four-unit buildings. In addition, the applicant is proposing two townhome floor plans, a 20' wide product with a minimum floor area of 2,170 sq. ft. and a 24' wide product with a minimum floor area of 2,350 sq. ft. The townhomes will employ a variety of traditional architectural features and have three-sided brick architecture per the attached renderings. The applicant has provided elevations and floor plans for both townhome products for review with the zoning application.

The subdivision is designed to be a private gated community with private infrastructure. The private street will follow the perimeter of the property with the front of the townhomes facing community openspace in the center of the development. The proposed townhomes will be rear-entry units and each unit will have a two-car garage with a driveway that will park two additional cars. The applicant is also providing eight guest parking spaces throughout the community with a centralized mail kiosk.

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 located aboveground in the southern portion of the property along the gas easement.

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 applicant has provided information with regards to the amenity feature within the community. The applicant is proposing a gazebo in the center of the community openspace. This amenity and openspace will be owned and maintained by the community HOA. Section 1201 of the Zoning Ordinance requires 200 square feet of openspace per unit for conditional developments (site plan specific developments). The applicant will be required to provide 5,400 sq. ft. of openspace to meet this city requirement. The proposed site plan provides 59,677 sq. ft. of openspace for the development and exceeds the minimum standard.

The proposed rezoning is a site plan specific zoning and will require several variances from the City's Zoning Ordinance. These variances are as follows:

1. A reduction in the minimum side to side building separations from 30' to 26';
2. A reduction in the minimum side to front/rear building separations from 40' to 30'; and
3. A reduction in the minimum pavement width from 24' to 20' (edge of pavement to edge of pavement).

Community Development is **supportive of the pavement width variance** due to the design of the development with the streets being single-loaded (units only on one-side of the street) and private. **Community Development is supportive of the variances with respect to building separation** due to the topography of the site and the presence of the gas easement that occupies the southeastern portion of the property.

Community Development recommends **approval** of the requested rezoning from OI-Conditional to RTD-Conditional with the following conditions:

#### **Standard Conditions**

**(Requirement #2, 8, 16 and 17 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. 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. The development shall maintain the following setbacks:

Front – 50'  
Side – 35'  
Rear – 40'

15. The buildings within the development shall maintain the following building separations:

Front to Front– 50'  
Side to Front/Rear – 30'  
Side to Side – 26'
16. Each townhome building shall be limited to no more than six units per building.
17. The townhomes shall have three-sided brick architecture per the submitted building elevations.
18. Driveway – 22' minimum length from building face to back of curb.
19. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.
20. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the northern and eastern property line.
21. The developer shall provide a 50' public utility easement over the private street for water and sanitary sewer services. Where a 50' utility easement cannot be obtained, the developer may be permitted to reduce the easement to 45' in width. All water and sanitary sewer mains must be located within this utility easement and as far as possible from structures. The sewer mains shall be class 50 DIP and the detention pond shall not be located in the 50' utility easement.
22. 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.
23. 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.
24. Approval of the subject property for the RTD zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 2/6/2017 created by Ridge Planning and Engineering and all zoning stipulations above.
25. The applicant shall be bound to the elevations submitted and dated 10/14/2016. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.
26. The additional stipulations agreed upon by the applicant in the letter submitted and dated on February 6, 2017. If there should be a discrepancy between the stipulations in the February 6, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.

**Figure – 1  
Subject Property**





**Figure - 2  
Adjacent Properties**



