

Memorandum

Date: June 20, 2023

To: Mayor and Council

From: Community Development

Subject: **PZ 22—022. Rezoning Request: C.H. James Parkway. To consider a request to rezone from MXU to PUD-R. The property located at C.H. James Parkway, Florence Road and Carrington Drive within Land Lot 732 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19073200240**

Action:

Should approval be considered, staff proposes 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 MXU to PUD-R with total site acreage of approximately 3.7 acres.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan that went through the external review process with TSW, prepared by Alliance Land Surveying and Planning for Parkland Communities, dated 06/20/2023. The development shall have a maximum of 29 units with a minimum unit size of 1600-square feet. The Site Plan must be consistent with PUD-R regulations and all other applicable regulations identified in the Unified Development Code.
3. Stormwater compliance shall be reviewed at Land Disturbance Permitting. Coordination with the Carrington Park Subdivision Homeowners' Association will be required for any shared stormwater facilities prior to the issuance of a Land Disturbance Permit.
4. The following variances requests were included with the rezoning request to PUD-R:
 1. APPROVED: Variance to Section 2-15 (d) to partially remove the 25-foot perimeter buffer at the area adjacent to the Carrington Park Subdivision only. No structures shall be allowed in this area of reduced perimeter buffer.
 2. APPROVED: Variance to Section 21-15 to reduce tangent lengths at intersections to be a minimum of 10-feet as shown on the site plan dated 6/19/2023.
 3. APPROVED: Variance to Sec. 12-13 to allow more than 75% of the existing tree canopy to be removed and replanted meeting requirements of the Unified Development Code. Staff notes that this property was cleared as part of the overall development in 2007.

4. The applicant shall pay a proportionate share of the paving costs, per stipulations of approved variance PZ15-028. "That future development of the townhouses and commercial portion pay a proportionate share of the paving costs." The fee will be \$25,439.61.
5. The typical street section of the 50-foot right-of-way shall be revised to include a 5' sidewalk clear zone and a 6' tree planting zone on the north side of Carrington Park Drive, and 20' travel lanes as illustrated in *Appendix I*.
6. All residential units shall have two-car garages, and the parking pads/driveway in front of the garage shall be greater than or equal to 22-feet in length measured from back-of-sidewalk to face of garage or front wall of structure.
5. The setback are as follows:
 - Front:** 10 feet from right-of-way
 - Side:** 5 feet setback
 - Rear as shown on site plan:** 20 feet setback
 - Perimeter:** 35 feet setback
 - Between buildings:** Minimum of 20 feet
 - Driveway Length:** All units shall have 22 feet of parking length exclusive of sidewalk.Design Review shall be conducted via Administrative Review.
6. Units must be staggered to the extent required by code, they must provide some staggering or variation as approved by an Administrative Design Review.
7. The architectural style and composition of the homes shall consist of traditional architecture on all sides, consistent with the product images submitted. Variety in the neighborhood will be provided using different shades of brick, and having at least 10 units with 100% brick on front facades. All elevation will contain no less than 50% brick or stone on the front and side façades. Fenestration shall be required on all end units. All rear elevations will contain brick no less than 50% where exposed to the right-of-way. An administrative design review will be required. The brick requirement may be reduced if recommended by TSW, the city's architectural design consultant.
8. 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.

9. 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, unless areas are designed as part of the amenity for the neighborhood as usable open space.
 - b. Planting plan for a twenty-five-foot and ten (10') landscape buffer s around the perimeter of the Subject Property as shown on the site plan dated 6/20/2023.
 - 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.

10. 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.

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. 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.
13. 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 homeowner's 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 3 units. 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 entitled to enforce this provision of the covenants.
14. Traffic impacts will be reviewed as part of the LDP process Applicant must demonstrate that the right-of-way for Florence Road meets the minimum requirements of 40 ft from centerline. If sufficient right-of-way does not exist meeting the minimum requirements, dedication of right-of-way will be required.
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. Electric Vehicle (EV) Charging. Residential garages within the detached single-family and townhome components shall be pre-wired with the minimum standards for level 2 EV charging capability with NEMA 14-50 receptacle.
17. Stormwater management facility must be designed by a registered landscape architect as formal or natural amenities-
18. Amenity must be included for the residents. Either one type 1 amenity or two type 2 amenities -
 - A. Type 1 amenities.

1. Swimming pool
2. Clubhouse, meeting facility, or indoor workout facility (1,200 square feet minimum)
3. Wading pool
4. Splash pad
5. Tennis courts (lighted and enclosed, minimum of two courts)
6. Baseball, softball, football, or soccer field (regulation size)
7. Basketball court (regulation size)
8. Amphitheater

B. Type 2 amenities.


1. Multi-use path (minimum 2,500 feet in length, six feet in width)
2. Outdoor exercise stations
3. Dog park
4. Community garden
5. Community lawn
6. Public plaza
7. Preserved natural area (minimum 0.5 acres)
8. Pond (minimum 1 acre) with fishing dock and boat access
9. Children's play area (minimum 0.25 acres)
10. Stormwater management facility (must be designed by a registered landscape architect as formal or natural amenities, and may not be fenced or enclosed by walls over 30 inches in height)

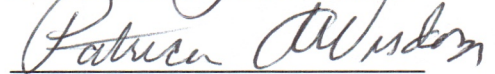
19. The developer/owner/applicant is agreeable to including within the CCRs a "trigger mechanism" which designates that a certain percentage (which will be determined between developer/owner/applicant and the City during Plan Review) of the HOA fees will be solely and exclusively dedicated to interior infrastructure such as streets, sidewalks, amenities, stormwater management/ detention features and other such interior infrastructure components within the proposed community.

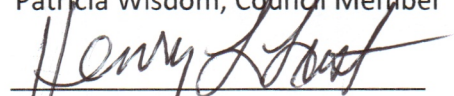
So motioned, this 20th day of June 2023.

Albert Thurman
Absent City Business
Albert Thurman, Mayor

Patrick Bordelon
Patrick Bordelon, Council Member


Doris Dawkins, Council Member


Patricia Wisdom, Council Member


Henry Lust, Council Member

Absent
Dwayne Green, Council Member

Attest: 
Kelly Axt, City Clerk