



Legislation Text

File #: PZ 18--032, **Version:** 1

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APPLICATION: Rezoning Application, Olympia Homes

PETITION: The applicant, Olympia Homes Inc, is initiating a Rezoning request from Single-Family Residential District (R-15) to Medium Density Residential (MDR).

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

CURRENT ZONING: Single-Family Residential (R-15)

PROPOSED ZONING: Medium Density Residential (MDR)

STAFF RECOMENDATION: Approval with Conditions

Location Map



Background:

The subject site has a split use zoning designation of Residential (R-15) and Medium Density Residential (MDR). The request is to rezone the R-15 zoning portion to MDR to facilitate townhome development consisting of 24 units on approximately 3.1 acres. The rezoning to Medium Density Residential (MDR) is 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. Density between five (5) to eight (8) dwelling units per acre requires a Special Use approval which has been filed concurrently with this application (PZ 18-33).

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 R15 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 and currently consists of a single-family unit. East of the subject site, at the intersection of Hopkins Road and Powder Springs Road, is a single family unit, located in Cobb County with a residential classification. There are also single-family units located within the R-20 zoning districts along Hopkins Road.

Analysis:

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

Yes, 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 in that the property is located at the edge of an existing Neighborhood Activity Center ("NAC") on the City's Future Land Use Map and is projected to be a part of a Redevelopment Area as defined in the

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

As outlined in the Unified Development Code (UDC), the MDR zoning district permits a variety of styles of homes, including duplexes, townhomes, condominiums, etc. Additionally, density increases are permitted by Special Use Permit under the MDR zoning district (a SUA Application is filed concurrently with the Rezoning Application). Density increases are also permitted by special use not exceeding 8 dwelling units per acre, provided development incorporates exceptional traditional neighborhood development design and amenities into the site plan. Institutional and park, recreation, and greenspace uses are also accommodated. The site plan meets the intent of the Unified Development Code (UDC).

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

The adjacent property to the southeast is zoned Community Retail Commercial ("CRC") and developed as a convenience store with fuel sales. Directly south of the subject property is undeveloped, but also zoned CRC. This undeveloped site consists of an easement for ingress and egress over, across and through this property. The properties lying north (R-15) and west (R-20) of the subject site consists of single-family residences.

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

The Rezoning and Special Use proposal is not anticipated to have any adverse effect or impact upon the existing uses or usability of adjacent or nearby properties and is consistent with the City's Comprehensive Plan, adopted on October 16, 2017.

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

The property is currently zoned R-15 but is located within an area designated as being within a NAC on the Comprehensive Land Use Map. Moreover, the subject property is too small to be developed commercially and is abutting residentially zoned properties. The proposed use will provide a step-down from the existing commercial at the intersection of Powder Springs Road and Hopkins Road. Additionally, the adjacent properties will become more viable for development and/or assemblage.

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. Access to the subject property will be via Hopkins Road along with optional access via the easement to Powder Springs Road. The proposed development will generate minimal students at the Elementary, Middle and High School level.

In addition, the table below indicates the schools that are zoned for this area. The table also indicates that schools are currently under capacity and can facilitate students that will be generated from the proposed 24 unit development.

Table 1: School Capacity and Enrollment

School	Student Capacity	Student Enrollment	Capacity Status
Compton Elementary School	925	494	431 under capacity
Tapp Middle School	1137	962	175 under capacity
McEachern High School	2362	2390	28 over capacity

Source: Cobb County School District

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 proposal is supported by the City of Powder Springs Comprehensive Plan, adopted on October 16, 2017, which provides for a MDR component that may ultimately be a part of a mixed-use environment within this sub-area of the City.

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 and buffering the residential to the north and west.

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.

Agency Comments:

Cobb County Department of Transportation

- a. The following comments and recommendations are based on office review of the subject annexation/rezoning case:
- b. 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.
- c. Hopkins Rd is classified as a Major Collector road. R/W does not appear to meet the minimum requirements.
- d. 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.
- e. 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 Hopkins Rd, 40' from road centerline.
- f. Decel Lane is required.
- g. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
- h. 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.
- i. Recommend curb, gutter and sidewalk entire property frontage.
- j. Plans to be submitted for Cobb County Plan Review and approval.

Recommendation: Staff recommends approval of PZ 13-32 with the following conditions:

Conditions provide by the applicant - no underline

Underlined - staff added text

Strikeout - deleted from conditions

1. 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.
2. The Rezoning of the Subject Property shall be from R-15 portion of the site only to MDR in substantial conformity to that certain Revised Rezoning Site Plan ("Hopkins Road Community") prepared by DGM Land Planning Consultants which is being formally submitted concurrently

herewith. The access easement that exists will not be rezoned to MDR.

3. There shall be maximum number of twenty-four (24) Townhomes at a maximum density of 7.74 units per acre.
4. The Townhomes shall be twenty-six feet (26') in width and shall contain a minimum of 1,800 square feet ranging up to 2,000 square feet and possibly greater.
5. The architectural style and composition of the Townhomes shall be in substantial conformity to the architectural renderings/elevations which are in the process of being prepared by the Design Group and which will be submitted in advance of any hearings. The composition of the Townhomes shall front façade shall comprise of more than 50% brick. The remaining 50% may consist of stacked stone, cedar shake, hardipanel and/or hardiplank or any other material consistent with the Standards of Article 5 of the UDC. ~~of staked stone, sedar sharke consist of a mixture of either briek, stacked stone, cedar shake, Hardipanel and/or Hardiplank consistent with the Standards of Article 5 of the Unified Development Code ("UDC").~~ All end units must have 50% or more brick on the sides of all end units. An administrative review of architectural standards shall be conducted prior to obtaining building permits. Any further modification to the architectural rendering after approval shall be reviewed administratively.
6. Each home shall have an attached two-car garage which shall be designed to accommodate two (2) vehicles at all times. The driveways of the Townhomes shall be a minimum of twenty-two feet (22') in length as measured flush with the garage door and shall accommodate the parking of two (2) additional vehicles, without encroaching into the sidewalk area.
7. The Townhomes within the residential community shall be "For Sale". The subdivision Covenants shall, however, contain a recital stating that the leasing of the Townhomes shall be limited to no more than fifteen percent (15%) of the total number of Townhomes and for no lease term less than one (1) year in duration.
8. The creation of an overall Master Mandatory Homeowners Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other multiple components, strict architectural controls with houses being built in substantial conformity to the architectural style and composition mentioned above. The Master Mandatory HOA shall be responsible for the upkeep and maintenance of all common areas; tree preservation areas; community open space; mail kiosks as required by the USPS; and, any and all landscape buffers, landscaping for the entrance signage area, fencing and lighting/irrigation for said entrance signage.
9. A third party management company shall be engaged to manage the day-to-day operations of the HOA (until such time as the HOA decides that it and/or its members can handle these responsibilities) and shall also be responsible for the management of all Association monies as well as insuring that the Association is properly insured.

10. The submission of a landscape plan during the Plan Review Process which shall be subject to staff review and approval and which shall include, but not necessarily be limited to, the following:
 - a. The landscape plan, which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist which shall identify open space areas; landscaped common areas; and other components of the proposed Townhome Community which will be further identified during the Plan Review Process.
 - b. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
 - c. All HVAC, mechanical systems and home utilities within the community shall be screened by way of fence positioning and/or landscaping.
 - d. Entry signage for the proposed Townhome Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
 - e. The installation of landscaped front, side and rear yards.
 - f. Stormwater detention and water quality components shall be landscaped and fenced appropriately in order to be attractive to homes both on the inside and on the outside of the proposed Townhome Community.
 - g. Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to all tree protection measures and the adherence to same during the construction and build out of the Townhome Community.

11. Subject to recommendations from the City of Powder Springs' Engineer and/or the City's consultants concerning hydrology, stormwater management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:
 - a. Providing the City Engineer and/or the City's consultants with a Hydrology Plan for the Subject Property during the Plan Review Process.

 - b. Verifying all points of discharge with respect to detention/water quality.

- c. Compliance with the protections required concerning adjacent streambank buffers.
 - d. Compliance with Sec. 5-35. Drainage and Low Impact Development.
12. Compliance with recommendations from the City's Engineer and/or Consultant with respect to Public Works and traffic/transportation issues, as follows:
- a. The street to be constructed shall be public and shall be built to the City of Powder Springs' Design and Detail Standards, including the construction of sidewalks on the internal street.
 - b. The public street shall be designed to provide appropriate access and interior maneuverability for public safety services and vehicles.
 - c. The applicant shall address comments made by Cobb County DOT, including 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: donation of right-of-way along Hopkins Rd, 40' from road centerline. The applicant shall add a decel lane, and verify minimum intersection sight distance. If minimum sight distance is not available, the applicant shall implement remedial measures subject to Cobb DOT's approval. Curb and gutter, and sidewalk shall be installed the full length of the subject property's frontage on Hopkins Road.
13. Compliance with Cobb County Fire Marshall comments and recommendations with respect to Life-Safety & Fire-Prevention issues and concerning the amount and positioning of guest parking during the Plan Review Process.
14. Common Open Space areas, amenities, mail kiosks, and all of the various components for common and public use as described above shall be constructed in substantial compliance with ADA regulations with respect to accessibility.
15. Subject to the granting of a concurrent Variance waiving the front setbacks under the MDR District from thirty-five feet (35') to six feet (6'). Also, the granting of a waiver of side setbacks from ten feet (10') to zero feet (0') due to the attached nature of the Townhomes. Reduce the minimum lot size from 2,000 square feet to 1,300 square feet; reduce the lot width at end of building; vary from Section 4-120 of the UDC requiring a 2,400 square feet averaging for fee-simple townhome lots.
16. The Community Development Director shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review Process and thereafter except for those that:

- a. Increase the density of the residential community.

- b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
 - a. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.

 - b. Change access locations to different rights-of-way.