

## Memorandum

**Date:** September 19, 2022.

**To:** Mayor and Council

**From:** Community Development

**Subject:** PZ 22--003. Rezoning Request: Rezoning Request: Lewis / Oglesby Road. To consider rezoning from CRC to PUD-R, the property located at 4596 Lewis Road and 4401 Oglesby Road (portion) and C.H. James parkway, within the 19th District, 2nd Section, Land Lots 1049 and 1050, Cobb County, Georgia.

**Action:**

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 CRC to PUD-R with total site acreage of approximately 12.7 acres.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan the went through the external review process with TSW, prepared by Ridge Planning and Engineering dated 11/22/2021, last revised 08/16/2022. The Site Plan must be consistent with PUD-R regulations and all other applicable regulations identified in the Unified Development Code. The site plan shall be revised to include rear entry units for those units in the central green area, identified by unit numbers 53-58, and submitted for Administrative Review and Approval.
3. The recreation areas shall feature premium amenities. Such area shall be developed with at least one recreational feature such as a pavilion, cabana, 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. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.
5. Maximum height of homes shall be 35'; and for three-story, rear-loaded homes, the maximum height of 35' shall be measured from the front grade to the average height between the eaves and ridge of a gable.

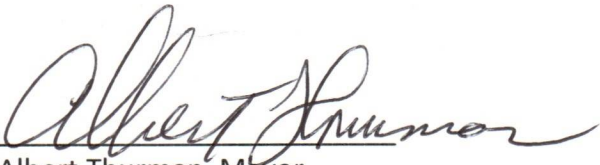
6. The approval of following variance requests is included with the approval of the rezoning request to PUD-R:
  1. Variance to Sec 12 -13 to waive requirement to maintain 75% of existing tree canopy.
  2. Variance to allow minimum horizontal road centerline radius of 37 feet.
7. All residential units shall have two-car garages, and the parking pads/driveway in front of the garage shall be greater than or = 22-feet in length.
8. Front porches shall be a minimum of 6-feet deep, with a minimum total area of 40-square feet.
9. To ensure uniformity and quality, fencing within the proposed community shall be controlled and maintained by the Homeowners' Association; except where individual residents have obtained prior approval by the Homeowners' Association and any individual fencing is of the same quality and style for purposes of uniformity. This limitation and provision shall be included in the Declaration of Covenants and Restrictions for the proposed community. Closed picket styled privacy fences shall be prohibited.
10. The setback are as follows:
  - Front:** 15 feet from right-of-way
  - Perimeter:** 35 feet setback
  - Between buildings:** Minimum of 15 feetDesign Review shall be conducted via Administrative Review.
11. Units must be staggered to the extent required by code, they must provide some staggering or variation as approved by an Administrative Design Review.
12. The architectural style and composition of the homes will be subject TSW review, and 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 elevation will contain brick or stone no less than 50%, and fenestration shall be required on all end units. All 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.



13. 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.
14. 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.
15. 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.

16. 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.
17. 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. All perimeter and roadway buffer areas will either be owned by the HOA or deed restricted with maintenance easements in favor of the HOA.
18. Perimeter fencing shall be required to buffer the detention pond area, at minimum. Fencing should not be of a wooden privacy fence type, unless approved by Administrative Design Review; and regardless, all fencing shall be subject to administrative design review and approval.
19. 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.
20. 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.
21. 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.

So motioned, this 19th day of September 2022.



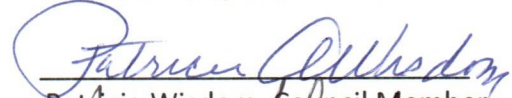
Albert Thurman, Mayor



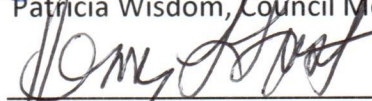
Patrick Bordelon, Council Member



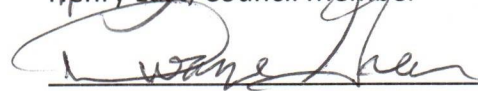
Doris Dawkins, Council Member



Patricia Wisdom, Council Member

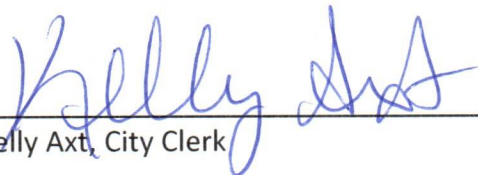


Henry Lust, Council Member



Dwayne Green, Council Member

Attest:

  
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Kelly Axt, City Clerk