

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 Z20-011 – 1529 Roswell St**

Applicant: Thomas Trebus

Existing Zoning: GC

Titleholder: Thomas Trebus

Proposed Zoning: R-15

Size of Tract: 0.61 Acres

Location: 1529 Roswell Street

Contiguous Zoning:

Land Lot: 592

North	R-15
South	RTD
East	FC
West	LC

Ward: 3

Access: Roswell Street

Hearing Dates:

Existing Improvements: One single-family residence

P&Z	October 12, 2020
Mayor and Council	November 16, 2020

Proposed Use:

The applicant is requesting a rezoning from GC (General Commercial) to R-15 for the development of one (1) single-family detached unit at a density of 1.64 units per acre. A land use change from Moderate Density Residential is not required for this rezoning.

Staff Recommendation:

Approval of the rezoning from GC to R-15 for one new single-family detached unit.

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:

"Neighboring homes will share the same zoning type as the proposed zoning request."

Staff Analysis:

The zoning proposal would result in the development of one (1) single-family home at a density of 1.64 units per acre. The adjoining properties to the north are zoned R-15 and comprised of single-family homes. The property located to the east is zoned FC (Future Commercial) and is occupied by a single-family home. The properties to the south are zoned RTD are occupied by townhomes. The property to the west is zoned LC (Limited Commercial) 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:

"No the rezoning request will not affect any existing or adjacent property."

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 replace an existing single-family home with a new single-family home.

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

Applicant Response:

"The property currently contains a single-family home. The property is zoned General Commercial. We are looking to rezone to residential similar in nature to all surrounding properties. This will have no negative economic effect to the city."

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:

"There will be no excessive or burdensome effect to any current 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 Roswell 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:

"Yes, this rezoning will conform with current policy and intent of land use plan."

Staff Analysis:

The R-15 zoning district is a compatible zoning district under the Moderate Density Residential (under 4.5 units per acre) Future Land Use designation. The proposed development of one new residence on 0.61 acres yields a density of 1.64 units per acre. A land use change from Moderate 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:

"No additional changes will affect development."

Staff Analysis:

The overall density for the subject site will not increase from 1.64 units per acre. The subject property has an existing single-family residence. The existing structure will be demolished and replaced with a new single-family residence. There will be no change in use or density of the subject property.

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 new development will enhance the general neighborhood and conform to the surroundings."

Staff Analysis:

The proposed new single-family residence 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 new zoning request will not create a nuisance to existing uses in the area."

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 units and density.

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 new development will be similar to surrounding homes and not negatively affect 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-15 zoning district as shown in Table 1.

Table 1: Lot Requirements for R-15 Zoning District vs. Proposed Lot

	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-15 Zoning District	15,000	85'	35'	10'	30'	35'	35	2,000
Proposed Lot	26,708	85'	35'	10'	30'	35'	50	2,000

The following variance is required for the proposed development:

1. Allow the increase in impervious coverage of lot area from 35% to 50%. **(Staff Supports)**

Community Development supports the requested variance due to the property being a down zoning from GC to R-15. The GC zoning district currently allows a lot coverage of 100%. The requested variance would reduce the lot coverage by 50% from what is currently allowed today. In addition, the property owner will be required to meet water quality standards,

Project Analysis

Thomas Trebus is seeking approval of a rezoning for 1529 Roswell Street from GC (General Commercial) to R-15 for the development of one single-family detached residence at a density of 1.64 units per acre. The applicant is proposing to demolish the existing single-family structure to construct one new single-family residence. The existing lot is 26,708 sq. ft. in area. The proposed home will face Roswell Street and have a side-entry garage. 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 R-15 zoning district allows impervious lot coverage at 35%. The zoning proposal shows impervious coverage of the lot at 50%. The applicant has provided a site plan with the rezoning application for reference. The applicant will be required to provide a water quality program to compensate for the additional impervious coverage. A formal review of stormwater management requirements will be assessed during plan review and permitting. There is no stream located on the subject property. No transportation improvements will be required for 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 one (1) new residence at density of 1.64 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Moderate Density Residential (up to 4.5 units per acre). The proposed development will not increase density or units.

Community Development has reviewed the proposed development against the zoning standards and found the proposed development to be compatible. The demolition of the existing single-family home and construction of the one single-family home result in a density of 1.64 units per acre on the subject property. The applicant is requesting a rezoning from GC to R-15 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.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from GC (General Commercial) to R-15 for the development of one single-family unit at a density of 1.64 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 – 35'
Side – 10'
Rear – 30'
10. The development shall have a maximum of 50% impervious lot coverage, and provide a water quality program.
11. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
12. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
13. Approval of the subject property for the R-15 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 Barclift Associates and all zoning stipulations above.
14. The applicant shall be bound to the elevations submitted on 9/21/2020 and created by Caldwell Cline. 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 - Adjacent Property



Figure 4 - Adjacent Property

