

Memorandum

Subject: Appeal for PZ 18-009, PZ 18-010, PZ 18-018 (Sweetwater Landing)
Rezoning from CRC to MDR
Variance for Impervious Area
Special Use for Density

Date: **September 17, 2018, Revised**

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 CRC to MDR in substantial conformity to that certain Revised Site Plan prepared by Gaskins Planning/Consulting/ Construction Management (“Gaskins”), dated May 23, 2018 which is being formally submitted concurrently herewith. A full site plan showing compliance with all requirements of the Unified Development Code, with the exception of the variance for impervious area be provided for staff review prior to the issuance of any permit.
3. There shall be a total maximum number of forty-five (45) Town Homes at a maximum density of 7.91 units per acre.
4. The Town Homes shall range in size from a minimum of 1,800 square feet up to 2,400 square feet and possibly greater.
5. The architectural style and composition of the Town Homes shall be in substantial conformity to the Revised architectural renderings/elevations by Caldwell-Cline which will be submitted prior to the May 30, 2018 Mayor and City Council Agenda Work Session, the composition of which shall consist of a mixture of either brick, stacked stone, cedar shake, Hardipanel and/or Hardiplank consistent with the Standards of Article 5 of the UDC.
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 Town Homes shall be 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. Additionally, Town Homes shall comply, as shown on the Revised Site Plan, with newly adopted Cobb County Fire Department (“CCFD”) provisions regarding guest parking by providing twenty four (24) additional guest parking spaces for a total of one hundred fourteen (114) parking spaces (including the garages, driveways and guest parking spaces required by CCFD).
7. The Town Homes within the Residential Community shall be “For Sale” only. The Subdivision Covenants shall, however, contain a recital stating that the leasing of the Town Homes shall be limited to no more than ten percent (10%) of the total number of Town Homes and for no lease term less than one (1) year in duration.
8. The creation of an Overall Master Mandatory Homeowners Association (“HOA”) in conjunction with the Sweetwater Landing HOA. Additionally, Town Homes shall submit an Overall Declaration of Covenants, Conditions and Restrictions (“CCRs”) which shall include, among other multiple components, strict architectural controls; houses built in substantial conformity to the architectural style and composition mentioned above; and, consistency with Article 5 of the UDC. The Overall Master

Mandatory HOA shall be responsible for the upkeep and maintenance of all common areas; tree preservation areas; community Open Space (which exceeds Ordinance requirements); joint recreational amenities; Gazebo and benches; mail kiosks as required by the USPS; and, any and all landscaped buffers, landscaping for the entrance signage area, fencing, lighting and irrigation for said signage. The HOA shall also be required to maintain all landscaping located in the right-of-way and the guest parking spaces.

9. 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.
10. The submission of a landscape plan under 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, shall identify Open Space areas; landscaped common areas; and other components of the proposed Town Home Community which will be 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 and mechanical systems and home utilities within the community shall be screened by way of fencing and/or landscaping.
 - d. Entry signage for the proposed Town Home 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 outside of the proposed Town Home 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 Town Home 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 or the City's consultants with a conceptual 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 for adjacent Streambank Buffers.
12. Compliance with the recommendations from the City's Engineer or Consultant with respect to Public Works issues and traffic/transportation, as follows:
 - a. Streets 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 both sides of the internal streets.
 - b. The public streets shall be designed to provide adequate access and maneuverability for public safety services and vehicles.
 - c. Compliance with Fire

Department recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review Process.

13. The originally approved site plan provides for a signalized intersection at C.H. James Parkway, providing access to the Project and commercial area as noted below. This stipulation shall remain in effect to apply to final build out of the proposed development. The originally approved site plan (from the 2004 Rezoning) provides for a signalized intersection at C.H. James Parkway, providing access to the project and the remaining commercial area as noted below. This stipulation shall remain in effect but shall only apply to the current record title holder of the Subject Property, REO Funding Solutions II, LLC ("REO") and its Successor in Title and is specifically and expressly not applicable to Paran Homes. The intersection of C.H. James Parkway and Sweetwater Road will be fully developed in accordance with the City and the Georgia Department of Transportation requirements at the expense of REO Funding or the Successor(s) in Title. This will include modifications to the paving, median and striping of C. H. James Parkway and the installation of a signal light at the intersection of Sweetwater Road and C.H. James Parkway. The design and installation of all of the improvements will be subject to approval by the Georgia Department of Transportation and the City of Powder Springs.
14. A sidewalk connection matching the existing sidewalks on Sweetwater Avenue shall be installed prior to the issuance of the first building permit.
15. Prior to building permit issuance, the property is subdivided to show a MDR zoned parcel and CRC zoned parcel.
16. Subject to terms and conditions contained in letters dated 5-25-18 and 5-29-18 from Garvis L. Sams, Jr., to Community Development Director Tina Garver, attached hereto and made a part hereof. 17. In the area adjacent to the railroad right of way, in order to attenuate railroad noise Paran Homes shall install or construct such measures as a berm, fence, or landscaping, to be approved by the city's Community Development Department Director.
17. The applicant and owner of the subject property hereby agree to dismiss *with prejudice* their pending complaint and appeal in Cobb County Superior court case number 18- 104971 within 40 days of the date of the city's action amending the conditions of zoning on the subject property as described above.

SO MOTIONED this 17th day of September, 2018.

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