

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: April 10, 2024

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z24-007 –3410 Atlanta Road

Applicant:	<u>Butler Development Group, LLC</u>	Existing Zoning:	<u>R-15</u>
Titleholder:	<u>Paul Iribe & Michael Hannan</u>	Proposed Zoning:	<u>TD-Conditional</u>
Location:	<u>3410 Atlanta Road</u>	Size of Tract:	<u>0.95 Acres</u>
Land Lot:	<u>700</u>	Contiguous Zoning:	
Ward:	<u>6</u>	North	RDA
Access:	<u>Atlanta Road</u>	South	RDA
Existing Improvements:	<u>Vacant Lot</u>	East	OI & RM-12
		West	RDA
		Hearing Dates:	
		P&Z	April 15, 2024
		Mayor and Council	May 20, 2024

Proposed Use:

The applicant is requesting a rezoning from R-15 to TD-Conditional for the development of six (6) single-family attached units at a density of 6.3 units per acre. A land use change from Medium Density Residential to Medium-High Density Residential is required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-15 to TD Conditional for six (6) new single-family attached units.

Planning & Zoning Board Recommendation: **Approve** by a vote of 7-0 at the April 15, 2024, 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 the development of a small village-type townhome community. The Property is less than one acre in size, and the low impact of the proposed use is more suitable for the Property and is compatible with the adjacent and nearby commercial areas and residential neighborhoods."

Staff Analysis:

The property is currently comprised of one (1) single-family lot in the R-15 zoning district. The zoning proposal would result in the development of six (6) single-family attached homes at a density of 6.3 units per acre. The adjoining properties to the north, south, and west are zoned RDA and occupied with single-family detached homes. The adjacent property to the east is zoned OI and RM-15, and are occupied by a school and a multi-family development. The proposed rezoning will require a land use change from Medium Density Residential to Medium-High Density Residential.

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 property. The proposed development will not cause disruption to or in any way adversely affect nearby neighborhoods or residences."

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 attached homes in place of the existing one (1) single-family home.

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

Applicant Response:

"The current R-15 zoning provides no economic viability; and, therefore, is not reasonably zoned."

Staff Analysis:

The subject parcel has a reasonable economic use as currently zoned. The proposed rezoning would allow six (6) single-family attached 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 proposed rezoning will not have an excessive or burdensome impact on existing facilities and infrastructure."

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 main is located in the right of way of Atlanta Road. The sewer main is accessed on Belridge Drive via a private easement. 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 use is in conformity with the existing Medium Density Residential Land Use category and given the character and conditions of similarly situated and surrounding properties, the proposed use provides a better use for the property, without causing burdening effects on infrastructure such as roads, water, and sewer. "

Staff Analysis:

The proposed development of six (6) new residences on 0.95 acres yields a density of 6.3 units per acre. A land use change from Medium Density Residential (up to 6 units per acre to Medium-High Density Residential (up to 10 units per acre) is required for rezoning. The TD zoning district is a compatible zoning district the Medium-High Density Residential 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:

"The proposed low-impact residential use is less in intensity and impact on adjacent neighborhoods than other similarly situated commercial uses."

Staff Analysis:

The overall density for the subject site will increase to 6.3 units per acre with the proposal of six (6) single-family attached units. The proposed density will require a change of the future land use designation of Medium Density Residential to Medium-High Density Residential due to the property being deficient in area by 0.05 acres (2,178 sq. ft.).

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 in the community will be upheld, and even enhanced, by the proposed development."

Staff Analysis:

The proposed development includes six (6) single-family attached homes that face Atlanta Road and have rear-entry garages. The proposed elevations will conform with the requirements and aesthetics of the general neighborhood as well as Sec. 515.3 & Sec. 515.4 of the Townhome Design Standards.

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 development is neither a nuisance nor incompatible, considering the surrounding residential uses and neighborhoods."

Staff Analysis:

The proposed use should not create a nuisance to existing uses in the area.

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 development would positively affect the area and surrounding properties as it would be less intense than maximizing commercial use along Atlanta Road. The proposed use incorporates compatible residential use to

adjoining neighborhoods and provides appropriate buffers and engagement to Atlanta Road. Rear-loaded units also provide enhanced visual aesthetics to Atlanta Road.”

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 of the TD zoning district as shown in Table 1.

Table 1: Lot Requirements for TD 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
RTD Zoning District	80,000	24'	25'	25'	30'	45'	65	1,200
Proposed Lots	41,382	24'	25'	25'	30'	45'	65	1,200

Project Analysis

Butler Development Group, LLC is seeking approval of a rezoning for 3410 Atlanta Road from R-15 to TD-Conditional for the development of six (6) single-family attached residences at a density of 6.3 units per acre. The proposed townhomes will have rear-entry garages and the townhomes will face Atlanta Road. The proposed units are consistent with the requirements of Sec. 515 Townhome Design Standards, including Sec. 515.3 Minimum Design Standards, and Sec. 515.4 Design Elements Catalogue. The proposed units are 24' x 50'. The development will provide five (5) guest parking spaces and mail kiosk at the rear of the proposed units. The development will include a full access drive from Atlanta Road. The applicant proposes to use elements such as brick, stone for the façade materials for each home. The development will provide a 20' landscape buffer around the access drive and rear guest parking spaces.

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. The City Engineer believes there is sufficient sight distance at the full access drive for the development. Coordination with landscaping for the development will be required to maintain the required sight distance.

Fire Marshal Review

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

Planning Review

The proposed rezoning would provide for six (6) new residences at density of 6.3 units per acre. The subject property is located in an area where the surrounding subdivisions have future land use designations ranging from Medium Density Residential (up to 6 units per acre) to Medium-High Density Residential (up to 10 units per acre). Table 2 shows the infill development in the immediate area as it relates to density, lot size and lot width.

Name of Development	Location	Number of Lots	Site Density	Minimum Lot Width
Proposed Development	3410 Atlanta Rd.	6	6.3	24'
Devonshire Court	Belridge Dr. & Atlanta Rd.	67	3.87	50'
Vintage Square	Vintage Cir. & Atlanta Rd.	132	12.2	22'
The Palms	Rondak Cir. & Atlanta Rd.	70	23	18'

Community Development has reviewed the proposed development against the zoning standards of the previous and recent nearby rezonings and found the proposed development to be compatible with the surrounding area. The subdivision and construction of six (6) new single-family attached homes result in a density of 6.3 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 TD-Conditional and the proposed zoning will require an amendment of the Future Land Use Plan to Medium-High Density Residential due to the property being deficient in area by 0.05 acres (2,178 sq. ft.).

Additionally, Community Development has reviewed the proposed development against the standards established in Sec. 515 Townhome Standards adopted in 2022. These requirements are intended to regulate the siting and design of townhome projects in pursuit of cohesive design and walkable development patterns. The regulations are intended to define elements of the development that supports both horizontal and vertical articulations and variations among units that provide architectural interest and reinforce high quality design and responsible site development practices to meet the goals and policies of the city's comprehensive plan. Community Development has reviewed the proposal with respect to Sec. 515 and believes it meets the intent of the adopted standards.

Community Development is supportive of the rezoning for the proposed development and recommends approval.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-15 to TD-Conditional for the development of six single-family units at a density of 6.3 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'
Side – 25'
Rear – 30'
10. The minimum lot size shall be 41,382 sq. ft.
11. Driveway – 21' minimum length from garage face to private access drive.
12. Approval of the subject property for the TD-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/8/2024 and created by Roger. S Lee & Associates, Inc. and all zoning stipulations above.
13. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 3/15/2024.

Figure 1 - Subject Property



Figure 2 – Subject Property



Figure 3 – Adjacent Property



Figure 4 – Adjacent Property



Figure 5 – Adjacent Property

