

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: July 5, 2023

CC: Joe Bennett, City Administrator
Planning and Zoning Board

RE: **REZONING CASE Z23-006 –1313 & 1323 Pierce Avenue**

Applicant: Two Windy Hills LLC

Existing Zoning: R-20
Proposed Zoning: R-10-Conditional
Size of Tract: 0.91 Acres

Titleholder: Two Windy Hills LLC

Location: 1313 & 1323 Pierce Ave

Contiguous Zoning:

Land Lot: 519

North R-20
South R-20
East R-20
West R-20

Ward: 3

Access: Pierce Avenue

Hearing Dates:

Existing Improvements: Two single-family homes

P&Z July 10, 2023
Mayor and Council August 21, 2023

Proposed Use:

The applicant is requesting a rezoning from R-20 to R-10-Conditional for the development of three (3) single-family detached units at a density of 3.29 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-20 to R-10 Conditional for three new single-family detached units.

Planning & Zoning Board Recommendation:

Approve 5-1 at the July 10, 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, the rezoning will allow three (3) units evenly divided over .91 AC and 160' of road frontage. This is commensurate with existing products in the neighborhood. The new house that will be built will be above and beyond most of the other homes in the neighborhood."

Staff Analysis:

The property is currently comprised of two (2) single-family lots in the R-20 zoning district. The zoning proposal would result in the development of three (3) single-family homes at a density of 3.29 units per acre. The adjoining properties are zoned R-20 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, the net result of this rezoning will have no effect on the neighboring or nearby property. Single-family residential use to remain Single-family residential use."

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 three (3) new single-family homes in place of the existing two (2) single-family homes.

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

Applicant Response:

"No, as other homes in the neighborhood continue to be torn down and rebuilt, the value of 1313 and 1323 Pierce Avenue will soon be eclipsed in value by their neighboring homes."

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, there is not right of way change on Pierce Avenue and no net difference in utilities or burden on schools. There are currently two homes on the two lots. One of which is a duplex so there are actually three units/lots already. We simply want to upgrade the units and create three single-family detached units."

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 Pierce Avenue. 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, our proposed density of 3.29 units/acre is well within the limit of the Moderate Density classification (≤ 4.5 units/acre)."

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 three (3) new residences on 0.91 acres yields a density of 3.29 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:

"The fact that the entire neighborhood is undergoing a gentrification process and these three (3) new homes will be commensurate with that growth in value."

Staff Analysis:

The overall density for the subject site will increase from 2.20 units per acre to 3.29 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:

"In each of these attributes, our three (3) home development should enhance what is currently on the property (open space and historical probably wouldn't apply here)."

Staff Analysis:

The proposed development includes three (3) homes that face Pierce Avenue. All of the proposed homes will have side-entry garages. While the width of the lots are less than the existing homes the density of the overall development is consistent with the land use plan and similar to other infill developments.

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:

"None whatsoever. These three (3) lots will be a tremendous improvement over what is currently there."

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:

"This three (3) unit development will be commensurate in land area, building height, etc. to other home in the neighborhood. While it is true that initially the three homes will most likely be larger than the homes next door, that is likely to change in the near future."

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 one variance from 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	13,333	50'	25'	5'	25'	35'	45	1,500

The following variances are required for the proposed development:

1. Allow the reduction of minimum side setback from 7.5 ft. to 5 ft. **(Staff Supports)**

Project Analysis

Two Windy Hills, LLC is seeking approval of a rezoning for 1313 & 1323 Pierce Avenue from R-20 to R-10-Conditional for the development of three single-family detached residences at a density of 3.29 units per acre. The two existing single-family homes will be demolished to allow the construction of three single-family homes. Each home will have a side entry garage located at the rear of the house. The proposed lots will be 13,333 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 sidewalk, curb, and gutter along the frontage of Pierce Avenue.

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 three (3) new residences at density of 3.29 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.

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	1313 & 1323 Pierce Ave	3	3.29	13,333	50'
Pierce Ave	1313 & 1323 Pierce Ave	2	2.20	20,000	100'
The Grove at Adams Pond	Pierce & Davis	46	4.75	2,849	40'
Hawthorne	Hawthorne & St. Charles	2	3.77	12,000	70'
Adams	Pierce & Adams	3	4.9	6,250	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 three new single-family homes result in a density of 3.29 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-20 to R-10-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 3.29 units per acre to be below the 4.5 unit per acre threshold of Moderate Density Residential land use. The proposed rezoning will require a variance from the R-10 zoning district for the side setback reduction. Staff is supportive of the variances required for the proposed development.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-20 to R-10-Conditional for the development of three single-family units at a density of 3.29 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 13,333 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 Pierce Avenue.
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 R-10-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/9/2023 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 6/9/2023.

Figure 1 - Subject Property



Figure 2 – Subject Property



Figure 3 – Adjacent Property



Figure 4 – Adjacent Property

