

# 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: July 10, 2018

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

**RE: ANNEXATION & REZONING CASE Z18-010 – 1755 & 1837 Roswell Street**

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**Applicant:** Quintus Development, L.P.

**Existing Zoning:** R-20 & NS

**Titleholder:** Mary Ireland

**Proposed Zoning:** RM-12-Conditional

**Size of Tract:** 8.64 Acres

**Location:** 1755 & 1837 Roswell Street

**Contiguous Zoning:**

**Land Lot:** 634, 663

North	R-20 (Cobb)
South	FC, RM-12, RM-15
East	RM-12 & HI (Cobb)
West	GC & RAD

**Ward:** 2

**Access:** Roswell Street

**Hearing Dates:**

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

P&Z	June 11, 2018
M&C	July 16, 2018

**Proposed Use:**

The applicant is proposing the development of 81 townhome units at a density of 9.38 units per acre. A land use change from Medium Density Residential to Medium High Density Residential will be required for this rezoning.

**Planning and Zoning Recommendation:**

**Approval** (7-0) with staff conditions and a condition to study Roswell Street for traffic calming measures.

**Staff Recommendation:**

**Approval** of the rezoning from R-20 & NS to RM-12-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 annexation and rezoning would result in the development of a eighty-one unit townhome subdivision along Roswell Street. The adjoining properties to the north and east are zoned Heavy Industrial (HI) & RM-12 in Cobb County and are occupied by a Cobb County senior facility. The adjacent properties to the south across Roswell Street are zoned Future Commercial (FC), RM-12 and RM-15 in Smyrna and are occupied by a single-family home and multi-family developments (Avonlea Square & Pine Village North). The adjoining properties to the west are zoned General Commercial (GC) and RAD in Smyrna and are occupied by a church and single-family homes. The proposed use will provide an appropriate transition from the adjoining institutional and multi-family 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 institutional, multi-family and single-family properties. The proposed development will provide adequate buffering from the adjoining single-family subdivision.*

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 and is currently located in unincorporated Cobb County.*

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, water and sanitary sewer are available to the proposed development. Sanitary sewer is located within the northern right-of-way of Roswell Street and will require a doghouse connection to the existing sewer mains. Water is located within the northern right-of-way of Roswell Street. The development will require two taps in order to continuously circulate the water and eliminate dead ends in the system.*

*This information is based upon a concept plan titled, 1755 Roswell Street Townhomes by Gaskins Engineering, dated April 26, 2018.*

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

*The 2.02-acre rezoning is not consistent with the City's Future Land Use Plan, which indicates a land use of Medium Density Residential. The Medium Density Residential land use designation allow densities up to 6 units per acre. The zoning proposal will provide a density of 9.38 units per acre. The zoning proposal will require a change of the Future Land Use Map from Medium Density Residential to Medium High Density Residential (up to 10 units per acre). However, the multi-family developments across Roswell Street (Avonlea Square & Pine Village North) have densities of 14.67 units per acre and 21.41 units per acre, respectively.*

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.

*This area along Roswell Street continues to redevelop. The immediate area is surrounded by institutional and multi-family uses. The zoning proposal provides a residential transition from the higher density multi-family developments and institutional uses from the north, east and south, to the single-family detached residential uses to the west. The zoning proposal is in line with the residential densities in the immediate area.*

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, 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-12-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 required minimum rear setback; and 4) the maximum allowable impervious surface area. Table 1 below shows the requirements of the RM-12 zoning district versus the proposed development.*

<b>Table 1: Lot Requirements for RM-12 Zoning District vs. Proposed Development</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>RM-12 Zoning District</b>	50'	35'	40'	35'	35%	900
<b>Proposed Development</b>	15'	25'	25'	35'	61%	1,700

Quintus Development is requesting the annexation and rezoning of the subject properties on the north side of Roswell Street from R-20 and NS to RM-12-Conditional for the development of an eighty-one (81) unit townhome subdivision at a density of 9.38 units per acre. The eighty-one (81) units will be split between fifteen (15) buildings ranging between 4 to 6 units per building. The community will be comprised of fifteen (15) twenty-eight foot wide townhomes and sixty-six (66) twenty-four 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-eight foot wide homes will front on Roswell Street and have rear-entry garages. The twenty-four foot wide homes will be located along a new internal public street and have front-entry garages. The floor areas of the townhomes will range between 1,700 sq. ft. and 2,400 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 will provide a new public street off Roswell Street and all the new homes will have a driveway located on the new public street. In addition, there will be one point of entry for the development off Roswell Street with a deceleration lane. The water and sewer for the subdivision will be provided within the public street.

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 openspace at the northwest corner of the property.

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 is showing a small encroachment into the 75' impervious surface area setback from the existing stream at the northwest corner of the property. The encroachment into the setback is shown to be 495 sq. ft. and the applicant is planning to preserve 591 sq. ft. of buffer area elsewhere along the stream. The City Engineer has reviewed the proposal and is satisfied with the mitigation plan.

The applicant has shown a pool with a pool house as the amenity feature for the subdivision. Also, the applicant appears to have met the openspace requirements for the subdivision.

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 35' to 25'; **(Staff Support)**
3. A reduction in the minimum rear setback from 40' to 25'; **(Staff Support)**
4. An increase in the maximum building height from 35' to 40'; **(Staff Support)**
5. An increase in the maximum allowable impervious surface area coverage from 35% to 61%; **(Staff Support)**;
6. A reduction in the building separation from 30' to 20' **(Staff Support)**;
7. A reduction in the minimum floor area of the unit from 1,800 sq. ft. to 1,700 sq. ft. **(No Staff Support)**;
8. Allow a 495 sq. ft. encroachment into the 75' impervious surface area setback from a stream **(Staff Support)**.

Community Development is **supportive of the setback, building height and impervious surface area variances** due to the design of the townhomes being rear-entry homes along Roswell Street and the geometry of the property.

The zoning request was heard by the **Planning and Zoning Board** at the June 11, 2018 meeting and was recommended for **approval by a vote of 7-0** with staff conditions and a condition to study Roswell Street for traffic calming measures.

Community Development recommends **approval** of the request rezoning from R-20 & NS to RM-12-Conditional for the development of eighty-one (81) townhomes at a density of 9.38 units per acre with the following conditions:

**Standard Conditions**

**(Requirement #2 and 16 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 (i.e. Roswell Street) 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. The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.
8. 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.
9. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
10. No debris may be buried on any lot or common area.
11. 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".

12. 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.
13. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
14. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
15. A Level I Archeological Study shall be provided for the development. The developer shall verify to the city that any historical or archeological features (including civil war trench lines or evidence of encampments) identified in the study will be protected from development prior to the issuance of a permit for any land disturbance activities.

### Special Conditions

16. The development shall maintain the following setbacks:
  - Front – 15' & 10' for front porches, porticos, balconies & stoops
  - Side – 25'
  - Rear – 25'
17. The buildings within the development shall maintain the following building separations:
  - Front to Front – 50'
  - Rear to Rear – 45'
  - Side to Side – 20'
18. Each townhome building shall be limited to no more than six units per building.
19. The proposed homes shall have a minimum floor area of 1,800 sq. ft. **(this is not what was requested by the applicant).**
20. Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.
21. Each home shall have a fire sprinkler system approved by the City's Fire Marshal.
22. The rear of the townhome units shall have architectural features that delineate the individual townhome units.

23. The developer shall provide a 5' sidewalk with a 2' grass buffer along Roswell Street for the length of the development and a 5' sidewalk within the development along the private street.
24. The developer shall provide a 20' landscape buffer per Section 503 of the Zoning Ordinance along the western property line that adjoins the single-family homes.
25. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
26. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
27. 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.
28. Trees shall be planted the entire length of Roswell Street at an average spacing of no more than 40'.
29. 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.
30. Mitigation of the ±495 square foot encroachment into the 75' impervious surface area stream buffer setback 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.
31. Approval of the subject property for the RM-12 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/5/2018 created by Gaskins Engineering and all zoning stipulations above.
32. The applicant shall be bound to the elevations submitted and dated 6/5/2018 and 7/5/2018. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.
33. The additional stipulations agreed upon by the applicant in the letter submitted and dated on June 5, 2018. If there should be a discrepancy between the stipulations in the June 5, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.
34. A traffic calming solution on Roswell Street shall be reviewed by staff during the permitting process that is consistent with the city's traffic calming policy and public safety requirements. The developer shall be responsible for installation of



the solution approved by the City Engineer. **(Zoning condition added by the P&Z Board at the June 11, 2018 meeting)**

**Subject Property**





**Adjacent Properties**





