

# Memorandum

**Date:** June 15, 2020

**To:** Mayor and Council

**From:** Community Development

**Subject:** PZ 20-010 Rezoning– Old Lost Mountain: To rezone from R20 to PUD-R to accommodate a residential development, LL 680 and 727

**Action:** Motion to Approve with 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 property which constitutes the subject matter of the above-captioned Application for Rezoning. The rezoning is from Single-Family Residential (R-20, Cobb County) to Planned Unit Development-R (PUD-R) on property located along Old Lost Mountain Road and Macedonia Avenue consisting of approximately 24.23 acres.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan, prepared by Ridge Planning and Engineering for Kerley Family Homes dated 5/28/2020.
3. The construction of a maximum number of seventy three (73) single-family residential homes at an overall maximum density of 3.0 dwelling units per acre.
4. The setback are as follows:
  - a. Front: 20 feet from right-of-way,
  - b. Side: 5 feet
  - c. Side major: 5 feet
  - d. Rear: 20 feet
  - e. Between buildings: minimum of 10 feet
5. Reduction in lot size from 8,400 square feet to a minimum of 6,000 square feet.

6. 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. For all interior units a brick water table will be provided on both sides of a dwelling unit.
  
7. 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.
  
8. 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 landscaped front, side and rear yards. Sod must be installed in the front side and rear years.
  - 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.
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. 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 and on-site streambank buffers.
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. The applicant will comply with the recommendations from Cobb DOT:

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<b>TRANSPORTATION COMMENTS &amp; RECOMMENDATIONS</b>
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The following comments and recommendations are based on office review of the subject annexation/rezoning case:

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.

Old Lost Mountain Rd and Macedonia Rd are both classified as a major collector road. R/W does not appear to meet the minimum requirements.

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 Old Lost Mountain Road 40' from road centerline. b) donation of right-of-way along Macedonia Road 40' from road centerline.

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.

Recommend curb, gutter and sidewalk entire property frontage along Old Lost Mountain Road.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Plans to be submitted for Cobb County Plan Review and approval.

14. Road frontages will be heavily and professionally landscaped which may include the use of berms, fencing, and substantial plant material to provide for visual screening.

15. 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. No more than 50% of building permits for the subdivision will be issued prior to the completion of the amenity, as evidenced by a certificate of completion.

**SO MOTIONED** this 15<sup>th</sup> day of June, 2020.

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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