

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: November 15, 2021

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z21-012– 1439 Walker Court**

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**Applicant:** Joe Callahan

**Existing Zoning:** R-15

**Titleholder:** Sheila Lawrence

**Proposed Zoning:** R-8

**Size of Tract:** 0.445 acres

**Location:** 1439 Walker Court

**Contiguous Zoning:**

**Land Lot:** 560

North R-15

South RDA

**Ward:** 3

East R-15

West R-15

**Access:** Walker Court

**Hearing Dates:**

**Existing Improvements:** One single-family detached unit

P&Z November 8, 2021

Mayor and Council November 15, 2021

**Proposed Use:**

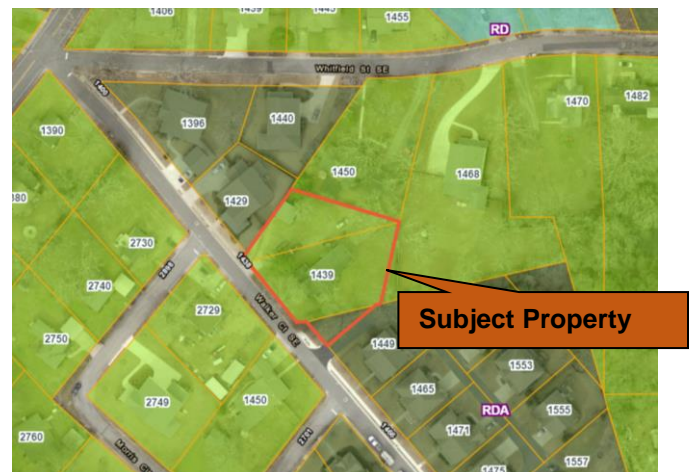
The applicant is requesting a rezoning from R-15 to R-8 for two single-family detached lots at a density of 4.49 units per acre. The future land is MODR and no future land use change is required for rezoning.

**Staff Recommendation:**

**Approval** of the rezoning from R-15 to R-8 with conditions.

**Planning & Zoning Board Recommendation:**

**Approval** by a vote of 4-3



## **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 "use" is identical to the uses of the land on all four sides of this site. The proposed use is single family detached residential."*

*Staff Analysis:*

*The zoning proposal consists of one tract of land totaling 0.435 acres and is zoned R-15. The applicant is seeking to subdivide the parcel into two lots with a minimum lot size of 8,590 sq. ft. in area at a density of 4.49 units per acre. The adjacent properties to the north, east, and west are zoned R-15. The adjacent property to the south is zoned RDA. All are occupied with single-family detached houses. The proposed zoning is consistent with the zoning of surrounding properties.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. \*\*\**

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 proposed zoning and use for the home as R-8 will not change or impact usability of the adjacent or nearby homes. This zoning will not create any additional development burden on the adjacent properties due to use, buffer, or setback requirements nor for any other reason. As noted above the use is identical. Therefore logically there would be no adverse impacts from this use or zoning."*

*Staff Analysis:*

*The zoning proposal would not have an adverse effect upon the existing use or usability of nearby properties. The proposed future land use is consistent with the Moderate Density Residential future land use designation of the adjacent properties. The subject property is currently accessed directly from Walker Court and should not impact any additional local streets.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. \*\*\**

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

*Applicant Response:*

*"The property as currently zoned is not developed to its highest and best economic potential. Other land in this area is zoned for medium and higher densities. It would be reasonable therefore to expect that this lot should be able to be developed in the same or similar fashion as those higher density homes on the same street that have been approved previously. Anything else would be less reasonable."*

*Staff Analysis:*

*The subject parcel has reasonable economic use as currently zoned. The property is currently occupied with a single-family detached home. The property is approximately 18,960 sq. ft. in area and zoned R-15. The existing home can be remodeled, re-built, or used in its current form as currently zoned.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. \*\*\**

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:*

*"Adding a single home to the existing infrastructure will have no appreciable impact to local streets, transportation facilities, utilities, or schools."*

*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 building is currently serviced with water and sewer from the City of Smyrna.*

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

*Applicant Response:*

*"The future land use plan calls for this area to be moderate density residential. The current development is low density residential. Therefore the requested development will simply result in a development that is congruent with the FLU plan and compliment other new homes being built on the same street and in the neighborhood."*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. The added square footage reduces the project density to 4.49 units per acre, which will keep the future land use in Moderate Density Residential.\*\*\**

Staff Analysis:

*The subject property has a future land use designation of MODR (Moderate Density Residential) under four and half (4.5) units per acre, on the city's 2040 Future Land Use Plan. The proposed rezoning to R-8 for use as a two-lot single family subdivision will have a density of 4.49 units per acre and will not require a change in the future land use designation of the property. The surrounding area is comprised entirely of single-family residential properties. The adjacent properties have a mixture of RDA and R-15 zoning, all the surrounding properties have a future land use of Moderate Density Residential.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. The added square footage reduces the project density to 4.49 units per acre, which will keep the future land use in Moderate Density Residential.\*\*\**

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:

*"Williams Park Neighborhood has experienced significant redevelopment in the last 10 years. The major part of this change has been brought about by lot splits and new homes very similar if not the same as those proposed in this request. There have been many lot splits in this and other nearby neighborhood over the last five or six years. Of those lot splits several were nearly identical in size to this request and had similar conditions and variances requested. Additionally, this lot sits beside an RAD development of 7 lots that are even higher density. The proposed density would actually be a nice step down in zoning from the smaller lots adjacent on the right and the larger lots across the street."*

Staff Analysis:

*The property is currently zoned R-15. All the surrounding properties are residential with a zoning of R-15 or RDA, with a Moderate Density Residential future land use designation. The proposed zoning is inline with the with recent developments in the Williams Park Neighborhood.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. The added square footage reduces the project density to 4.49 units per acre, which will keep the future land use in Moderate Density Residential.\*\*\**

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:

*"Existing unimproved homes in the neighborhood were all built in the early 1950's and lack significant style and are being replaced rapidly by new homes or major renovations. The new homes have generally been traditional, or craftsman styled. The proposed homes will be placed to align with existing homes and street setbacks and are designed to complement the traditional and craftsman of American Farmhouse styles Open space will be congruent with other newer homes that have been constructed in the neighborhood in the last ten years."*

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.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. The added square footage reduces the project density to 4.49 units per acre, which will keep the future land use in Moderate Density Residential. \*\*\**

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, single family detached residential use in a slightly higher density configuration will not create a nuisance or incompatibility with existing uses which are essentially the same."*

Staff Analysis:

*The proposed zoning change to R-8 is compatible with the surrounding area. The zoning proposal will not create a nuisance or be incompatible with the existing uses in the area.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. The added square footage reduces the project density to 4.49 units per acre, which will keep the future land use in Moderate Density Residential. \*\*\**

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 size is significantly larger than one older home across the street. However, the homes are similar in size to the homes to the east, west and rear of the proposed development, as well as those homes nearby. None of these homes would be dwarfed or shaded by the new homes. There are no significant view corridors or views that these new homes would block or change. The size is congruent with all the newer homes that have been constructed on the same street and those nearby."*

Staff Analysis:

*The proposed use will not have a negative impact on the general neighborhood and be consistent with the use of the surrounding area.*

*\*\*\* The applicant amended the zoning application on November 15, 2021 to reflect the addition of 443 square feet to the subject property contingent on purchase from the adjoining HOA. The added square footage reduces the project density to 4.49 units per acre, which will keep the future land use in Moderate Density Residential. \*\*\**

## **PROJECT DESCRIPTION**

Joe Callahan is requesting a rezoning from R-15 (Residential) to R-8 (Residential) for a two-lot single-family detached subdivision. The subject property is zoned R-15 and is occupied with a single-family home. The applicant plans to demolish the existing home and build two new single-family detached homes on two lots. The minimum lot size will be 8,590 sq. ft. The proposed setbacks are consistent with the R-8 zoning district and surrounding properties. The proposed homes will face Walker Court with front entry garages.

## **Project Analysis**

### Engineering Review

The City Engineer has reviewed the proposed rezoning with respect to transportation, stormwater management, stream buffer issues, and in general believes that it meets city requirements. 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.

### 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 R-8 maintains a future land use designation of MODR (Moderate Density Residential) under four and half (4.5) units per acre.

Community Development has reviewed the proposed development against the requirements of the Zoning Ordinance with respect to the R-8 zoning standards. The proposed development meets the zoning requirements for R-8.

Community Development staff is **supportive** of the rezoning from R-15 to R-8 with no future land use change from MODR (Moderate Density Residential).

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## **STAFF RECOMMENDATION**

The zoning proposal is consistent with the City's Comprehensive Plan and the Future Land Use Plan. Therefore, Community Development recommends **approval** of the rezoning from R-15 to R-8 with a density of 4.49 units per acre at 1439 Walker Court 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 yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
7. 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**

8. The development shall maintain the RDA setbacks:  
Front – 25'  
Side – 5'  
Rear – 25'
9. The minimum lot size shall be 8,590 sq. ft.
10. The minimum lot width shall be 50 feet.
11. Driveway – 22' minimum length from building face to back of sidewalk.
12. The developer shall dedicate 5 ft. of right-of-way dedication along Walker Street.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Walker Street.
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 R-8-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/15/2021 and created by SJMurphy LLC and all zoning stipulations above.
19. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 9/10/2021.



20. The developer shall provide at least one-story of brick or stone on the front elevation of the homes.
21. The developer shall install decorative wood garage doors.
22. The developer shall install an evergreen landscape/privacy buffer along the shared property line of 1429 Walker Court for the length of the existing privacy fence. The evergreen trees shall be planted with a spacing of 7' to 10' on center and the trees shall have a minimum height of 10' to 12' at planting.
23. The zoning of the property is contingent on the purchase of 443 sq. ft. from the adjoining Walker Street Manor subdivision. Should the developer be unable to purchase the property within 12 months of the zoning approval, the zoning of the property shall revert back to R-15 zoning district.

**Subject Property**



**Adjacent Properties**



**Adjacent Properties**



**Adjacent Properties**



**Adjacent Properties**

