



City of Smyrna

City of Smyrna
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Legislation Details (With Text)

File #: 2020-125 **Version:** 2 **Name:** Rezoning Request Z20-004 - 3655 Love St & 1080 & 1096 Church St
Type: Authorization **Status:** Passed
File created: 3/4/2020 **In control:** Planning and Zoning Commission
On agenda: 11/2/2020 **Final action:** 11/2/2020
Title: Public Hearing - Zoning Request - Z20-004 - Rezoning from RM-10 & R-15 to RM-10 Conditional for the development of 11 single-family detached homes at a density of 6.96 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC

Sponsors:

Indexes:

Code sections:

Attachments: 1. Issue Sheet 220-125 Church Street, 2. Staff Memo_Z20-004_M&C.pdf, 3. Site Plan_V3_Z20-004.pdf, 4. Zoning Map_Z20-004.pdf, 5. Land Use Map_Z20-004.pdf, 6. Rezoning Application_Z20-004.pdf, 7. Martin, Rusty 08-25-2020 Stipulation Letter.pdf, 8. Request to Table 11-2-2020.pdf, 9. Const Challenge_Z20-004.pdf, 10. Cover Letter_Z20-004.pdf, 11. Deed_Z20-004.pdf, 12. Elevations_Z20-004.pdf, 13. LOI to purchase from Smyrna_Z20-004.pdf, 14. P&Z Site Plan_Z20-004.pdf, 15. Tax Receipts_Z20-004.pdf, 16. Tree Plan_Z20-004.pdf, 17. Water & Sewer_Z20-004.pdf

Date	Ver.	Action By	Action	Result
11/2/2020	2	City Council	Approved Item	Pass
10/19/2020	2	City Council	Tabled	Pass
9/14/2020	2	Planning and Zoning Commission	Denied	Pass
3/9/2020	1	Planning and Zoning Commission	Tabled	Pass

WARD / COUNCILMEMBER: Ward 3 / Councilman Lindley / Boardmember Bentley

\$ IMPACT: N/A

Public Hearing - Zoning Request - Z20-004 - Rezoning from RM-10 & R-15 to RM-10 Conditional for the development of 11 single-family detached homes at a density of 6.96 units per acre - 1.6 acres - Land Lot 487 - 3655 Love Street, 1080 and 1096 Church Street - Martinello Group, LLC

ISSUE AND BACKGROUND:

ello Group, LLC is seeking approval of a rezoning for an assemblage of 1080 & 1096 Church Street and Love Street from RM-10 & R-15 to RM-10 Conditional for the development of twelve (12) single-family residences at a density of 7.5 units per acre. The applicant is proposing to demolish the three existing family structures and then subdivide the parcel into eleven (11) lots to construct eleven (11) individual single-residences. The proposed lots will be a minimum 3,163 sq. ft. in area. The homes will face a public street front-entry garages. The applicant has submitted building elevations and floor plans for each home in the application. The applicant proposes to use brick, stone, and siding for the façade materials for each home

Community Development considers the rezoning to be a special circumstance since the property is currently zoned for the majority of the assemblage, which is primarily designed for multi-family buildings with multiple units that occupy less land area. With the rezoning, there is the opportunity to build twelve detached single-family

that will provide a transition between the single-family detached homes along Church Street and multi-apartments along Medlin Street. Although the lot widths are below the 100 ft. minimum, the site plan ins a separation of 10' between houses. Community Development believes the special conditions of this c lot are a unique opportunity and overall benefit to the City. Community Development would not have tted the variances considered in this request had the property not already been zoned RM-10.

Planning Board voted to deny the request by a vote of 7-0 at the September 14, 2020 meeting due to ns about the internal street geometry. The applicant has revised the plan to address that concern from the and the public comments.

MMENDATION / REQUESTED ACTION: Community Development has reviewed the proposed pment against the zoning standards of the recent nearby rezonings and found the proposed development to npatible. The demolition of the existing single-family homes and construction of the eleven (11) single-family result in a density of 6.96 units per acre on the subject property. The applicant is requesting a rezoning from & R-15 to RM-10 Conditional and the proposed zoning is in line with the infill development patterns for this orhood. The development requires a change in land use from MDR to MHDR.

Community Development recommends **approval** of the rezoning from RM-10 & R-15 to RM-10-Conditional for the pment of eleven (11) single-family units at a density of 6.96 units per acre with the following conditions:

ard Conditions

rements # 2, 4, 8 and 17 from Section 1201 of the Zoning Code are not applicable. The following ements remain 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. All utilities within the development shall be underground.
3. There shall be protective covenants on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.
4. The retention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside of the development. The storm water detention plan shall be designed to create at least a 10 percent reduction in a 100-year storm event. The engineer shall approve all plans.
5. 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 two feet shall be provided between the back of curb and sidewalk.
6. 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.

7. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
8. No debris may be buried on any lot or common area.
9. 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".
10. 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.
11. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
12. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
13. 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.

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14. The development shall maintain the following minimum setbacks:
 - Front - 10'
 - Side - 5'
 - Street Side (along Church Street) - 20' (from the existing ROW)
 - Rear - 20'
15. Driveway - 22' minimum length from building face to back of sidewalk or back of curb if no sidewalk is present.
16. The developer shall dedicate 5' of right-of-way along Church Street.
17. The developer shall install curb, gutter, and sidewalk at the frontage of property along Church Street.
18. The developer shall provide a cross-walk across the subdivision entrance as well as Church Street.
19. The developer shall be required to expand the Church Street roadway to meet street width on either side of the development.
20. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
21. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during

construction plan review.

22. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
23. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
24. Approval of the subject property for the RM-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 10/21/2020 and created by Contineo Group Engineers and all zoning stipulations above.
25. The applicant shall be bound to the elevations submitted on 2/14/2020. Approval of any change to the elevations must be obtained from the Director of Community Development.