

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: August 4, 2022

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z22-008– 2625 Highland Avenue**

Applicant: Joe Callahan

Existing Zoning: R-15

Titleholder: Dereck Thompson

Proposed Zoning: R-10

Size of Tract: 0.548 acres

Location: 2625 Highland Ave

Contiguous Zoning:

Land Lot: 561

North

R-15

South

R-10

East

LC

Ward: 3

West

R-15 & RDA

Access: Highland Ave

Hearing Dates:

Existing Improvements: One single-family detached home

P&Z

August 8, 2022

Mayor and Council

September 19, 2022

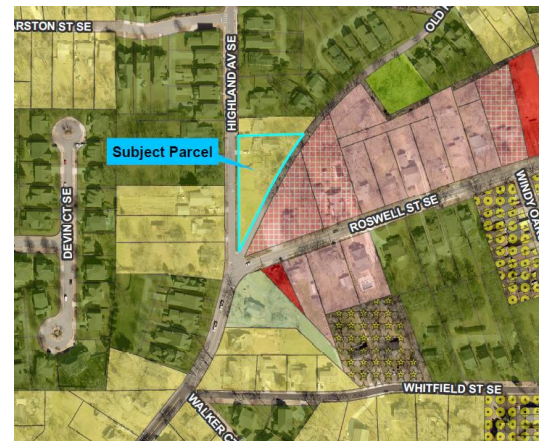
Proposed Use:

The applicant is requesting a rezoning from R-15 to R-10 for two single-family detached lots at a density of 3.6 units per acre. The future land use designation is MODR and no future land use change is required for rezoning.

Staff Recommendation:

Approval of the rezoning from **R-15** to **R-10** with conditions.

Planning & Zoning Board Recommendation: **Approval** by a vote of 6-0 at the August 8, 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:

"The proposed zoning will permit only single-family residential use which is identical and therefore should be seen as suitable to the adjacent single-family residential uses."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 0.548 acres and is zoned R-15. The applicant is seeking to subdivide the parcel into two lots with a minimum lot size of 10,000 sq. ft. in area at a density of 3.6 units per acre. The adjacent properties to the north are zoned R-15. The adjacent property to the south is zoned R-10. The adjacent properties to the west are zoned LC. The adjacent properties to the east are zoned R-15 & RDA. All are occupied with single-family detached homes. The proposed zoning is consistent with the zoning and development 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:

"The zoning proposal and its use will provide for a single new home which will not abut any other homes except the seller who is in favor of the proposal. Since the development is not adjacent and is separated from other homes by existing public streets, the development shall not block views, access, not have any impact on the use or usability of adjacent properties."

Staff Analysis:

The zoning proposal would not have an adverse effect upon the existing use or usability of nearby properties. The proposed use is consistent with the other single-family uses in the immediate area. The zoning proposal is requesting the construction of one single-family home that will be developed in the same manner as the other single-family homes on adjoining lots. The subject property is currently

accessed directly from Highland Avenue 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:

"The current property is significantly larger than other presently zoned lots on the same street and the owner is not able to take advantage of the economic value of the total land due to the existing zoning. His neighbors have been able to rezone their properties in previous years and capitalize on the value of the extra land and the applicant would like to do the same."

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 23,873 sq. ft. in area and zoned R-15.

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:

"Adding a single-family residential home is certainly not excessive nor burdensome and will not require any new infrastructure to support the additional home."

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 of Smyrna on Highland Avenue.

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

Applicant Response:

"The proposed lot split would result in a density less than the current future land use plan allows and will be in keeping with the current plans."

Staff Analysis:

The subject property has a future land use designation of MODR (Moderate Density Residential) under four and half (4.5) 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 3.6 units per acre and will not require a change in the future land use designation of the property. The surrounding area is comprised of single-family residential homes. The adjacent properties have a

mixture of LC, R-15 and RDA zoning, and the surrounding properties have a future land use of Moderate Density Residential.

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:

"To the north of the property, on both of the adjacent streets, new homes were built that match the proposed setbacks, architectural style, and lot sizes. Some homes are very near and on the same street, where others may be a block or two away but in the same neighborhood. Setbacks of 20' and 25' from the back of curb respectively have been noted within a short distance of the proposal. Additionally, the acute triangle formed by the existing streets has resulted in creating a large barren grass triangle that seems out of place and lacking a structure that a new home would provide."

Staff Analysis:

The subject property is currently zoned R-15. All the surrounding properties contain residential structures with a zoning with a mixture of residential zoning categories except for the property to the south with a LC zoning. The properties all have a future land use designation of Moderate Density Residential. The proposed zoning is inline with the with recent developments within the surrounding 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.

Applicant Response:

"The architecture proposed will compliment and in many ways match the style of recently built new homes in the same block and neighborhood. Open space on the proposed lots would also compliment or match other nearby homes with less than 30% impervious cover proposed in total."

Staff Analysis:

The proposed development will employ a variety of architectural features and building materials that will enhance neighborhood aesthetics. The proposed scale of the home will be compatible with the existing homes in the immediate areas. 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.

Applicant Response:

"Adding a single-family home could not be termed incompatible nor a nuisance without also calling every other home recently approved and built the same. Since

the proposed zoning matches many of the other homes in the area it should not be seen as anything but compatible.”

Staff Analysis:

The proposed zoning change to R-10 is compatible with the surrounding area. The zoning proposal will not create a nuisance or be incompatible with the existing 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:

“The height proposed for the new home is in keeping with other new homes in the area and no existing home is less than 50' from the proposed home due to the corner lot location proposed. The change should be seen by most as being a positive addition to the neighborhood and it would be difficult to argue otherwise.”

Staff Analysis:

The proposed use will not have a negative impact on the general neighborhood and be consistent with the use of the surrounding area. The rezoning request meets the regulations for the R-10 zoning district as shown in Table 1.

Table 1: Lot Requirements for R-10 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
R-10 Zoning District	10,000	50'	25'	7.5'	25'	35'	45	1,500
Proposed Lots	10,000	50'	25'	7.5'	25'	35'	45	1,500

PROJECT DESCRIPTION

Joe Callahan is requesting a rezoning from R-15 (Residential) to R-10 (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 retain the existing home and build one new single-family detached home on the new lot. Stormwater management for the project will be provided on the new and existing lot by a infiltration facility on each lot. The minimum lot size will be 10,000 sq. ft. The proposed setbacks for the homes are consistent with the R-10 zoning district and surrounding properties. The proposed new home will face Highland Avenue with a side-entry garage entering from Old Roswell Road. The existing home will retain driveways on both Highland Avenue and Old Roswell Road.

Project Analysis

Stormwater Review

The City Engineer has reviewed the proposed rezoning with respect to stormwater management and stream buffer issues, and in general believes that it meets city requirements. There are no stream buffers affecting the property. The City Engineer is requiring an infiltration facility for both the existing lot and the proposed lot due to the topography of the subject property.

Transportation Review

The City Engineer has reviewed the proposed rezoning with respect to transportation and in general believes that it meets city requirements. The City Engineer is requesting five feet of right-of-way dedication along Highland Avenue and Old Roswell Road. Additionally, the City Engineer is requesting a five foot sidewalk with two foot grass buffer along Highland Avenue.

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 maintains a future land use designation of MODR (Moderate Density Residential) under four and a half (4.5) units per acre. The proposed lot sizes and widths are in line with other nearby developments. Table 2 shows the infill development in the immediate area as it relates to density, lot size and lot width.

Table 2: Proposed Development vs. Infill Developments					
Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
Proposed Development	Highland Ave	2	3.6	10,000	50'
2625 Highland Ave	Highland Ave	1	1.82	15,000	85'
Riley's Walk Phase 2	Roswell St.	5	3	8,307	52'
Rileys Walk Phase 3	Highland Ave & Marston St	10	3.8	5,409	45'

1430 Roswell St	Roswell St.	4	3.74	10,000	50'
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Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible. The subdivision and construction of one new single-family home results in a density of 3.6 units per acre on the subject property. The applicant is requesting a rezoning from R-15 to R-10 and the proposed zoning is in line with the infill development patterns for this neighborhood and is in compliance with the City's 2040 Comprehensive Plan.

Community Development staff is **supportive** of the rezoning from R-15 to R-10 as it is consistent with the density allowed in the MODR Future Land Use and zoning requirements of R-10 Zoning District.

STAFF RECOMMENDATION

The zoning proposal is consistent with the City's Comprehensive Plan and the Future Land Use Plan. Therefore, Community Development recommends **approval** of the rezoning from R-15 to R-10 with a density of 3.6 units per acre at 2625 Highland Avenue 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 R-10 setbacks:
Front – 25'
Side – 7.5'
Rear – 25'
9. The minimum lot size shall be 10,000 sq. ft.
10. The minimum lot width shall be 50 feet.
11. Driveway – 22' minimum length from building face to back of sidewalk.
12. The developer shall provide 5' of right-of-way dedication on Highland Avenue.
13. The developer shall provide 5' of right-of-way dedication on Old Roswell Road.
14. A 5-foot sidewalk and 2-foot grass strip shall be required for the length of the property along Highland Avenue.
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. Approval of the subject property for the R-10 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 7/31/22 and created by SJMurphy, LLC. and all zoning stipulations above.
20. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 7/8/22.

Subject Property



Adjacent Properties



