

# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

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To: Mayor and Council

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

Date: February 28, 2024

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: **REZONING CASE Z24-006 –1070 Fleming Street**

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**Applicant:** Thomas P & Kathryn W Sobeck

**Existing Zoning:** R-15

**Titleholder:** Thomas P & Kathryn W Sobeck

**Proposed Zoning:** R-10-Conditional  
**Size of Tract:** 0.76 Acres

**Location:** 1070 Fleming Street

**Land Lot:** 489

**Ward:** 3

**Access:** Fleming Street

**Contiguous Zoning:**

North	MU
South	RDA
East	RDA
West	RDA

**Existing Improvements:** One single-family home

**Hearing Dates:**

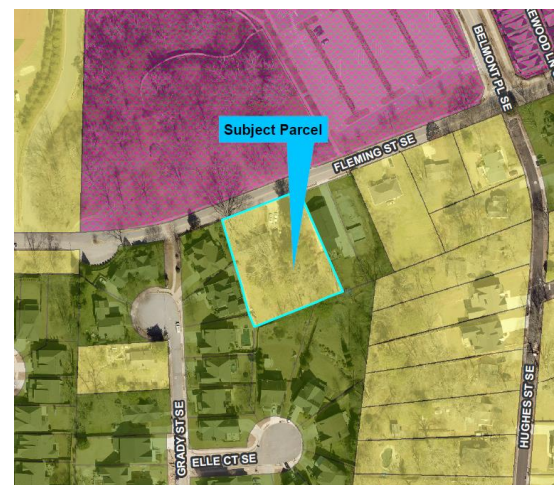
P&Z	March 4, 2024
Mayor and Council	April 8, 2024

**Proposed Use:**

The applicant is requesting a rezoning from R-15 to R-10-Conditional for the development of two (2) single-family detached units at a density of 2.85 units per acre. A land use change from Moderate Density Residential is not required for this rezoning.

**Staff Recommendation:**

**Approval** of the rezoning from R-15 to R-10 Conditional for two 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:*

*"Yes, several newer homes have gone up on the street in recent years. Property backs up to other residential properties."*

*Staff Analysis:*

*The property is currently comprised of one (1) single-family lots in the R-15 zoning district. The zoning proposal would result in the development of two (2) single-family homes at a density of 2.85 units per acre. The adjoining properties are zoned RDA and occupied with single-family detached homes. The proposed rezoning would be consistent with the Moderate 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:*

*"No, once we have split the lot, we have an engineer working on water runoff plans in order to minimize (and perhaps help) surrounding properties."*

*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 (2) new single-family 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:*

*"Yes."*

*Staff Analysis:*

*The subject parcel has a reasonable economic use as currently zoned. The proposed rezoning would add one (1) additional single-family home.*

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."

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 Fleming 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:

"Yes. "

Staff Analysis:

*The R-10 zoning district is a compatible zoning district the Moderate Density Residential (under 4.5 units per acre) Future Land Use designation. The proposed development of two (2) new residences on 0.7 acres yields a density of 2.85 units per acre. A land use change from Moderate Density Residential is not 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:

"No."

Staff Analysis:

*The overall density for the subject site will increase from 1.42 units per acre to 2.85 units per acre by adding one additional home. The proposed density is consistent with the future land use designation of Moderate Density Residential (up to 4.5 units per acre).*

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:

"Yes."

Staff Analysis:

*The proposed development includes two (2) homes that face Fleming Street. One of the proposed homes will have side-entry garage and one will have a front-entry garage. 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:

"No."

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 Plan.*

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:

"Positively."

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 the regulations of the R-10 zoning district as shown in Table 1.*

**Table 1: Lot Requirements for R-10 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
R-10 Zoning District	10,000	50'	25'	7.5'	25'	35'	45	1,500
Proposed Lots	12,226	50'	25'	7.5'	25'	35'	45	1,500

### **Project Analysis**

Thomas & Kathryn Sobeck are seeking approval of a rezoning for 1070 Fleming Street from R-15 to R-10-Conditional for the development of two (2) single-family detached residences at a density of 2.85 units per acre. The existing single-family home will be demolished to allow the construction of two (2) single-family homes. One home will have a side entry garage and one will have a front-entry garage. The proposed lots will be 12,226 sq. ft. and 18,166 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. The applicant will be required to add new 5' sidewalk and 2' grass strip, as well as 10' of right-of-way dedication along Fleming Street.

### **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 three homes.

### **Planning Review**

The proposed rezoning would provide for two (2) new residences at density of 2.85 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Moderate Density Residential (up to 4.5 units per acre). 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>	1070 Fleming St.	2	2.85	12,226	50'
<b>Grady Manor</b>	Grady St	15	4.0	5,000	50'
<b>1080 Fleming St</b>	Fleming St	2	4.35	10,000	50'
<b>242 Development</b>	Hughes & Fleming	4	4.53	7,626	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 two (2) new single-

family homes result in a density of 2.85 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 R-10-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 2.85 units per acre to be below the 4.5 unit per acre threshold of Moderate Density Residential land use. Staff is supportive of the rezoning for the proposed development.

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## **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from R-15 to R-10-Conditional for the development of three single-family units at a density of 2.85 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 – 5'  
Rear – 25'
10. The minimum lot size shall be 10,000 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 install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Fleming Street.
14. The developer shall dedicate 10 ft. of right-of-way dedication along Fleming Street.
15. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
16. Approval of the subject property for the R-10-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 2/5/2024 and created by Gaddy Surveying & Design Inc. and all zoning stipulations above.
17. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 2/13/2024.



**Figure 1 - Subject Property**



**Figure 2 – Subject Property**





**Figure 3 – Adjacent Property**



**Figure 4 – Adjacent Property**

