

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

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To: Mayor and Council

From: Ken Suddreth, Community Development Director  
Rusty Martin, AICP, Senior Planner

Date: May 15, 2018

CC: Tammi Saddler-Jones, City Administrator  
Planning & Zoning Board

**RE: ANNEXATION & REZONING CASE Z18-003 – 3305 & 3311 Old Concord Road**

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**Applicant:** CS Realty Group, LLC

**Existing Zoning:** R-20

**Titleholder:** Various

**Proposed Zoning:** RAD-Conditional

**Size of Tract:** 11.32 Acres

**Location:** 3305 & 3311 Old Concord Road

**Contiguous Zoning:**

**Land Lot:** 340, 341, 380

North R-20 (Cobb) & RTD  
South R-20 (Cobb) & RAD  
East R-20 (Cobb) & GC  
West R-20 (Cobb)

**Ward:** 3

**Access:** Old Concord Road

**Hearing Dates:**

**Existing Improvements:** Two Single-Family Homes

P&Z April 9, 2018  
Mayor and Council May 21, 2018

**Proposed Use:**

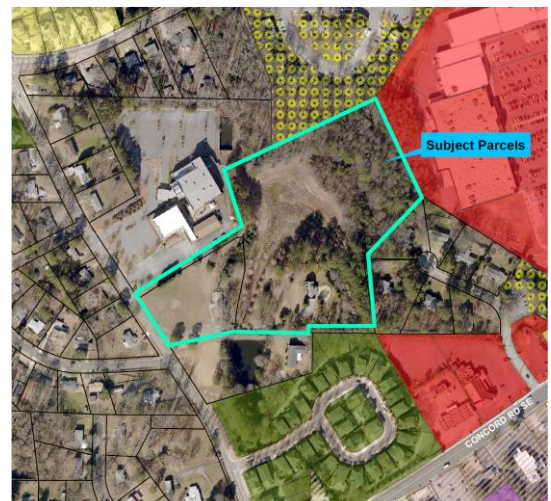
Development of thirty-three (33) single-family detached residences at a density of 2.92 units per acre. There will be no land use change required for rezoning.

**Planning and Zoning Board Recommendation:**

**Approval** with staff conditions by vote of 6-0.

**Staff Recommendation:**

**Approval** of the proposed rezoning with conditions.



## 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:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

*The proposed annexation and rezoning will result in the development of thirty-three (33) single-family residences along Old Concord Road. The adjoining properties to the north are zoned R-20 in Cobb County and RTD in Smyrna and are occupied by a church and townhome residences. The adjacent properties to the west across Old Concord Road are zoned R-20 in Cobb County and are occupied by single-family residences. The adjoining properties to the south are zoned R-20 in Cobb County and RAD in Smyrna and are occupied by single-family homes. The adjoining properties to the east are zoned GC in Smyrna and R-20 in Cobb County and are occupied with a retail center and single-family residences. The proposed single-family residences are suitable in view of the use and development of adjacent and nearby properties.*

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

*The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties.*

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

*The subject parcel has a reasonable economic use as currently zoned.*

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.

*Based upon information provided by the City Engineer, the proposed development is not expected to cause an excessive or burdensome use of the existing streets or transportation facilities.*

*Based upon information provided by the Cobb County Water System, water and sewer are available in the area to accommodate the development associated with the annexation & rezoning. Water is available via a 6-inch water main located on Old Concord Road. A Passing fire flow test is a requirement of approval of construction plans by this Cobb County Water System.*

5. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

*The subject property is shown to have a land use designation of Medium Density Residential (MDR) on the County's Future Land Use Plan, which allows densities between 2.5 and 5 units per acre. The applicant has proposed a density of 2.92 units per acre for the development and is in conformity with the County's Future Land Use Plan. The City's Future Land Use Plan reflects a Moderate Density Residential (<4.5 units per acre) land use designation for the surrounding property located within the city limits. A land use change from Medium Density Residential to Moderate Density Residential is required for the rezoning to bring the property in line with the City's Future Land Use Plan for the area.*

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.

*The general area continues to redevelop into small residential lots. The zoning proposal is consistent with that trend and is consistent with the infill densities and setbacks for the immediate area.*

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.

*The proposed development will employ a variety of architectural features and materials that will enhance neighborhood aesthetics. Building elevations of the homes have been submitted with the rezoning application to provide reference as to the homes the applicant intends to build.*

*The submitted tree plans indicate several specimen trees on-site and some those specimen trees will be removed due to their location in relation to proposed homes. The tree replacement plan shows replacement trees to meet tree density requirements and specimen tree recompense.*

*The site plan reflects two stream buffers that run through the property. The first stream runs through the middle of the property, bisecting into two developable tracts. The second stream runs through the northeast corner of the property. The applicant has designed the development to preserve the city's 50' undisturbed buffer. However, on a few lots, the applicant is requesting variances to encroach into the 75' impervious setback. The applicant has proposed to offset the proposed encroachments by preserving more stream buffer elsewhere on site. The site plan shows the streams and their 50' undisturbed buffers to be located on HOA property to be controlled and maintained by the HOA.*

8. Under any proposed zoning classification, whether the use proposed may create a nuisance or is incompatible with existing uses in the area.

*The proposed use should not create a nuisance to existing uses in the area. The zoning proposal calls for detached single-family residences, which is in line with the surrounding general neighborhood.*

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.

*Factors associated with the size of the proposed use, in either land area or building height, should have a minimal effect upon adjacent properties. The proposed development will require variances from the following requirements: (1) Minimum lot size; (2) Minimum lot width at setback line; (3) Minimum front setback; (4) Minimum interior side setback; (5) Minimum rear setback. The required variances are similar to those variance granted during the rezoning of the Concord Lake Village subdivision and the recent rezoning at the northwest corner of Old Concord Road and Concord Road.*

**Table 1: Lot Requirements for RAD Zoning District vs. Proposed Development**

	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
<b>RAD Zoning District</b>	15,000	100'	35'	10'	30'	35'	35	1,800
<b>Proposed Lots</b>	4,955	50'	20'	5'	15'	35'	45	1,800

**Note:** Single-family detached dwellings in an RAD district shall meet the minimum side and rear yard requirements specified for the R-15 district.

CS Realty Group, LLC is requesting an annexation and rezoning from R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of thirty-three (33) new single-family homes at a density of 2.92 units per acre. The proposed subdivision will be accessed from Old Concord Road via a new public street. The proposed homes within the development will front on the new public street. Each home will have a front-entry garage and a minimum 22' driveway. The proposed homes will employ traditional architecture. The building elevations and floor plans have been provided in the rezoning application.

The proposed subdivision will have thirty-three (33) lots with a minimum lot size of 4,955 sq. ft., a maximum lot size of 11,514 sq. ft. and an average lot size of 6,996 sq. ft.. In addition, 184,897 sq. ft. or 4.24 acres open space area will be provided throughout the subdivision. Most of the openspace will consist of the 50' undisturbed stream buffer.

The applicant is proposing variances for reductions in setbacks, lots sizes and stream buffer encroachments. The applicant is requesting the following variances:

- Reduction of minimum lot size from 15,000 sq. ft. to 4,955 sq. ft. **(Staff is supportive)**;
- Reduction of minimum lot width from 100' to 50' **(Staff is supportive)**;
- Reduction of minimum front setback from 35' to 20' **(Staff is supportive)**;

- Reduction of minimum interior side setback from 10' to 5' **(Staff is supportive)**;
- Reduction of minimum rear setback from 30' to 15' **(Staff is supportive)**;
- Encroachment into the 75' impervious surface area setback from a stream for lots #8, 9, 13, 14, 15, 16 & 17 **(Staff is Supportive)**.

Community Development has reviewed the requested variances and is in support of all the variances due to the two stream buffers that run through the site and the property geometry. The stream buffers and the property geometry significantly affect the lot size and setback variances.

The zoning proposal has been reviewed by the City Engineer for stormwater management requirements. The City Engineer believes the developer can meet the city requirements for stormwater management for the site. The applicant has set aside plenty of property for the stormwater management facility, which shall maintained by the HOA.

The site plan reflects two stream buffers that run though the property. The first stream runs through the middle of the property, bisecting the subdivision into two developable tracts. The second stream runs through the northeast corner of the property. The applicant has designed the development to preserve the city's 50' undisturbed buffer. However, on lots #8, 9, 13, 14, 15, 16 and 17 the applicant is requesting variances to encroach into the 75' impervious setback. The applicant has proposed to offset the proposed encroachments by preserving more stream buffer elsewhere on site. The zoning proposal reflects 1,941 sq. ft. of possible encroachment into the 75' impervious surface area setback with 6,912 sq. ft. of additional stream buffer preservation to offset the encroachments. The site plan shows the streams and their 50' undisturbed buffers to be located on HOA property to be controlled and maintained by the HOA.

The City Engineer has reviewed the zoning proposal for potential transportation impacts. The developer will be required by the City Engineer to provide curb and gutter with a 5' sidewalk along Old Concord Road for the length of the subject property. A 5' sidewalk with a 2' grass strip will be required along one side of the new public street within the development. In addition, the applicant is proposing a deceleration lane at the entrance to the subdivision on Old Concord Road.

The zoning proposal has been reviewed by the City Fire Marshal and he has no comments with regards to the project. The homes will be serviced by the Fire Department from Old Concord Road and the new public street.

The proposed rezoning would provide for thirty-three (33) residences at an overall density of 2.92 units per acre. This density is in line with other previously approved infill developments in the city. Table 2, shows the infill development in the city 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>	Old Concord Road	33	2.92	4,955	50'
<b>Proposed Development</b>	Old Concord Road & Concord Road	15	3.57	7,365	50'
<b>Concord Lake Village</b>	Old Concord Road and Concord Road	32	4.34	4,520	47'
<b>Sherwood Park – P1</b>	S. Sherwood Road	71	6.12	4,000	44'
<b>Sherwood Park – P2</b>	S. Sherwood Road	23	3.79	4,000	45'

Community Development has reviewed the proposed development against the zoning standards of the recent adjacent rezonings and found the proposed development to be compatible with the infill development in the immediate area.

The zoning request was heard by the **Planning and Zoning Board** at the April 9, 2018 meeting and was recommended for **approval by a vote of 6-0** with staff conditions.

Community Development recommends **approval** of the rezoning from R-20 to RAD-Conditional for the development of thirty-three (33) single-family homes at a density of 2.92 units per acre with the following conditions:

**Standard Conditions  
 (Requirements #2 and 17 from Section 1201 of the Zoning Code are not 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. There shall be protective covenants with a mandatory homeowners association on all lots. These protective covenants shall be supplied to the City prior to the issuance of a building permit.
3. The developer shall provide at least 200 square feet of common space per lot. This common space shall be developed with improvements for the residential subdivision such as: gazebos, fountains, recreational/playground equipment or walking trails. The common space shall be controlled and maintained by the Homeowners Association.

4. The detention pond shall be placed and screened appropriately to be unobtrusive to homes inside and outside the development. The storm water detention plan shall be designed to create at least a 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
5. All utilities within the development shall be underground.
6. 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 2' shall be provided between the back of curb and sidewalk. The grass buffer may be waived if it is deemed unnecessary by the City Engineer.
7. The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.
8. A strip of brick pavers or stamped concrete shall be installed on the street at the subdivision entrance for a minimum distance of 20 feet.
9. The development of any streets (including private) shall conform to the city's standards for public right-of-ways.
10. No debris may be buried on any lot or common area.
11. The developer will install decorative streetlights within the development, subject to approval by the City Engineer. Utilization of low intensity, environmental type lighting, the illumination of which shall be confined within the perimeter of the subject property through the use of "full-cutoff lighting".
12. The developer will comply with the City's current tree ordinance (unless noted elsewhere). All required tree protection measures shall be adhered to by the developer during construction.
13. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
14. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
15. 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, unless otherwise approved by the City's Arborist. 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

16. The development shall maintain the following setbacks:
  - Front – 20'
  - Exterior Side – 20' (Along Old Concord Road)
  - Interior Side – 5'
  - Rear – 15' and 5' for lots #14 & #33
17. The development shall be developed with a minimum lot size of 4,955 square feet.
18. The lots shall be developed with a minimum lot width at the setback line of 50'.
19. The homes shall have a minimum floor area of 1,800 sq. ft.
20. The maximum allowable lot coverage for the property shall be limited to 45%.
21. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
22. The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the City of Smyrna Public Works Director and Cobb County Water System.
23. The developer shall install a 5' sidewalk with a 2' grass buffer along Old Concord Road for the length of the property. This sidewalk shall be connected to the existing sidewalk to the south in front of the Concord Lake Village subdivision.
24. The developer shall install curb and gutter along Old Concord Road.
25. The developer shall provide a right-of-way dedication along Old Concord Road for the installation of a deceleration lane and sidewalk.
26. The developer shall provide a 30' Drainage, Access & Maintenance Easement along the dam on the adjoining property to the south as reflected on the site plan.
27. All trees within the limits of disturbance that are scheduled to be preserve shall be protected according to the City's Tree Ordinance. All other trees within the limits of disturbance shall be removed.
28. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facility shall be solely located on the HOA's property and shall be maintained by the HOA.
29. Mitigation of the ±1,941 square foot encroachment into the 75' impervious surface area stream buffer setback must be provided at a rate of 1:1 elsewhere on site along the same stream. A separate mitigation site plan must be submitted for approval prior to issuance of a land disturbance permit.



30. Approval of the subject property for the Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 3/6/2018 created by Dovetail Civil Design, Inc..
31. The applicant shall be bound to the elevations submitted and dated 3/6/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.

### **Subject Property**



**Adjacent Properties**













