

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: April 5, 2021

CC: Joe Bennett, City Administrator
 Planning and Zoning Board

RE: REZONING CASE Z21-007– 454 Smyrna Powder Springs Rd

Applicant:	<u>AOS 454 LLC</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>AOS 454 LLC</u>	Proposed Zoning:	<u>R-10</u>
Location:	<u>454 Smyrna Powder Springs Rd</u>	Size of Tract:	<u>0.49 acres</u>
Land Lot:	<u>304</u>	Contiguous Zoning:	
Ward:	<u>5</u>	North	RDA
Access:	<u>Old Concord & Smyrna Powder Springs Rd</u>	South	R-15
Existing Improvements:	<u>One single-family detached unit</u>	East	R-15
		West	R-15
		Hearing Dates:	
		P&Z	April 12, 2021
		Mayor and Council	May 17, 2021

Proposed Use:

The applicant is requesting a rezoning from R-15 to R-10 for two single-family detached lots at a density of 4.08 units per acre. The future land is LDR and a land use change to MODR is required.

Staff Recommendation:

Denial of the rezoning from **R-15** to **R-10**.

Planning & Zoning Board Recommendation: **Denial** by a vote of 5-2 at the April 12, 2021 meeting.



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, suitable: this proposal will create a corner lot with 230 feet of road frontage (130 feet on Old Concord and 100 feet on Hickory Lane). It will permit building an approximately 2,100 to 2,300 Sq. ft. high quality new home, 2-story, Craftsman or Farmhouse, on slab, with 2 car garage (side load). The surrounding homes range from 1,600 sq. ft. to 2,300 sq. ft., 2 story traditional and split-level homes. The new house size and location on lot will maintain a generous 50' front setback from Old Concord, with similar "house to house" distances as existing homes in Hickory Acres neighborhood. The proposed home will also have a similar height and mass...it will not be a "giant" towering over existing homes."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.49 acres and is zoned R-15. The applicant is seeking to subdivide the parcel into two lots approximately 10,000 sq. ft. in area at a density of 4.08 units per acre. The adjacent property to the north is zoned RDA (Smyrna Grove). The adjacent property to the south is zoned R-15 and occupied with a single-family home. The adjacent property to the west is zoned R-15 and occupied with a single-family home. The adjacent property to the east across Old Concord is zoned R-15 and previously occupied as a church. The proposed zoning would be inconsistent with the land use of the subject property and zoning of the surrounding 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, the proposed lot and house will not adversely affect the existing adjacent properties. The new home will be situated between two existing homes. The new home will not obstruct the front or rear view of either existing home. Instead of

adversely affecting existing homes, the proposed new house will add to the charm of the neighborhood and increase the value of the surrounding homes. (The current land has a lot of overgrown shrubs, giving the street an unkempt look)."

Staff Analysis:

The zoning proposal would have an adverse affect upon the existing use or usability of nearby properties. The proposed land use is inconsistent with the Low Density Residential land use of the adjacent properties. The subject property is currently accessed directly from Smyrna Powder Springs and Old Concord 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, economic use as-is. The property as currently zoned will not allow a new house to be built on it. As it is currently zoned, the land will remain idle forever, with no economic use to a new family, and no economic improvement to the City of Smyrna."

Staff Analysis:

The subject parcel has reasonable economic use as currently zoned. The property is currently occupied with a single-family detached home. The property is approximately 21,000 sq. ft. in area and zoned R-15. The existing home can be remodeled, re-built, or used in its current form 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 proposed addition of one house will not cause excessive burden to City of Smyrna infrastructure, utilities, transportation, or schools."

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 building is currently serviced with water and sewer from the City of Smyrna.

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

Applicant Response:

"Yes, the proposed zoning is in conformity with the intent of the land use plan. The subject property is directly adjacent to a moderate density RDA housing

development, GC, and a church. The proposed lot fits well with the existing neighborhood, house sizes, and house placements.”

Staff Analysis:

The subject property has a future land use designation of LDR (Low Density Residential) under three (3) units per acre, on the city’s 2040 Future Land Use Plan. The proposed rezoning to R-10 for use as a two-lot single family subdivision will have a density of 4.08 units per acre, and require a land use change to MODR (Moderate Density Residential) under four and a half (4.5) units per acre. The surrounding area is comprised of a mix of single-family residential, and institutional and commercial properties. However, the commercial/institutional uses are on the east side of Old Concord. Thus, a change to MODR land use would be incompatible with the surrounding residential properties in Hickory Acres, to the south of Smyrna Powder Springs and west of Old Concord Rd.

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 entire City of Smyrna is continually improving thanks to thoughtful and intentional planning. This proposed lot and eventual new home is in complete harmony with the intentions of the City. The proposed lot is not the largest, nor the smallest building lot within a 1,000 foot radius... and the proposed home will fit in naturally and beautifully with the neighborhood.”

Staff Analysis:

The property is currently zoned R-15. All of the residential area to the south of Smyrna Powder Springs and west of Old Concord is zoned R-15, with a LDR land use. The existing or changing conditions do not support approval for a rezoning to R-10 and accompanying land use change to MODR.

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 development of this property into an additional buildable lot will enhance the architectural standards and aesthetics of the general neighborhood. The current lot (and surrounding homes) are older, tired, homes in varying degrees of disrepair. The new lot, house, and family will definitely clean up the land (currently overgrown bush), and add a new, charming, modern construction home to raise the standard in this neighborhood. The new home will fit in with the historical look of the area by not being too big, and also having beautiful architectural elements keeping with Smyrna (craftsman or farmhouse).”

Staff Analysis:

The development of the property under the zoning proposal will change the density and be inconsistent with the Low Density Residential Land Use of Hickory Acres. There are some non-conforming lots in the area below the R-15 lot standards. However, granting a land use change to Moderate Density Residential will provide a change in density that is inconsistent with the Hickory Acres 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:

"The proposed use is very compatible with the current neighborhood."

Staff Analysis:

The proposed zoning change to R-10 is incompatible with the R-15 zoning of Hickory Acres.

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:

"As discussed in the previous questions above, the proposed new lot and home will be a positive improvement to the neighborhood."

Staff Analysis:

The proposed use will have a negative impact on the general neighborhood and be inconsistent with the density of Hickory Acres.

PROJECT DESCRIPTION

AOS 454 LLC is requesting a rezoning from R-15 (Residential) to R-10 (Residential) for a two single-family detached subdivision. The subject property is zoned R-15 and is occupied with a single-family home. The applicant plans to retain the existing home and build a new home on the new lot. The proposed building will be between 2,100 to 2,300 sq. ft. and be built on a slab. The setback along Old Concord will be 50 ft., and 17 ft. along Hickory Lane. The proposed home will face Old Concord with a side entry garage on Hickory Lane.

Project Analysis

Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. The City Engineer has requested the existing driveway on the new lot to be removed and remove any sight impairments at the intersection of Smyrna Powder Springs and Old Concord. 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 to R-10 requires a Land Use change from LDR (Low Density Residential) under three (3) units per acre to MODR (Moderate Density Residential) under four and a half (4.5) units per acre.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the R-10 zoning standards. The proposed development meets the zoning requirements for R-10.

Community Development staff is **not supportive** of the change in zoning from R-15 to R-10 and accompanying land use change.

STAFF RECOMMENDATION

Community Development recommends **denial** of the rezoning from R-15 to R-10 with a density of 4.08 units per acre at 454 Smyrna Powder Springs Road.

Subject Property



Adjacent Properties



