

# Memorandum

Subject:

**Variance requested:**

- a. **Section 4-120 (e) Dwelling, Single-family attached** - requesting to not staggered units **(Variance withdrawn, no longer required per applicant)**
- b. **Section 12-13 (g) Removal of Existing Tree Canopy and Clearing Limits** - requesting to remove more than 75% existing vegetation
- c. **Section 8- 70 (b) Cul-de-sacs and Dead-End Streets** - requesting to allow dead end streets
- d. **Section 2-15 h - Architecture:** requesting to not include 50% brick on front, side and rear of units.

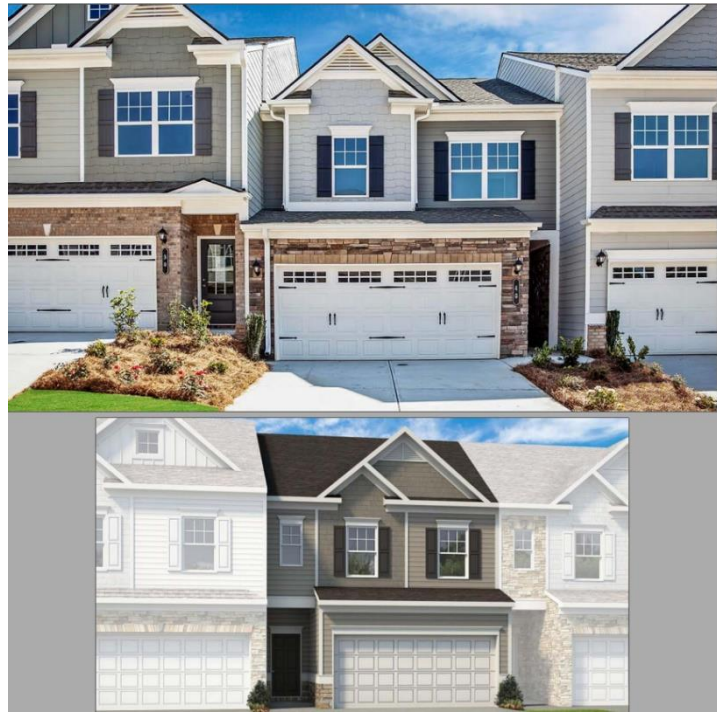
Parcel # - 19086900350 , 0 Hopkins Road SW

Date:

April 5, 2021

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 property which constitutes the subject matter of the above-captioned Application for Rezoning. The rezoning is from Residential (R20) to Planned Unit Development-R (PUD-R) on property located east of the intersection of Powder Springs Road and Hopkins road consisting of approximately 4.3 acres.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan, prepared by Watts and Browning Engineering, Inc. for Smith Douglas Homes.
3. The construction of a maximum number of thirty-four (34) townhomes at an overall maximum density of 7.6 dwelling units per acre. Minimum lot size of 1,700 square feet.
4. The setback are as follows:  
Front: 15 feet from right-of-way,  
35 feet perimeter setback  
Between buildings: minimum of 10 feet
5. Approved variance  
Section 12-13 (g) To allow the removal of 75% existing tree canopy  
Section 8-70 (b) To allow dead end streets
6. Variance to allow:  
**Front:** 45%-50% brick/stone on the front per unit.  
**Side:** Allow 50% brick on end units adjacent to Powder Springs Street and Hopkins Road.  
**Internal Sides:** Water table allowed on internal sides  
Design Review shall be conducted via Administrative Review.

7. The architectural style and composition of the homes shall consist of traditional architecture on all sides. Variety in the neighborhood will be provided by the use of stone and different shades of brick in the area shown as brick on the rendering. All side elevation visible from the right-of-way will contain brick or stone no less than 50% where exposed to the right-of-way. All elevation will contain no less than 45-50% brick on the front façade. An administrative design review will be required with similar renderings provided in the application and attached as Exhibit 1.



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. Location of the underground detention. In the event a detention pond has to be built, it shall not be located where it is visible from Powder Springs Road. Landscaping and screening around the proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees.

- b. A twenty-five foot (25') landscape buffer around the perimeter of the Subject Property.
  - 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. Site Plan must be consistent with PUD-R regulations and all other applicable regulations identified in the Unified Development Code.
13. 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.
14. The development occurring at this intersection of Hopkins Road will be reviewed for their collective impact in the plan review process. This may include right-of-way requirements, turning lanes, or relocating of driveways. This is subject to City of Powder Springs approval, with the coordination of Cobb DOT.
15. Right-of-way dedication is required along Hopkins Road which will be reviewed against City standards during site plan review .
16. No parking signs must be installed at the end of dead ends streets to prevent residents from parking long term.
17. Per PUD-R requirement, a 25 foot perimeter buffer must be maintained along Powder Springs Road frontage.
18. 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.
19. Privacy fence will not be permitted where visible from Powder Springs Road and Hopkins Road. In other areas within the subdivision, any privacy fencing visible from any right-of-way shall be screened by landscaping and shall not be located closer to the street than back corner of the house.

A motion to approve.

**SO MOTIONED** this 5th day of April 2021.

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**Albert Thurman, Mayor**

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**Patrick Bordelon, Council Member**

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**Doris Dawkins, Council Member**

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**Patricia Wisdom, Council Member**

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**Henry Lust, Council Member**

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**Thelma C. Farmer, Council Member**

**Attest:** \_\_\_\_\_

Kelly Axt, City Clerk