

# 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: May 15, 2018

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

**RE: REZONING CASE Z18-006 – 2881 & 2885 Elmwood Drive**

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**Applicant:** The Woodbery Group, LLC

**Titleholder:** Network Leasing, LLC

**Location:** 2881 & 2885 Elmwood Drive

**Land Lot:** 666

**Ward:** 2

**Access:** Elmwood Drive

**Existing Improvements:** Four (4) office buildings

**Existing Zoning:** OI

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

**Size of Tract:** 2.02 Acres

**Contiguous Zoning:**

North	GC
South	RM-12
East	RM-12
West	GC & RTD

**Hearing Dates:**

P&Z	April 9, 2018
M&C	May 21, 2018

**Proposed Use:**

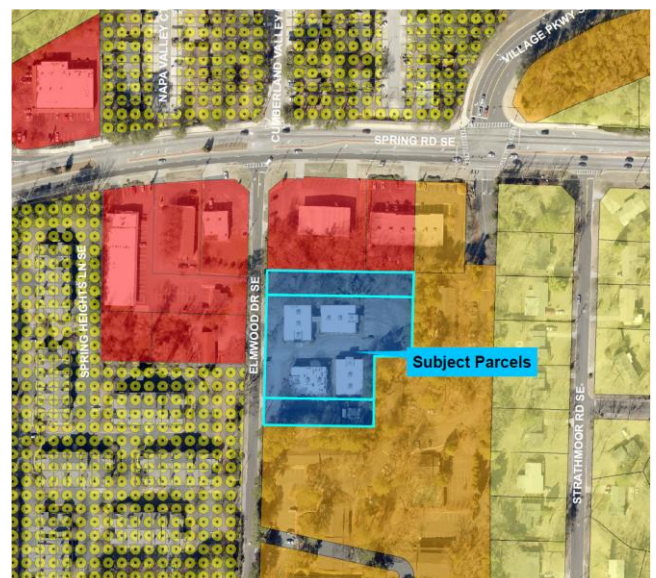
The applicant is proposing the development of 23 townhome units at a density of 11.39 units per acre. A land use change from Medium High Density Residential to High Density Residential will be required for this rezoning.

**Planning and Zoning Board Recommendation:**

**Approval** with staff conditions by vote of 6-0.

**Staff Recommendation:**

**Approval** of the rezoning from OI 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 rezoning would result in the development of a twenty-three unit townhome subdivision along Elmwood Drive. The adjoining properties to the north are zoned GC and are occupied by commercial/retail buildings. The adjoining properties to the east and south are zoned RM-12 and are occupied by multi-family residences. The adjacent properties to the west across Elmwood Drive are zoned GC and RTD and are occupied by commercial uses and townhome residences. The proposed use will provide an appropriate transition from the adjoining commercial and multi-family uses 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, multi-family and townhome properties. Also, the existing nearby properties are developed with commercial and high density residential 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 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 Elmwood 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 Elmwood Drive. Each townhome unit will require its own separate sewer tap. The elevations are the responsibility of the developer. Due to the anticipated amount of road cuts in Elmwood Drive, the developer will be required to repave the property frontage of Elmwood Drive.*

*This information is based upon a rezoning plan titled, 2885 Elmwood Drive by DMG Land Planning Consultants, dated February 25, 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 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 11.39 units per acre. The zoning proposal will require a change of the Future Land Use Map from Medium High Density Residential to High Density Residential (>10 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.

*The existing office buildings on Elmwood Drive comprise a small office development zoned OI that is surrounded by commercial uses zoned GC and higher density residential developments zoned RM-12 and RTD. The contiguous property the east and west has a future land use designation of High Density Residential and the adjoining property to the north has a future land use designation of Community Activity Center. 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.

*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; 4) the required maximum building height; and 5) the maximum allowable impervious surface area. Table 1 below shows the requirements of the RM-12 zoning district versus the proposed development.*

	<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>	20'	15'	20'	40'	65%	1,950

The Woodberry Group is requesting the rezoning of the subject properties on the east side of Elmwood Drive from OI to RM-12-Conditional for the development of a twenty-three (23) unit townhome subdivision at a density of 11.39 units per acre. The twenty-three (23) units will be split between four (4) buildings ranging between 5 to 6 units per building. The community will be comprised of twelve (12) twenty-foot wide townhomes and eleven (11) 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-foot wide homes will front on Elmwood Drive and have rear-entry garages. The twenty-four foot wide homes will be located along a private street and have front-entry garages. The floor areas of the townhomes will range between 1,950 sq. ft. and 2,550 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 private street off Elmwood Drive that will parallel Elmwood Drive between the new proposed townhomes. There will be one point of entry off Elmwood 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 shown a gate on the proposed zoning plan for the development. The City Engineer has reviewed the proposed gate design and does not believe the proposed gate will meet the minimum requirements for site access. The proposed gate design will need to be modified to meet the city's minimum 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 4,600 sq. ft. of openspace to meet this city requirement. The proposed site plan provides 20,848 sq. ft. of openspace for the development and is above 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'; **(Staff Support)**
2. A reduction in the minimum side setback from 35' to 10'; **(Staff Support)**
3. A reduction in the minimum rear setback from 40' to 20'; **(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 65%; **(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 Elmwood Drive. The variances in this zoning request are also, very similar to the variances granted in Zoning Cases Z16-012 and Z17-016, which are new townhome developments on the north side of Spring Road along Bell Drive.

The zoning request was heard by the **Planning and Zoning Board** at the April 9, 2018 meeting and was recommended for **approval by a vote of 6-0.**

Community Development recommends **approval** of the request rezoning from OI to RM-12-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 – 20' (from the existing Right-of-way)
  - Front – 15' for front porches, porticos, balconies & stoops
  - Side – 15' (10' for balconies)
  - Rear – 20' (15' for decks)
15. The buildings within the development shall maintain the following building separations:
  - Front to Rear– 50'
  - Side to Side – 30'
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 Elmwood Drive for the length of the development and a 4' sidewalk within the development along the private street.
22. The developer shall provide a 10' landscape buffer per Section 503 of the Zoning Ordinance along the northern and southern property lines.

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 developer shall provide a right-of-way dedication along Elmwood Drive to include the parallel parking and sidewalk as part of the right-of-way.
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 Elmwood Drive 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. 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 4/27/2018 created by DGM Land Planning Consultants and all zoning stipulations above.
31. The applicant shall be bound to the elevations submitted and dated 3/9/2018. Building fronts shall have a staggered appearance. Approval of any change to the elevations must be obtained from the Director of Community Development.
32. The additional stipulations agreed upon by the applicant in the letters submitted and dated on March 28, 2018 and April 27,2018. If there should be a discrepancy between the stipulations in the March 28, 2018 and April 27,2018 letters and the stipulations stated above, the stipulations stated above shall apply.



**Subject Property**



**Adjacent Properties**



