

Memorandum

Date: October 21, 2024.

To: Mayor and Council

From: Community Development

Subject: **PZ 24-020**. Rezoning Request and for a 18.22-acre tract, to rezone from R-30 to PUD-R. The property is located at 5535 + 5551 Powder Springs Dallas Road within land lots 734, 735, 746 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19073400030, 19074600050.

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 certain conceptual site plan, dated 08/07/2024, prepared by Gaskins and Lecraw for Blue Ridge Development, and inclusive of City Staff and TSW recommendations.
3. Elevations for the residential units shall be in substantial conformity to those submitted 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 50 residential units (26 single-family + 24 townhomes).
5. All stormwater management facilities shall be designed using bioretention methods to promote natural filtration, water quality improvement, and runoff reduction. The bioretention areas shall be landscaped to enhance the site's aesthetic appeal, incorporating plants, shrubs, and ornamental grasses suitable for bioretention. The landscaping design shall integrate seamlessly with surrounding amenities and be maintained as an attractive, functional feature of the property.
6. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.
7. PUD-R Variance Approvals. The following variances are approved as a part of the rezoning request:
 - I. Temporary Stream Buffer Variance to the 50' undisturbed buffer and the 75' impervious setback for a temporary construction access road to the flood plain compensation area.

- II. Variance to the 50' undisturbed setback to allow construction of the floodplain compensation area.
- III. Variance to allow perimeter buffer encroachment for access roadway section and stormwater management facility section.

8. The setbacks are as follows:

Front: 35 feet from right-of-way.

Side: 10 feet.

Rear: 25 feet.

Perimeter: 35 feet.

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

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

11. 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.

12. 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.

13. 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 bioretention stormwater management facilities; 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.
- 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.

14. 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.

15. 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. Covenants for management company must include language that states that vehicles shall not be parked in a manner that will encroach in the sidewalk.

16. 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.
- 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".

17. 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.

18. 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.

19. 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:

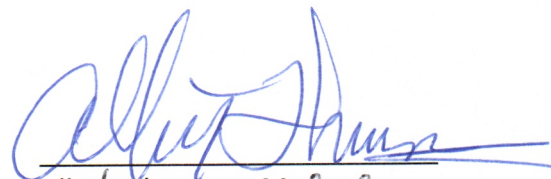
- a. Increase the density of the Residential Community.
- b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
- d. Change access locations to different rights-of-way.

20. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. The applicant agrees to offsite improvements necessitated by this development.

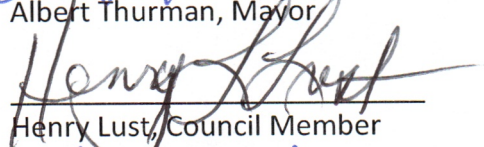
21. No more than 50% of certificates of occupancy will be issued prior to the completion of amenity features, inclusive of installation of communal furniture in the open space and common areas; as evidenced by certificates of completion.

22. 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.

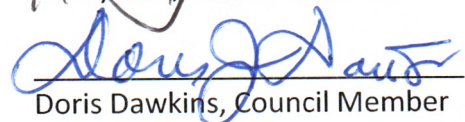
So motioned, this 21st day of October 2024.



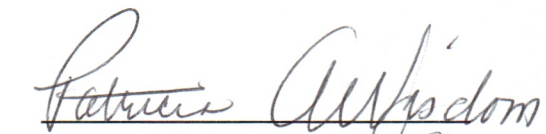
Albert Thurman, Mayor

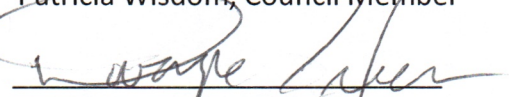


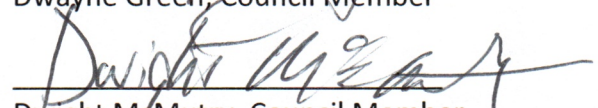
Henry Lust, Council Member

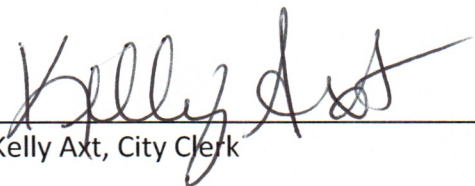


Doris Dawkins, Council Member


Patricia Wisdom, Council Member


Dwayne Green, Council Member


Dwight McMutry, Council Member

Attest: 
Kelly Axt, City Clerk