

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: December 13, 2016

CC: Planning and Zoning Board  
Michael Jones, City Administrator

**RE: REZONING CASE Z16-021 – 1435 Pierce Avenue**

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**Applicant:** Traton Homes, LLC

**Existing Zoning:** R-20

**Titleholder:** Donald I. Adams

**Proposed Zoning:** RAD-Conditional

**Size of Tract:** 10.63 Acres

**Location:** 1435 Pierce Avenue

**Contiguous Zoning:**

**Land Lot:** 562

North	R-15
South	R-20 (Cobb)
East	R-20 (Cobb)
West	R-20 (Cobb)

**Ward:** 3

**Access:** Pierce Avenue & Belmont Avenue

**Hearing Dates:**

**Existing Improvements:** One (1) Single-Family Residence

P&Z	December 12, 2016
M&C	December 19, 2016

**Proposed Use:**

The applicant is proposing the development of 55 single-family homes at a density of 5.17 units per acre. A land use change from Suburban Residential to Medium Density Residential will be required for this rezoning.

**Staff Recommendation:**

**Approval** of the rezoning from R-20 to RAD-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 would result in the development of a fifty-five lot subdivision along Belmont Avenue, Pierce Avenue, Davis Drive and Reed Street. The adjacent properties to the north across Belmont Avenue are zoned R-15 and are occupied by single-family residences. The adjacent properties to the east across Reed Street are zoned R-20 in Cobb County and are occupied by single-family residences. The adjacent properties to the south across Pierce Avenue are zoned R-20 in Cobb County and are occupied by single-family residences. The adjacent properties to the west across Davis Drive are zoned R-20 in Cobb County and are occupied by single-family residences. The zoning proposal will permit a use that 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 subject property is bounded by existing public streets (Belmont Avenue, Davis Drive, Reed Street & Pierce Avenue) and does not abut any other residential property. The proposed use of single-family detached homes 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 the information provided by the Public Works Director, there is water and sewer available to the proposed development; however, the developer will find*

*it necessary to possibly make sewer and/or water main upgrades and/or extensions to service the development.*

*A sanitary sewer main extension may be necessary by the developer to service lots #7 & #8. Lots #50-#55 do not appear to have access to public sewer. Separate sewer taps are required for each lot; therefore, repaving of roadways will be necessary due to the number road cuts for sewer and water taps. Elevations are the responsibility of the developer. There is a sanitary sewer main that diagonally crosses this development, which will require a minimum 20-foot public easement over this existing line. Proposed structures may not be in conflict with the existing sewer main.*

*A water main extension or upgrade may be necessary to service areas of this development. Each lot must have its own water service. Lots #50-#55 do not have access to the public water system. Due to the number of road cuts for water service taps, repaving of roadways will be necessary.*

*This information is based upon a zoning plan labeled Belmont Avenue Tract by Gaskins, dated 11/29/2016.*

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

*The 10.63-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 5.17 units per acre. Therefore, the zoning proposal will require a change of the Future Development Map from Suburban Residential to Medium Density Residential (< 6 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 subject property, which give supporting grounds for the approval of the zoning proposal, such as the redevelopment of the immediate area in a neo-traditional form with new homes on smaller lots. The zoning proposal would be consistent with this development trend, as well as be consistent with the surrounding neighborhood.*

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 enhance the architectural standards, open space requirements and aesthetics of the general neighborhood. The proposed lots that about the existing public streets will front the home on those public streets creating*

*a consistent streetscape along the perimeter of the property. In addition, the applicant is proposing to preserve 4.88 acres of open space on-site, which would include the existing lake and the proposed pocket parks at the intersections of Reed Street and Belmont Avenue and Reed Street and Pierce Avenue. Approximately 46% of the site will be preserved as open space for the development.*

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; 3) the maximum allowable lot coverage; 4) the required minimum front setback; 5) the required minimum side setback; and 6) the required minimum rear setback. Table 1 below shows the requirements of the RAD zoning district versus the proposed development.*

<b>Table 1: Lot Requirements for RAD Zoning District vs. Proposed Development</b>								
	<b>Min. Lot Size (Square Feet)</b>	<b>Min. Lot Width at Setback Line</b>	<b>Min. Front Setback</b>	<b>Min. Side Setback</b>	<b>Min. Rear Setback</b>	<b>Max. Height</b>	<b>Max. Lot Coverage (percent)</b>	<b>Min. Square Footage</b>
<b>R-15 Zoning District</b>	15,000	85'	35'	10'	30'	35'	35	2,000
<b>RAD Zoning District</b>	15,000	100'	35'	10'	30'	35'	45	1,800
<b>Proposed Lots</b>	2,754	40'	5'	5'	5'	35'	90	1,800

**Note:** Single-family detached dwellings in an RAD district shall meet the minimum side and rear yard requirements specified for the R-15 district.

**Note:** The street side setback for the new lot is reflected as 23.3' due to Section 1202 of the Zoning Ordinance which requires the street side setback to be two thirds the required front setback.

The subject property is 10.63 acres in size with an existing 4.67-acre lake, a single-family home and a small pecan grove. The subject property is located in the center of an existing single-family neighborhood that is zoned R-20 in Cobb County and R-15 in the City of Smyrna.

Traton Homes, LLC is requesting the rezoning of the subject property from R-20 to RAD-Conditional for the development of a fifty-five lot subdivision at a density of 5.17 units per acre.

The applicant is proposing to develop rear-entry homes that will front on the existing public streets and the new proposed public street through the development. These rear-entry homes will be accessed through private alleys within the development. There will be no driveway cuts located on any public street within the development.

The proposed homes will be two-story, rear-entry homes with a building envelope of 30' x 50'. 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 for the homes for review with the zoning application.

The applicant is proposing to construct a public street through the property that will run from Belmont Avenue to Pierce Avenue. This proposed public street will provide internal vehicular access via a private street to all the homes in the subdivision east of the lake. The homes west of the lake will be accessed via a private street off Pierce Avenue. The proposed private streets have been reviewed by city staff for accessibility for emergency and sanitation services and are believed to meet the minimum requirements necessary for service. The developer will be required to verify they meet these requirements during the plan review process.

The applicant is proposing to use the existing lake as the stormwater management facility for the entire development. The City Engineer has reviewed the proposal and believes the proposed plan should be able to meet the requirements of the City's stormwater management ordinance.

The applicant is proposing to provide approximately 4.88 acres of open space throughout the development. The proposed open space will consist of the existing lake (which will serve as an amenity feature for the community and a stormwater management facility) and a couple of pocket parks along Reed Street. In total, the proposed open space will account for approximately 46% of the total site area.

The zoning plan shows the homes on lots #1, #9, #10, #49, #53, #54 and #55 encroaching into the impervious surface area setback and portions of the 50' undisturbed stream buffer around the lake. This encroachment will require a variance from the City's Stream Buffer requirements. The City Engineer will require mitigation of these encroachments, as well as the preserving additional buffer areas along the stream on the property to offset the areas being encroached upon. For example, should the applicant encroach 1,000 sq. ft. into the impervious surface area setback, the applicant will need to preserve 1,000 sq. ft. of additional area along the same stream buffer on site.

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 of the minimum lot size from 15,000 sq. ft. to 2,754 sq. ft.;
2. A reduction in the minimum lot width from 100' to 40';
3. A reduction in the maximum lot coverage from 45% to 90%;
4. A reduction in the minimum front setback from 35' to 5';
5. A reduction in the minimum side setback from 10' to 5'; and
6. A reduction in the minimum rear setback from 30' to 5'.

Community Development is **supportive of the variances** due to the topography of the site, the presence of the lake, the provision of open space and the design of the development with rear-entry homes.

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 5.17 units per acre, the zoning proposal will require a land use change from Suburban Residential to Medium Density Residential (< 6 units per acre).

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

**Standard Conditions**

**(Requirement #2, #8, #9 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 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.

7. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
8. No debris may be buried on any lot or common area.
9. 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".
10. 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.
11. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
12. All yards and common areas are to be sodded and landscaped. Irrigate as appropriate.
13. 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.

#### **Special Conditions**

14. The development shall maintain the following setbacks:
  - Front – 5'
  - Interior Side – 5'
  - Street Side – 5'
  - Rear – 5'
15. Driveway – 22' minimum length from building face to back of curb.
16. The fronts of all homes must be orientated toward a public street, except for lots #50 thru #55 which must be orientated to the lake. All homes shall have a walkway connecting the front of the home with a public sidewalk.
17. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
18. The developer shall provide a 5' sidewalk with a 2' grass buffer along Belmont Avenue, Pierce Avenue, Davis Drive and Reed Street for the length of the

development and a 5' sidewalk along the new proposed public street within the subdivision.

19. The developer shall provide new curb and gutter along Belmont Avenue, Pierce Avenue, Davis Drive and Reed Street for the length of the development.
20. The developer shall provide a guardrail along Belmont Avenue as warranted.
21. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facility shall be solely located on the HOA's property.
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. Belmont Avenue is not appropriate for use as an impoundment structure for the lake. A new structure (i.e. earthen berm, detention wall, etc..) shall be constructed to maintain the normal pool elevation of the lake and provide stormwater detention.
24. The developer shall remove the portion of the lake along Belmont Avenue that encroaches into the public right-of-way.
25. Mitigation of the encroachment into the 25-foot impervious surface area setback and the undisturbed buffer must be provided at a rate of 1:1 elsewhere on site along the same stream. A separate mitigation site plan must be submitted for approval prior to issuance of a land disturbance permit.
26. Any required environmental permits or variances from other state or federal agencies must be acquired prior to submittal for a land disturbance permit.
27. 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 11/30/2016 created by Gaskins and all zoning stipulations above.
28. The applicant shall build the homes in substantial compliance to the building elevations submitted and dated 11/30/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.
29. The additional stipulations agreed upon by the applicant in the letter submitted and dated on December 12, 2016. If there should be a discrepancy between the stipulations in the December 12, 2016 letter and the stipulations stated above, the stipulations stated above shall apply.
30. Fencing shall be prohibited in the front yards of the residential lots between the home and the public right-of-way.



31.

**Figure – 1**  
**Subject Property**









**Figure – 2**  
**View along Davis Drive**



**Figure – 3**  
**View Along Belmont Avenue**





**Figure – 4**  
**View Along Reed Street**



**Figure – 5**  
**View Along Pierce Avenue**



