

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: November 6, 2024

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z24-015 –3767 & 3777 King Springs Road**

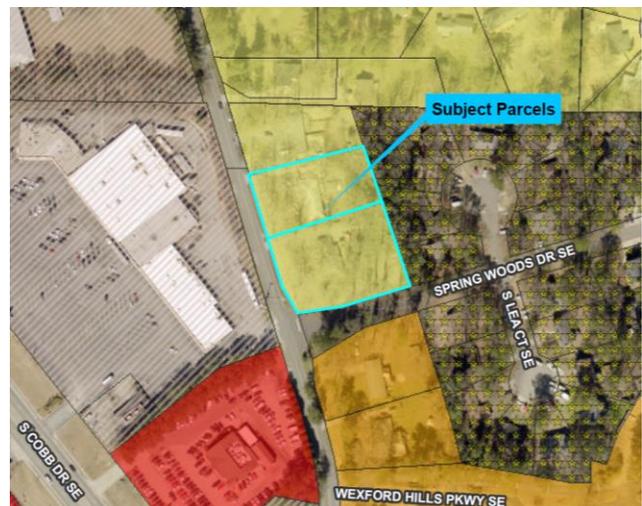
<b>Applicant:</b>	<u>Davin Harris</u>	<b>Existing Zoning:</b>	<u>R-15</u>
<b>Titleholder:</b>	<u>Davin Harris &amp; Shelvin Mack</u>	<b>Proposed Zoning:</b>	<u>RDA-Conditional</u>
<b>Location:</b>	<u>3767 &amp; 3777 King Springs Rd.</u>	<b>Size of Tract:</b>	<u>1.59 Acres</u>
<b>Land Lot:</b>	<u>528</u>	<b>Contiguous Zoning:</b>	
<b>Ward:</b>	<u>6</u>	North	R-15
<b>Access:</b>	<u>Springwood Drive</u>	South	RM-12
<b>Existing Improvements:</b>	<u>Two single-family homes</u>	East	RD
		West	NS
		<b>Hearing Dates:</b>	
		P&Z	November 12, 2024
		Mayor and Council	December 9, 2024

### Proposed Use:

The applicant is requesting a rezoning from R-15 to RDA-Conditional for the development of eight (8) single-family detached units at a density of 5.0 units per acre. A land use change to Medium Density Residential is required for this rezoning.

### Staff Recommendation:

**Approval** of the rezoning from R-15 to RDA Conditional for eight (8) new single-family detached units.



## 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 medium density single family detached residential at 5 units per acre which would serve as an appropriate "step down" density development type and is well suited to go between existing duplex, multi-family and neighborhood shopping facilities that surround the site."*

*Staff Analysis:*

*The property is currently comprised of two (2) single-family lots in the R-15 zoning district. The zoning proposal would result in the development of eight (8) single-family detached homes at a density of 5.0 units per acre. The adjoining properties to the east and south are occupied with duplexes with a Medium-High Density Residential Future Land Use designation. The adjoining property to the north is occupied by a single-family home with a Low Density Residential Future Land Use designation. The adjoining property to the west is occupied by a commercial development with a Community Activity Center Future Land Use designation. The proposed rezoning will require an update from Low Density Residential to Medium Density Residential Future Land Use designation.*

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 would allow for 6 new units above the existing 2 homes. The minor increase in the demands on the roads and infrastructure from 6 additional houses could not reasonably be considered to have an adverse impact on the adjacent and nearby properties. To the contrary, the development will remove an "eye-sore" and security concern from the area and provide a sewer connection for the daycare removing them from septic fields they are currently using in keeping with the desires of the county health system."*

*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 eight (8) new single-family homes in place of the existing two (2) single-family*

*homes. The development should not adversely affect the adjacent or nearby properties.*

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

*Applicant Response:*

*"Although the property could technically be used as currently zoned, the current zoning is definitely not the highest and best use with existing precedents in the area and the surrounding properties. A more "reasonable" use would have to be based on current development trends, housing trends, development costs, etc. and as such a "reasonable economic" use would allow for a higher density than the current R15 zoning which is extremely limiting in this urban area. Therefore, the applicant feels that the property cannot be "reasonably" used as currently zoned."*

*Staff Analysis:*

*The subject parcel has a reasonable economic use as currently zoned. The proposed rezoning would add six (6) additional single-family homes.*

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 addition of 6 single family residential units over the 2 existing will not cause an "excessive or burdensome" use of existing streets, transportation facilities, utilities or schools. Utilities are available, facilities and roads are sufficient."*

*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 Springwood Drive. The sewer main will need to be extended to service the development. The extension of the sewer main will provide access to additional adjacent properties currently utilizing septic systems. 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 proposal is currently in conflict with the current future land use plan and requires a change from LDR to MEDR. However, based on the higher densities allowed by existing zoning on the adjacent land and the existing commercial*

*developments, it seems clear that the City's intent is to allow this area to transition from the once rural nature to an urban one with higher density. Therefore, a proposal to change from LDR to MDR is logical and conforms with general policies and approvals the city has made in similar cases, regardless of the current future land use plan's designation for these particular parcels."*

Staff Analysis:

*The RDA zoning district is not a compatible zoning district the Low Density Residential (up to 3 dwelling units per acre) Future Land Use designation. The proposed development of eight (8) residences on 1.59 acres yields a density of 5.0 units per acre. A land use change to Medium Density Residential (up to 6 dwelling units per acre) is required for the 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:

*"The existing condition of the parcels is poor and deteriorating. The homes have been vacant for some time and are functionally obsolete. Furthermore, the area has trended to much higher density with nearby apartments, town homes, duplexes, senior high-rise apartments, and significant commercial development. This land sits is on the edge of an older residential duplex neighborhood that is long overdue for rehabilitation. Bringing new development at a slightly higher density here would create an appropriate step down from commercial to duplexes and would likely be a positive change in this area that would spur more high-quality redevelopment."*

Staff Analysis:

*The overall density for the subject site will increase from 1.25 units per acre to 5.0 units per acre by adding six (6) additional homes. The proposed density is consistent with the Medium-High Density Residential Future Land use designation (10 units per acre or greater) of adjacent properties to the east and south and the development will provide an appropriate buffer between the Low Density Residential Future Land Use to the north.*

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 quality of the proposed development would enhance the architectural standards and aesthetics of the area bringing much needed change to this location which has been languishing many buildings suffering from deferred maintenance."*

Staff Analysis:

*The proposed development includes five (5) homes that face King Springs Road with rear-entry garages and three (3) homes that will face a new public road with front-entry garages. The proposed development will conform with the requirements and aesthetics 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:

*“Additional single family residential use could not logically be seen as creating a nuisance or incompatibility with any of the existing uses surrounding the property.”*

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 the Future Land Use designation of the surrounding properties.*

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 and location of the propose homes will not impact the adjoining property with respect to views, blocking sun light or removing shade. It will however remove an area that has otherwise been an ongoing security and pest control concern.”*

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 requires several variances from the regulations of 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	4,436	50'	20'	5'	20'	35'	55	1,800

1. Allow reduction of the minimum lot area from 7,260 sq. ft. to 4,436 sq. ft. **(Staff Supports).**
2. Allow reduction of the minimum front setback from 25 ft. to 20 ft. **(Staff Supports).**

3. *Allow reduction of the minimum rear setback from 30 ft. to 20 ft. (Staff Supports).*
4. *Allow an increase in the maximum lot coverage from 45% to 55% (Staff Supports).*

### **Project Analysis**

Davin Harris is seeking approval of a rezoning for 3767 & 3777 King Springs Road from R-15 to RDA-Conditional for the development of eight (8) single-family detached residences at a density of 5.0 units per acre. The existing two (2) single-family homes will be demolished to allow the construction of the proposed development. Five (5) of the homes will have a rear-entry garages and face King Springs Road. Three (3) of the homes will have front-entry garages accessed from a new public street. The proposed lots will have a minimum lot size of 4,436 sq. ft. and an average lot area of 5,036 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

### **Engineering Review**

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. If necessary, the applicant will be required to dedicate property along King Springs Road for the installation of a sidewalk.

The two (2) properties are currently utilizing septic systems for the existing homes. The proposed development will extend a sewer main on Springwood Drive to serve the proposed development. The extension of the sewer main will provide sewer access to additional lots on King Springs that are currently utilizing septic systems.

### **Fire Marshal Review**

The Fire Marshal's office has reviewed the revised site plan and believes there is sufficient access to provide emergency services to the homes.

### **Planning Review**

The proposed rezoning would provide for eight (8) new residences at density of 5.0 units per acre. The subject property is located in the Low Density Residential (up to 3 dwelling units per acre) future land use designation and requires the designation be changed to Medium Density Residential (up to 6 dwelling units per acre). However, much of the surrounding properties have a future land use designation of Medium-High Density Residential (10 dwelling units per acre or greater) and are occupied by duplexes. The proposed development will provide a gradual increase between the Low Density Residential to the north and the Medium-High Density Residential to the east and south. Table 2 shows the infill development in the immediate area as it relates to density, lot size and lot width.

<b>Table 2: 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>	3767 & 3777 King Sprigs Rd.	8	5.0	4,436	50'
<b>The Gates at King Springs</b>	Stone Castle Cir.	26	7.8	N/A	24'
<b>Kingston Manor</b>	Kingsview Dr.	4	3.1	8,772	60'
<b>Woodbury Place</b>	King Springs Rd.	6	2.22	8,570	55'

Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible with the surrounding area. The subdivision and construction of eight (8) new single-family detached homes result in a density of 5.0 units per acre on the subject property. The lot width and lot size are compatible with the other in-fill developments in the surrounding area. The applicant is requesting a rezoning from R-15 to RDA-Conditional and the proposed zoning will require a change of the Future Land Use Plan to Medium Density Residential.

Staff is supportive of the rezoning for the proposed development and the requested variances:

1. Allow reduction of the minimum lot area from 7,260 sq. ft. to 4,436 sq. ft. **(Staff Supports)**.
2. Allow reduction of the minimum front setback from 25 ft. to 20 ft. **(Staff Supports)**.
3. Allow reduction of the minimum rear setback from 30 ft. to 20 ft. **(Staff Supports)**.
4. Allow an increase in the maximum lot coverage from 45% to 55% **(Staff Supports)**.

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**STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from R-15 to RDA-Conditional for the development of eight (8) single-family units at a density of 5.0 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 – 20'  
Side – 5'  
Rear – 20'
10. The minimum lot size shall be 4,436 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 feet of property along King Springs Road.
14. The developer shall install a 5' sidewalk and 2' grass strip along King Springs Road.

15. The front elevations of Lots 1-5 shall face King Springs Road and the rear elevations shall face the new street within the development.
16. Fencing within the front yard shall be a maximum 4' in height and decorative. Both street frontages of Lots 1-5 shall be defined as a front yard.
17. 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 10/13/2024 and created by SJM Murphy LLC. and all zoning stipulations above.
18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 10/13/2024.

### **Figure 1 - Subject Property**



**Figure 2 – Subject Property**



**Figure 3 – Subject Property**



**Figure 4 – Adjacent Property**

