

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: May 8, 2014

CC: Eric Taylor, City Administrator

RE: Zoning Amendment Case Z14-012 - 2619 Hughes St. and 1146 & 1150 Fleming St.

Applicant: 242 Development, LLC

Existing Zoning: RAD - Conditional

Titleholder: 242 Development, LLC

Proposed Zoning: RAD - Conditional

Size of Tract: 0.641 acres

Location: 2619 Hughes Street
1146 & 1150 Fleming Street

Contiguous Zoning:

Land Lot: 489

North	MU
South	R-15
East	R-15
West	R-15

Ward: 3

Access: Fleming Street & Hughes Street

Hearing Dates:

Existing Improvements: Vacant lots

P&Z	N/A
Mayor and Council	May 8, 2014

Proposed Use:

The applicant is proposing the elimination of zoning stipulation #9 which requires the homes to have rear entry garages.

Staff Recommendation:

Approval of the requested zoning amendment.



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 eliminate a zoning condition that requires rear-entry garages and will not change the approved use for the property. The zoning proposal will allow the homes to be built in a similar fashion as all other homes in the neighborhood and be competitive with newly constructed homes in the area. Therefore, the zoning proposal will permit a use that 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 zoning proposal would allow the home builder to construct single-family residences with front-entry garages that would be generally compatible with adjacent homes and 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 an excessive burden to existing streets or transportation facilities.

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

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 current land use plan that indicates the subject site has a land use of Moderate 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 zoning proposal is similar to other zoning proposals in the immediate area which change new homes from rear-entry to front entry homes. This type of request has been quite common the last couple of years.

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 conform to the aesthetics of the general neighborhood, considering the current uses in the area.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

The zoning proposal 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 not have an affect upon adjacent properties.

The applicant is requesting to eliminate zoning condition #9 from Zoning Case Z06-042 to allow the home builder the opportunity to choose between providing either a front-entry garage or rear-entry garage. Zoning condition #9 from Z06-042 requires the new homes to have rear-entry garages. The applicant believes eliminating this requirement will provide the home builder the opportunity to provide a variety of options when it comes to home product and if the homes are front entry homes, they will reduce the amount of impact on the critical root zone of the 55" oak tree. In addition, this request is similar to other zoning amendments approved in the immediate area (i.e. Hill Street).

Community Development recommends **approval** of the zoning amendment to eliminate zoning condition #9 from Zoning Case Z06-042 (changes are highlighted in yellow):

Standard Conditions

(Requirements # 2, 3, 4, 5, 6, 8, 9, 10, 12, 14, 15, 16 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.

2. 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.
3. No debris may be buried on any lot or common area.
4. 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.

Special Conditions

5. The final plat for the development shall include a right-of-way dedication of 10' along Flemming Street and 10' along Hughes Street per the City Engineer. Setbacks shall be taken from the existing right-of-way.
6. The existing home is to remain on site.
7. Each residence will be a minimum of 2,500 square feet in area.
8. The shared driveways shall have a minimum width of 15'.
- ~~9. Each residence shall have rear entry garages.~~
10. The developer shall create deed covenants for the shared driveways in which the ownership, maintenance, and utilization are the shared responsibility of each homeowner. These covenants must be supplied to the City prior to the issuance of a building permit.
11. All utilities within the development shall be underground and will not be permitted in the tree save areas of the specimen trees on site.
12. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for this site.
13. All yards and common areas are to be sodded, and landscaped. Irrigate with an automatic irrigation system. The Automatic irrigation system is not permitted with tree save areas. A landscape and irrigation plan must be submitted simultaneously to the Department of Community Development.
14. All single-family and/or duplex residential lots shall provide the following at the time of certificate of occupancy: either three 4" caliper trees. 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.

15. The development shall maintain the following setbacks:

Lot 1:

Front – 20'

Rear – 108'

Interior Side – 5' (Minimum of 15' between buildings)

Exterior Side – 10'

Lot 2:

Front – 20'

Rear – 45'

Side – 5' (Minimum of 15' between buildings)

Lot 3:

Front – 30'

Rear – 20'

Interior Side – 5' (Minimum of 15' between buildings)

Street Side – 30'

Lot 4:

Front – 20'

Rear – 60'

Side – 5' (Minimum of 15' between buildings)

16. A 6' chain link fence shall be installed for tree protection instead of the 4'-tall orange tree fence around the critical root zones of all specimen trees that will remain on the property and the 44" White Oak on the adjacent property to the east. The chain link fencing shall be placed outside the trench used for root pruning. The fencing shall be constructed immediately after root pruning has occurred.
17. All preventative measures must be in place before the issuance of any land disturbance permits. The preventative measures that must be in place include: (1) the cultivation of the soil to a depth of approximately six inches around the stem of the 55" White Oak and the 44" White Oak on the adjacent property to the east to a distance of 15 feet and selected portions of the root zone to approximately the edge of the canopy using air excavation, (2) Compost and other amendments will be incorporated per the soil analysis report to promote root development and plant health, and (3) Mulch will be applied to the treatment area to a depth of approximately three inches upon the completion of the work.
18. A five-year letter of credit or Insurance bond shall be provided to the City equal to the replacement cost (recompensating inch-for-inch with 4" caliper trees) associated with the specimen tree up to a density of 20 units per acre and to the

removal cost of the tree to be determined by the Community Development Department. The five-year letter of credit or insurance bond will take affect the day in which a land disturbance permit is issued. After five years, when the letter of credit or insurance bond is requested to be released, an inspection and resistograph test preformed by a Certified Arborist will be performed to assess the tree's vigor or decline. The resistograph will be compared to the resistograph conducted in September of 2006. If the arborist determines the tree to be in good health the letter of credit or insurance bond shall be released. If the arborist determines the tree to be in poor health or in decline, the tree must be removed with use of the letter of credit or insurance bond. The applicant must submit the results of the resistograph conducted in September 2006 to the Department of Community Development prior to the issuance of a land disturbance permit.

19. The developer shall provide arboricultural services from a certified arborist for a period of five years beginning prior to any type of construction or disturbance on the site. This service shall be provided in an attempt to help maintain the tree in its time of stress and to attempt to save the tree from decline. The maintenance plan submitted to the Department of Community Development on 10/31/2006 by the applicant shall serve as the maintenance required for the subject tree. Proof of Payment and the terms of the agreement of the services provided by the certified arborist must be submitted to the Department of Community Development prior to the issuance of the land disturbance permit. (The maintenance plan is attached to the zoning)
20. The subject tree shall not be counted towards the density requirement per the City of Smyrna's Tree Ordinance.
21. The City shall waive recompense for the 55" White Oak and the 33" Red Oak located along the southern shared property line.
22. The per unit value of the recompense shall be \$785.00 by the recommendation from the City Arborist. This recommendation accounts for the current cost of an installed 4" caliper tree (approximately \$550.00 per installed 4" tree).
23. Any specimen tree on site other than the 55" White Oak in question must be removed if encroachment of the Critical Root Zone (CZR) is 20% or greater.
24. Driveway – 22' minimum length from building face to back edge of sidewalk. Each unit shall have a two-car garage.

Figure – 1
(Subject Property)



Figure – 2
(Subject Property)



Figure – 3
(Adjoining Property to the West)



Figure – 4
(Adjoining Property to the South)



Figure – 5
(Adjacent Property to the West Across Hughes Street)



Figure – 6
(Adjacent Property to the North Across Fleming Street)



Figure – 7
(Adjoining Property to the East)

