

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: September 12, 2016

CC: Michael Jones, City Administrator

**RE: REZONING CASE Z15-007 – 3744 Plumcrest Road**

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<b>Applicant:</b>	<u>Sean Tintle</u>	<b>Existing Zoning:</b>	<u>R-20</u>
<b>Titleholder:</b>	<u>Sara Bowers-Tintle &amp; Sean Tintle</u>	<b>Proposed Zoning:</b>	<u>RAD-Conditional</u>
<b>Location:</b>	<u>3744 Plumcrest Road</u>	<b>Size of Tract:</b>	<u>5.61 Acres</u>
<b>Land Lot:</b>	<u>338</u>	<b><u>Contiguous Zoning:</u></b>	
<b>Ward:</b>	<u>7</u>	North	R-20
<b>Access:</b>	<u>North Cooper Lake Road &amp; Plumcrest Road</u>	South	R-20
<b>Existing Improvements:</b>	<u>Two Single-Family Residences and Accessory Structures</u>	East	R-20 & R-12
		West	R-20
		<b><u>Hearing Dates:</u></b>	
		Planning & Zoning	N/A
		Mayor and Council	September 19, 2016

**Proposed Use:**

Development of 14 single-family detached residences at a density of 2.6 units per acre. No land use change from the Suburban Residential land use designation is required for rezoning.

**Staff Recommendation:**

Approval for 14 single-family detached residences at a density of 2.6 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 development will produce 14 single-family residences with a minimum lot size of 8,350 sq. ft. The proposed development will have a maximum lot size of 21,167 sq. ft. and an average lot size of 11,628 sq. ft.. The fourteen residences will be served via a new public street off North Cooper Lake Road. The adjoining properties to the north, east, south and west are zoned R-20 and are occupied by single-family residences. The zoning proposal will permit a use that is suitable in the 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 will be required to be connected in two locations, at the end of Plumcrest Road and North Cooper Lake Road.*

*Based upon information provided by the Public Works Director, adequate sewer capacity is available to accommodate the development. The developer will be required to connect the development to the sewer main in North Cooper Lake*

*Road. The developer will be responsible for all sewer system improvements associated with the development. This information is based upon a site plan for Venture Homes North Cooper Lake Road Tract by HDG Heavner Design Group dated 3/18/15.*

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

*The rezoning 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 development of 2.6 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 8,350 sq. ft.; (2) Reduction in minimum lot width at setback line*

*from 100' to 55'; (3) Reduction in minimum front setback from 35' to 30'; and (4) Reduction in minimum side setback from 10' to 5.*

**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-20 Zoning District	20,000	100'	35'	12'	35'	35'	35	2,100
RAD Zoning District	15,000	100'	35'	10'	30'	35'	45	1,800
Proposed Lots	8,350	55'	30'	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.

The subject property was originally proposed for rezoning from R-20 to RAD-Conditional for the development of 15 single-family residences at a density of 2.67 units per acre. The original request was recommended for approval by the Planning and Zoning Board by a vote of 5-2 at the July 13, 2015 meeting. The Mayor and City Council voted to deny the rezoning by a vote of 4-3 at the September 8, 2015 meeting. Since the final decision of denial, the property owner has issued a constitutional challenge to the decision. The city and the property owner have been working through the mediation process to address the constitutional challenge. The property owner has developed a new fourteen lot plan and the judge has requested that the city rehear the rezoning. The applicant has resubmitted the new zoning plan to be heard by the Mayor and City Council.

The applicant has proposed the development of 14 single-family residences with a minimum lot size of 8,350 sq. ft. at a density of 2.6 units per acre. The average lot size for the proposed development is 11,628 sq. ft.. The fourteen residences will be served via a new public street off North Cooper Lake Road. The proposed homes will be front entry homes and will face the new public street. The applicant is proposing sidewalks and street lights within the development, along with a passive openspace area of 6,931 sq. ft. with a covered pavilion and mail kiosk.

The homes for the proposed subdivision will be very similar to the new homes constructed in the immediate area along North Cooper Lake Road. The homes will be two-stories in height and some may have basements. The homes will employ traditional architecture and elevations of the homes are provided in the zoning packet.

The applicant has also provided the proposed location of the stormwater detention and water quality facility on the site plan. The developer will be required to meet all applicable City stormwater management requirements for the site. The applicant has provided the City Engineer a conceptual stormwater management study to show the proposed facility is sized appropriately and will function adequately. The City Engineer has reviewed the preliminary Hydrology Study and concurs with the results of the study that the detention facility will be adequate to serve this development. The developer will also be required to make stormwater system improvements in the Plumcrest right-of-way from the subject property to Highview Drive.

These improvements will take the stormwater from the development to the existing public stormwater system at Highview Drive.

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 8,350 sq. ft.;
2. Reduction in minimum lot width at setback line from 100' to 55';
3. Reduction in minimum front setback from 35' to 30'; and
4. Reduction in minimum side setback from 10' to 5'.

The zoning plan provided by the applicant is consistent with regards to setbacks and lot sizes with infill developments zoned RAD along North Cooper Lake Road. Table 2 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 2: Comparison of Zoning Standards for Infill Developments Zoned RAD in the Immediate Area**

Subdivision	Minimum Lot Size (Sq. Ft.)	Average Lot Size (Sq. Ft.)	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
<b>The Proposed Subdivision</b>	8,350	11,628	55'	30'	5' *Min. 10' Between Houses	30'
<b>Austin Lake</b>	8,216	16,084	40'	25'	0' *Min. 15' Between Houses	20'
<b>North Cooper Lake Place</b>	8,100	9,360	32'	15'	0' *Min. 15' Between Houses	20'
<b>The Park at North Cooper Lake</b>	7,047	11,738	40'	20'	5' *Min. 10' Between Houses	20'

<b>Tackett Farms</b>	7,000	9,843	45'	20'	5' *Min. 10' Between Houses	20'
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Table 3 below represents a comparison of the number of lots and densities to other infill developments zoned RAD in the immediate area. The proposed development is inline with densities approved in other infill developments and the City's Future Development Plan.

**Table 3: Comparison of Development Densities for Infill Developments Zoned RAD in the Immediate Area**

<i>Subdivision</i>	<i>Number of Lots</i>	<i>Density</i>
<b>Proposed Development</b>	14	2.6
<b>Austin Lake</b>	96	2.19
<b>Westbrooke Park</b>	30	2.74
<b>The Park at North Cooper Lake</b>	12	2.74
<b>North Cooper Lake Place</b>	20	2.96

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-20 to RAD-Conditional for the 14 single-family residences at a density of 2.6 units per acre with the following conditions:

**Standard Conditions**

**(Requirement #8 and 17 from Section 1201 of the Zoning Code is 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. The developer shall provide a vegetative buffer with a minimum width of 20 feet parallel to any right-of-way external to the development (North Cooper Lake Road).
3. 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.
4. 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.
5. The detention/retention 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.
6. All utilities within the development shall be underground.
7. 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.
8. 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.
9. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
10. No debris may be buried on any lot or common area.
11. 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".
12. 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.

13. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
14. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
15. 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**

16. The development shall maintain the following minimum setbacks:
  - Front – 30'
  - Interior Side – 5'
  - Exterior Side – 25' (Lot 1 & 14)
  - Rear – 30'
17. The development shall be developed with a minimum lot size of 8,350 square feet.
18. The proposed homes shall have a minimum floor area of 2,100 sq. ft.
19. The fourteen new homes shall be accessed from the new proposed public road.
20. The developer shall provide a 5' sidewalk and 2' grass buffer inside and outside of the subdivision.
21. The driveway shall have minimum length of twenty-two (22') feet from building face to back edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
22. The developer shall be responsible for any water or sewer improvements deemed necessary for the provision of services to the community.
23. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
24. 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.
25. The developer shall provide a 10' landscape buffer along the perimeter of the property in accordance with the City's Tree Ordinance and Section 503 of the Zoning Ordinance.

26. 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.
27. 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 8/26/2016 created by Ridge Planning & Engineering.
28. The applicant shall be bound to the elevations submitted and dated 8/26/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.

**Figure I**  
**Subject Property**



**Figure 2**  
**Subject Property**



**Figure 3**  
**Adjoining Residential Property**



**Figure 4**  
**Adjoining Residential Property**



**Figure 5**  
**Adjoining Residential Property**



**Figure 6**  
**Streetview of Plumcrest Road**

