

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: October 12, 2016

CC: Planning and Zoning Board
Michael Jones, City Administrator

RE: REZONING CASE Z16-012 – 2765, 2777, 2787 2799 & 2811 Bell Drive and 2761 Woodland Terrace

Applicant:	<u>The Woodberry Group, LLC</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>Various</u>	Proposed Zoning:	<u>RM-15-Conditional</u>
Location:	<u>2765, 2777, 2787, 2799 & 2811 Bell Dr.; 2761 Woodland Ter.</u>	Size of Tract:	<u>3.9 Acres</u>
Land Lot:	<u>809 & 847</u>	Contiguous Zoning:	
Ward:	<u>1</u>	North	<u>R-15 & MU</u>
Access:	<u>Bell Drive & Woodland Terrace</u>	South	<u>GC</u>
Existing Improvements:	<u>Six (6) Single-Family Residences</u>	East	<u>GC & OI</u>
		West	<u>R-15</u>
			Hearing Dates:
		P&Z	<u>August 8, 2016</u>
		M&C	<u>September 19, 2016</u>

Proposed Use:

The applicant is proposing the development of 49 townhome units at a density of 12.56 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 forty-nine unit townhome subdivision along Bell Drive and Woodland Terrace. The adjoining properties to the north are zoned R-15 and Mixed Use (MU) and are occupied by single-family residences and an independent senior housing development. The adjoining properties to the east are zoned General Commercial (GC) and Office/Institutional (OI) and are occupied by an office building, a shopping center and a church. The adjacent properties to the south are zoned GC and are occupied by an office building and a car wash. The adjacent properties to the west across Bell Drive are zoned R-15 and are occupied by single-family residences. The proposed use will provide an appropriate transition from the adjoining commercial uses to the single-family homes 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 property. Also, the existing single-family homes along Bell Drive are immediately surrounded by townhomes, an apartment complex and commercial uses.

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 dedications, installation of sidewalks and widening of existing streets to meet city standards. 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-ways of both Bell Drive and Woodland Terrace. 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 partially available within Bell Drive and Woodland Terrace. However, the developer will be required to complete a sewer main extension in both Bell Drive and Woodland Terrace. Each townhome unit will require its own separate sewer tap. The elevations are the responsibility of the developer.

All water and sewer taps are the responsibility of the developer. Existing water and sewer taps not used will have to be capped at the main. Due to extensive amounts of road cuts, the developer will be required to repave portions of Bell Drive and Woodland Terrace.

This information is based upon a rezoning plan titled, Bell Drive Community by the Woodberry Group, dated June 2, 2016.

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

The 3.9-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 12.56 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 twenty (20) 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 has been 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 also comprised of townhomes, single-family residences 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; 4) the required minimum building separation; and 5) the maximum allowable townhome units within one building. Table 1 below shows the requirements of the RTD 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'	40'	55'	79%	1,800

The Woodberry Group is requesting the rezoning of several properties on Bell Drive and Woodland Terrace from R-15 to RM-15-Conditional for the development of a 49 unit townhome subdivision at a density of 12.56 units per acre. The 49 units will be split between 8 buildings on two different development pods. Development Pod A is 1.36 acres and is proposed to be comprised of 12 units in two separate buildings containing 5 and 7 units. Development Pod B is 2.54 acres and is proposed to be comprised of 37 units in five, 6-unit buildings and one, 7-unit building. The applicant is proposing two different styles of townhomes within the subdivision. Development Pod A is proposed to have a three-story, 24' wide, front-entry townhome ranging in floor area from 2,200 sq. ft. to 2,600 sq. ft.. Development Pod B is proposed to have a three-

story, 20' wide, rear-entry townhome ranging in floor area from 1,800 sq. ft. to 2,500 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 townhomes in Pod A will front on a private drive and the private drive will be accessed from Woodland Terrace. The proposed townhomes in Pod B will front on both Bell Drive and Woodland Terrace and be accessed via a private drive that will have access through the site connecting Bell Drive and Woodland Terrace together. This private drive will go through the center of the property for the length of the property providing access to the rear-entry garages of each townhome unit.

~~The City Engineer has reviewed the proposed locations of the stormwater management facilities and believes the proposed plan should be able to meet the requirements of the City's stormwater management ordinance. The stormwater management facility for Pod A is proposed to be located underground in either the openspace or under the private drive. The stormwater management facility for Pod B is proposed to be located underground under the community openspace.~~

*****Since the August 8, 2016 Planning and Zoning Meeting, the applicant has completed a new preliminary hydrologic study to answer the questions raised by the Planning and Zoning Board during the meeting. The study was submitted to the City Engineer the week of September 2nd. The City Engineer has concerns over some of the assumptions made in study and has contacted the developer's engineer to revisit those assumptions. At the writing of this report, the City has not received any additional information regarding the City Engineer's concerns. Therefore, no definitive statement can be made with regards to the adequacy of the proposed stormwater management plan. To address potential concerns regarding the stormwater management of the site, the City Engineer added zoning stipulations #30, #31 and #32 to the staff recommendation to mitigate any adverse impacts created by the proposed development *****

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 Public Works Department and the City Engineer are requiring several transportation improvements and capital improvements for the project.

1. The provision of a sewer main extension for both Woodland Terrace and Bell Drive for sanitary sewer service to each new home (the road shall be repaved upon the completion of the work);
2. The provision of 5' sidewalk with a 2' grass buffer along both Bell Drive and Woodland Terrace for the length of the development;
3. Woodland Terrace shall be widen to the city minimum road width standard of 26' for the length of the development; and

4. The dedication of right-of-way along Woodland Terrace and Bell Drive to bring each right-of-way up to minimum city standards.

The applicant has provided information with regards to the amenity features with the community. The applicant is proposing an outdoor fire place for each Development Pod with associated green space. These amenities 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 9,800 sq. ft. of openspace to meet this city requirement. The proposed site plan provides 17,895 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 front setback from 50' to 15';
2. A reduction in the minimum side setback from 40' to 10';
3. An increase in the maximum allowable impervious surface area coverage from 50% to 79%;
4. A reduction in the minimum building separation from 40' to 10'; and
5. An increase in the maximum number of units per building from 6 to 7 units.

Community Development is supportive of the setback variances and the impervious surface area variance due to the design of a majority of the townhomes being rear-entry homes and the presence of the overhead utility line that almost bisect Pod A. However, Community Development is not supportive of the variances with respect to building separation and number of units per building. Community Development cannot identify any unique or exceptional circumstances with respect to the property that would warrant granting these two variances. Therefore, Community Development will recommend that the applicant be required to meet these requirements, which ultimately result in the applicant possibly losing a unit or two.

*****Since the September 12, 2016 Planning and Zoning Board Meeting, the applicant has requested staff to re-evaluate the seven-unit building on Pod A with respect to the power line easement. The applicant has requested the ability to have the seven-unit building in Pod A as shown on the submitted site plan due to the presence of the overhead power line. With further consideration of the request, the presence of the overhead power line and other site factors, Community Development is supportive of allowing the seven-unit building in Pod A per the submitted site plan. In addition, Community Development has reworded zoning stipulation #16 to allow the additional unit on that specific building. *****

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 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:

Development Pod A

Front – 15' (from the existing Right-of-way)
Side – 10'
Rear – 40'

Development Pod B

Front – 15'
South Side – 10'
North Side – 20'

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

Front to Front – 50'
Rear to Rear – 40'
Side to Side – 30'

16. Each townhome building shall be limited to no more than six units per building with the exception of the building reflected in Pod A (units #6 thru #12).
17. Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.
18. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.

19. The right-of-ways along Bell Drive and Woodland Terrace shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along both right-of-ways.
20. The developer shall provide a 5' sidewalk with a 2' grass buffer along Bell Drive and Woodland Terrace for the length of the development and a 5' sidewalk within Development Pod A.
21. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the northern property line.
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. Trees shall be planted the entire length of Bell Drive and Woodland Terrace at an average spacing of no more than 40'.
24. 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.
25. The developer will be required to install a sanitary sewer main extension in both Bell Drive and Woodland Terrace to serve all lots in the development. Elevations are the responsibility of the developer.
26. The developer shall widen Woodland Terrace to 26' for the length of the development.
27. 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 8/4/2016 created by DGM Land Planning Consultants and all zoning stipulations above.
28. The applicant shall be bound to the elevations submitted and dated 7/21/2016. Building fronts shall have a staggered appearance. 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 July 21, 2016. If there should be a discrepancy between the stipulations in the July 21, 2016 letter and the stipulations stated above, the stipulations stated above shall apply.
30. Channel protection shall be required, discharge into an MS4 maintained system cannot be considered for relief from this design.
31. The detention facility shall be designed to delay the peak flows sufficiently to allow the downstream system to develop adequate capacity.

32. 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.
33. The developer shall provide unrestricted vehicular access from Woodland Terrace to Bell Drive. The use of gates, signs and etc. to restrict access from Woodland Drive and Bell Drive shall be prohibited.

Figure – 1
(Subject Property – Pod A)



Figure – 2
(Subject Property – Pod B)



Figure – 3
(Subject Property – Pod B)



Figure – 4
(Adjoining Properties to the West Across Bell Drive)



Figure – 5
(Adjacent Properties to the North)





Figure – 6
(Adjoining Properties to the South)





Figure – 7
(Streetview - Bell Drive)



Figure – 8
(Streetview – Woodland Terrace)

