



## Planning and Zoning Commission Meeting - Final

July 10, 2023  
6:00 PM

- 
- B. Z23-006** Public Hearing - Z23-006 – Rezoning from R-20 to R-10 Conditional for the development of three single-family homes at a density of 3.29 units per acre - Land Lot 519 - 0.91 acres - 1313 & 1323 Pierce Avenue - Two Windy Hills, LLC



# City of Smyrna

## Issue Sheet

A Max Bacon  
City Hall  
2800 King Street  
Smyrna, GA 30080

File Number: Z23-006

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**Agenda Date:** 8/21/2023

**In Control:** City Council

**File Type:** Zoning Item

**Agenda Section:**  
Community Development Items

**Agenda Number:** B.

**Department:** Community Development

**Agenda Title:**

Public Hearing - Rezoning from R-20 to R-10 Conditional for the development of three single-family homes at a density of 3.29 units per acre - Land Lot 519 - 0.91 acres - 1313 & 1323 Pierce Avenue - Two Windy Hills, LLC

***Ward 3 Councilmember - Travis Lindley***

**ISSUE AND BACKGROUND:**

The applicant is requesting a rezoning from R-20 to R-10-Conditional for the development of three (3) single-family detached units at a density of 3.29 units per acre. A land use change from Moderate Density Residential is not required for this rezoning. The Planning & Zoning Board voted to approve by a vote of 5-1 at the July 10, 2023 meeting.

**RECOMMENDATION / REQUESTED ACTION:**

Community Development recommends approval of the rezoning from R-20 to R-10-Conditional for the development of three single-family units at a density of 3.29 units per acre with the following conditions:

Standard Conditions

Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain 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. All utilities within the development shall be underground.
3. 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



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the development. A grass buffer with a minimum width of two feet shall be provided between the back of curb and sidewalk.

4. No debris may be buried on any lot or common area.
5. 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.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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. 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

9. The development shall maintain the following setbacks:

Front – 25'

Side – 5'

Rear – 25'

10. The minimum lot size shall be 13,333 sq. ft.
11. The minimum lot width shall be 50 feet.
12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Pierce Avenue.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.



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17. Approval of the subject property for the R-10-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/9/2023 and created by DGM Land Planning Consultants and all zoning stipulations above.

18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 6/9/2023.



# CITY OF SMYRNA

## COMMUNITY DEVELOPMENT DEPARTMENT

### MEMORANDUM

To: Mayor and Council

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

Date: July 5, 2023

CC: Joe Bennett, City Administrator  
Planning and Zoning Board

RE: REZONING CASE Z23-006 –1313 & 1323 Pierce Avenue

**Applicant:** Two Windy Hills LLC

**Existing Zoning:** R-20  
**Proposed Zoning:** R-10-Conditional  
**Size of Tract:** 0.91 Acres

**Titleholder:** Two Windy Hills LLC

**Location:** 1313 & 1323 Pierce Ave

**Contiguous Zoning:**

**Land Lot:** 519

North R-20  
South R-20  
East R-20  
West R-20

**Ward:** 3

**Access:** Pierce Avenue

**Hearing Dates:**

**Existing Improvements:** Two single-family homes

P&Z July 10, 2023  
Mayor and Council August 21, 2023

**Proposed Use:**

The applicant is requesting a rezoning from R-20 to R-10-Conditional for the development of three (3) single-family detached units at a density of 3.29 units per acre. A land use change from Moderate Density Residential is not required for this rezoning.

**Staff Recommendation:**

**Approval** of the rezoning from R-20 to R-10 Conditional for three new single-family detached units.

**Planning & Zoning Board Recommendation:**

**Approve** 5-1 at the July 10, 2023 meeting.



## 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. Both the Applicant's response as well as Staff's analysis to each factor are listed. It is hoped that providing both responses results in a better understanding of what is actually being proposed.

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:*

*"Yes, the rezoning will allow three (3) units evenly divided over .91 AC and 160' of road frontage. This is commensurate with existing products in the neighborhood. The new house that will be built will be above and beyond most of the other homes in the neighborhood."*

*Staff Analysis:*

*The property is currently comprised of two (2) single-family lots in the R-20 zoning district. The zoning proposal would result in the development of three (3) single-family homes at a density of 3.29 units per acre. The adjoining properties are zoned R-20 and occupied with single-family detached homes. The proposed rezoning would be consistent with the Moderate Density Residential Future Land Use designation.*

2. Whether the zoning proposal or the use proposed will adversely affect the existing use or usability of adjacent or nearby property.

*Applicant Response:*

*"No, the net result of this rezoning will have no effect on the neighboring or nearby property. Single-family residential use to remain Single-family residential use."*

*Staff Analysis:*

*The proposed rezoning and development should not have an adverse affect upon the existing use or usability of nearby properties. The zoning proposal will create three (3) new single-family homes in place of the existing two (2) single-family homes.*

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

*Applicant Response:*

*"No, as other homes in the neighborhood continue to be torn down and rebuilt, the value of 1313 and 1323 Pierce Avenue will soon be eclipsed in value by their neighboring homes."*

Staff Analysis:

*The subject parcel has a reasonable economic use as currently zoned. The proposed rezoning would add one (1) additional single-family home.*

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:

*"No, there is not right of way change on Pierce Avenue and no net difference in utilities or burden on schools. There are currently two homes on the two lots. One of which is a duplex so there are actually three units/lots already. We simply want to upgrade the units and create three single-family detached units."*

Staff Analysis:

*Based upon information provided by the City Engineer, the development is not expected to cause an excessive or burdensome use of existing streets and transportation systems.*

*Based upon information provided by the Water/Sewer Supervisor, adequate water and sewer capacities are available in the area to accommodate the development associated with the rezoning. The water and sewer mains are both located in the right of way of Pierce Avenue. Sewer tap locations and elevations are the responsibility of the builder/developer.*

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

Applicant Response:

*"Yes, our proposed density of 3.29 units/acre is well within the limit of the Moderate Density classification ( $\leq 4.5$  units/acre)."*

Staff Analysis:

*The R-10 zoning district is a compatible zoning district the Moderate Density Residential (under 4.5 units per acre) Future Land Use designation. The proposed development of three (3) new residences on 0.91 acres yields a density of 3.29 units per acre. A land use change from Moderate Density Residential is not required for 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.

Applicant Response:

*"The fact that the entire neighborhood is undergoing a gentrification process and these three (3) new homes will be commensurate with that growth in value."*

Staff Analysis:

*The overall density for the subject site will increase from 2.20 units per acre to 3.29 units per acre by adding one additional home. The proposed density is consistent with the future land use designation of Moderate Density Residential (up to 4.5 units per acre).*

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:

*"In each of these attributes, our three (3) home development should enhance what is currently on the property (open space and historical probably wouldn't apply here)."*

Staff Analysis:

*The proposed development includes three (3) homes that face Pierce Avenue. All of the proposed homes will have side-entry garages. While the width of the lots are less than the existing homes the density of the overall development is consistent with the land use plan and similar to other infill developments.*

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:

*"None whatsoever. These three (3) lots will be a tremendous improvement over what is currently there."*

Staff Analysis:

*The proposed use should not create a nuisance to existing uses in the area. The number of residential units and density will be consistent with the Future Land Use Plan.*

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:

*"This three (3) unit development will be commensurate in land area, building height, etc. to other home in the neighborhood. While it is true that initially the three homes will most likely be larger than the homes next door, that is likely to change in the near future."*

Staff Analysis:

*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 rezoning*

*request requires one variance from the regulations of the R-10 zoning district as shown in Table 1.*

**Table 1: Lot Requirements for R-10 Zoning District vs. Proposed Lots**

|                      | 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-10 Zoning District | 10,000                      | 50'                            | 25'                | 7.5'              | 25'               | 35'         | 45                          | 1,500               |
| Proposed Lots        | 13,333                      | 50'                            | 25'                | 5'                | 25'               | 35'         | 45                          | 1,500               |

The following variances are required for the proposed development:

1. Allow the reduction of minimum side setback from 7.5 ft. to 5 ft. **(Staff Supports)**

### **Project Analysis**

Two Windy Hills, LLC is seeking approval of a rezoning for 1313 & 1323 Pierce Avenue from R-20 to R-10-Conditional for the development of three single-family detached residences at a density of 3.29 units per acre. The two existing single-family homes will be demolished to allow the construction of three single-family homes. Each home will have a side entry garage located at the rear of the house. The proposed lots will be 13,333 sq. ft. The applicant proposes to use elements such as brick, stone, and siding for the façade materials for each home.

### **Engineering Review**

The applicant has provided a site plan with the rezoning application for reference. A formal review of stormwater management requirements will be assessed during plan review and permitting. There is no stream located on the subject property. The applicant will be required to add new sidewalk, curb, and gutter along the frontage of Pierce Avenue.

### **Fire Marshal Review**

The Fire Marshal's office has reviewed the revised site plan and believes there is sufficient access to provide emergency services to the three homes.

### **Planning Review**

The proposed rezoning would provide for three (3) new residences at density of 3.29 units per acre. The subject property is located in an area where the surrounding properties have a future land use designation of Moderate Density Residential (up to 4.5 units per acre). Table 2 shows the infill development in the immediate area 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                                  | 1313 & 1323 Pierce Ave  | 3              | 3.29         | 13,333                         | 50'               |
| Pierce Ave  | 1313 & 1323 Pierce Ave  | 2              | 2.20         | 20,000                         | 100'              |
| The Grove at Adams Pond                               | Pierce & Davis          | 46             | 4.75         | 2,849                          | 40'               |
| Hawthorne   | Hawthorne & St. Charles | 2              | 3.77         | 12,000                         | 70'               |
| Adams   | Pierce & Adams          | 3              | 4.9          | 6,250                          | 43'               |

Community Development has reviewed the proposed development against the zoning standards of the recent nearby rezonings and found the proposed development to be compatible with the surrounding area. The subdivision and construction of three new single-family homes result in a density of 3.29 units per acre on the subject property. The lot width and lot size are compatible with the other in-fill developments in the surrounding area. The applicant is requesting a rezoning from R-20 to R-10-Conditional and the proposed zoning is in compliance with the Future Land Use Plan.

Community Development considers the proposed density of 3.29 units per acre to be below the 4.5 unit per acre threshold of Moderate Density Residential land use. The proposed rezoning will require a variance from the R-10 zoning district for the side setback reduction. Staff is supportive of the variances required for the proposed development.

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## STAFF RECOMMENDATION

Community Development recommends **approval** of the rezoning from R-20 to R-10-Conditional for the development of three single-family units at a density of 3.29 units per acre with the following conditions:

### Standard Conditions

**Requirements # 2, 3, 4, 5, 8, 9, 10, 12, and 17 from Section 1201 of the Zoning Code are not applicable. The following requirements remain 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. All utilities within the development shall be underground.
3. 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 two feet shall be provided between the back of curb and sidewalk.
4. No debris may be buried on any lot or common area.
5. 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.
6. All landscape plans must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
7. All yards and common areas are to be sodded, and landscaped. Irrigate as appropriate.
8. 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. 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**

9. The development shall maintain the following setbacks:  
Front – 25'  
Side – 5'  
Rear – 25'
10. The minimum lot size shall be 13,333 sq. ft.
11. The minimum lot width shall be 50 feet.
12. Driveway – 22' minimum length from building face to back of sidewalk.
13. The developer shall install a 5 ft. sidewalk and 2 ft. grass strip at the frontage of property along Pierce Avenue.
14. All structures will be built to a maximum height of 35' as measured from the sidewalk along the front elevation.
15. The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.

16. The developer shall be responsible for any stormwater improvements deemed necessary by the City Engineer.
17. Approval of the subject property for the R-10-Conditional zoning district shall be conditioned upon the development of the property in substantial compliance with the site plan submitted 6/9/2023 and created by DGM Land Planning Consultants and all zoning stipulations above.
18. Approval of the subject property shall be conditioned upon substantial compliance with the elevations submitted on 6/9/2023.



**Figure 1 - Subject Property**



**Figure 2 – Subject Property**





**Figure 3 – Adjacent Property**



**Figure 4 – Adjacent Property**







## Future Land Use Map

Exhibit "B"

The Subject Parcels are located at  
1313 & 1323 Pierce Avenue.

From: **MODR** To: **MODR**

### Future Land Use

- Medium Density Residential ( $\leq 6$  du/ac) (MEDR)
- Moderate Density Residential ( $\leq 4.5$  du/ac) (MODR)



0 20 40 80 120 160 Feet

Case Number:  
**Z23-006**

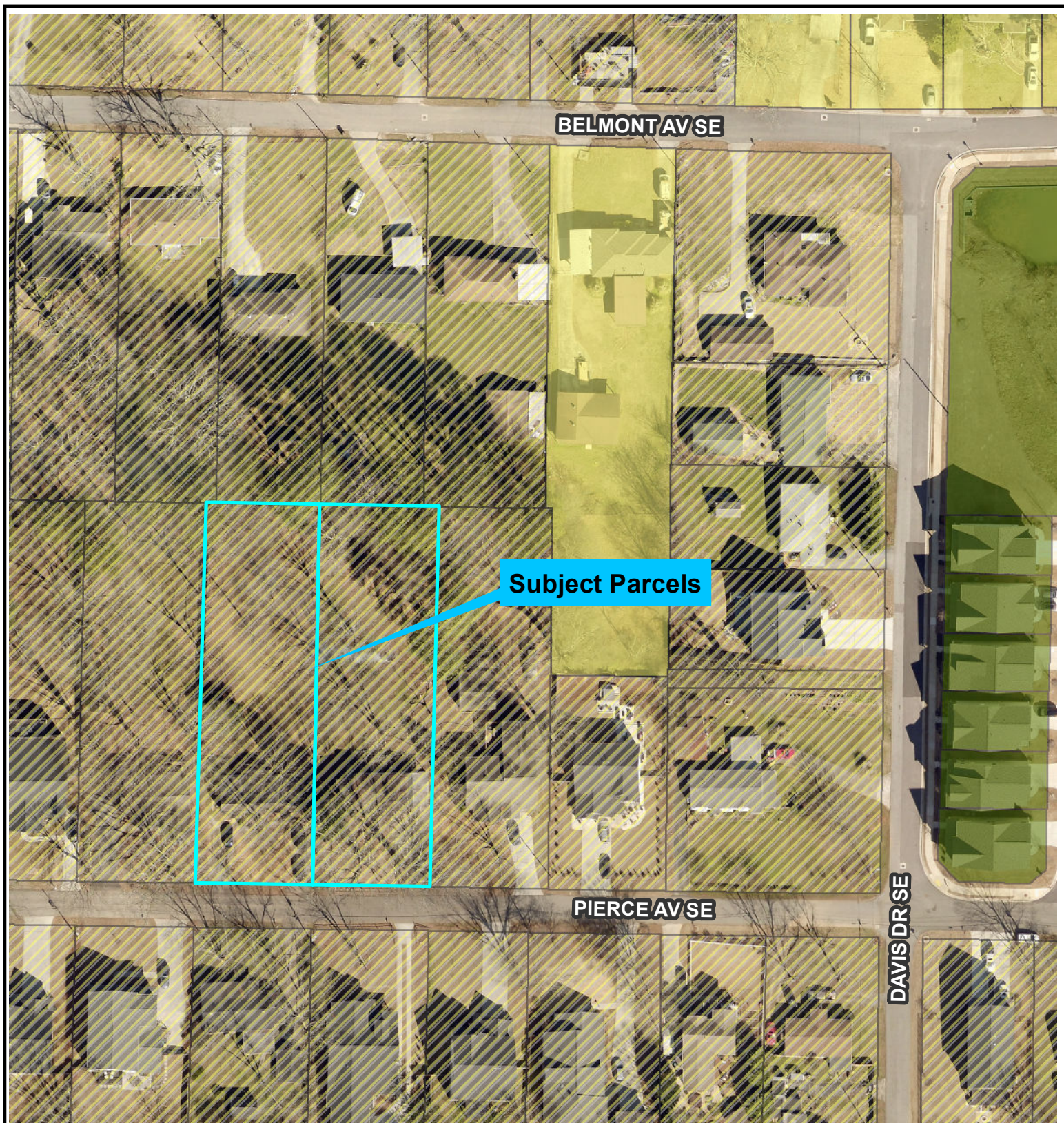
Ward:  
**3**

Tax Parcel #:  
Various

Planning Commission  
Meeting Date: July 10, 2023

City Council  
Meeting Date: August 21, 2023





## Zoning Vicinity Map

Exhibit "A"

The Subject Parcels are located at  
1313 & 1323 Pierce Avenue.

From: **R-20** To: **R-10**

|       |       |     |      |
|-------|-------|-----|------|
| MU    | RM-12 | NS  | HI   |
| R-30  | RM-15 | LC  | TS   |
| R-20  | PUD   | GC  | COBB |
| R-15  | RD    | TS  |      |
| R-12  | RD-4  | CBD |      |
| RAD   | RTD   | OI  |      |
| RMC-8 | RHR   | OD  |      |
| RM-10 | FC    | LI  |      |



0 20 40 80 120 160 Feet

Case Number:  
Z23-006

Ward:  
3

Tax Parcel #:  
Various

Planning Commission  
Meeting Date: July 10, 2023

City Council  
Meeting Date: August 21, 2023



Additional Tree Details - page 3 of 3

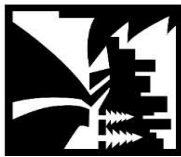
1313 & 1323 Pierce Avenue  
City of Smyrna, Georgia, Land Lot 519, 17th District  
June 8, 2023

prepared for:

Guy H. Kelley  
Two Windy Hills, LLC  
1185 Belmont Avenue  
Smyrna, Georgia 30080

DCGM

LAND PLANNING  
CONSULTANTS, INC.



1635 Old Hwy 41  
SUITE 112-314  
KENNESAW, GA 30152  
770-514-9006  
DGM.LPC.COM

NOTE:  
CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 319-5387 TO ARRANGE  
A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT  
SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH  
CITY REPRESENTATIVE OCCURS.  
ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE  
REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.  
BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVAL.

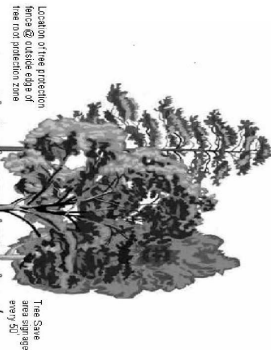
Tree Protection for Non-Specimen Trees

Tree Protection Fence Installation Detail

Tree Density Calculation:  
 $.92 \text{ AC} \times 100\%/\text{AC} = 92 \text{ Total Inches Required}$   
 $\text{EDF} + \text{RDE} = \text{SDE}$   
 $\text{EDF} = 224"$  (113" of non-specimens + 111" of specimens preserved)  
 $\text{RDE} = 00"$   
 $224" + 00" + = 224"$  SDF  
therefore density is satisfied

Specimen Tree Recompense Calculation:  
One specimen tree exists on site (#13) and is being preserved, thus  
recompense will not be required.

Street Tree Requirement (every 40', inclusive of drives):  
4 trees +/- will be required per the street tree requirement  
A total of 4 x 4" caliper trees will be provided. Street trees will  
be placed at every viable and appropriate location possible.  
The 4 (16") will be not be counted toward density requirements.



\*specimen tree protection requires orange polyethylene  
fence be replaced with chain link fence.

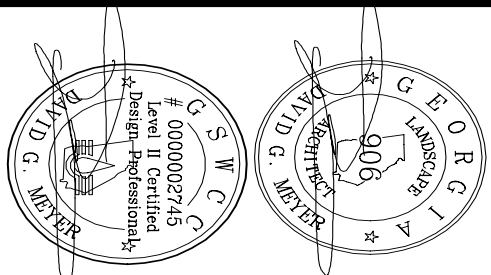
| Preserved Non Specimen Tree Inches |                           |               |  |
|------------------------------------|---------------------------|---------------|--|
| Tree Number                        | Tree Size DBH (in inches) | Tree Species  |  |
| 6                                  | 26                        | Pecan         |  |
| 7                                  | 19                        | Bradford Pear |  |
| 8                                  | 27                        | Sweetgum      |  |
| 9                                  | 10                        | Box Elder     |  |
| 10                                 | 5                         | Cherry Laurel |  |
| 11                                 | 7                         | Malberry      |  |
| 12                                 | 19                        | Water Oak     |  |
| Total Inches:                      |                           | 113           |  |

| Saved Specimen Trees |              |               |                    |
|----------------------|--------------|---------------|--------------------|
| Tree Number          | Tree Species | Tree Size dbh | CRZ Radius dbh x 3 |
| 13                   | Water Oak    | 37            | 37"                |
|                      |              |               | 111                |

| PLANT TYPE    | LABEL | QUAN. | COMMON NAME         | BOTANICAL NAME             | CALIPER TOTAL INCHES |
|---------------|-------|-------|---------------------|----------------------------|----------------------|
| Street Trees  |       |       |                     |                            |                      |
| (street tree) | QPH   | 4     | Hidloway Willow Oak | Quercus phellos 'Hidloway' | 4                    |
|               |       |       |                     |                            | 16                   |
|               |       |       | TOTALS              |                            | 16                   |

City of Smyrna Required Notes:

1. All existing trees, specimen and non-specimen, counted for EDF credits must be fully preserved during individual lot permitting.
  2. All trees must be planted at least 10' from any utility line.
  3. Tree save fence for entire site must be installed, inspected and approved prior to installation of erosion control measures. No land disturbance or demolition is allowed before tree save fencing has been inspected and approved by Community Development Director.
  4. The CRZ of Specimen trees receiving a 3X credit shall be protected with 6' chain link tree save fencing spaced 6' on center with metal support posts and Tree Save signage. Installation of tree save fence will involve no trenching, 4" of organic mulch over the CRZ and an above ground irrigation system.
  5. The Community Development Director must inspect the site before installation of erosion control measures. Land disturbance without a site inspection and approval by the Community Development Director will result in a "Stop Work Order" and fines.
  6. If tree survey inaccuracies are found on-site, a stop work order will be issued until revised plans are approved and processed based on accurate information.
  7. The Community Development Director must inspect and approve the site before the issuance of a Certificate of Occupancy.
  8. Trees agreed upon to be saved is the responsibility of the owner.
  9. A 3-4" layer of mulch will be required for the CRZ of Specimen Trees. Mulch must be applied prior to start of construction. Keep mulch at least 5" from the trunk of the tree.
  10. A minimum 3-4" layer of mulch will be required for all existing, non specimen, landscape trees, including street trees and parking lot trees. Mulch must be applied prior to start of construction. Mulch shall not be placed directly against tree trunks.
  11. All newly planted trees shall have visible root flares at finished grade. No circling roots shall be allowed on planted trees. The upper 2/3 of the wire basket, all burlap, and stripping shall be cut and removed prior to backfill.
  16. All tree guys and stakes shall be removed from tree one year after planting or before.
- NO TRENCHING ALLOWED IN TREE SAVE AREAS INCLUDING IRRIGATION.
- CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 319-5387 TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVE OCCURS.
- ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.
- BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT APPROVAL.



# Tree Survey, Protection, and Replacement Plan - page 2 of 3

## 1313 & 1323 Pierce Avenue

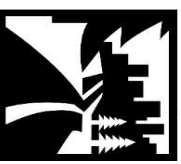
City of Smyrna, Georgia, Land Lot 519, 17th District

prepared for:

Guy H. Kelley  
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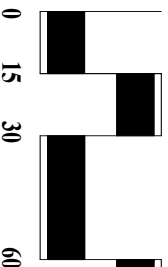
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1635 Old Hwy 41  
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KENNESAW, GA 30152

770-514-9006  
DCGMLPC.COM



Scale: 1" = 30'  
June 8, 2023

### Tree Calculations

Site Area Calculation:  
Net Site Area = .92 AC

Tree Density Calculation:  
 $.92 \text{ AC} \times 100''/\text{AC} = 92 \text{ Total Inches Required}$   
 $\text{EDF} + \text{RDF} = \text{SDF}$   
 $\text{EDF} = 224''$  (113" of non-specimens + 111" of specimens preserved)  
 $\text{RDF} = 00''$   
 $224'' + 00'' = 224'' \text{ SDF}$   
therefore density is satisfied

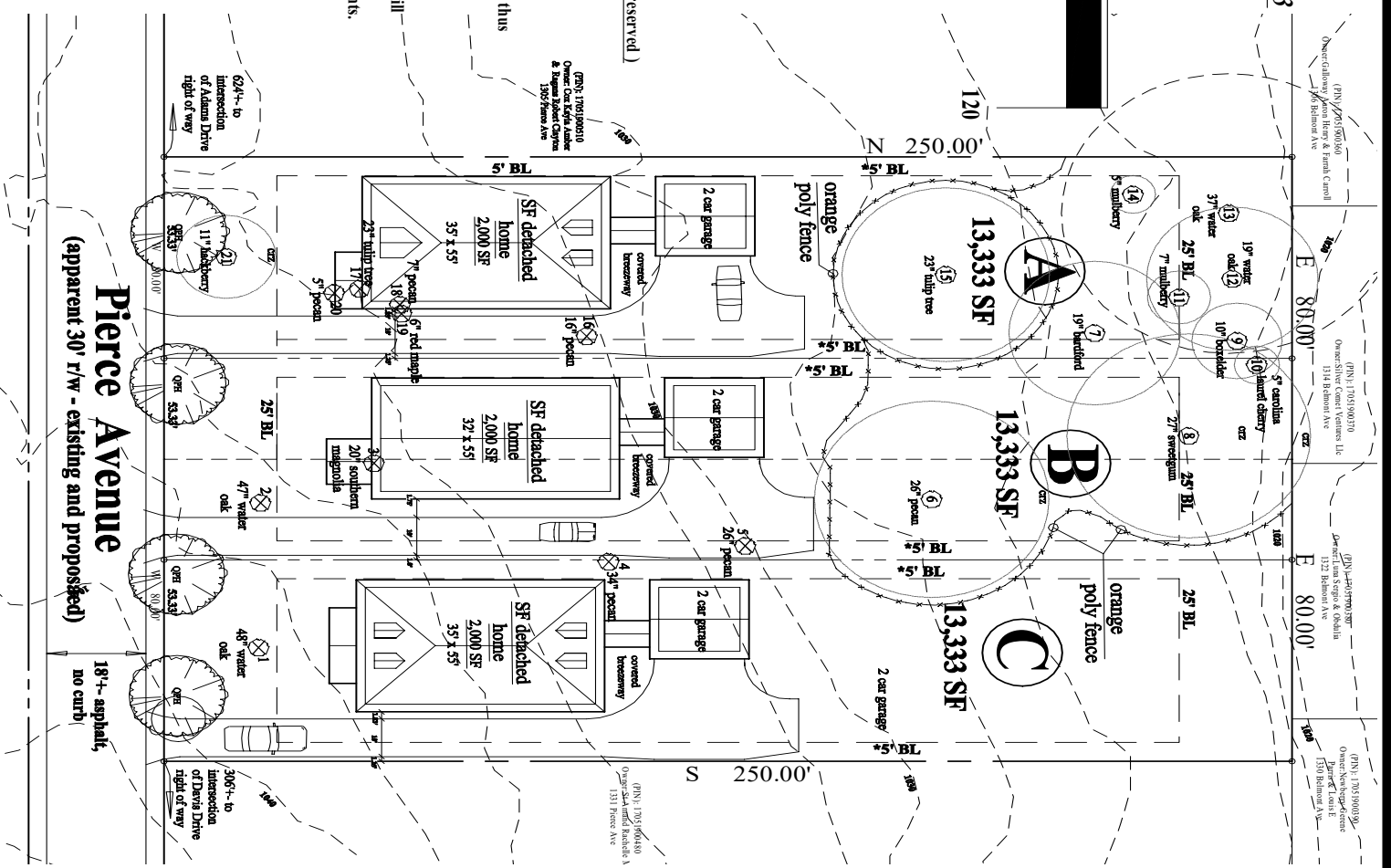
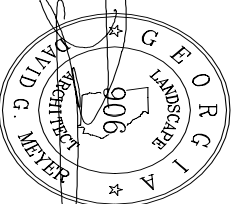
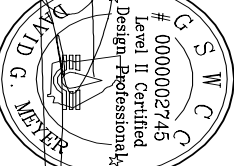
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A total of 4 x 4" caliper trees will be provided. Street trees will be placed at every viable and appropriate location possible.  
The 4 (16") will be not be counted toward density requirements.

### Saved Specimen Trees

| Tree Number | Tree Species | Tree Size dbh | CRZ Radius | dbh x 3 |
|-------------|--------------|---------------|------------|---------|
| 13          | Water Oak    | 37"           | 37'        | 111"    |

| PLANT TYPE    | LABEL | QTIAN | COMMON NAME          | BOTANICAL NAME              | CALIPER TOTAL INCHES |
|---------------|-------|-------|----------------------|-----------------------------|----------------------|
| Street Trees  |       |       |                      |                             |                      |
| (street tree) | QPH   | 4     | Hightower Willow Oak | Quercus phellos 'Hightower' | 4                    |
| TOTALS        |       |       |                      |                             | 16                   |



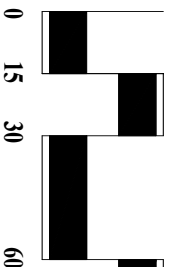
# Rezoning Plat - page 1 of 3

## 1313 & 1323 Pierce Avenue

City of Smyrna, Georgia, Land Lot 519, 17th District

prepared for:

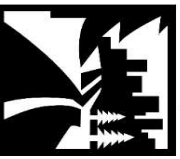
Guy H. Kelley  
Two Windy Hills, LLC  
1185 Belmont Avenue  
Smyrna, Georgia 30080



Scale: 1" = 30'  
June 8, 2023

### DGM

LAND PLANNING  
CONSULTANTS, INC.



1635 Old Hwy 41  
Suite 112-314  
Kennesaw, GA 30152  
770-514-9006  
DGM.LPC.COM

### Site Data

Total Site Area: 0.91 AC  
Present Zoning: R-20  
Proposed Zoning: R10  
Density: 3.26 UN/AC  
Total Units Shown: 3

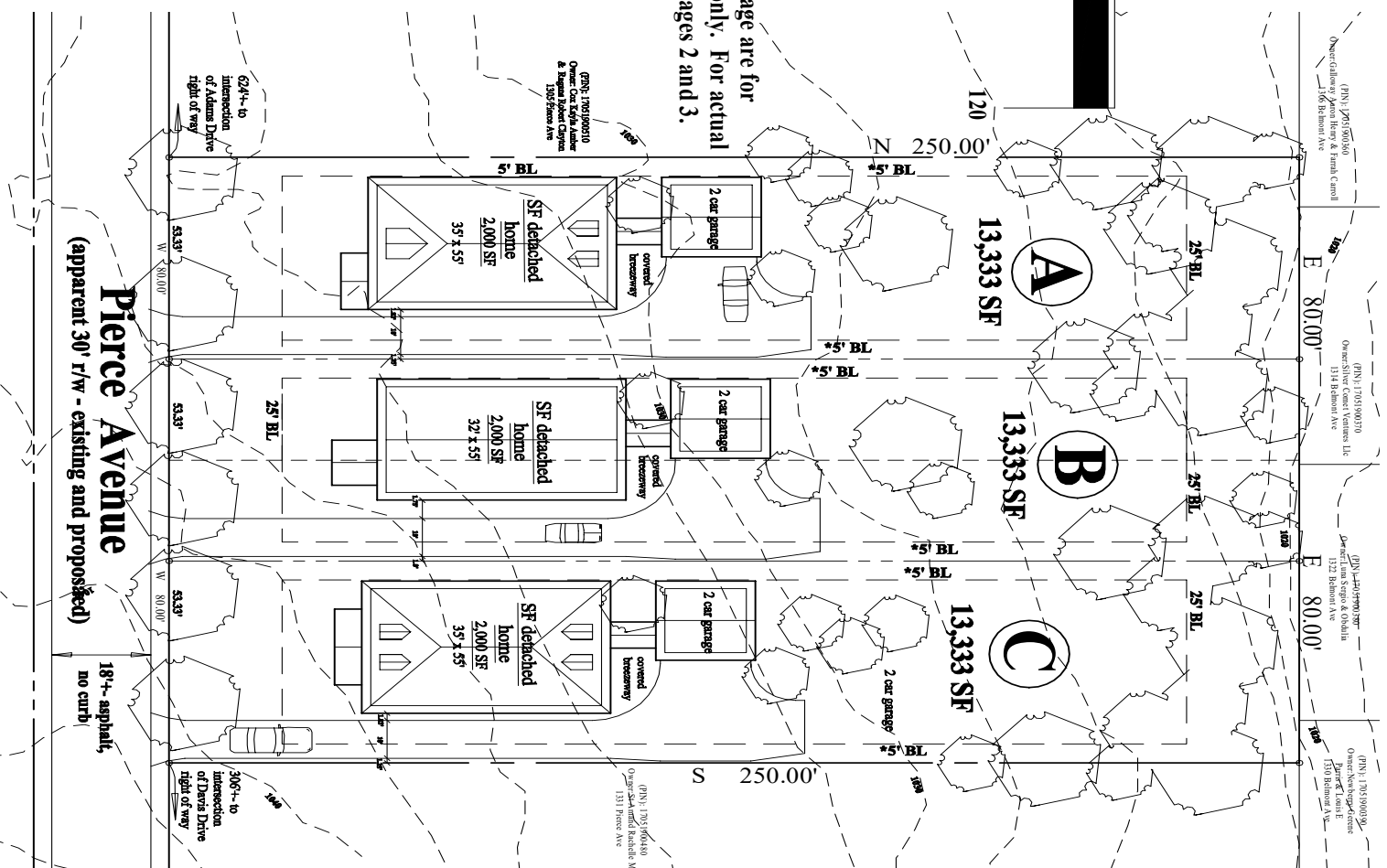
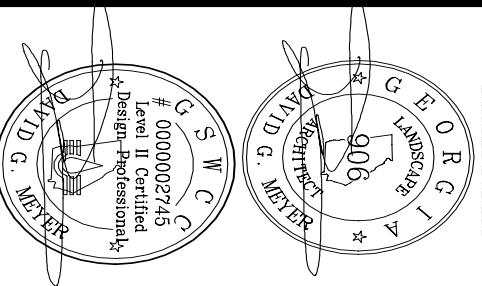
35' wide x 55' deep unit footprints  
w/2 car garages  
Proposed Building Setbacks:  
front: 25'  
side: 5' (variance requested)  
rear: 25'

### Note:

Trees shown on this page are for illustrative purposes only. For actual tree information see pages 2 and 3.

### General Notes:

1. Boundary survey and topography by Cobb county GIS.
2. According to Flood Insurance Rate Map (FIRM) #3067C019H, dated March 4, 2013, no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No wetlands are known to exist on site.
5. No state waters are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.
8. Stormwater and water quality structures are conceptual and will be designed further based on proposed hydrologic study.









Additional Tree Details - page 3 of 3

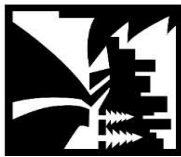
1313 & 1323 Pierce Avenue  
City of Smyrna, Georgia, Land Lot 519, 17th District  
June 8, 2023

prepared for:

Guy H. Kelley  
Two Windy Hills, LLC  
1185 Belmont Avenue  
Smyrna, Georgia 30080

DCGM

LAND PLANNING  
CONSULTANTS, INC.



1635 Old Hwy 41  
SUITE 112-314  
KENNESAW, GA 30152  
770-514-9006  
DGM.LPC.COM

NOTE:  
CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 319-5387 TO ARRANGE  
A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT  
SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH  
CITY REPRESENTATIVE OCCURS.  
ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE  
REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.  
BUFFERS SHALL BE REPLANTED SUBJECT TO COMMUNITY DEVELOPMENT DEPARTMENT  
APPROVAL.

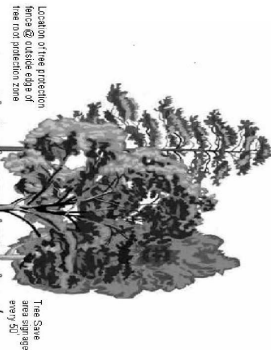
Tree Protection for Non-Specimen Trees

Tree Protection Fence Installation Detail

Tree Density Calculation:  
 $.92 \text{ AC} \times 100\%/\text{AC} = 92 \text{ Total Inches Required}$   
 $\text{EDF} + \text{RDE} = \text{SDE}$   
 $\text{EDF} = 224"$  (113" of non-specimens + 111" of specimens preserved)  
 $\text{RDE} = 00"$   
 $224" + 00" + = 224"$  SDF  
therefore density is satisfied

Specimen Tree Recompense Calculation:  
One specimen tree exists on site (#13) and is being preserved, thus  
recompense will not be required.

Street Tree Requirement (every 40', inclusive of drives):  
4 trees +/- will be required per the street tree requirement  
A total of 4 x 4" caliper trees will be provided. Street trees will  
be placed at every viable and appropriate location possible.  
The 4 (16") will be not be counted toward density requirements.



\*specimen tree protection requires orange polyethylene  
fence be replaced with chain link fence.

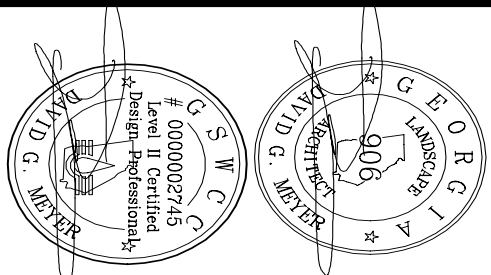
| Preserved Non Specimen Tree Inches |                           |               |  |
|------------------------------------|---------------------------|---------------|--|
| Tree Number                        | Tree Size DBH (in inches) | Tree Species  |  |
| 6                                  | 26                        | Pecan         |  |
| 7                                  | 19                        | Bradford Pear |  |
| 8                                  | 27                        | Sweetgum      |  |
| 9                                  | 10                        | Box Elder     |  |
| 10                                 | 5                         | Cherry Laurel |  |
| 11                                 | 7                         | Malberry      |  |
| 12                                 | 19                        | Water Oak     |  |
| Total Inches:                      |                           | 113           |  |

| Saved Specimen Trees |              |               |                    |
|----------------------|--------------|---------------|--------------------|
| Tree Number          | Tree Species | Tree Size dbh | CRZ Radius dbh x 3 |
| 13                   | Water Oak    | 37            | 37"                |
|                      |              |               | 111                |

| PLANT TYPE    | LABEL | QUAN. | COMMON NAME         | BOTANICAL NAME             | CALIPER TOTAL INCHES |
|---------------|-------|-------|---------------------|----------------------------|----------------------|
| Street Trees  |       |       |                     |                            |                      |
| (street tree) | QPH   | 4     | Hidloway Willow Oak | Quercus phellos 'Hidloway' | 4                    |
|               |       |       |                     |                            | 16                   |
|               |       |       | TOTALS              |                            | 16                   |

City of Smyrna Required Notes:

1. All existing trees, specimen and non-specimen, counted for EDF credits must be fully preserved during individual lot permitting.
  2. All trees must be planted at least 10' from any utility line.
  3. Tree save fence for entire site must be installed, inspected and approved prior to installation of erosion control measures. No land disturbance or demolition is allowed before tree save fencing has been inspected and approved by Community Development Director.
  4. The CRZ of Specimen trees receiving a 3X credit shall be protected with 6' chain link tree save fencing spaced 6' on center with metal support posts and Tree Save signage. Installation of tree save fence will involve no trenching, 4" of organic mulch over the CRZ and an above ground irrigation system.
  5. The Community Development Director must inspect the site before installation of erosion control measures. Land disturbance without a site inspection and approval by the Community Development Director will result in a "Stop Work Order" and fines.
  6. If tree survey inaccuracies are found on-site, a stop work order will be issued until revised plans are approved and processed based on accurate information.
  7. The Community Development Director must inspect and approve the site before the issuance of a Certificate of Occupancy.
  8. Trees agreed upon to be saved is the responsibility of the owner.
  9. A 3-4" layer of mulch will be required for the CRZ of Specimen Trees. Mulch must be applied prior to start of construction. Keep mulch at least 5" from the trunk of the tree.
  10. A minimum 3-4" layer of mulch will be required for all existing, non specimen, landscape trees, including street trees and parking lot trees. Mulch must be applied prior to start of construction. Mulch shall not be placed directly against tree trunks.
  11. All newly planted trees shall have visible root flares at finished grade. No circling roots shall be allowed on planted trees. The upper 2/3 of the wire basket, all burlap, and stripping shall be cut and removed prior to backfill.
  16. All tree guys and stakes shall be removed from tree one year after planting or before.
- NO TRENCHING ALLOWED IN TREE SAVE AREAS INCLUDING IRRIGATION.
- CONTACT THE COMMUNITY DEVELOPMENT DEPARTMENT (770) 319-5387 TO ARRANGE A PRECONSTRUCTION CONFERENCE PRIOR TO ANY LAND DISTURBANCE. NO PERMIT SHALL BE ISSUED UNTIL PLANS ARE APPROVED AND AN ON-SITE INSPECTION WITH CITY REPRESENTATIVE OCCURS.
- ALL TREE PROTECTION MEASURES SHALL BE INSTALLED PRIOR TO GRADING OR THE REMOVAL OF IMPERVIOUS SURFACES OR STRUCTURES.
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# Tree Survey, Protection, and Replacement Plan - page 2 of 3

## 1313 & 1323 Pierce Avenue

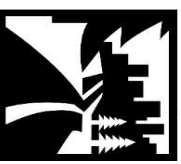
City of Smyrna, Georgia, Land Lot 519, 17th District

prepared for:

Guy H. Kelley  
Two Windy Hills, LLC  
1185 Belmont Avenue  
Smyrna, Georgia 30080

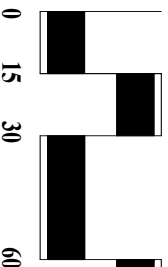
### DCGM

LAND PLANNING  
CONSULTANTS, INC.



1635 Old Hwy 41  
SUITE 112-314  
KENNESAW, GA 30152

770-514-9006  
DCGMLPC.COM



Scale: 1" = 30'  
June 8, 2023

### Tree Calculations

Site Area Calculation:  
Net Site Area = .92 AC

Tree Density Calculation:  
 $.92 \text{ AC} \times 100''/\text{AC} = 92 \text{ Total Inches Required}$   
EDF + RDE = SDE  
EDF = 224" (113" of non-specimens + 111" of specimens preserved)  
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therefore density is satisfied

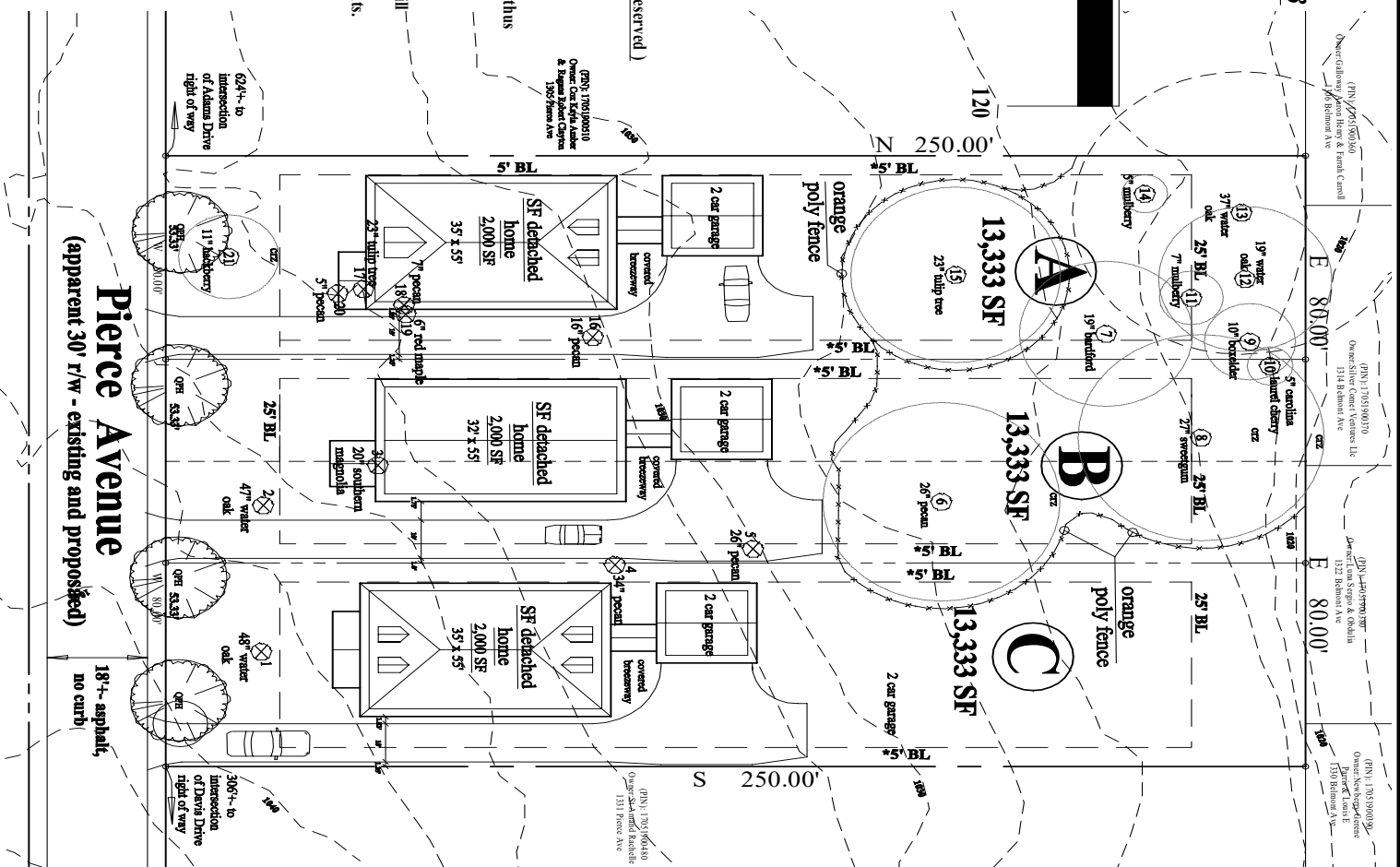
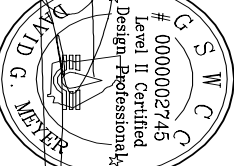
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| PLANT TYPE    | LABEL | QTIAN | COMMON NAME          | BOTANICAL NAME              | CALIPER TOTAL INCHES |
|---------------|-------|-------|----------------------|-----------------------------|----------------------|
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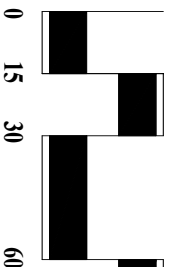
# Rezoning Plat - page 1 of 3

## 1313 & 1323 Pierce Avenue

City of Smyrna, Georgia, Land Lot 519, 17th District

prepared for:

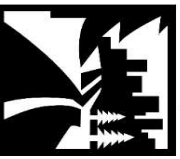
Guy H. Kelley  
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Scale: 1" = 30'  
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770-514-9006  
DGM.LPC.COM

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Proposed Zoning: R10  
Density: 3.26 UN/AC  
Total Units Shown: 3

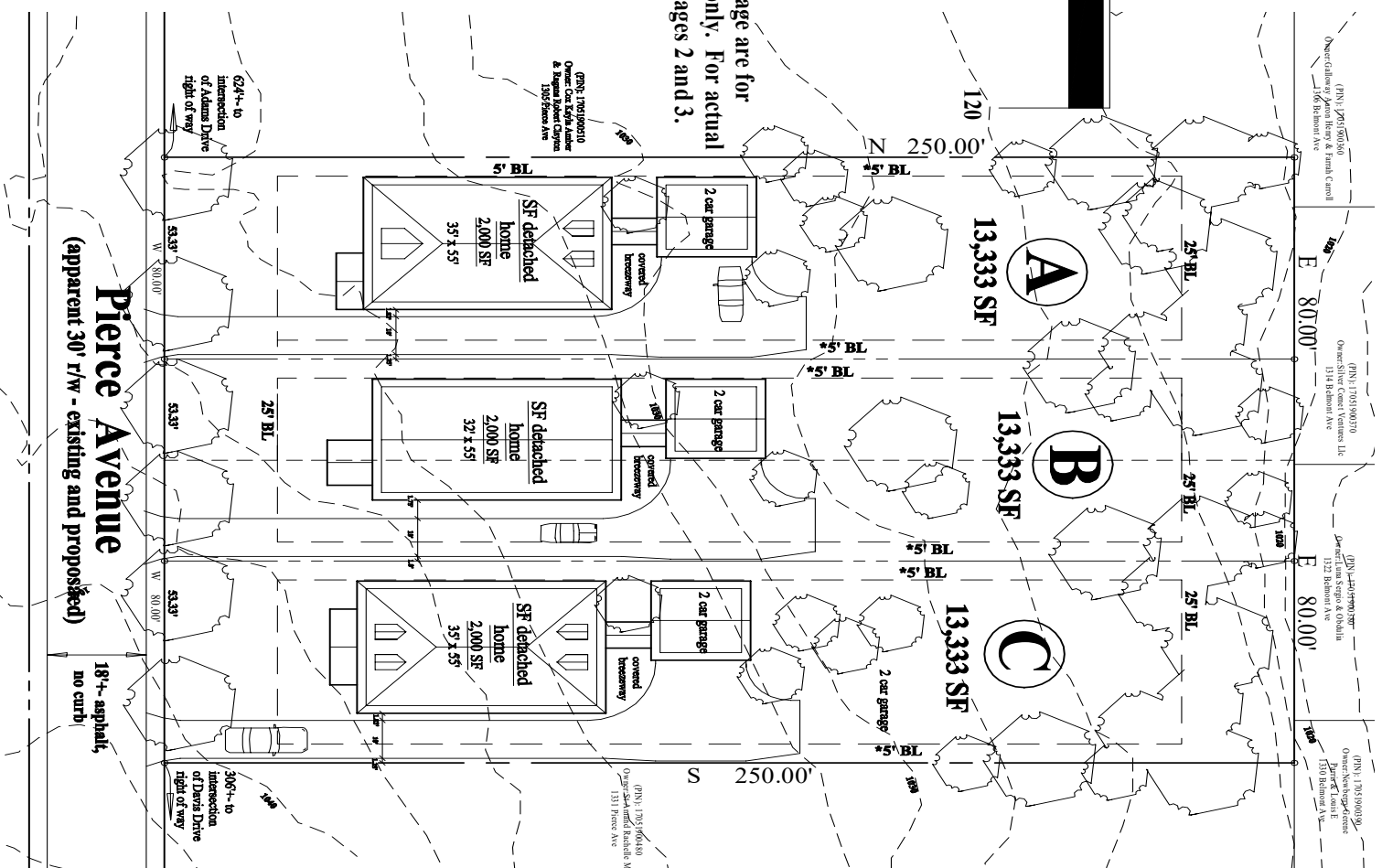
35' wide x 55' deep unit footprints  
w/2 car garages  
Proposed Building Setbacks:

front: 25'  
side: 5' (variance requested)  
rear: 25'

### General Notes:

1. Boundary survey and topography by Cobb county GIS.
2. According to Flood Insurance Rate Map (FIRM) #306TC019H, dated March 4, 2013, no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No wetlands are known to exist on site.
5. No state waters are known to exist on site.
6. No archeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.
8. Stormwater and water quality structures are conceptual and will be designed further based on proposed hydrologic study.

**Note:**  
Trees shown on this page are for illustrative purposes only. For actual tree information see pages 2 and 3.





ZONING DISCLOSURE REPORT (CONTINUED)

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

No

If so, describe the nature and extent of such interest:

N/A

Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

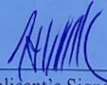
No

If so, describe the relationship and the nature and extent of such interest:

N/A

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application\*\*. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 9<sup>th</sup> day of JUNE, 2023

  
(Applicant's Signature)

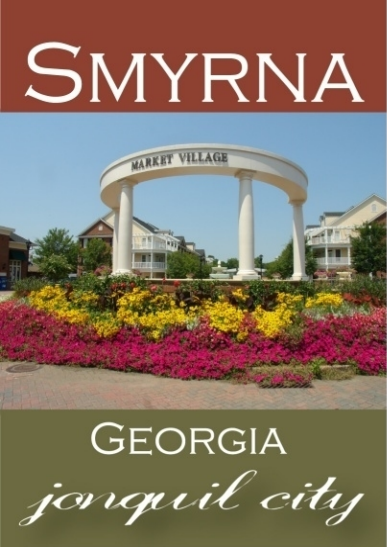
Guy H. Kelley

\_\_\_\_\_  
(Attorney's Signature, if applicable)

Notes

\* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

\*\* Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.



# **Rezoning Case: Z23-006**

**Applicant: Two Windy Hills LLC**

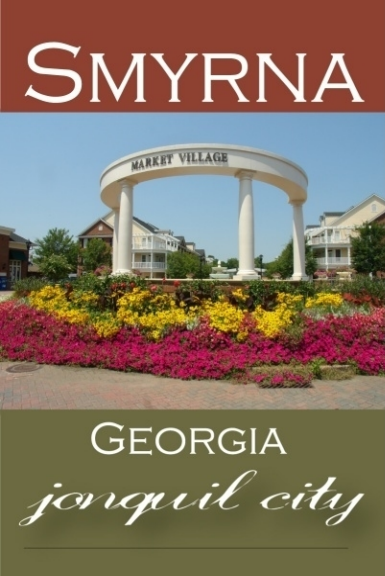
**Date Submitted: 6/9/2023**

**P&Z Hearing: 7/10/2023**

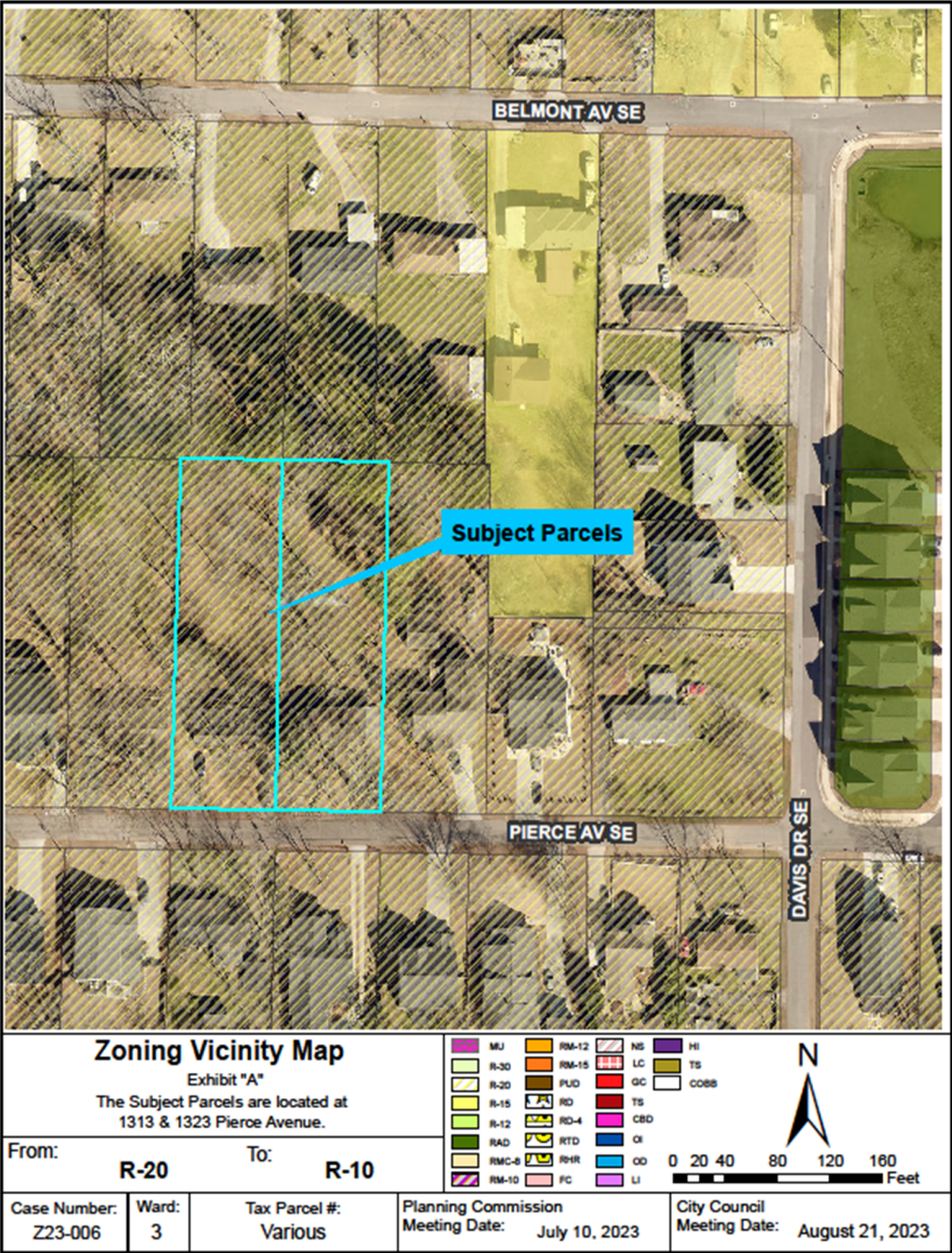
**P&Z Recommendation: Approve 5-1**

**M&C Hearing: 8/21/2023**





# Zoning Map



**Location:** 1313 & 1323 Pierce Ave

**Size:** 0.91 Acres

**Ward:** 3

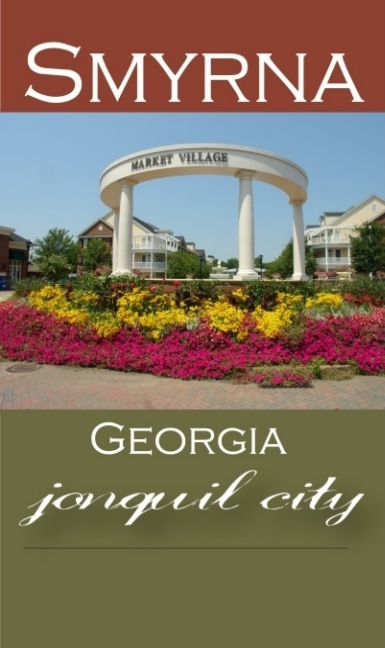
**Existing Condition:** Two (2) Single-family lots

**Proposed Use:** Three (3) New Detached Single-Family Residences

**Existing Zoning:** R-20

**Proposed Zoning:** R-10-Conditional





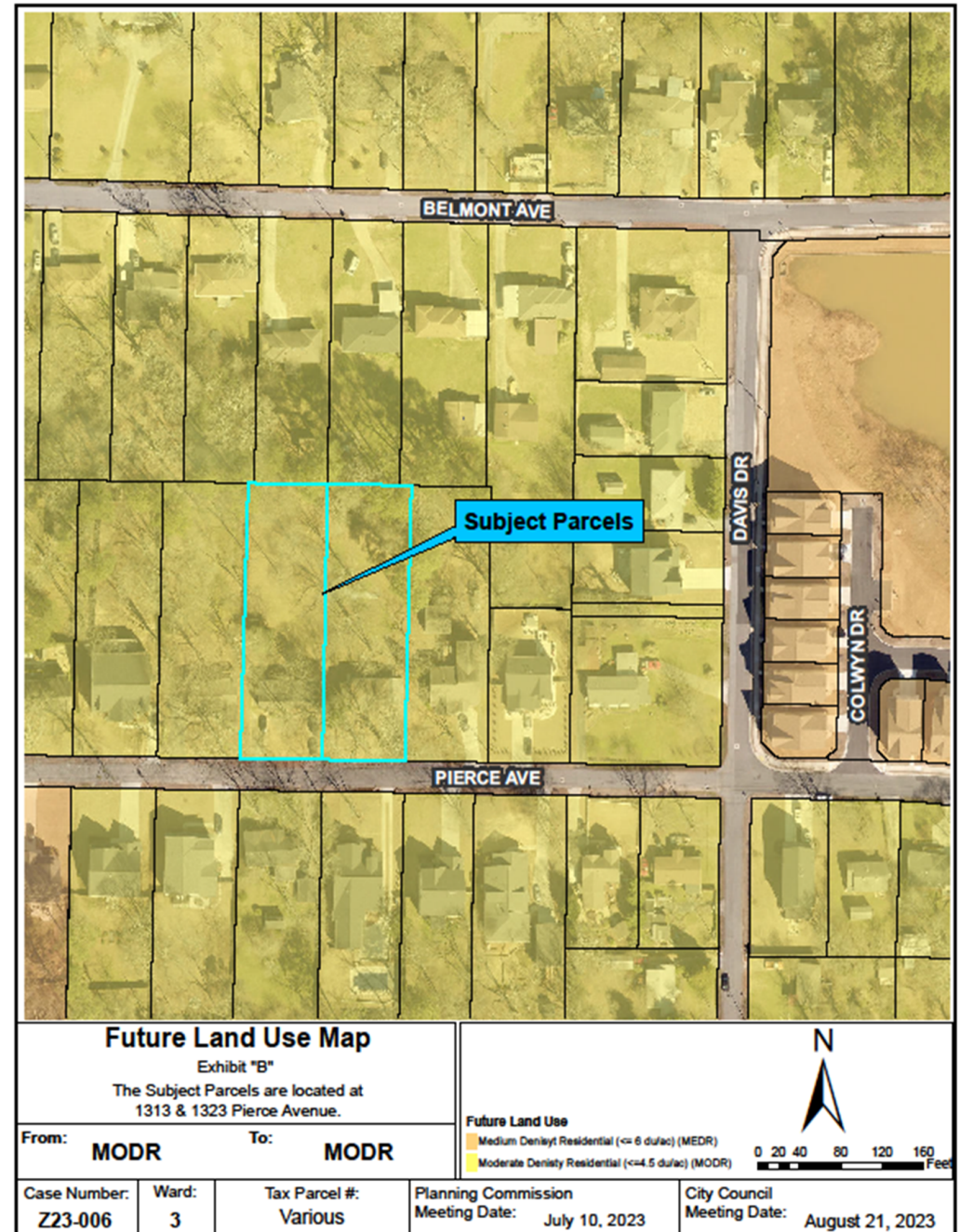
# Future Land Use Map

**Existing Future Land Use:**  
Moderate Density Residential

**Proposed Future Land Use:**  
Moderate Density Residential

**Adjoining Contiguous Future Land Uses:**

- **North** – Moderate Density Residential
- **East** – Moderate Density Residential
- **South** – Moderate Density Residential
- **West** – Moderate Density Residential

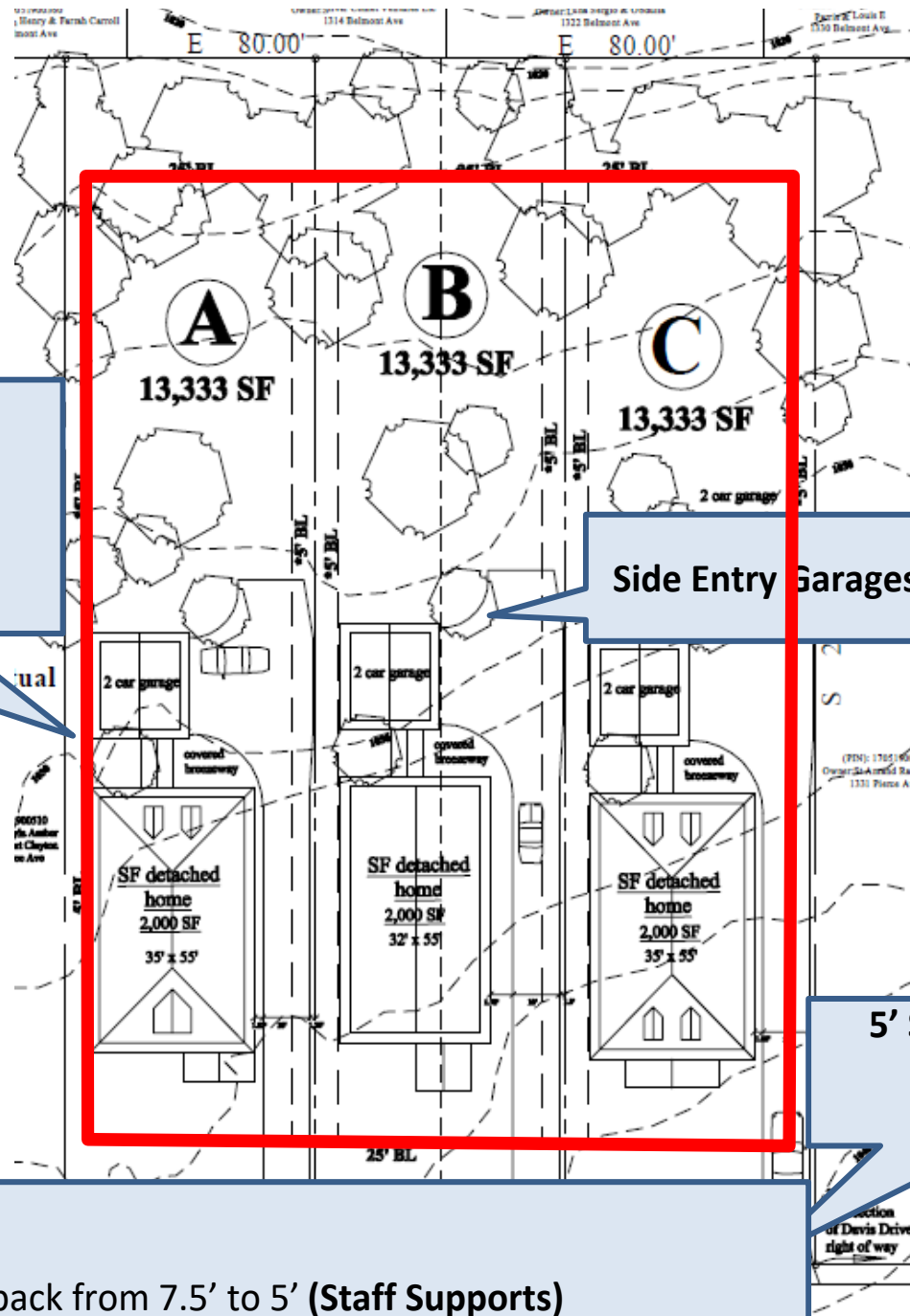




# Proposed Site Plan

## R-10 Zoning District Setbacks:

- Front – 25'
- Side – 5'
- Rear – 25'



Side Entry Garages

5' Sidewalk & Grass  
Strip & ROW  
Dedication

## Requested Variances:

- Allow reduction of minimum side setback from 7.5' to 5' (Staff Supports)



SMYRNA



GEORGIA  
*jonquil city*

# Proposed Home Elevation





# Picture of Subject Property





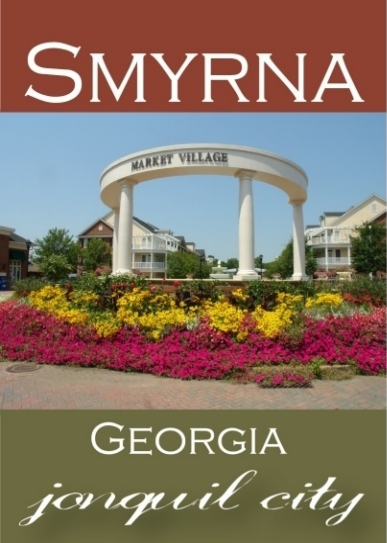
SMYRNA



GEORGIA  
*jonquil city*

# Pictures of Adjacent Property





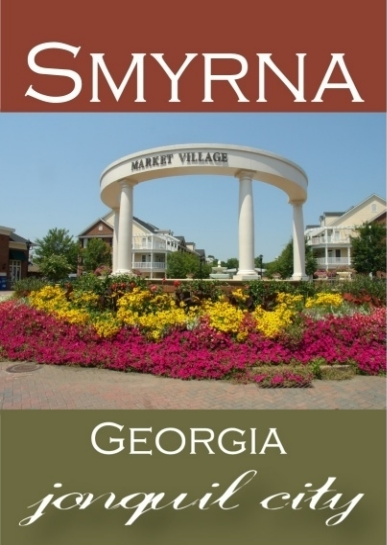
# Staff Recommendation

Community Development recommends approval of the rezoning from R-20 to R-10-Conditional for the development of three (3) single-family units at a density of 3.29 units per acre with the following conditions:

## **Standard Conditions**

**(Requirement #2, 3, 4, 5, 8, 9, 10, 12 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) All **utilities** within the development shall be underground.
- (3) 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.

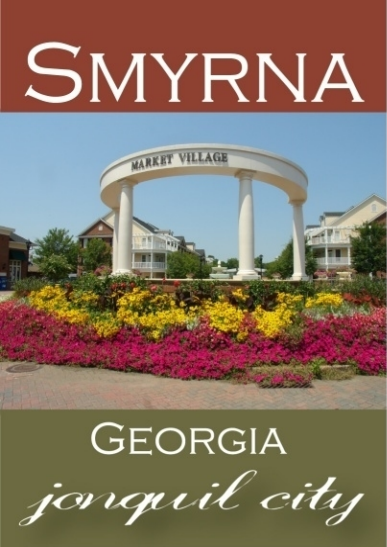


# Staff Recommendation

- (4) **No debris** may be buried on any lot or common area.
- (5) 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.
- (6) All **landscape plans** must be prepared, stamped, and signed by a Georgia Registered Landscape Architect for any common areas or entrances.
- (7) All **yards and common areas are to be sodded, and landscaped**. Irrigate as appropriate.
- (8) 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**. 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**

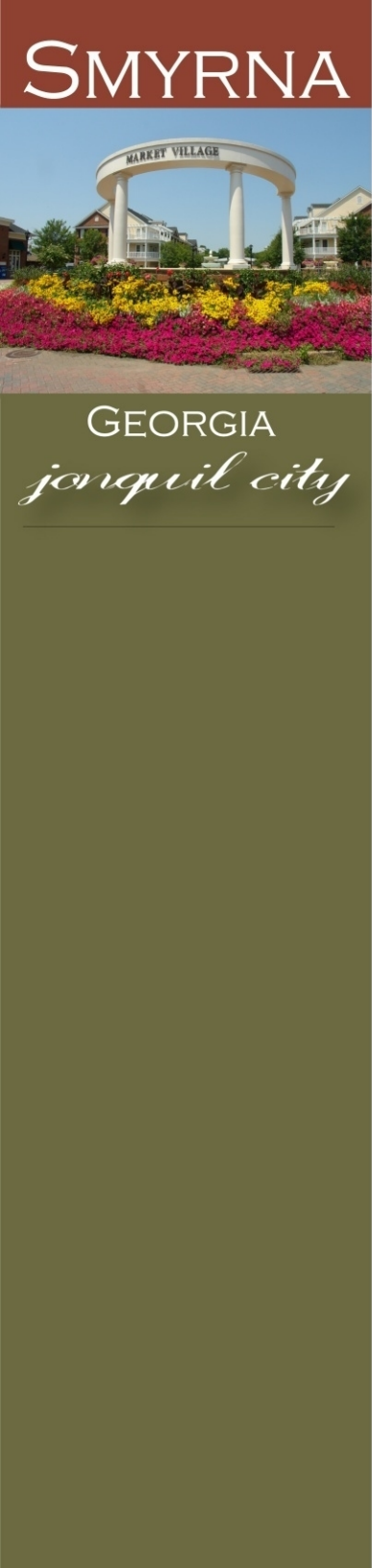
- (9) The development shall maintain the following **minimum setbacks**:
  - Front – 20'
  - Side – 5'
  - Rear – 20'



# Staff Recommendation

- (10) The minimum **lot size shall be 13,333 sq. ft.**
- (11) The minimum **lot width shall be 50 feet.**
- (12) The **minimum driveway length shall be 22 ft.** from building face to back of sidewalk.
- (13) The developer shall install a **5 ft. sidewalk and 2 ft. grass strip** at the frontage of property along Pierce Avenue.
- (14) All structures will be built to a **maximum height of 35'** as measured from the sidewalk along the front elevation.
- (15) The developer shall be responsible for any water and sewer improvements deemed necessary by the Public Works Director during construction plan review.
- (16) The developer shall be **responsible for any water and sewer improvements** deemed necessary by the Public Works Director during construction plan review.





# Staff Recommendation

- (17) Approval of the subject property for the R-10-Conditional zoning district shall be conditioned upon the development of the property in **substantial compliance with the site plan submitted 6/9/2023** and created by DGM Land Planning Consultants and all zoning stipulations above.
- (18) Approval of the subject property shall be conditioned upon **substantial compliance with the elevations** submitted on 6/9/2023.

SMYRNA



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*jonquil city*

# Proposed Site Plan

