

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: July 10, 2014

CC: Eric Taylor, City Administrator

RE: ZONING AMENDMENT CASE Z14-020 – 1386 Marston Street

Applicant:	<u>Joshua Bonner.</u>	Existing Zoning:	<u>RAD-Conditional</u>
Titleholders:	<u>Joshua Bonner</u>	Proposed Zoning:	<u>RAD Conditional</u>
Location:	<u>1386 Marston Street</u>	Size of Tract:	<u>0.46 acres</u>
Land Lot:	<u>561</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>3</u>	North	RAD
Access:	<u>Marston Street</u>	South	RAD
Existing Improvements:	<u>Single-Family Home & Green Space</u>	East	RAD
		West	R-15
		<u>Hearing Dates:</u>	
		P&Z	N/A
		Mayor and Council	July 21, 2014

Proposed Use:
Modification of currently approved site plan.

Staff Recommendation:
Approval of the zoning amendment to modify the currently approved site plan.



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 will permit a use that is suitable in view of the use and development of adjacent and nearby property. The zoning proposal will not result in a change of use from the property. The property will continue to be zoned RAD-Conditional.

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 affect upon the existing use or usability of nearby properties. The zoning proposal will not change the use of the 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 zoning proposal will not cause an excessive burden to existing streets or transportation facilities.

Based upon information provided by the City's Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development.

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

The zoning proposal is in conformity with the policy and intent of the City's Future Development Plan.

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 zoning proposal will allow the city to correct an issue created by the original developer, when he never turned the open space and detention areas over to the HOA. The HOA will be deeded 2,000 sq. ft. of open space to satisfy zoning condition #3 from Zoning Case Z06-010 with the remaining property being incorporated in to lot #8 for personal use. The HOA and residents have signed a letter in support of the zoning proposal.

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 zoning proposal will bring the subdivision into compliance with zoning condition #3 from Zoning Case Z06-010.

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. The use will remain unchanged from the use of the property today.

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 not have an affect upon adjacent properties. The applicant is not requesting any changes with regards to setbacks requirements.

The subject property was originally rezoned (Z06-010) from R-15 to RAD-Conditional for the development of 10 single-family homes at a density of 3.81 units per acre on June 19, 2006 by the mayor and Council by a vote of 5-1. The original zoning tied the development to a specific site plan. The approved site plan provided for 10 single-family lots, 8,996 sq. ft. open space and a 5,436 sq. ft. detention pond. The site was developed and three of the ten homes were constructed. The property then went through foreclosure and the remaining lots were sold to a new home builder, but the ownership of the open space and detention area remained with the original developer. The rezoning stipulations required the open space and stormwater detention area be maintained by the HOA. The original developer never turned the open space and detention area over to the HOA, but sold the open space to the homeowner of lot #8 (the applicant) for private use. The applicant has since fenced in a majority of the open space area. The applicant is requesting to amend the currently approved site plan to incorporate 6,996 sq. ft. of the open space into lot #8 for personal use and deed 2,000 sq. ft. (the unfenced area) to the HOA to meet minimum open space requirement for the subdivision. Zoning condition #3 of Zoning Case Z06-010 requires 200 sq. ft. of open space per lot within the subdivision. The 2,000 sq. ft. of open space proposed to be deeded to the HOA is enough area to satisfy this zoning requirement. The applicant has provided a letter signed by all the homeowners within

the subdivision stating that they are supportive of the zoning request. The HOA is still actively working to acquire ownership of the detention area from the original developer.

Community Development has reviewed the requested zoning amendment and has found the proposed open space to satisfy zoning condition #3 from Z06-010. The HOA and all the other homeowners within the subdivision have stated they are in support of the zoning amendment. The zoning amendment will allow the city to correct an issue created by the original developer. Therefore, Community Development recommends **approval** of the zoning amendment to modify the currently approved site plan with the following condition:

1. Approval of the zoning amendment shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 6/23//2014.

Figure -1
Subject Property



Figure - 2
Subject Property



Figure – 3
Subject Property



Figure – 4
Subject Property (and New Proposed Openspace)

