

## Legislation Text

**File #:** PZ 18--031, **Version:** 1

### Rezoning - Paran Homes

The applicant Paran Homes, is initiating a rezoning from Single-Family Residential District (R20) to Medium Density Residential (MDR). The subject site is located in Land Lot 833 and 870, 19th District, Powder Springs, Georgia.

**File #:** **PZ 18--031**

**APPLICATION:** Rezoning Application, Paran Homes

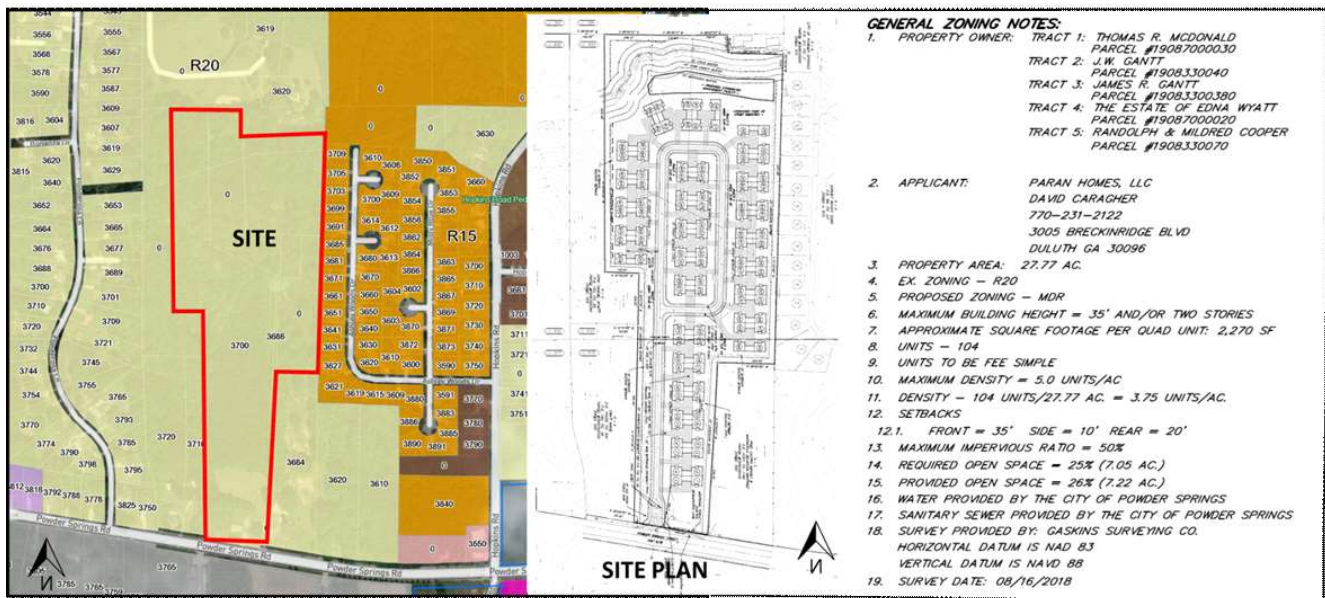
**PETITION:** The applicant, Paran Homes, is initiating a Rezoning from Single-Family Residential District (R-20) to Medium Density Residential (MDR).

**PURPOSE OF THE REQUEST:** To construct 104 units on 27.77 acres with a density of 3.75 units per acre.

**LOCATION:** Land Lots 833 & 870, 19<sup>th</sup> Districts, Powder Springs, Georgia.  
3700 Powder Springs Road

**ACRES:** 27.77 acres, 19087000030, 1908330040, 19083300380, 19087000020, 1908330070

### Location Map



**Background:**

The subject property is located along Powder Springs 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. The proposed MDR zoning allows multi-family dwelling types with a maximum density by-right of five (5) dwelling units per acre without Special Use approval. Six (6) to eight (8) dwelling units per acre in the MDR zoning requires a Special Use approval. The rezoning will allow a proposed residential development consisting of 3.75 dwelling units per acre with a total of 104 units on 27.77 acres.

**Surrounding Land Use:**

The subject site is surrounded by various zoning districts. There is residential zoning located to the east (R15), west (R20) and north (R20) of the subject site consisting of single-family residences. Parcels located to the south of the subject site is zoned Light Industrial (LI) consisting of industrial, residential dwelling units, recently vacated agricultural property, and vacant lots.

**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 subject property is identified as “Low Density Residential Neighborhood/Suburban Residential Neighborhood” in the Comprehensive Plan. Zoning districts compatible with this designation are R-30, R20 and R-15. The MDR zoning district is intended to implement the “village center residential” future development area as established by the Comprehensive Plan. The Village Center Residential development area is indented for single-family detached units, traditional neighborhood development, duplexes/cluster homes, townhomes/condominiums, senior housing, small neighborhood churches, park/recreation and limited neighborhood commercial. The proposed request is for a multi-family development consisting of 104 units and is consistent with the purpose of the Village Center Residential development area outlined in the Comprehensive Plan. Although the proposed rezoning is not consistent with the current designation of Suburban Residential Neighborhood, the Comprehensive Plan also identified redevelopment nodes, one being located in this area. The redevelopment plan suggested a mix of multifamily, single-family and commercial in this area. This development is consistent with the concept of the redevelopment node by introducing different housing types at a higher density that may support future commercial development. One specific use mentioned in the redevelopment area is “potential senior housing with amenity.” The Comprehensive Plan identified five (5) goals for the City. Goal three (3) is “*Develop quality, diverse housing that can contract a wide range of people and lifestyles.*” As such, this development is consistent with the Comprehensive 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 homes. The intent of the MDR zoning district is to allow for higher density. The Unified Development Code (UDC) allows a density of up to eight (8) dwelling units per acre for multi-family via a Special Use approval. By-right the MDR zoning allows multi-family dwelling types consisting of five (5) dwelling units per acre without a Special Use approval. Per section 2-14 MDR zoning permits duplexes, triplexes, quadraplexes, townhouses, and condominiums. The proposed developments is proposing 3.75 dwelling units per acre which falls within the threshold of what is being allowed in the MDR zoning district without Special Use approval. The proposed request is consistent with the purpose on the zoning district.

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

The subject site is surrounded by various residential districts (R20 and R15), and abuts single-family residence located to the east of the subject site. The Unified Development Code (UDC) requires a 25 foot landscape buffer between higher density and lower density residential activity. The site plan indicates a 25 foot landscape buffer located to the east and west of the property lines. The 25' landscape buffer should mitigate from noise, dust and light generated from higher density. The site plan also indicates a 35 foot separation of buildings from the property lines which meets the UDC and provides adequate distance from neighboring structures. There is a stream located to the rear of the property. State and local legislation requires a total of 75 foot buffer from all streams. In addition to the 75 foot buffer, the dentition pond will also be located to the rear of the property providing additional separation from neighboring lots. Based on the site plan submitted the proposed request is compatible with the surrounding area and should not create a public health and safety concern.

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

Though the density is greater in the MDR zoning district, the proposed rezoning of the site is from a residential zoning district to a residential zoning district (R20 to MDR). The proposed residential development will have ingress and egress from Powder Springs Road, an arterial roadway. Based on the Institute of Transportation Engineers, senior adult housing attached will generate approximately 0.26 trips per unit. Therefore, the proposed development of 104 units will generate approximately 27 PM peak hour trips per unit. The additional trips onto Powder Springs Road should not create an unsafe environment for the surrounding area. The proposed site is surrounded by residential subdivision and will be buffered by a 25 foot landscape buffer to minimize off-site impacts. The south of the proposed subdivision is zoned Light Industrial (LI). There is currently a storage facility, vacant property and single-family residences that is located in the LI zoning district. The LI zoning district is separated by a 4 lane arterial roadway. The uses that currently exists do not pose any traffic or public health concerns. The impacts of the proposed development should not adversely affect adjacent properties.

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

The proposed rezoning from R20 to MDR will adopt new conditions to facilitate the residential development of the site. R20 allows for single-family residences only and MDR allows for multi-family development. Both land use allows residential activity the only difference is that the MDR allows higher density. In addition, the proposed development will not impact school capacity, and additional trips generated will be minimal and should not pose a hazard. There are no substantial reason why the property cannot or should not be used as currently zoned.

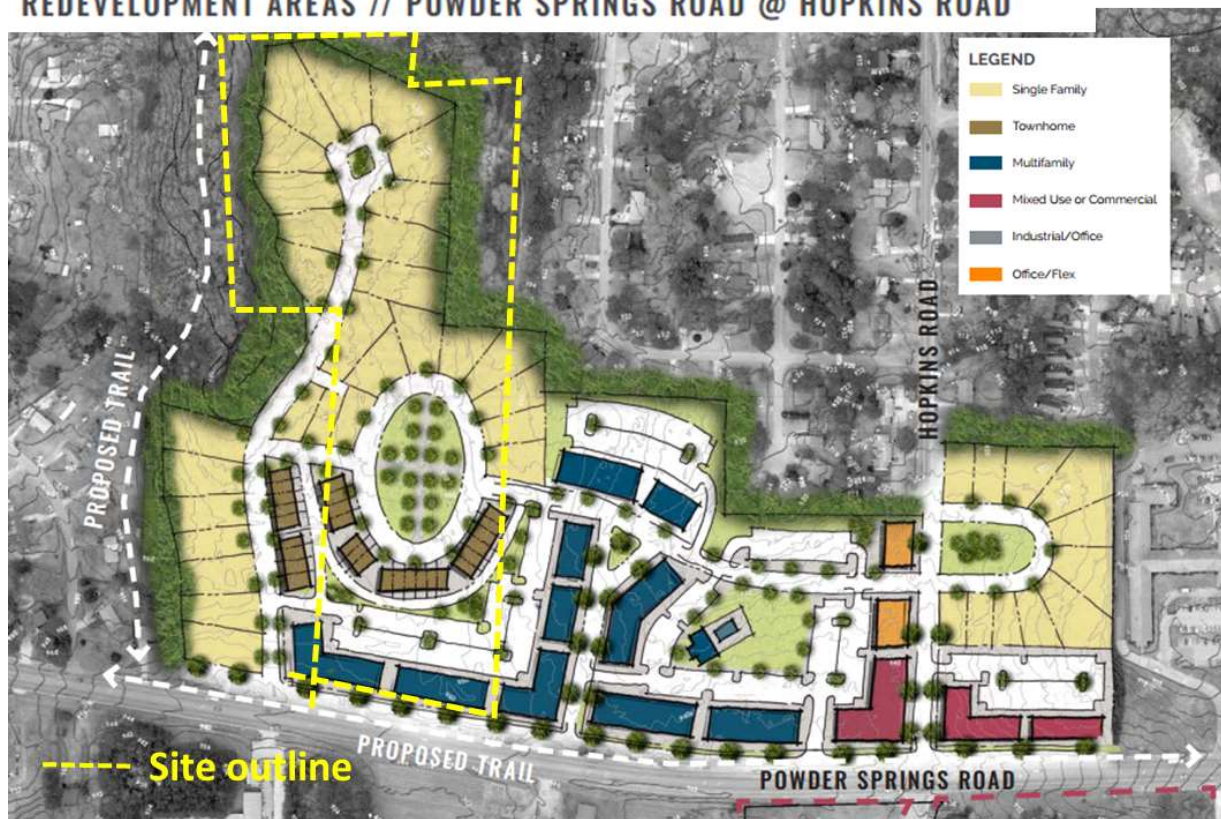
**f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use?**

Based on the information provided in the application, public facilities will be adequate to serve the proposed use. The project is an adult community and there will be no impact on school capacity. The project will be served by the City of Powder Springs utility services. Cobb County Fire Marshall Office, City of Powder Springs Public Works, and other relevant departments will review any future proposed concept plan to ensure public facilities are adequate.

**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 City of Powder Springs has identified the Hopkins Road area for redevelopment (Powder Springs @ Hopkins Road) identified in the Comprehensive Plan. The city envisions multi-family, townhomes, single-family lots, office/flex space and commercial buildings along this corridor. The redevelopment plan also shows a potential future trail for this area located to the west of the subject site. The proposed trail will provide recreational activity for the proposed residential development. The site also abuts residential designated properties and is compatible with surrounding area. The proposed request is consistent with the City's redevelopment plan (See redevelopment plan below).

**REDEVELOPMENT AREAS // POWDER SPRINGS ROAD @ HOPKINS ROAD**



**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?**

The proposed request is consistent with the intent of the Comprehensive Plan and the Unified Development Code. The site will be served by the City of Powder Spring utilities. The site is also surrounded by residential activity. There are developments within close proximity providing a range of services that are typically supported by residential activity. Based on existing circumstances of the surrounding environment the proposed request should not be a public health and safety concern.

**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. Table 8.1 of the UDC requires all streets in residential subdivisions serving 100 dwelling units to meet or exceed “minor collector” street standards. Table 8.1 requires minor collector roadway to have a minimum 60 foot right-of-way width, and a minimum 28 feet of required pavement width with 14 foot lanes. The site plan provided does not meet these requirements. As conditioned, the site plan must meet this technical requirement outlined in the Unified Development Code (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.

**Staff Recommendation:**

Staff recommends approval with the following conditions:

*Conditions provide by the applicant*

*Underlined - staff added text*

*Strikeout - deleted from conditions*

1. The 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 property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The Subject Property shall be developed ~~in substantial conformity~~ conceptually to that certain revised site plan, prepared by Gaskins Engineering & Surveying, which is being submitted concurrently herewith. Development of the site must be consistent with the Unified Development Code requirements.
3. The construction of a maximum number of one-hundred four (104) non-supportive active adult, age-restricted residential homes at an overall maximum density of 3.75 units per acre. The minimum heated floor area shall not be less than 2,000 square feet, with an overall average minimum of 2,400 square feet
4. The architectural style and composition of the homes shall consist of traditional architecture on all sides in substantial conformity to the architectural renderings/elevations being submitted concurrently herewith. The building façade should comprise of more than 50% brick. The remaining 50% may



consist of stacked stone, cedar shake, Hardipanels and/or Hardiplank consistent with the Standards of Article 5 of the UDC.

5. The creation of a mandatory Homeowners' Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") during the Plan Review process, which shall include, among other components, strict architectural controls. The mandatory HOA shall be responsible for the maintenance and upkeep of fencing, landscaping, interior private streets, open space areas, sidewalks, community areas, stormwater detention and/or water quality ponds, lighting, the entrance to the Residential Community and any amenities.
  
6. The submission of a landscape plan during the Plan Review process which shall be subject to review and approval by the Community Development Director. Additionally, the landscape plan shall include, but not necessarily be limited to, the following:
  - a. Landscaping and screening around the proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees.
  - b. A twenty-five foot (25') landscape buffer around the perimeter of the Subject Property.
  - c. Compliance with landscape section renderings/elevations which will be submitted under separate cover.
  - d. The landscape plan, which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist and shall identify open space areas; landscaped common areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.
  - e. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
  - f. All HVAC, mechanical systems and home utilities within the community shall be screened by way of fencing and/or landscaping.
  - g. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
  - h. The installation of landscaped front, side and rear yards.
  - i. 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 Residential Community.
  
7. 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.

8. 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 under State and Local Law concerning adjacent streambank buffers.
  - d. Impervious surface calculations shall not exceed 50% of the total site area pursuant to and in accordance with UDC requirements and as shown on the revised site plan.
  
9. Compliance with the recommendations from the City's Engineer and/or Consultant with respect to Public Works and traffic/transportation issues, as follows:
  - a. Streets to be constructed shall be private; however, said streets shall be built to the City of Powder Springs' Design Detail Standards, including the construction of sidewalks on both sides of the interior streets. [Private Streets can only be approved by Mayor and Council. Planning and Zoning Board is not making recommendation at this time regarding private roads.]
  - b. Sidewalk shall be built to the City of Powder Springs' Design Detail Standards for the extent of the project along Powder Springs Road.
  - c. The interior streets shall be designed to provide appropriate access and maneuverability for public safety services and vehicles.
  - d. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.
  - e. The installation of a deceleration lane and taper as shown on the revised site plan. If not currently existing, applicant shall donate additional right-of-way to the city. A minimum of 50 feet from centerline is required [DOT requirement].
  - f. The Residential Community will be gated subject to UDC requirements for gated communities.

- g. Any curb, drainage or sidewalk damaged during construction shall be replaced.
10. 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.
  11. 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.
    - c. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
    - d. Change access locations to different rights-of-way.
  12. The setback for each lot must be consistent with the MDR zoning district Table 2-2 Dimensional Requirements for Residential Zoning districts.
  13. Private Streets must be approved by the Mayor and Council. Staff notes that developments exceeding 100 units must meet the requirements of a minor collector roadway with a right-of-way of 60 feet. The current site plan provided does not meet this requirement.
  14. Site Plan must comply with Cobb County Fire Marshal comments below:
    - a. Dedicated guest parking at a ratio of 0.5 spaces per unit is required to help keep the roadways clear for emergency vehicles.
    - b. Fire Department access to the remote portions of the units farthest from the main drive will need to be addressed. This is primarily a concern for the units around the parameter of the property. This may require the driveways to be widened to 20-ft for a portion or a fire protection equivalency to be built into the structures.
    - c. Must provide a 45 foot straight travel path before and after the access gate.

Attached:

Application



Site Plan

Case Overview

Stipulation Letter

Conceptual Architectural Composition of Buildings