

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: July 7, 2021

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z21-009 – 1084 Medlin Street**

Applicant: Kimberly Norwood Properties LLC

Existing Zoning: R-15

Titleholder: Pinetree Investment Group LLC

Proposed Zoning: RDA - Conditional
Size of Tract: 0.386 Acres

Location: 1084 Medlin Street

Land Lot: 486

Ward: 3

Access: Medlin Street

Contiguous Zoning:

North	RHR
South	R-15
East	R-15
West	R-15

Existing Improvements: 1 Single-family home

Hearing Dates:
P&Z July 12, 2021
Mayor and Council August 16, 2021

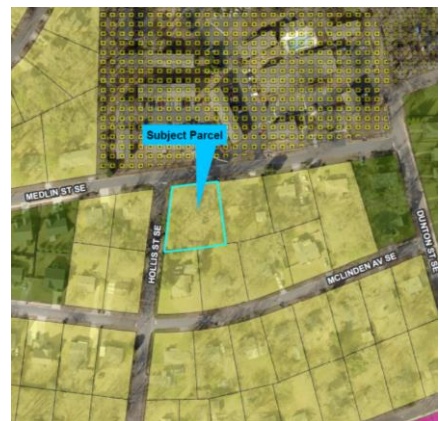
Proposed Use:

The applicant is requesting a rezoning from R-15 to RDA-Conditional for the development of two (2) single-family detached units at a density of 5.18 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-15 to RDA-Conditional for two single-family detached units.

Planning & Zoning Board: **Approval** by a vote of 5-0 at the July 12, 2021 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 use is identical to the uses of land on three of four sides of this site. The proposed use is single-family detached residential."

Staff Analysis:

The zoning proposal would result in the development of two (2) single-family homes at a density of 5.18 units per acre. The adjoining properties to the north are zoned Residential High Rise (RHR) and is occupied with a multi-family apartment development. The properties to the south, east, and west are zoned R-15 and are occupied with single-family detached homes. 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 and use for this home as RDA Conditional will not change or impact usability of adjacent or nearby homes. This zoning will not create any additional development burden on the adjacent properties due to buffer or setback requirements nor for any other reasons. As noted above this use is identical. Therefore logically there would be no adverse impact from use or zoning."

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 property as currently zoned is not developed to its highest and best economic potential. Other land in this area is zoned for multi-family, medium, or high density. It would be reasonable to expect that this lot should be able to be developed in the

same or similar fashion as those higher density homes on the same street that have been approved previously. Anything else would be less reasonable.”

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:

“Adding a single home to the existing infrastructure will have no appreciable impact to local streets, transportation facilities, utilities, or schools.”

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 ways of Hollis and Medlin 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 Future Land Use plan calls for this area to remain as medium density residential. The current development is low density residential. Therefore the requested development will simply result in a development that is congruent with the FLU plan and compliment other new homes being built on the same street and in the neighborhood.”

Staff Analysis:

The proposed development of two single-family detached residences on 0.386 acres yields a density of 5.18 units per acre. The Future Land Use plan identifies the property as Medium Density Residential, up to 6 units per acre. Therefore, no land use change is required as the density will be below 6 units per acre. The RDA zoning district is a compatible zoning district the Medium Density Residential (under 6 units per acre) Future Land Use designation.

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:

"Smyrna Heights Neighborhood has experienced significant redevelopment in the last 10 years. The major part of this change has been brought by lot splits and new homes very similar if not the same as those proposed in this request. There have been not less than six lot splits very similar to this in this specific neighborhood in the last five or six years. Of those three were also corner lots with almost identical conditions as the requested development. Additionally, this lot faces a multi-family development that had once been approved for mid-rise flats and higher density. For this reason, medium or slightly higher density homes in the proposed location would be a good intermediate or step down to the higher density of the multi-family development to the north."

Staff Analysis:

The overall density for the subject site will increase from 2.6 units per acre to a maximum of 5.18 units per acre by adding one additional home. The proposed rezoning will be compatible with the density established along Medlin Street.

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:

"Existing unimproved homes in the neighborhood were all built in the 1950s and lack significant style and are being replaced rapidly by new homes or major renovations. The new homes that have been built have generally been traditionally styled or done in the craftsman style. The proposed homes will be placed to align with existing home street setback and are designed to compliment the traditional and craftsman or American farmhouse styles. Open space will be congruent with other newer homes that have been constructed in the neighborhood in the last 10 years."

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:

"No, single-family detached residential use in a slightly higher density configuration will not create a nuisance or incompatibility with existing uses which are essentially the same."

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 size is significantly larger than the adjacent home to the east and south. However, both homes are significantly spaced away from the side lot and rear lot that they would not be impacted by shade or shadow and additionally there is no specific view or corridor to be concerned about with regard to blocking. The size is congruent with all newer homes that have been constructed on the same street or those nearby."

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 RDA zoning district as shown in Table 1.

Table 1: Lot Requirements for RDA 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
RDA Zoning District	7,260	50'	25'	5'	30'	35'	45	1,800
Proposed Lots	7,201	50'	25'	5'	30'	35'	45	1,500

Project Analysis

Kimberly Norwood Properties LLC is seeking approval of a rezoning for 1084 Medlin Street from R-15 to RDA-Conditional for the development of two single-family detached residences at a density of 5.18 units per acre. The existing home will be removed for the construction of two new single-family detached homes. The proposed lots will be between 7,201 and 9,611 sq. ft. The homes will face Medlin Street and have front-entry garages. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

Engineering Review

The zoning proposal shows water quality facilities located at the front of each property. The applicant has provided a site plan with the rezoning application for reference. The City Engineer does not support the proposed configuration as it does not meet the requirements of the Georgia Stormwater Management Manual (Blue Book). The Blue Book does not allow infiltration

facilities to be located under concrete or pavement. Additionally, the infiltration does not have appropriate setbacks from the property line and foundation. We believe there is sufficient area to provide water quality on the property that meets Blue Book standards. A formal review of stormwater management requirements will be assessed during plan review and permitting. There is no stream located on the subject property.

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) residences at density of 5.18 units per acre as currently proposed. 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	1084 Medlin Street	2	5.18	7,201	50'
1084 Medlin Street	Medlin Street	1	2.6	16,814	100'
1051 McLinden	Medlin & McLinden	2	4.8	8,596	80'
1041 McLinden	Medlin & McLinden	2	5.5	7,732	80'
1000 McLinden	Highland & Old Roswell	2	4.2	8,740	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 homes result in a density of 5.18 units per acre on the subject property. The applicant is requesting a rezoning from R-15 to RDA-Conditional 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 5.18 units per acre is below the threshold of Medium Density Residential land use. The proposed rezoning will require one variance for a lot size reduction to 7,201 sq. ft.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-15 to RDA-Conditional for the development of two single-family units at a density of 5.18 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 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 RDA setbacks:

Front – 25'
Street Side – 13'
Side – 5'
Rear – 25'

9. The minimum lot size shall be 7,201 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 dedicate 5 ft. of right-of-way dedication along Hollis Street.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Hollis and Medlin 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 RDA-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/15/2021 and created by SJMurphy LLC and all zoning stipulations above.
19. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 6/15/2021.

Figure 1 - Subject Property



Figure 2 – Subject Property



Figure 3 – Adjacent Property



Figure 4 – Adjacent Property

