

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: July 11, 2017

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

RE: REZONING CASE Z17-008 – 4149 North Cooper Lake Road

Applicant:	<u>Craftmark Development, LLC</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>Debra J. Hudson</u>	Proposed Zoning:	<u>RAD-Conditional</u>
Location:	<u>4149 North Cooper Lake Rd</u>	Size of Tract:	<u>0.699 Acres</u>
Land Lot:	<u>335</u>	Contiguous Zoning:	
Ward:	<u>4</u>	North	R-15
Access:	<u>North Cooper Lake Road</u>	South	RAD
Existing Improvements:	<u>One Single-Family Residence With Accessory Structure</u>	East	R-15
		West	RAD
		Hearing Dates:	
		P&Z	June 12, 2017
		Mayor and Council	July 17, 2017

Proposed Use:

Development of 3 single-family detached residences as Phase II of the Park Place Subdivision. The Park Place Subdivision would incorporate 14 units at a density of 2.75 units per acre. No land use change is required for rezoning.

Staff Recommendation:

Approval for 3 additional single-family detached residences to the Park Place Subdivision at a density of 2.75 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 proposed rezoning would result in the development of three single-family lots. The existing home will be demolished and three new homes will be constructed. The proposed lots would be incorporated into the 11 lot Park Place Subdivision for a total of 14 lots at 2.75 units per acre. The adjoining to the north and east are zoned R-15 and are occupied by single-family homes. The adjacent properties to the south and west across North Cooper Lake Road and Spy Glass Court are zoned RAD and are occupied by single-family homes. Since the proposed 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 proposed rezoning and development should 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 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 capacity is available in the area to accommodate the development associated with the rezoning. Water service is available to the proposed development and is located across the street and within the right-of-way of Spy Glass Court. The developer will be required to bore this roadway to obtain water service.

Based upon information provided by the Public Works Director, adequate sewer capacity is available to accommodate the development. The sewer is located in the North Cooper Lake Road right-of-way. This information is based upon a rezoning plan for Park Place Phase II by Ridge Planning and Engineering dated 4/4/17.

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

The rezoning request is in conformity with the City's Future Development Plan, which indicates a land use designation of Suburban Residential (less than 3.00 units per acre). The applicant has proposed a density for the overall Park Place Subdivision of 2.75 units per acre. No land use change from Suburban 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.

The infill developments in the immediate area have resulted in subdivisions with smaller lot sizes. The zoning proposal would be consistent with the infill development patterns in the general area and is within the land use designation of Suburban Residential on the City's Future Development Plan.

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 development will enhance the area and be compatible with surrounding residences aesthetically. The developer will have to meet the City's Tree Ordinance and open space requirements. The architectural standards of the immediate area will be upheld by the proposed development.

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.

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 proposed development does not meet the lot requirements of the RAD zoning district, but is consistent with the zoning requirements established for recent infill subdivisions in the immediate area. The applicant is requesting the following

variances on the proposed site plan: (1) Reduction of minimum lot size from 15,000 sq. ft. to 10,489 sq. ft.; (2) Reduction in minimum lot width at setback line from 100' to 55'; (3) Reduction in minimum front setback from 35' to 20'; (4) Reduction in minimum side setback from 10' to 5'; and (5) Reduction in minimum rear setback from 30' to 20'.

Table 1: Lot Requirements for RAD 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
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	10,489	55'	20'	5'	20'	35'	35	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.

The applicant has proposed the development of 3 residences with a minimum lot size of 10,489 sq. ft. at a density of 2.75 units per acre. The applicant is proposing to incorporate the three new homes as Phase II of the Park Place Subdivision. The Park Place Subdivision was originally rezoned in 2014 (Zoning Case Z14-003) and was approved for 12 single-family homes at a density of 2.74 units per acre. The Park Place Subdivision was developed with only 11 single-family homes and was completed in the Fall of 2016. The applicant was the developer of the Park Place Subdivision and still retains control of the HOA and the openspace. The applicant would like to transfer the twelfth lot from the Park Place Subdivision to Phase II to hold the density in-line with the original zoning. Upon completion of the zoning process and the development, the applicant will turn over control of the openspace and the HOA over to the residents. The applicant has worked with the existing residents of the Park Place Subdivision to address their concerns and create a design that integrates with their neighborhood. The applicant has made the statement that the Park Place residents are supportive of the incorporation of the homes as Phase II of the subdivision, as well as the reduction of the openspace for the community. Staff has requested a letter acknowledging this support, but at the writing of this report, staff has yet to receive this letter.

The three proposed homes will be rear or side entry homes and be accessed by a shared drive off North Cooper Lake Road. The proposed homes will front Spy Glass Court with walkway connections from the homes to the sidewalk. The proposed homes will be very similar to the new homes constructed in the Park Place Subdivision. The homes will be two-story height and employ traditional architecture. The building elevations of the homes are provided in the zoning packet.

The proposed development will produce 3 single-family residences with a minimum lot size of 10,489 sq. ft. The proposed development will have a maximum lot size of 12,926 sq. ft. and an average lot size of 11,784 sq. ft. Recent rezonings in the area have resulted in new

developments with smaller lots, but with an average lot size around 13,324 sq. ft. (Table 2 below).

Table 2: Nearby Infill Development

<i>Subdivision</i>	<i>Number of Lots</i>	<i>Density</i>	<i>Smallest Lot Size (sqft)</i>	<i>Largest Lot Size (sqft)</i>	<i>Average Lot Size (sqft)</i>
<i>Park Place</i>	<i>12</i>	<i>2.74</i>	<i>7,047</i>	<i>15,293</i>	<i>11,738</i>
<i>The Village at N. Cooper Lake</i>	<i>7</i>	<i>2.68</i>	<i>15,111</i>	<i>18,775</i>	<i>16,268</i>
<i>Cooper Lake Woods</i>	<i>14</i>	<i>2.50</i>	<i>8,115</i>	<i>43,529</i>	<i>15,772</i>
<i>Westbrook Park</i>	<i>30</i>	<i>2.74</i>	<i>10,001</i>	<i>19,532</i>	<i>11,700</i>
<i>North Cooper Lake Place</i>	<i>20</i>	<i>2.96</i>	<i>8,100</i>	<i>10,587</i>	<i>9,558</i>

The zoning proposal takes the 6,070 sq. ft. of openspace on the north side of Spy Glass Court provided in the original Park Place Subdivision and incorporates that property into the new proposed lots, so the new lots have frontage on Spy Glass Court. In exchange for the loss in openspace, the applicant has proposed 1,251 sq. ft. of openspace at the corner of Spy Glass Court and North Cooper Lake Road with a 15' x 15' pavilion for the community to serve as a community gathering area and covered area for the bus stop. The Park Place Subdivision was originally approved with 7,317 sq. ft. of openspace with a small fountain. The zoning proposal will leave the Park Place Subdivision with 2,498 sq. ft. of openspace and a 15' x 15' pavilion. As stated above, the Park Place residents are in support of this change, but staff has not received and official acknowledgement of that support.

The applicant has proposed the use of the existing stormwater detention facility for the Park Place Subdivision. During the permitting process, the applicant will have to verify the existing detention facility has adequate storage for the three proposed lots. If not, the stormwater management will need to be provided on-site. The City Engineer believes the applicant can meet the City's stormwater management requirements on-site.

The applicant will need several variances from the zoning requirements. These variances include the following:

1. Reduction of minimum lot size from 15,000 sq. ft. to 10, 489 sq. ft;
2. Reduction in minimum lot width at setback line from 100' to 55';
3. Reduction in minimum front setback from 35' to 20';
4. Reduction in minimum side setback from 10' to 5'; and
5. Reduction in minimum rear setback from 30' to 20'.

The zoning plan provided by the applicant is consistent with regards to setbacks and lot sizes with the zoning plan for the Park Place, Westbrook Park and North Cooper Lake Place subdivisions. The Park Place, Westbrook Park and North Cooper Lake Place subdivisions were approved with similar setback and lot size requirements. Table 3 below represents a comparison of the requested variances to other infill developments in the immediate area. For the most part, these other infill developments received similar variances as requested by the applicant.

Table 3: Comparison of Zoning Standards for Infill Developments in the Immediate Area

Subdivision	Minimum Lot Size	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
The Proposed Subdivision	10,489	55'	20'	5'	20'
Park Place	7,047	40'	20'	5'	20'
Cooper Lake Woods	8,115	15'	20'	5'	20'
Westbrook Park	10,001	39'	15'	0' *Min. 15' Between Houses	20'
The Village at N. Cooper Lake	15,111	85'	35'	10'	30'
North Cooper Lake Place	8,100	32'	15'	0' *Min. 15' Between Houses	20'

The proposed subdivision is consistent with the City's Comprehensive Plan and is in-line with infill developments in the area. Therefore, Community Development recommends **approval** the rezoning from R-15 to RAD-Conditional for the three single-family homes at a density of 2.75 units per acre with the following conditions carried over from Z14-003:

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'
 - Street Side - 10'
 - Rear – 20'
16. The development shall be developed with a minimum lot size of 10,000 square feet.
17. The proposed homes shall have a minimum floor area of 2,000 sq. ft.
- ~~18. All new homes shall be accessed from the new proposed public roads for the subdivision.~~
19. Driveway – 22' minimum length from building face to back edge of sidewalk. Each unit shall have a two-car garage.
- ~~20. The developer shall provide access from the 50' cul-de-sac to the existing 5' sidewalk along Plant Road to provide pedestrian access to the City park.~~
21. The developer shall be responsible for the installation of all water and sewer lines. In accordance with the requirements of the Public Works Director.
22. 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.
23. The proposed stormwater management facility shall be tied into the existing city stormwater system on Plant Road.
- ~~24. The developer shall be responsible for the provision and dedication of a sanitary sewer easement for the connection to the city sanitary sewer system at time of final platting. The City Public Works Director and Parks Director shall review and approval all easements.~~

25. The trees removed along the north side of Spy Glass Court shall be recompensed and replanted on-site on an inch per inch basis.
26. There shall be a minimum of 50' between the street edge on North Cooper Lake Drive to the nearest edge of the driveway apron on lot #1.
27. 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.
28. 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 submitted site plan dated 6/8/2017 created by Ridge Planning and Engineering.
29. The applicant shall be bound to the elevations submitted and dated 4/7/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.
30. The additional stipulations agreed upon by the applicant in the letters by Garvis Sams submitted and dated on June 1, 2017, June 8, 2017 and July 10, 2017. If there should be a discrepancy between the stipulations in the June 1, 2017, June 8, 2017 and July 10, 2017 letters and the stipulations stated above, the stipulations stated above shall apply.

Figure - 1
Subject Property



Figure - 2
Adjoining and Adjacent Properties





