

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: November 15, 2016

CC: Michael Jones, City Administrator

RE: ZONING AMENDMENT CASE Z16-019 – Brookside Lake Manor

Applicant:	<u>J&A Construction & Home Buildiers.</u>	Existing Zoning:	<u>RM-12</u>
Titleholder:	<u>Westside Bank</u>	Proposed Zoning:	<u>RM-12</u>
		Size of Tract:	<u>17.77 Acres</u>
Location:	<u>Veterans Memorial Highway & Brookside Village Parkway</u>		Contiguous Zoning:
Land Lot:	<u>168 & 178</u>	North	R-20 (Cobb County)
		South	LI (Cobb County)
		East	RAD & GC (Smyrna) & LI (Cobb County)
Ward:	<u>7</u>	West	LI (Cobb County)
Access:	<u>Veterans Memorial Highway</u>		
			Hearing Dates:
Existing Improvements:	<u>Vacant Parcel</u>	P&Z Mayor and Council	N/A November 21, 2016

Proposed Use:

Modification of zoning condition #10 from Z-149 (cobb County) to replace the required 2,400 sq. ft. clubhouse with a pool cabana and restrooms.

Staff Recommendation:

Approval of the requested zoning amendment.



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 zoning amendment will result in the modification of zoning condition #10, which requires the provision of a 2,400 sq. ft. clubhouse as an amenity feature for the townhome subdivision. The applicant is proposing to replace the clubhouse with a cabana and restrooms for the pool. The zoning proposal will not change the use of the property and the use will remain 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 zoning amendment will not have an adverse affect upon the existing use or usability of nearby properties.

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

The subject parcels have 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 Cobb County Water System, water and sanitary sewer for the proposed development are available and will remain unchanged from the original zoning proposal.

Based upon information provided by the City Engineer, the city's transportation facilities will not be negatively impacted by the proposed zoning amendment.

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

The proposed zoning amendment will not affect the City's land use plan.

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 subject property was originally rezoned in 2006 in Cobb County from RM-12 & PSC to RM-12-Conditional with conditions. The developer received a land disturbance permit in 2007 from Cobb County, but only demoed the existing apartment complex. The site remained vacant and undeveloped from 2007 to 2015, when it was annexed into the City of Smyrna with zoning conditions required by Cobb County. The applicant is requesting to reduce the scale of the active amenity down to a more manageable feature considering the subdivision is a private development and the HOA will be responsible for the maintenance of the roads, water, sewer and storm water management facilities.

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 applicant will still provide a pool and cabana as an amenity feature for the subdivision. The proposed pool and cabana will be in-line with the aesthetics of the general neighborhood.

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 zoning amendment should not create a nuisance to existing uses and is compatible with existing uses and proposed future uses in the area.

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, should have a minimal affect upon adjacent properties. The project will meet all the spatial requirements of RM-12 zoning district.

The subject property was originally rezoned in Cobb County from RM-12 & PSC to RM-12-Conditional (Z-149) for the demolition of an existing apartment complex and the development of 156 townhome units. In 2007, the developer received a land disturbance permit from Cobb County and demoed the existing apartment complex. The developer did not proceed with any other work due to the downturn in the economy. The subject property remained idle and vacant from 2007 to 2015. The applicant approached the city at the end of 2015 to annex the subject property into the city with the same zoning conditions approved by Cobb County. In December of 2015, the city annexed the subject property with the same zoning conditions approved by Cobb County. The developer has been issued a land disturbance permit in Smyrna and has started work installing the infrastructure for the townhome subdivision.

One of the zoning conditions placed on the property during rezoning by Cobb County required the provision of 2,400 sq. ft. clubhouse and pool as part of the subdivision. The zoning condition specifically read:

“10. The proposed residential development shall contain an active amenity area containing both a swimming pool and a community clubhouse. The clubhouse, which includes a kitchen, a workout facility and meeting areas shall be built according to the architectural style and composition as aforementioned and shall be a minimum of 2,400 sq. ft. in size.”

The developer would like to amend this stipulation to remove the requirement for a 2,400 sq. ft. clubhouse and replace it with a cabana. The cabana will serve the pool and will provide a covered gathering area, with bathrooms and storage rooms for the pool equipment. The developer believes this proposed amendment meets the original intent of the zoning condition to provide an active amenity area, as well as reduces the scale of the amenity down to a more manageable amenity for the subdivision HOA. The Brookside Lake Manor subdivision will be a private development with private infrastructure. In addition to the amenity feature, the HOA will be responsible for the maintenance of the roads, water system, sewer system and stormwater management facilities.

Community Development recommends **approval** of proposed zoning amendment with the following modification to zoning condition #10 from Cobb County Zoning Case Z-149 (2006) (highlighted in yellow):

10. The proposed residential development shall contain an active amenity area containing **both a swimming pool and a community clubhouse with cabana**. The **clubhouse cabana**, which includes a kitchen, a workout facility and meeting areas shall be built according to the architectural style and composition as aforementioned and shall be **a minimum of 2,400 sq. ft. in size**. **built in accordance with the site plan and building elevations submitted with Smyrna Zoning Case Z16-019 on 10/14/2016 created by Holland Architects.**