



City of Smyrna

City of Smyrna
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Legislation Details (With Text)

File #: 2017-252 **Version:** 1 **Name:** Zoning Request Z17-013
Type: Authorization **Status:** Failed
File created: 7/6/2017 **In control:** City Council
On agenda: 1/16/2018 **Final action:** 1/16/2018
Title: Public Hearing - Zoning Request Z17-013 - Rezoning from R-15 to RAD-Conditional for the development of four single-family residences at a density of 3.39 units per acre - 1.18 Acres - Land Lot 593 - 1505 & 1515 Spring Street - Neighborhood Commercial, LLC
Sponsors: Maryline Blackburn

Indexes:

Code sections:

Attachments: 1. Issue Sheet 2017-252 Rezoning Spring Street.pdf, 2. Staff Memo_V.2_Z17-013.pdf, 3. Zoning Vicinity Map_Z17-013.pdf, 4. Land Use Vicinity Map_Z17-013.pdf, 5. Rezoning Application_Z17-013.pdf, 6. Site Plan_V.3_Z17-013.pdf, 7. Colored Site Plan_V.3_Z17-013.pdf, 8. Building Elevations_Z17-013.pdf, 9. Building Elevations_1_Z17-013.pdf, 10. Building Elevations_2_Z17-013.pdf, 11. Building Elevations_3_Z17-013.pdf, 12. Lemuel Ward letter_11132017_Z17-013.pdf, 13. Garvis Sams Letter_11132017_Z17-013.pdf, 14. Garvis Same Letter_09262017_Z17-013.pdf, 15. Garvis Sams Letter_09052017_Z17-013.pdf, 16. Garvis Sams Letter_08142017_Z17-013.pdf, 17. Garvis Same Letter_08102017_Z17-013.pdf, 18. Garvis Same Letter_07252017_Z17-013.pdf

Date	Ver.	Action By	Action	Result
1/16/2018	1	City Council	denied	Fail
1/16/2018	1	City Council	denied	Fail
12/18/2017	1	City Council	tabled	Pass
11/20/2017	1	City Council	tabled	Pass
10/9/2017	1	Planning and Zoning Commission	denied	Pass
8/14/2017	1	Planning and Zoning Commission	tabled to a specific date	Pass
7/10/2017	1	Planning and Zoning Commission	tabled to a specific date	Pass

WARD: 3

COMMITTEE: Community Development

\$ IMPACT: N/A

Public Hearing - Zoning Request Z17-013 - Rezoning from R-15 to RAD-Conditional for the development of four single-family residences at a density of 3.39 units per acre - 1.18 Acres - Land Lot 593 - 1505 & 1515 Spring Street - Neighborhood Commercial, LLC

ISSUE: Neighborhood Commercial Holdings, LLC is seeking rezoning from R-15 to RAD-Conditional for the development of four new single-family homes at density of 3.39 units per acre. The four new homes will have side-entry garages that will be served by a private street off Spring Street. The lot that abuts Spring Street will have the home front on Spring Street. The remaining three lots will front on the new private street.

BACKGROUND: This zoning request was tabled at the July 10, 2017 Planning and Zoning Board Meeting to the August 14, 2017 meeting by a vote of 5-0. This zoning request was tabled at the August 14, 2017 Planning and Zoning Board Meeting to the September 11, 2017 meeting by a vote of 7-0. This item was moved from the September 11, 2017 Planning and Zoning Board Meeting to the October 9, 2017 meeting due to Hurricane Irma. The zoning item was heard at the October 9, 2017 Planning and Zoning Board Meeting and was recommended for denial by a vote of 5-1.

RECOMMENDATION/REQUESTED ACTION: The Planning and Zoning Board has recommended denial of the rezoning request by a vote of 5-1. However, Community Development has recommended **approval** of the requested rezoning for 1505 and 1515 Spring Street with the following conditions:

Standard Conditions

Requirements #2, 8 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. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
8. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
9. No debris may be buried on any lot or common area.
10. 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".

11. 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.
12. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
13. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
14. 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.

al Conditions

15. The development shall maintain the following setbacks:
Front - 20'
Side - 5' with a minimum of 10' between buildings
Rear - 30'
16. The development shall be developed with a minimum lot size of 9,080 square feet.
17. The proposed homes shall have a minimum floor area of 1,800 sq. ft.
18. The driveways shall have a minimum length of 22' from building face to edge of Private Street. Each unit shall have a two-car garage.
19. The final plat for the development shall include a right-of-way dedication of 5' along Springs Street.
20. The developer shall provide a 10' landscape buffer along the northern property boundary in accordance with Section 503 of the Zoning Ordinance.
21. A new 5' sidewalk with 2' grass buffer shall be constructed along both Spring Street and the new private street.
22. The private street shall have a minimum width of 26' back of curb to back of curb.
23. The applicant shall work with the City Engineer to remedy any sight distance issues along Spring Street. The applicant shall be responsible for any improvements deemed necessary by the City Engineer.
24. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
25. The developer shall be responsible for any fire access improvements deemed necessary by the

Fire Marshal during construction plan review.

26. The developer shall provide a 50' public access & utility easement over the private street for water and sanitary sewer services. All water and sanitary sewer mains must be located within this utility easement.
27. 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.
28. 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.
29. The developer shall create deed covenants for the private street in which the ownership, maintenance, and utilization are the shared responsibility of the HOA. These covenants must be supplied to the City prior to the issuance of a building permit.
30. The home adjacent to Spring Street shall have the front of the home on Spring Street.
31. The private street shall not be gated.
32. 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 9/26/2017 created by BH & D Engineering. The Community Development Director shall review and approve all minor changes and revision to the site plan during the plan review process.
33. The applicant shall be bound to the elevations submitted and dated 9/26/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.
34. The approval of the rezoning is subject to the stipulations agreed upon by the applicant in the letter submitted and dated September 26, 2017 by Garvis Sams with Sams, Larkin, and Huff, LLP. If there should be a discrepancy between the stipulations in the September 26, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.