

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: September 9, 2020

CC: Chief Joe Bennett, Interim City Administrator

RE: REZONING CASE Z20-009 – 1080, 1096 Church Street & 3655 Love Street

Applicant:	<u>Martinello Group, LLC</u>	Existing Zoning:	<u>RM-10 & R-15</u>
Titleholder:	<u>Martinello Group, LLC</u>	Proposed Zoning:	<u>RM-10 - Conditional</u>
Location:	<u>1080, 1096 Church St & 3655 Love Street</u>	Size of Tract:	<u>1.58 Acres</u>
Land Lot:	<u>487</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>3</u>	North	R-15
Access:	<u>Private Road off Church St</u>	South	RHR
Existing Improvements:	<u>Three Single-Family Residences</u>	East	R-15
		West	RDA
		<u>Hearing Dates:</u>	
		P&Z	September 14, 2020
		Mayor and Council	November 2, 2020

Proposed Use:

The applicant is requesting a rezoning from RM-10 & R-15 to RM-10-Conditional for the development of eleven (11) single-family detached units at a density of 6.96 units per acre. A land use change to Medium-High Density Residential is required for this rezoning.

Staff Recommendation:

Approval of the rezoning from RM-10 & R-15 to RM-10 Conditional for eleven new single-family detached units.



Planning Board Recommendation: The Planning Board voted to deny the request by a vote of 7-0 at the September 14, 2020 meeting due to concerns about the internal street geometry. The applicant has revised the plan to address that concern from the Board and the public comments.

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:

"The proposed rezoning will permit a use which is suitable in the context of existing and proposed residential developments concerning adjacent and nearby properties."

Staff Analysis:

The zoning proposal would result in the development of eleven (11) single-family homes at a density of 7.5 units per acre. The adjacent property to the north is zoned R-15 and comprised of single-family homes. The property located to the east is zoned R-15 and is occupied by a single-family home. The properties to the south are zoned RHR-Conditional and are occupied by multi-family apartments. The property to the west is zoned RDA and is currently occupied by single-family homes in the Glenrose Subdivision. 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 proposed rezoning will not adversely impact the existing use or usability of adjacent or nearby properties. The applicant is proposing single-family, detached homes in keeping with the development along this portion of Church Road."

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 create eleven (11) new single-family homes that will front a private street.

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

Applicant Response:

“Approval of the rezoning application will allow for the development of the property currently owned by the City of Smyrna as surplus property which has remained undeveloped since conveyed to the City. Under separate cover on January 15, 2020, the Applicant submitted a Letter of Intent (“LOI”) concerning that small tract owned by the City which constitutes a portion of the assemblage which constitutes the Subject Property for purposes of purchasing the property from the City of Smyrna.”

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 proposed rezoning will not result in a use that will have an adverse impact upon existing City of Smyrna infrastructure and constitutes a proposed use which comports with the tenor of development along this portion of Church Road.”

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. The water and sewer mains are both located in the right of way of Church Street. 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:

“While the proposed density of 8.75 units per acre (14 lots on 1.6 acres) is slightly greater than the Subject Property’s MDR range of “less than or equal to six units per acre”, the proposed development is similar to and in some instance less than the density of other residential developments within this sub-area of the City and constitutes a transition and/or step down intensity from the apartments (HDR) within this area to properties designated MDR.”

Since the writing of the applicant’s response to this question, the applicant has revised the plan to eleven (11) units at a density of 6.96 units per acre.

Staff Analysis:

The majority of the assemblage is currently zoned RM-10; however, the Future Land Use designation is Medium Density Residential (under 6 units per acre). The current zoning designation of the property as RM-10 allows a density of 10 units per acre, which is higher than the density allowed under the Medium Density Residential Future Land Use designation of 6 units per acre. The proposed development of eleven (11) new residences on 1.6 acres yields a density of 6.96 units per acre. A future land use change to Medium-High Density Residential is required to develop the property in accordance with the RM-10 zoning, as well as the smaller portion of the assemblage zoned R-15.

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:

"There are existing and changing conditions affecting the use and development of the subject property. The property is located in an area mixed with single-family detached houses and multi-family development (Apartments)."

Staff Analysis:

The overall density for the subject site will increase to 6.96 units per acre. The proposed rezoning will be a transition to other rezonings in the immediate area. The Glenrose Subdivision to the west is 3.95 units/acre, and the Medlin Street Apartments to the south consists of 122 multi-family units at 16.5 units/acre. The Mitchell's Park Apartments were rezoned in 2006 for 153 units at 20.6 units/acre but was never redeveloped. Additionally, the rezoning will create eleven (11) units that face an internal street, with only two lots having frontage on Church Street. Thus, the character of Church Street will not dramatically change.

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 proposed development will enhance architectural standards and aesthetics in accordance with the attached photographs depicting the architectural style and composition of the proposed homes."

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 will not create a nuisance and is compatible with existing uses and zonings in the area.”

Staff Analysis:

The proposed use should not create a nuisance to existing uses in the area. The number of residential units and density will provide a transition between previous rezonings.

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 rezoning will positively affect the trend of residential development within this area of the City of Smyrna along Church Street.”

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. The rezoning request meets most of the regulations for the RM-10 zoning district as shown in Table 1.

Table 1: Lot Requirements for RM-10 Zoning District vs. Proposed Lots

	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
RM-10 Zoning District	12,000	100'	50'	35'	40'	35'	45	1,800
Proposed Lots	3,163	45'	10'	5'	20'	35'	45	1,800

The following variances are required for the proposed development:

1. Allow the reduction of the minimum lot area from 12,000 sq. ft. to 3,163 sq. **(Staff Supports)**
2. Allow the reduction of the minimum lot width from 100' to 45'. **(Staff Supports)**
3. Allow the reduction of the front setback from 50' to 10'. **(Staff Supports)**
4. Allow the reduction of the rear setback from 40' to 20'. **(Staff Supports)**
5. Allow the reduction of the side setback from 35' to 5'. **(Staff Supports)**

Project Analysis

Martinello Group, LLC is seeking approval of a rezoning for an assemblage of 1080 & 1096 Church Street and 3655 Love Street from RM-10 & R-15 to RM-10-Conditional for the development of eleven (11) single-family detached residences at a density of 6.96 units per acre. The applicant is proposing to demolish the three (3) existing single-family structures and then subdivide the parcel into eleven (11) lots to construct eleven (11) individual detached single-family residences. The proposed lots will be a minimum 3,163 sq. ft. in area. The homes will face an internal private street with front-entry garages. 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

Community Development considers the rezoning to be a special circumstance since the property is currently zoned RM-10 for the majority of the assemblage, which is primarily designed for multi-family buildings with multiple stories that occupy less land area. With the rezoning, there is the opportunity to build eleven detached single-family homes that will provide a transition between the single-family detached homes along Church Street and multi-family apartments along Medlin Street. Although the lot widths are below the 100 ft. minimum, the site plan maintains a separation of 10' between houses. Community Development believes the special conditions of this specific lot are a unique opportunity and overall benefit to the City. Community Development would not have supported the variances considered in this request had the property not already been zoned RM-10.

Engineering Review

The zoning proposal shows each lot having 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. A formal review of stormwater management requirements will be assessed during plan review and permitting.

There is no stream located on the subject property.

The following transportation improvements will be required for the subject property:

- Expansion of Church Street with right-of-way dedication;
- Installation of new curb and gutter;
- Installation of crosswalks across the private street and on Church Street; and
- Construction of five-foot sidewalk with grass strip.

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 eleven (11) new residences at density of 6.96 units per acre. The subject property is located in an area where the surrounding properties have a

future land use designation of Medium Density Residential (up to 6 units per acre). The proposed lot sizes and widths are less than other nearby developments. However, as mentioned previously, the development will provide a transition between single-family detached units and multi-family units. Table 2 shows the infill development in the immediate area 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	1080 & 1096 Church St	11 (11 units)	6.96	3,163	45'
1080 & 1096 Church	1080 & 1096 Church St	3	1.9	12,000	100'
Glenrose	Glenrose	21	3.95	6,000	40'
Medlin St	Mitchell's Park Apartments	122	16.5	3,630	200'

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 homes and construction of the eleven (11) single-family homes result in a density of 6.96 units per acre on the subject property. The applicant is requesting a rezoning from RM-10 & R-15 to RM-10-Conditional and the proposed zoning is in line with the infill development patterns for this neighborhood. The development requires a change in land use from MDR to MHDR.

In addition, the proposed development will provide the opportunity for eleven (11) owner occupied units as opposed to ten or twelve rental units within a multi-family building, which would be out of character for the rest of the development along Church Street. The zoning proposal maintains the ownership rates within the surrounding area.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from RM-10 & R-15 to RM-10-Conditional for the development of eleven (11) single-family units at a density of 6.96 units per acre with the following conditions:

Standard Conditions

Requirements # 2, 4, 8 and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain 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. All utilities within the development shall be underground.
3. 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.
4. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside of the development. The storm water detention plan shall be designed to create at least a 10 percent reduction in a 100-year storm event. The engineer shall approve all plans.
5. 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 two feet shall be provided between the back of curb and sidewalk.
6. 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.
7. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
8. No debris may be buried on any lot or common area.
9. 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".
10. 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.
11. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
12. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
13. 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

14. The development shall maintain the following minimum setbacks:
 - Front – 10'
 - Side – 5'
 - Street Side (along Church Street) – 20' (from the existing ROW)
 - Rear – 20'
15. Driveway – 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.
16. The developer shall dedicate 5' of right-of-way along Church Street.
17. The developer shall install curb, gutter, and sidewalk at the frontage of property along Church Street.
18. The developer shall provide a cross-walk across the subdivision entrance as well as Church Street.
19. The developer shall be required to expand the Church Street roadway to meet street width on either side of the development.
20. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
21. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
22. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
23. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
24. Approval of the subject property for the RM-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 10/21/2020 and created by Contineo Group Engineers and all zoning stipulations above.
25. The applicant shall be bound to the elevations submitted on 2/14/2020. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure 1 - Subject Property



Figure 2 - Adjacent Properties



