

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: June 7, 2023

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z23-003 –2791, 2801, 2811 Madison Street

Applicant: Baebrook LLC

Existing Zoning: R-8
Proposed Zoning: RDA - Conditional
Size of Tract: 1.23 Acres

Titleholder: Baebrook LLC

Location: 2791 – 2811 Madison St

Contiguous Zoning:

Land Lot: 632

North R-15
South GC
East RTD
West R-20 (County)

Ward: 3

Access: Madison Street

Hearing Dates:

Existing Improvements: 3 Lots with Single-Family Homes

P&Z June 12, 2023
Mayor and Council August 7, 2023

Proposed Use:

The applicant is requesting a rezoning from R-8 to RDA-Conditional for the development of six (6) single-family detached units at a density of 4.87 units per acre. A land use change from Medium Density Residential is not required for this rezoning.

Staff Recommendation:

Approval of the rezoning from R-8 to RDA-Conditional for six new single-family detached units.

Planning & Zoning Board Recommendation:

Deny by a vote of 5-1 at the June 12, 2023 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, proposed zoning will be compatible with surrounding land uses. Commercial property lies to the south and residential lies to the north and east."

Staff Analysis:

The property was annexed and rezoned in 2021 (Z21-003) from R-20 County to R-8 for the development of five (5) single-family homes at a density of 4.07 units per acre. The zoning proposal would result in the development of six (6) single-family homes at a density of 4.87 units per acre. The adjoining properties to the north are zoned R-15 and occupied with single-family detached homes. The property to the south is zoned GC and is occupied with a commercial business. The property to the east is zoned RTD and contains single-family attached homes. The property to the west is zoned R-15 & R-20 (Cobb County). The proposed rezoning would be consistent with the use and development of adjacent and nearby properties in regards to lot size and lot width.

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. Roads and infrastructure to support this development are already in place".

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 new single-family homes.

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

Applicant Response:

"Considering current land costs and market values, 6 units on this parcel would support this economic development."

Staff Analysis:

The subject parcel has a reasonable economic use as currently zoned. The property was rezoned to R-8 in 2021 for the development of five (5) single-family homes (Z21-003). 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. Roads and infrastructure to support this development are already in place. Our marketing will be directed toward the active adult community - which would support minimal to no impact on school system. No, we are adding two more homes than what would previously have been there. Streets, schools, and transportation facilities 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 Mildred Place and Madison 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. This falls well within the parameters of the land use plan. We are well under the maximum of 6 units to the acre. "

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 six (6) new residences on 1.23 acres yields a density of 4.87 units per acre. A land use change from Medium 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:

"Infill development immediately around this site - and for that matter within the entire city of Smyrna, is currently on the rise. This development will provide momentum and be a quality addition to the neighborhood."

Staff Analysis:

The overall density for the subject site will increase from 4.07 units per acre to 4.87 units per acre by adding one additional home. The proposed density is consistent with the future land use designation of Medium Density Residential (up to 6 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:

"This development will provide momentum and help set standards for quality development within the neighborhood."

Staff Analysis:

The proposed development includes five (5) homes that face Madison Street, and one (1) home accessed by Mildred Place. All of the proposed homes will be front entry homes. Additionally, the lot width and lot size of some of the lots are less than the existing homes; however the density of the overall development is consistent with the land use plan.

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. Rezoning is actually more appropriate for this site in that we will be providing an appropriate step down from the commercial property adjacent to our South to the lower density residential property adjacent to our North."

Staff Analysis:

While the proposed development has lot widths and lot size less than existing homes, the lot width and lot size are consistent with previous rezonings and infill development recently approved in the area. 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.

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:

"This development will positively enhance both the adjoining property and the general neighborhood in that we will be providing a level of quality and beautification that the entire neighborhood will appreciate. The development should increase property values to surrounding residents."

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 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	4,299	40'	20'	5'	15'	35'	45	1,800

The following variances are required for the proposed development:

1. Allow the reduction of minimum lot width from 50 ft. to 40 ft. **(Staff Supports)**
2. Allow the reduction of the minimum lot size from 7,260 sq. ft. to 4,299sq. ft. **(Staff Supports)**
3. Allow the reduction of the minimum front setback from 25 ft. to 20 ft. **(Staff Supports)**
4. Allow the reduction of the minimum rear setback from 30 ft. to 15 ft. **(Staff Supports)**

Project Analysis

Baebrook LLC is seeking approval of a rezoning for 2791, 2801, and 2811 Madison Street from R-8-Conditional to RDA-Conditional for the development of six single-family detached residences at a density of 4.87 units per acre. The property was annexed and rezoned to R-8 in 2021 (Z21-003) for the development of five single-family homes at a density of 4.07 units per acre. The plan featured three homes facing Madison and two homes facing Mildred, with access drives for rear-entry homes. The applicant is proposing to add an additional lot to the currently approved plan with each home having a front entry garage and access from the public right of ways. Five of the homes will face Madison Street and one will face Mildred Place. The proposed lots will be between 4,299 and 14,122 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

Engineering Review

The zoning proposal shows a stormwater detention facility located at the southern end 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 applicant will be required to add new sidewalk around the development.

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 six homes.

Planning Review

The proposed rezoning would provide for six (6) new residences at density of 4.87 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 would be significantly less than other lots in the area. 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	Madison & Mildred	6	4.87	4,299	40'
Madison & Mildred	Madison & Mildred	5	4.07	6,587	47.5'
Cumberland Townhomes	Shenandoah Valley Ln	165	10	1,430	20'
Village at Williams Park Phase 1	Mathews St	5	5.15	8,385	48'
Village at Williams Park Phase 2	Mathews St & Spring St	12	7.18	7,378	43'

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 six new single-family homes result in a density of 4.87 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-8 to RDA-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 4.87 units per acre to be below the 6 unit per acre threshold of Medium Density Residential land use. The proposed rezoning will require variances from the RDA zoning district in terms of lot size and lot width. Staff is supportive of the variances required for the proposed development.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-8 to RDA-Conditional for the development of six single-family units at a density of 4.87 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 – 15'
10. The minimum lot size shall be 4,299 sq. ft.
11. The minimum lot width shall be 40 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 Mildred Place and Madison 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 be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
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 7/14/2023 and created by DGM Land Planning Consultants and all zoning stipulations above.
18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 3/10/2023.

Figure 1 - Subject Property



Figure 2 – Subject Property



Figure 3 – Adjacent Property



Figure 4 – Adjacent Property



Figure 5 – Adjacent Property

