

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: March 10, 2016

CC: Planning and Zoning Board
Michael Jones, City Administrator

RE: REZONING CASE Z16-003 – 2963 & 2965 Elizabeth Street

Applicant:	<u>Greg Williams</u>	Existing Zoning:	<u>LI</u>
Titleholder:	<u>Mario Gonzalez</u>	Proposed Zoning:	<u>RAD-Conditional</u>
Location:	<u>2963 & 2965 Elizabeth Street</u>	Size of Tract:	<u>0.25 Acres</u>
Land Lot:	<u>594</u>	Contiguous Zoning:	
Ward:	<u>3</u>	North	R-15
Access:	<u>Elizabeth Street</u>	South	LI
Existing Improvements:	<u>One Single-Family Residence</u>	East	R-15
		West	LI
		Hearing Dates:	
		Planning & Zoning	March 14, 2016
		Mayor & Council	August 18, 2016

Proposed Use:

The applicant is proposing the demolition of the existing home on-site and the construction of a new single-family residence. No land use change from Moderate Density Residential will be required for this rezoning.

Staff Recommendation:

Approval of the proposed rezoning 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 one single-family residence at a density of 4 units per acre. The adjoining parcel to the north is zoned R-15 and occupied by a single-family residence. The adjoining property to the west is zoned Light Industrial (LI) and is vacant. The adjoining property to the south is zoned LI and occupied by a single-family residence. The adjoining property to the east is zoned R-15 and occupied by a utility company. The proposed rezoning will result in a down zoning from industrial (LI) to single-family residential (RAD). Because of this, the development will be compatible with adjacent or nearby properties along Elizabeth Street.

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. The adjoining properties to the north, south and west along Elizabeth Street are developed with single-family homes. The zoning proposal will remove the existing single-family residence and replace it with a new single-family residence, which is in line with the existing conditions of the surrounding area.

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. The developer will need to move the existing water service locations to the right-of-way of Elizabeth Street and install additional sewer

taps for the development. Sanitary sewer elevations are the responsibility of the developer. This information is based on a survey for Greg Williams, 2963 & 2965 Elizabeth dated 6/15/2015 by Dekalb Surveys, Inc..

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

The 0.25-acre rezoning will be consistent with the City's Future Development Plan. The subject property has a land use designation of Moderate Density Residential (3 to 4.5 units per acre). The density for the proposed rezoning (4 units per acre) will not require a land use change on the Future Development Plan. The zoning proposal will bring the zoning and development of the property back in line with the City's Comprehensive Plan.

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 proposing a down zoning from Light Industrial (LI) to RAD-Conditional for the construction of a single-family home. The rezoning will result in the demolition of the existing wood frame house and the construction of a new home similar to other homes in the area. The down zoning will eliminate industrially zoned property on a residential street. If the rezoning passes, the adjoining properties to the west and south will be the only industrial property remaining on the east side of Elizabeth Street.

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 homes will be compatible with the existing homes in the immediate area. The tree protection plan indicates the required number of tree inches for the site will be met through conservation.

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, should have a minimal affect upon adjacent properties. The

applicant is requesting to rezone the property to RAD-Conditional. Due to the size of the existing lot and the presence of the stream along the northern setback, the applicant is seeking a site plan specific rezoning with the following variance: 1) the reduction in lot size from 15,000 sf. to 10,971 sq. ft.; and 2) the reduction of the required minimum front setback from 35' to 15'.

The proposed rezoning from LI to RAD-Conditional would result in the demolition of the existing home and the construction of a new residence at a density of 4 units per acre. The applicant plans to consolidate 2963 & 2965 Elizabeth Street into one residential lot and construct a new single-family home. The new home will front on an existing access easement that connects to Elizabeth Street, which how the existing home is currently accessed. The proposed home will have a front-entry two-car garage. The applicant has submitted building elevations with the rezoning application that depict the home that will be constructed on this lot. The proposed home will employ traditional architecture. The design of the new home will enhance the architectural standards of the general neighborhood.

There is an existing stream that borders the subject property to the north. The new proposed home is shown to encroach into the City's 25' Impervious Surface Area Setback along this stream. The applicant's plans show no other encroachments into the 50' Undisturbed Buffer. This encroachment will require a variance from the City's Stream Buffer requirements. The applicant has calculated the encroachment into the impervious setback at 924 sq. ft. and has proposed additional buffer area be preserved elsewhere on the stream to offset this encroachment. The applicant is proposing to preserve approximately 1,418 sq. ft. of buffer area elsewhere on the property along the stream buffer. The area preserved exceeds the area of encroachment. In principle, the City Engineer is ok with proposed mitigation plan.

In addition to the variance for the impervious surface area setback encroachment, the applicant will need several variances from the zoning requirements. These variances include the following:

1. Reduction of the minimum front setback from 35' to 15'; and
2. Reduction of the minimum lot size from 15,000 sq. ft. to 10,971 sq. ft.

Community Development has reviewed the proposed rezoning request and believes the nature of the request to be compatible with the surrounding neighborhood and in line with previous infill developments. The down zoning of the property from an industrial zoning designation to a single-family residential zoning designation brings the property into conformity with existing conditions of the area. Therefore, Community Development recommends **approval** of the rezoning the subject property from LI to RAD-Conditional for one single-family home at a density of 4 units per acre with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 5, 8, 9, 10, 12, 16 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.

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 comply with the City's current tree ordinance. 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.

Special Conditions

9. The development shall maintain the following minimum setbacks:
 - Front – 15' (from the Elizabeth Street Extension Easement)
 - Side – 10'
 - Rear – 30'
10. The home shall have a minimum floor area of 1800 sq. ft.
11. The new proposed home shall not exceed two-stories in height.
12. Mitigation of the ±924 square foot encroachment into the 25-foot impervious surface area setback must be provided at a rate of 1:1 elsewhere on site along the same stream. A separate mitigation site plan must be submitted for approval prior to issuance of a land disturbance permit.
13. Approval of the subject property for the RAD-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 2/12/2016.

14. The applicant shall be bound to the elevations submitted and dated 2/12/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.

**Figure – 1
(Subject Site)**



Figure – 2
Adjoining Property to the North



Figure – 3
Adjoining Property to the West



Figure – 4
Adjoining Property to the South



Figure – 5
Adjoining Property to the East



Figure – 6
Adjacent Property to the West Across Elizabeth Street

