

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: November 5, 2014

CC: Eric Taylor, City Administrator
Planning and Zoning Board

RE: REZONING CASE Z14-024 – 208, 216 & 220 Concord Road

Applicant: DBB Enterprises, LLC

Existing Zoning: R-15

Proposed Zoning: RAD-Conditional

Size of Tract: 12.12 Acres

Titleholder: Carl Tackett Sr., Carl Tackett Jr.

Location: 208, 216 & 220 Concord Road

Contiguous Zoning:

North R-15 & R-20

South R-15

East R-20

West RAD & R-20 (Cobb)

Land Lot: 264 & 265

Ward: 7

Access: Concord Road

Hearing Dates:

P&Z

November 10, 2014

Existing Improvements: Four Single-Family Residences and Accessory Structures

Mayor and Council

December 15, 2014

Proposed Use:

Development of 36 single-family detached residences at a density of 2.97 units per acre. No land use change is required for rezoning.

Staff Recommendation:

Approval for 36 single-family detached residences at a density of 2.97 units per acre 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 development will produce 36 single-family residences with a minimum lot size of 7,000 sq. ft. The proposed development will have a maximum lot size of 23,414 sq. ft. and an average lot size of 9,843 sq. ft. The residences will be served via a new public street off Concord Road. The adjoining parcels to the north are zoned R-15 & R-20 and are occupied by single-family residences. The adjoining parcels to the east are zoned R-20 and are occupied by single-family residences. The adjoining parcels to the south are zoned R-15 and are occupied by single-family residences. The adjacent parcels to the west across Concord Road are zoned RAD and R-20 (Cobb County) and are occupied by single-family residences.

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 capacity is available in the area to accommodate the development associated with the rezoning. Water service is available to the proposed development and is located within the right-of-way of Concord Road.

Based upon information provided by the Public Works Director, adequate sewer capacity is available to accommodate the development. However, sanitary sewer is currently not available for the proposed development in the immediate area and will require one or more sewer main extensions and easements for access to the city sewer system. The developer will be responsible for all sewer system improvements associated with the development. This information is based upon a rezoning plan for Park Place by London Patterson Engineering Support Services dated 9/05/14.

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

The rezoning is in conformity with the City's Future Development Plan, which indicates a land use designation of Suburban Residential (less than 3.00 units per acre). The applicant has proposed a density for the development of 2.97 units per acre. No land use change from Suburban Residential is 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.

The infill developments in the immediate area have resulted in subdivisions with smaller lot sizes. The zoning proposal would be consistent with the infill development patterns in the general area and is within the land use designation of Suburban Residential on the City's Future Development Plan.

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 development will enhance the area and be compatible with surrounding residences aesthetically. The developer will have to meet the City's Tree Ordinance and open space requirements. The architectural standards of the immediate area will be upheld by the proposed development.

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.

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 affect upon adjacent properties. The proposed development does not meet the lot requirements of the RAD zoning

district, but is consistent with the zoning requirements established for recent infill subdivisions in the immediate area. The applicant is requesting the following variances on the proposed site plan: (1) Reduction of minimum lot size from 15,000 sq. ft. to 7,000 sq. ft.; (2) Reduction in minimum lot width at setback line from 100' to 45'; (3) Reduction in minimum front setback from 35' to 20'; (4) Reduction in minimum side setback from 10' to 5'; and (5) Reduction in minimum rear setback from 30' to 20'.

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
R-15 Zoning District	15,000	85'	35'	10'	30'	35'	35	2,000
RAD Zoning District	15,000	100'	35'	10'	30'	35'	45	1,800
Proposed Lots	7,000	45'	20'	5'	20'	35'	35	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.

The applicant has proposed the development of 36 single-family residences with a minimum lot size of 7,000 sq. ft. at a density of 2.97 units per acre. The average lot size for the proposed development is 9,843 sq. ft.. The subdivision will be accessed from Concord Road through a new public street with three cul-da-sacs. The proposed homes will be front and side entry homes and will face the new public street. The applicant is proposing sidewalks and street lights within the development, along with a passive openspace area of 7,500 sq. ft. which will have a covered pavilion and fireplace.

The homes for the proposed subdivision will be very similar to the new homes constructed in the immediate area along North Cooper Lake Road. The homes will be two-stories in height and some may have basements. The homes will employ traditional architecture and elevations of the homes are provided in the zoning packet.

The applicant has also provided the proposed location of the stormwater detention and water quality facility on the site plan. The developer will be required to meet all applicable City stormwater management requirements for the site. The applicant will provide the City Engineer a conceptual stormwater management study prior to the Mayor and Council meeting to show the proposed facilities are sized appropriately and function adequately. In addition, the applicant will have to show how stormwater will be released from these facilities as to not create an adverse impact on adjoining properties.

The applicant will need several variances from the zoning requirements. These variances include the following:

1. Reduction of minimum lot size from 15,000 sq. ft. to 7,000 sq. ft;
2. Reduction in minimum lot width at setback line from 100' to 45';

3. Reduction in minimum front setback from 35' to 20';
4. Reduction in minimum side setback from 10' to 5'; and
5. Reduction in minimum rear setback from 30' to 20'.

The zoning plan provided by the applicant is consistent with regards to setbacks and lot sizes with infill developments zoned RAD along Concord Road and North Cooper Lake Road. Table 2 below represents a comparison of the requested variances to other infill developments in the immediate area. For the most part, these other infill developments received similar variances as requested by the applicant.

Table 2: Comparison of Zoning Standards for Infill Developments Zoned RAD in the Immediate Area

Subdivision	Minimum Lot Size (Sq. Ft.)	Average Lot Size (Sq. Ft.)	Minimum Lot Width	Minimum Front Setback	Minimum Side Setback	Minimum Rear Setback
The Proposed Subdivision	7,000	9,843	45'	20'	5'	20'
Concord Grove	7,000	10,984	50'	20'	5' *Min. 15' Between Houses	20'
Hampshire Place	7,000	11,142	15'	20'	2' *Min. 15' Between Houses	30'
Concord Walk	8,200	9,863	25'	25'	7.5' *Min. 15' Between Houses	30'
North Cooper Lake Place	8,100	9,360	32'	15'	0' *Min. 15' Between Houses	20'

The proposed subdivision is consistent with the City's Comprehensive Plan and is in-line with infill developments in the area. Therefore, Community Development recommends approval the rezoning from R-15 to RAD-Conditional for the 36 single-family residences at a density of 2.97 units per acre with the following conditions:

Standard Conditions
(Requirement #8 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. The developer shall provide a vegetative buffer with a minimum width of 20 feet parallel to any right-of-way external to the development (Concord Road & Highview Drive).
3. 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.
4. 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.
5. The detention/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 10% reduction in a 2-year to 100-year storm event. The City Engineer shall approve all plans.
6. All utilities within the development shall be underground.
7. 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.
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.
16. A Level I Archeological Study shall be provided for the development. The developer shall verify to the city that any historical or archeological features (including civil war trench lines or evidence of encampments) identified in the study will be protected from development prior to the issuance of a permit for any disturbance activities.

Special Conditions

17. The development shall maintain the following setbacks:
Front – 20'
Side – 5'
Street Side - 20'
Rear – 20'
18. The development shall be developed with a minimum lot size of 7,000 square feet.
19. The proposed homes shall have a minimum floor area of 2,000 sq. ft.
20. All new homes shall be accessed from the new proposed public roads for the subdivision.
21. The developer shall provide a 5' sidewalk and 2' grass buffer inside and outside of the subdivision. The developer shall provide sidewalks along both Highview Drive and Concord Road.

22. Driveway – 22' minimum length from building face to back edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
23. The developer shall be responsible for any water or sewer improvements deemed necessary for the provision of services to the community.
24. No stormwater management facility or portion thereof shall be located on any portion of the proposed lots. The stormwater management facilities shall be solely located on the HOA's property.
25. The developer shall be responsible for the provision and dedication of a sanitary sewer easement for the connection to the city sanitary sewer system at time of final platting. The City Public Works Director and Parks Director shall review and approval all easements.
26. 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.
27. 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 submitted site plan dated 11/5/2014 created by London Patterson Engineering Support Services.
28. The applicant shall be bound to the elevations submitted and dated 9/15/2014. Approval of any change to the elevations must be obtained from the Director of Community Development.

Figure I
Subject Property



Figure 2
Subject Property



**Figure 3
Subject Property**



**Figure 4
Subject Property**



Figure 5
Adjoining Property to West Across Concord Road



Figure 6
Adjoining Property to the West Across Concord Road (Concord Grove)



Figure 7
Adjoining Property to the South

