



## Meeting Minutes Planning & Zoning Commission Public Hearing Minutes

Tuesday, May 26, 2020

Council Chambers | 4488 Pineview Drive

Pre-meeting 7:00 PM  
Public Hearing – 7:30

ZOOM MEETING

Video: <https://zoom.us/j/98968127385?pwd=TmhkSkR2WmVZcU10YU04NWxteCtYdz09>

Phone – 1-929-205-6099 Meeting ID: 989 6812 7385 Password: 017669

Participation in Citizen Comments - as with an On-Site Planning and Zoning Meeting - requires signing up with Community Development Director prior to the start of the meeting. The first twelve registering at [tgarver@cityofpowdersprings.org](mailto:tgarver@cityofpowdersprings.org) will have the opportunity to address the Planning and Zoning Board for no more than five minutes per speaker. Sign up emails to [tgarver@cityofpowdersprings.org](mailto:tgarver@cityofpowdersprings.org) will be registered beginning at 6:40 PM up to 7 PM the day of the

Public Meeting. Those signing up to speak will need to be participating on the ZOOM Video or Audio call to be recognized. Pursuant to Governor Kemp’s Executive Order Number 03.14.20.01 declaring a Public Health State of Emergency and in accordance with O.C.G.A. §50-14-1, this public meeting is only being conducted via the use of real-time audio-visual technology allowing the public simultaneous access to the public meeting

### 1. Call to order/ Roll Call.

The meeting was called to order at 7:00 pm by Chair. Attendance: Johnnie Purify, Wanda McDaniel, Raja Antone, Randal Madison, Jim Taylor, Roy Wade, Jo Aubry. Tina Garver (Community Development Director/Zoom Host) and Shauna Wilson Edwards (Staff) was also in attendance.

**PZ MIN** April 9, 2020 PZ Work Session  
**20-004**

A motion was made by Roy Wade, seconded by Randal Madison, that this P&Z Minutes be adopted. The motion carried by the following vote:

Yes: 7 - Johnnie Purify, Wanda McDaniel, Raja Antone, Randall Madison, Roy Wade, Jim Taylor, and Jo Aubry

**PZ MIN** April 27, 2020 PZ Public Hearing  
**20-005**

A motion was made by Roy Wade, seconded by Jim Taylor, that this P&Z Minutes be adopted. The motion carried by the following vote:

Yes: 7 - Johnnie Purify, Wanda McDaniel, Raja Antone, Randall Madison, Roy Wade, Jim Taylor, and Jo Aubry

**PZ 20--008** Special Use – 4148 Marietta Street, to allow truck rental/leasing, LL 873

**PRESENTER:** Fred Parker presented case

**PUBLIC COMMENT:** No public comment

A motion was made by Jim Taylor, seconded by Randal Madison that this Special Use be recommended for denial to the Council Work Session. The motion carried by the following vote:

**Yes:** 6 - Wanda McDaniel, Raja Antone, Randall Madison, Roy Wade, Jim Taylor, and Jo Aubry

**Abstain:** 1 - Johnnie Purify

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

**PRESENTER:** Kevin Moore

**PUBLIC COMMENT:** No public comment

A motion was made by Raja Antone, seconded by Jim Taylor, that this Rezoning/Annexation be recommended for approval with staff conditions to the Council Work Session. The motion carried by the following vote:

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 24.25 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 2/2/2020.

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.Rear: 20 feet

d.Between buildings: minimum of 10 feet

5.Reduction in lot size from 8,400 square feet to a minimum of 6,400 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.

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.

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 revise the site plan to move the access/entrance on Old Lost Mountain Road further north, subject to staff review. A new plan to be submitted prior to Council 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.

**Yes:** 6 - Johnnie Purify, Raja Antone, Randall Madison, Roy Wade, Jim Taylor, and Jo Aubry

**No:** 1 - Wanda McDaniel

**PZ 20--011** Rezoning/Annexation – Powder Springs Road: To annex and rezone from LI to PUD-R to accommodate a single-family residential development, LL 869, 908

**PRESENTER:** Kevin Moore

**PUBLIC COMMENT:** One Letter in support of development. No public comment at public hearing.

A motion was made by Jim Taylor, seconded by Raja Antone, that this Rezoning/Annexation be recommended for approval with conditions to the Council Work Session. The motion carried by the following vote:

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 Light Industrial, Powder Springs and Light Industrial, Cobb County to Planned Unit Development-R (PUD-R) on property located at the intersection of Powder Springs Road and Carter Road consisting of approximately 20.48 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. The construction of a maximum number of One Hundred and Twenty (120) single-family residential homes at an overall maximum density of 5.8 dwelling units per acre.

4. The setback are as follows:

Front: 5 feet

Side: 5 feet; Side Major: 5 feet

Rear: 10 feet

Between buildings: minimum of 10 feet

5. 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 other elevation will contain no less than 50% brick on the front façade. [Added after PZ meeting - Interior lots shall include a water on both side of a unit.]

6. 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.

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 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.

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.

8. 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.

9. 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.

10. 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.

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

12. 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.

13. All perimeter and roadway buffer areas will either be owned by the HOA or deed restricted with maintenance easements in favor of the HOA.

14. The applicant will continue to review traffic impacts on Powder Springs Road and will work to align the entrance to the subdivision to the entrance of the Creekwood development located across the street. A new plan will be provided showing this alignment prior to the Mayor and Council Hearing.

15. The applicant meet all recommendations provided by Cobb County DOT

**COBB COUNTY RECOMMENDATIONS**

"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.

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 Powder Springs Road 50' from road centerline.

Recommend applicant construct a deceleration lane at proposed driveway entry along Powder Springs Road.

Recommend applicant construct a deceleration lane at intersection of Powder Springs Road and Carter Road.

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 Powder Springs Road and Carter 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."**

**Yes:** 7 - Johnnie Purify, Wanda McDaniel, Raja Antone, Randall Madison, Roy Wade, Jim Taylor, and Jo Aubry

## **5. Adjourn**

**A motion was made by Jim Taylor, seconded by Roy Wade, that this meeting be adjourned at 8:38 PM. The motion carried by the following vote:**

**Yes:** 7 - Johnnie Purify, Wanda McDaniel, Raja Antone, Randall Madison, Roy Wade, Jim Taylor, and Jo Aubry