

## Memorandum

**Date:** January 12, 2022

**To:** Mayor and Council

**From:** Community Development

**Subject:** PZ 21—049 Rezoning Request: 5592 Powder Springs Dallas Road. To consider rezoning from LI to PUD-R

**Action:**

Staff recommends denial, as the plan does not include the adjacent Light Industrial property as shown on the Comprehensive Plan and does not incorporate design elements of the concept plan included in the Comprehensive Plan.

Should Mayor and Council approve:

A motion to APPROVE this rezoning request with the following conditions:

### Staff Recommendation

1. The applicant shall submit a revised site plan consistent with the Comprehensive Plan concept and compliant with these stipulations for Administrative Review. 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 of greenspace and varying housing types as recommended by the Comprehensive Plan.

### Applicant Request

- The submitted site plan be accepted.
2. The buffer on the southern boundary of the proposed site, adjacent to existing light industrial (LI) use, shall be 85 feet as provided in table 2-4 of the Unified Development Code (UDC) for LI buffer width minimum within setback abutting residential zoning district.
3. The 85' buffer on the southern boundary shall be planted as provided in table 12-3 of the UDC: eight staggered rows of evergreen trees having a minimum height of eight feet with branching to the ground and planted 30 feet on center.
4. The recreation areas shall connect to the Silver Comet Trail. The applicant shall seek approval from Cobb County to connect recreational areas to the trail. Such area shall be developed with at least one recreational feature, such as a walking trail, pavilion, gazebo, picnic area, swimming pool, playground, or tennis courts. 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

5. All residential units shall have two-car garages, and the parking pads/driveway in front of the garage shall be a minimum of 22 feet in length.
6. The setback are as follows:
  - Front:** 15 feet from right-of-way
  - Perimeter:** 35 feet setback
  - Between buildings:** Minimum of 10 feetDesign Review shall be conducted via Administrative Review.
7. Units must be staggered to the extent required by code, they must provide some staggering or variation as approved by an Administrative Design Review.
8. The architectural style and composition of the homes shall consist of traditional architecture on all sides. Variety in the neighborhood will be provided using stone and different shades of brick. All side elevation will contain brick or stone no less than 50% where exposed to the right-of-way. All elevations will contain no less than 50% brick on the front façade. An administrative design review will be required. If front porches are proposed, steps and railing must be decorative and subject to design review by the Community Development director.
9. 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.
10. 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 85' buffer adjacent to Existing LI use. 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.
11. 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.
12. 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.
13. 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.
14. Sidewalk and gutter shall be developed along the Powder Springs Dallas Road frontage.
15. 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.
16. 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 any such request by the City. The City shall be named a third-party beneficiary entitled to enforce this provision of the covenants.

17. As part of the land disturbance plan for this development, the developer shall prepare a land disturbance plan for the remaining LI zoned area of the parcel 19073400060 showing this area as a continuation of this residential development. Shared access shall be recorded for the future phase of the residential development.

**STAFF RECOMMENDATION**

18. As part of the review for the land disturbance permit, access from Powder Springs Dallas Road shall be examined. The developer shall install a right turn lane at Powder Springs Dallas Road and CH James Pkwy.

**APPLICANT REQUEST**

This stipulation be removed.

19. Property shall be subdivided from the remaining LI zoned property within months of this approval.

20. All existing code violations must be addressed on the parcel 19073400060. All code violations must be corrected within 30 days of this approval or a rezoning application will be required. This stipulation is in addition to any code enforcement action taken on the property.

So motioned, this 17<sup>th</sup> day of January 2022.

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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