

## Memorandum

**Date:** October 21, 2024.

**To:** Mayor and Council

**From:** Community Development

**Subject:** **PZ 24-014.** Rezoning Request for a 29.6-acre tract, to rezone from R-30 (county) to PUD-R (city). The property is located at 5500 Elliott Road within land lots 598, 599, 660, 661, of the 19th district, 2nd section, Cobb County Georgia. PIN: 19066000060.

**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.
2. The Subject Property shall be developed in substantial conformity to that Elliot Road Overall revised site plan, prepared by Ridge Planning, received 9/9/2024, referenced in the staff report at Figure 3, and inclusive of City Staff and TSW recommendations.
3. Elevations for the residential units shall be in substantial conformity to those submitted 10/15/2024 and attached to the application. Elevations shall be subject to administrative design review by staff and inclusive of TSW's recommendations and shall comply with the City's design guidelines.
4. The applicant shall develop a maximum of 24 detached single-family units, and 16 attached single-family units, with elevations in substantial conformity to those included in the subsequent zoning application submittals.
5. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.
6. PUD-R Variance Approvals. The following variances are approved as a part of the rezoning request:
  - I. Waiver to allow more than fifty (50) percent of flood plain to count towards required Open Space (see UDC § 1-35).
  - II. Waiver to allow a minimum horizontal road centerline radius of seventy-five (75) feet.
7. The open space within the undevelopable areas shall be made usable with the

provision of a permanent trail system.

8. The applicant shall repair and restore both sides of the creek bank. Erosion damage has compromised the banks of the creek, and repairs and restoration are needed to ensure this development does not contribute to increasing flood risk in the area.

9. The setbacks are as follows:

Front: 10 feet from right-of-way.

Side: 5 feet.

Rear: 10 feet.

Perimeter: 25 feet.

10. All elevations visible from any right-of-way shall have a minimum of 50% brick. All side elevations NOT visible from the right-of-way shall have a minimum of brick or stone water table.

Side and rear elevations visible from the right-of-way shall include window shutter features.

11. The mail kiosk shall be covered and developed in substantial conformity to the architectural style of the homes.

12. The central green recreational area shall be graded to be substantially flat.

13. Electric Vehicle (EV) Charging. Residential garages shall be pre-wired with the minimum standards or better for level 2 EV charging capability with NEMA 14-50 receptacle, or better.

14. The subject property shall be submitted for subdivision within 12 months of the City Council's approval, and prior to the issuance of the Land Disturbance Permit.

15. The submission of a landscape plan is required during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. The landscape plan shall include, but is not limited to, the following requirements:

- a. A landscape screening, vegetative buffer around the perimeter of the Subject Property which has contiguity to existing residential developments.
- b. The landscape plan shall be prepared, stamped, and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist and shall identify open space areas; landscaped communal areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.
- c. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.



- d. All HVAC, mechanical systems and home utilities within the community shall be screened from view and shall not be located within the side building setback.
- e. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
- f. The installation of landscaped front, side and rear yards and attendant irrigation components where indicated by the Arborist.
- g. 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 three. Clearing shall be conducted in phases in compliance with the provisions of the UDC.

16. Signage for the Subject Property shall consist of ground-based, monument-style signage and building signage consistent with the City of Powder Springs Sign Ordinance. Additionally, within the interior of the site, there shall be appropriately positioned, ground-based directional signage to ensure ease of maneuverability and accessibility.

17. Except where rear entry units are proposed, driveways shall be a minimum of 22-feet in length from the garage to the back of the sidewalk. The covenants for the management company must include language that states that vehicles shall not be parked in a manner that will encroach in the sidewalk.

18. Approval is 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. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and /or landscaping. These practices need to be integral with the site layout, for example: islands within the parking lot for bioretention etc. At the time of design and plan production the applicant will be within the 1-mile of an impaired stream, therefore the applicant shall provide 4 additional BMPs in Appendix 1 checklist.

- c. Verifying all points of discharge with respect to detention/water quality.
  - d. Compliance with the protections required under State and Local Law concerning adjacent streambank buffers and an agreement that there has been no “buffer averaging.”
19. Compliance with the recommendations from the City’s Engineer and/or Consultants with respect to Public Works and traffic/transportation issues, as follows:
- a. Streets shall be built to the City of Powder Springs’ Design and Detail Standards, including the construction of sidewalks on both sides of the interior streets.
  - b. Compliance with the Fire Marshall’s recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.
20. Common Open Space areas, amenities, mail kiosks, and all the various components for common and public use as described above shall be constructed in compliance with ADA regulations with respect to accessibility and related factors.
21. 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.
22. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicants agree to offsite improvements necessitated by this development.
23. No more than 50% of certificates of occupancy will be issued prior to the completion of amenity features, as evidenced by certificates of completion.
24. If the development on the site stalls for a period of 6 months or more, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building construction to proceed to certificate of completion, the site shall be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.
25. Per Cobb County comments, the applicant is required to dedicate additional right-

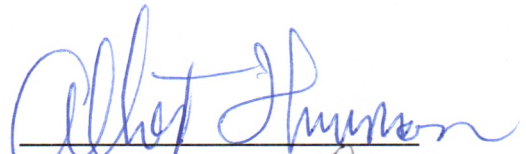


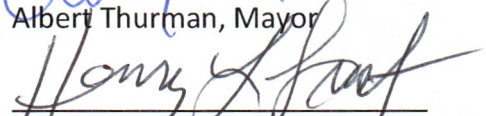
of-way, curb and gutter and sidewalks along Elliott Road.

26. No variance has been considered regarding development in the floodplain or floodplain adjacent area as part of this application. Floodplain compliance will be reviewed as part of the land disturbance permit process.

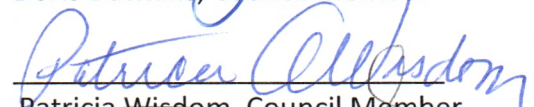
27. The applicant shall comply with Cobb County FMO comments, included in the appendix.


21st <sup>hr</sup>  
So motioned, this ~~16th~~ <sup>21st</sup> day of ~~September~~ <sup>October</sup> 2024.

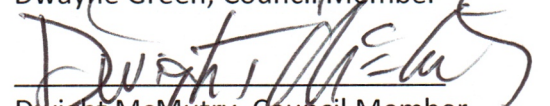
  
Albert Thurman, Mayor

  
Henry Lust, Council Member

  
Doris Dawkins, Council Member

  
Patricia Wisdom, Council Member

  
Dwayne Green, Council Member

  
Dwight McMurtry, Council Member

Attest:   
Kelly Axt, City Clerk