

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: September 11, 2018

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

RE: ANNEXATION & REZONING CASE Z18-014 – 3381 Old Concord Road

Applicant: Angel Oak Homes,LLC

Existing Zoning: R-20

Titleholder: Paula Powell & Sandra Osborne

Proposed Zoning: RAD-Conditional

Size of Tract: 0.52 Acres

Location: 3811 Old Concord Road

Contiguous Zoning:

Land Lot: 381

North	RAD
South	R-15 & LC
East	R-20
West	RAD

Ward: 3

Access: Old Concord Road or Concord Lake Lane

Hearing Dates:

Existing Improvements: Single-Family Home

P&Z	August 13, 2018
M&C	September 17, 2018

Proposed Use:

The applicant is proposing the development of two new detached single-family residences at a density of 3.84 units per acre. A land use change from Neighborhood Activity Center to Moderate Density Residential will be required for this rezoning.

P&Z Board Recommendation:

Approval with staff conditions by vote of 6-0.

Staff Recommendation:

Approval of the rezoning from R-20 to RAD-Conditional 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 rezoning would result in the development of two single-family lots at a density of 3.84 units per acre. The new homes will be constructed on lots facing Old Concord Road. The adjoining property to the north is zoned RAD and is occupied by a single-family home in the Concord Lake Village Neighborhood. The adjoining property to the east is zoned R-20 and is occupied by a single-family home. The adjacent properties to the south across Concord Road are zoned R-15 & LC and are occupied by a single-family home and an office use. The adjacent property to the west is zoned RAD and will be developed into a 15 home subdivision. Since the proposed single-family homes will be located adjacent to a single-family neighborhood; the proposed use is suitable in view of the use and development of adjacent and nearby property.

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 a burden to the existing street network or transportation facilities.

Based upon information provided by the Public Works Director, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. Cobb County Water and Sewer Department agreed to give this current customer to the City of Smyrna due to annexation and

redevelopment. The current Cobb County water service will be abandoned at the main by Cobb County Water System or the developer.

Water and Sewer are both located within the right-of-way of Concord Road and therefore water meter locations and sewer tap locations will be placed by the developer within the right-of-way of Concord Road. The water main is located on the south side of Concord Road and will require this roadway to be bored to tap the water main. Sanitary Sewer is located within the roadway and will require an open cut to be repaired to DOT specification 1401. Elevations are the responsibility of the developer. Due to the positioning of the proposed development, a private 20' easement will be required through lot #2 to lot # 1 for the water and sewer services for lot #2. This information is based upon an annexation plat titled Concord Road/Old Concord Road by TerraBuild USA dated 6/4/2018.

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

The 0.52-acre rezoning will not be consistent with the City's Future Land Use Plan, which indicates a land use of Neighborhood Activity Center. The zoning proposal will require a change of land use on the Future Land Use Plan from Neighborhood Activity Center to Moderate Density Residential (up to 4.5 units per acre). The subject property adjoins property with a Moderate Density Residential land use designation to the north.

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 area surrounding the subject parcel has continued to redevelop into smaller parcels in a neo-traditional form. The proposed development is consistent with the most recent trends in this portion of the City.

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 conform and enhance the existing neighborhood's aesthetics. The proposed scale of the home will be compatible with the existing homes in the immediate areas. The developer will be required to meet tree density standards through replanting.

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 due to the fact that the surrounding area is also comprised of single-family residences.

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, will not have an effect upon adjacent properties. The applicant is requesting to rezone the property to RAD-Conditional. The applicant is seeking a site plan specific rezoning to deviate from the required minimum lot size and lot width for the RAD zoning district. Table 1 below, shows the requirements of the RAD districts versus the proposed development. The applicant is requesting variances from the following items: 1) Lot size reduction from 15,000 sq. ft. to 10,753 sq. ft.; 2) Lot width reduction from 100' to 52'; 3) Front setback reduction from 35' to 25'; 4) Side setback reduction from 10' to 5'; and 5) Rear setback reduction from 30' to 25'.

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
RAD Zoning District	15,000	100'	35'	10'	30'	35'	35	1,800
Proposed Lots	10,753	52'	25'	5'	25'	35'	45	1,800

Angel Oak Homes, LLC is requesting rezoning from R-20 to RAD-Conditional for the construction of two new single-family residences at a density of 3.84 units per acre at the northeast corner of Old Concord Road and Concord Road. The proposed homes will front on Old Concord Road and will have rear-entry garages that will be served by a shared drive from either Old Concord Road or the existing shared drive from the Concord Lake Village subdivision. The applicant has submitted building elevations and floor plans in the rezoning application. The submitted elevations reflect a more traditional style two-story home with a mixture of exterior façade materials and architectural elements. The new homes will enhance the architectural standards of the general neighborhood.

The applicant has submitted two different site plans for the development. The first plan reflect a shared driveway off Old Concord Road and the second reflects an extension from the existing shared driveway from Concord Lake Village. The applicant is currently working with the Concord Lake Village HOA to become part of the HOA and to gain access to the property from the HOA shared driveway to the north. If an agreement can be made with the HOA regarding the shared driveway, the applicant prefers to develop the site in accordance with that plan. However, if the applicant cannot come to an agreement with the HOA, the applicant will develop the site in accordance with the shared driveway off south Cobb Drive.

The proposed lots for the rezoning will be 10,753 sq. ft. (lot #1) and 11,921 sq. ft. (lot #2). The proposed lots will require several variances from the requirements of the RAD zoning district. These variances include the following: 1) a reduction in the minimum lot size from 15,000 sq. ft. to 10,753 sq. ft.; 2) a reduction in the minimum lot width from 100' to 52'; 3) Front setback

reduction from 35' to 25'; 4) Side setback reduction from 10' to 5'; and 5) Rear setback reduction from 30' to 25'. These deviations are reflected in Table 1 above. The proposed setbacks are consistent with the minimum setbacks established for the Concord Lake Village Subdivision. Community Development has reviewed the requested variances and is **supportive of variances**.

The applicant has proposed individual stormwater management facilities for each home of the development. The City Engineer will review and approve all stormwater management plans prior to the construction of the single-family homes.

The proposed rezoning would provide for 2 residences at an overall density of 3.84 units per acre. This density is in line with the 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.

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	Old Concord Road & Concord Road	2	3.84	10,753	52'
Logan's Walk	Old Concord Road	33	2.92	4,995	50'
Enclave at Old Concord	Old Concord Road & Concord Road	15	3.57	7,365	50'
Concord Lake Village	Old Concord Road and Concord Road	32	4.34	4,520	47'
Sherwood Park – P1	S. Sherwood Road	71	6.12	4,000	44'
Sherwood Park – P2	S. Sherwood Road	23	3.79	4,000	45'

Community Development has reviewed the zoning proposal against recent infill development and the City's Future Land Use Plan. The subject property adjoins a property with an RAD zoning designation and does not adjoin property with a Future Land Use designation for Moderate Density Residential.

The Planning and Zoning Board heard the rezoning request at the August 13, 2018 meeting and recommended approval with staff conditions by a vote of 6-0.

Community Development recommends **approval** of the request rezoning from R-20 to RAD-Conditional for the construction of two new single-family residences at a density of 3.84 units per acre with the following conditions:

Standard Conditions

(Requirement #2, 3, 4, 8, 9, 10, 11 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 siding for any elevation facing these roads.
2. 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.
3. All utilities within the development shall be underground.
4. 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.
5. No debris may be buried on any lot or common area.
6. 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.
7. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
8. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
9. 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

10. The development shall maintain the following setbacks:
Front – 25'
Side – 5'

Street Side – 25'
Rear – 25'

11. The development shall be developed with a minimum lot size of 10,000 square feet.
12. The lots shall be developed with a minimum lot width at the setback line of 50'.
13. The homes shall have a minimum floor area of 1,800 sq. ft.
14. 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.
15. The proposed shared drive off Old Concord Road shall have a minimum width of 18'.
16. All trees within the limits of disturbance and not located within a tree protection area must be removed during the land clearing and grading phase of the development.
17. Approval of the subject property for the RAD zoning district shall be conditioned upon the development of the property in substantial compliance with the submitted site plans dated 7/30/2018 & 8/9/2018 created by Survey Land Express, Inc. All listed stipulations above shall be addressed during the plan review process.
18. The homes shall be built in substantial compliance with the elevations submitted and dated 6/8/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure – 1
(Subject Property)



Figure – 2
(Adjoining Properties)



