

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: April 6, 2017

CC: Planning and Zoning Board
Michael Jones, City Administrator

RE: **REZONING CASE Z17-006 – 3071 & 3075 Nichols Street**

Applicant: Rick Kolb & Kimberly Norwood

Existing Zoning: CBD-Conditional

Titleholder: Alfred & Verna Hite

Proposed Zoning: RAD-Conditional

Size of Tract: 0.76 Acres

Location: Nichols Street

Contiguous Zoning:

Land Lot: 486

North RAD-Conditional

South CBD-Conditional

East CBD-Cond. & GC

West RAD-Conditional

Ward: 3

Access: Nichols Street

Hearing Dates:

P&Z April 10, 2017

M&C May 15, 2017

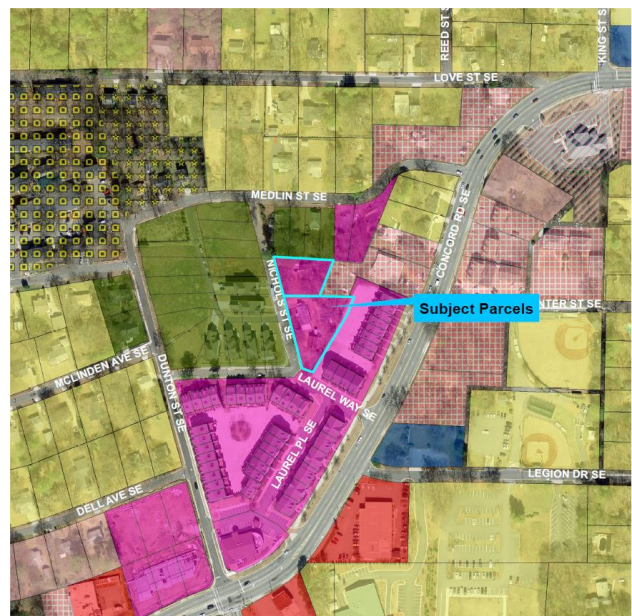
Existing Improvements: Two single-family residences with accessory structures

Proposed Use:

Development of three single-family detached residences at a density of 3.95 units per acre. No land use change will be required for this rezoning.

Staff Recommendation:

Approval for three new 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 proposed rezoning would result in the development of three detached single-family residences. The applicant is proposing to demolish the two existing houses and re-plot the lots for three new homes. The surrounding area continues to change from lower density residential to moderate density residential which will be furthered by this rezoning. The zoning proposal will permit a use that is 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 proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The adjacent properties are single-family residences; the zoning proposal will allow for three new homes in the neighborhood. The net impact for the neighborhood is one home after the redevelopment of the site.

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 sanitary sewer are located within the right-of-way of Nichols Street.

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

The 0.76-acre rezoning will be consistent with the Future Development Plan, which indicates a land use of Mixed Use. The density for the proposed development will not require a change in the Future Development Map.

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 and gives supporting grounds for approval of the zoning proposal.

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 tree protection plan indicates the required number of tree inches for the site has been met.

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, townhomes and commercial uses.

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. The applicant is seeking a site plan specific rezoning to deviate from: 1) required minimum lot size; 2) minimum lot width at setback line; 3) minimum front setback; and 4) minimum rear setback. Table 1 shows the requirements of the RAD zoning district versus 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
RAD Zoning District	15,000	100'	40'	10'	30'	35'	45	1,800
Proposed Residences	9,000	82'	25' & 15'	10'	25' & 20'	35'	45	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.

In 2008, the subject property was part of an assemblage and was rezoned (Z08-001) to CBD-Conditional for the construction a parking lot that would support a mixed use building (medical office space with condominiums above) on Concord Road. The planned development never came to fruition and the subject property went into foreclosure. The adjoining properties along Medlin Street were part of the original assemblage and were subsequently rezoned from the parking area to four detached single-family homes in 2012 (Zoning Case Z12-002) and 2013 (Zoning Case Z13-012). The homes have been constructed and are currently occupied by residents in a subdivision known as Medlin Park.

The proposed rezoning would provide for the development of three single-family detached residences with a minimum lot size of approximately 9,300 square feet in area. Each home in the proposed development will be accessed from Nichols Street via individual driveways. The conceptual building plans submitted with the rezoning, indicate residential elevations will employ a variety of building materials and architectural features that will enhance the architectural standards of the general neighborhood.

The proposed lots for the rezoning will be 10,353 sq. ft., 10,131 sq. ft. and 9,303 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 9,000 sq. ft.; 2) a reduction in the minimum lot width at the setback line from 100' to 82'; 3) a reduction in the minimum front setback from 35' to 25' for lots #1 and #2 and 15' for lot #3; and 4) a reduction in the minimum rear setback from 30' to 25' for lots #1 and #2 and 20' for lot #3. These deviations are reflected in Table 1 above. Community Development is supportive of the requested variances due to the lot geometry and variances being in-line with other infill developments.

The applicant has provided a conceptual zoning plan (which shows proposed grading and stormwater management facilities) and tree plan with the rezoning application. City staff has reviewed the plans and has provided comments to Community Development to be incorporated into the zoning conditions. Each home will have individual underground stormwater management facilities. The City Engineer will review and approve all stormwater management facilities prior to the issuance of development permits.

The proposed rezoning would provide for three residences at an overall density of 3.95 units per acre. The proposed density and lot requirements are comparable to other previously approved infill developments in the area and are within the future land use designation for the

surrounding area. Table 2 shows the proposed rezoning is inline with the infill development in the immediate area 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
Proposed Development	Nichols Street	3	3.95	9,300	82'
Medlin Place	Medlin Street & Dunton Street	16	5.143	6,202	45'
Cottages at King Springs	King Springs Road	11	3.02	13,434	56'
Medlin Park	Medlin Street	2	6.67	6,300	49'
Medlin Park Phase 2	Medlin Street	2	6.67	6,300	49'
1041 McLinden Avenue	1041 McLinden Avenue	2	4.9	8,997	80'
1051 McLinden Avenue	1051 McLinden Avenue	2	5.5	7,747	80'
1000 McLinden Avenue	1000 McLinden Avenue	2	4.2	9,040	60'

The rezoning is consistent with City's Future Development Plan. Therefore, the Community Development recommends **approval** of the rezoning the subject property from CBD-Conditional to RAD-Conditional for three detached single-family units at a density of 3.95 units per acre with the following conditions:

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 stormwater management facility 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.
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 minimum setbacks:

Front – 25' (Lots #1 & #2) and 15' (Lot #3)
Side – 10'
Rear – 25' (Lots #1 & #2) and 20' (Lot #3)
11. Each home will be a minimum of 1,800 square feet in floor area.
12. The final plat for the development shall include a right-of-way dedication of 10' along Nichols Street.
13. The approval of the rezoning of the subject property shall be in substantial conformity to the site plan submitted on March 10, 2017, titled Nichols Heights Subdivision and created by Sean Murphy. Should there be any changes during Plan Review which require minor site plan revisions; any such changes shall be subject to the review and approval of the Director of Community Development.
14. The architectural style, composition and treatment of the residences shall be in substantial conformity to the renderings/elevations submitted on March 10, 2017. However, should minor modifications be required during the Plan Review process, said modifications shall be subject to the review and approval of the Director of Community Development.

Figure – 1
Subject Property





Figure – 2
Adjacent properties





