

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: October 5, 2017

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

RE: REZONING CASE Z17-013 – 1505 & 1515 Spring Street

Applicant: Neighborhood Commercial Holdings, LLC

Existing Zoning: R-15

Titleholder: Neighborhood Commercial Holdings, LLC

Proposed Zoning: RAD-Conditional
Size of Tract: 1.18 Acres

Location: 1505 & 1515 Spring Street

Contiguous Zoning:

Land Lot: 593

North	R-15
South	R-15
East	RAD-Conditional
West	R-15

Ward: 3

Access: Spring Street

Hearing Dates:

Existing Improvements: Vacant Parcels

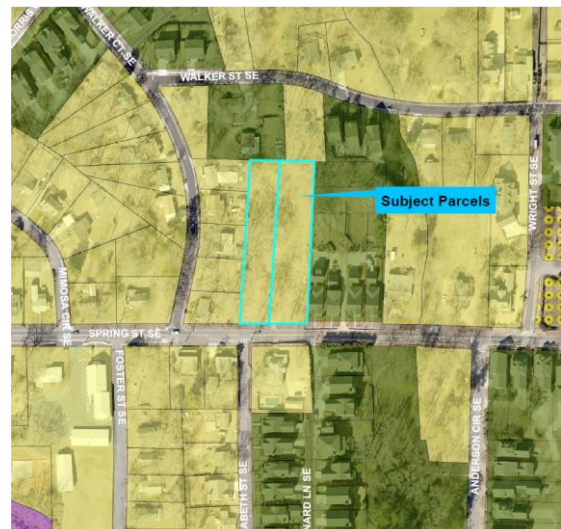
P&Z	August 14, 2017
M&C	September 18, 2017

Proposed Use:

The applicant is requesting a rezoning from R-15 to RAD-Conditional for the development of four single-family residences at a density of 3.19 units per acre. A land use change is not required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-15 to RAD-Conditional for the four single-family residences at a density of 3.39 units per acre 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 zoning proposal would result in the development of four single-family lots at a density of 3.39 units per acre. The adjoining parcels to the north, west and south are zoned R-15 and are occupied by single-family residences. The adjoining properties to the east are zoned RAD and are occupied by single-family residences. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed single-family residences will be located in the middle of an existing single-family neighborhood; the proposed use 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 zoning proposal will not have an adverse effect on the existing use or usability of adjacent or nearby property. The zoning proposal provides for single-family detached residences, which is similar to the uses surrounding the subject property.

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.

Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Water and Sanitary Sewer are located within the right-of-way of Spring Street.

The developer will need to determine how to provide public utilities into the development where it appears that no public right-of-way exists. Elevations are the responsibility of the developer. This information is based upon the site plan for 1505 and 1515 Spring Street by BH & D Engineering dated 3/16/2017.

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

The 1.18-acre rezoning will be consistent with the City's Future Development Plan, which indicates a land use of Moderate Density Residential. The proposed density of 3.39 units per acre for the development is below the maximum allowable density of 4.5 units per acre for the Moderate Density Residential land use classification on the Future Development Plan. The zoning proposal will not require a change of land use on the Future Development Map from Moderate Density 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 area surrounding the subject parcel has continued to redevelop into smaller parcels in a neo-traditional form. The proposed development is consistent with the most recent trends in this portion of the City.

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 proposed scale of the home will be compatible with the existing homes in the immediate areas. The tree plan indicates most trees will be removed and the developer will be required to meet tree density standards through replanting.

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 single-family residences.

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 subject property to RAD-Conditional. The applicant is seeking a site plan specific rezoning for the five new single-family homes to

deviate from: 1) the required minimum lot size; 2) the required minimum lot width; 3) the required minimum front setback; and 4) the required minimum side setback. Table 1 below shows the requirements of the RAD & R-15 zoning districts versus the 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
R-15 Zoning District	15,000	85'	35'	10'	30'	35'	35	2,000
RAD Zoning District	15,000	100'	35'	10'	30'	35'	45	1,800
Proposed Lots	9,080	70'	20'	5'	30'	35'	45	1,800

Note: Single-family detached dwellings in an RAD district shall meet the minimum side and rear yard requirements specified for the R-15 district.

Note: The street side setback for the new lot is reflected as 23.3' due to Section 1202 of the Zoning Ordinance which requires the street side setback to be two thirds the required front setback.

Neighborhood Commercial Holdings, LLC is seeking rezoning from R-15 to RAD-Conditional for the development of four new single-family homes at density of 3.39 units per acre. The four new homes will have side-entry garages that will be served by a private street off Spring Street. The lot that abuts Spring Street will have the home front on Spring Street. The remaining three lots will front on the new private street. The private street will be constructed to city standards and will provide a 50' access and utility easement for city services. The maintenance of the private street will be the responsibility of the HOA.

The applicant has submitted building elevations and floor plans in the rezoning application. The submitted elevations reflect a more traditional style home with a mixture of exterior façade materials and architectural elements. The new homes will enhance the architectural standards of the general neighborhood. The floor areas of the homes will range between 3,000 sq. ft. and 4,500 sq. ft..

The proposed lot sizes for the rezoning will range between 9,080 sq. ft. and 11,210 sq. ft., with the average lot size being 9,713 sq. ft.. The four new single-family lots are larger than the existing four single family home lots (~7,000 sq. ft.). The proposed lots will require several variances from the zoning requirements of the RAD zoning district. These variances include the following: 1) a reduction in the minimum lot size from 15,000 sq. ft. to 9,080 sq. ft.; 2) a reduction in the minimum lot width from 100' to 70'; 3) a reduction in the minimum front setback from 35' to 20'; and 4) a reduction in the minimum side setback from 10' to 5'. These deviations are reflected in Table 1 above. The proposed setbacks are consistent with the type of setbacks given for recent infill developments.

The applicant has proposed to provide a stormwater management facility at the north end of the subject property. The City Engineer has consulted with the applicant's Engineer and has reviewed the proposed concept and believes it should meet the city's stormwater management requirements.

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. The applicant has provided a fire truck turnaround located in between lots 2 and 3 and will be constructed to specific design criteria to meet fire access.

The proposed rezoning would provide for four new residences at density of 3.39 units per acre. This density is not excessive when compared to other previously approved infill developments in the city. Table 2, shows the infill development in the city as it relates to density, lot size and lot width.

Table 2: Proposed Development vs. Infill Developments					
Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
Proposed Development	1505 & 1515 Spring Street	4	3.39	9,080	70'
Morris Circle	Morris Circle & Walker Street	4	3.69	8,876	52'
Joni Mitchell Tract	1524 Walker Street	3	4.37	5,460	40'
Walker Manor	Walker Court & Walker Street	9	4.5	6,200	62'
Walker Street Cottages	Walker Street & Mathews Street	12	4.63	6,960	48'
Riley's Walk I	Gilbert Street & Devin Court	26	3.81	6,533	65'
Riley's Walk III	Marston Street & Highland Avenue	10	3.81	6,075	50'
Riley's Walk II	Roswell Street	5	3.03	8,037	54'
Gilbert Street	Gilbert Street	4	2.47	16,602	52'

Community Development has reviewed the zoning proposal against recent infill development and the City's Future Development Plan. The proposed density conforms to the requirements of the Moderate Density Residential land use category. In addition, the requested variances are in-line with similar variances granted in other infill developments.

As currently designed, the proposed four lot subdivision will provide approximately 1,030 sq. ft. of open space, which exceeds the minimum open space requirement of 200 sq. ft. per lot (or 800 sq. ft. total for the subdivision). The applicant is proposing to build a low stone feature with a curved circular wall into a stone patio area with a pergola and bench seating as the amenity feature for the development.

The proposed zoning is in line with the infill development patterns for this neighborhood and is compliance with the City's LCI Plan and Comprehensive Plan. Therefore, Community Development recommends **approval** of the proposed rezoning for 1505 and 1515 Spring Street with the following conditions:

Standard Conditions
(Requirements #2, 8 and 17 from Section 1201 of the Zoning Code are 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 with a mandatory homeowners association 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.
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.
14. 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, unless otherwise approved by the City's Arborist. 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

15. The development shall maintain the following setbacks:
 - Front – 20'
 - Side – 5' with a minimum of 10' between buildings
 - Rear – 30'
16. The development shall be developed with a minimum lot size of 9,080 square feet.
17. The proposed homes shall have a minimum floor area of 1,800 sq. ft.
18. The driveways shall have a minimum length of 22' from building face to edge of Private Street. Each unit shall have a two-car garage.
19. The final plat for the development shall include a right-of-way dedication of 5' along Springs Street.
20. The developer shall provide a 10' landscape buffer along the northern property boundary in accordance with Section 503 of the Zoning Ordinance.
21. A new 5' sidewalk with 2' grass buffer shall be constructed along both Spring Street and the new private street.
22. The private street shall have a minimum width of 26' back of curb to back of curb.

23. The applicant shall work with the City Engineer to remedy any sight distance issues along Spring Street. The applicant shall be responsible for any improvements deemed necessary by the City Engineer.
24. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
25. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
26. 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.
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. 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.
29. The developer shall create deed covenants for the private street in which the ownership, maintenance, and utilization are the shared responsibility of the HOA. These covenants must be supplied to the City prior to the issuance of a building permit.
30. The home adjacent to Spring Street shall have the front of the home on Spring Street.
31. The private street shall not be gated.
32. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 7/25/2017 created by BH & D Engineering. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.
33. The applicant shall be bound to the elevations submitted and dated 8/7/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.
34. The approval of the rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated September 26, 2017 by Garvis Sams with Sams, Larkin, and Huff, LLP. If there should be a discrepancy between the

Z17-013
October 5, 2017
Page 9 of 11

stipulations in the September 26, 2017 letter and the stipulations stated above,
the stipulations stated above shall apply.

Figure – 1
(Subject Site)



Figure – 2
(Adjacent Properties)



