

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: February 17, 2020

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

RE: REZONING CASE Z19-018 – 1460 Memory Lane

Applicant:	<u>Reggie Lopes</u>	Existing Zoning:	<u>R-20</u>
Titleholder:	<u>CMS Custom Homes LLC</u>	Proposed Zoning:	<u>R-15</u>
Location:	<u>1460 Memory Ln</u>	Size of Tract:	<u>0.90 Acres</u>
Land Lot:	<u>557</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>6</u>	North	R-20
Access:	<u>Private drives off Memory Ln and Northview Pl</u>	South	R-20
Existing Improvements:	<u>One Single Family Dwelling</u>	East	R-20
		West	R-15 & R-20
		<u>Hearing Dates:</u>	
		P&Z	December 9, 2019
		Mayor and Council	February 17, 2020

Proposed Use:

The applicant is requesting a rezoning from R-20 to R-15 for the development of two (2) single-family detached units at a density of 2.22 units per acre. A land use change from Low Density Residential (LDR) is not required for this rezoning.

Staff Recommendation:

Approval of the rezoning and modifying the zoning request from **R-20 to R-20-Conditional** for two new single-family detached units. The Planning & Zoning Board recommended **denial** of rezoning from R-20 to R-15 by a vote of 7-0 at the December 9, 2019 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:

"We will be building two homes that will be 3,800 sq. ft. or greater. These homes will be built out of mixed materials (brick, stone, siding, etc.)."

Staff Analysis:

The zoning proposal would result in the development of two (2) single-family homes at a density of 2.22 units per acre. The adjoining properties to the north are comprised of single-family homes zoned R-20. The property located to the east is zoned R-20 and is occupied by a single-family home. The properties to the south are zoned R-20 and are occupied by single-family homes. The properties to the west are zoned R-15 & R-20 and are occupied by single-family homes. The proposed rezoning would be consistent with the use and development of adjacent and nearby properties.

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 zoning proposal will not adversely affect adjacent or nearby properties."

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 will not exceed density of the LDR land use of under 3 units per acre.

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

Applicant Response:

"The affected property will have a reasonable economic use. Property taxes will be doubled for this property."

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 zoning proposal will not cause an excessive use of existing streets, transportation facilities, utilities, or schools."

Staff Analysis:

Based upon information provided by the City Engineer, the development is not expected to cause an excessive or burdensome use of existing streets and transportation systems.

Based upon information provided by the Water/Sewer Supervisor, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Sewer tap locations and elevations are the responsibility of the builder/developer.

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

Applicant Response:

"The zoning proposal is in conformity with the policy and intent of the land use plan."

Staff Analysis:

The R-20 zoning district is a compatible zoning district the Low Density Residential (under 3 units per acre) Future Land Use designation. The proposed development of two new residences on 0.90 acres yields a density of 2.22 units per acre. No land use change from Low Density Residential is required for rezoning.

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:

"The property was originally two lots when developed in the 1950's. We are looking to put back the original boundaries which is in keeping with the lots that surround our property."

Staff Analysis:

The overall density for the subject site will be consistent with the original subdivision plan developed in the 1950's. The majority of lots in the neighborhood are zoned R-20; however, several are under the 20,000 sq. ft. area minimum. The proposed rezoning will be consistent with the established development pattern of the 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.

Applicant Response:

"The development of the property will enhance the architectural standards and aesthetics of the general neighborhood."

Staff Analysis:

The proposed development will employ a variety of architectural features and building materials that will enhance neighborhood aesthetics. The proposed scale of the home will be compatible with the existing homes in the immediate areas. The development will have to meet the City of Smyrna's Tree Ordinance.

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 of R-15 already exists in the neighborhood within close proximity."

Staff Analysis:

The proposed use should not create a nuisance to existing uses in the area. The number of residential units and density with this rezoning will be consistent with the existing neighborhood.

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 use would affect the adjoining property and general neighborhood in a positive way."

Staff Analysis:

Factors associated with the size of the proposed use, in either land area or building height, should have a minimal affect upon adjacent properties. Table 1 below provides a comparison of the proposed lots against the requirements of the R-15 & R-20 zoning districts. The rezoning request meets most of the current regulations for the R-20 zoning district, except the variance listed below:

- Minimum lot size reduction from 20,000 sq. ft. to 19,463 sq. ft.

Table 1: Lot Requirements for R-20 Zoning District vs. Proposed Development								
	Min. Lot Size (Square Feet)	Min. Lot Width at Setback Line	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)	Min. Square Footage
Proposed Lots	19,463	100'	35'	12'	35'	35'	35	2,100
R-15 Zoning District	15,000	85'	35'	10'	30'	35'	35	2,000
R-20 Zoning District	20,000	100'	35'	12'	35'	35'	35	2,100

Project Analysis

Reggie Lopes is seeking approval of a rezoning for 1460 Memory Lane from R-20 to R-15 for the development of two single-family detached residences at a density of 2.22 units per acre. The applicant is proposing to demolish the existing single-family home and then subdivide the parcel into two lots and construct two individual single-family residences. The proposed lots will be 19,463 sq. ft. and 19,594 sq. ft. (or 18,018 sq. ft. and 19,094 sq. ft. after the 5' right-of-way dedication along Memory Lane & Northview Place). Lot 1 will have a side entry garage accessed from Northview Place, and Lot 2 will have a front entry garage accessed from Memory Lane. The applicant has submitted building elevations and floor plans for each home in the rezoning application. The applicant proposes to use brick, stone, and siding for the façade materials for each home.

The subdivision was created in the 1950's and the subject property was originally two lots (Lot #11 & #12 of the FM Collier Subdivision). The subject property was later consolidated into one lot for the construction of the existing home, accessory structures and the pool. The city's zoning ordinance was adopted in 1977, and the R-20 zoning designation was applied to the subject property, even though the lots were below the minimum 20,000 sq. ft. lot area requirement, making the lots non-conforming lots under the R-20 zoning district. The applicant is requesting to revert to the original subdivision plan with the lot configuration as originally platted. The number of units and density will remain unchanged from the original subdivision plan. The lots in the immediate area are zoned R-20, however many are non-conforming and are also below the 20,000 square foot lot minimum. Therefore, if the rezoning is approved, the lots would be consistent with the other non-conforming lots immediately adjacent to the subject property.

During the Planning and Zoning Board meeting on December 9, 2019, several members of the community had concerns that rezoning to the subject property to R-15 would set a negative precedent and allow other lots in the area to be rezoned to R-15 allowing additional density in the neighborhood. After hearing those concerns, the Planning and Zoning Board recommended to deny the request by a vote of 7-0. Therefore, staff recommends modifying the requested zoning category from R-15 to R-20-Conditional with variances for the lot sizes to maintain the R-20 zoning designation in the immediate neighborhood. If the R-20-Conditional zoning is approved a variance is needed to lower the minimum lot size to 19,463 sq. ft. Community Development is supportive of modifying the zoning request to R-20-Conditional with a variance for lot size.

Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. In addition, each lot will have its own stormwater detention facility located at the rear of the property. The applicant has provided a site plan with the rezoning application for reference.

There are no stream buffers affecting the property.

Fire Marshal Review

The Fire Marshal's office has reviewed the revised site plan and believes the zoning plan meets the Fire Code requirements for fire truck access and building separation requirements.

Planning Review

The proposed rezoning would provide for two (2) new residences at density of 2.22 units per acre. The subject property is located in an area with a future land use designation of Low Density Residential (up to 3 units per acre). The proposed lot sizes and widths are in line with other nearby developments. Table 2 below shows the infill development in the immediate area as it relates to density, lot size and lot width. As mentioned previously, many of the adjacent properties are zoned R-20 but are below the minimum 20,000 square foot area requirement. The proposed development, if approved, will be consistent with the other non-conforming lots that were created by the original subdivision plat in the 1950's.

Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
Proposed Development	1460 Memory Ln	2 (2 units)	2.22	19,463	100'
Existing Use	1460 Memory Ln	1 (1 units)	1.11	39,057	100'
Stonegate	Stonegate Ln	8	1.72	20,000	100'
Collier Place	Collier Place	18	4.3	6,545	53'

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 demolition of the existing single-family home and construction of the two single-family homes will not exceed the density established under the original subdivision plan. The proposed lots will have the same lot width and lot area as the existing lots in the neighborhood and comparable to the original subdivision plat. 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

The applicant originally requested rezoning from R-20 to R-15 for the for development of two new single-family homes. The surrounding residents opposed the zoning request at the Planning and Zoning Board stating the proposed zoning to R-15 would establish a negative precedent allowing additional density in their community, which is zoned R-20. Community Development is supportive of the proposed zoning, but is recommending a modification to the requested zoning district from R-15 to R-20-Conditional to address the residents concerns with respect to establishing a precedent for the R-15 zoning district. Staff feels comfortable that this will not create a future precedent due to this property previously being two recorded lots of record and tying the zoning of the property to the specific site plan. Therefore, Community Development recommends approval of the rezoning from R-20 to R-20-Conditional for the development of two single-family units at a density of 2.22 units per acre with the following conditions:

Standard Conditions

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. All utilities within the development shall be underground.
3. 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.
4. No debris may be buried on any lot or common area.
5. The developer will comply with the City's current tree ordinance. All required tree protection measures shall be adhered to by the developer during construction.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either four 3" caliper trees or three 4" caliper trees. The following species of trees may be used: Nuttall Oak, Swamp Chestnut

Oak, Allee Elm, and Village Green Zelkova. Other species may be used if approved by the City.

Special Conditions

9. The development shall maintain the following setbacks:
 - Front – 35'
 - Internal Side – 12'
 - Exterior Side – 23'
 - Rear – 35'
10. Driveway – 22' minimum length from building face to private driveway.
11. The right-of-way along Northview Place and Memory Lane shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along both right-of-ways.
12. The developer shall install a 5' sidewalk with 2' grass strip along Northview Place and Memory Lane.
13. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
14. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
17. Approval is conditioned upon substantial compliance with the site plan submitted on February 14, 2020, prepared by Pristine Land Services and all zoning stipulations above.
18. Minimum lot size shall be a minimum of 19,463 sq. ft. (or 18,018 sq. ft. after the required right-of-way dedication).
19. Approval is conditioned upon substantial compliance with the elevations submitted on February 13, 2020, prepared by CS Design Group, LLC.

Developer Added Conditions at Neighborhood Request

20. The elevations of the houses shall not exceed those heights shown in the updated elevations (which is less than 35').

21. The developer/builder shall abide by all Smyrna required construction hours, and will notify all subcontractors of the Smyrna noise ordinance. Developer builder shall give his phone number to all neighbors in close proximity to the homes so they can call him with issues.
22. Developer shall direct all vendors to use Atlanta Road for deliveries. If any damage occurs due to delivery trucks, CMS Custom Homes shall timely repair all damage and backcharge the vendors.
23. Developer shall leave a 15' undisturbed buffer at the rear of the property subject only to diseased or dead trees (certified by an Arborist) or other issues that could cause serious bodily harm or serious damage.
24. Developer shall adhere fully to the City of Smyrna's new tree ordinance, which would be enforced by the City of Smyrna.

Figure 1 - Subject Property



Figure 2 - Adjoining Property



Figure 3 - Adjoining Property



Figure 4 - Adjacent Property

