

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

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To: Mayor and Council

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

Date: February 26, 2014

CC: Eric Taylor, City Administrator

RE: **REZONING CASE Z14-005 – 1607 Walker Street**

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**Applicant:** Junger Homes, LLC

**Existing Zoning:** RM-10

**Titleholder:** Philip Junger

**Proposed Zoning:** RAD-Conditional

**Size of Tract:** 0.36 Acres

**Location:** 1607 Walker Street

**Contiguous Zoning:**

**Land Lot:** 593

North RM-10

South RAD

East RAD

**Ward:** 3

West RM-10

**Access:** Private drives off Walker Street

**Hearing Dates:**

P&Z February 10, 2014

Mayor and Council March 17, 2014

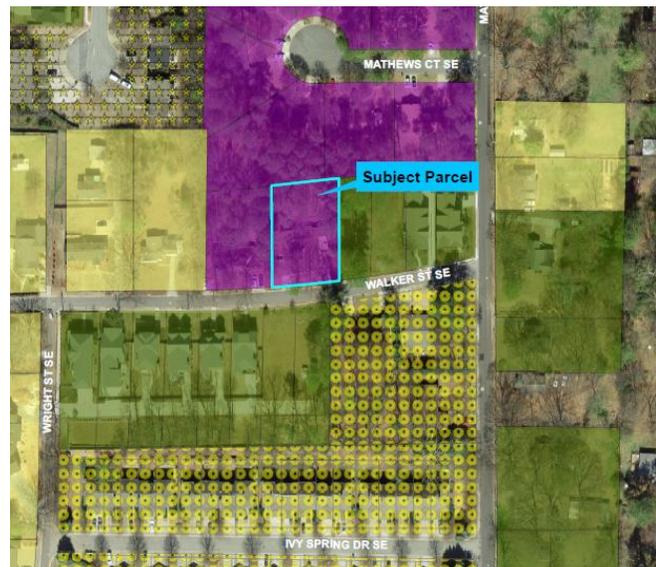
**Existing Improvements:** One duplex building

**Proposed Use:**

Two single-family detached units at a density of 5.56 units per acre.

**Staff Recommendation:**

**Approval** for two new single-family detached units with conditions.



## 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 adjoining properties to the north and west are part of the Cumberland Corners Unit 2 subdivision of duplexes and are zoned RM-10. The property located to the east was rezoned from RM-10 to RAD-Conditional in May 2006 to replace a duplex with two detached single-family homes. Only one single-family home was built on those lots. The properties to the south are zoned RAD-Conditional and are occupied by single-family homes that are part of the Walker Street Cottages subdivision. The proposed rezoning would 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.

*The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The zoning proposal will not change the density for the site.*

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

*The subject parcels have 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 development is not expected to cause an excessive or burdensome use of existing streets and transportation systems.*

*Based upon information provided by the Director of Public Works, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. The developer will be required to use existing water and sewer taps if at all possible. One inch (1") water meters will be required for each lot. Water meters and service lines are required to be located in front of the lot they serve. Additional water taps are the responsibility of the developer. Each lot will have its own sewer tap located in front of each lot. Existing sewer taps to be*

*abandoned shall be capped behind the curb of the road. Installation of additional sewer taps shall be the responsibility of the developer. All elevations are the responsibility of the developer.*

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

*The rezoning would be in conformity with the current land use plan, which indicates the subject parcel has a land use of Medium Density Residential (4.51 to 5.99 units per acre). The proposed development of two residences on 0.36 acres yields a density of 5.56 units per acre. No land use change from Medium Density Residential is required for rezoning.*

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 overall density for the subject site will not be changing as one duplex property will be replaced with two single-family detached units on individual lots. The proposed rezoning will be in line with previous rezonings (Z05-017 and Z06-024) on adjacent property in the immediate area.*

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 building materials that will enhance neighborhood aesthetics. The development will have to meet the City of Smyrna'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. The number of residential units and density will remain unchanged with this rezoning.*

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, should have a minimal affect upon adjacent properties. The applicant is requesting the following variances to the zoning requirements of the RAD zoning category: (1) Reduction in minimum front setback from 35' to 15'; (2) Reduction in minimum side setback from 10' to 7.5'; (3) Reduction in minimum rear setback from 30' to 25'; (4) Reduction in minimum lot area from 15,000 sq. ft. to 7,200 sq. ft.; and (5) Reduction in minimum lot width from 85' to 50'. These zoning*

*variances are exactly the same variances granted in rezoning cases Z05-017 and Z06-024, which are adjacent to the subject property.*

The applicant is seeking approval of a rezoning for 1607 Walker Street from RM-10 to RAD-Conditional for the development of two single-family detached residences at a density of 5.56 units per acre. The applicant is proposing to demolish the existing duplex and then subdivide the parcel into two lots and construct two individual single-family residences. The number of units and density will remain unchanged from what currently exist on-site today. The proposed lots will be 7,258 sq. ft. and 7,233 sq. ft.. Each proposed home will be a rear-entry home with a private driveway that will serve a garage at the rear of the home. In addition, each lot will have its own stormwater detention facility located at the rear of the property. Finally, the applicant is seeking several variances to setback, lot size and lot width, which were described above. These variances are the exact same variances granted for the rezonings of 1613 & 1619 Walker Street, which are immediately adjacent to the subject property.

1619 Walker Street was rezoned (Z05-017) on October 3, 2005 as part of an overall development for ten detached single-family residences. That rezoning was approved by the Mayor and Council by a vote of 7-0. Six months later, 1613 Walker Street was rezoned (Z06-024) by the same applicant and included into the previous development to increase the overall subdivision to twelve homes. The Mayor and Council approved the rezoning of 1613 Walker Street by a vote of 7-0.

The applicant is proposing homes that will be very similar in design to the homes constructed as part of the Walker Street Cottages development. The applicant proposes to use brick, cedar shake and siding for the façade materials for each home. The applicant has provided elevation renderings of the proposed homes for each lot with the rezoning packet.

Community Development has reviewed the proposed development against the zoning standards of the recent adjacent rezonings and found the proposed development to be very compatible. With the demolition of the existing duplex and construction of the two single-family homes will result in no change in the number of residential units or density on the subject property. In addition, the applicant is requesting an down zoning from RM-10 to RAD-Conditional, which will essentially limit the number of permitted uses and bring the property in line with the rest of the neighborhood. Therefore, Community Development recommends **approval** of the rezoning from RM-10 to RAD-Conditional for the development of two single-family units at a density of 5.56 units per acre with the following conditions:

**Standard Conditions**

**(Requirement #2, 4, 5, 8, 9, and 17 from Section 1201 of the Zoning Code is 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. All utilities within the development shall be underground.
4. 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.
5. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
6. No debris may be buried on any lot or common area.
7. 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".
8. 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.
9. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
10. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
11. 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.

### **Special Conditions**

12. The development shall maintain the following setbacks:
  - Front – 15'
  - Side – 7.5' (Interior) with a minimum of 15' between buildings
  - Rear – 25'
13. Driveway – 22' minimum length from building face to private driveway.

14. The right-of-ways along Walker Street shall be increased to 50 feet. Therefore a dedication of approximately 10' feet is required along Walker Street.
15. The developer shall provide a 5' sidewalk with a 2' grass buffer along Walker Street for the length of the development.
16. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.

**Figure -1**  
**Subject Property**



**Figure – 2**  
**Adjoining Property to the West**



**Figure – 3**  
**Adjoining Property to the East**



**Figure – 4**  
**Adjacent Property to the South Across Walker Street**



**Figure – 5**  
**Streetview Along Walker Street (To West)**



**Figure - 6**  
**Streetview Along Walker Street (To East)**

