

CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

To: Mayor and Council

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

Date: May 8, 2019

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

RE: REZONING CASE Z19-010 – 990 Pebblebrook Road

Applicant: Palladian Land, LLC

Existing Zoning: R-20

Titleholder: Brian Minnick

Proposed Zoning: R-15-Conditional

Size of Tract: 1.0245 acres

Location: 990 Pebblebrook Road

Contiguous Zoning:

Land Lot: 466

North

RDA

South

R-20 (Cobb)

East

R-15 (Cobb)

West

R-20 (Cobb)

Ward: 7

Access: Pebblebrook Road

Hearing Dates:

Existing Improvements: Vacant Tract

P&Z

May 13, 2019

Mayor and Council

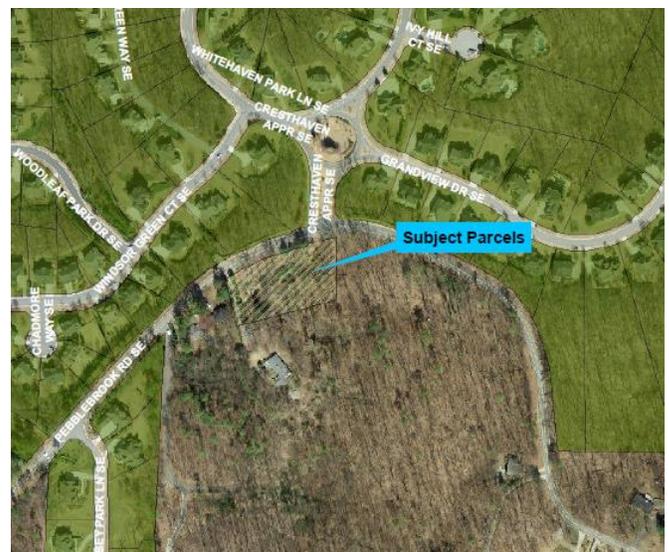
June 17, 2019

Proposed Use:

The applicant is requesting a rezoning from R-20 to R-15-Conditional for the development of three single-family homes at a density of 2.93 units per acre. No future land use change from Low Density Residential is required for rezoning.

Staff Recommendation:

Approval of the rezoning from R-20 to R-15-Conditional with conditions.



PROJECT DESCRIPTION

The subject property was annexed into the City of Smyrna on March 19, 2018 by the Mayor and City Council by a vote of (4-0). The property was annexed with an R-20 zoning designation for two single-family residential lots.

Palladian Land, LLC is requesting rezoning from R-20 to R-15-Conditional for the development of three single-family lots at a density of 2.93 units per acre. The proposed lots will front on Pebblebrook Road with the homes having side entry garages. The proposed site plan reflects individual stormwater management facilities on each lot. The lots range between 14,620 sq. ft. to 15,008 sq. ft.. The proposed lots meet the minimum setback requirements for the R-15 zoning district.

Palladian Land, LLC has submitted building elevations with the rezoning application. The submitted building elevations reflect the type and quality of the homes planned for this site. The applicant proposes to use a mixture of façade materials for the buildings, including but not limited to: brick, shake, board & batten and siding.

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:

"All surrounding properties are also low density residential."

Staff Analysis:

The zoning proposal consists of one tract of land totaling 1.0245 acres and is zoned R-20. Approval of the zoning proposal would result in the subdivision of the property into three residential lots for three single-family homes at a density of 2.93 units per acre.

The adjoining properties to the west and south are located in unincorporated Cobb County and are zoned R-20 (Single-family Residential) and contain single-family residences. The adjoining properties to the east are located in unincorporated Cobb County and are zoned R-15 (Single-family Residential) and contain single-family residences in the Vinings Brooke subdivision. The adjacent properties to the north across Pebblebrook Road are zoned RDA (Residential Detached/Attached)

and are occupied by the single-family homes in the Vinings Estates subdivision. The subject property is surrounded by low density single-family housing. The proposed zoning and associated improvements would continue to be consistent with 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.

Applicant Response:

"No, it will not."

Staff Analysis:

The zoning proposal should not have an adverse affect upon the existing use or usability of nearby properties. The proposed use is consistent with the adjoining single-family home communities in the immediate area.

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

Applicant Response:

"An additional lot is needed to be economically feasible."

Staff Analysis:

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.

Applicant Response:

"No, only one additional house."

Staff Analysis:

Based upon information from the City Engineer, the proposed use will not cause an excessive or burdensome use of the existing streets or transportation facilities.

Based upon information provided from the Cobb County Water System, water is available to the property. There is an existing 8-inch main on Pebblebrook Road available for use. A passing fire flow test will be required prior to approval of the construction plans by Cobb County Water System.

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

Applicant Response:

"Yes."

Staff Analysis:

The subject property has a future land use designation of Low Density Residential (<3 units per acre) on the city's 2040 Future Land Use Plan. The proposed development of three residential units at a density of 2.93 units per acre is in conformity with the city's Future Land Use Plan. No change to the future land use designation of Low Density Residential will be required for rezoning. The proposed R-15 zoning district is compatible with the Low Density Residential future land use designation.

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:

"None."

Staff Analysis:

The proposed use and development of the property is compatible with existing development in the immediate area. The zoning proposal would bring the property in line with development of adjoining R-15 neighborhood to the east.

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:

"The development will enhance the appearance and value considering the current vacant condition."

Staff Analysis:

The proposed development will employ a variety of architectural features and building materials that will enhance aesthetics along Pebblebrook Road. The proposed development appears to meet the requirements of the city's Tree Ordinance through the preservation of existing trees and the replanting of trees.

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."

Staff Analysis:

The zoning proposal will not create a nuisance or be incompatible with existing uses in the area. The proposed use of single-family housing is consistent with the surrounding single-family neighborhoods.

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:

“Positively.”

Staff Analysis:

Factors associated with the size of the proposed use, in either land area or building height, will ultimately have a positive effect upon all adjacent and nearby properties. The development will require two variances with respect to the lot size and driveway setbacks.

Project Analysis

Engineering Review

The City Engineer has reviewed the proposed site plan with respect to transportation, stormwater management and stream buffer issues. The proposed lots will be accessed from individual driveways off Pebblebrook Road. Due to potential sight line issues on PebbleBrook Road, signage and signalization may be required by the City Engineer for cars leaving the subject property. The sight line issue should be addressed during the plan review and permitting process.

The proposed site plan reflects individual detention areas for each lot at the rear of the homes. The applicant has provided a stormwater management assessment as part of the zoning package. The City Engineer believes the development has allocated enough area to meet the requirements of the city’s Stormwater Management Ordinance. However, the City Engineer would like to see the detention facilities consolidated into one facility that would be maintained by the HOA.

Finally, there are no stream buffers or floodplains located on the subject property.

Fire Marshal Review

The Fire Marshal’s office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire access.

Planning Review

Community Development has reviewed the zoning proposal against the city’s 2040 Comprehensive Plan and Future Land Use Plan. The zoning proposal meets allowable density under the Low Density Residential land use designation of the Future Land Use Plan.

Community Development has reviewed the proposed development against the zoning standards in Section 801 of the Zoning Ordinance with respect to the R-15 zoning district. The proposed development meets nearly all the zoning requirements for the R-15 zoning district

except for two requirements that deal with minimum lot area and minimum driveway setbacks. Community Development Staff is supportive of all the requested variances listed below.

The request variances are:

1. Reduction of minimum lot area from 15,000 sq. ft. to 14,620 sq. ft. on lot #3 (**Staff Support**); and
2. Reduction of minimum driveway setback from 5' to 1' (**Staff Support**).

The requested variance is necessary due to the lot size of lot #3. The other two lots meet the minimum standards of the R-15 zoning district with respect to setbacks, lot size, lot width and lot coverage. The variance for lot #3 will keep the zoning of the subdivision in the R-15 zoning district, which is consistent with the zoning on surrounding properties. The driveway setback variance is necessary to provide the side-entry garages and provide adequate driveway area to make the appropriate turning maneuvers to enter onto Pebblebrook Road driving forward. If no variance was granted for the driveways, the homes would be developed with front entry garages and would potentially lead to drivers backing out onto Pebblebrook Road, which already has a sight line issue.

STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-20 to R-15-Conditional on 1.0245 acres for the development of three single-family residential lots at a density of 2.93 units per acre, including those variances supported by staff as shown above, **with the following conditions:**

Standard Conditions

Requirements # 2, 4, 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 percent hardy plank siding. The residences along external roadways shall not be permitted to utilize hardy plank for any elevation facing these roads.
2. There shall be protective covenants on all lots. These protective covenants shall be supplied to the city prior to the issuance of a building permit.
3. The retention 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 ten percent reduction in a 100-year storm event. The city engineer shall approve all plans.

4. All utilities within the development shall be underground.
5. 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.
6. No debris may be buried on any lot or common area.
7. 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.
8. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
9. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
10. Each individual lot shall have three four-inch caliper trees replanted per lot. 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

11. The development shall maintain the following setbacks:
 - Front – 40'
 - Side – 10'
 - Rear – 30'
 - Building Separation – 80'
12. The minimum lot size for lot #3 shall be 14,620 sq. ft..
13. The minimum driveway setback shall be 1'.
14. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director or Cobb County Water System during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

17. The developer shall be responsible for any improvements deemed necessary by the City Engineer to correct the sight line issue down Pebblebrook Road.
18. The developer shall provide a 5' sidewalk and a 2' grass buffer along Pebblebrook Road for the length of the development.
19. The stormwater detention facility shall be located on a separate lot of record and shall be owned and maintained by the HOA.
20. Approval of the subject property for the R-15-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 4/12/2019 and created by Paul Lee Consulting Engineering Associates, Inc. and all zoning stipulations above.
21. The applicant shall be bound to the elevations submitted on 4/12/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.

Subject Property



Adjacent Properties



