

# CITY OF SMYRNA COMMUNITY DEVELOPMENT DEPARTMENT MEMORANDUM

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To: Mayor and Council

From: Russell Martin, AICP, Community Development Director  
Joey Staubes, AICP, Planner II

Date: December 5, 2019

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

**RE: REZONING CASE Z19-016 – 1465 Buckner Road**

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**Applicant:** Beazer Homes

**Titleholder:** Joyce Howell

**Location:** 1465 Buckner Rd

**Land Lot:** 542

**Ward:** 7

**Access:** Buckner Rd

**Existing Improvements:** Single Family Residence

**Existing Zoning:** R-20 (County)

**Proposed Zoning:** R-12-Conditional

**Size of Tract:** 12.72 Acres

**Contiguous Zoning:**

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

**Hearing Dates:**

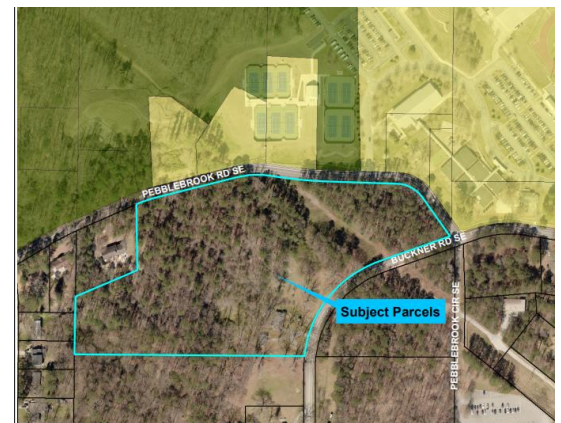
P&Z	December 9, 2019
Mayor and Council	January 21, 2020

**Proposed Use:**

Development of a 38-unit single-family detached home community at a density of 2.99 units per acre.

**Staff Recommendation:**

Community Development recommends **approval** of the zoning request from **R-20 to R-12-Conditional with conditions**.



## **PROJECT DESCRIPTION**

Beazer Homes is requesting to rezone 12.72 acres at 1465 Buckner Road from R-20 (County) to R-12-Conditional for the development of 38 single-family detached units at a density of 2.99 units per acre. The applicant is proposing to demolish the existing structure and build the new single-family home subdivision in its place.

The proposed development will be accessed by Buckner Road with the addition of a deceleration lane and left turn lane. The proposed plan reflects sidewalks throughout the site with connections from Pebblebrook Road and Buckner Road. The proposed streets within the development will be public and will be built to the City's construction standards. The applicant has agreed not to gate the community.

The applicant is proposing each home to have a two-car garage with a two-car driveway for a potential of four parking spaces per unit. The homes will be front-entry and face on the public streets.

The applicant is representing 4.66 acres or 36.6% of openspace for the development. A mail kiosk is reflected in the openspace at the back of the neighborhood, with appropriate parking spaces including an ADA accessible space.

There is one stormwater detention facility planned for the community. The detention facility is located on the west side of the property between Lots 17 & 18. This facility will be constructed to meet the City's current stormwater management requirements.

There are several site constraints that affect the development of the property. First, there is an existing 100' power easement that runs through the eastern corner of the property. Second, there is an existing stream buffer along the southern boundary of the property. These issues are addressed in the project analysis section below.

## **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.

### *Applicant Response:*

*"The zoning proposal permits a use that is suitable in view of the use and development of adjacent and nearby property. The proposal would annex an approximately 12.7 acre parcel in currently unincorporated Cobb County into the city limits of Smyrna. The simultaneous rezoning from Cobb County's R-20 zoning district to the City of Smyrna's **R-12 Conditional** – single family detached zoning district would facilitate the development of a **38-lot** single family subdivision. The surrounding future land use designation in the City of Smyrna is PI – public and*

*institutional uses, which primarily consists of the Whitefield Academy complex across the street from the site. Adjacent sites that will remain under the jurisdiction of unincorporated Cobb County are mostly undeveloped/vacant. To the west is the Stoneybrook Court subdivision with single-family detached homes on approximately 20,000 sq. ft. lots. The proposed residential use is compatible with the surrounding context of residential and institutional uses.”*

**\*\*\*The bold items have been updated to address changes in the site plan from the original submittal of the application. The site plan has been modified several times since the original submittal.\*\*\***

Staff Analysis:

*The applicant is proposing the development of the subject property for a 38-unit single-family detached home community at a density of 2.99 units per acre. The adjoining property to the east is zoned R-20 in unincorporated Cobb County and is currently undeveloped property, with a 100’ power line easement. The adjoining property to the south is zoned R-20 in unincorporated Cobb County and is occupied by residential property. The adjoining property to the west is zoned R-20 in unincorporated Cobb County and is occupied by residential property. The adjoining properties to the north are zoned R-15 and RDA in Smyrna and are occupied by Whitefield Academy. Given the description of the development patterns surrounding the subject property, the proposed use and development of the subject property will be suitable in view of 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:

*“The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. As mentioned previously, the majority of parcels directly adjacent to the site are currently vacant or undeveloped, and will therefore not be affected at all by the proposed development. Existing conditions on the site, coupled with site plan design, will offset any effects to the neighboring properties: Due to existing conditions on the parcel, including a **100-foot** power easement and stream, **4.6 acres (nearly 37% of the site area)** will be reserved for open space. The areas reserved for open space, including the stream, a detention area, and significant property setbacks, create a buffer between the proposed homes and the adjacent subdivision to the west of the site. Additionally, the majority of the site frontage that directly faces the school will be left open or undisturbed, due to the location of the power easement on the site. The rest of the frontage along Pebblebrook Road will be screened from the street by the 20-foot wide front buffer. The design of the site has intentionally created an insular, single-family community that will be buffered and screened from neighboring parcels on all sides, contributing to the quality of life for the new residents, and also leaving adjacent properties virtually unaffected by the development.”*

**\*\*\*The bold items have been updated to address changes in the site plan from the original submittal of the application. The site plan has been modified several times since the original submittal.\*\*\***

Staff Analysis:

*The proposed development is surrounded by a school and residential single-family uses. The existing uses would not be negatively impacted by the proposed single-family development. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.*

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

Applicant Response:

*"The current zoning severely limits the economic potential of this property. Mentioned above, existing conditions on the property that are outside of the applicant's control of the **100-foot** power easement and the portion of the site that is cut off from the rest of the developable area, and the stream and required buffers-significantly reduce the development potential of this site by approximately 25%. The current Cobb County R-20 zoning district requirements on top of the existing site constraints further limit the development potential of the site. Under the R-20 zoning, the total 12.7-acre site could be developed with approximately twenty-five (25) 20,000 square foot lots; however due to the above described constraints, the potential lot yield would be approximately 12 to 15 lots, which is far below the density permitted in the R-20 zoning."*

**\*\*\*The bold items have been updated to address changes in the site plan from the original submittal of the application. The site plan has been modified several times since the original submittal.\*\*\***

Staff Analysis:

*The subject property has reasonable economic use as currently zoned. However, the economic use of the subject property is constrained by the location of the 100-foot power easement and stream buffer. The power easement separates the eastern corner of the property from the rest of the site. Also, the location of the stream buffer on the southern corner also reduces the amount of area that can be developed. Thus, the density allowed on the site is not feasible without reducing the size of the lots and concentrating the development to the interior of the site.*

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:

*"The site will not overburden existing public utilities, facilities, or resources. It is likely that existing infrastructure and resources are not operating at capacity for several reasons: As mentioned before, the site is surrounded by several undeveloped parcels, which are not currently utilizing existing available infrastructure. As with all new residential developments across the metro area, additional traffic is a concern. However, one of the benefits to the project is that the site is located in close proximity to major thoroughfares such as South Cobb Drive and Veterans Memorial Highway, which serve as direct links to I-285. It is not anticipated that this development will overburden schools. The number of*

*proposed units is so few, that the number of new students potentially generated by the development and added to Whitefield Academy (across the street) or local public schools is negligible.”*

Staff Analysis:

*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 Cobb County Water, sanitary sewer capacity is available, and water service is located on Pebblebrook and Buckner Road. The developer is responsible for all necessary water and sewer improvements.*

*The City has not received any information from the Cobb County School Board with respect to the impacts of the proposed development on the school system. The applicant believes the proposed development will have minimal impact on enrollment due to their market demographics.*

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

Applicant Response:

*“This property is not currently located in the City of Smyrna, but is proposed to be annexed into the City limits while the rezoning occurs simultaneously. Because of this, the property does not have a City of Smyrna future land use designation, as specified within the comprehensive plan. The parcel is proposed to be rezoned as **R-12 Conditional** – Residential Detached Single-Family, which would facilitate the development of **38** new, single-family detached residences. The zoning proposal matches that of a substantial area across Pebblebrook Road, which is zoned the new-legacy zoning designation of RDA (Residential Detached/Attached). This proposal would fall under the **LDR (Low Density Residential)** future land use designation as specified in the comprehensive plan. The applicant team is of the opinion that this future land use designation would be appropriate for this location, given the proximity to existing, similarly-zoned swath of residential development north of Pebblebrook Road, and the location of the site in relation to major arterial thoroughfares.”*

**\*\*\*The bold items have been updated to address changes in the site plan from the original submittal of the application. The site plan has been modified several times since the original submittal.\*\*\***

Staff Analysis:

*The subject property has a land use of LDR (Low Density Residential) in Cobb County, and will remain LDR (Low Density Residential) in the City of Smyrna. LDR in Smyrna allows up to 3 dwelling units per acre. R-12-Conditional is a permitted zoning district under the LDR future land use designation. The LDR land use is compatible with surrounding properties in Cobb County and City of Smyrna.*

*The City of Smyrna and Unincorporated Cobb County have an Inter-governmental Agreement (IGA), which lays out processes for annexation from the County to the*

*City. The IGA establishes acceptable city zoning districts and densities for each future land use designation in the county. If the proposed annexation and rezoning meet the requirements laid out in the IGA, the county can not object to the annexation. Since the property will be zoned R-12 with a density under 3 units per acre and the future land use designation will remain LDR, Cobb County has reviewed the annexation and rezoning request and provided a letter of non-objection to the city.*

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:*

*"As described above, existing site conditions have significantly reduced the usable area of the property. The annexation into the City of Smyrna and the simultaneous rezoning to Smyrna's **R-12 Conditional** zoning district makes the development of the property much more feasible and will improve the value of the land. This process will also add to and match the area of already zoned RDA parcels, creating a more unified zoning map."*

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*Staff Analysis:*

*The overall density for the subject site will be consistent with the established development pattern and density of the surrounding area. Although the proposed zoning change is from R-20 to R-12 Conditional, the density requested is below 3 dwelling units per acre. The majority of the development will be insulated at the interior of the site and buffered from adjacent properties. To the north of the subject property is Whitefield Academy with an institutional land use. The south is an undeveloped property. The west is Pebblebrook Acres which is zoned R-20 consists of lots 20,000 sq. ft. in area. To the east is an undeveloped property owned by Whitefield Academy, as well as the Buckland Oaks Subdivision which is zoned R-20.*

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 of the property under the zoning proposal will enhance the open space requirements and aesthetics of the general neighborhood, in the view of existing and proposed development. As mentioned previously, a significant portion of the 12.7-acre parcel cannot be developed due to existing site conditions out of the applicant's control. As a result, almost **37 percent** of the site area will be dedicated to open space and undisturbed space. The required setbacks around the perimeter of the site create a significant buffer that will screen the adjacent parcels from the proposed development. Both ends of the development will be left*

*natural, undisturbed, or dedicated to open space, and the residents of the proposed development will benefit from ample open space and dedicated community green.”*

**\*\*\*The bold items have been updated to address changes in the site plan from the original submittal of the application. The site plan has been modified several times since the original submittal.\*\*\***

Staff Analysis:

*The proposed development of the subject property under the zoning proposal will enhance the architectural standards and aesthetics of the general neighborhood. The applicant has provided renderings of the proposed buildings with the rezoning application. The proposed development will be required to meet the requirements of the City’s Tree Ordinance. The proposed development will maintain approximately 37% of openspace and will not encroach into the existing stream buffer.*

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:

*“The applicant is of the opinion that the proposed development would neither create a nuisance or be incompatible with existing uses in the area. The surrounding parcels are also developed with residential uses, there is a large school across the street, and many parcels directly adjacent to the site are currently vacant. The future land use plan features institutional and residential uses in such proximity in several locations throughout the city. Additionally, as mentioned above, the ample buffers and open space would screen both new residents and existing neighbors from noise, lights, and views associated with the new development, reducing the potential for complaints to arise.”*

Staff Analysis:

*The zoning proposal will not create a nuisance or be incompatible with existing uses in the area. The zoning proposal is a residential single-family detached home community in an area that is already developed with residential and institutional development patterns. These uses are compatible with 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.

Applicant Response:

*“As mentioned throughout this analysis, the proposed development sets aside a significant portion of the land area (nearly **37 percent**) to buffers, undisturbed space, open space, and easement area. In addition to providing screening from noise and light, the preserved or enhanced plantings will refine the aesthetic quality of the site, which would be a positive effect on the surrounding neighborhoods. As described above, the proposed use is similar to existing uses in the surrounding area, and residential uses often compliment institutional uses, such as the large school across the street. The proposed homes would be*

*compliant with maximum height restrictions as prescribed by the **R-12 zoning district.***

***\*\*\*The bold items have been updated to address changes in the site plan from the original submittal of the application. The site plan has been modified several times since the original submittal.\*\*\****

Staff Analysis:

*The zoning proposal may positively affect the adjoining property, general neighborhood and other uses due to the size of the proposal in either land area or building height. The zoning proposal meets most of the zoning requirements of the R-12 zoning district, but not all of them. The applicant is seeking the following variances from the Zoning Ordinance:*

- 1. Reduction of the front setback from 35' to 15' (Section 801);*
- 2. Reduction of the side setback from 10' to 5' (Section 801);*
- 3. Reduction of the rear setback (interior) from 30' to 10' (Section 801);*
- 4. Reduction of the minimum rear setback (exterior) from 30' to 20' (Section 801);*
- 5. Reduction of the minimum lot size from 12,000 sq. ft. to 5,000 sq. ft. (Section 801);*
- 6. Reduction of the minimum lot width from 85' to 50' (Section 801); and*
- 7. Increase of the impervious surface area lot coverage from 35% to 65% per lot (Section 801).*

## **PROJECT ANALYSIS**

### Zoning Review

Community Development has reviewed the proposed plan against the zoning requirements of the R-12 zoning district (Section 801 of the Zoning Ordinance) with regards to setbacks, building height, building separations, lot width, lot area, and impervious surface area. Due to the location of the 100' power easement, stream with associated buffers, and preservation of large portions of open space the zoning proposal requires variances from several of the zoning requirements of the R-12 zoning district to develop a clustered development. The applicant is seeking the following variances from Section 801 of the Zoning Ordinance:

1. Reduction of the front setback from 35' to 15' (Section 801);
2. Reduction of the side setback from 10' to 5' (Section 801);
3. Reduction of the rear setback (interior) from 30' to 10' (Section 801);
4. Reduction of the minimum rear setback (exterior) from 30' to 20' (Section 801).
5. Reduction of the minimum lot size from 12,000 sq. ft. to 5,000 sq. ft. (Section 801);
6. Reduction of the minimum lot width from 85' to 50' (Section 801); and
7. Increase of the impervious surface area lot coverage from 35% to 65% (Section 801);

Community Development is **supportive** of the requested variances because the proposed development plan and density is in line with the future land use associated with the area. Also,



the presence of the site constraints identified above leave a good portion of the site undevelopable. Therefore, the variances are necessary in order to cluster the development and facilitate the preservation of openspace. The openspace will be owned, controlled and maintained by the HOA for the community.

#### Traffic Study Review

Based upon review by the City Engineer, the proposed development will not add a significant amount of additional traffic to the surrounding area. The applicant has consolidated the access drive to Buckner Road. The applicant is proposing improvement to Buckner Road, which include the addition of a deceleration lane and left turn lane (from Buckner into the community). The developer will dedicate 5 feet of right-of-way along Pebblebrook Road and Buckner Road to bring these right-of-ways up to the minimum standards. Also, sidewalks will be added to the interior of the site, with connection to Buckner Road and Pebblebrook Road. Community Development completed a trip generation analysis for the proposed development (See Table 1 below), shown in the table below.

<b># of Units</b>	<b>Weekday</b>	<b>Weekday AM Peak Hour</b>	<b>Weekday PM Peak Hour</b>	<b>Saturday</b>	<b>Saturday Peak Hour</b>	<b>Sunday</b>	<b>Sunday Peak Hour</b>
38	363.66	29.26	38.76	383.8	35.72	333.64	32.68

\*\*\*Trip Generation Calculations from ITE Trip Generation Manual\*\*\*

The trip generation calculation estimates a total of 363 trips per weekday with 30 weekday AM peak hour trips and 39 weekday PM peak hour trips. The weekday AM peak hour trips are estimated to be about 1 trip every two minutes which would contribute to a negligible impact on the transportation network.

#### Stormwater Management Review

The applicant is proposing one stormwater detention facility for the community. The City Engineer takes no exception to the stormwater management concept as shown. He anticipates the design submitted during permitting will take into account site constraints such as topography, utilities, and tree/landscaping requirements. The site will be required to meet all the requirements of the City's Stormwater Management Ordinance.

#### Environmental Review

The stream is located at the southwestern corner of the site adjacent to the proposed detention facility. The applicant's plan reflects the city's and state's stream buffer requirements of 50' undisturbed and 25' impervious surface setback. The applicant is reflecting no encroachment into the 50' stream buffer and the 25' impervious surface area setback as part of this plan.

#### Water and Sewer Review

Adequate water capacities are available in the area to accommodate the development associated with the rezoning, pressure is the responsibility of the developer. Water is located within the right-of-way of Pebblebrook Road and Buckner Road. The developer will be responsible for all improvements necessary to connect to the county's sewer.

Fire Marshal Review

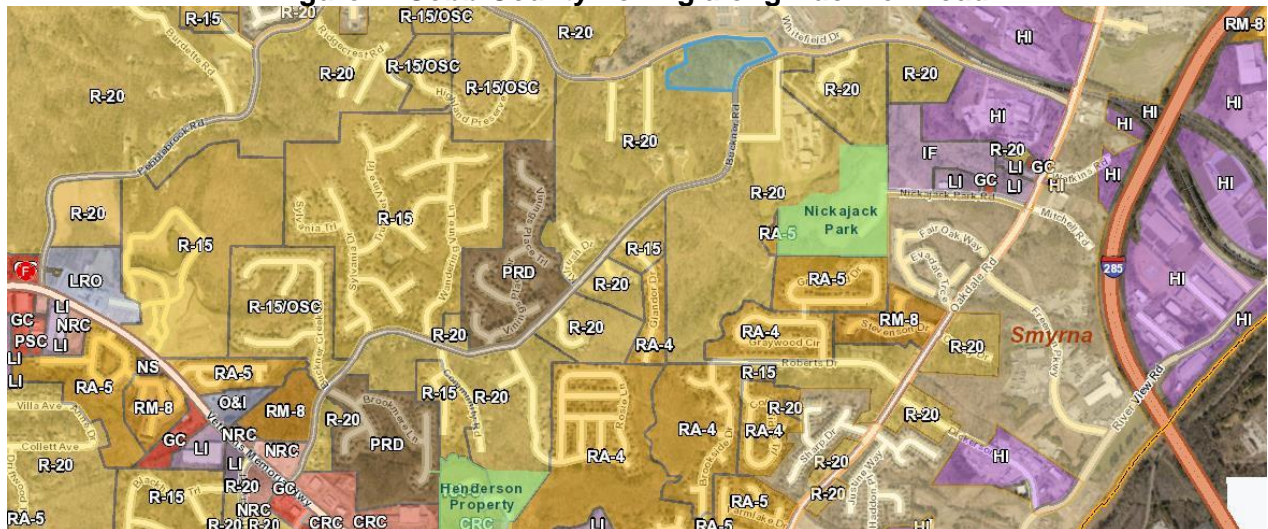
The Fire Marshal's office has reviewed the current site plan and in general believes that it meets the Fire Code requirements for fire truck access and building separation requirements. The applicant will have to provide a fire truck turn analysis during the permitting process to verify maneuverability through the site.

Planning Review

Community Development has analyzed the proposed development and found the proposed development to be compatible with the existing surrounding properties and uses. Although the applicant is rezoning from R-20 to R-12-Conditional, the proposed density will remain under 3 units per acre. Due to the 100' power easement and stream with associated buffers, approximately 37 percent of the site will remain undisturbed. The undisturbed area will provide a buffer to the surrounding properties. Additionally, the site will be developed by clustering the homes at the interior of the site and be buffered from the adjacent properties.

Community Development has analyzed the proposed development against other developments in the immediate area along Buckner Road and Pebblebrook Road. When you look at the County's zoning map below (See Figure 1) you will find many different zoning districts along Buckner Road and Pebblebrook Road. These zoning districts include R-20, R-15, R-15-OSC, PRD and RA-4 with varying densities. Most of the developments along Buckner and Pebblebrook are isolated subdivisions with one road in and one road out with no connectivity to the surrounding area.

**Figure 1: Cobb County Zoning along Buckner Road**



Community Development also compare the adjoining neighborhoods with respect to zoning district, number of lots, site density and lot size (See Table 2 below). The subdivisions in the immediate area range in zoning districts from R-20 to RA-4 with densities that range between 0.63 units per acre to 3.3 units per acre. These subdivisions also range in minimum lot size from 20,000 sq. ft. to 4,262 sq. ft. The proposed development's density is on the higher end of the range of surrounding subdivisions. The proposed development's lot size is on the lower end of the range for the surrounding subdivisions, but the 36.6% openspace is in line with the openspace maintained in the surrounding subdivisions.

**Table 2: Comparison of proposed development against nearby neighborhoods**

Name of Development	Location	Cobb County Zoning	Number of Lots	Site Density (Units/Acre)	Minimum Lot Size (square feet)
<b>Proposed Development</b>	1465 Buckner Rd.	R-12	38	2.99	5,000
<b>Buckland Oaks</b>	Buckland Way & Buckner Rd.	R-20	12	0.63	20,000
<b>Shannon Downs</b>	Glandor Dr. & Buckner Rd.	R-15 & RA-4	41	2.47	4,262
<b>Shannon Downs North</b>	Kilrush Dr. & Buckner Rd.	R-20	16	1.98	20,000
<b>Registry Oaks</b>	Registry Oaks Ln. & Buckner Road	R-20	13	0.76	20,000
<b>Vinings Place</b>	Vinings Place Dr. & Buckner Rd.	PRD	108	2.27	8,400
<b>Inverness Ridge</b>	Rosie Ln. & Buckner Rd.	RA-4	107	3.3	5,950
<b>Highland Village</b>	Highland Village Trl. & Community Rd. & Buckner Rd.	R-15	21	2.14	15,000
<b>Brookmere West</b>	Buckner Creek Dr. & Buckner Rd.	R-15-OSC	79	1.87	10,000
<b>Brookmere</b>	Brookmere Park Dr. & Buckner Rd.	PRD	63	1.76	8,400
<b>Eastgate @ Vinings</b>	Highland Preserve Dr. & Pebblebrook Rd.	R-15-OSC	20	2.18	10,344
<b>Vinings Brooke</b>	Bluestone Cir. & Pebblebrook Rd.	R-15-OSC	36	2.26	7,700
<b>Vinings Summit</b>	Pebblebrook Ln. & Pebblebrook Rd.	R-15	48	2.08	7,501

The Cobb County Future Land Use Map designates the subject property as LDR (Low Density Residential), which allows up to 2.5 dwelling units per acre, which would allow 31 units on the subject property. However, the County has rezoned subdivisions in the immediate area along Buckner Road to R-15, R-15-OSC, PRD & PRD. The R-15 zoning district equates to a density of 2.9 units per acre, which would allow 36 units on the subject property. The City of Smyrna's corresponding Future Land Use designation is LDR (Low Density Residential) which allows up to 3 dwelling units per acre. The difference between the proposed development and what is currently allowed in Cobb County for Low Density Residential at 2.5 units per acre (31 units) and what is allowed if the property were rezoned in the County under R-15 or R-15-OSC at 2.9 units per acre (36 units) is two units. The proposed development is compatible with the Low Density Residential future land use designation with a proposed density of 2.99 units per acre. The County has reviewed the requested annexation and rezoning and has issued a letter of non-objection to the city.

The applicant has provided a Level 1 Archeological Study with their rezoning application. The study determined there to be no Civil War-era, or pre-1950's historic archeological sites or features were observed or recorded within the project area.

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## **STAFF RECOMMENDATION**

Community Development recommends **approval** of the rezoning from R-20 (County) to R-12-Conditional on 12.72 acres for a 38-unit single-family detached home development at a density of 2.99 units per acre, including those variances supported by staff as shown above, **with the following conditions:**

### **Standard Conditions from Section 1201 of the Zoning Ordinance:**

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. The developer shall provide an undisturbed buffer with a minimum width of 20 feet parallel to any right-of-way external to the development.
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. 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.
5. 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.
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.

8. The developer shall install a deceleration lane at the entrance for the subdivision. The deceleration lane shall have a minimum length of 150 feet with a 50-foot taper.
9. 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.
10. The development of any streets (including private) shall conform to the City's standards for public right-of-ways.
11. No debris may be buried on any lot or common area.
12. 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".
13. 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.
14. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
15. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
16. 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.
17. 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 land disturbance activities.

### **Special Conditions**

18. The development shall maintain the following setbacks:
  - Front – 15'
  - Side – 5'
  - Rear – 10' (Interior)
  - Rear – 20' (Exterior)
19. The development shall maintain a minimum lot size of 5,000 sq. ft.
20. The development shall maintain a minimum driveway length of 22' from back of sidewalk/curb to garage face.
21. The development shall maintain a minimum lot width of 50'

22. The maximum impervious surface lot coverage for the development shall be 65% per lot.
23. The maximum building height shall be 35'.
24. The developer shall meet all fire access requirements deemed necessary by the Fire Marshal during construction plan review.
25. The developer shall be responsible for any water and sewer improvements deemed necessary by Cobb County Water during construction plan review.
26. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
27. The developer shall provide a 5' sidewalk within the development and along Buckner Road and shall connect to the sidewalk on Pebblebrook Road.
28. The developer shall provide a 5' right-of-way dedication along Pebblebrook Road and Buckner Road.
29. The developer shall provide a left turn lane and a right turn deceleration lane on Buckner Road.
30. The developer shall install curb and gutter along the entire frontage of Buckner Road.
31. Approval of the subject property for the R-12-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 11/22/2019 and created by McFarland-Dyer & Associates, Inc. and all zoning stipulations above.
32. The applicant shall be bound to the elevations submitted on 9/13/2019. Approval of any change to the elevations must be obtained from the Director of Community Development.



**Subject Property**





**Adjacent Properties**





