

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: February 6, 2014

CC: Eric Taylor, City Administrator

RE: REZONING CASE Z14-003 – 4105 North Cooper Lake Road

Applicant:	<u>McLane Corporation</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>Carole Alverson</u>	Proposed Zoning:	<u>RAD-Conditional</u>
Location:	<u>4105 North Cooper Lake Rd</u>	Size of Tract:	<u>4.01 Acres</u>
Land Lot:	<u>335</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>7</u>	North	R-15
Access:	<u>Plant Road</u>	South	R-15
		East	R-15
		West	R-15 & RAD
Existing Improvements:	<u>One single-family residence</u>	<u>Hearing Dates:</u>	
		P&Z	January 13, 2014
		Mayor and Council	February 17, 2014

Proposed Use:

Development of 12 single-family detached residences at a density of 2.99 units per acre. No land use change is required for rezoning.

Staff Recommendation:

Approval for 12 single-family detached residences at a density of 2.99 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 12 single-family residences with a minimum lot size of 8,182 sq. ft. The residences will be served via a new road off of Plant Road. The adjoining parcels to the north, south and east are zoned R-15 and are occupied by single-family residences. The adjoining parcels to the west are zoned RAD and R-15 and are occupied by single-family residences. The adjoining residential lots vary in size from approximately 10,000 to 60,000 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 1 below). The proposed residential use is suitable in view of the existing adjacent and nearby properties.

Table 1: Nearby Infill Development

Subdivision	Number of Lots	Density	Smallest Lot Size (sqft)	Largest Lot Size (sqft)	Average Lot Size (sqft)
<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>

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 Plant Road. 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. However, sanitary sewer is approximately 1,800 feet from this proposed development and will require easements from adjoining property owners for access to the sewer system. This information is based upon a rezoning plan for Park Place by London Patterson Engineering Support Services dated 11/7/13.

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 2.99 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 8,182 sq. ft.; (2) Reduction in minimum lot width at setback line from 100' to 45'; (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 2: 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	8,182	45'	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 12 residences with a minimum lot size of 8,182 sq. ft. at a density of 2.99 units per acre. The subdivision will be accessed from Plant Road through a new public street with a cul-da-sac. 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, as well as a sidewalk along Plant Road. The applicant is proposing 7,846 sq. ft. of passive open space.

The homes for the proposed subdivision will be very similar to the new homes constructed in the immediate area. The homes will be two-story 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 location of the stormwater detention and water quality facility on the proposed site plan. The developer will be required to meet all applicable City

stormwater management requirements for the site. The proposed stormwater management system will be required to be tied into the existing city stormwater management system on Plant Road.

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 8,182 sq. ft.;
2. Reduction in minimum lot width at setback line from 100' to 45';
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 Westbrook Park and North Cooper Lake Place subdivisions. The Westbrook Park and North Cooper Lake Place subdivisions were approved with similar setback and lot size requirements.

As part of the proposed zoning, the City Public Works department is requiring the relocation of the North Cooper Lake Park gate beyond the subdivision entrance on Plant Road, the installation of a 5' sidewalk along the north side of Plant Road from the subdivision entrance to North Cooper Lake Park, and the installation of street lights along Plant Road from the subdivision entrance to North Cooper Lake Road.

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 12 single-family units at a density of 2.99 units per acre with the following conditions:

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' with a minimum of 15' between buildings
Rear – 20'

16. The development shall be developed with a minimum lot size of 8,100 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 road 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 install to a 5' sidewalk with 2' grass buffer along the north side of Plant Road from the subdivision entrance to the North Cooper Lake Park entrance. This sidewalk shall tie into the existing sidewalk at the park.
21. The developer shall be responsible for the installation of all water and sewer lines.
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 completion of the asphalt topping on Plant Road from North Cooper Lake Road to the proposed subdivision entrance.
25. The developer shall be responsible for the installation of street lights along Plant Road from the subdivision entrance up to North Cooper Lake Road.
26. 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.
27. All trees 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 12/13/2013 created by London Patterson Engineering Support Services.

Figure 2
Subject Property



Figure 3
Subject Property



Figure 4
Adjoining Property to South Across Plant Road

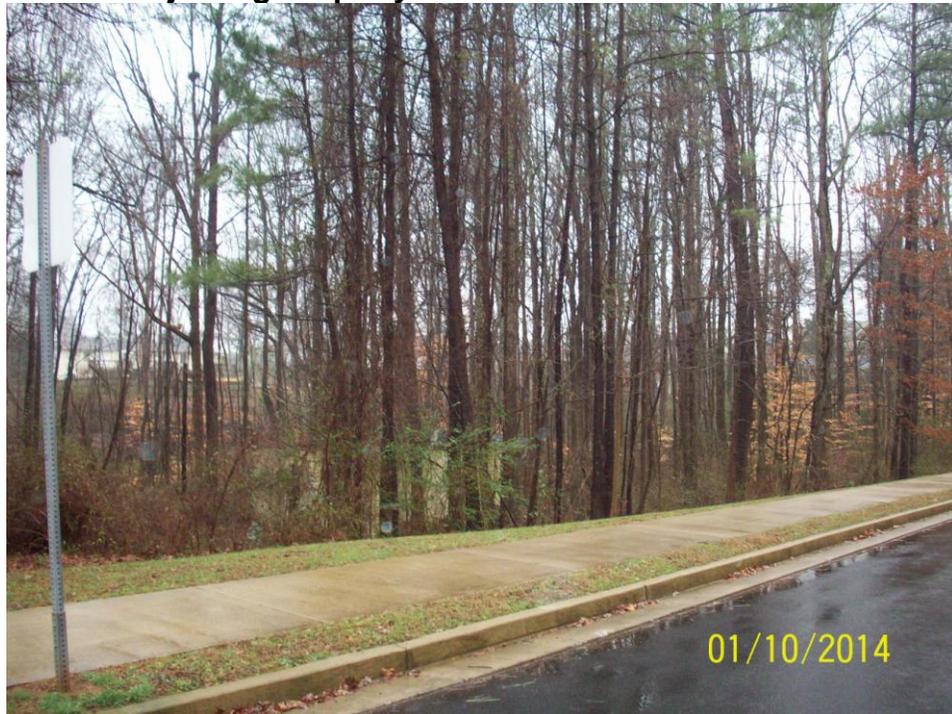


Figure 5
Adjoining Property to the East (North Cooper Lake Park)



Figure 6
Adjoining Property to the West Along North Cooper Lake Road



Figure 7
North Cooper Lake Park Entrance (Plant Road & North Cooper Lake Road)

