

# 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 7, 2022

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: REZONING CASE Z22-010– 1577 Roswell Street

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**Applicant:** Brad Thompson

**Existing Zoning:** FC  
**Proposed Zoning:** R-10

**Titleholder:** Brad Thompson

**Size of Tract:** 0.49 acres

**Location:** 2625 Highland Ave

**Contiguous Zoning:**

**Land Lot:** 592

North R-15  
South RMC-8  
East R-10  
West GC

**Ward:** 3

**Access:** Roswell Street

**Hearing Dates:**

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

P&Z September 12, 2022  
Mayor and Council October 17, 2022

**Proposed Use:**

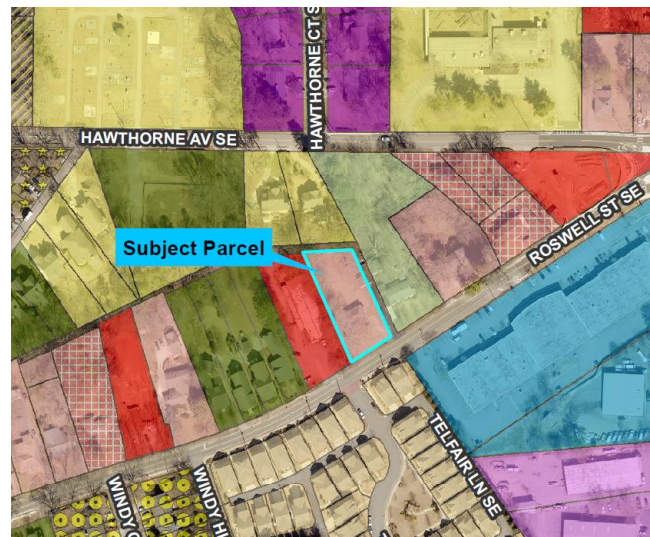
The applicant is requesting a rezoning from FC to R-10 for two single-family detached lots at a density of 4.08 units per acre. The future land use designation is IMU and a future land use change to MODR is required for rezoning.

**Staff Recommendation:**

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

**Planning & Zoning Board Recommendation:**

**Approval** by a vote of 7-0 at the September 12, 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 proposal is consistent with existing zoning all around the subject site."*

*Staff Analysis:*

*The zoning proposal consists of one tract of land totaling 0.49 acres and is zoned FC. 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 4.08 units per acre. The adjacent properties to the north are zoned R-15. The adjacent property to the south is zoned RMC-8. The adjacent properties to the west are zoned GC. The adjacent property to the east is zoned R-10. The adjacent property to the west is occupied with a commercial building, all else 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:*

*"No."*

*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 and commercial uses in the immediate area. The zoning proposal is requesting the construction of two single-family homes 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 Roswell Street 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:*

*"Yes."*

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 21,344 sq. ft. in area and zoned FC.*

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."*

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 Roswell Street.*

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

Applicant Response:

*"Yes."*

Staff Analysis:

*The subject property has a future land use designation of IMU (Industrial Mixed Use) 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 4.08 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 and a commercial property to the west.*

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:

*"Williams Park continues to evolve and this proposal is consistent with the type of zoning and development throughout this area."*

Staff Analysis:

*The subject property is currently zoned FC. All the surrounding properties contain residential structures with a mixture of residential zoning categories except for the property to the west with a commercial zoning. 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:

*"This proposal conforms with and will enhance the appeal along this section of Roswell Street."*

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:

*"R-10 is compatible with existing uses."*

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:

*"Positive."*

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.*

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

1. Allow reduction of the side setback from 7.5' to 5'. **(Staff Supports)**

**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	2,000
Proposed Lots	10,000	50'	25'	5'	25'	35'	45	2,000

## **PROJECT DESCRIPTION**

Brad Thompson is requesting a rezoning from FC (Future Commercial) to R-10 (Residential) for a two-lot single-family detached subdivision. The subject property is zoned FC and is occupied with a single-family home. The applicant plans to demolish the existing home and build two new single-family detached homes on two lots. Stormwater management for the homes will be provided by an infiltration facility on each lot. The minimum lot size will be 10,000 sq. ft. The proposed setbacks for the homes meet most of the requirements in the R-10 zoning district, however a variance is required for interior side setback reductions to accommodate the rear entry driveways. The proposed new homes will face Roswell Street with rear-entry garages on each house. The driveway for Lot 2 will share a driveway with the adjacent property to the east.

## **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 believes an infiltration facility on each lot will be sufficient for the development.

### **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 a five foot sidewalk with two foot grass buffer be installed or repaired on Roswell Street.

### **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 IMU (Industrial Mixed Use). 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	Roswell Street	2	4.08	10,000	50'
1577 Roswell Street	Roswell Street	1	2.04	23,000	85'
1587 Roswell Street	Roswell Street	4	3.77	10,000	50'
1543-1561 Roswell Street	Roswell Street	4	2.94	13,000	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 subdivision and construction of two new single-family home results in a density of 4.08 units per acre on the subject property. The applicant is requesting a rezoning from FC 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 FC to R-10 as it is consistent with the density allowed in the IMU Future Land Use and most zoning requirements of R-10 Zoning District. Staff **supports** the side setback reduction from 7.5' to 5'.

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### 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 FC to R-10 with a density of 4.08 units per acre at 1577 Roswell 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 R-10 setbacks:  
Front – 25'  
Side – 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. Each home shall have a rear-entry garage.
13. A 5-foot sidewalk and 2-foot grass strip shall be replaced for the length of the property along Roswell Street.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.

15. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
16. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
17. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
18. 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 8/11/2022 and created by Vaughn & Melton Consulting Engineers Inc. and all zoning stipulations above.
19. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 8/11/22.

### **Subject Property**





**Adjacent Properties**

