

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Rusty Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: April 22, 2021

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z20-006 – 3302 Atlanta Road

Applicant: Edgeline, LLC

Titleholder: James Chadwick

Location: 3302 Atlanta Rd

Land Lot: 669

Ward: 6

Access: Atlanta Rd

Existing Improvements: Vacant Property

Existing Zoning: NS
Proposed Zoning: RM-10-Conditional
Size of Tract: 1.08 Acres

Contiguous Zoning:

| | |
|-------|-------|
| North | R-15 |
| South | RTD |
| East | RTD |
| West | RM-12 |

Hearing Dates:

| | |
|-----|-----------------|
| P&Z | August 10, 2020 |
| M&C | May 3, 2021 |

Proposed Use:

The applicant is proposing the development of 8 single-family detached units at a density of 7.4 units per acre. A land use change from Medium High Density Residential (up to 10 units per acre) is not required.

Staff Recommendation:

Approval of the rezoning from NS to RM-10-Conditional with conditions.

Planning Board Recommendation: The Planning Board recommended **approval** by a vote of 6-0 at the August 10, 2020 meeting.



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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Applicant Response:

"The development proposal will permit a use that is suitable in the context of existing residential developments concerning adjacent and nearby properties".

Staff Analysis:

The proposed rezoning would result in the development of a 8-unit single-family detached subdivision along Atlanta Road. The adjoining properties to the north are zoned R-15 and are occupied by public school. The adjoining properties to the south and east are zoned RTD and are occupied by townhome residences. The adjacent properties to the west are zoned RM-12 and are occupied by townhome residences. The proposed use will provide an appropriate transition from the existing commercial zoning to residential use 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.

Applicant Response:

"The proposed rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The applicant is proposing a single-family, attached townhome community in keeping with the developments along this portion of the Atlanta Road corridor".

****The applicant's response above was not modified since the site plan has been revised for 8 single-family detached units rather than 10 single-family attached units.****

Staff Analysis:

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 school and townhome properties. The

proposed rezoning is a downzoning from NS (Neighborhood Commercial) to a less intense residential use.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Applicant Response:

"The rezoning of the property constitutes a downzoning from commercial (NS) designation to a residential (RM-10) designation. Additionally, the subject property lies within an area designated for MHDR on the Future Land Use Map".

Staff Analysis:

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.

Applicant Response:

"The proposed rezoning will not result in a use that will have an adverse impact upon the existing City of Smyrna's infrastructure a constitutes a proposed use which comports with the tenor of development along this portion of Atlanta Road".

Staff Analysis:

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 in right out connection to Atlanta Road, and private road connection to the Villas of Vinings Condominiums for Fire Department access. 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.

Based upon information provided by the Public Works Director, sewer connection is available through the private sewer system at Vintage Square.

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

Applicant Response:

"The proposed development is for a 10-lot residential community on 1.08 acres which is within the density range of the MHDR designation and is less dense than the adjoining RTD zoned property".

****The applicant's response above was not modified since the site plan has been revised for 8 single-family detached units rather than 10 single-family attached units.****

Staff Analysis:

The 1.08-acre rezoning is consistent with the City's Future Land Use Plan, which indicates a land use of Medium High Density Residential. The Medium High Density Residential land use designation allow densities up to 10 units per acre. The zoning proposal will provide a density of 7.4 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.

Applicant Response:

"There are existing and changing conditions affecting the use and development of the subject property. The subject property is located in an area primarily consisting of attached and detached single-family residences and a mix of lower profile retail/commercial and institutional (Campbell Middle School)".

Staff Analysis:

The existing developments on the south side of Atlanta Road comprise of a mix of attached and detached residential uses. The contiguous property to the east and west have a future land use designation of Medium High Density Residential and the adjoining property to the north has a future land use designation of PI – Public/Institutional. The zoning proposal will bring the subject property in line with the existing development in the immediate area along with the comprehensive plan.

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.

Applicant Response:

"The proposed development will enhance architectural standards and aesthetics in accordance with the attached photographs depicting the architectural style and composition of the proposed townhome community".

****The applicant's response above was not modified since the site plan has been revised for 8 single-family detached units rather than 10 single-family attached units.****

Staff Analysis:

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.

Applicant Response:

"The proposed rezoning will not create a nuisance and is compatible with existing uses and zonings in the area".

Staff Analysis:

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 and public 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.

Applicant Response:

"The proposed rezoning will positively affect the trend of residential development within this area of the City of Smyrna along the Atlanta Road Corridor".

Staff Analysis:

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 RM-10-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; and 3) the maximum allowable impervious surface area. Table 1 below shows the requirements of the RM-10 zoning district versus the proposed development.

| Table 1: Lot Requirements for RM-10 Zoning District vs. Proposed Development | | | | | | |
|--|--------------------|-------------------|-------------------|-------------|-----------------------------|---------------------|
| | Min. Front Setback | Min. Side Setback | Min. Rear Setback | Max. Height | Max. Lot Coverage (percent) | Min. Square Footage |
| RM-10 Zoning District | 75' | 35' | 40' | 35' | 35% | 900 |
| Proposed Development | 30' | 12' | 40' | 35' | 65% | 2,000 |

Project Analysis

Edgeline, LLC is requesting the rezoning of the subject property on the south side of Atlanta Road from NS to RM-10-Conditional for the development of an eight (8) unit single-family detached subdivision at a density of 7.4 units per acre. The eight (8) units will have thirteen (13) feet of separation between units. The homes within the community will be fee-simple, and all yard and common space will be owned and maintained by an HOA. The homes will consist of rear loaded two-car garages, and there will be fifteen (15) supplemental parking spaces. One (1) to two (2) spaces will be adjacent to each home and there will be five (5) additional guest

parking space. The floor areas of the homes will range from 2,000 to 2,400 sq. ft. 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 rendering. The applicant has provided elevations for review with the zoning application.

Public Works Review

The proposed development will be required to provide a new 26' wide private street off Atlanta Road to provide access to the development. The private street will be maintained by the HOA. There will be one point of entry off Atlanta Road to the new private street which will connect with Villa Court. Water for the subdivision will be provided from a connection on Atlanta Road. The Public Works Department has determined that there is availability to sewer but it is a private sewer system that belongs to the Vintage Square HOA. The elevations are the responsibility of the developer when tying into the sewer system, along with gaining access to the private sewer through contact with the owner.

Engineering Review

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 City Engineer will require the new driveway connection at Atlanta Road to be right-in and right-out only. Additionally, the City Engineer will require the private drive be a minimum of 26' from back of curb to back of curb, and connect with Villa Court. The connection to Villa Court will utilize a gate to limit access for emergency vehicles only. The gate should be positioned for rejection and maneuverability for non-emergency commercial vehicles.

Arborist Review

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.

Fire Marshall Review

The Fire Marshall has determined that with the private drive connection to Villa Court, there should be adequate access for Fire Department apparatus, provided that the gate be accessible to emergency vehicles. However, all cars must be parked in a garage or one of the permanent guest parking spaces so that Fire Department access is not impeded. The HOA will be responsible for enforcing this parking requirement, as agreed upon by the applicant and submitted in the stipulation letter.

Planning Review

The proposed rezoning would provide for eight (8) new single-family detached homes at density of 7.4 units per acre. The subject property is in an area with a future land use designation of

Medium High Density Residential (up to 10 units per acre). The proposed lot sizes and widths are in line with other nearby developments. 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 75' to 30'; **(Staff Support)**
2. A reduction in the minimum side setback from 35' to 12'; **(Staff Support)**
3. An increase in the maximum allowable impervious surface area coverage from 35% to 65%; **(Staff Support)**

Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible. The applicant is requesting a rezoning from NS to RM-10 and the proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's 2040 Comprehensive Plan.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from NS to RM-10 for the development of eight single-family detached units at a density of 7.4 units per acre 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 – 30'
Side – 12'
Rear – 40'
15. The proposed homes shall have a minimum floor area of 2,000 sq. ft.
16. The private drive shall be a minimum of 26' wide from back of curb to back of curb.
17. The private drive shall have an accessible gate for emergency services through the Villas of Vinings Condominiums.
18. The front entrance to the development shall not be gated.

19. The development shall provide appropriate turning radius for non-emergency commercial vehicles.
20. The units shall have four-sided architecture.
21. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
22. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
23. The developer shall provide a right-in and right-out access from the private drive to Atlanta Road.
24. 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.
25. 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.
26. Approval of the subject property for the RM-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/21/2021 created by Blue Landworks and all zoning stipulations above.
27. The applicant shall be bound to the elevations submitted and dated 4/21/2021. Approval of any change to the elevations must be obtained from the Director of Community Development.
28. The additional stipulations agreed upon by the applicant in the letter submitted and dated on 4/21/2021. If there should be a discrepancy between the stipulations in the 4/21/2021 letter and the stipulations stated above, the stipulations stated above shall apply.

Subject Property



Adjacent Properties



Adjacent Properties



Adjacent Properties

