

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: November 3, 2021

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z21-006– Atlanta Rd & Campbell Rd**

Applicant: Morgan Capital & Development

Existing Zoning: NS

Titleholder: Morgan Capital & Development

Proposed Zoning: RDA-Conditional

Size of Tract: 2.03 acres

Location: Atlanta Rd & Campbell Rd

Contiguous Zoning:

Land Lot: 700

North

R-15

South

OI

East

R-15

West

GC & RM-12

Ward: 1

Access: Campbell Rd

Hearing Dates:

Existing Improvements: Undeveloped Lot

P&Z

November 8, 2021

Mayor and Council

December 20, 2021

Proposed Use:

The applicant is requesting a rezoning from NS to RDA for 12 single-family detached homes at a density of 5.9 units per acre. The future land is NAC and a land use change to MEDR is required.

Staff Recommendation:

Approval of the rezoning from **NS** to **RDA-Conditional**.

Planning & Zoning Board Recommendation: Approval

of the request by a vote of 6-0 at the November 8, 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 rezoning will permit development of a townhome community, which is a more suitable use of the property than its currently zoned NS zoning category; and further is more compatible with the adjacent and nearby residential neighborhoods."

**After the initial rezoning application was submitted the site plan was revised from 23 townhomes in RM-12 to 12 single-family detached homes in RDA.*

Staff Analysis:

The zoning proposal consists of one tract of land totaling 2.03 acres and is zoned NS (Neighborhood Shopping). The applicant is seeking to develop the parcel for twelve (12) single-family detached homes at a density of 5.9 units per acre. The adjacent property to the north is zoned R-15 (Campbell Middle School). The adjacent property to the south is zoned OI (Office Institutional) and will be developed for a church. The adjacent property to the west across Atlanta Rd is zoned GC & RM-12 and occupied with commercial and residential uses. The adjacent property to the east is zoned R-15 and is occupied with single-family detached homes (Argyle Estates). The rezoning application for 12 single-family detached homes is considerably less dense than the original plan for 23 townhomes, and would be less impactful than a commercial use.

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 proposal will not adversely affect nearby properties. The proposed townhome community is compatible and consistent with nearby single-family, condominiums, and other townhome communities."

**After the initial rezoning application was submitted the site plan was revised from 23 townhomes in RM-12 to 12 single-family detached homes in RDA.*

Staff Analysis:

The zoning proposal would not have an adverse affect upon the existing use or usability of nearby properties. The existing future land use is NAC (Neighborhood Activity Center) which could impact the LDR (Low Density Residential) & PI (Public Institutional) future land use of the adjacent properties on the east side of Atlanta Road. The change in land use to MEDR will allow a downzoning for the property and be more compatible with the adjacent properties residential in character. The subject property is currently accessed directly from Campbell Road and will not impact any additional local streets.

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

Applicant Response:

"The current NS zoning provides some economic viability, but impact to surrounding residential communities to a much larger degree than the proposed use."

Staff Analysis:

The property is a 2-acre vacant lot with a commercial zoning of NS (Neighborhood Shopping). The subject parcel has reasonable economic use as currently zoned; however, a commercial use would have a greater impact on the adjacent properties than the proposed residential development.

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 proposed rezoning will not have an excessive or burdensome impact on existing facilities and infrastructure."

Staff Analysis:

Based upon information from the City Engineer, the proposed use will not cause an excessive or burdensome use of the existing streets or transportation facilities.

The property has available water and sewer from the City of Smyrna accessed on Campbell Road.

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

Applicant Response:

"The proposed use is not in conformity with the existing Neighborhood Activity Center Land Use category; however, given the character and conditions of similarly situated properties on Atlanta Road and Campbell Road, the proposed use is justified and actually provides better transition."

Staff Analysis:

The subject property has a future land use designation of NAC (Neighborhood Activity Center) on the city's 2040 Future Land Use Plan. The proposed rezoning to RDA for use as a twelve-lot single-family detached subdivision will have a density of 5.9 units per acre, and require a future land use change to MEDR (Medium Density Residential) under six (6) units per acre. The surrounding area is comprised of a mix of single-family residential, and institutional and commercial properties. The east side of Atlanta Road is predominately designated as LDR (Low Density Residential) and PI (Public Institutional). Thus, a change to MEDR future land use will provide a reasonable transition with the surrounding residential properties in Argyle Estates.

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:

"The development of similar residential projects in the immediate and surrounding area; as well as the expansion of commercial, office, and institutional uses along Atlanta Road, supports the proposed townhome community, which is less in intensity and impact than the uses afforded under the existing NS zoning category."

**After the initial rezoning application was submitted the site plan was revised from 23 townhomes in RM-12 to 12 single-family detached homes in RDA.*

Staff Analysis:

The property is currently zoned NS. However, the residential area accessed from Campbell Road, and immediately adjacent to the property is zoned R-15, with a LDR future land use. The existing or changing conditions do support approval for a rezoning to RDA and accompanying future land use change to MEDR, which will be a substantial downzoning from the commercial land use of NAC.

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:

"Architectural standards for the community will be enhanced by the proposed rezoning due to the high quality."

Staff Analysis:

The development of the property under the zoning proposal will allow the development of twelve (12) single-family detached homes. Six (6) of the homes will face Campbell Road and six (6) will face the detention area, with all having rear entry garages accessible from inside the development on a private street. The development will provide a 50-foot landscape buffer adjacent to the homes in Argyle Estates, and shared open space with the adjacent church. Community Development believes the development will enhance the architectural standards and open space requirements of the general neighborhood.

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 proposed townhome community is neither a nuisance nor incompatible considering the surrounding uses and neighborhoods, and is actually a better transition than the existing neighborhood."

**After the initial rezoning application was submitted the site plan was revised from 23 townhomes in RM-12 to 12 single-family detached homes in RDA.*

Staff Analysis:

The proposed zoning change to RDA is a reasonable buffer with the R-15 zoning of Campbell Middle School, OI (Office/Institutional) zoning of the adjacent church, and R-15 zoning of Argyle Estates.

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 proposal will positively affect the area and surrounding properties due to the high quality being proposed."

Staff Analysis:

The proposed development is a 2.034-acre project with a 50-foot landscape buffer between the existing single-family houses in Argyle Estates. The proposed building heights are a maximum of 35 feet. Therefore, the proposal should not have a negative impact on surrounding properties. The rezoning is compared to the regulations for the RDA zoning district as shown in Table 1.

Table 1: Lot Requirements for RDA Zoning District vs. Proposed Development						
	Min. Front Setback	Min. Side Setback	Min. Rear Setback	Max. Height	Max. Lot Coverage (percent)	Min. Square Footage
RDA Zoning District	25'	5'	30'	35'	45%	1,800
Proposed Development	20'	5'	10'	35'	58%	1,800

The proposed development requires several variances from the zoning requirements for RDA:

1. Reduce the front setback from 25' to 20' **(Staff Supports)**
2. Reduce the rear property setback from 30' to 10' **(Staff Supports)**
3. Allow increase in impervious coverage from 45% to 58% **(Staff Supports)**
4. Allow minimum lot size reduction from 7,260 to 3,150 sq. ft. **(Staff Supports)**
5. Allow reduction of minimum lot width from 50' to 35' **(Staff Supports)**

PROJECT DESCRIPTION

Morgan Capital and Development LLC is requesting a rezoning from NS (Neighborhood Shopping) to RDA (Residential) for a twelve (12) single-family detached home subdivision. The subject property is currently undeveloped. The applicant proposes twelve (12) single-family detached units with lots that are 35-feet wide by 90-feet in length. The proposed homes are approximately 25-feet in width and 55-feet in length with a driveway 16-feet in width. There will be a minimum of 10-feet of separation between units. There are three (3) additional guest parking spaces provided within the development adjacent to the mail kiosk, fireplace, and pocket park at the intersection of Atlanta Road and Campbell Road.

The development will be accessed by a private drive 24-feet in width that will also be used to access the adjacent church. The development will include another private drive 26-feet in width to access the homes and the detention/open space amenity area. The applicant will install a 5' sidewalk along Campbell Road that will connect to sidewalks throughout the development and to the sidewalk on the church property. The shared sidewalk and road connections with the church property will be installed and constructed by the developer. The existing detention pond on the church property will be shared with the new development and modified to account for additional stormwater. Additionally, the detention pond will be modified to become an open space amenity feature with enhanced landscaping and a passive park with sidewalks, all of which will be installed by the developer. The development will include a 50' landscape buffer between the development and existing single-family homes in Argyle Estates. The landscape buffer will include a 6' high planted berm, and no trees taller than 15' within 20' of the property line per an agreement with the property owners.

The units (Lots 1-6) along Campbell Road will be rear-entry with the front of the homes facing Campbell Road, while the internal six units (Lots 7-12) will also be rear-entry with the front facing the detention pond/open space amenity area. The homes will employ a variety of traditional architectural features. The building facades will include, but not be limited to brick, stone, cement-fiber siding, wood or cement-fiber shingles, and other materials per the attached rendering. The applicant has provided elevations for review with the zoning application.

Project Analysis

Zoning Review

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the RDA zoning standards. The proposed development requires several variances from the zoning requirements for RDA:

1. Reduce the front setback from 25' to 20' **(Staff Supports)**
2. Reduce the rear property setback from 30' to 10' **(Staff Supports)**
3. Allow increase in impervious coverage from 45% to 58% **(Staff Supports)**
4. Allow minimum lot size reduction from 7,260 to 3,150 sq. ft. **(Staff Supports)**
5. Allow reduction of minimum lot width from 50' to 35' **(Staff Supports)**

Public Works Review

The proposed development will be required to provide a new 24' wide private street, with 50' utility easement, off Campbell Road to provide access to the development and the adjacent church. The private street will be maintained by the HOA and the church. Additionally, there will be a 26' wide private street with 46' access easement that provides access to the homes, open space area, and connect to the entrance on Atlanta Road. Water and sewer for the subdivision will be provided from a connection on Campbell Road. The elevations are the responsibility of the developer when tying into the sewer system.

Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management and stream buffer issues. The City Engineer believes the detention facility shared with the church will be sufficient for the combined developments. There are no stream buffers affecting the property.

Fire Marshal Review

The Fire Marshal's office has reviewed the current proposal and in general believes that it meets the Fire Code requirements for fire truck access; however, due to the 26' street width, no street parking will be allowed on the private streets.

Planning Review

Community Development has reviewed the zoning proposal against the city's 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal to RDA requires a Land Use change from NAC (Neighborhood Activity Center) to MEDR (Medium Density Residential) under six (6) units per acre.

Community Development considers the rezoning to be a downzoning since the property is currently zoned NS (Neighborhood Shopping) which would allow for more intensive uses and

100% lot coverage. With the rezoning, there is the opportunity to build twelve (12) detached single-family homes that will provide a transition between the single-family detached homes in Argyle Estates, Campbell Middle School, and the commercial and multi-family on Atlanta Road. Although the development requires variances for setbacks, lot size and lot coverage, the site plan maintains a separation of 10' between houses and will provide a minimum of 28% community open space, with 48% impervious coverage overall for the development. Additionally, the detention pond on the church property will be modified to become an amenity feature with a passive park.

Community Development staff supports the change in zoning from NS to RDA and accompanying land use change.

STAFF RECOMMENDATION

Community Development recommends approval of the rezoning from NS to RDA-Conditional with a density of 5.9 units per acre at Atlanta Rd & Campbell Rd with the following conditions:

Standard Conditions

(Requirement #2, 8, 16 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. There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.
4. The detention 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 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.

6. 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.
7. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
8. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
9. No debris may be buried on any lot or common area.
10. 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.
11. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
12. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.

Special Conditions

13. The development shall maintain the following setbacks:

Front – 20'
Side – 5'
Rear – 10'
14. The proposed homes shall have a minimum floor area of 1,800 sq. ft.
15. The minimum lot size shall be 3,150 sq. ft.
16. The maximum impervious coverage shall be 58% per lot.
17. The minimum lot width shall be 35'.
18. The private drive shall be a minimum of 24' wide from back of curb to back of curb.
19. The developer shall provide right-of-way dedication on Campbell Road where required by the City Engineer.

20. The front elevations of Lots 1-6 shall face Campbell Road and the front elevations Lots 7-12 shall face the detention pond/open space area. The rear elevation shall be on the private street.
21. All homes shall have a two car rear-entry garage.
22. Privacy fencing shall be prohibited within the development. Fencing within the front yard shall be a maximum 4' in height and decorative.
23. The front entrance to the development shall not be gated.
24. The development shall include a 10' landscape strip along Atlanta Road.
25. The development shall include a 50' landscape buffer along the northern boundary. The landscape buffer will include a 6' high planted berm, and no trees taller than 15' within 20' of the property line
26. The developer shall be responsible for sidewalks along Atlanta Road and Campbell Road.
27. The existing detention pond will be modified by the developer to be an amenity feature with a passive recreational area; including walking trails and landscaping in accordance with the site plan dated 10/19/2021.
28. The developer shall be responsible for sidewalk and landscaping within the amenity area.
29. The developer shall be responsible for installation of the private roads within the development and will be privately maintained by the HOA.
30. The shared sidewalk and road connections with the church property will be installed and constructed by the developer as shown on the 10/19/2021 site plan.
31. The development shall provide appropriate turning radius for non-emergency commercial vehicles.
32. The developer shall be responsible for any water and sanitary sewer improvements deemed necessary by the Public Works Director during construction plan review.
33. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.
34. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.

35. Approval of the subject property for the RDA zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 10/19/2021 created by Planners and Engineers and all zoning stipulations above.
36. The applicant shall be bound to the elevations submitted and dated 6/2/2021. Approval of any change to the elevations must be obtained from the Director of Community Development.

Subject Property



Subject Property



Adjacent Property



Adjacent Property

