



City of Smyrna

City of Smyrna
A. Max Bacon City Hall /
Council Chambers
2800 King Street
Smyrna, GA 30080
770-434-6600
www.smyrnacity.com

Legislation Details (With Text)

File #: 2019-438 **Version:** 3 **Name:** Rezoning Request Z19-018 - 1460 Memory Ln
Type: Authorization **Status:** Approved
File created: 12/4/2019 **In control:** City Council
On agenda: 2/17/2020 **Final action:** 2/17/2020
Title: Public Hearing - Zoning Request - Z19-018 - Rezoning from R-20 to R-15 (or similar single-family zoning district) for the development of two single family homes at a density of 2.22 units/acre - 0.90 Acres - Land Lot 557 - 1460 Memory Lane - Reggie Lopes.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Issue Sheet 2019-438.pdf, 2. Staff Memo_Z19-018_MC_V3, 3. Land Use Map_Z19-018, 4. Zoning Vicinity Map_Z19_018, 5. Site Plan V3_Z19-018.pdf, 6. Elevations_V2_V19-018.PDF, 7. Application_Z19-018, 8. Deed_Z19-018, 9. Elevations_Z19-018, 10. Existing Survey_Z19-018, 11. Property Taxes_Z19-0108, 12. Water Sewer Letter_Z19-018, 13. Legal Ad_Z19-018

Date	Ver.	Action By	Action	Result
2/17/2020	3	City Council	denied	Pass
1/21/2020	2	City Council	tabled	Pass
12/9/2019	1	Planning and Zoning Commission	denied	Pass

WARD: 6, Mayor Pro Tem Tim Gould

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Zoning Request - Z19-018 - Rezoning from R-20 to R-15 (or similar single-family zoning district) for the development of two single family homes at a density of 2.22 units/acre - 0.90 Acres - Land Lot 557 - 1460 Memory Lane - Reggie Lopes.

Reggie Lopes is seeking approval of a rezoning for 1460 Memory Lane from R-20 to R-15 for the development of two single-family detached residences at a density of 2.22 units per acre. The applicant is seeking to demolish the existing single-family home and then subdivide the parcel into two lots and construct two equal single-family residences. The proposed lots will be 19,463 sq. ft. and 19,594 sq. ft. (or 18,018 sq. ft. and 11,576 sq. ft. after the 5' right-of-way dedication along Memory Lane & Northview Place). Lot 1 will have a side garage accessed from Northview Place, and Lot 2 will have a front entry garage accessed from Memory Lane. The applicant has submitted building elevations and floor plans for each home in the rezoning application. The applicant proposes to use brick, stone, and siding for the façade materials for each home. During the Planning and Zoning Board meeting on December 9, 2019, several members of the community had concerns that rezoning the subject property to R-15 would set a negative precedent and allow other lots in the area to be rezoned to R-15 allowing additional density in the neighborhood. After hearing those concerns, the Planning and Zoning Board recommended to deny the request by a vote of 7-0. Therefore, staff recommends modifying the requested zoning from R-15 to R-20-Conditional with variances for the lot sizes to maintain the R-20 zoning designation in the immediate neighborhood. If the R-20-Conditional zoning is approved a variance is needed to lower the minimum lot size to 19,463 sq. ft.. Community Development is supportive of modifying the zoning request to R-20-

ional with a variance for lot size. The Future Land Use will remain LDR - Low Density Residential.

BACKGROUND: The Planning and Zoning Board recommended to deny the zoning change from R-20 to R-15 by a vote of 7-0 at the December 9, 2019 meeting.

RECOMMENDATION/REQUESTED ACTION: The applicant originally requested rezoning from R-20 to R-15 for the development of two new single-family homes. The surrounding residents opposed the zoning request at the Planning and Zoning Board stating the proposed zoning to R-15 would establish a negative precedent allowing increased density in their community, which is zoned R-20. Community Development is supportive of the proposed rezoning, but is recommending a modification to the requested zoning district from R-15 to R-20-Conditional to address the residents concerns with respect to establishing a precedent for the R-15 zoning district. Staff feels comfortable that this will not create a future precedent due to this property previously being two recorded lots of 2.22 acres and tying the zoning of the property to the specific site plan. Therefore, Community Development recommends **approval** of the rezoning from **R-20 to R-20-Conditional** for the development of two single-family homes at a density of 2.22 units per acre with the **following conditions:**

Standard 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. All utilities within the development shall be underground.
3. 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.
4. No debris may be buried on any lot or common area.
5. 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.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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.

Additional Conditions

9. The development shall maintain the following setbacks:
Front - 35'
Interior Side - 12'

Exterior Side - 23'
Rear - 35'

10. Driveway - 22' minimum length from building face to private driveway.
11. The right-of-way along Northview Place and Memory Lane shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along both right-of-ways.
12. The developer shall install a 5' sidewalk with 2' grass strip along Northview Place and Memory Lane.
13. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
14. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
17. Approval is conditioned upon substantial compliance with the site plan submitted on November 19, 2019, prepared by Pristine Land Services and all zoning stipulations above.
18. Minimum lot size shall be a minimum of 19,463 sq. ft. (or 18,018 sq. ft. after the required right-of-way dedication).
19. Approval is conditioned upon substantial compliance with the elevations submitted on February 13, 2020, prepared by CS Design Group, LLC.

Developer Added Conditions at Neighborhood Request

20. The elevations of the houses shall not exceed those heights shown in the updated elevations (which is less than 35').
21. The developer/builder shall abide by all Smyrna required construction hours, and will notify all subcontractors of the Smyrna noise ordinance. Developer builder shall give his phone number to all neighbors in close proximity to the homes so they can call him with issues.
22. Developer shall direct all vendors to use Atlanta Road for deliveries. If any damage occurs due to delivery trucks, CMS Custom Homes shall timely repair all damage and backcharge the vendors.
23. Developer shall leave a 15' undisturbed buffer at the rear of the property subject only to diseased or dead trees (certified by an Arborist) or other issues that could cause serious bodily harm or serious damage.
24. Developer shall adhere fully to the City of Smyrna's new tree ordinance, which would be enforced

by the City of Smyrna.