

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: October 10, 2019

CC: Tammi Saddler-Jones, City Administrator  
Planning and Zoning Board

**RE: REZONING CASE Z19-015 – 1540 Whitfield Street**

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<b>Applicant:</b>	<u>Allan Khalife</u>	<b>Existing Zoning:</b>	<u>RD</u>
<b>Titleholder:</b>	<u>Oscar and Patsy Wolf</u>	<b>Proposed Zoning:</b>	<u>R-8</u>
		<b>Size of Tract:</b>	<u>0.46 Acres</u>

<b>Location:</b>	<u>1540 Whitfield St</u>	<b>Contiguous Zoning:</b>	
<b>Land Lot:</b>	<u>593</u>	North	RD-4 & RDA
<b>Ward:</b>	<u>3</u>	South	RDA
		East	R-15
		West	R-15

**Access:** Private drives off Whitfield

**Existing Improvements:** One duplex building

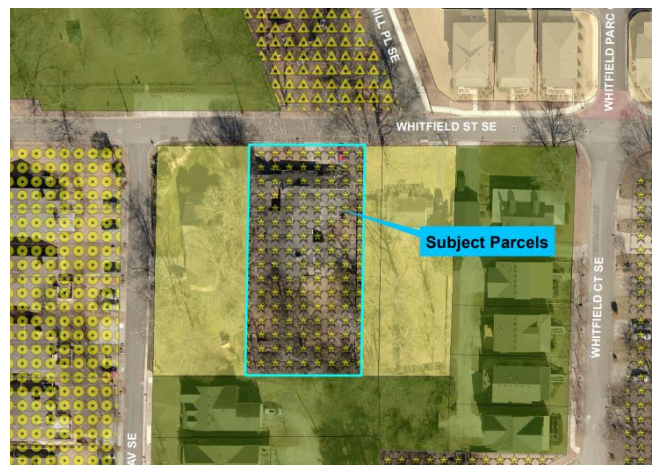
**Hearing Dates:**  
P&Z October 14, 2019  
Mayor and Council November 18, 2019

#### Proposed Use:

The applicant is requesting a rezoning from RD to R-8 for the development of two (2) single-family detached units at a density of 4.35 units per acre. A land use change is not required for this rezoning.

#### Staff Recommendation:

**Approval** of the rezoning from RD to R-8 for two new single-family detached units. Planning & Zoning Board recommended approval by a vote of 5-0 at the October 11, 2019 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 new zoning will allow for the construction of two single-family houses to be built in the style of the neighborhood. This neighborhood is in resurgent period, which means, the removing of older homes and replacing them with new homes. The new homes in the neighborhood are in the Craftsman Style. The homes proposed are to also be Craftsman Style; therefore, they will be suitable in the view of the use and development of adjacent and nearby properties."*

Staff Analysis:

*The zoning proposal would result in the development of two (2) single-family homes at a density of 4.35 units per acre. The adjoining properties to the north are comprised of quadplexes zoned RD-4, and the Whitefield Commons subdivision zoned RDA. The property located to the east is zoned R-15 and is occupied by a single-family home. The properties to the south are zoned RDA-Conditional and are occupied by single-family homes that are part of the North Whitefield Reserve subdivision. The property to the west is zoned R-15 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 properties on both sides of the property are single-family homes. The home at 1528 Whitefield is a new home in the craftsman style. The older home at 1550 Whitefield is an older home built prior to the construction of the existing duplex in the 1970s. The construction of these two new homes will increase the property value of the whole neighborhood and not impact the services, utilities, or transportation of the current 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 not change the density for the site.*

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

Applicant Response:

*“There should be no change in the currently zoned property and the economic use. The only difference in the use is that there will have two new single-family homes instead of a duplex in poor condition. The only economic change to this property is the increased value it brings to the neighborhood, the increased revenue it brings in taxes to the city of Smyrna and increased property value to the neighbors.”*

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 have the same number of people living in the two homes as previously lived in the duplex.”*

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 Whitefield 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 applicant’s proposal is expected to conform with the policy of the land use plan which is residential.”*

Staff Analysis:

*The R-8 zoning district is a compatible zoning district the Medium-High Density Residential (under 10 units per acre) Future Land Use designation. The proposed development of two new residences on 0.46 acres yields a density of 4.35 units per acre. No land use change from Medium-High Density Residential is 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 existing or changing conditions in use are expected to be impacted by this proposal.*

Staff Analysis:

*The overall density for the subject site will not be changing as one duplex property will be replaced with two detached single-family units on individual lots. The proposed rezoning will be in line with previous rezonings (Z19-004, Z14-005 and Z04-024) in the immediate 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:

*"The rezoning of this property will be an enhancement to the neighborhood. The removal of the older 1970s duplex and replacement with the two new single-family homes will be more in line with the current development of the neighborhood architecturally.*

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 nuisance or incompatibility will exist by the replacement of the old structure with new proposed homes.*

Staff Analysis:

*The proposed use should not create a nuisance to existing uses in the area. The number of residential units and density will remain unchanged with this rezoning.*

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 use of the land in area and building height will not affect the adjoining property. The new home located at 1528 is a two-story new construction home in the Craftsman Style as are the plans for the two new single-family homes proposed for this rezoning request. The older home located at 1550 is single story but will not be impacted by the proposed development.*

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 all current regulations for the R-8 zoning district.*

Allan Khalife is seeking approval of a rezoning for 1540 Whitefield Street from RD to R-8 for the development of two single-family detached residences at a density of 4.35 units per acre. The applicant is proposing to demolish the existing duplex and then subdivide the parcel into two lots and construct two individual single-family residences. The number of units and density will remain unchanged from what currently exists on-site today. The proposed lots will be 9,910 sq. ft. and 9,929 sq. ft.. Each proposed home will be a front-entry home and will face Whitefield Street. In addition, each lot will have its own stormwater detention facility located at the rear of the property. The applicant has provided a site plan with the rezoning application for reference. 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.

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.

The proposed rezoning would provide for two (2) new residences at density of 4.35 units per acre. The subject property is located in an area with a future land use designation of Medium-High Density Residential (up to 10 units per acre). The proposed lot sizes and widths are in line with other nearby developments. Table 1 shows the infill development in the immediate area as it relates to density, lot size and lot width.

<b>Table 1: Proposed Development vs. Infill Developments</b>					
<b>Name of Development</b>	<b>Location</b>	<b>Number of Lots</b>	<b>Site Density</b>	<b>Minimum Lot Size (square feet)</b>	<b>Minimum Lot Width</b>
<b>Proposed Development</b>	1540 Whitefield St	2 (2 units)	4.35	9,910	50'
<b>Existing Use</b>	1540 Whitefield St	1 (2 units)	4.35	19,820	100'
<b>1607 Walker Street</b>	1607 Walker St	2	5.56	7,233	50'
<b>N Whitfield Reserve</b>	North Ave	4	2.88	9,549	42'

<b>1601 Walker St</b>	1601 Walker St	2 (2 units)	5.71	7,495	50'
<b>Whitfield Court</b>	Whitefield St & Whitefield Ct	5	6.79	4,473	42'

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 demolition of the existing duplex and construction of the two single-family homes will result in no change in the number of residential units or density on the subject property. In addition, the applicant is requesting a down zoning from RD to R-8, which will limit the number of permitted uses and bring the property in line with the rest of the neighborhood. 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. Therefore, Community Development recommends **approval** of the rezoning from RD to R-8 for the development of two single-family units at a density of 4.35 units per acre with the following conditions:

**Standard Conditions**

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.
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'  
Side – 5'  
Rear – 25'
10. Driveway – 22' minimum length from building face to private driveway.
11. The right-of-way along Whitfield Street shall be increased to 50 feet. Therefore, a dedication of approximately 10' feet is required along Whitefield Street.
12. The developer shall donate a fee to the sidewalk bank in lieu of installation of curb, gutter, and sidewalk.
13. All structures will be limited 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. No fill or cut slopes between the proposed structures and the adjoining property lines shall exceed 4:1. Prior to issuance of a Certificate of Occupancy, all areas between the proposed structures and adjoining property lines shall be permanently stabilized with sod or other groundcover.

**Figure 1 - Subject Property**



**Figure 2 - Adjoining Property**





**Figure 3 - Adjoining Property**



**Figure 4 - Adjacent Property to the North Across Whitefield Street**

