

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and City Council

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

Date: December 11, 2018

CC: Tammi Saddler-Jones, City Administrator

RE: Annexation & Rezoning Case Z18-016 – Cooper Lake Road and Rebel Trail

Applicant: O'Dwyer Properties, LLC

Existing Zoning: Cobb R-20/Smyrna
LI & R-15

Titleholder: O'Dwyer Properties, LLC,
Ronald & Cynthia Fennel and
Whistle-Stop Properties

Proposed Zoning: R-12-Conditional
Size of Tract: 7.68 acres

Location: 10 Rebel Trail

Contiguous Zoning:

Land Lot: 331, 389, 390, 403, 404

North R-20 (Cobb)
South R-15 & RAD
East RAD
West R-20 (Cobb)

Ward: 7

Access: Cooper Lake Road

Hearing Dates:

Existing Improvements: One Vacant Single-Family Home

P&Z November 12, 2018
Mayor and Council December 17, 2018

Proposed Use:

Annexation and rezoning for 19 single-family detached residences on 7.68 acres at a density of 2.47 units per acre.

P&Z Recommendation:

Approval with staff conditions by vote of 5-1.

Staff Recommendation:

Approval 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 zoning proposal will result in the annexation of 2.26 acres, which will be added to a previously zoned 5.42 acres for 14 single-family homes (Zoning Case Z06-009). The zoning proposal will produce a single-family, detached development of 19 units at a density of 2.47 units per acre accessed from Cooper Lake Road. All adjoining properties are zoned residential (Cobb County R-20; Smyrna RAD, R-15, and R-20). The proposed residences are suitable in view of the existing 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. The proposed development is separated from other residential developments by the Cooper Lake Road, Nickajack Creek and the railroad right-of-way. The zoning proposal will provide a use and development of the property similar to adjacent or nearby property.

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. 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 property that is proposed to be annexed and rezoned is shown to have a land use designation of Low Density Residential (LDR) on the County's Future Land Use Plan, which allows densities between 1 and 2.5 units per acre. The property that is currently in the City has a land use designation of Low Density Residential (LDR) on the City's Future Land Use Plan, which allows densities up to 3 units per acre. The applicant is proposing a 19 lot single-family development with a density of 2.47 units per acre and is in conformity with both the City's and County's Future Land Use Plan. No land use change will be required for annexation and 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.

Nickajack Creek borders the subject site and a 100-foot stream buffer is required. The applicant is not proposing to encroach into the Nickajack Creek stream buffer. The applicant is proposing to leave approximately 2 acres of open space along the creek as natural property.

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 to create an attractive and distinguished neighborhood of residences. The current tree plan indicates that existing trees will be protected along the northern portions of the subject site and Nickajack Creek, and the remaining residential lots will be required to have between three to four trees planted per lot.

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 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 Woodbridge Crossing subdivision.

Table 1: Lot Requirements for R-12 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-12 Zoning District	12,000	85'	35'	10'	30'	35'	35	1,900
Proposed Lots	6,000	65'	13'	5'	20'	35'	35	2,200

*****The requested variances for the proposed zoning are similar to the variances granted to the development from Zoning Case Z06-009*****

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 applicant is proposing to **annex and add 2.26 acres** to the existing property zoned R-12-Conditional and increase the number of lots to 19 single-family homes, which would **decrease** the density of the development to 2.47 units per acre. The applicant is requesting to rezone the property to R-12-Conditional with similar variances to Zoning Case Z06-009.

The proposed rezoning would provide for the development of 19 single-family detached residences with access provided from Cooper Lake Road through a new gated private road. The proposed development will have a minimum lot size of 6,950 sq. ft., a maximum lot size of 26,467 sq. ft. and an average lot size of 10,244 sq. ft. The proposed homes will front on the new private road and will employ front entry garages. The residences will employ a variety of building materials and architectural features, which were submitted as part of the rezoning package.

The applicant is proposing variances for reductions in setbacks, lots sizes and lot widths. The applicant is requesting the following variances:

- Reduction of minimum lot size from 12,000 sq. ft. to 6,000 sq. ft. **(Staff is supportive)**;
- Reduction of minimum lot width from 85' to 65' **(Staff is supportive)**;
- Reduction of minimum front setback from 35' to 13' **(Staff is supportive)**;
- Reduction of minimum interior side setback from 10' to 5' **(Staff is supportive)**; and
- Reduction of minimum rear setback from 30' to 20' **(Staff is supportive)**.

Community Development has reviewed the requested variances and is in support of all the variances due to a portion of the property being granted these variances in a prior rezoning and due the topography of the site and its location to Nickajack Creek.

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 submitted a preliminary hydrology study to verify there is enough area to accommodate the detention facility.

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 Cooper Lake 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 road within the development. In addition, the applicant is proposing a deceleration lane at the entrance to the subdivision on Cooper Lake Road. The proposed gate location at the subdivision entrance will be required to meet the city's access requirements and will be reviewed during the plan review process. Finally, the City Engineer has reviewed the submitted sight distance analysis and found that there may need to be some modifications to the entrance to provide appropriate sight distance. These modifications can be completed during the plan review process for permitting.

The zoning proposal has been reviewed by the City Fire Marshal. The homes will be serviced by the Fire Department from the new private road and the proposed gate will have to meet all city access requirements.

The proposed development's density is in-line with other recently approved single-family subdivisions in the city. The proposed minimum lot size of 6,000 square feet is significantly smaller than other approved single-family subdivisions. However, the Woodbridge Crossing subdivision located on the southeast corner of the East-West Connector and Cooper Lake Road was approved in 2005 with similar lot sizes. The need to cluster development on smaller lots is being requested to accommodate the subject parcel's unique characteristics of topography and water features.

The annexation and rezoning application was sent to Cobb County in accordance with the City and County's intergovernmental agreement (H.B. 489). The annexation and zoning request is in line with the agreement. However, the County has not responded back to the City and has passed the required time frame for response and remediation.

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.

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

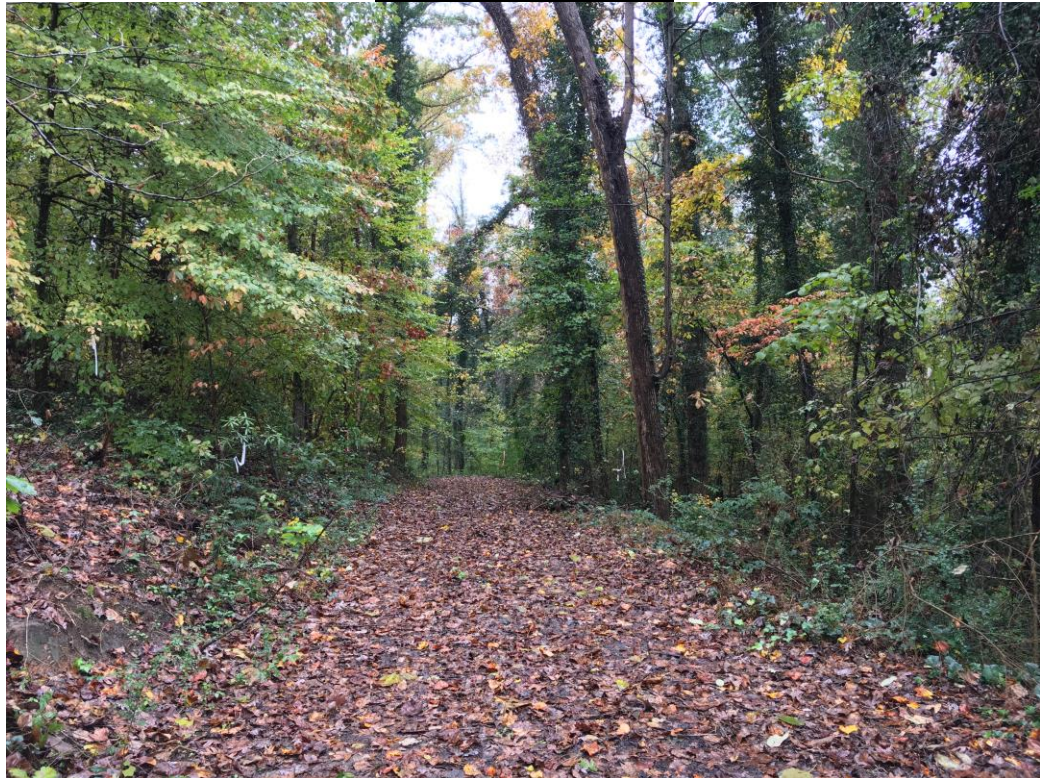
16. The development shall maintain the following setbacks:

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 in 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 preserve 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 R-12 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 9/14/2018. Approval of any change to the elevations must be obtained from the Director of Community Development.

Subject Property







Adjacent Properties





