

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

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

Date: August 6, 2015

CC: Toni Jo Howard, City Administrator  
Planning and Zoning Board

#### **RE: REZONING CASE Z15-016 – 1505, 1515, 1525, 1529, 1533 & 1537 Spring Street**

**Applicant:** Pradera Group, LLC

**Existing Zoning:** R-15  
**Proposed Zoning:** RAD-Conditional  
**Size of Tract:** 2.36 Acres

**Titleholder:** SIG Spring Street, LLC, JWB Properties, Inc. and Gulf South Inc.

**Location:** 1505, 1515, 1525, 1529, 1533 & 1537 Spring Street

**Contiguous Zoning:**

**Land Lot:** 593

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

**Ward:** 3

**Access:** Spring Street

**Hearing Dates:**

**Existing Improvements:** Vacant Parcels and Four Single-Family Residences

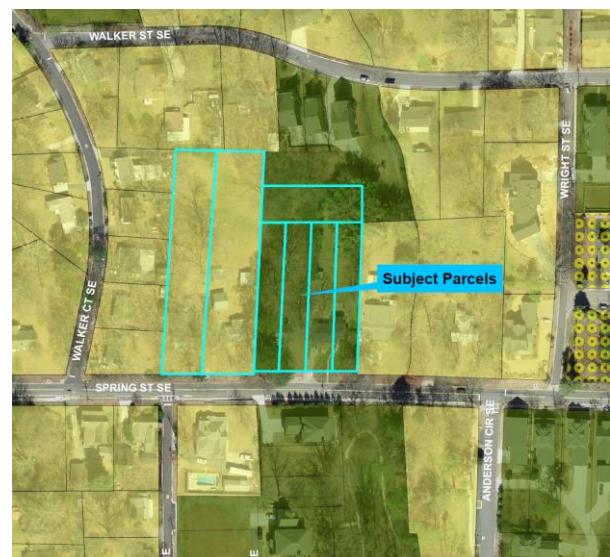
P&Z	August 10, 2015
M&C	September 21, 2015

#### **Proposed Use:**

The applicant is requesting a rezoning and zoning amendment to modify an existing subdivision plan to add five single-family homes at a density of 3.84 units per acre. The overall subdivision would be increased to 9 lots at a density of 3.81 units per acre.

#### **Staff Recommendation:**

Approval of the rezoning from R-15 to RAD-Conditional for the five single-family homes at a density of 3.84 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 adding 1.3 acres to a four home subdivision. The proposed rezoning and zoning amendment would result in the development of five additional single-family lots to increase the subdivision to 9 homes at a density of 3.81 units per acre. The adjoining parcels to the north and south are residentially zoned R-15 and RAD and are occupied by single-family residence. The property that adjoins to the west is zoned R-15 and occupied by a single-family residence. The parcel to the east is zoned R-15 and is occupied by a single family residence. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Since the proposed additional single-family homes 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 homes, 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 is located within the right-of-way of Spring Street. The developer is to use all existing taps where possible and make any additional taps. The existing taps that cannot be used will be required to be abandoned by the developer at the main. All water meters will be 1" minimum. A bank of meters will be required at a minimum for lots 2-5 with separate taps by the developer placed within the right-of-way of Spring Street. The water main is located on the opposite side Spring Street; therefore, requiring separate water service bores.*

*Sanitary sewer is located in the middle of Spring Street and will require a dog house manhole set by the developer and sewer main run up in the private drive and end with a manhole by the developer. The sewer main services within the private street will be responsibility of the HOA. This information is based upon the Concept Subdivision Plan for 1505 and 1515 Spring Street by JVG Civil Engineering dated 6/27/2015.*

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

*The 1.3-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 3.84 units per acre (3.81 units per acre for the overall development) 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. The requested variances above are carried over from the existing four lot subdivision. The proposed five new lots all exceed the minimum thresholds established by the existing four lot subdivision. Table 1 below shows the requirements of the RAD & R-15 zoning districts versus the proposed development.*

**Table 1: Lot Requirements for RAD Zoning District vs. Proposed Development (5 new homes)**

	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	6,883	41'	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.

The applicant is proposing to amend the zoning plan for an existing four lot subdivision along Spring Street. This zoning amendment will allow for the addition of 1.3 acres to existing subdivision for the construction of five new single-family homes at density of 3.84 units per acre. With the zoning proposal, the overall subdivision would increase from 4 lots to 9 lots and the density would decrease from 3.84 units per acre to 3.81 units per acre. The additional 1.3 acres with the five new homes will require rezoning from R-15 to RAD-Conditional.

The existing four home subdivision (Rezoning Case: Z13-008) was approved by the Mayor and Council on August 19, 2013 by a vote of 7-0. The development and construction of the homes is complete. The homes have been on the market for sale for several months. The zoning

proposal would allow for additional homes to stabilize the subdivision and to improve the openspace area.

The five new proposed homes will be front-entry garages accessed from a private street off of Spring Street. 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 proposed lot sizes for the rezoning will range between 8,324 sq. ft. and 15, 593 sq. ft., with the average lot size being 8,723 sq. ft.. The five 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 6,883 sq. ft. (unchanged from the original rezoning of the four lot subdivision); 2) a reduction in the minimum lot width from 100' to 41' (unchanged from the original rezoning of the four lot subdivision); 3) a reduction in the minimum front setback from 35' to 20' (unchanged from the original rezoning of the four lot subdivision); and 4) a reduction in the minimum side setback from 10' to 5'(unchanged from the original rezoning of the four lot subdivision). 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 modify the existing stormwater management facility for the existing four lot subdivision to accommodate the additional five lots. 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.

Community Development has asked the applicant to submit a sight line study for the proposed private street where it intersects with Spring Street to ensure there are no negative impacts created by the location of this street. In addition, Community Development has requested a truck turning study to ensure the curb radiiuses for the street are adequate for truck access and the provision of city services. Community Development has not received these studies at the time of this report, but should receive them prior to the Mayor and Council meeting.

The proposed rezoning would provide for 5 new residences at density of 3.84 units per acre. The overall subdivision will be 9 homes at an overall density of 3.81 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.

<b>Table 2: Proposed Development vs. Infill Developments</b>					
<b>Name of Development</b>	<b>Location</b>	<b>Number of Lots</b>	<b>Site Density</b>	<b>Minimum Lot Size (square feet)</b>	<b>Minimum Lot Width</b>
<b>Proposed Development</b>	1505 – 1537 Spring Street	9	3.81	6,883	41'
<b>Morris Circle</b>	Morris Circle & Walker Street	4	3.69	8,876	52'
<b>Joni Mitchell Tract</b>	1524 Walker Street	3	4.37	5,460	40'
<b>Walker Manor</b>	Walker Court & Walker Street	9	4.5	6,200	62'
<b>Walker Street Cottages</b>	Walker Street & Mathews Street	12	4.63	6,960	48'
<b>Riley's Walk I</b>	Gilbert Street & Devin Court	26	3.81	6,533	65'
<b>Riley's Walk III</b>	Marston Street & Highland Avenue	10	3.81	6,075	50'
<b>Riley's Walk II</b>	Roswell Street	5	3.03	8,037	54'
<b>Gilbert Street</b>	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.

The five new single-family homes could be rezoned as its own stand-alone subdivision and provide similar requirements with regard to zoning requirements and openspace as the existing four lot subdivision. As currently designed, the proposed five lots will add approximately 1,800 sq. ft. of openspace to the existing subdivision, which exceeds the minimum openspace requirement of 200 sq. ft. per lot.

The proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's LCI Plan and Comprehensive Plan. Therefore, Community Development recommends approval of the proposed rezoning for 1505, 1515, 1525, 1529, 1533 and 1537 Spring Street with the following conditions carried over from Rezoning Case Z13-008 (The changes are highlighted in Yellow):

#### **Standard Conditions**

**(Requirements #2, 8, 9, 10, 12 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. No debris may be buried on any lot or common area.
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
11. 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

12. The development shall maintain the following setbacks:  
Front – 20'  
Side (exterior) – 7'  
Side (interior) – 5' with a minimum of 10' between buildings  
Rear – 40'
13. The development shall be developed with a minimum lot size of **6,883** square feet.
14. The proposed homes shall have a minimum floor area of 2,200 sq. ft.
15. **The driveways shall have a minimum length of 22'** from building face to edge of shared driveway. Each unit shall have a two-car garage.
16. The final plat for the development shall include a right-of-way dedication of 5' along Springs Street.
17. **The developer shall provide a 10' landscape buffer along the northern property boundary in accordance with Section 503 of the Zoning Ordinance.**
18. A new 5' sidewalk shall be constructed along Spring Street.
19. Water quality shall be provided in accordance to the City's Stormwater Management Ordinance.
20. 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.
21. The developer shall create deed covenants for the shared driveway 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.
22. 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 8/6/2015 created by JVG Civil Engineering. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.
23. The applicant shall be bound to the elevations submitted and dated 7/10/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.

24. The approval of the rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated July 25, 2013 by Garvis Sams with Sams, Larkin, and Huff, LLP. If there should be a discrepancy between the stipulations in the July 25, 2013 letter and the stipulations stated above, the stipulations stated above shall apply.

**Figure – 1  
(Subject Site)**



**Figure – 2**  
**(Existing 4 Lot Subdivision)**

