

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

From: Russel Martin, AICP, Community Development Director
Joey Staubes, AICP, Planner II

Date: March 9, 2022

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z22-003– 2635 Hickory Hill Drive**

Applicant: Harold Shoemaker

Existing Zoning: LC

Titleholder: Nu-Era Ventures of GA LLC

Proposed Zoning: R-15

Size of Tract: 0.35 acres

Location: 2635 Hickory Hill Dr

Contiguous Zoning:

Land Lot: 520

North RDA

South R-15

East GC

West R-15

Ward: 3

Access: Hickory Hill Drive

Hearing Dates:

Existing Improvements: One Single-Story Structure

P&Z March 14, 2022

Mayor and Council April 18, 2022

Proposed Use:

The applicant is requesting a rezoning of one lot from LC (Limited Commercial) to R-15. There is no change to the future land use of MODR – Moderate Density Residential.

Staff Recommendation:

Approval of the rezoning from LC (Limited Commercial) to R-15 (Residential).

Planning & Zoning Board Recommendation: **Approval**
by a vote of 7-0 at the March 14, 2022 meeting.



PROJECT DESCRIPTION

Harold Shoemaker is requesting the rezoning of one lot from LC (Limited Commercial) to R-15 (Residential) for the ability to build a new single-family home on the property. The subject property is zoned LC and currently occupied with a residential structure on the lot. The applicant is proposing to demolish the existing structure and build a new home; therefore, a zoning change from LC to R-15 required.

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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

Applicant Response:

"Yes the rezoning to residential will fall in line with the adjacent properties."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.35 acres and is zoned LC (Limited Commercial). Approval of the zoning proposal would allow the applicant to demolish the existing residential structure and build a new single-family home. The adjacent properties to the north are zoned RDA (Residential). The adjacent property to the south is zoned R-15. The adjacent property to the west is zoned R-15. All properties to the north, south, and west are used for residential purposes. The adjacent property to the east is zoned GC (General Commercial) and occupied with Fire Station #1. The proposed zoning would continue to be consistent with 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.

Applicant Response:

"No, all other properties on the street are currently zoned residential."

Staff Analysis:

The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining commercial and residential uses. The proposed rezoning will be accessed directly from Hickory Hill and not impact any additional local streets.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

Applicant Response:

"No, the property has always had a residential structure on it, and somehow must have been rezoned when the fire station behind it was built."

Staff Analysis:

The subject parcel has 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.

Applicant Response:

"No, the property has a two-bedroom house on it that has always been used as residential."

Staff Analysis:

Based upon information from the City Engineer, the proposed use will not cause an excessive or burdensome use of the existing streets or transportation facilities.

The property is currently serviced with water and sewer from the city.

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

Applicant Response:

"Yes."

Staff Analysis:

The subject property has a future land use designation of MODR (Moderate Density Residential) on the city's 2040 Future Land Use Plan. The proposed rezoning to R-15 is a compatible zoning district.

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.

Applicant Response:

"The property is currently used as residential."

Staff Analysis:

The properties along Hickory Hill Drive are used for residential purposes and the subject property is not suitable for commercial development. Thus the existing conditions support a change to R-15.

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.

Applicant Response:

"The rezoning will allow for a new house to be built keeping up with the standards of the newer houses in the subdivision."

Staff Analysis:

The general area is primarily comprised of residential properties. The subject property will conform with the aesthetics of the general neighborhood.

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

Applicant Response:

"None."

Staff Analysis:

The proposal to rezone to R-15 will not create a nuisance for existing uses in the area. The proposed residential use is consistent with other uses in the area.

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.

Applicant Response:

"This would be a positive effect in the neighborhood bringing a new house that is in keeping with the rest of the neighborhood."

Staff Analysis:

Factors associated with the size of the proposed use, in either land area or building height will be unchanged and have no negative effect upon all adjacent and nearby properties.

Project Analysis

Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. No additional transportation or stormwater management improvements are required for the site except for directing the front roof drains towards Hickory Hill Drive. There are no stream buffers affecting the property.

Fire Marshal Review

The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access.

Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal is consistent with the future land use designation from MODR (Moderate Density Residential).

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance and found it to be in compliance. Community Development Staff is supportive of the change in zoning from LC to R-15.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from LC to R-15 at 2635 Hickory Hill Drive with the following conditions:

1. Approval of the subject property shall be conditioned upon substantial compliance with the site plan submitted on 2/11/22.
2. The applicant shall provide a 5' sidewalk with 2' grass strip.
3. The applicant shall dedicate 10' of right-of-way dedication along Hickory Hill Drive.
4. The applicant shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

Subject Property



Adjacent Properties



Adjacent Properties

