

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: July 10, 2014

CC: Eric Taylor, City Administrator

RE: REZONING CASE Z14-017 – 1051 McLinden Avenue

Applicant: Sean J. Murphy

Existing Zoning: R-15

Titleholder: Sean J. Murphy

Proposed Zoning: RAD-Conditional

Size of Tract: 0.41 Acres

Location: 1051 McLinden Avenue

Contiguous Zoning:

Land Lot: 451

North R-15

South R-15

East R-15

Ward: 4

West RAD-Conditional

Access: Medlin Street & McLinden Avenue

Hearing Dates:

Existing Improvements: One Single-Family Residence & Accessory Structure

P&Z July 14, 2014

M&C August 18, 2014

Proposed Use:

The applicant is proposing the demolition of the existing home and the development of two new detached single-family residences. The density for the site will be 4.9 units per acre. A land use change from Moderate Density Residential to Medium Density Residential will be required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-15 to RAD-Conditional 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 rezoning would result in the development of two single-family lots. The existing home will be demolished and two new homes will be constructed. 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 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 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 0.46-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 4.9 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. The City Council rezoned the property immediately to the west for essentially the same rezoning on January 20, 2014, which allowed the for an increase in density to 5.5 units per ace.

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; and 3) the required minimum front 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	8,997	80'	20'	10'	30'	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 demolition of the existing home and the construction of two new single-family residences. One home will be accessed from McLinden Avenue and the other 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 homes will enhance the architectural standards of the general neighborhood.

The proposed lots for the rezoning will be 8,997 sq. ft. and 9,101 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 8,997 sq. ft.; 2) a reduction in the minimum lot width at the setback line from 100' to 80'; and 3) a reduction in the minimum front setback from 35' to 20'. These deviations are reflected in Table 1 above. The City Council approved similar variances with the rezoning (Z13-019) of the adjoining lot to the west (1041 McLinden Avenue).

The subject property has two easements that run across the southwest corner of the property. 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 toward McLinden Avenue. Both the City Engineer and the Public Works Director have reviewed the easements 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 proposed rezoning would provide for 2 residences at an overall density of 4.9 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 & Dunton 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'
McLinden Avenue	McLinden Avenue	2	5.5	7,747	80'

Community Development has reviewed the zoning proposal against other infill developments in the area and is in-line with recent infill projects. The City Council recently approved the rezoning for two single-family residences on the adjoining property to the west with more variances than currently requested. The City Council has established a precedent, that this type of development and density is suitable in this specific neighborhood.

Community Development recommends approval of the request rezoning from R-15 to RAD-Conditional for the construction of two new single-family residences at a density of 4.9 units per acre with the following conditions:

**Standard Conditions
(Requirement #2, 3, 4, 8, 9, 10 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 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.
3. All utilities within the development shall be underground.
4. 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.
5. No debris may be buried on any lot or common area.
6. 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.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
9. 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. 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

10. The development shall maintain the following setbacks:
Front – 20'
Side – 10'
Rear – 30'
11. Driveway – 22' minimum length from building face to private driveway.
12. The right-of-ways along McLinden Avenue shall be increased to 50 feet. Therefore a dedication of approximately 5' feet is required along McLinden Avenue.
13. The developer shall provide a 5' sidewalk with a 2' grass buffer along Medlin Street and McLinden Avenue for the length of the development.
14. 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 6/14/2014 created by Sean J. Murphy.
15. The applicant shall be bound to the elevations submitted and dated 6/14/2014. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure – 1
(Subject Site)



Figure – 2
(Subject Site)



Figure – 3
Adjoining Property to the East



Figure – 4
(Adjoining Properties to the West)



Figure – 5
(Adjacent Property Across Medlin Street)



Figure – 6
(Adjacent Property Across McLinden Avenue)

