

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: November 6, 2013

CC: Eric Taylor, City Administrator

RE: REZONING CASE Z13-019 – 1041 McLinden Avenue

Applicant:	<u>The McLinden Group, LLC</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>The Mc Linden Group, LLC</u>	Proposed Zoning:	<u>RAD-Conditional</u>
Location:	<u>1041 McLinden Avenue</u>	Size of Tract:	<u>0.365 Acres</u>
Land Lot:	<u>451</u>	Contiguous Zoning:	
Ward:	<u>4</u>	North	R-15
Access:	<u>Medlin Street & McLinden Avenue</u>	South	R-15
Existing Improvements:	<u>One Single-Family Residence</u>	East	R-15
		West	R-15
		Hearing Dates:	
		P&Z	November 11, 2013
		P&Z	December 9, 2013
		M&C	January 20, 2014

Proposed Use:

The applicant is proposing the renovation of the existing home and the development of a new detached single-family residence. The density for the site will be 5.5 units per acre. A land use change from Moderate Density Residential to Medium Density Residential will be required for this rezoning.

Staff Recommendation:

Denial of the proposed rezoning.



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 two single-family lots. The existing home will be renovated and remain on the first lot facing McLinden Avenue and a new home will be constructed on the lot facing Medlin Street. Since the proposed additional single-family home will be located in the middle of an existing single-family neighborhood (Smyrna Heights); 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 effect 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 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-ways of Medlin Street and McLinden Avenue.

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

The 0.365-acre rezoning will not be consistent with the City's Future Development Plan, which indicates a land use of Moderate Density Residential. The proposed

density of 5.5 units per acre for the development exceeds 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 require a change on the Future Development Map from Moderate Density Residential to Medium 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. However, most of these infill developments have been within the density requirements of the existing land use classification of the property. The rezoning would require a land use change to Medium Density Residential.

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 protection plan indicates the required number of tree inches for the site has been conserved and/or planted on-site.

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 property to RAD-Conditional. The applicant is seeking a site plan specific rezoning to deviate from: 1) the required minimum lot size; 2) the required minimum lot width at setback line; 3) the required minimum front setback; 4) the required minimum side setback; and 5) the required minimum rear setback. 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								
	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	7,894	80'	20'	7.5'	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.

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 proposed rezoning from R-15 to RAD-Conditional would result in the creation of two residential lots with the existing home to remain and a new single-family residence constructed on the new lot. The existing single-family residence is proposed to be renovated by the applicant. The proposed renovation will include a 500 sq. ft. addition to the home. The existing home will be accessed from McLinden Avenue and the new home will be accessed from Medlin Street. The applicant has submitted building elevations and floor plans for both residences in the rezoning application. The submitted elevations reflect a more traditional style home with a mixture of exterior façade materials and architectural elements. The design of both the renovated home and the new home will enhance the architectural standards of the general neighborhood.

The proposed lots for the rezoning will be 8,004 sq. ft. and 7,849 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 7,849 sq. ft.; 2) a reduction in the minimum lot width at the setback line from 100' to 80'; 3) a reduction in the minimum front setback from 35' to 20'; 4) a reduction in the minimum side setback from 10' to 7.5'; and 5) a reduction in the minimum rear setback from 30' to 20'. These deviations are reflected in Table 1 above. The proposed setbacks for both lots are significantly smaller than the setbacks for all adjoining and adjacent lots in the immediate area of the subject property.

The subject property has two easements that run through the property from the northwest corner to the southeast corner. The first easement is a 15' public sanitary sewer easement. The second easement is a 15' stormwater easement. Both these easements run side by side and basically bisect the subject property into two pieces. The proposed site plan shows the new home along Medlin Street with a proposed deck over the sanitary sewer easement and the existing home will have a concrete drive over both the sanitary sewer easement and the stormwater easement. Both the City Engineer and the Public Works Director have reviewed the encroachments and have no negative comment.

The City Engineer has reviewed the proposed site plan for compliance with the City's stormwater management requirements and believes the proposed plan can meet all city requirements. The applicant has provided an infiltration basin in the rear yard of both lots to meet the stormwater management requirements.

The proposed rezoning would provide for 2 residences at an overall density of 5.5 units per acre. Although, this density is not excessive when compared to other previously approved infill developments in the city, it does exceed the maximum allowable density for the Moderate Density Residential land use classification. Table 2, shows the infill development in the city as it relates to density, lot size and lot width.

Table 2: Infill Developments					
Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
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'
Jason Allen	Bank Street	3	3.29	11,457	59'
Riley's Walk III	Roswell Street	5	3.03	8,037	54'
Medlin Place	Medlin Street & Duntun Street	16	5.143	6,202	45'
Cottages at King Springs	King Springs Road	11	3.02	13,434	56'
Parkview Village II	Bank Street	3	3.94	11,000	57'
Parkview Village III	Bank Street	13	4.26	6,477	51'
Grady Manor	Grady Street	16	4.11	7,000	50'
Gilbert Street	Gilbert Street	4	2.47	16,602	52'
Church Street	Church Street	2	3.51	12,400	59'
Medlin Park	Medlin Street	4	6.67	6,300	49'
Brown Circle	Brown Circle	2	4	10,772	71'

Community Development has reviewed the zoning proposal against recent infill development and the City's Future Development Plan. The proposed density for the site is the second highest for all infill developments behind only the recently zoned Medlin Park subdivision. The

applicant raised two infill development projects as precedent for his zoning proposal, which are similar in density, lot size and setback, but were rezoned under completely different circumstances. The first was the Medlin Place subdivision, which was a total redevelopment of a city block from 7 single-family residences to 16 single-family residences with the provision of stormwater management facilities and open space for the subdivision. In addition, Medlin Park did receive a land use change from Moderate Density Residential to Medium Density Residential because it was contiguous to Laurel Commons, a townhome community along Concord Road. The second was the Medlin Park subdivision, which were two different contiguous rezonings that converted two single-family residences into four single-family residences. The rezonings were both a down zoning from Central Business District (CBD) to RAD with no associated land use change from Mixed Use. In addition, both lots in the rezonings were two lots when the property was originally subdivided in the mid 1900's; the rezonings restored the lots back into their original form. Community Development believes the requested rezoning is not comparable to the two projects mentioned by the applicant when you take all the facts of the zoning into consideration.

Community Development recommends **denial** of the proposed zoning from R-15 to RAD based on the following facts. First, the proposed density of the project exceeds the maximum allowable density for the immediate area and would require a land use change to Medium Density Residential. Second, the subject property is not contiguous to any property with a Medium Density Residential land use classification and is situated in the middle of a single-family neighborhood with a Moderate Density Residential land use classification. Third, the proposed zoning if approved could be considered a type of spot zoning and may potentially lead to similar type requests along Medlin Street with lots that have double frontages. Finally, the proposed variances associated with the rezoning would develop the property in a manner that is significantly different from the immediate lots in the neighborhood. If you were to remove the two utility easements from the request, the applicant would still need 4 of the 5 variances requested.

Figure – 1
(Subject Site)



Figure – 2
(Subject Site)



Figure – 3
(Subject Site)



Figure – 4
(Adjacent Property)



Figure – 5
(Adjacent Property)



Figure – 6
(Adjacent Property)



Figure – 7
(Adjacent Property)

