

Memorandum

Subject: PZ 18—032
Rezoning - Olympia Homes
Rezone from R-15 to MDR, on property located along Hopkins Road within Land Lots 869 and 870, 19th District, 2nd Section, and Cobb County, Georgia

Date: **March 4, 2019**

A motion to approve with the following conditions :

1. The Revised 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 Subject Property.
2. The Rezoning of the Subject Property shall be from R-15 portion of the site only to MDR in substantial conformity to that certain Revised Rezoning Site Plan ("Hopkins Road Community") prepared by DGM Land Planning Consultants which is being formally submitted concurrently herewith. The access easement that exists will not be rezoned to MDR.
3. There shall be maximum number of twenty-four (24) Townhomes at a maximum density of 7.74 units per acre.
4. The Townhomes shall be twenty-six feet (26') in width and shall contain a minimum of 1,800 square feet ranging up to 2,000 square feet and possibly greater.
5. The architectural style and composition of the Townhomes shall be in substantial conformity to the architectural renderings/elevations which are in the process of being prepared by the Design Group and which will be submitted in advance of any hearings. The composition of the Townhomes shall front façade shall comprise of more than 50% brick. The remaining 50% may consist of stacked stone, cedar shake, hardipanel and/or hardiplank or any other material consistent with the Standards of Article 5 of the UDC. All end units must have 50% or more brick on the sides of all end units. An administrative review of architectural standards shall be conducted prior to obtaining building permits. Any further modification to the architectural rendering after approval shall be reviewed administratively.
6. Each home shall have an attached two-car garage which shall be designed to accommodate two (2) vehicles at all times. The driveways of the Townhomes shall be a minimum of twenty-two feet (22') in length as measured flush with the garage door and shall accommodate the parking of two (2) additional vehicles, without encroaching into the sidewalk area.
7. The Townhomes within the residential community shall be "For Sale". The subdivision Covenants shall, however, contain a recital stating that the leasing of the Townhomes shall be limited to no more than fifteen percent (15%) of the total number of Townhomes and for no lease term less than one (1) year in duration.
8. The creation of an overall Master Mandatory Homeowners Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other multiple components, strict architectural controls with houses being built

in substantial conformity to the architectural style and composition mentioned above. The Master Mandatory HOA shall be responsible for the upkeep and maintenance of all common areas; tree preservation areas; community open space; mail kiosks as required by the USPS; and, any and all landscape buffers, landscaping for the entrance signage area, fencing and lighting/irrigation for said entrance signage.

9. A third party management company shall be engaged to manage the day-to-day operations of the HOA (until such time as the HOA decides that it and/or its members can handle these responsibilities) and shall also be responsible for the management of all Association monies as well as insuring that the Association is properly insured.
10. The submission of a landscape plan during the Plan Review Process which shall be subject to staff review and approval and which shall include, but not necessarily be limited to, the following:
 - a. The landscape plan, which shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist which shall identify open space areas; landscaped common areas; and other components of the proposed Townhome Community which will be further identified during the Plan Review Process.
 - b. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
 - c. All HVAC, mechanical systems and home utilities within the community shall be screened by way of fence positioning and/or landscaping.
 - d. Entry signage for the proposed Townhome Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
 - e. The installation of landscaped front, side and rear yards.
 - f. Stormwater detention and water quality components shall be landscaped and fenced appropriately in order to be attractive to homes both on the inside and on the outside of the proposed Townhome Community.
 - 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 Townhome Community.
11. 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 concerning adjacent streambank buffers.
 - d. Compliance with **Sec. 5-35. Drainage and Low Impact Development.**
12. Compliance with recommendations from the City's Engineer and/or Consultant with respect to Public Works and traffic/transportation issues, as follows:

- a. The street to be constructed shall be public and shall be built to the City of Powder Springs' Design and Detail Standards, including the construction of sidewalks on the internal street.
 - b. The public street shall be designed to provide appropriate access and interior maneuverability for public safety services and vehicles.
 - c. The applicant shall address comments made by Cobb County DOT, including entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: donation of right-of-way along Hopkins Rd, 40' from road centerline. The applicant shall add a decel lane, and verify minimum intersection sight distance. If minimum sight distance is not available, the applicant shall implement remedial measures subject to Cobb DOT's approval. Curb and gutter, and sidewalk shall be installed the full length of the subject property's frontage on Hopkins Road.
13. Compliance with Cobb County Fire Marshall comments and recommendations with respect to Life-Safety & Fire-Prevention issues and concerning the amount and positioning of guest parking during the Plan Review Process.
 14. Common Open Space areas, amenities, mail kiosks, and all of the various components for common and public use as described above shall be constructed in substantial compliance with ADA regulations with respect to accessibility.
 15. Subject to the granting of a concurrent Variance waiving the front setbacks under the MDR District from thirty-five feet (35') to six feet (6'). Reduce the minimum lot size from 2,000 square feet to 1,300 square feet; reduce the lot width at end of building; vary from Section 4-120 of the UDC requiring a 2,400 square feet averaging for fee-simple townhome lots.
 16. 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.

SO MOTIONED this 4th day of March, 2019.

Albert Thurman, Mayor

Patrick Bordelon, Council Member

Doris Dawkins, Council Member

Patricia Wisdom, Council Member

Henry Lust, Council Member

Thelma C. Farmer, Council Member

Attest: _____
Kelly Axt, City Clerk