

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

From: Ken Suddreth, Community Development Director  
Russell Martin, AICP, Senior Planner

Date: July 7, 2016

CC: Planning and Zoning Board  
Michael Jones, City Administrator

RE: **REZONING CASE Z15-003 – 1514 Hawthorne Avenue**

**Applicant:** Tuley & Tuley, Inc.

**Existing Zoning:** R-15

**Titleholder:** Iglesia Evangelica Cristiana  
Espiritual, Inc.

**Proposed Zoning:** R-12-Conditional

**Size of Tract:** 1.31 Acres

**Location:** 1514 Hawthorne Avenue

**Contiguous Zoning:**

**Land Lot:** 592

North R-15

South R-15

East R-15

West R-15

**Ward:** 3

**Access:** Hawthorne Avenue

**Hearing Dates:**

P&Z July 11, 2016

M&C August 15, 2016

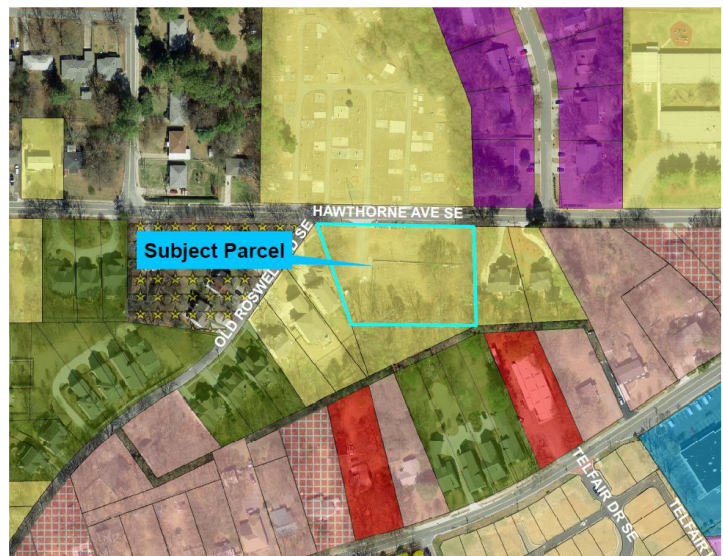
**Existing Improvements:** Vacant Site with Cemetery

**Proposed Use:**

The applicant is proposing the development of two (2) new detached single-family residences at a density of 1.52 units per acre. A land use change from Moderate Density Residential will not be required for this rezoning.

**Staff Recommendation:**

**Approval** of the proposed rezoning from R-15 to R-12-Conditional with conditions.



## 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:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

*The zoning would result in the development of two (2) single-family residences at a density of 1.52 units per acre. The subject property is vacant and with a cemetery. In the mid 2000's the church on the property burned down and was never rebuilt.*

*The adjoining property to the west is zoned R-15 and occupied by a single-family residence. The adjacent property to the north across Hawthorne Avenue is zoned R-15 and occupied by a cemetery. The adjoining property to the east is zoned R-15 and occupied by a single-family residence. The adjoining property to the south is zoned R-15 and is currently vacant. The proposed residential use is suitable in view of the use and development of adjacent and nearby property.*

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

*The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties.*

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

*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.

*Based upon information provided by the City Engineer, the proposed development is not expected to cause a burden to the existing street network or transportation facilities.*

*Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Sewer is located in the intersection of Old Roswell Road and Hawthorne Avenue. The developer/owner will be required to install a sewer main extension within the right-of-way to access the sanitary sewer system. Water is located in the roadway of Hawthorne Avenue and the developer/owner*

*will be required to bore the roadway for each individual water tap and service and set all meter boxes for this subdivision.*

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

*The 1.31-acre rezoning is consistent with the City's Future Development Plan, which indicates a land use of Moderate Density Residential. The proposed density of 1.52 units per acre for the development is well below the maximum allowable density of 4.5 units per acre for the Moderate Density Residential land use category on the Future Development Plan. The zoning proposal will not require a change on the Future Development Map from Moderate Density Residential.*

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.

*The area surrounding the subject parcel has continued to redevelop into smaller parcels in a neo-traditional form. The proposed development is consistent with the most recent trends in this portion of the City.*

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.

*The proposed development will employ a variety of architectural features and materials that will conform and enhance the existing neighborhood's aesthetics. The proposed scale of the homes will be compatible with the existing homes in the immediate areas.*

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

*The proposed use should not create a nuisance to existing uses in the area due to the fact that the surrounding area is also comprised of single-family residences.*

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.

*Factors associated with the size of the proposed use, in either land area or building height, will have an effect upon adjacent properties. The applicant is requesting to rezone the property to RAD-Conditional. The applicant is seeking a site plan specific rezoning to deviate from: 1) the required minimum front setback; 2) the required minimum side setback; and 3) the required minimum rear setback. Table 1 below shows the requirements of the R-12 & R-15 zoning districts versus the proposed development.*

<b>Table 1: Lot Requirements for R-12 &amp; R-15 Zoning Districts vs. Proposed Development</b>								
	<b>Min. Lot Size (Square Feet)</b>	<b>Min. Lot Width at Setback Line</b>	<b>Min. Front Setback</b>	<b>Min. Side Setback</b>	<b>Min. Rear Setback</b>	<b>Max. Height</b>	<b>Max. Lot Coverage (percent)</b>	<b>Min. Square Footage</b>
<b>R-15 Zoning District</b>	15,000	85'	35'	10'	30'	35'	35	2,000
<b>R-12 Zoning District</b>	12,000	85'	35'	10'	30'	35'	45	1,900
<b>Proposed Lots</b>	12,000	85'	12'	5'	10'	35'	35	1,900

**Note:** Single-family detached dwellings in an RAD district shall meet the minimum side and rear yard requirements specified for the R-15 district.

**Note:** The street side setback for the new lot is reflected as 23.3' due to Section 1202 of the Zoning Ordinance which requires the street side setback to be two thirds the required front setback.

The proposed rezoning from R-15 to R-12-Conditional would result in the creation of two (2) residential lots at a density of 1.52 units per acre on a currently vacant site that as previously used for a church. The church burnt down in the mid 2000's. The church was approved for six (6) variances in 2008 to rebuild the church. These variances included reductions in setbacks, parking and buffering. The church was never rebuilt and site remains vacant. The subject property also has a large cemetery located in the southeast quadrant of the property. Community Development is unaware of any organizations that are currently responsible for the maintenance and upkeep of the cemetery. The zoning proposal would allow for the development of the unused property surrounding the cemetery.

The proposed lots for the rezoning will be 13,114 sq. ft. and 12,000 sq. ft.. The proposed lots will require several variances from the zoning requirements of the R-12 zoning district. These variances include the following: 1) a reduction in the minimum front setback from 35' to 12'; 2) a reduction in the minimum interior side setback from 10' to 5'; 3) a reduction in the minimum rear setback from 30' to 10' for lot #2. These deviations are reflected in Table 1 above. The proposed setbacks for both lots are significantly smaller than the setbacks for all adjoining and adjacent lots in the immediate area of the subject property, but are necessary due to the size and location of the cemetery. The requested front setback variances are the same as the variances granted to the church in 2008.

The applicant is proposing to dedicate the cemetery to the city. In addition, the applicant has proposed to reface the existing retaining wall along the north side cemetery, erect a fence along a portion of the wall and build a small monument sign for the cemetery. The neighborhood (Williams Park Civic Association) has submitted a memorandum of understanding to the city laying out their intent to be active partners with the city in the restoration, care and maintenance of the cemetery.

The City Engineer has reviewed the proposed site plan for compliance with the City's stormwater management requirements and believes the proposed plan can meet all city requirements.

The proposed rezoning would provide for 2 residences at an overall density of 1.52 units per acre. This density is well under the density approved for other previously approved infill developments in the city. Table 2, shows the infill development in the city as it relates to density, lot size and lot width.

Table 2: Infill Developments					
Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
<b>Morris Circle</b>	Morris Circle & Walker Street	4	3.69	8,876	52'
<b>Joni Mitchell Tract</b>	1524 Walker Street	3	4.37	5,460	40'
<b>Walker Manor</b>	Walker Court & Walker Street	9	4.5	6,200	62'
<b>Walker Street Cottages</b>	Walker Street & Mathews Street	12	4.63	6,960	48'
<b>Riley's Walk III</b>	Roswell Street	5	3.03	8,037	54'
<b>Gilbert Street</b>	Gilbert Street	4	2.47	16,602	52'

Community Development has reviewed the zoning proposal against recent infill development and the City's Future Development Plan. The zoning proposal is in line with both recent infill developments and the City's Future Development Plan.

Community Development recommends **approval** of the proposed zoning from R-15 to R-12-Conditional for the development of two (2) new single-family residences at a density of 1.52 units per acre with the following conditions:

#### **Standard Conditions**

**(Requirement #2, 3, 4, 8, 9, 10 and 17 from Section 1201 of the Zoning Code is not 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. The stormwater management facility shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
3. All utilities within the development shall be underground.
4. 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 2' shall be provided between the back of curb and sidewalk.

5. No debris may be buried on any lot or common area.
6. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
9. 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**

10. The development shall maintain the following setbacks:

#### **Lot #1**

Front – 12'  
Interior Side – 5"  
Exterior Side – 10'  
Rear – 30'

#### **Lot #2**

Front – 12'  
Interior Side – 5"  
Exterior Side – 10'  
Rear – 10'

11. Driveway – 22' minimum length from building face to back of sidewalk.
12. The right-of-ways along Hawthorne Avenue shall be increased to 50 feet. Therefore, a dedication of approximately 5' feet is required along Hawthorne Avenue.

13. The developer shall provide a 5' sidewalk with a 2' grass buffer along Hawthorne Avenue for the length of the development. This sidewalk shall connect to the existing sidewalks on either end of the development.
14. If there is to be a common detention facility for the two homes, the developer shall provide protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.
15. If an above ground detention facility is located near the public right-of-way, any visible portion of the wall of the detention facility shall be clad in either brick or stone.
16. Approval of the subject property for the R-12 zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plan dated 6/30/2016 created by Paul Lee Consulting Engineering Associates, Inc..
17. The applicant shall be bound to the elevations submitted and dated 6/30/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.



**Figure – 1**  
**(Subject Site)**



**Figure – 2**  
**(Adjoining Property to the West)**





**Figure – 3**  
**(Adjoining Property to the East)**



**Figure – 4**  
**(Adjacent Property to the North Across Hawthorne Avenue)**

