

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

From: Russell Martin, AICP, Acting Director
Joey Staubes, AICP, Planner II

Date: June 14, 2019

CC: Tammi Saddler-Jones, City Administrator

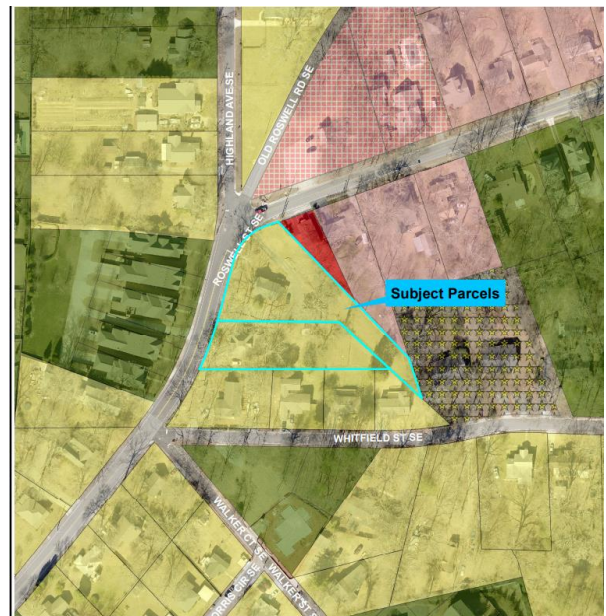
RE: REZONING CASE Z19-005 – 1420 & 1430 Roswell Street

Applicant:	<u>M. Junger Homes LLC</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>M. Junger Homes LLC.</u>	Proposed Zoning:	<u>R-10-Conditional</u>
Location:	<u>1420 & 1430 Roswell St</u>	Size of Tract:	<u>1.17 Acres</u>
Land Lot:	<u>561</u>	<u>Contiguous Zoning:</u>	
Ward:	<u>3</u>	North	LC
Access:	<u>Roswell St</u>	South	R-15
Existing Improvements:	<u>Four Single-Family Residences on two lots</u>	East	GC
		West	RAD
		<u>Hearing Dates:</u>	
		P&Z	March 11, 2019
		Mayor and Council	June 17, 2019

Proposed Use:
Four single-family detached residences at a density of 3.74 units per acre. The land use is Moderate Density Residential; no land use change is required for this rezoning.

Staff Recommendation:
Approval for four new single-family detached residences with conditions and a directive for the staff, applicant and community to work out a way to save the wall.

Planning Board Recommendation:
7-0 to **approve** the request.



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 properties to the north are zoned LC, to the south R-15, to the east GC, and to the west are zoned RAD and are occupied by single-family residences. The proposed rezoning would be consistent with 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 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 parcels have 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 development is not expected to cause an excessive or burdensome use of existing streets and transportation systems.

Based upon information provided by the Director of Public Works, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Sanitary sewer is located within the right-of-way of Roswell Street. Water for the proposed development is within the right-of-way of Roswell Street. It is the developer's responsibility to determine all elevations and make all water and sewer taps. Due to the location of both water and sewer mains, repaving of the roadway may be necessary. This information is based upon a concept plat titled 1420 & 1430 Roswell Street Zoning Plan by Crescent View Engineering LCC dated 3/6/19.

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

The subject property has a land use of Moderate Density Residential. The proposed development of four single-family residences on 1.17 acres yields a density of 3.74 units per acre. The Moderate Density Residential land use category allows density up to 4.5 units per acre. Therefore, the proposal is in conformity with the land use 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.

There are changing conditions affecting the use and development of the subject property, which give supporting grounds for the approval of the zoning proposal, such as the redevelopment of the immediate area in a neo-traditional form with new homes on smaller lots. The zoning proposal will be in-line with other existing developments and new infill developments.

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 building materials that will enhance neighborhood aesthetics. The development will have to meet the City of Smyrna'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, should have minimal effect upon adjacent properties. The applicant is requesting the following variance to the zoning requirements of the R-10 zoning category: (1) Reduction in minimum front setback from 25' to 20'; Table 1 below shows the requirements of the R-15 & R-10 zoning districts versus the proposed development.

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'	35'	35'	35	2,000
R-10 Zoning District	10,000	50'	25'	7.5'	15'	35'	35	1,500
Proposed Lots	11,636	50'	20'	7.5'	15'	35'	35	1,500

Note: Exterior side setbacks will be a minimum of 10 feet.

The applicant is seeking approval of a rezoning for 1420 & 1430 Roswell Street from R-15 to R-10-Conditional for the development of four single-family detached residences at a density of 3.74 units per acre. The applicant is proposing to demolish the existing four residences and subdivide the two parcels into four new lots and construct four new detached single-family residences. The proposed lots will range from 11,003 sq. ft. to 12,220 sq. ft. The homes will be rear-entry homes with a shared drive off Roswell Street. The submitted homes 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 applicant has proposed a community stormwater management facility for the development. The facility will be located at the rear of the property behind the new homes. The City Engineer has reviewed the proposed concept and believes it should meet the city's stormwater management requirements.

The applicant has agreed to dedicate 5 feet of right-of-way, as needed, along Roswell Street. Currently there is a sidewalk adjacent to the curb with a width of 3 feet abutting a stone wall. The standard sidewalk width is 5 feet with a 2 ft. grass strip. The applicant has proposed relocating the wall as an entry feature, to construct a sidewalk 5 ft. wide, with a 2 ft. wide grass strip. Some community members request for the wall to remain. If the wall is left as-is, the sidewalk will remain 3 ft. wide. Community Development and the City Engineer support the relocation of the wall to increase sight visibility, reduce safety hazards and potential liability for the city.

The applicant is seeking several variances to setbacks, lot size and lot width. These variances include the following:

1. Reduction in minimum front setback from 25' to 20';

Community Development has reviewed the requested variance associated with the rezoning and is **supportive of the variance**. The variance is a typical variance granted to other infill developments in the immediate area.

The proposed rezoning would provide for four residences at an overall density of 3.74 units per acre. This density is not excessive when compared to other previously approved infill developments in the city. 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	Roswell Street	4	3.72	10,000	50'
Dixie Ave	Dixie Avenue	5	3.82	7,567	50'
Riley's Walk – P.1	Gilbert Street & Devin Court	26	3.91	6,533	65'
Riley's Walk – P.4	Gilbert Street	4	2.51	16,602	52'
Belmont Avenue	Belmont Avenue & Pierce Avenue	55	5.17	2,754	40'
Adams Drive	Adams Drive & Pierce Avenue	2	4.9	7,430	70'

Community Development has reviewed the proposed development against the zoning standards of the recent adjacent rezonings and found the proposed development to be compatible with the infill development on or near Roswell Street.

The zoning request was heard by the Planning and Zoning Board at the March 11, 2019 meeting and was recommended for **approval** with conditions with a directive for staff, the applicant and the community to develop a way to preserve the wall. The zoning request went before the Mayor and City Council at the April 15, 2019 and May 20, 2019 meetings and was subsequently tabled at each meeting (after public comment) to allow additional time to resolve the issue with the wall. The city staff met with the applicant and community several times over the course of this request to try to facilitate a resolution. Community Development has developed a resolution to the issue and has modified the zoning stipulations below in an effort to preserve as much of the wall as possible.

Therefore, Community Development recommends **approval** of the rezoning from R-15 to R-10-Conditional for the development of four single-family units at a density of 3.72 units per acre with the following conditions (Community Development is proposing changes to the initial conditions to address the preservation of the wall and those changes are highlighted in yellow):

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10, and 12 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. The residences whose lots abut external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.

2. The retention 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 ten percent reduction in a 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.
5. No debris may be buried on any lot or common area.
6. 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.
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.
9. 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. 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

10. The development shall maintain the following setbacks:
 - Front – 20'
 - Exterior Side – 10'
 - Interior Side – 7.5' (with a minimum of 10' between buildings)
 - Rear – 15'
11. Driveway – 22' minimum length from garage face to private driveway.
12. The development shall be developed with a minimum lot size of 10,000 square feet.
13. The lots shall be developed with a minimum lot width at the setback line of 50'.

14. The homes shall have a minimum floor area of 1,500 sq. ft.
- ~~15. The developer shall provide a 5' sidewalk with a 2' grass buffer along Roswell Street for the length of the development.~~
16. The developer shall provide a 15' stormwater easement along the northern shared property line.
17. The developer shall provide a 5' Right-of-Way dedication along Roswell Street.
18. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
19. The maximum allowable lot coverage for the property shall be limited to 35%.
20. The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the Public Works Director.
21. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.
22. 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.
23. The location of the shared drive shall be relocated south of the proposed location on the submitted site plan (3/6/2019) to preserve as much of the wall as possible. The location of the shared drive shall be reviewed and approved by the City Engineer. If the new location of the shared drive requires the removal of a portion of the wall, the developer shall be permitted to remove the said portion to provide adequate clearance and sight line along Roswell Road.
24. The individual homes shall provide access to the public sidewalk. If the existing wall should preclude access to the public sidewalk, the developer shall be allowed to provide access through the wall if need be. The access through the wall shall be reviewed and approved by the City Engineer.
25. Approval of the subject property for the R-10 Conditional (R-10 Conditional) zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 3/6/2019 created by Crescent View Engineering LLC and all zoning stipulations above.
26. The applicant shall be build the homes in substantial compliance with the building elevations submitted and dated 2/8/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure -1
Subject Property



Figure - 2
Adjoining and Adjacent Properties



Figure - 4
Existing Survey

