

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: December 10, 2015

CC: Planning and Zoning Board  
Michael Jones, Interim City Administrator

**RE: REZONING CASE Z15-022 – 1195 Hill Street**

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**Applicant:** SNE, LLC

**Existing Zoning:** R-15

**Titleholder:** SNE, LLC

**Proposed Zoning:** RAD-Conditional

**Size of Tract:** 0.431 Acres

**Location:** 1195 Hill Street

**Contiguous Zoning:**

**Land Lot:** 489

North	R-15
South	R-15
East	RAD-Conditional
West	R-15

**Ward:** 3

**Access:** Hill Street

**Hearing Dates:**

**Existing Improvements:** One Single-Family Residence and Accessory Structure

P&Z	December 14, 2015
M&C	January 19, 2016

**Proposed Use:**

The applicant is proposing the construction of two (2) new detached single-family residences. The density for the site will be 4.65 units per acre. A land use change from Moderate Density Residential to Medium Density Residential will be required for this rezoning.

**Staff Recommendation:**

Community Development recommends **denial** of requested rezoning.



## 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 two new single-family residences. Since the proposed single-family residences will be located in the middle of an existing single-family neighborhood; the proposed use is suitable in view of the use and development of adjacent and nearby property.*

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 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 Hill Street. Existing water and sewer taps shall be used where possible. When existing taps aren't usable, the developer shall cap those taps at the mains. Additional water and sewer taps are the responsibility of the developer. Elevations are the responsibility of the developer. This information is based upon a preliminary subdivision plat for 1195 Hill Street by Alpha Land Services dated 8/13/2015.*

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

*The 0.431-acre rezoning is not consistent with the Future Development Plan, which indicates a land use of Moderate Density Residential. The proposed density of 4.65 units per acre for the development exceeds the maximum allowable density of 4.5 units per acre for the Moderate Density Residential land use classification on the Future Development Plan. The zoning proposal will require a change on the Future Development Map from Moderate Density Residential to Medium Density Residential (Up to 6 units per acre).*

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. However, most of these infill developments have been within the density requirements of the existing land use classification of the property. The rezoning would require a land use change to Medium Density Residential.*

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 proposed scale of the home will be compatible with the existing homes in the immediate areas.*

*The tree plan indicates the required number of tree inches for the site has been conserved and replanted to meet the requirements of the City'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 due to the fact that the surrounding area is also comprised of single-family residences.*

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, will have an effect 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) the required minimum lot size; and 2)*

*the required minimum lot width at setback line. Table 1 shows the requirements of the RAD & R-15 zoning districts versus the proposed development.*

<b>Table 1: Lot Requirements for RAD Zoning District vs. Proposed Development</b>								
	<b>Min. Lot Size (Square Feet)</b>	<b>Min. Lot Width at Setback Line</b>	<b>Min. Front Setback</b>	<b>Min. Side Setback</b>	<b>Min. Rear Setback</b>	<b>Max. Height</b>	<b>Max. Lot Coverage (percent)</b>	<b>Min. Square Footage</b>
<b>R-15 Zoning District</b>	<b>15,000</b>	<b>85'</b>	<b>35'</b>	<b>10'</b>	<b>30'</b>	<b>35'</b>	<b>35</b>	<b>2,000</b>
<b>RAD Zoning District</b>	<b>15,000</b>	<b>100'</b>	<b>35'</b>	<b>10'</b>	<b>30'</b>	<b>35'</b>	<b>45</b>	<b>1,800</b>
<b>Proposed Lots</b>	<b>7,968</b>	<b>67'</b>	<b>35'</b>	<b>10'</b>	<b>30'</b>	<b>35'</b>	<b>45</b>	<b>1,800</b>

**Note:** Single-family detached dwellings in an RAD district shall meet the minimum side and rear yard requirements specified for the R-15 district.

**Note:** The street side setback for the new lot is reflected as 23.3' due to Section 1202 of the Zoning Ordinance which requires the street side setback to be two thirds the required front setback.

The subject property was originally subdivided 1935 and was recorded as three (3) individual parcels. The applicant has provided the original plat of W.G. Brown's subdivision from 1935. The lots fronted on Hills Street with 53.5' frontages. The three parcels were consolidated into one parcel and one single-family home was constructed.

The proposed rezoning would result in the demolition of the existing home and the creation of two new single-family residences. The homes will face Hill Street with front-entry two-car garages. The applicant has submitted building elevations and floor plans for the residences in the rezoning application. The submitted elevations reflect a traditional style home with a mixture of exterior façade materials and architectural elements. The design of the homes will enhance the architectural standards of the general neighborhood.

The proposed lots for the rezoning will be 7,968 sq. ft. and 10,787 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 7,900 sq. ft.; and 2) a reduction in the minimum lot width at the setback line from 100' to 67'. These deviations are reflected in Table 1 above.

The City Engineer has reviewed the proposed site plan for compliance with the City's stormwater management requirements, but no information has been provided on the plans with regards to stormwater management. The City Engineer believes the stormwater management requirements can be met on-site; however he will need further information to make a final determination. The City Engineer requests information regarding the stormwater management facilities be provided prior to the scheduled Mayor and Council meeting.

The proposed rezoning would provide for 2 residences at an overall density of 4.65 units per acre. This density is not excessive when compared to other previously approved infill developments in the city. However, the density exceeds the density approved for other infill developments between Market Village and Belmont Hills. Table 2, shows the density of the

proposed rezoning is above the densities of other infill developments in the immediate area, with the exception of the two down zonings at Atlanta Road & Hill Street.

<b>Table 2: Infill Developments</b>					
<b>Name of Development</b>	<b>Location</b>	<b>Number of Lots</b>	<b>Site Density</b>	<b>Minimum Lot Size (square feet)</b>	<b>Minimum Lot Width</b>
<b>Jason Allen</b>	Bank Street	3	3.29	11,457	59'
<b>Parkview Village II</b>	Bank Street	3	3.94	11,000	57'
<b>Parkview Village III</b>	Bank Street	13	4.26	6,477	51'
<b>Grady Manor</b>	Grady Street	16	4.11	7,000	50'
<b>Church Street</b>	Church Street	2	3.51	12,400	59'
<b>Parks Edge</b>	Powder Springs Street	19	4.2	6,000	50'
<b>Brown Circle</b>	Brown Circle	2	4	10,772	71'
<b>Fleming &amp; Hughes</b>	Fleming & Hughes	3	4.17	8,090	55'
<b>Hill Street*</b>	Hill Street & Hickory Hill Drive	4	5.9	5,244	57'
<b>Village Walk**</b>	Fleming Street & Hill Street	26	11.98	5,817	70'

\*Downzoning from LC to RAD for the development of four homes.

\*\*Downzoning from GC & R-15 to RAD for the development townhomes and single-family homes.

The property at the intersection of Brown Circle and Hughes Street was rezoned in 2013 from R-15 to RAD for two single-family residences. The property was originally subdivided in 1935 for 3 single-family lots, which had been consolidated into one lot with one single-family home. The applicant requested the property be re-subdivided into two lots meeting the setback requirements of the RAD zoning district. However, variances were given for minimum lot size and minimum lot width only. The density of that rezoning remained within the density requirement of the Moderate Density Residential land use classification.

Community Development recommends **denial** of the proposed zoning from R-15 to RAD based on the following facts. First, the proposed density of the project exceeds the maximum allowable density for the immediate area and would require a land use change to Medium Density Residential. Second, the subject property is not contiguous to any property with a Medium Density Residential land use classification and is situated in the middle of a single-family neighborhood with a Moderate Density Residential land use classification. Finally, the proposed zoning if approved may potentially lead to similar type requests within the neighborhood because most of the homes in the neighborhood located on a lot which was consolidated from two originally platted lots.



**Figure – 1**  
**(Subject Site)**



**Figure – 2**  
**(Subject Property)**





**Figure – 3**  
**(Adjoining Property to the West)**



**Figure – 4**  
**(Adjacent Property Across Hill Street)**



**Figure – 5**  
**(Adjoining Property to the East)**

