

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: June 18, 2020

CC: Tammi Saddler-Jones, City Administrator  
Planning and Zoning Board

**RE: REZONING CASE Z20-007 – 1424 Spring Street**

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<b>Applicant:</b>	<u>Alexandio Properties LLC</u>	<b>Existing Zoning:</b>	<u>GC</u>
<b>Titleholder:</b>	<u>JPH 401K Trust</u>	<b>Proposed Zoning:</b>	<u>R-8</u>
<b>Location:</b>	<u>1424 Spring St</u>	<b>Size of Tract:</b>	<u>0.613 Acres</u>
<b>Land Lot:</b>	<u>559</u>	<b>Contiguous Zoning:</b>	
<b>Ward:</b>	<u>3</u>	North	R-15
<b>Access:</b>	<u>Private drives off Alexander</u>	South	LI
<b>Existing Improvements:</b>	<u>One commercial structure</u>	East	R-15
		West	OI
		<b>Hearing Dates:</b>	
		P&Z	June 29, 2020
		Mayor and Council	July 20, 2020

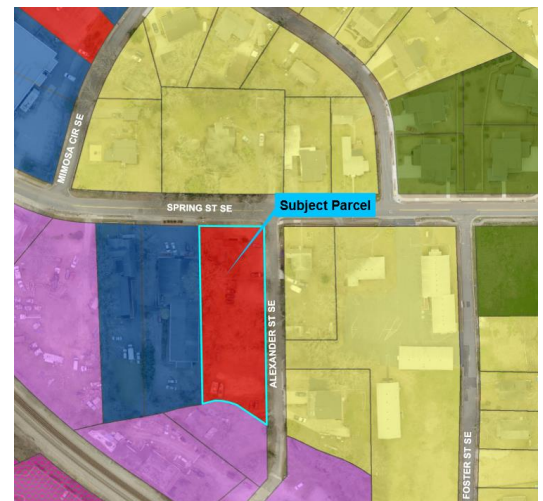
#### Proposed Use:

The applicant is requesting a rezoning from GC to R-8 for the development of three (3) single-family detached units at a density of 4.89 units per acre. A land use change is not required for this rezoning.

#### Staff Recommendation:

**Approval** of the rezoning from GC to R-8 for three (3) new single-family detached units.

The Planning & Zoning Board recommended approval by a vote of 5-0 at the June 29, 2020 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 subject property is located in the historic Williams Park neighborhood and is currently surrounded on three sides by residential property. Proposed use is residential which fits in with the overall character of Williams Park."*

*Staff Analysis:*

*The zoning proposal would result in the development of three (3) single-family homes at a density of 4.89 units per acre. The adjoining properties to the north are comprised of single-family homes zoned R-15 (Residential). The properties located to the east are zoned R-15 and are occupied by single-family homes. The property to the south is zoned LI (Light Industrial) and are occupied by industrial uses. The property to the west is zoned OI (Office-Institutional) and is currently occupied by a commercial structure. 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.

*Applicant Response:*

*"The proposed rezoning from commercial to residential will not adversely affect the surrounding residential property and will ensure a lower density for the property which is favorable to the surrounding neighborhood."*

*Staff Analysis:*

*The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The proposal will result in a downzoning from Commercial to Residential and potentially have less impact on the surrounding properties.*

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

Applicant Response:

*"The subject property is currently an older, historic home that is being utilized as a chiropractic clinic and could continue as such but other uses within the allowed zoning uses would require extensive redevelopment of the site."*

Staff Analysis:

*The subject parcel has 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.

Applicant Response:

*"Applicant is only asking for a rezoning to create two additional single-family building lots which should not impose an undue burden on local infrastructure."*

Staff Analysis:

*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 Water/Sewer Supervisor, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. The water and sewer mains are both located in the right of way of Alexander Street. Sewer tap locations and elevations are the responsibility of the builder/developer.*

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

Applicant Response:

*"The proposed rezoning to R-8 conforms to the current land use plan."*

Staff Analysis:

*The R-8 zoning district is a compatible zoning district the Mixed Use Future Land Use designation. The proposed development will subdivide one lot into three lots for the construction of two new residences on 0.613 acres yielding a density of 4.89 units per acre. No land use change from Mixed Use 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.

Applicant Response:

*"The surrounding residential property owners are in favor of the rezoning to preserve the residential feel of the neighborhood and to help preserve the historic home currently on the property."*

Staff Analysis:

*The overall density for the subject site will change from 1.63 units per acre to 4.89 units per acre. The proposed rezoning will be in line with the existing lots and infill development in 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 subject property is located within the historic Williams Park neighborhood. It is surrounded by unique and historic homes built around the early 1900's. Rezoning the property back to residential is the best way to preserve the existing home that is on the property (see attached information detailing the history of the home). The proposed house that will be built on Lot 2 will be a farmhouse style design that will complement the existing houses nearby with vintage elements and a wrap-around front porch. Lot 3 will remain vacant. The owner has plans to plant fruit trees and have it served as a community orchard and green space."*

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:

*"The proposed rezoning from commercial to residential will be most compatible with the surrounding residential properties."*

Staff Analysis:

*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.

Applicant Response:

*"As part of the rezoning the existing home will remain and the new home that is proposed will be similar in size and height to other homes surrounding the property. The preservation of the existing home on Lot 1 will benefit the neighborhood and city as a whole."*

Staff Analysis:

*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 rezoning request meets all current regulations for the R-8 zoning district as shown in Table 1, except variances as listed below the table.*

**Table 1: Lot Requirements for R-8 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-8 Zoning District	8,000	50'	25'	5'	25'	35'	35	1,500
Proposed Lots	8,034	86'	20'	5'	25'	35'	35	1,500

The applicant has requested the following variances for the development:

1. Reduce the required minimum front setback from 25 feet to 20 feet (**Staff Supports**); and
2. Eliminate the requirement to increase the Alexander Street right-of-way to 26' from back of curb to back of curb. (**Staff does not support**)

**Project Analysis**

Alexandio Properties, LLC is seeking approval of a rezoning for 1424 Spring Street from GC to R-8 for the subdivision of one lot into three, for the development of two single-family detached residences at a density of 4.89 units per acre. The applicant is proposing to preserve the existing structure and then subdivide the parcel into three lots and construct two individual single-family residences. The proposed lots will be 8,034 sq. ft., 9,193 sq. ft., and 9,501 sq. ft. The existing home faces Spring Street and the two new homes will face Alexander Street. The applicant has submitted building elevations and floor plans for each home in the rezoning application. The applicant proposes to use brick, stone, and siding for the façade materials for each home

**Engineering Review**

The Alexander Street right-of-way is currently 30' in width and the roadway width varies between 15' and 16' from back of curb (on eastside) to edge of pavement (on westside). Alexander Street has been improved with curb and gutter along the east side of the roadway, but the west side is unimproved without curb and gutter. The City Engineer requests that the Alexander Street roadway be increased from 16' to 20' from back of curb to back of curb (which should amount to approximately a 4' improvement to the street width). Additionally, a 10' right-of-way dedication and a 5' sidewalk with 2' grass strip should be installed along Alexander Street. The 10' right-of-way dedication, the curb and gutter along the west side of the roadway and the 5' sidewalk are all shown on the site plan submitted for the zoning request. The

proposed site plan does not show the widening of the roadway because the applicant is requesting a variance from that requirement.

#### Public Works Review

Public Works has reviewed the application and indicates that sewer and water are available to the site from Alexander Street. The sanitary sewer is available from a manhole at the southern end of Alexander. The applicant will be responsible for the extension of the sewer line up Alexander Street to provide sanitary sewer service to new homes. Therefore, for the developer to connect to the existing sewer and water infrastructure, either the existing right-of-way on Alexander must be disturbed to extend the infrastructure, or the developer may widen the existing right-of-way to extend the infrastructure outside the existing roadway. If the developer decides to extend the sanitary sewer outside the roadway of Alexander Street, he will damage the existing trees along the right-of-way, which will require them to be removed.

#### Fire Marshal Review

The Fire Marshal's office has reviewed the revised site plan and believes the zoning plan meets most of the Fire Code requirements for fire truck access and building separation requirements. The Fire Marshal's office will request the roadway width improved from 16' to 20' to provide the minimum width necessary for emergency service. This width is necessary to allow a second emergency service vehicle to pass on the street when the first vehicle is setup for service and all rigging is deployed.

#### Planning Review

The proposed rezoning would subdivide one parcel into three to provide for two (2) new residences at density of 4.89 units per acre. The subject property is located in an area with a future land use designation of Mixed Use, so no land use change is required. 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.

<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>	1424 Spring St	3	4.89	8,034	86'
<b>Existing Use</b>	1424 Spring St	1	1.63	26,702	100'
<b>Springhaven</b>	1479 Spring St	4	3.64	9,166	68'
<b>Spring Street Village Unit 5</b>	Bernard Lane	25	3.80	5,872	50'

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 retention of the existing structure and construction of the two single-family homes will result in a density consistent with the allowable density in the Mixed Use land use category.

The applicant has requested two variances with the proposed rezoning. Community Development supports Variance #1 to reduce the front setback from 25' to 20', but **does not support Variance #2 to eliminate the development requirement to increase of the roadway width on Alexander Street from 16' to 20'**. As stated in the analysis above, this improvement is necessary to provide the minimum width necessary emergency service to the whole street. The city typically requires developers to improve substandard infrastructure to the minimum city standards when a zoning application requests a change in density or a change in use. The requested improvements are directly related to the development. The requested improvement to Alexander Street will result in the widening of the street by approximately 4'. The existing trees along the right-of-way will be negatively impacted by the installation of the curb and gutter, the 5' sidewalk, the extension of the sanitary sewer line, the installation of the driveway for lot #3 and the grading of lot #2 & #3. It's Community Development opinion that these trees can't be saved due to the amount of disturbance by the installation of the infrastructure. Therefore, Community Development, the City Engineer and the City Fire Marshal are not supportive of the variance to remove the road improvement and are recommending as a zoning stipulation that the developer be required to improve the width of roadway of Alexander Street from 16' to 20'.

The applicant is requesting a rezoning from GC to R-8 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.

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## STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from GC to R-8 for the subdivision to three lots and development of two single-family units at a density of 4.89 units per acre with the following conditions:

### Standard Conditions

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.

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 landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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**

9. The development shall maintain the following minimum setbacks (from existing right-of-way):
  - Front – 20'
  - Side – 5'
  - Rear – 25'
10. Driveway – 22' minimum length from building face to private driveway.
11. The developer shall provide a 10' right-of-way dedication along Alexander Street for the length of the development as reflected on the submitted site plan for rezoning.
12. The Alexander Street roadway shall be increased to a minimum width of 20 feet from back of curb to back of curb for the length of the development.
13. The developer shall install curb and gutter at the frontage of property along Alexander Street for the length of the development.
14. The developer shall install a 5' sidewalk with a 2' grass buffer along Alexander Street for the length of the development as shown on the site plan submitted for rezoning.
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-8 zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 5/8/2020 and created by Crescent View Engineering, LLC. and all zoning stipulations above.
20. The applicant shall be bound to the elevations submitted on 5/8/2020. Approval of any change to the elevations must be obtained from the Director of Community Development.

**Figure 1 - Subject Property**





**Figure 2 - Adjacent Property**



**Figure 3 - Adjoining Property**



**Figure 4 – Alexander Street Road Width**

