



# City of Smyrna

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## Issue Sheet

File Number: 2018-420

**Agenda Date:** 12/17/2018

**Version:** 3

**Status:** Agenda Ready

**In Control:** City Council

**File Type:** Authorization

**Agenda Number:** A.

**WARD:** 7

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Agenda Title:**

**Public Hearing Only** - Zoning Request Z18-016 - Rezoning from R-20 to R-12-Conditional for development of 19 single-family homes at a density of 2.47 units per acre - 7.68 Acres - Land Lot 331 - 10 Rebel Trail - O'Dwyer Properties, LLC

**ISSUE:** Odwyer Properties, LLC is requesting the annexation and rezoning of property at 10 Rebel Trail from R-20 to R-12-Conditional for the development of 19 single-family homes at a density of 2.47 units per acre.

**BACKGROUND:** A portion of the subject property (5.42 acres) was annexed and rezoned in May of 2006 from R-20 to R-12-Conditional for 14 single-family homes at a density of 2.78 units per acre (Zoning Case Z06-009). The zoning of the property was site plan conditional and allowed for several variances related to lot size, lot width and setbacks due to the topography of the site and the site's location to Nickajack Creek. The site was never developed and has remained in a natural state since the approval of the zoning in 2006.

The Planning and Zoning Board heard the proposed annexation and rezoning at the November 12, 2018 meeting and made a recommendation of **approval** with staff conditions by vote of 5-1.

**RECOMMENDATION/REQUESTED ACTION:** Community Development recommends **approval** the annexation and rezoning from R-20 to R-12-Conditional for 19 single-family homes at a density of 2.47 units per acre with the following conditions (most of the conditions are carried over from Zoning Case Z06-009):

**Standard Conditions**

**(Requirement #2, 8 and 17 from Section 1201 of the Zoning Code is 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 within 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.

7. The developer shall install a deceleration lane at the main entrance for the subdivision. The deceleration lane shall have a minimum length of 150' with a 50' 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 - 22' from back of curb

Side - 5' (Minimum 10' Between Houses)

Rear - 20'

Driveway - 19' minimum length from building face to the back of sidewalk

17. The development shall be developed with a minimum lot size of 6,000 square feet.

18. The lots shall be developed with a minimum lot width at the setback line of 65'.

19. The homes shall have a minimum floor area of 2,200 sq. ft.

20. The maximum allowable lot coverage for the property shall be limited to 35%.

21. The developer shall provide a minimum 20' access easement to all open space within the community.

22. The developer shall be responsible for the installation of all water and sewer lines accordance with the requirements of the Cobb County Water System.

23. The developer shall be responsible for any fire access improvements deemed necessary by the Fire Marshal during construction plan review.

24. The proposed gate shall meet all city requirements with respect to access to the community and shall be reviewed by the Fire Marshal and City Engineer.

25. All trees within the limits of disturbance that are scheduled to be preserved shall be protected according to the City's Tree Ordinance. All other trees within the limits of disturbance shall be removed.

26. 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.

27. Approval of the subject property for the ~~R2~~ zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 12/12/2018 created by Gaskins. All listed stipulations above shall be addressed during the plan review process.

28. The applicant shall be bound to the elevations submitted and dated 12/14/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.