

# Memorandum

Subject: Rezoning from NRC to PUD-R, Hill Road Project, LL 898,

1. Neighborhood Retail Commercial (NRC) to Planned Unit Development – Residential (PUD-R)

**Variance requested:**

- a. Section 12-13 (g) requesting to remove 75% existing tree canopy
- b. Section 8 - 70 requesting to allow dead end streets
- c. Article 8 requesting minimum horizontal road center radius of 37 feet.
- d. Section 12-13 (e) requesting to clear more than 8 acres of the site.

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Date: April 5, 2021

Staff Recommended Approval

Planning and Zoning recommended denial on 3/29/2021

If approval is granted by Mayor and Council the following conditions shall be considered:

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 property which constitutes the subject matter of the above-captioned Application for Rezoning. The rezoning is from Neighborhood Retail Commercial (NRC) to Planned Unit Development-R (PUD-R) on property located at the intersection of CH James Pkwy and Hill road consisting of approximately 22.37 acres.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan, prepared by Ridge Planning and Engineering for Traton Homes.
3. All roads be public roads except for alleys. Sanitation must have direct access to alleys.
4. The construction of a maximum number of One Hundred and Twenty-one (123) single-family homes at an overall maximum density of 5.5 dwelling units per acre. Minimum lot size of 2,600 square feet.
5. The setback are as follows:
  - Front: 5 feet from right-of-way,
  - Side = 5 feet
  - Side major = 5 feet

Rear = 10 feet  
35 feet perimeter setback  
Between buildings: minimum of 10 feet

6. Approved variance

- a) Section 12-13 (g) to remove 75% existing tree canopy
- b) Section 8-70 - requesting to allow dead end streets
- d) Variance to allow a minimum horizontal road center radius of 37 feet
- e) Section 12-13 (e) requesting to clear more than 8 acres of the site.

7. The architectural style and composition of the homes shall consist of traditional architecture on all sides. Variety in the neighborhood will be provided by the use of stone and different shades of brick in the area shown as brick on the rendering. All side elevation visible from the right-of-way will contain brick or stone no less than 50% where exposed to the right-of-way. All elevation will contain no less than 50% brick on the front façade.

Rendering provided shall be in conformity with attached exhibit to include front and rear load units. An administrative design review will be required ensuring consistency with approved stipulations. Design review shall be reviewed administratively.

8. 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, open space areas, sidewalks, community areas, stormwater detention and/or water quality ponds, lighting, the entrance to the Residential Community and any amenities.

9. 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 during the Plan Review process.
- 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 sod 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.

10. 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.

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. Site Plan must be consistent with PUD-R regulations and all other applicable regulations identified in the Unified Development Code .

13. If the development on the site stalls for a period of 6 months or more, the site be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.

14. Access and landscaping along CH James Pkwy and Hill Road be reviewed and determined at plan review. The rear lots shall be substantially buffered from the right-of-way.

15. All lots have a deed acknowledgment that states the adjacent parcel fronting CH James Pkwy and lots south of Hill Road may be developed as commercial property in the future.

16. Subject to Cobb DOT approval.

17. Privacy fence will not be permitted where visible from Hill Road. In other areas within the subdivision, any privacy fencing visible from any right-of-way shall be screened by landscaping and shall not be located closer to the street than back corner of the house.

A motion to approve.

**SO MOTIONED** this 5<sup>th</sup> Day of April 2021.

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**Albert Thurman, Mayor**

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**Patrick Bordelon, Council Member**

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**Doris Dawkins, Council Member**

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**Patricia Wisdom, Council Member**

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**Henry Lust, Council Member**

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**Thelma C. Farmer, Council Member**

**Attest:** \_\_\_\_\_

Kelly Axt, City Clerk