

## Memorandum

**Date:** March 21, 2022.  
**To:** Mayor and Council  
**From:** Community Development  
**Subject:** **PZ 22--002. Rezoning Request: 4385 Walton Street. To consider rezoning from R-15 to PUD-R, the property within the 19th District, 2nd Section, Land Lot 903, Cobb County, Georgia.**

**Action:**

Staff recommends DENIAL.

Should Mayor and Council approve:

A motion to APPROVE this rezoning request with the following 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. The rezoning is from R-15 to PUD-R with total site acreage of approximately 1.85 acres.
2. The applicant shall submit a revised site plan compliant with these stipulations for Administrative Review. The revised site plan shall be in substantial conformity to site plan prepared by Capital City Properties LLC, dated 02.01.2022. Site Plan must be consistent with PUD-R regulations and all other applicable regulations identified in the Unified Development Code. The revised site plan shall consider the addition premium amenities and staggering of units. The applicant shall agree to work with TSW (Comprehensive Plan Consultant) to revise the site plan, to determine amenities features, and architectural features of the structures, and shall pay a fee up to \$2500 for this review. Additionally, this review will include potential increased green space or rear entry units.
3. The recreation areas shall feature premium amenities. Such area shall be developed with at least one recreational feature such as a pavilion, gazebo, picnic area, swimming pool, playground, or tennis courts; in addition to the walking trails. Recreational areas must be outside of any floodplain area. Any recreation area must be located in an area with a slope of less than 15%; however, all recreation areas or applicable green space

must meet ADA requirements for accessibility.

4. The site plan shall be subject to the review by the Fire Marshal's Office, and amended accordingly, for compliance with the following requirements:
  - (i) Design of interior streets to provide appropriate access and maneuverability for public safety services and vehicles.
  - (ii) Compliance with on street parking requirements.
5. The approval of following variance requests are included with the approval of the rezoning request to PUD-R.
  1. Variance to Section 2-15. To allow an overall tract size of 1.85 acres
  2. Variance to Section 8-70 (b) to allow hammer head streets. A dead-end street other than a cul-de-sac shall not be allowed. Hammer heads on site plan considered dead ends.
6. All residential units shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 25-feet in length.
7. The setback are as follows:
  - Front:** 15 feet from right-of-way
  - Perimeter:** 25 feet setback
  - Between buildings:** Minimum of 15 feetDesign Review shall be conducted via Administrative Review.
8. Units must be staggered to the extent required by code, they must provide some staggering or variation as approved by an Administrative Design Review.
9. The architectural style and composition of the homes shall consist of traditional architecture on all sides, consistent with the product images submitted. Variety in the neighborhood will be provided using stone and different shades of brick, and by mixing front facades of 50% brick and 100% brick as shown in submitted product images. All side and rear elevation will contain brick or stone no less than 50% where exposed to the right-of-way. All elevation will contain no less than 50% the front façade. An administrative design review will be required.
10. All areas located in the undisturbed stream buffer shall be placed in a conservation easement.
11. 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.

12. 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. Detention pond landscaping and screening plan for around the proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees.
  - b. Planting plan for 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 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.
13. 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.
14. 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.

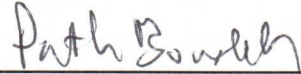
d) Change access locations to different rights-of-way.

15. Walton Street Road frontages will be heavily and professionally landscaped with emphasis on maintaining or installing a screen of tall evergreens to obscure the visibility of the townhomes from the street. Additionally, land scaping along road frontages may include the use of berms, fencing, and substantial plant material to provide for visual screening. All perimeter and roadway buffer areas will either be owned by the HOA or deed restricted with maintenance easements in favor of the HOA.
16. Requirement for sidewalk and gutter to be developed along the Walton Street will be reviewed at the time of Land Disturbance Permitting; and where applicable shall connect to or improve what may already exist.
17. Declarant or any builder construction homes within the proposed community must sell any such home for owner occupancy only. Thereafter, leasing of any units within the entire development, with a minimum lease term of one (1) year. The mandatory homeowners association must maintain records dealing with any lease withing the Development, and such records shall be subject to review by the City of Powder Springs personnel with regard to enforcement of this provision limiting the total number of leases within the Development to no more than 5%. The homeowner association shall agree to provide, upon request to the City of Powder Springs, and all information relating to existing leases at the time of anu such request by the City. The City shall be named a third-party beneficiary entitles to enforce this provision of the covenants.
18. Traffic impacts will be reviewed as part of the LDP process. Applicant agrees to offsite improvements necessitated by this development. All streets shall be public streets.
19. 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.
20. Any portion of the recreational area in the undisturbed buffer shall remain undisturbed. Any trail located in the impervious buffer shall be impervious.

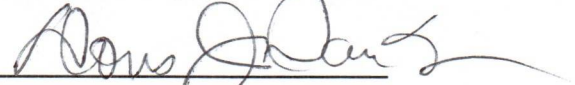
So motioned, this 21<sup>st</sup> day of March 2022.

A handwritten signature in blue ink, appearing to read "Albert J. Amunua". The signature is written in a cursive style and is positioned at the bottom right of the page.

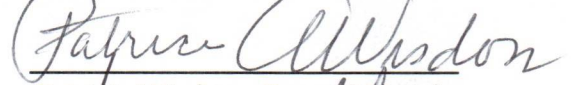
Albert Thurman, Mayor



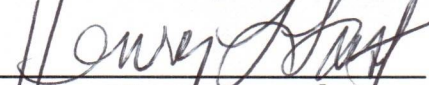
Patrick Bordelon, Council Member



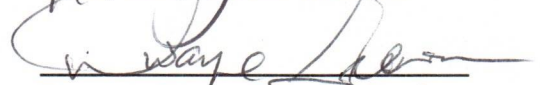
Doris Dawkins, Council Member



Patricia Wisdom, Council Member




Henry Lust, Council Member



Dwayne Green, Council Member

Attest:

  
Kelly Axt, City Clerk