

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: September 8, 2022

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z22-009– 1487 Spring Wood Drive**

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**Applicant:** Kyle Vincent

**Existing Zoning:** RD

**Titleholder:** Kyle Vincent & D&R Real Estate Solutions Inc

**Proposed Zoning:** R-15

**Size of Tract:** 0.05 acres

**Location:** 1487 Spring Wood Drive

**Contiguous Zoning:**

**Land Lot:** 553 & 554

North

R-15

South

RD

East

R-15 & RD

**Ward:** 6

West

R-15 & RD

**Access:** Ashwood Drive

**Hearing Dates:**

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

P&Z

September 12, 2022

Mayor and Council

October 17, 2022

**Proposed Use:**

The applicant is requesting a rezoning from RD to R-15 for 0.05 acres. The future land use designation is MHDR and a future land use change to LDR is proposed for rezoning of 0.05 acres.

**Staff Recommendation:**

**Approval** of the rezoning from RD to R-15 and a lot size reduction from 12,500 sq. ft. to 11,336 sq. ft.

**Planning & Zoning Board Recommendation:**

**Approval** by a vote of 6-1 at the September 12, 2022 meeting.



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## **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 zoning proposal is suitable to adjacent properties."*

*Staff Analysis:*

*The zoning proposal consists of a tract of land totaling 13,320 sq. ft. and zoned RD. The applicant is seeking to acquire 1,984 sq. ft. of the property to assemble with the adjacent R-15 zoned property. The adjacent properties are zoned R-15 and RD and are occupied with single-family attached and detached houses. 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 will not adversely affect the usability of nearby 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.*

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

*Applicant Response:*

*"The proposal will not affect economic use as currently zoned."*

*Staff Analysis:*

*The subject parcel has reasonable economic use as currently zoned. The subject property is currently occupied near a cul-de-sac and will provide additional area to the rear yard of the Ashwood Drive property.*

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:

*"The zoning proposal will not cause excessive or burdensome use of any existing streets, facilities, utilities 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 property 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:

*"The zoning proposal is a small change between R-15 and RD zoned properties."*

Staff Analysis:

*The subject properties have a future land use designation of MHDR (Medium/High Density Residential) for the RD zoned property and LDR (Low Density Residential) for the R-15 zoned property, on the city's 2040 Future Land Use Plan. The proposed rezoning from RD to R-15 for the 0.05 acres will necessitate a land use change from MEDR to LDR. The surrounding area is comprised of single-family residential homes.*

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:

*"N/A."*

Staff Analysis:

*The subject property is currently zoned RD. All the surrounding properties contain residential structures with a zoning with a mixture of R-15 and RD. The proposed zoning is inline with 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 proposal will not be a detriment to any standards in the community."*

Staff Analysis:

*There is no development proposed with the rezoning and 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:

*"The proposal will not create a nuisance to the existing use in the area."*

Staff Analysis:

*The proposed zoning change to R-15 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 proposal will positively affect the neighborhood and surrounding properties by manicuring currently overgrown areas."*

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 following variance is required for the proposed development:*

1. Allow a lot size reduction from 12,500 sq. ft. to 11,336 sq. ft. **(Staff Supports)**

**Table 1: Lot Requirements for R-15 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-15 Zoning District	15,000	85'	35'	10'	30'	35'	35	1,800
Proposed Lot	15,000	85'	35'	10'	30'	35'	35	1,800

**Table 2: Lot Requirements for RD 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
RD Zoning District	12,500	75'	35'	7.5'	30'	35'	35	1,200
Proposed Lot	11,336	75'	35'	7.5'	30'	35'	35	1,200

## **PROJECT DESCRIPTION**

Kyle Vincent is requesting a rezoning of a 1,984 sq. ft. (0.05 acres) segment of 1487 Spring Wood Drive from RD (Residential Duplex) to assemble with 3710 Ashwood Drive zoned R-15 (Residential). The subject property is an undisturbed area along the side of the Spring Wood Drive property. The applicant plans to acquire the 0.05 acre area from the adjacent property to assemble in the rear yard of the Ashwood Drive property. The applicant plans to landscape the area which is currently overgrown. A rezoning from RD to R-15 is required for the assemblage to be consistent with the existing zoning of the Ashwood Drive property. Additionally, a variance is required for the Spring Wood Drive property to allow a lot size reduction from 12,500 sq. ft. to 11,336 sq. ft. in the RD zoning district.

## **Project Analysis**

### **Stormwater Review**

The City Engineer has reviewed the proposed rezoning with respect to stormwater management and stream buffer issues and a stream buffer has been identified within the subject property.

### **Transportation Review**

The City Engineer has reviewed the proposed rezoning with respect to transportation and in general believes no action is required.

### **Fire Marshal Review**

The Fire Marshal's office has reviewed the current proposal and in general believes no additional action is required.

### **Planning Review**

Community Development has reviewed the zoning proposal against the City's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal from RD to R-15 should require a future land use change from MHDR (Medium/High Density Residential) to LDR (Low Density Residential). A lot size reduction for 1487 Spring Wood Drive from 12,500 sq. ft. to 11,336 sq. ft. is required to accompany the rezoning.

Community Development staff is **supportive** of the rezoning from RD to R-15 of the 1,987 sq. ft. subject property with a land use change from MHDR to LDR.

Community Development staff is **supportive** of the lot size reduction of 1487 Spring Wood Drive from 12,500 sq. ft. to 11,336 sq. ft.

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## **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from RD to R-15 for the 0.05 acres and lot size reduction for the remainder of 1487 Spring Wood Drive to 11,336 sq. ft.

**Subject Property – Ashwood Drive**





**Subject Property – Spring Wood Drive**

