

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: November 5, 2017

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

RE: REZONING CASE Z16-012 – 2708 thru 2812 Bell Drive

Applicant: The Woodberry Group, LLC

Existing Zoning: R-15

Titleholder: Various

Proposed Zoning: RM-15-Conditional

Size of Tract: 4.71 Acres

Location: 2708, 2720, 2732, 2742, 2754,
2766, 2776, 2788, 2800 &
2812 Bell Drive

Contiguous Zoning:

Land Lot: 809

North RM-12

South GC

Ward: 1

East R-15 & RM-15 Cond.

West RM-12

Access: Bell Drive

Hearing Dates:

Existing Improvements: Ten (10) Single-Family Residences

P&Z October 9, 2017

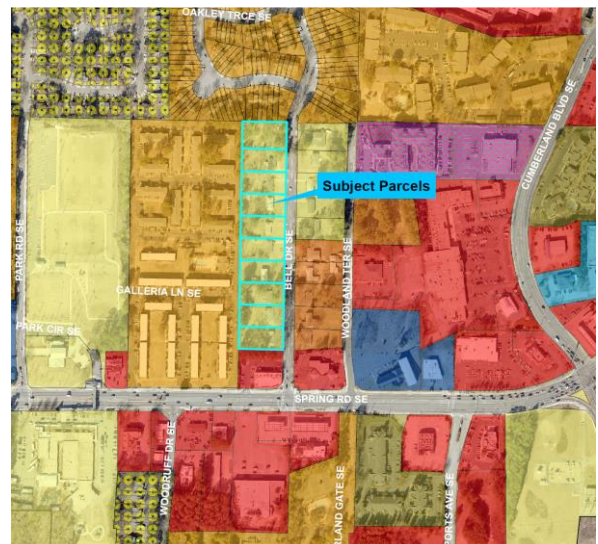
M&C November 20, 2017

Proposed Use:

The applicant is proposing the development of 59 townhome units at a density of 12.52 units per acre. No land use change from Urban Residential will be required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-15 to RM-15-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 proposed rezoning would result in the development of a fifty-nine unit townhome subdivision along Bell Drive. The adjoining properties to the north are zoned RM-12 and are occupied by townhome residences. The adjoining properties to the east are zoned R-15 & RM-15 and are occupied by single-family residences and a townhome development. The adjacent property to the south is zoned GC and is occupied by a small retail center. The adjacent property to the west is zoned RM-12 and is occupied by an apartment complex. The proposed use will provide an appropriate transition from the adjoining commercial and multi-family uses to the townhomes 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 proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The zoning proposal should have no adverse effect on the surrounding commercial and multi-family properties. Also, the existing single-family homes along Bell Drive are immediately surrounded by townhomes, commercial uses and multi-family senior housing.

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. The City Engineer has proposed several transportation improvements associated with the development, such as right-of-way dedication and installation of sidewalks. These road improvements are incorporated into the staff recommendation and stipulations below.

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 within the right-of-way of Bell Drive. Each townhome unit will require its own separate 1" water meter and tap.

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 Bell Drive. Each townhome unit will require its own separate sewer tap. The elevations are the responsibility of the developer.

This information is based upon a preliminary plan titled, Bell Drive at the Battery by DMG Land Planning Consultants, dated May 24, 2017.

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

The 4.71-acre rezoning will be consistent with the City's Future Development Plan, which indicates a land use of Urban Residential. The Urban Residential land use designation allow densities over 6 units per acre. The zoning proposal will provide a density of 12.52 units per acre, which is supported by the Future Development Map. The zoning proposal will not require a change of the Future Development Map from Urban Residential.

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 existing fifteen (15) single-family homes on Bell Drive comprise a small low density single-family neighborhood that is surrounded by commercial uses and higher density residential developments. The City's Future Development Map allows for densities over six units per acre, which would lead to the redevelopment of this neighborhood into a higher density residential area more compatible with the surrounding uses and developments.

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 existing neighborhood's aesthetics. The tree protection plan indicates the required number of tree inches for the site will be replanted 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 the surrounding area is also comprised of townhomes, single-family residences, multi-family units 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 have an effect upon adjacent properties. The applicant is requesting to rezone the property to RM-15-Conditional. The applicant is seeking a site plan specific rezoning to deviate from: 1) the required minimum front setback; 2) the required minimum side setback; 3) the maximum allowable impervious surface area; and 4) the required minimum building separation from side to side. Table 1 below shows the requirements of the RM-15 zoning district versus the proposed development.

Table 1: Lot Requirements for RM-15 Zoning District vs. Proposed Development						
	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)	Min. Square Footage
RM-15 Zoning District	50'	40'	40'	55'	50%	1,800
Proposed Development	15'	10'	20'	55'	80%	1,800

The Woodberry Group is requesting the rezoning of ten single-family residential properties on the west side of Bell Drive from R-15 to RM-15-Conditional for the development of a 59 unit townhome subdivision at a density of 12.52 units per acre. The 59 units will be split between 11 buildings ranging between 5 to 6 units per building. The community will be comprised of sixteen twenty-two foot wide townhomes; fifteen twenty-six foot wide townhomes; and, twenty-eight twenty-five foot wide townhomes. The townhomes will consist of a mixture of front and rear loaded two-car garages, which shall be designed to accommodate two vehicles. The twenty-two and twenty-six foot wide homes will front on Bell Drive and have rear-entry garages. The twenty-five foot wide homes will be located along a private street and have front-entry garages. The floor areas of the townhomes will range between 1,800 sq. ft. and 3,000 sq. ft.. The townhomes 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 rendering. The applicant has provided elevations and floor plans for both townhome products for review with the zoning application.

The proposed development provide a new private street off Bell Drive that will parallel Bell Drive between the new proposed townhomes. There will be three points of entry off Bell Drive to the new private street. The water and sewer for the subdivision will be provided within the private street. The Public Works Department is requiring a 50' public access and utility easement over

this street. The private street will be maintained by the HOA and the city will maintain the water and sewer infrastructure.

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 for is proposed to be located underground in the openspace.

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 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 not provided information with regards to the amenity features with the community. However, stipulation #3 below requires the provision of an amenity feature for the openspace. This amenity and openspace will be owned and maintained by the community HOA. Section 1201 of the Zoning Ordinance requires 200 sq. ft. of openspace per unit for conditional developments (site plan specific developments). The applicant will be required to provide 11,800 sq. ft. of openspace to meet this city requirement. The proposed site plan provides 10,507 sq. ft. of openspace for the development and is below the minimum standard. However, the applicant would meet the openspace requirement if it weren't for the dedication of future right-of-way for a new road through the property.

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 front setback from 50' to 15'; **(Staff Support)**
2. A reduction in the minimum side setback from 40' to 10'; **(Staff Support)**
3. An increase in the maximum allowable impervious surface area coverage from 50% to 80%; **(Staff Support)**
4. A reduction in the minimum side to side building separation from 40' to 20'; and **(Staff Support)**
5. A reduction in the minimum required openspace from 11,800 sq. ft. to 10,507 sq. ft. **(Staff Support)**

Community Development is **supportive of the setback, impervious surface area, building separation and openspace variances** due to the design of the townhomes being rear-entry homes along Bell Drive and due to the proposed right-of-way dedication for a future road the property, which is consistent with the Spring Road LCI study. The variances in this zoning request are also, very similar to the variances granted in Zoning Case (Z16-012), which is the new townhome development across Bell Drive.

Under the Urban Residential land use designation on the Future Development Map, the subject property is allowed over 6 units per acre without any cap. Community Development has reviewed the adjoining townhome developments of Afton Downs and Falling Waters. Afton Downs had a total site density of 9.53 units per acre (property plus right-of-way) and an adjusted density of 12 units per acre (property minus the right-of-way). Falling Waters had a total site density of 9.09 units per acre (property plus right-of-way) and an adjusted density of

11.06 units per acre (property minus the right-of-way). The townhome development across Bell Drive (Zoning Case Z16-012) was approved with a density of 12.56 units per acre. The zoning proposal is in line with the adjusted densities of both Afton Downs and Falling Waters. Since the zoning proposal is not providing any new streets or right-of-ways to the immediate area, the adjusted density calculation is a more comparable assessment between the developments.

Community Development recommends **approval** of the request rezoning from R-15 to RM-15-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 – 15' (from the existing Right-of-way)
 - Front – 10' for front porches, porticos & stoops
 - North Side – 20'
 - South Side – 10'
 - Proposed Future Right-of-Way – 10'
 - Rear – 20'
15. The buildings within the development shall maintain the following building separations:
 - Front to Rear– 50'
 - Side to Side – 20'
16. Each townhome building shall be limited to no more than six units per building.
17. The proposed homes shall have a minimum floor area of 1,800 sq. ft.
18. Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.
19. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.
20. The rear of the townhome units shall have architectural features that delineate the individual townhome units.

21. The developer shall provide a 5' sidewalk with a 2' grass buffer along Bell Drive for the length of the development and a 5' sidewalk within the development.
22. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the western and southern property lines. The developer shall provide a 20' landscape buffer per Section 503 of the Zoning Ordinance along the northern property line.
23. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
24. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
25. The developer shall provide a 50' public access & utility easement over the private street for water and sanitary sewer services. All water and sanitary sewer mains must be located within this utility easement.
26. The private street shall not be gated.
27. The developer shall dedicate a 50' right-of-way from Bell Drive to the adjoining apartment complex (as shown on the submitted site plan) for a future road at time of final platting.
28. The entrance within the right-of-way that will be dedicated to the city for a future road shall be designed to city's right-of-way requirements.
29. 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.
30. Trees shall be planted the entire length of Bell Drive and Woodland Terrace at an average spacing of no more than 40'.
31. 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.
32. Approval of the subject property for the RM-15 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/2/2017 created by DGM Land Planning Consultants and all zoning stipulations above.
33. The applicant shall be bound to the elevations submitted and dated 8/17/2017 & 9/26/2017. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.

34. The additional stipulations agreed upon by the applicant in the letter submitted and dated on September 26, 2017. If there should be a discrepancy between the stipulations in the September 26, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.
35. Channel protection shall be required, discharge into an MS4 maintained system cannot be considered for relief from this design.
36. The detention facility shall be designed to delay the peak flows sufficiently to allow the downstream system to develop adequate capacity.
37. The detention facility shall not be located under the private streets. If required volumes cannot be achieved within the proposed footprint, extending reinforced concrete pipes under the streets may be considered at the City Engineer's discretion.

Figure – 1
Subject Property



