

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: April 10, 2014

CC: Eric Taylor, City Administrator

RE: REZONING CASE Z14-008 – 3713 King Springs Road

Applicant:	<u>The McLane Company</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>Estate of Sarah & Ronald Petty</u>	Proposed Zoning:	<u>RAD-Conditional</u>
Location:	<u>3713 Kings Springs Rd</u>	Size of Tract:	<u>1.35 Acres</u>
Land Lot:	<u>527</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>6</u>	North	R-15 & RAD
Access:	<u>Kingsview Drive</u>	South	R-15
Existing Improvements:	<u>Vacant Parcel</u>	East	R-15
		West	NS
		<u>Hearing Dates:</u>	
		P&Z	March 10, 2014
		Mayor and Council	April 21, 2014

Proposed Use:

Development of 4 single-family detached residences at a density of 2.96 units per acre.

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 four (4) single-family residences. The adjacent parcels to the north across Kingsview Drive are zoned RAD, and are part of the Woodbury Place Subdivision. The adjoining parcels to the south and east are zoned R-15 and are occupied by single-family residences. The adjacent property to the west across Kings Springs Road is zoned Neighborhood Shopping and is occupied by the Kings Springs Baptist Church. The proposed single-family residences are suitable in view of the existing 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 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. All existing taps shall be used when possible. Water is located on the west side King Springs Road and on the north side of Kingsview Drive. Sanitary sewer is located on Kingsview Drive. Sewer and water taps 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 a density for the development of 2.96 units per acre, which corresponds to the land use designation of Suburban Residential (< 3 units per acre). The zoning proposal is in conformity with the City's Future Development Plan, which indicates a land use of Suburban Residential. 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.

There are no changing conditions of which staff is aware.

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 two specimen trees on-site and those specimen trees will be removed due to their location. The tree replacement plan shows replacement trees to meet tree density requirements.

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 developer and/or builder is reminded that the City of Smyrna has a Noise Ordinance that shall be followed with regards to working hours and noise generated during construction.

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) Minimum lot size; (2) Minimum lot width at setback line; (3) Minimum front setback; (4) Minimum side setback; and (5) Minimum rear setback. The required variances are similar to those variance granted during the rezoning of The Park at Kings Springs, Sutherlin Park and Woodbury Place subdivisions.

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	8,815	60'	20'	5'	20'	35'	45	2,100

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

The applicant is requesting a rezoning from R-15 to RAD-Conditional for the development of four new single-family homes at a density of 2.96 units per acre. The four proposed homes will front on and will be accessed from Kingsview Drive. The proposed homes will employ traditional architecture with craftsman style features with front-entry garages. The building elevations and floor plans have been provided in the rezoning application. The proposed homes will have a minimum floor area of 2,100 sq. ft.

The proposed subdivision will have four lots with a minimum lot size of 8,815 sq. ft. and a maximum lot size of 11,053 sq. ft.. In addition, a 10,678 sq. ft. passive park/open space area will be provided along King Springs Road. The applicant is proposing variances for reductions in setbacks that are comparable to the setbacks of nearby subdivisions with the same zoning classification in the immediate area:

- Reduction of minimum lot size from 15,000 sq. ft. to 8,815 sq. ft.;
- Reduction of minimum lot width from 100' to 60';
- Reduction of minimum front setback from 35' to 20';
- Reduction of minimum side setback from 10' to 5'; and
- Reduction of minimum rear setback from 30' to 20'.

Table 2 below provides a comparison between three nearby subdivisions (within a ¼ of the subject property) with a zoning classification of RAD. The comparison shows density, lot size and setbacks within each subdivision. The zoning proposal is in line with the other nearby subdivisions with a RAD zoning classification.

Table 2: Comparison of Nearby Subdivisions Zoned RAD

	Number of Lots	Density (Units/Acre)	Minimum Lot Size (sq. ft.)	Maximum Lot Size (sq. ft.)	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
Sutherland Park	56	3.95	7,184	20,564	20'	35'	25'
Woodbury Place	7	2.52	8,323	10,735	30'	35'	30'
The Park at King Springs	14	4.06	8,000	8,889	15'	35'	20'

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 0.14 acres 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 Development Plan for the area and is in line with zoning requirements of other nearby neighborhoods. Therefore, Community Development recommends approval for four single-family units at a density of 2.96 units per acre with the following conditions:

Standard Conditions

(Requirements #2, 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. 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 developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. 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.
5. All utilities within the development shall be underground.
6. 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.

7. No debris may be buried on any lot or common area.
8. 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".
9. 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.
10. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
11. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
12. 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

13. The development shall maintain the following setbacks:
 - Front – 20'
 - Street Side – 20'
 - Side – 5' with 15' between buildings
 - Rear – 20'
14. The development shall be developed with a minimum lot size of 8,000 square feet.
15. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
16. The developer shall provide a 5' right-of-way dedication along King Springs Road for the length of the property.
17. The developer shall install a 5' sidewalk with a 2' grass buffer along both Kingsview Drive and Kings Springs Road for the length of the property.
18. 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.

19. 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.
20. The developer and/or home builder shall comply with all requirements of the City's Noise Ordinance (construction work hours).
21. 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 2/7/2014 created by London Patterson Engineering Support Services.
22. The applicant shall be bound to the elevations submitted and dated 2/7/2014. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure – 1
Subject Property



Figure – 2
Subject Property



Figure – 3
Adjoining Property to the East



Figure – 4
Adjoining Property to the South



Figure – 5
Adjacent Property to the West Across King Springs Road



Figure – 6
Adjacent Property to the North Across Kingsview Drive

