

CITY OF SMYRNA

COMMUNITY DEVELOPMENT DEPARTMENT

MEMORANDUM

To: Mayor and Council

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

Date: February 13, 2018

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

RE: ANNEXATION & REZONING CASE Z17-023 – 3328 & 3366 Old Concord Road

Applicant: Epic Homes, LLC

Existing Zoning: R-15 & R-20

Titleholder: Janice K. Marshall

Proposed Zoning: RAD-Conditional

Size of Tract: 4.2 Acres

Location: 3328 & 3366 Old Concord Road

Contiguous Zoning:

Land Lot: 340

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

Ward: 3

Access: Charlotte Circle

Hearing Dates:

Existing Improvements: Two Single-Family Homes

P&Z	January 8, 2018
Mayor and Council	February 19, 2018

Proposed Use:

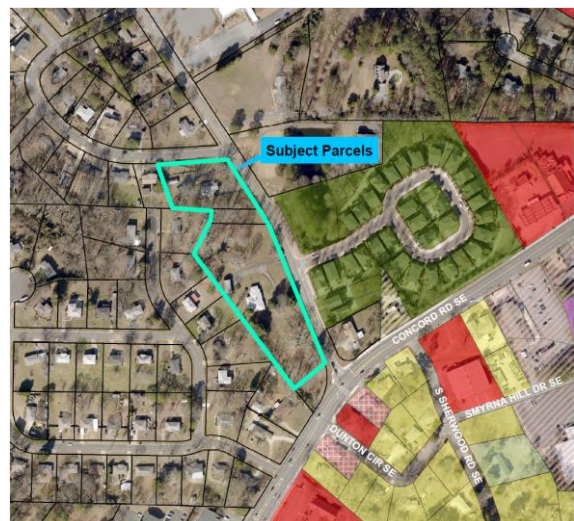
Development of fifteen (15) single-family detached residences at a density of 3.57 units per acre. There will be no land use change required for rezoning.

Planning and Zoning Board Recommendation:

Approval with staff conditions by vote of 6-0.

Staff Recommendation:

Approval of the proposed development 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 annexations and rezoning will result in the development of fifteen (15) single-family residences along Old Concord Road. The adjoining properties to the north across Charlotte Circle are zoned R-15 in Cobb County and are occupied by single-family residences. The adjoining properties to the west are zoned R-15 & R-20 in Cobb County and are occupied by single-family residences. The adjoining property to the south is zoned R-20 and is vacant. The adjacent properties to the east across Old Concord Road are zoned RAD in Smyrna and R-20 in Cobb County and are occupied with single-family residences. The proposed single-family residences are suitable in view of 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.

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 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. Water is available via a 6-inch water main located on Old Concord Road. 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 subject property is shown to have a land use designation of Low Density Residential (LDR) (<3 units per acre) and Neighborhood Activity Center (NAC) on the County's Future Land Use Plan. The applicant has proposed a density of 3.57 units per acre for the development, which exceeds the maximum allowable density under the Low Density Residential (< 3 units per acre) land use designation. The zoning proposal is not in conformity with the County's Future Land Use Plan, which indicates a land use of Low Density Residential and Neighborhood Activity Center. A land use change to Moderate Density Residential (<4.5 units per acre) is required for the rezoning of the subject property.

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 general area continues to redevelop into small residential lots. The zoning proposal is consistent with that trend and is consistent with the infill densities and setbacks for the immediate area.

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 that will enhance neighborhood aesthetics. The submitted tree plans indicate several specimen trees on-site and those specimen trees will be removed due to their location in relation to proposed homes. The tree replacement plan shows replacement trees to meet tree density requirements and specimen tree recompense.

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. The zoning proposal calls for detached single-family residences, which is in line with the surrounding general neighborhood.

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 effect 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 Concord Lake Village subdivision.

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
RAD Zoning District	15,000	100'	35'	10'	30'	35'	35	1,800
Proposed Lots	7,365	50'	25'	5'	25'	35'	45	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.

Epic Homes, LLC is requesting an annexation and rezoning from R-15 & R-20 (Cobb County) to RAD-Conditional (Smyrna) for the development of fifteen (15) new single-family homes at a density of 3.57 units per acre. The proposed homes will front on Old Concord Road with rear-entry garages that will be served by a shared driveway off Charlotte Circle. The applicant will provide nine (9) guest parking spaces along the shared driveway. The proposed homes will employ traditional architecture. If the rezoning is approved, the building elevations will be held to same standard as all other rezonings (Section 1201(1) of the Zoning Ordinance), which requires the building elevations to employ a variety of façade material (brick, stone, hardi-plank siding, shake, stucco, etc...) and prohibits the use of hardi-plank lap siding on the building elevations that front on Old Concord Road, Charlotte Circle and Concord Road. The building elevations and floor plans have been provided in the rezoning application. Per the applicant, the floor area of the proposed homes will range from 2,600 sq. ft. to 3,000 sq. ft..

The proposed subdivision will have fifteen lots with a minimum lot size of 7,365 sq. ft. and a maximum lot size of 9,463 sq. ft.. In addition, a 42,977 sq. ft. open space area will be provided at the rear of the property behind the homes and along Concord Road. The applicant is proposing variances for reductions in setbacks that are comparable to the setbacks of nearby subdivisions with the same zoning classification:

- Reduction of minimum lot size from 15,000 sq. ft. to 7,365 sq. ft. **(Staff is supportive)**;
- Reduction of minimum lot width from 100' to 50' **(Staff is supportive)**;
- Reduction of minimum front setback from 35' to 25' **(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 25' **(Staff is supportive)**.

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 set aside plenty of property for the stormwater management facility, which shall maintained by the HOA.

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 Old Concord Road, Charlotte Circle and Concord Road for the length of the subject property. In addition, the City Engineer will require the provision of a right turn lane on Old Concord Road at the intersection of Old Concord Road and Concord Road.

The zoning proposal has been reviewed by the City Fire Marshal and he has no comments with regards to the project. The homes will be serviced by the Fire Department from Old Concord Road.

The proposed rezoning would provide for fifteen residences at an overall density of 3.57 units per acre. This density is inline with other previously approved infill developments in the city. Table 2, shows the infill development in the city as it relates to density, lot size and lot width.

Table 2: Proposed Development vs. Infill Developments					
Name of Development	Location	Number of Lots	Site Density	Minimum Lot Size (square feet)	Minimum Lot Width
Proposed Development	Old Concord Road & Concord Road	15	3.57	7,365	50'
Concord Lake Village	Old Concord Road and Concord Road	32	4.34	4,520	47'
Sherwood Park – P1	S. Sherwood Road	71	6.12	4,000	44'
Sherwood Park – P2	S. Sherwood Road	23	3.79	4,000	45'

Community Development has reviewed the proposed development against the zoning standards of the recent adjacent rezonings and found the proposed development to be compatible with the infill development in the immediate area. Therefore, Community Development recommends **approval** of the rezoning from R-15 & R-20 to RAD-Conditional for the development of fifteen single-family homes at a density of 3.57 units per acre with the following conditions:

Standard Conditions

(Requirements #2, 8, 9, 10 and 17 from Section 1201 of the Zoning Code are 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 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.
7. No debris may be buried on any lot or common area.
8. 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".
9. 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.
10. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
11. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
12. 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

13. The development shall maintain the following setbacks:
 - Front – 25'
 - Exterior Side – 25' (Along Charlotte Circle)
 - Interior Side – 5'

Rear – 25'

14. The development shall be developed with a minimum lot size of 7,365 square feet.
15. The lots shall be developed with a minimum lot width at the setback line of 50'.
16. The homes shall have a minimum floor area of 1,800 sq. ft.
17. The maximum allowable lot coverage for the property shall be limited to 45%.
18. The developer shall be responsible for the installation of all water and sewer lines in accordance with the requirements of the City of Smyrna Public Works Director and Cobb County Water System.
19. Driveway – 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
20. The developer shall install a 5' sidewalk with a 2' grass buffer along Old Concord Road, Concord Road and Charlotte Circle for the length of the property.
21. The developer shall install curb and gutter along Old Concord Road, Concord Road and Charlotte Circle.
22. The developer shall install a right turn lane on Old Concord Road at the intersection of Concord Road.
23. The private shared drive shall have a minimum width of 20'.
24. The developer shall provide a 10' landscape buffer along the western property boundary in accordance with Section 503 of the Zoning Ordinance.
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 Residential Attached Detached (RAD) zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 12/19/2017 created by Terra BuildUsa, Inc..
28. The applicant shall be bound to the elevations submitted and dated 10/24/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.

29. The additional stipulations agreed upon by the applicant in the letter by Garvis Sams submitted and dated on February 9, 2018. If there should be a discrepancy between the stipulations in the February 9, 2018 letter and the stipulations stated above, the stipulations stated above shall apply.
30. There shall be substantial architectural differentiation between the proposed homes. No two homes shall have the same building elevations.

Subject Property





Adjacent Properties



