

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

From: Ken Suddreth, Community Development Director

Date: December 3, 2015

CC: Michael Jones, Interim City Administrator

**RE: REZONING CASE Z15-008 – 1091, 1107 & 1121 Bank Street**

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**Applicant:** Pritchard Brothers, Inc.

**Existing Zoning:** R-15

**Titleholder:** Pritchard Properties, LLC; Erin Pake Pritchard

**Proposed Zoning:** RAD-Conditional

**Size of Tract:** 1.27 Acres

**Location:** 1091, 1107 & 1121 Bank Street

**Contiguous Zoning:**

**Land Lot:** 488

North	RAD
South	RAD
East	R-15
West	RAD

**Ward:** 3

**Access:** Bank Street

**Hearing Dates:**

**Existing Improvements:** Two single-family residences

P&Z	May 11, 2015
Mayor and Council	June 15, 2015
Mayor and Council	December 7, 2015

**Proposed Use:**

Development of five single-family detached residences at a density of 3.94 units per acre. No land use change from Moderate Density Residential is required for rezoning.

**Staff Recommendation:**

**Approval** for five single-family detached residences 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 adjoining parcels to the north, south and west are zoned RAD and are occupied by single-family residences. The adjoining parcel to the east is zoned R-15 and is occupied by a single-family residence. The proposed rezoning will result in the development of five single-family residences in a style similar to the adjacent Parkview Village Subdivision. The surrounding area continues to change from low density residential to moderate density residential which will be furthered by this rezoning. Because of this, the development will be compatible with adjacent or 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 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 sewer are both located within the right-of-way of Bank Street. All existing water and sewer taps shall be used where possible. It's the developer's responsibility to install any additional water and sewer taps for this development. Elevations are the responsibility of the developer. This information is based on a rezoning plan titled Parkview Village Phase 3 by DGM Land Planning Consultants dated 4/2/2015.*

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

*The 1.27-acre rezoning will be consistent with the City's Future Development Plan, which indicates a land use of Moderate Density Residential. The proposed density of 3.94 units per acre for the development is below 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 not require a change on the Future Development Map from 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 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 adjoining properties to the west, south and north were previously developed by the applicant.*

*The subject property was originally rezoned for this five lot subdivision by the Mayor and Council on March 20, 2006 by a vote of 6-1 (Rezoning Case Z06-012). The zoning of the property was subsequently amended by the Mayor and Council on June 18, 2007 by a vote of 6-1 to add an additional parcel to the development. The property was then reverted back to its original R-15 zoning and lotting on December 20, 2008.*

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 existing specimen trees will remain along the perimeter of the development. The applicant will be required to meet the requirements of the City's Tree Ordinance.*

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, 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; 3) the required minimum front setback; and 4) the required minimum side 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	10,687	55'	30'	0'	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 subject property was originally rezoned for this five lot subdivision by the Mayor and Council on March 20, 2006 by a vote of 6-1 (Rezoning Case Z06-012). The rezoning was a conditional zoning which stipulated a specific site plan and building elevations. The zoning of the property was subsequently amended by the Mayor and Council on June 18, 2007 by a vote of 6-1 to add an additional parcel to the development (Rezoning Case Z07-013). The property was never developed due to the economic downturn from 2007 to 2009. During that time, the subject property was reverted back to its original R-15 zoning and lot lay out on December 20, 2008. Section 1201 of the Zoning Ordinance requires all conditionally zoned property which have not taken affirmative action to perform said conditions of the zoning or to obtain building permits within 24 months of zoning approval be reverted back to its original zoning. The subject property has remained as two rental homes since the original zoning in 2006.

The proposed rezoning from R-15 to RAD-Conditional would result in the construction of five residential lots. The applicant plans to demolish the two existing homes and construct five new single-family residences. All homes will be front-entry homes and will be accessed by individual driveways from Bank Street. The applicant has proposed to provide turn arounds or bump outs on each driveway so the residents can turn their cars around to pull straight out onto Bank Street as opposed to backing out onto Bank Street. The applicant has submitted building elevations and floor plans for the proposed residences in the rezoning application. The submitted elevations reflect a more craftsman and cottage style home with a mixture of exterior façade materials and architectural elements. The design of the homes will enhance the architectural standards of the general neighborhood.

The proposed lots for the rezoning will range between 10,687 sq. ft. and 11,872 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 10,500 sq. ft.; 2) a reduction in the minimum lot width at the setback line from 100' to 55'; 3) a reduction in the minimum front setback from 35' to 30'; and 4) a reduction in the minimum side setback from 10' to 0'. These deviations are reflected in Table 1 above.

The site plan reflects a zero lot line development which means the developer will be allowed to build on the interior lot lines as long as they provide a minimum building separation of 10'. This separation is measured from foundation wall to foundation wall. The interior setback of 0' will provide the home builder with the flexibility needed use varying house sizes and widths. In addition, the developer will maintain a 10' building setback from the shared property lines of the adjoining properties to the east and west. The proposed side setbacks are unchanged from the original rezoning request in 2006. In addition, the applicant is proposing to build a new sewer lateral that will run parallel to the existing sewer main with all the proposed homes tying into the new sewer lateral. This proposal will reduce the number of sewer taps on the existing sewer main, as well as provide greater flexibility in the setback of the homes from Banks Street.

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 developer will be required to meet all city requirements related to stormwater management. The developer has submitted a preliminary hydrology report for the development. The hydrology study shows an underground detention facility designed to meet the city's stormwater management requirements along the rear of the property (northwest corner of the property). The applicant also has an agreement with the Parkview Village HOA to allow the stormwater from the proposed detention facility to be conveyed through the Parkview Village detention facility to the adjoining stream. This agreement should mitigate any potential negative impacts on the adjoining residential properties the west.

The proposed rezoning would provide for five residences at an overall density of 3.94 units per acre. Although, this density is not excessive when compared to other previously approved infill developments in the city; it does not 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'

<b>Walker Street Cottages</b>	Walker Street & Mathews Street	12	4.63	6,960	48'
<b>Jason Allen</b>	Bank Street	3	3.29	11,457	59'
<b>Riley's Walk III</b>	Roswell Street	5	3.03	8,037	54'
<b>Medlin Place</b>	Medlin Street & Dunton Street	16	5.143	6,202	45'
<b>Cottages at King Springs</b>	King Springs Road	11	3.02	13,434	56'
<b>Parkview Village II</b>	Bank Street	3	3.94	11,000	57'
<b>Parkview Village III</b>	Bank Street	13	4.26	6,477	51'
<b>Grady Manor</b>	Grady Street	16	4.11	7,000	50'
<b>Gilbert Street</b>	Gilbert Street	4	2.47	16,602	52'
<b>Church Street</b>	Church Street	2	3.51	12,400	59'
<b>Medlin Park</b>	Medlin Street	4	6.67	6,300	49'
<b>Brown Circle</b>	Brown Circle	2	4	10,772	71'
<b>McLinden Avenue</b>	McLinden Avenue	2	5.5	7,747	80'
<b>McLinden Avenue</b>	McLinden Avenue	2	4.9	8,997	80'
<b>Roswell Street</b>	Roswell Street	3	3.75	8,300	85'
<b>Smyrna Grove</b>	Windy Hill Road	194	4.09	4,245	50'

Community Development has review the zoning proposal against other infill developments in the area and the proposal is in-line with recent infill projects. The City Council has established a precedent, that this type of development and density is suitable in the area surrounding Market Village.

The rezoning request was heard by the Planning and Zoning Board on May 11, 2015 and the Board made a recommendation of denial by a vote of 4-2. The rezoning request was then heard by the Mayor and Council at the June 15, 2015 meeting. At that meeting, the several residents spoke in opposition to the rezoning request with regards to stormwater management, site density, site access and building architecture. Due to the citizen opposition, the Mayor and Council tabled the request by a vote of 7-0 to allow the applicant and the neighborhood the opportunity to resolve the identified issues. Since the rezoning request was tabled at the June 15<sup>th</sup> meeting, the applicant has held two meetings with city staff and neighborhood representatives to address the issues raised by the adjoining residents.

Community Development recommends approval of the request rezoning from R-15 to RAD-Conditional for the construction of five new single-family residences at a density of 3.94 units per acre with the following conditions:

**Standard Conditions**

**(Requirements #2, 3, 4, 8, 9, and 17 from Section 1201 of the Zoning Code are not applicable)**

- 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.
- 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.
- All utilities within the development shall be underground.
- 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.
- The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
- No debris may be buried on any lot or common area.
- 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".
- The developer will comply with the City's current tree ordinance with the exception of the City's recompense requirements. Because the developer will be saving twelve specimen trees, no other specimen recompense shall be required. All applicable required tree protection measures shall be adhered to by the developer during construction and the developer will agree to work around as many of the existing Bank Street specimen trees as possible.

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

- The development shall maintain the following setbacks:
  - Front – 30' (measured from existing right of way)
  - Interior Side – 0' (minimum 10' between buildings)
  - Exterior Side (Lots 1 & 5) – 10'
  - Rear – 30'
- Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage.
- The right-of-way along Bank Street shall be increased to 50 feet to match other residential road right-of-ways. Therefore a dedication of 5 feet is required.
- Approval of the rezoning 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 5/7/2014 created by DGM Land Planning Consultants.
- The developer shall be bound to the elevations submitted and dated 12/2/2015. Approval of any change to the elevations must be obtained from the Director of Community Development.
- Each home shall provide a driveway with a turnaround area to allow cars to pull head first onto Bank Street.



**Figure 1**  
**Subject Property**



**Figure 2**  
**Subject Property**





**Figure 3**  
**Adjoining Property to the West**



**Figure 4**  
**Adjacent Property to the South Across Bank Street**



**Figure 5**  
**Adjacent Property to the South Across Bank Street**

