

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, 2018

CC: Tammi Saddler-Jones, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z18-007 – 1478 Spring Street

Applicant: PM Builders, LLC

Existing Zoning: R-15

Titleholder: PM Builders, LLC

Proposed Zoning: RAD-Conditional

Size of Tract: 0.38 Acres

Location: 1478 Spring Street

Contiguous Zoning:

Land Lot: 559

North RAD-Conditional

Ward: 3

South R-15

East R-15

West R-15

Access: Foster Street

Hearing Dates:

P&Z June 11, 2018

M&C July 16, 2018

Existing Improvements: Vacant Parcel

Proposed Use:

The applicant is requesting a rezoning from R-15 to RAD-Conditional for the development of two (2) single-family residences at a density of 5.2 units per acre. A land use change is not required for this rezoning.

Planning and Zoning Board Recommendation: Denial by vote of 6-1.

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 zoning proposal would result in the development of two (2) single-family homes at a density of 5.2 units per acre. The adjacent properties to the north across Spring Street are zoned RAD-Conditional and are occupied by single-family homes. The adjoining properties to the east and south are zoned R-15 and are occupied by single-family residences. The adjacent property to the west across Foster Street is zoned R-15 and is occupied by a church. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed single-family residences will be located in the middle of an existing single-family neighborhood; 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 zoning proposal will not have an adverse effect on the existing use or usability of adjacent or nearby property. The zoning proposal provides for single-family detached residences, which is similar to the uses surrounding the subject 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 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, water and sewer are available to the proposed development. Sewer and water are located on Spring Street to the parcel located at the corner of Spring Street and Foster Street. Sewer and water are located on Foster Street for the parcel located on Foster Street. This parcel may require a sewer main extension by the developer to

service the parcel. All existing water and sewer taps shall be used if possible. Any abandoned water and sewer taps shall be capped at the main by the developer. It is the developer's responsibility to install new water and sewer taps for this development. Elevations are the responsibility of the developer. This information is based upon a zoning plat titled Bradley M. Thompson 1478 Spring Street by J.A. Evans and Associates dated March 5, 2018.

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

The 0.38-acre rezoning will be consistent with the City's Future Land Use Plan, which indicates a future land use of Mixed Use (MU). The Mixed Use future land use designation does not establish a maximum allowable density, but does identify single-family homes as an appropriate use under the future land use designation. Mixed Use has historically allowed higher densities throughout the city. Therefore, proposed density of 5.2 units per acre should be appropriate under the MU future land use designation. The zoning proposal will not require a change of land use on the Future Land Use Map from Mixed Use.

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.

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.

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 not have an effect upon adjacent properties. The applicant is requesting to rezone the subject property to RAD-Conditional. The applicant is seeking a site plan specific rezoning for two (2) new single-family homes to deviate from: 1) the required minimum lot size; 2) the required minimum lot width; 3) the required minimum front setback; 4) the required minimum side setback; and the required minimum rear setback. Table 1 below shows the requirements of the RAD & R-15 zoning districts versus the 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	6,800	70'	20'	5'	5' & 10'	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.

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.

PM Builders, LLC is seeking rezoning from R-15 to RAD-Conditional for the development of two (2) new single-family homes at density of 5.2 units per acre. The first home will front on Spring Street with a side-entry garage on Foster Street. The second home will have a front-entry garage and will face Foster Street. The applicant has provided a site plan with the rezoning application for reference. The applicant has submitted building elevations and floor plans in the rezoning application. The submitted elevations reflect a more traditional style home with a mixture of exterior façade materials and architectural elements. The new homes will enhance the architectural standards of the general neighborhood.

The proposed lot sizes for the rezoning will be 6,800 sq. ft. for the lot on Foster Street and 9,956 sq. ft. for the lot on Spring Street. The applicant is requesting 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 6,800 sq. ft. **(Staff Support)**;
- 2) A reduction in the minimum lot width from 100' to 70' **(Staff Support)**;
- 3) A reduction in the minimum front setback from 35' to 20' **(Staff Support)**;
- 4) A reduction in the minimum side setback from 10' to 5' **(No Staff Support)**; and
- 5) A reduction in the minimum rear setback from 30' to 5' and 10' **(No Staff Support)**.

Community Development has reviewed the requested variances and is **supportive** of the requests for reductions in the lot size, lot width and front setbacks. The front setback variance will bring the homes in line with the existing homes on both Spring Street (the adjoining homes are within 7' to 18' of the Spring Street right-of-way) and Foster Street (the adjoining homes are within 20' of the Foster Street right-of-way). The lot size and lot width variances are conducive

with the density allowed within the Mixed Use future land use designation and have been similarly approved in other nearby infill developments. Community Development is **not supportive** of the requested variances for the side and rear setbacks. The proposed site plan shows the proposed homes could be constructed to meet the 10' side and 20' rear setback. The proposed side and rear setbacks are too significant without any justification or proof of hardship. Community Development recommends the applicant be held to a 10' side setback requirement and a 20' rear setback requirement.

The applicant did not provide any information with regards to stormwater management for the site. The applicant will be required to meet the city's minimum stormwater management requirements.

The Fire Marshal's office has reviewed the revised site plan and believes the zoning plan meets the Fire Code requirements for fire truck access and building separation requirements.

The proposed rezoning would provide for two (2) new residences at density of 5.2 units per acre. This density is a little higher than the other developments, but those developments are located in areas with a future land use designation of Moderate Density Residential, which caps densities at 4.5 units per acre. The subject property is located in an area with a future land use designation of Mixed Use, which allows for densities higher than 4.5 units per acre. The proposed lot sizes and widths are in line with other developments. Table 2, shows the infill development in the city as it relates to density, lot size and lot width.

Table 2: Proposed Development vs. Infill Developments					
Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
Proposed Development	1478 Spring Street	2	5.2	6,800	70'
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'
Riley's Walk I	Gilbert Street & Devin Court	26	3.81	6,533	65'
Riley's Walk III	Marston Street & Highland Avenue	10	3.81	6,075	50'
Riley's Walk II	Roswell Street	5	3.03	8,037	54'
Gilbert Street	Gilbert Street	4	2.47	16,602	52'

Community Development has reviewed the zoning proposal against recent infill development and the City's Future Land Use Plan. The proposed density conforms to the requirements of the Mixed Use land use category. The proposed zoning is in line with the infill development patterns for this neighborhood and is compliance with the Comprehensive Plan.

The zoning request was heard by the **Planning and Zoning Board** at the June 11, 2018 meeting and was recommended for **denial by a vote of 6-1.**

Community Development recommends **approval** of the proposed rezoning for 1478 Spring Street with the following conditions:

Standard Conditions

(Requirements #2, 3, 4, 8, 9, 10, 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. 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. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.
5. No debris may be buried on any lot or common area.
6. 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".
7. 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.

8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
10. 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

11. The development shall maintain the following setbacks:
 - Front – 20' (from existing right-of-way)
 - Side – 10' (not as requested by the applicant)
 - Rear – 20' (not as requested by the applicant)
12. The development shall be developed with a minimum lot size of 6,800 square feet.
13. The proposed homes shall have a minimum floor area of 1,800 sq. ft.
14. The driveways shall have a minimum length of 22' from building face to edge of Private Street. Each unit shall have a two-car garage.
15. The final plat for the development shall include a right-of-way dedication of 5' along both Springs Street and Foster Street.
16. A new 5' sidewalk with 2' grass buffer shall be constructed along both Foster Street.
17. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
18. The developer shall replace and upgrade the drainage pipe along the eastern property line and provide associated easements per the City Public Works Director.
19. The developer shall provide new curb and gutter along Foster Street for the length of the development.
20. The developer shall improve the curb radius at the intersection of Spring Street and Foster Street per the City Public Works Director.

21. 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.
22. The home adjacent to Spring Street shall have the front of the home on Spring Street.
23. 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 5/9/2018 created by J.A. Evans & Associates. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.
24. The applicant shall be bound to the elevations submitted and dated 3/9/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.

Subject Property



Adjacent Properties



