



# City of Smyrna

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## Issue Sheet

File Number: 2015-168

Agenda Date: 9/19/2016

Version: 1

Status: ATS Review

In Control: City Council

File Type: Authorization

Agenda Number: A.

**WARD:** 4

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

### Agenda Title:

**Public Hearing** - Zoning Request Z15-007 - Rezoning from R-20 to RAD-Conditional for the development of fourteen single-family homes - 5.61Acres - Land Lot 338 - 3744 Plumcrest Road - Sean Tintle

**ISSUE:** Sean Tintle is requesting a rezoning from R-20 to RAD-Conditional for the construction of fourteen single-family homes at a density of 2.6 units per acre.

**BACKGROUND:** The subject property was originally proposed for rezoning from R-20 to RAD-Conditional for the development of 15 single-family residences at a density of 2.67 units per acre. The original request was recommended for approval by the Planning and Zoning Board by a vote of 5-2 at the July 13, 2015 meeting. The Mayor and City Council voted to deny the rezoning by a vote of 4-3 at the September 8, 2015 meeting. Since the final decision of denial, the property owner has issued a constitutional challenge to the decision. The city and the property owner have been working through the mediation process to address the constitutional challenge. The property owner has developed a new fourteen lot plan and the judge has requested that the city rehear the rezoning. The applicant has resubmitted the new zoning plan to be heard by the Mayor and City Council.

**RECOMMENDATION/REQUESTED ACTION:** Community Development recommends **approval** the rezoning from R-20 to RAD-Conditional for the 14 single-family residences at a density of 2.6 units per acre with the following conditions:

### Standard Conditions

**(Requirement #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. The developer shall provide a vegetative buffer with a minimum width of 20 feet parallel to any right-of-way external to the development (North Cooper Lake Road).
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.

### **Special Conditions**

16. The development shall maintain the following minimum setbacks:

Front - 30'

Interior Side - 5'

Exterior Side - 25' (Lot 1 & 14)

Rear - 30'

17. The development shall be developed with a minimum lot size of 8,350 square feet.

18. The proposed homes shall have a minimum floor area of 2,100 sq. ft.

19. The fourteen new homes shall be accessed from the new proposed public road.

20. The developer shall provide a 5' sidewalk and 2' grass buffer inside and outside of the subdivision.

21. The driveway shall have minimum length of twenty-two (22') feet from building face to back edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.

22. The developer shall be responsible for any water or sewer improvements deemed necessary for the provision of services to the community.

23. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.

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 provide a 10' landscape buffer along the perimeter of the property in accordance with the City's Tree Ordinance and Section 503 of the Zoning Ordinance.

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 site plan submitted 8/26/2016 created by Ridge Planning & Engineering.

28. The applicant shall be bound to the elevations submitted and dated 8/26/2016. Approval of any change to the elevations must be obtained from the Director of Community Development.