



Legislation Text

File #: PZ 19--006, **Version:** 1

Public Hearing Dates

Planning and Zoning Public Hearing: February 25, 2019

Mayor and Council Public Hearing: March 4, 2019

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APPLICATION: Variance Application, Olympia Homes

PETITION: The applicant, Olympia Homes Inc, is initiating a variance request to reduce the front setback from 35 feet to six (6) feet; reduce the minimum lot size from 2,000 square feet to 1,300 square feet; reduce the lot width at end of building from 30 feet to 26 feet; vary from Section 4-120 of the UDC requiring a 2,400 square feet averaging for fee-simple town homes lots.

PURPOSE OF THE REQUEST: To construct 24 units on approximately 3.1 acres with a density of 7.74 units per acre.

LOCATION: Land Lots 869 & 870, 19th Districts, Powder Springs, Georgia.

ACRES: Approximately 3.1 acres, 19086900280 and a portion of 19086900010 (easement)

RECOMMENDATION: Staff recommends approval

Location Map



Background:

The subject site has a split use designation of Residential (R-15) and Medium Density Residential (MDR). There is currently a rezoning application (PZ 18-032) to rezone the R-15 portion of the site to MDR to facilitate a townhome development consisting of 24 units. Based on the site plan submitted the applicant is requesting to vary the Dimensional Requirements for the MDR Residential Zoning Districts (Table 2.2) of the Unified Development Code (UDC) and Section 4-120 of the UDC. Pending MDR zoning designation, the applicant is requesting to reduce the front setback from 35 feet to 6 feet; reduce the minimum lot size from 2,000 square feet to 1,300 square feet; reduce the lot width at end of building from 30 feet to 26 feet; reduce the lot frontage from 60 feet to 26 feet; and to vary from Section 4-120 of the UDC requiring a 2,400 square feet averaging for fee-simple town homes lots.

Surrounding Land Use:

There are a variety of zoning districts that are adjacent to the subject site. The north of the subject site is zoned R-15 and MDR along Hopkins Road. The R-15 designation currently consists of single-family lots known as the Ashley Woods subdivision. The property located south of the subject site is zoned CRC and currently consists of a vacant lot and a gas station located at the intersection of Hopkins Road and Powder Springs Road. West of the subject site is zoned R-20 that currently consists of a single-family unit. East of the subject site, at the intersection of Hopkins Road and Powder Springs Road, is property zoned and used as single family within Cobb County jurisdiction. There are also single-family units located within the R-20 zoning districts along Hopkins Road.

Analysis:

- 1. There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district;**

This property is limited by its size and shape and is constrained by its proximity to developed properties. The Subject Property is situated between commercially developed property to the south and residentially developed property to the north and is surrounded by various zoning districts (MDR, CRC and R-20). There are developed residential zonings located to the east and north, and commercially zoned and utilized properties to the south.

- 2. A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located;**

The literal enforcement of UDC provisions effectively disallows the development of Townhomes within MDR without Variances being granted. Other property owners, have been able to develop their properties where allowed by the Comprehensive Plan (such as the MDR directly contiguous to the north, the developed CRC to the south and the potential development of the adjoining CRC fronting onto Powder Springs Road). Without the granting of the variances, the applicant will not be able to develop the property for the proposed residential use under MDR. In order to address this issue, the City has recently adopted a new zoning designation - PUD-R. Areas identified for redevelopment or higher density housing in the Comprehensive Plan will be able to apply for PUD-R zoning rather than needing variances in the future.

Additionally, the Subject Property is contiguous to an existing Neighborhood Activity Center ("NAC") on the City's Future Land Use Map and is denominated as a part of a "Redevelopment Area" as defined by the City's Comprehensive Plan which was adopted on October 16, 2017. This Redevelopment Area is located along the north side of Powder Springs Road, adjacent to the intersection of Powder Springs Road and Hopkins Road and is designed to potentially include, among other components, multi-family homes; townhomes; single-family residential homes; and, office/flex space and/or commercial buildings or a mixture/combination thereof.

- 3. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located;**

The applicant has concurrently applied for zoning under the MDR category which is recommended as a permitted use in this area of the City and a Special Use Approval Application to allow a 7.74 unit per acre density for the proposed Townhome Community. The requested variances will be in harmony with the purpose and intent of the UDC and the Comprehensive Plan and will not be injurious to the neighborhood or to the general welfare of the public. Nor will the grant of the requested Variances impair the purpose and intent of the UDC or set an adverse precedent.

- 4. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare;**

As stated earlier, the Subject Property is contiguous to an existing Neighborhood Activity Center ("NAC") on the City's Future Land Use Map and is denominated as a part of a "Redevelopment Area" as defined by the City's Comprehensive Plan. Based on the site plan submitted, the proposed request is compatible with

the surrounding area and will not create a public health or safety concern.

5. The special circumstances are not the result of the actions of the applicant;

The applicant has not done anything to create the conditions of its location adjacent to commercial and residential property and/or its Comprehensive Land Use Plan designation.

6. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed; and/or

The Applicant has endeavored to maintain the required setbacks where possible while still making use of the narrowly configured site. The MDR zoning classification promotes "Village Center Residential" and allows for Townhomes. Although the Redevelopment Area Design guidelines promote buildings being brought up to the street, the front setbacks under the MDR Zoning District of 35 feet are the same for single family homes as it is for Townhomes. In order to address this issue, the City has adopted a new zoning classification of PUD-R. This will reduce the need for setbacks variances in the MDR zoning district.

7. The variance shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Residential uses (including the proposed attached Townhomes) are permitted in the MDR (Medium Density Residential) Zoning District and are promoted in the Comprehensive Plan and Redevelopment Area designations.

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.

Recommendation:

Staff recommends approval of PZ 19-006 of the application with the following conditions:

Conditions provide by the applicant

Underlined - staff added text

Strikeout - deleted from conditions

1. Reduce the front setback from 35 feet to six (6) feet for the Hopkins Road Residential Development consisting of 24 units located in Land Lots 869 and 870 in the 19th district Georgia.
2. Reduce the minimum lot size for fee-simple townhomes from 2,000 square feet to 1,300 square feet for the Olympia Home Residential Development.

3. Reduce the lot width at end of building from 30 feet to 26 feet.

4. Vary from Section 4-120 of the UDC requiring a 2,400 square feet averaging for fee-simple town homes lots. The townhome lots shall be a minimum of 1,300 square feet.

5. The Revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the Subject Property.