

# CCITY 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 Z22-005– 2761 Mathews Street**

**Applicant:** McBev One LLC

**Existing Zoning:** R-15  
**Proposed Zoning:** RDA-Conditional  
**Size of Tract:** 0.35 acres

**Titleholder:** James Ottley

**Location:** 2761 Mathews Street

**Contiguous Zoning:**

**Land Lot:** 632

North R-15  
South RDA  
East R-20  
West RM-10 & R-15

**Ward:** 3

**Access:** Mathews Street

**Hearing Dates:**

**Existing Improvements:** One single-family detached unit

P&Z March 14, 2022  
Mayor and Council April 18, 2022

**Proposed Use:**

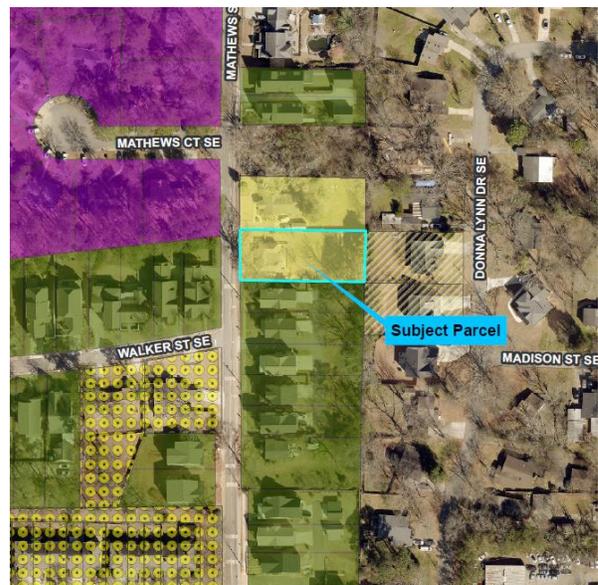
The applicant is requesting a rezoning from R-15 to RDA for two single-family detached lots at a density of 5.71 units per acre. The future land is MEDR and no land use change is required.

**Staff Recommendation:**

**Approval** of the rezoning from R-15 to RDA-Conditional.

**Planning & Zoning Board Recommendation:**

**Approval** by a vote of 6-1 at the March 14, 2022, 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:

*"It is consistent with what has been built around it over the last several years."*

Staff Analysis:

*The zoning proposal consists of one tract of land totaling 0.35 acres and is zoned R-15. The applicant is seeking to subdivide the parcel into two lots with a minimum lot size of 7143 sq. ft. in area at a density of 5.71 units per acre. The adjacent property to the north is zoned R-15. The adjacent property to the south is zoned RDA. The adjacent property to the east is zoned R-20. And the adjacent properties to the west are zoned RDA & RM-10. All are occupied with residential uses. The proposed zoning would be consistent with the zoning of 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 adverse affect."*

Staff Analysis:

*The zoning proposal would not have an adverse effect upon the existing use or usability of nearby properties. The proposed land use is consistent with the Medium Density Residential land use of the adjacent properties. The subject property is currently accessed directly from Mathew Street by a shared drive and should 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:

*"Reasonable, but not highest and best use."*

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 15,000 sq. ft. in area and zoned R-15. However, the subdivision to two lots is consistent with the land use and form of the surrounding properties.*

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, it is only a net increase of one lot."*

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:

*"It conforms to the current plan."*

Staff Analysis:

*The subject property has a future land use designation of MEDR (Medium Density Residential) under six (6) units per acre, on the city's 2040 Future Land Use Plan. The proposed rezoning to RDA for use as a two-lot single-family subdivision will have a density of 5.71 units per acre, and not require a land use change. The surrounding area is comprised entirely of single-family residential properties. The adjacent properties have a mixture of residential zoning districts, all of the surrounding properties along Mathews Street have a future land use of Medium & Medium-High Density Residential. Therefore, the zoning proposal is in conformity with the policy and intent of the land use plan.*

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 recent development and building activity along Mathews Street supports the proposal."*

Staff Analysis:

*The property is currently zoned R-15. All of the surrounding properties along Mathews Street are residential with a zoning of R-15, RM-10, or RDA, with a Medium & Medium-High Density Residential land use. The existing or changing conditions do support approval for the zoning proposal.*

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:

*"It will enhance the streetscape along Mathews Street."*

Staff Analysis:

*The development of the property under the zoning proposal will be consistent with the Medium & Medium-High Density Residential Land Use of the surrounding area. There is a mixture of lot sizes in the area that are comparable with the proposed lot sizes. The development of two new homes should enhance the architectural standards of the surrounding area.*

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:

*"It is compatible with existing uses."*

Staff Analysis:

*The proposed zoning change to RDA is compatible with the surrounding area and should not create a nuisance.*

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:

*"It is completely consistent with what is already there and would therefore be a positive impact to the immediate area."*

Staff Analysis:

*The proposed use will not have a negative impact on the general neighborhood and will be consistent with the density of the surrounding area. The rezoning request meets most of the regulations for the RDA zoning district as shown in Table 1.*

**Table 1: Lot Requirements for RDA Zoning District vs. Proposed Lots**

	Min. Lot Size (Square Feet)	Min. Lot Width at Setback Line	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)	Min. Square Footage
RDA Zoning District	7,260	50'	25'	5'	30'	35'	45	1,800
Proposed Lots	7,560	40'	25'	5'	30'	35'	45	1,800

*The following variances is required for the proposed development:*

1. Allow the reduction of minimum lot width from 50' to 40'. **(Staff Supports)**

**PROJECT DESCRIPTION**

McBev One LLC is requesting a rezoning from R-15 (Residential) to RDA-Conditional (Residential) for a two lot single-family detached subdivision. The subject property is zoned R-15 and is occupied with a single-family home. The applicant plans to build two new homes on the two lots. The minimum lot size will be 7,560 sq. ft. prior to dedication of 10 ft. of right-of-way along Mathews Street. The proposed setbacks are consistent with the RDA zoning district and surrounding properties. The proposed homes will face Mathews Street with rear-entry garages from a shared access drive.

**Project Analysis**

**Engineering Review**

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management, stream buffer issues, and in general believes that it meets city requirements. 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 RDA is consistent with the Land Use of MEDR (Medium Density Residential) under six (6) units per acre.

<b>Table 2: Proposed Development vs. 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>Proposed Development</b>	Mathews St	2	5.7	7,560	40'
<b>2761 Mathews St</b>	Mathews St	1	2.85	15,246	100'
<b>Village at Williams Park</b>	Mathews St	5	5.2	8,385	48'
<b>2790 Mathews St</b>	Mathews St	2	5.68	7,260	55'
<b>2731 &amp; 2735 Mathews St</b>	Mathews St	2	5.13	8,453	43'
<b>1607 Walker St</b>	Walker St	2	5.56	7,233	50'

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

Community Development staff is **supportive** of the change in zoning from R-15 to RDA-Conditional.

**STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from R-15 to RDA-Conditional with a density of 5.7 units per acre at 2761 Mathews Street with the following conditions:

**Standard Conditions**

**Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements 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. 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.
4. No debris may be buried on any lot or common area.
5. 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.
6. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
7. 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**

8. The development shall maintain the RDA setbacks:  
Front – 25'  
Side – 5'  
Rear – 30'
9. The minimum lot size shall be 7,560 sq. ft.
10. The minimum lot width shall be 40 feet.
11. The developer shall obtain a shared access easement for the rear access drive.
12. The developer shall dedicate 10 ft. of right-of-way dedication along Mathews Street.
13. Mathews Street shall be widened, and new curb and gutter installed to match the Village of Williams Park to the south.
14. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Mathews Street.

15. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
16. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
17. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
18. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
19. The stormwater management solution for the entire site shall meet current code requirements.
20. Approval of the subject property for the RDA-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 2/11/22 and created by Vaughn & Melton Consulting Engineers, Inc. and all zoning stipulations above.
21. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 2/11/22.
22. The fence between the subject property and adjoining property to the south shall remain installed until final grading is complete.
23. Construction vehicles shall be prohibited on the shared driveway.
24. The developer shall install or preserve a 10' landscape buffer along the rear property line.
25. The developer shall provide a 5' no access easement along the northern property boundary of the subject property from the rear property line to the Mathews Street right-of-way. The access easement shall preclude any future driveway connections to the development.
26. No stormwater runoff/discharge is to be allowed to enter existing Village at Williams Park stormwater BMPs. A trench drain shall be installed across the driveway extension on the subject parcel to prevent driveway runoff from encroaching onto existing village at WP driveway, if deemed necessary by the City Engineer during plan review.

**Subject Property**



**Subject Property**



**Adjacent Properties**



**Adjacent Properties**

