

File #: PZ 19--001

APPLICATION: Rezoning Application, New Macland Road Single-family Fee Simple Townhomes

PETITION: The applicant, Manor Restorations, is initiating a rezoning request from Single-Family Residential (R-20) to Medium Density Residential (MDR) zoning district.

PURPOSE OF THE REQUEST: To construct 47 units on 13.5 acres with a density of 3.48 units per acre.

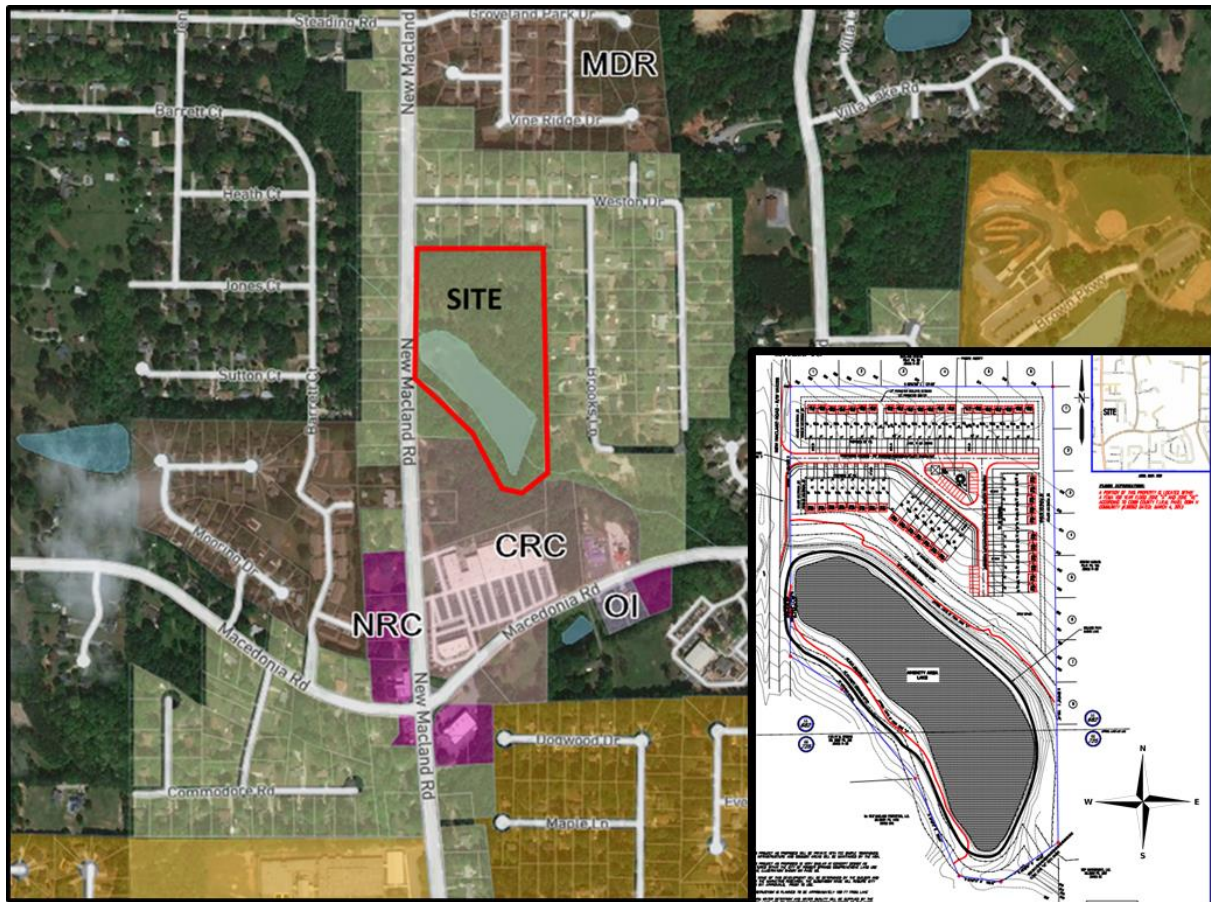
LOCATION: 3091 New Macland Road, Land Lots 682 & 725, 19th Districts, Powder Springs, Georgia.

ACRES: 13.5 acres, 19068200040

CURRENT ZONING: Single-Family Residential (R-20)

PROPOSED ZONING: Medium Density Residential (MDR)

Location Map



Background:

The subject property is located along New Macland Road and is currently zoned Single-family Residential (R-20). The proposed request is to rezone from Single-family Residential (R-20) to Medium Density Residential (MDR) to accommodate higher density and single-family attached units. The proposed MDR zoning district allows townhouses with a maximum density by-right of five (5) dwelling units per acre. The rezoning to MDR will allow for a proposed residential development consisting of 3.48 dwelling units per acre with a total of 47 units on 13.5 acres.

Surrounding Land Use:

New Macland Road is classified as an arterial roadway with one lane traffic on either side. The adjacent properties located to the east, west, and north are zoned R-20 and currently consists of single-family residences. South of the subject site is zoned Community Retail Commercial (CRC) that consists of a single family residence and a communication tower (Rezoning and Special Use approval September 18, 2018). South of the subject site at the intersection of New Macland and Macedonia Road is also zoned CRC with an existing retail strip mall.

Analysis:

The application should be reviewed against the following standards:

a. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

The proposed use of the subject property for the development of a medium density single-family attached residential townhome community is compatible with the purpose and intent of the Comprehensive Plan. The area is projected to be a part of a Redevelopment Area as defined in the Comprehensive Plan, adopted on October 16, 2017. The Redevelopment Area as outlined in the Comprehensive Plan is located at the intersection of New Macland Road and Macedonia Road. The vision for this development node is to create space for townhome and commercial development. The concept entails buildings brought up to the street; vertical and horizontal mixed use that includes commercial, office and industrial uses; variety of housing and green space. The City also envisions multi-use trail or bike lanes along New Macland Road to connect to Silver Comet trail and citywide network. The proposed request of this townhome development is consistent with the City's Comprehensive Plan. In that, the townhome development will consist of a walking path around the existing lake, and sidewalks along the frontage of New Macland Road allowing for connectivity to the existing retail and Silver Comet trail. The proposed layout meets the intent of the development nodes as identified on the Site Plan.

b. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

The MDR zoning district is the only zoning category that allows unit types other than single-family detached homes. The intent of the MDR zoning district is to allow for higher density and attached

single-family dwelling units. By-right the MDR zoning allows multi-family dwelling types consisting of five (5) dwelling units per acre. Per section 2-14 MDR zoning permits duplexes, triplexes, quadraplexes, townhouses, and condominiums. The proposed developments is proposing 3.48 dwelling units per acre which falls within the threshold of what is being allowed in the MDR zoning district by-right. If the rezoning to MDR is approved, the proposed request will therefore be consistent with the requirements of the Unified Development Code and the Comprehensive Plan.

c. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The adjacent properties located to the east, west, and north are zoned R-20 and currently consists of single-family residences. South of the subject site is zoned Community Retail Commercial (CRC) that consists of a single family residence and a communication tower. Further, south of the subject site at the intersection of New Macland Road and Macedonia Road is also zoned CRC with an existing underutilized shopping center. Though single-family dwelling units are located to the east and north of the site, a 25-foot wide landscape buffer depicted on the site plan will provide adequate separation between neighboring residential development. The proposed request is compatible with adjacent residential uses and is consistent with the redevelopment plan for this area outlined in the Comprehensive Plan. In addition to the 25' foot buffer, no more than 75% of existing tree canopy can be removed as required by Section 12.13. (g) of the UDC. Therefore, existing vegetation will be maintained on the site.

d. Will the existing use or usability of adjacent or nearby property not be adversely affected by the proposed use?

The proposed request is for 47 units that may generate approximately 26 PM Peak Hour trips (Institute Of Transportation Engineers). Based on the estimated PM trips that will be generated, the proposed request should not pose any traffic concerns or hazard. The proposed townhome development will be adjacent to single- family residential activity. Offsite impacts are very similar and should not pose a public health or safety threat to adjacent and nearby properties. In addition, there will be a 25 foot wide landscape buffer that will provide adequate separation between neighboring residential developments.

e. Are their substantial reasons why the property cannot or should not be used as currently zoned?

The rezoning from R-20 to MDR will allow for this site to be developed according to the Redevelopment Area as outlined in the Comprehensive Plan; allowing townhome and commercial development at this intersection. The proposed request to MDR will allow for a gradual transition from lower intensity to higher intensity along New Macland Road.

f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use?

Yes, public facilities and infrastructure are adequate to serve the proposed use. Based on table 1 below, there is available capacity in the Elementary and Middle School. The high school is currently over capacity by approximately 14 students. Though the high school is over capacity Cobb County continuously monitors enrollment and may add more class rooms if necessary. There is available water and sewer capacity to serve the request. Police and Fire services are within close proximity to the subject site and does not require additional staff due to additional housing units that will be added to the City.

Table 1.

Name of Elementary School	Total School Capacity	# Currently enrolled	Available capacity	47 units will generate approximately
Elementary (Varner)	962	772	190	23
Middle (Tapp)	1137	962	175	9
High (McEachern)	2362	2390	-28	14
<i>Cobb County School District</i>				

g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?

The proposed Redevelopment Area as outlined in the Comprehensive Plan is located at the intersection of New Macland Road and Macedonia Road. The vision for this development node is to allow for townhome and commercial development. The proposal is supported by the City of Powder Springs Comprehensive Plan, adopted on October 16, 2017.

h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?

Yes, the proposed use reflects a reasonable balance between the promotion of public health, safety, morality and general welfare and the right to unrestricted use of the subject property. Additionally, the proposed use of attached residential townhomes allows the property owner to exercise their property rights while offering housing choices to residents of the City of Powder Springs. In addition, the layout provides adequate separation of more than 35 feet between adjacent lots. There is also a 25' landscape strip that will aid in buffering noise, light, and glare from this development during and after construction.

Private Roads:

The proposed residential subdivision is proposing private roads. Per Section 8-68 of the Unified Development Code (UDC), private streets shall only be permitted if approved by the Mayor and City Council. Though private streets are being requested, all private streets must meet public road standards. The site plan shows dead end streets which are not permitted by the UDC. Dead end

streets are only temporarily allowed during the construction phase and a temporary turn-around must be provided during the temporary phase (Section 8-70, UDC).

Fiscal Impact:

There are currently existing services and infrastructure to support the proposed request. The proposed development will provide increased tax income for the City. The proposed request should not have any negative economic impact on the City of Powder Springs as infrastructure and services are already in place to serve the proposed request.

Department Comments:

Cobb County Fire Marshal

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

Gates

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding

type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

Guest Parking

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project.

Project is short on parking and based on supplied drawing the spacing between the dwellings will be difficult to achieve. Plans state 10 feet between dwellings.

Department of Transportation

Reviewed plans do not show detailed plans and/or specific uses. Additional concerns/comments will be provided after plans have been submitted to Cobb County via the formal Plan Review Process.

New Macland Rd is classified as an Arterial road. R/W does not appear to meet the minimum requirements.

Reviewed plans do not show future plans or specific uses. Additional concerns/comments will be provided after plans have been submitted to Cobb County via the formal Plan Review Process.

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way along New Macland Rd, 50' from road centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Decel and left turn lanes into the site are required.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement.

Recommend curb, gutter and sidewalk entire property frontage.

Plans to be submitted for Cobb County Plan Review and approval

Staff Recommendation:

Staff recommends approval of PZ 19-001 with the following conditions:

Conditions provide by the applicant – no underline

Underlined - staff added text

Strikeout - deleted from conditions

1. The stipulations and conditions agreed upon here shall replace and/or supersede in full any and all stipulations and conditions previously placed on the subject property.
2. The re-zoning of this property shall be from the existing zoning classifications of R-20 to a proposed zoning classification of MDR as shown on the site plan submitted by Centerline Surveying and Land Planning, Inc. for the applicant and dated 12-7-18 and as revised on 1-4-19.
3. The site is approximately 13.5 acres and is planned for 47 single-family attached units, with a site density of 3.48 units per acre.
4. The site development plan proposes the construction of walking paths around the existing pond of which will be retained as an amenity for the community. Passive open space areas, as well as established group gathering area will be located centrally within the community design.
5. All units are single-family attached with a minimum of 2,000 sf and a minimum of 400 sf private patio area as stipulated within Section 2-14 of the UDC.
6. The buildings will be constructed with a minimum separation of 15 feet, exceeding the required 10 ft. as stipulated in Section 4-120 of the UDC. The height of the building will not exceed 2 stories in height and must comply with the height restriction of the UDC.
7. ~~We respectfully request the setbacks as noted and shown on the Conceptual Zoning Site Plan be approved as a concurrent variance and included as part of this zoning. We request the front setback to be reduced to 20 ft. from 35 ft. as stipulated in the MDR zoning requirements. This request is being made to offset the increased rear perimeter setback of 35 ft. from the MDR zoning classification requirements of 20 ft. for a rear setback. Any variance required must be applied for~~

in a separate application and will not be approved with this rezoning application [Community Development].

8. FEMA maps show the site is inundated with a flood hazard Zone “A” located near and around the existing pond and a Zone “AE” below the pond near the southeastern property line. A full hydrology will be prepared during the Land Disturbance Submittal to determine the extent of the Zone “A” as depicted on the presented Conceptual Zoning site plan. The hydrology study must include a Flood Risk Assessment.

9. The conceptual zoning site plan notes depict a minimum of 20% open space, however the site plan currently shows a design of over 40%. There is a 25-foot strip of perimeter buffer that will be heavily landscaped to ensure maximum screening from adjacent parcels. In addition, the perimeter has a setback of 35 ft. adjacent to all perimeter properties.

10. The project will be accessed from New Macland Road only. There will be no other access to the community.

11. The development proposes to utilize a turn around that circles a parking common area for the mail kiosk and one of the passive gathering amenity. The roadway centerline radii around the area meets the design for road standards, as well as the inside turning radii for intersection. ~~We have created driveways for a few of the homes that would be built to road standards instead of the driveway standards to provide a more efficient emergency access turnaround. These hammerhead style road driveway turnarounds are less than 150 ft and meet the turn around criteria set forth within the 2018 IFC Appendix D103.1.~~ All street must meet public road standards. Dead end streets are not permitted only temporarily during the construction phase and a temporary turn around must be provided during the temporary phase as required by the Unified Development Code [Community Development].

12. Internal sidewalks are planned on both sides, as well as a central mail kiosk. The applicant agrees with the Cobb DOT county staff comments recommending sidewalk with curb and gutter along the road frontage for this project. The applicant agrees to actively work with Cobb DOT and the City of Powder Springs to properly deal with shoulder and sensitive areas during this construction. The applicant will retain a qualified traffic engineer to determine the need and compliance required to address the Cobb Co. DOT remaining comments. Any improvements required to New Macland Road to support this development will be completed by the applicant, developer or builder and will be completed prior to the approval of a final plat.

13. A storm water management facility is planned to control all site run-off as well as water quality for the site. A Hydrology study will be performed and submitted for approval by the Storm water division during Land Disturbance Plan preparation. The applicant notes that their firm has a reputation for making every attempt to provide an environmentally compatible storm water management plan.

14. The proposed home exteriors shall be constructed of brick, stone, stacked stone, board and batten and Hardi-plank type siding or any combinations thereof. The sides of all units must have no less than 50% brick. Architectural elevations will be submitted for reference as to type finishes proposed. Any modification or new elevations submitted after approval by the City Council shall be reviewed administratively.

15. A Home Owners Association (HOA) will be organized and initially funded by the developer for the enforcement of the Declaration of Restrictive Covenants governing the rules and regulations of the proposed development. The Declaration of Restrictive Covenants shall be recorded with the County Clerk of Cobb Co. prior to the recordation of the final plat

16. The HOA shall be responsible for the cost and performance for the upkeep and maintenance of all private infrastructure and areas; including but not limited to the stormwater, amenities, open space and common areas. Private Streets must be approved by the Mayor and Council. Staff does not recommend private streets.

17. All signage shall be ground based, monument style. A separate sign application will be required for construing monument sign.

18. All utilities shall be underground.

19. All creeks shall have state and local undisturbed buffers as normally required. Any encroachments within the undisturbed buffers must be properly approved by the governing agency according to appropriate governing ordinance.

20. All site and development construction not specified on the site plan or within this letter, shall comply with the City of Powder Springs UDC, the Cobb County UDC and the Codes and Ordinances of all govern bodies as it pertains to this site development.

21. City staff shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the plan review process and thereafter. For purposes of this paragraph, any modifications that increase the density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process.

22. No more than 75% of the existing tree canopy coverage of the site or lot shall be removed.

24. The Community Development Director may allow for flexibility as to the location of street trees and may be clustered [Community Development].

25. The conceptual site plan dated 1/3/2019 does not meet the requirements of the Unified Development Code regarding dead end roads, setback and minimum lot size. Conceptual site plan

must be amended to meet code or variances granted and updated to reflect actual flood elevations.
Applicant understands that this may result in a reduction of units.

26. Applicant is required to meet all Cobb County Development Standards and Ordinances.