

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: October 5, 2020

CC: Joe Bennett, Interim City Administrator
Planning and Zoning Board

RE: REZONING CASE Z20-012 – 2588 Bates Street

Applicant:	<u>Bakari Brooks</u>	Existing Zoning:	<u>R-12</u>
Titleholder:	<u>Acloque, Person & Associates LLC</u>	Proposed Zoning:	<u>R-8 - Conditional</u>
		Size of Tract:	<u>0.413 Acres</u>
Location:	<u>2588 Bates Street</u>	Contiguous Zoning:	
Land Lot:	<u>664</u>	North	R-12
		South	RDA
Ward:	<u>3</u>	East	R-12
		West	R-12
Access:	<u>Bates Street</u>	Hearing Dates:	
Existing Improvements:	<u>One Vacant Lot</u>	P&Z	October 12, 2020
		Mayor and Council	November 16, 2020

Proposed Use:

The applicant is requesting a rezoning from R-12 to R-8-Conditional for the development of two (2) single-family detached units at a density of 4.84 units per acre. A land use change from Medium Density Residential is not required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-12 to R-8-Conditional for two new single-family detached units.

The Planning Board recommended **approval** by a vote of 6-0 at the October 12, 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:

"There are several parcels in the neighborhood that have been rezoned to allow for two (2) homes to be built on the property. What we are requesting will be consistent and suitable with not only the new construction but also the existing homes."

Staff Analysis:

The zoning proposal would result in the development of two (2) single-family homes at a density of 4.84 units per acre. The adjoining properties to the north, east, and west are zoned R-12 and occupied with single-family detached homes. The property to the south is zoned RDA and is currently occupied by a single-family home. 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 will provide additional affordable housing which is a challenge not only in this neighborhood but surrounding areas as well. It will not adversely impact the existing use or usability of adjacent or nearby properties."

Staff Analysis:

The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The zoning proposal will create two new single-family homes.

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

Applicant Response:

"The current parcel can support a single-family home however because of the cost of the land it would not result in an affordable unit. To ensure a reasonable

economic benefit not only for the neighborhood but for the applicant the requested rezoning will be required. In addition, if the rezoning as result of parcel split does not occur the existing comparable sales in the neighborhood would not support construction of just one single-family unit.”

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:

“The zoning proposal will provide two additional homes on the subject property versus one home. The result would be one additional family with one or two vehicles. As a result, there would not be an excessive burdensome use on the streets, transportation facilities, utilities or schools. There is a new school that has capacity and the existing infrastructure can handle additional vehicles.”

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 Bates 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 zoning proposal will conform with the existing land use plan which is medium density homes.”

Staff Analysis:

The R-8 zoning district is a compatible zoning district the Medium Density Residential (under 6 units per acre) Future Land Use designation. The proposed development of two new residences on 0.413 acres yields a density of 4.84 units per acre. A land use change from Medium Density Residential is not 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:

"To our knowledge there are no proposed or existing conditions affecting the use and development of the property."

Staff Analysis:

The overall density for the subject site will increase to 4.84 units per acre. The proposed rezoning will be in line with previous rezonings in the immediate area. Additionally, the rezoning will create two new single-family homes that are compatible with the adjacent homes.

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 development will enhance the architectural standards by providing a craftsman style that is compatible with the existing style of homes in the neighborhood."

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 zoning classification will not create a nuisance and is not incompatible with existing use in the area. We are planning on building two new single-family homes that are consistent in size and design. We have evaluated all the existing styles and sizes and based our design on the past and current trends in the neighborhood."

Staff Analysis:

The proposed use should not create a nuisance to existing uses in the area. The number of residential units and density will be consistent with previous rezonings.

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 proposed home will be consistent in size and scope as surrounding homes and will positively impact the neighborhood. Our proposed homes will be built to very similar size and design as existing homes in the neighborhood. Our building heights and footprints will not negatively stand out in the neighborhood.”

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 most of the regulations for the R-8 zoning district as shown in Table 1.

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'	45	1,500
Proposed Lots	8,954	50'	25'	5'	25'	35'	45	1,500

Project Analysis

Bakari Brooks is seeking approval of a rezoning for 2588 Bates Street from R-12 to R-8 for the development of two single-family detached residences at a density of 4.84 units per acre. The applicant is proposing to subdivide the parcel into two lots to construct two individual single-family detached residences. The proposed lots will be 8,954 & 9,031 sq. ft. The homes will face Bates Street and have individual driveways with front entry homes. The applicant proposes to use brick, stone, and siding for the façade materials for each home.

Engineering Review

The zoning proposal shows each lot having its own stormwater detention facility located at the front and rear of the property. The applicant has provided a site plan with the rezoning application for reference. A formal review of stormwater management requirements will be assessed during plan review and permitting. There is no stream located on the subject property. The following transportation improvements will be required for the subject property: expand Bates Street with right-of-way dedication, new curb and gutter, and construction of five-foot sidewalk with grass strip.

Fire Marshal Review

The Fire Marshal's office has reviewed the revised site plan and believes the zoning plan meets the Fire Code requirements for fire truck access and building separation requirements.

Planning Review

The proposed rezoning would provide for two (2) new residences at density of 4.84 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Medium Density Residential (up to 6 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	2588 Bates St	2 (2 units)	4.84	8,954	50'
2580 Bates St	2580 Bates St	2	3.14	13,529	74'
Bates St II	2589-2601 Bates St	8	4.32	7,188	54'

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 homes result in a density of 4.84 units per acre on the subject property. The applicant is requesting a rezoning from R-12 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.

Community Development considers the rezoning to be reasonable as the proposed density of 4.84 units per acre is below the 6 unit per acre threshold of Medium Density Residential land use. The proposed rezoning will meet all the requirements of the R-8 zoning district.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-12 to R-8-Conditional for the development of two single-family units at a density of 4.84 units per acre 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 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 setbacks:
Front – 25' (from existing right-of-way)
Side – 5'
Rear – 20'
10. Driveway – 20' minimum length from building face to private driveway.
11. The developer shall dedicate right-of-way along Bates Street to achieve 25 feet from the property line to centerline of the road.
12. The developer shall install curb, gutter, and sidewalk at the frontage of property along Bates Street.
13. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
14. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.

15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
17. 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 9/11/2020 and created by Paramount Surveys and all zoning stipulations above.

Figure 1 - Subject Property



Figure 2 - Adjacent Property



Figure 3 – Adjacent Property



Figure 4 - Adjacent Property

