

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: January 14, 2019

CC: Tammi Saddler-Jones, City Administrator

RE: REZONING CASE Z18-018 – 572 North Thomas Lane

Applicant: Kalpesh Patel

Existing Zoning: R-15

Titleholder: Kalpesh Patel

Proposed Zoning: R-15-Conditional

Size of Tract: 1.136 Acres

Location: 572 North Thomas Lane

Contiguous Zoning:

Land Lot: 335

North R-15

South R-15

Ward: 4

East R-15

West R-15

Access: North Thomas Lane

Hearing Dates:

Existing Improvements: One Single-Family Home

P&Z December 10, 2018

Mayor and Council January 22, 2019

Proposed Use:

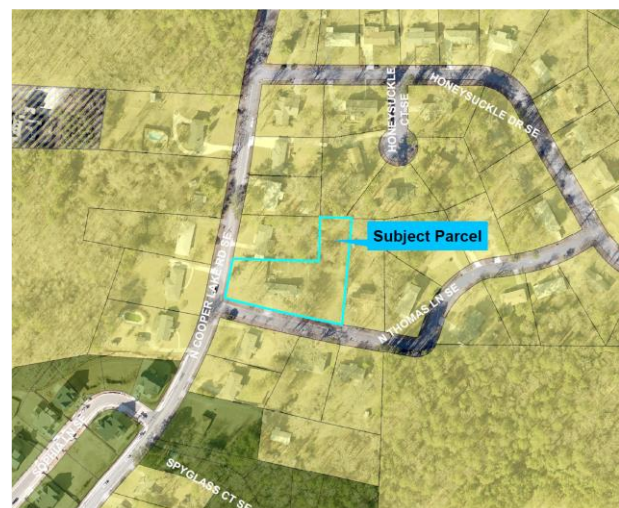
Development of three (3) single-family detached residences at a density of 2.64 units per acre. No land use change is required for rezoning.

P&Z Board Recommendation:

Approval with staff conditions by vote of 7-0.

Staff Recommendation:

Approval of the proposed development 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 will result in the development of three (3) single-family residences along North Thomas Lane. The adjoining properties to the north and east are zoned R-15 and are occupied by single-family residences. The adjacent properties to the south across North Thomas Lane are zoned R-15 and are occupied by single-family residences. The adjacent properties to the west across North Cooper Lake Road are zoned R-15 and are occupied by single-family residences. The proposed single-family residences are suitable in view of the use and development of adjacent and nearby properties.

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 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, water and sewer are available in the area to accommodate the development associated with the rezoning. The developer will have to extend sanitary sewer to the development per City of Smyrna standards and specifications. Water and Sewer taps for the proposed development are the responsibility of the developer. All elevations are the responsibility of the developer.

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

The applicant has proposed rezoning the property from R-15 to R-15-Conditional (site plan specific zoning) at a density of 2.64 units per acre, which corresponds to the future land use designation of Low Density Residential (< 3 units per acre). The zoning proposal is in conformity with the City's Future Land Use Plan, which indicates a land use of Low Density Residential. The R-15 zoning district is an acceptable zoning district under the Low Density Residential future land use designation. No land use change is required for the rezoning of the subject property.

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 applicant is not asking to change the zoning of the property to another zoning district. The applicant is requesting a rezoning to maintain the same zoning designation, but with a conditional or site plan specific designation to address two variances for the development. One of the variances is to reduce the lot size on lot #1 from 15,000 sq. ft. to 10,507 sq. ft.. The other variance deals with the front setback of the existing home. Since the first variance deals with lot size it is considered a density issue and needs to be handled through the zoning process. The applicant originally submitted a subdivision plat for the property that met all the requirements of the R-15 zoning district; however, the proposed lot layouts were gerrymandered across the property to meet those requirements and created non-traditional lot designs that would create ownership and maintenance issues in the future. Community Development approached the applicant and asked them to square the lots up and make them functional through the zoning process by seeking a variance on lot #1.

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 enhance neighborhood aesthetics. The submitted tree plans indicate several specimen trees on-site and those specimen trees will be removed due to their location in relation to proposed homes. The tree replacement plan shows replacement trees to meet tree density requirements and specimen tree recompense.

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. The zoning proposal calls for detached single-family residences, which is in line with the surrounding neighborhood.

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 effect upon adjacent properties. The proposed development will require variances from the following requirements: (1) Reduction of the minimum lot size for lot #1; and (2) Reduction of the minimum front setback for lot #2.

Table 1: Lot Requirements for R-15 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
Proposed Lots	10,507 (lot #1)	85'	28' (lot #2)	5'	30'	35'	35	2,000

Note: Single-family detached dwellings in an RAD district shall meet the minimum side and rear yard requirements specified for the R-15 district.

Kalpesh Patel is requesting a rezoning from R-15 to R-15-Conditional for the development of three (3) new single-family homes at a density of 2.64 units per acre. The proposed rezoning will result in the renovation of the existing single-family home on-site and the development of two new single-family homes on either side of the existing home. All three of the proposed homes will front on and will be accessed from North Thomas Lane. The proposed homes will be front-entry homes. The proposed homes will employ traditional architecture with craftsman style features. If the rezoning is approved, the building elevations will be held to same standard as all other rezonings (Section 1201(1) of the Zoning Ordinance), which requires the building elevations to employ a variety of façade material (brick, stone, hardi-plank siding, shake, stucco, etc...) and prohibits the use of hardi-plank lap siding on the building elevations that front on North Thomas Lane and North Cooper Lake Drive. The building elevations and floor plans have been provided in the rezoning application. Per the applicant, the floor area of the proposed homes will meet the minimum floor area requirement of 2,000 sq. ft..

The proposed subdivision will have three lots with a minimum lot size of 10,507 sq. ft. (on lot #1) and a maximum lot size of 15,066 sq. ft.. The applicant is proposing variances for reductions in lot size (lot #1) and front setbacks (lot #2) that are comparable to the setbacks of nearby subdivisions with the same zoning classification in the immediate area:

- Reduction of minimum lot size for lot #1 from 15,000 sq. ft. to 10,507 sq. ft. **(Staff is supportive)**; and
- Reduction of minimum front setback for lot #2 from 35' to 28' **(Staff is supportive)**.

The applicant originally submitted a subdivision plat for the property that met all the requirements of the R-15 zoning district; however, the proposed lot layouts were gerrymandered across the property to meet those requirements and created non-traditional lot designs that would create ownership and maintenance issues in the future. Community Development approached the applicant and asked them to square the lots up and make them functional through the zoning process by seeking a variance on lot #1 and lot #2. Community Development is **supportive** of the variance requests because it creates a logical use of the property that will not create ownership and maintenance issues in the future.

The zoning proposal has been reviewed by the City Engineer for stormwater management requirements. The City Engineer believes the developer can meet the city requirements for stormwater management for the site. The applicant has set aside plenty of property for the stormwater management facility, which shall be maintained by the HOA.

The zoning proposal has been reviewed by the City Fire Marshal and he has no comments with regards to the project.

The zoning proposal is in conformity with the Future Land Use Plan for the area and is in line with zoning requirements of other nearby neighborhoods. The current R-15 zoning district allows a maximum density of 2.9 units per acre (or 15,000 sq. ft. per lot); the proposed density of 2.64 units per acre is well below the maximum allowance for the R-15 zoning district. The need for the rezoning is being driven by the lot size requirement of 15,000 sq. ft. in the R-15 zoning district. In this particular zoning, the applicant has met the minimum lot area requirement of 15,000 sq. ft. for two of the three lots, but needs a lot size reduction on lot #1 to maintain a functional lot design. So the rezoning issue is more centered around a site design aspect as opposed to a true density aspect.

The Planning and Zoning Board heard the rezoning request at the December 10, 2018 meeting and recommended approval with staff conditions by vote of 7-0.

Community Development recommends approval of the zoning request from R-15 to R-15-Conditional for three (3) single-family units at a density of 2.64 units per acre with the following conditions:

Standard Conditions

(Requirements #2, 4, 8, 9, 10, 12 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 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.
4. All utilities within the development shall be underground.

5. 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.
6. No debris may be buried on any lot or common area.
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 – 35' (lots #1 & #3) and 28' (lot #2)
 - Street Side – 23'
 - Interior Side – 10'
 - Rear – 30'
12. The development shall be developed with a minimum lot size of 10,507 sq. ft. for lot #1 and 15,000 sq. ft. for lots #2 & #3.
13. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
14. The developer shall install a 5' sidewalk with a 2' grass buffer along both North Cooper Lake Road and North Thomas Lane for the length of the property.
15. The final plat for the development shall include a right-of-way dedication of 5' along North Thomas Lane. Setbacks shall be taken from the existing right-of-way.

16. The final plat for the development shall include a right-of-way dedication of 7' along North Cooper Lake Road. Setbacks shall be taken from the existing right-of-way.
17. No driveway locations shall be permitted on North Cooper Lake Road.
18. The driveway location for lot #1 shall be located on North Thomas Lane at least 50' from the intersection of North Thomas Lane and North Cooper Lake Road.
19. All trees within the limits of disturbance that are scheduled to be preserve shall be protected according to the City's Tree Ordinance. All other trees within the limits of disturbance shall be removed.
20. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facility shall be solely located on the HOA's property and shall be maintained by the HOA.
21. Approval of the subject property for the R-15 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/9/2018 created by Paul Lee Consulting Engineering Associates, Inc..
22. The applicant shall be bound to the elevations submitted and dated 11/9/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure – 1
Subject Property





Figure – 2
Adjacent Properties





