



# City of Smyrna

City of Smyrna  
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## Legislation Details (With Text)

**File #:** 2017-105      **Version:** 1      **Name:** Zoning Request Z17-005  
**Type:** Authorization      **Status:** Passed  
**File created:** 3/9/2017      **In control:** City Council  
**On agenda:** 5/15/2017      **Final action:** 5/15/2017  
**Title:** Public Hearing - Zoning Request - Z17-005 - Rezoning from R-15 to R-15-Conditional for the development of five single-family residences - 2.2 Acres - Land Lot 527 - 1258 Hayes Drive - Joshua W. Hall  
**Sponsors:** Doug Stoner  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. 2017-105 Issue Sheet.pdf, 2. Z17-005\_V.2\_Staff Memo.pdf, 3. Zoning Vicinity Map\_Z17-005.pdf, 4. Land Use Vicinity Map\_Z17-005.pdf, 5. Rezoning Application\_Z17-005.pdf, 6. Site Plan\_V.3\_Z17-005.pdf, 7. Building Elevations\_Z17-005.pdf, 8. Updated Warranty Deed\_Z17-005.pdf, 9. Garvis Sams Letter\_05032017\_Z17-005.pdf

Date	Ver.	Action By	Action	Result
5/15/2017	1	City Council	Approved Item	Pass
4/17/2017	1	City Council	tabled	Pass
3/13/2017	1	Planning and Zoning Commission	Approved with Condition(s)	Pass

**WARD:** 6

**COMMITTEE:** Community Development

**\$ IMPACT:** N/A

**Public Hearing** - Zoning Request - Z17-005 - Rezoning from R-15 to R-15-Conditional for the development of five single-family residences - 2.2 Acres - Land Lot 527 - 1258 Hayes Drive - Joshua W. Hall

**ISSUE:** Joshua W. Hall is requesting a rezoning from R-15 to R-15-Conditional for the development of five (5) new single-family homes at a density of 2.27 units per acre. Four of the proposed homes will front on and will be accessed from Hayes Drive. One of the proposed homes will front on and be accessed from King Springs Road. The proposed homes will employ traditional architecture with craftsman style features.

**BACKGROUND:** The zoning request was heard by the Planning and Zoning Board at the March 13, 2017 meeting and was recommended for approval by a vote of 4-2 with staff conditions. The Planning and Zoning Board originally heard the rezoning request to rezone the property from R-15 to RAD-Conditional. During the public hearing, citizens from the immediate neighborhood expressed concerns over the use of the RAD zoning designation and the negative precedent it would set for future development in the community. The applicant was able to modify the site plan to provide 15,000 sq. ft. lots and subsequently amended the rezoning application to request a zoning change from R-15 to R-15-Conditional. The amendment to the application addressed the citizens concerns

with respect to the use of the RAD zoning designation. Since there was no significant change to the layout of the site plan, staff allowed the request to move forward to the scheduled Mayor and Council meeting without having to be reheard by the Planning and Zoning Board. The staff analysis and recommendation have been amended to reflect the new zoning request from R-15 to R-15-Conditional.

**RECOMMENDATION/REQUESTED ACTION:** Community Development recommends **approval** of the zoning request from R-15 to R-15-Conditional for five single-family units at a density of 2.27 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.

## **al Conditions**

13. The development shall maintain the following setbacks:
  - Front - 35'
  - Exterior Side - 10'
  - Interior Side - 5'
  - Rear - 30'
14. The development shall be developed with a minimum lot size of 15,000 square feet.
15. Driveway - 22' minimum length from building face to edge of sidewalk. Each unit shall have a two-car garage with decorative garage doors.
16. The developer shall install a 5' sidewalk with a 2' grass buffer along both Hayes Drive and Kings Springs Road for the length of the property.
17. 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.
18. 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.
19. 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 5/3/2017 created by Ridge Planning and Engineering.
20. The applicant shall be bound to the elevations submitted and dated 3/2/2017. Approval of any change to the elevations must be obtained from the Director of Community Development.
21. The additional stipulations agreed upon by the applicant in the letter by Garvis Sams submitted and dated on May 3, 2017. If there should be a discrepancy between the stipulations in the May 3, 2017 letter and the stipulations stated above, the stipulations stated above shall apply.
22. There shall be substantial architectural differentiation between the proposed homes. No two homes shall have the same building elevations.
23. The driveways for lots #2 & #5 shall be permitted to encroach into the 5' driveway setback as shown on the site plan submitted 5/3/2017.

