



Revised Recommendation and Motion

Paran Homes - Sweetwater Landing - Townhouses

PZ18-009 - Rezoning, PZ18-018 - Special Use, PZ18-010 – Variance

June 3, 2018

Updated Analysis

(Recommended Motion found starting on page 2)

Staff had previously reviewed applications for Rezoning and Variances for Sweetwater Landing and originally recommended denial of the applications. Since the original review, the applicant has removed a number of the variance requests, with one remaining variance to be considered. Where the code requires an impervious area of a maximum of 50%, the applicant is proposing 51%.

The applicant has proposed a list of conditions to be placed on the applications should the applications be approved. Staff notes that the decision for rezoning is a policy decision to be made by the Mayor and Council on whether the property should be rezoned from Commercial to Residential. Although staff recommended denial of the rezoning based on the Comprehensive Plan recommendation to preserve commercially zoned properties, the decision of approval can be supported by considering the development to be mixed use, which would be consistent with the Comprehensive Plan. (Because the developer will not control both the commercial and residential portions of the development, they chose to apply for rezoning to medium density residential rather than mixed use.)

The City has some risk in that a Mixed Use development would require concurrent development of both the residential and commercial components, whereas in this case only the residential property will be developed. Additionally, in a mixed use development, there is inherently more compatibility between the residential and commercial uses. In this proposed application, it is not clear how the commercial and residential uses will complement each other, and variances may be required to allow the commercial development as proposed.

Site Plan Analysis

Staff has reviewed the revised request, and has found that modifications have brought the application closer to the requirements of the Unified Development Code. However, staff is not able to determine if all requirements of the Unified Development Code are met based on the revised site plan. Staff offers the following comments on the site plan revision. Being that it is not clear if the site plan meets all requirements of the Unified Development Code, staff recommends that additional language be added to any conditions of approval requiring the site plan be reviewed for full compliance with the code.

A review of the conceptual site plan reveals the following comments:

- The minimum lot size for a townhouse development zoned MDR is 2000 sf. Although it appears that this requirement is met, lot sizes are not provided for review.
- The minimum lot width of 20 feet is required, with 30 feet for end units. Although this requirement may be met, dimensions are not provided on the plan.

- Setbacks are not shown on individual lots, but are rather shown if the development was one parcel. The site plan must be revised showing required setbacks on individual lots.
- Sidewalks and dimensions of driveways are not shown on the site plan. Staff recommends that each driveway have a minimum length of 22 feet, without encroaching into the sidewalk area.
- The Unified Development Code requires a buffer between the MDR zoning district and the R15 zoning district of 25 feet. This dimension is not shown on the site plan. The site plan appears to meet this requirement, although it is not delineated.
- The site plan shows a 50 access/utility easement. This should be revised showing a proposed public right-of-way.
- The CRC zoned property is required to maintain a 50 foot setback and 40 foot buffer from the residentially zoned property. The proposed commercial area does not appear to meet this requirement.

Recommendation and Motion

Staff recommends that if approved, a caveat be provided stating that a detailed site plan meeting all requirements of the Unified Development Code be provided, except that the requirement for maximum impervious area be modified from 50% to 51% as requested.

The applicant has provided a list of agreeable conditions. Should Mayor and Council approve the application, staff recommends acceptance of the proposed stipulations with modifications noted below.

Recommended Stipulations – Staff additions underlined.

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 CRC to MDR in substantial conformity to that certain Revised Site Plan prepared by Gaskins Planning/Consulting/Construction Management (“Gaskins”), dated May 23, 2018 which is being formally submitted concurrently herewith. A full site plan showing compliance with all requirements of the Unified Development Code, with the exception of the variance for impervious area be provided for staff review prior to the issuance of any permit.
3. There shall be a total maximum number of forty-five (45) Town Homes at a maximum density of 7.91 units per acre.⁴
4. The Town Homes shall range in size from a minimum of 1,800 square feet up to 2,400 square feet and possibly greater.⁵
5. The architectural style and composition of the Town Homes shall be in substantial conformity to the Revised architectural renderings/elevations by Caldwell-Cline which

will be submitted prior to the May 30, 2018 Mayor and City Council Agenda Work Session, the composition of which shall consist of a mixture of either brick, stacked stone, cedar shake, Hardipanel and/or Hardiplank consistent with the Standards of Article 5 of the UDC.

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 Town Homes shall be 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.

Additionally, Paran Homes shall comply, as shown on the Revised Site Plan, with newly adopted Cobb County Fire Department ("CCFD") provisions regarding guest parking by providing twenty four (24) additional guest parking spaces for a total of one hundred fourteen (114) parking spaces (including the garages, driveways and guest parking spaces required by CCFD).

7. The Town Homes within the Residential Community shall be "For Sale" only. The Subdivision Covenants shall, however, contain a recital stating that the leasing of the Town Homes shall be limited to no more than ten percent (10%) of the total number of Town Homes and for no lease term less than one (1) year in duration.
8. The creation of an Overall Master Mandatory Homeowners Association ("HOA") in conjunction with the Sweetwater Landing HOA. Additionally, Paran Homes shall submit an Overall Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other multiple components, strict architectural controls; houses built in substantial conformity to the architectural style and composition mentioned above; and, consistency with Article 5 of the UDC. A restriction stating that fencing is not permitted on townhouse lots shall be included.

The Overall Master Mandatory HOA shall be responsible for the upkeep and maintenance of all common areas; tree preservation areas; community Open Space (which exceeds Ordinance requirements)⁶; joint recreational amenities; Gazebo and benches; mail kiosks as required by the USPS; and, any and all landscaped buffers, landscaping for the entrance signage area, fencing, lighting and irrigation for said signage. The HOA shall also be required to maintain all landscaping located in the right-of-way and the guest parking spaces.

9. A third party management company shall be hired to manage the day-to-day operations of the HOA and shall also be responsible for the management of all Association monies as well as insuring that the Association is properly insured until such time as the HOA makes a determination that it can undertake such responsibilities.
10. The submission of a landscape plan under 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 shall be in substantial conformity to the Gaskins' Landscape Rendering/Elevation being submitted concurrently herewith; shall identify Open Space areas; landscaped common areas; and other components of the proposed Town Home 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 fencing and/or landscaping.
 - d. Entry signage for the proposed Town Home 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 the outside of the proposed Town Home 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 Town Home 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.
12. Compliance with the recommendations from the City's Engineer and/or Consultant with respect to Public Works and traffic/transportation issues, as follows:⁷
- a. Streets 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 both sides of the internal streets.
 - b. The public streets shall be designed to provide appropriate access and maneuverability for public safety services and vehicles.
 - c. Compliance with Fire Department recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review Process.

- 13) The originally approved site plan provides for a signalized intersection at C.H. James Parkway, providing access to the Project and commercial area as noted below. This stipulation shall remain in effect to apply to final build out of the proposed development.

**ACCESS TO C.H. JAMES
PARKWAY:**

The Site Plan provides for a signalized intersection at C.H. James Parkway and Sweetwater Road, providing access to the Project and the commercial area. This intersection will be fully developed in accordance with the City and Georgia Department of Transportation requirements at the expense of the developer. This will include modification to the paving, median and striping of C. H. James Parkway, and the installation of a signal light at the intersection of Sweetwater Road and C. H. James Parkway. The design and installation of all of these improvements will be subject to approval of the Georgia Department of Transportation and the City of Powder Springs.

- 14) A sidewalk connection matching the existing sidewalks on Sweetwater Avenue shall be installed prior to the issuance of the first building permit.
- 15) Prior to building permit issuance, the property is subdivided to show a MDR zoned parcel and CRC zoned parcel.