

# Memorandum

Subject: PZ 19-011  
Rezoning from R30 to CRC  
JWA Ventures II, LLC  
LL1026 & 1027  
4440 Brownsville Road

Date: **April 1, 2019**

A motion to approve 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 Single-family Residential District (R-30) to Community Retail Commercial (CRC) on property located along Brownsville Road consisting of approximately 6.5 acres.
2. The Subject Property shall be developed conceptually to that certain revised site plan, prepared by Buckle Design Group LLC, which is being submitted concurrently herewith. Development of the site must be consistent with the CRC requirement outlined in the Unified Development Code requirements. All other applicable sections of the UDC are applicable.
3. The 1.65 acres shall consist of an Auto Parts Store. Development of the remaining site 4.85 acres must be consistent with the Permitted and Special Uses in Mixed-Use and Non-Residential Zoning Districts Table outlined in the Unified Development Code.
4. The architectural style, composition and design of the proposed buildings shall be in substantial conformity to architectural standards outlined in the Unified Development Code. The renderings as submitted shall depict exterior materials on all four (4) sides consisting of brick. The front façade may consist of 70% brick. EFIS and other cementitious-type components shall not be permitted. A staggered front facade will be required consisting of architectural features to break of the monotony of a flat wall. Staff notes, the rendering provided does not meet he requirements of Article 5 of the Unified Development Code and modifications will be required. Design shall be reviewed and approved by Mayor and Council as a separate Design Review application.
5. The creation of a mandatory Business Owners Association Association (“BOA”) 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 BOA 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. A cross access easement between adjacent properties must be created and submitted to the City for review during the Plan Review Process. If cross access easement cannot be achieved by adjacent property owners at this time, the applicant will examine tools to allow access at a future time should permission be granted. Staff notes cross access is required on both sides of the property.
  
7. 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.
  - b. Landscaping and screening, front landscape strip and landscaping required within parking lots.
  - c. 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 development which will be further identified during the Plan Review process.
  - d. Signage for the proposed development shall be ground-based, monument-style, landscaped, lighted and irrigated.
  - e. 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.
  
8. No dumpster shall be located within 50 feet of any adjacent lot designated for residential use or has a residential zoning designation. Dumpster trash removal is allowed between the period 7:00 am through 7:00 pm.
  
9. 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. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
  - b. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
  - c. Change access locations to different rights-of-way.
  
10. Site Plan must comply with Cobb County Fire Marshal and Cobb County Department of Transportation Requirements.

11. The applicant shall pay to the City the required sewer line fee of \$20,165 within 60 days of this approval.

**SO MOTIONED** this 1st day of April, 2019.

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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