

Memorandum

Date: March 21, 2022.
To: Mayor and Council
From: Community Development
Subject: **PZ 22—001. Rezoning Request: Dugger Drive. To consider rezoning from R-20 and GC in the County and R15 in the City, to PUD-R in the City. The property located at Austell Powder Springs Road, Dugger Drive, Smith Drive, and Frank Aikin Road in the 19th District, 2nd Section, Land Lots 1019 and 1020, Cobb County, Georgia. Related Annexation Petition: ORD 22 - 001**
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 R-20 and GC in the County and R15 in the City, to PUD-R in the City.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan, prepared by Ridge Planning and Engineering for Dossey, LLC., dated 03/09/2022. The site plan shall be updated to include for all state waters and their buffers not previously shown, and submitted for administrative review and approval. The applicant shall agree to work with TSW (Comprehensive Plan Consultant) to revise the site plan and architectural features of the structures and shall pay a fee up to \$2500 for this review.
3. The construction of a maximum number of 113 single-family residential homes at an overall maximum density of 3.0 dwelling units per acre.
4. The setback are as follows:
Front: 20 feet from right-of-way
Side: 5 feet
Rear: 20 feet
Between buildings: minimum of 10 feet
5. The minimum lot size shall be 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 brick.

All elevation shall contain no less than 50% brick on the front façade.
All side and rear elevation visible from the right-of-way shall contain brick or stone no less than 50% where exposed to the right-of-way.
A brick water table shall be required on the side elevations of all internal units.
7. The amenities package within the proposed subdivision shall be of a premium standard, and shall consist of active and passive recreation. The amenities package shall be subject to administrative review and should contain some combination the following:
 - i. A pool cabana, or a club house to contain premium features such as: an event room, a kitchen, co-working office space, a fully equipped fitness center, restroom facilities, and pool related space. The exterior of which shall be consistent with that specified for the homes. The feasibility of a club house shall be reviewed at the time of Land Disturbance Permitting.
 - ii. A pool
 - iii. Two (2) lighted tennis courts, or a full-sized basketball court, or pickle ball courts.
 - iv. The open space shall be used for active and passive purposes, including nature trails, pocket parks, picnicking, and like purposes. Any such nature trails shall consist of natural materials, ex. mulch.
8. 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.
9. All areas located in the undisturbed stream buffer shall be placed in a conservation easement. A split rail fence and sign delineating the stream buffer shall be required where back yard meet the undisturbed stream buffer.
10. The requested variances shall be granted as follows:
 1. Variance to allow minimum horizontal road centerline radius of 37 feet.
 2. Variance to Sec 2-15 to allow minimum lot size of 6000sf
 3. Variance to Sec 12 -13 to waive requirement to maintain 75% of existing tree canopy.
11. 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.

- 12.** 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.

- 13.** 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.

14. 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.

15. 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.

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

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.

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

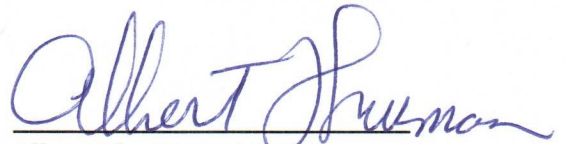
19. Declarant or any builder construction homes within the proposed community must sell any such home for owner occupancy only. Thereafter, leasing of any units within the entire development, with a minimum lease term of one (1) year. The mandatory homeowners association must maintain records dealing with any lease within 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.

20. Traffic impacts will be reviewed as part of the Land Disturbance Permit 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.

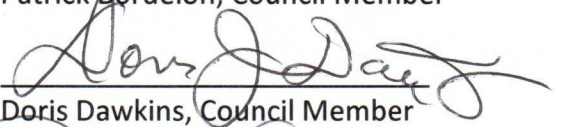
So motioned, this 21st day of March 2022.



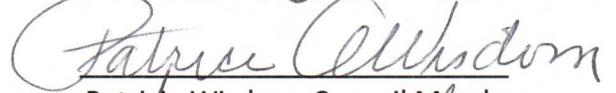
Albert Thurman, Mayor



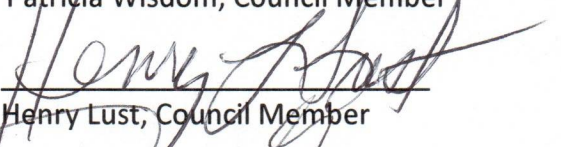
Patrick Bordelon, Council Member



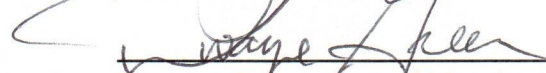
Doris Dawkins, Council Member



Patricia Wisdom, Council Member

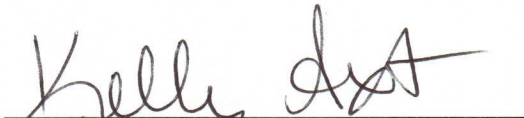


Henry Lust, Council Member



Dwayne Green, Council Member

Attest:


Kelly Axt, City Clerk