

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 3, 2020

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

RE: REZONING CASE Z20-009 – 2791 Mathews Street

Applicant:	<u>McBev One, LLC</u>	Existing Zoning:	<u>R-20 (Cobb County)</u>
Titleholder:	<u>McBev One, LLC</u>	Proposed Zoning:	<u>RDA - Conditional</u>
Location:	<u>2791 Mathews St</u>	Size of Tract:	<u>0.34 Acres</u>
Land Lot:	<u>632</u>	Contiguous Zoning:	
Ward:	<u>3</u>	North	RDA
Access:	<u>Rear access drives off Mathews</u>	South	<u>RDA</u>
Existing Improvements:	<u>One single-family residence</u>	East	R-20 (Cobb County)
		West	RDA
		Hearing Dates:	
		P&Z	August 10, 2020
		Mayor and Council	September 21, 2020

Proposed Use:

The applicant is requesting a rezoning from R-20 (Cobb County) to RDA-Conditional for the development of two (2) single-family detached units at a density of 5.88 units per acre. A land use change to Medium Density Residential is required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-20 (Cobb County) to RDA-Conditional for two new single-family detached units.



The Planning Board recommended approval by a vote of 6-0 at the August 10, 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:

"Yes, it is congruent with North & South contiguous property."

Staff Analysis:

The zoning proposal would result in the development of two (2) single-family homes at a density of 5.88 units per acre. The adjoining property to the north is zoned RDA and comprised of single-family homes that are part of the Village at Williams Park subdivision. The property located to the east is zoned R-20 (Cobb County) and is occupied by a single-family home. The properties to the south are zoned RDA and are occupied by single-family homes that are part of the Village at Williams Park subdivision. The property to the west is zoned RDA and is currently occupied by single-family homes. 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:

"It will be a benefit ridding the neighborhood of an unwanted structure."

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 two new single-family homes and become part of the Village at Williams Park subdivision and replace an older structure from 1932.

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

Applicant Response:

"The house is in disrepair and is effectively unlivable."

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:

"No such burden will be created."

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 Mathews 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 proposed zoning benefits the surrounding area."

Staff Analysis:

The RDA zoning district is a compatible zoning district the Medium Density Residential (under 6 units per acre) Future Land Use designation. The proposed development of two new residences on 0.353 acres yields a density of 5.88 units per acre. A land use change from Low Density Residential (Cobb County) to Medium 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:

"Primarily this will remove an eyesore from the streetscape."

Staff Analysis:

The overall density for the subject site will increase to 5.88 units per acre. The proposed rezoning will be in line with previous rezonings (Z20-002, Z19-015, Z19-004, Z14-005 and Z04-024) in the immediate area. Additionally, the rezoning will create two new single-family homes that are compatible with the residences to the north and south, and replace a front entry garage with rear entry garages.

- 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 housing proposed will conform to existing housing.”

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.

- 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 use is compatible with existing uses.”

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.

- 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 zoning will have a positive effect on Mathews Street.”

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 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	7,358	39.93'	25'	5'	20'	35'	45	1,800

The following variances are required for the proposed development:

1. Allow the reduction of the rear setback from 30' to 20'. **(Staff Supports)**
2. Allow the reduction of the minimum lot width from 50' to 39.93'. **(Staff Supports)**

Project Analysis

McBev One, LLC is seeking approval of a rezoning for 2791 Mathews Street from R-20 (Cobb County) to RDA for the development of two single-family detached residences at a density of 5.88 units per acre. The applicant is proposing to demolish the existing single-family structure and then subdivide the parcel into two lots to construct two individual single-family residences. The proposed lots will be 7,358 sq. ft. The homes will face Mathews Street and have a shared drive with rear access to the garages. 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

Community Development considers the rezoning to be a special circumstance since it is an opportunity to remove an existing island in Cobb County comprised of one 80 ft. lot. With the rezoning is the opportunity to fill in the island with two lots in the City that will match the existing development on either side with rear entry garages. Although the lot widths are below the 50 ft. minimum the site plan maintains a separation of 10' between houses. Community Development believes the special conditions of this specific lot are a unique opportunity and overall benefit to the City.

Engineering Review

The zoning proposal shows each lot having its own stormwater detention facility located at the front and rear of the property. The applicant has provided a site plan with the rezoning application for reference. 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 following transportation improvements will be required for the subject property: expand Mathews Street with right-of-way dedication, new curb and gutter, a tie into the existing shared drive, and construction of five-foot sidewalk with grass strip.

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 two (2) new residences at density of 5.88 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Medium Density Residential (up to 6 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	2791 Mathews St	2 (2 units)	5.88	7,358	39.93'
2790 Mathews St	2790 Mathews St	2	5.68	7,260	55'
1607 Walker Street	1607 Walker St	2	5.56	7,233	50'
Ivy Springs Townhomes	Ivy Spring Dr	37	8.89	3,400	25.5'
1601 Walker St	1601 Walker St	2	5.71	7,495	50'
Village at Williams Park - South	Mathews St	12	5.74	7,378	43'
Village at Williams Park - North	Mathews St	5	5.15	8,385	47.97'

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 single-family home and construction of the two single-family homes result in a density of 5.88 units per acre on the subject property. The applicant is requesting a rezoning from R-20 (Cobb County) to RDA 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 R-20 (Cobb County) to RDA-Conditional for the development of two single-family units at a density of 5.88 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 – 25' (from existing right-of-way)
Side – 5'
Rear – 20'
10. Driveway – 20' minimum length from building face to private driveway.
11. The developer shall dedicate 10' of right-of-way along Mathews Street.
12. The developer shall install curb, gutter, and sidewalk at the frontage of property along Mathews Street.
13. The developer shall be required to expand the Mathews Street roadway to meet street width on either side of the development.

14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
16. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
17. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
18. 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 7/10/2020 and created by Vaughn & Melton Consulting Engineers, Inc. and all zoning stipulations above.
19. The applicant shall be bound to the elevations submitted on 7/10/2020. 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 - Adjoining Property



Figure 4 - Adjacent Property

