

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: August 2, 2021

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z21-011 – 3562 & 3572 S Sherwood Rd

Applicant: Midtown Builders Group

Existing Zoning: R-15

Titleholder: John & Marlene Dickson

Proposed Zoning: RDA - Conditional

Size of Tract: 2.654 Acres

Location: 3562 & 3572 S Sherwood

Contiguous Zoning:

Land Lot: 339 & 382

North GC & RDA

South R-15

East RDA

West GC & RDA

Ward: 3

Access: S Sherwood

Hearing Dates:

P&Z August 9, 2021

Mayor and Council September 20, 2021

Existing Improvements: Vacant Lot

Proposed Use:

The applicant is requesting a rezoning from R-15 to RDA-Conditional for the development of six (6) single-family detached units at a density of 2.26 units per acre. A land use change from Moderate Density Residential is not required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-15 to RDA-Conditional for six (6) single-family detached units.

Planning & Zoning Board Recommendation: **Approval** by a vote of 6-0 at the August 9, 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:

"Single-family residential exists on all adjacent properties. Single-family detached RDA zoning already exists with the properties to the immediate left and right of the proposed development. RDA is consistent with the properties on the North side of S Sherwood Rd. The development will complete the development of RDA on that side of the road."

Staff Analysis:

The zoning proposal would result in the development of six (6) single-family homes at a density of 2.26 units per acre. The adjoining properties to the north and west are zoned GC and RDA and are occupied with residential and commercial development. The properties to the south are zoned R-15 and are occupied with residential homes. The properties to the east are zoned RDA and are occupied with residential development. 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:

"Single-family residential exists on all adjacent properties. Single-family detached RDA zoning already exists with the properties to the immediate left and right of the proposed development. RDA is consistent with the properties on the North side of S Sherwood Rd. The development will complete the development of RDA on that side of the road."

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 six (6) 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:

"R-15 is not consistent with adjacent properties to the left and right of the property. R-15 is not the highest and best use of the subject property given adjacent property zoning."

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:

"Single-family RDA zoning is consistent with existing zoning on this street. No excessive or burdensome use of existing streets, transportation facilities, utilities or school will result from RDA zoning."

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 S Sherwood Rd. 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 is in conformity with the policy and intent of the land use plan. RDA with a minimum 10,000 sq. ft. lot size is consistent with the current zoning on adjacent properties."

Staff Analysis:

The proposed development of six (6) single-family detached residences on 2.654 acres yields a density of 2.26 units per acre. The Future Land Use plan identifies the property as Moderate Density Residential, up to 4.5 units per acre. Therefore, no land use change is required as the density will be below 4.5 units per acre. The RDA zoning district is a compatible zoning district the Moderate Density Residential (under 4.5 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:

"RDA zoning exists on adjacent lots on this side of S Sherwood Rd. The proposed zoning change is consistent with those properties and will complete development on that side of S Sherwood Rd."

Staff Analysis:

The overall density for the subject site will increase from an undeveloped lot to a maximum of 2.26 units per acre by the development of six (6) single-family detached homes. The proposed rezoning will be compatible with the density established along S Sherwood Rd.

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 proposed six lot, single-family detached homes will be architecturally similar to the adjacent lots to the west of the property. The homes will be between 2,500 and 3,500 sq. ft. constructed with cement-fiber siding, board-n-batten, and/or shake accents with stone or brick. The style of the homes will be Craftsman Style, Cottage Style with front and rear porches. Some lots will have basements. The intent of the development is to enhance the neighborhood with consistent architecture, landscaped lawns, and greenspace to the rear of the property."

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:

"RDA zoning is consistent with adjacent properties on this side of S Sherwood Rd."

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 six lot, single-family detached homes will be architecturally similar to the adjacent lots to the west of the property. The homes will be between 2,500 and 3,500 sq. ft. constructed with cement-fiber siding, board-n-batten, and/or shake accents with stone or brick. The style of the homes will be Craftsman Style, Cottage Style with front and rear porches. Some lots will have basements. The intent of the development is to enhance the neighborhood with consistent architecture, landscaped lawns, and greenspace to the rear of the property."

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 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	10,005	50'	25'	5'	30'	35'	45	2,500

Project Analysis

Midtown Builders Group is seeking approval of a rezoning for 3562 & 3572 S Sherwood Rd from R-15 to RDA-Conditional for the development of six (6) single-family detached residences at a density of 2.26 units per acre. The proposed lots will be between 10,005 and 11,146 sq. ft. The homes will face S Sherwood Rd 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 a common water quality facility located at the rear of the property. The applicant has provided a site plan with the rezoning application for reference. The City Engineer supports the proposed configuration and believes it meets the requirements of the Georgia Stormwater Management Manual (Blue Book). 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 site plan identifies a stream at the rear of the property. The proposed development does not encroach any of the stream buffers and will have no impact on the stream.

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 six (6) residences at density of 2.26 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 Moderate Density Residential (up to 4.5 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	3562 & 3572 S Sherwood	6	2.26	10,005	50'
3562 S Sherwood	S Sherwood	1	0.38	15,000	85'
Sherwood Rd Development	3574-3580 S Sherwood	4	3.08	13,018	50'
Sherwood Park Ph II	S Sherwood	23	3.79	4,531	45'

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 six (6) new single-family homes result in a density of 2.26 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 2.26 units per acre is below the threshold of Moderate Density Residential land use.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-15 to RDA-Conditional for the development of six (6) single-family units at a density of 2.26 units per acre with the following conditions:

Standard Conditions

Requirements # 2, 3, 4, 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. The retention pond 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 ten percent reduction in a 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 two feet 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. All required tree protection measures shall be adhered to by the developer during construction.
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 RDA setbacks:
Front – 25'
Side – 5'
Rear – 30'

10. The minimum lot size shall be 10,005 sq. ft.
11. The minimum lot width shall be 50 feet.
12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall dedicate 5 ft. of right-of-way dedication along S Sherwood Rd.
14. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along S Sherwood Rd.
15. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
16. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
17. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
18. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
19. 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 7/9/2021 and created by Crescent View Engineering LLC and all zoning stipulations above.
20. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 7/9/2021.

Figure 1 - Subject Property



Figure 2 – Subject Property



Figure 3 – Adjacent Property



Figure 4 – Adjacent Property

