



SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100

376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
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TELEPHONE

FACSIMILE

January 4, 2023

**(STIPULATION LETTER, REVISED SITE PLAN, AND ARCHITECTURAL
IMAGERY)**

VIA EMAIL AND HAND DELIVERY

Mr. Shaun Myers
Planning and Zoning Manager
City of Powder Springs
4488 Pineview Drive
Powder Springs, Georgia 30127

Re: Applications of SCP Acquisitions, LLC to Annex and Rezone a 45.3 Acre Tract
from R-20, NRC, LRO to Conditional MXU (No. PZ22-034)

Dear Shaun:

As you know, this firm represents SCP Acquisitions, LLC (“SCP”) concerning the above-captioned Applications for Annexation and Rezoning. In that regard, the applications are scheduled to heard and considered by the City’s Planning Commission at its Agenda Work Session on January 12, 2023. Thereafter, the Planning Commission will conduct its Public Hearing regarding the application on January 30, 2023. In addition to the foregoing, the applications are scheduled to be heard and considered by the Mayor and City Council at their Agenda Work Session on February 1, 2023 and, thereafter, at the final Public Hearing before the Mayor and City Council on February 6, 2023.

The property at issue (“Subject Property”) consists of an approximate 45.3-acre tract of land which is located at the northwest corner of Ernest Barrett Parkway and Macedonia Road, compiled of parcels (and portions thereof) on the north and south sides of Macedonia Road and within areas on Cobb County’s Future Land Use Plan (“FLUM”) classified as Neighborhood Activity Center (“NAC”), Medium Density Residential (“MDR”); and, Low Density Residential (“LDR”).

The NAC, MDR and LDR categories, respectively, are designed to include a multiplicity

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VIA EMAIL AND HAND DELIVERY

Mr. Shaun Myers
Planning and Zoning Manager
City of Powder Springs
January 4, 2023
Page 2

of uses such as retail, commercial, office, and hotels, attached and detached residential uses. The portion of the Subject Property at the immediate corner of Ernest Barrett Parkway and Macedonia Road is zoned NRC and LRO (No. Z-70 of 2004) and has remained undeveloped. The remainder of the Subject Property is zoned R-20 and is developed with single-family houses or remains as undeveloped acreage. The nearest and most consequentially affected properties located within the City of Powder Springs are situated within Rosewood Park and Whispering Glen subdivisions, with Rosewood Park being zoned R-15 and R-15C (in LD on the City's FLUM) and Whispering Glen being zoned MDR (in MD on the City's FLUM).

SCP is requesting the Annexation and Rezoning of the Subject Property from its existing zoning classifications of R-20 (Single-family Residential), Neighborhood Retail Commercial ("NRC"), and Low Rise Office ("LRO") in unincorporated Cobb County to Mixed Use District ("MXU") in the City of Powder Springs for the purposes of two stand-alone retail components positioned on the north side of Macedonia Road and three residential components including; 58 owner-occupied, single-family homes; 100 owner-occupied, single-family townhomes; and, 288 highly amenitized, multi-family, luxury apartments.

During the pendency of this application, SCP has engaged in a dialogue with the City's professional staff, City consultants and also has spoken with certain area residents and business owners. As a follow-up to and in connection with those discussions, SCP agrees to the following stipulations becoming conditions and a part of the grant of the requested rezoning and annexation and binding upon the Subject Property thereafter:

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 Annexation and Rezoning.
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan, prepared by Joel G. Bowman, RLA, of b & c studio, which is being submitted concurrently herewith.
3. The construction of a maximum number of 446 single-family and multi-family homes at an overall maximum density of 10 units per acre.

VIA EMAIL AND HAND DELIVERY

Mr. Shaun Myers
Planning and Zoning Manager
City of Powder Springs
January 4, 2023
Page 3

4. The architectural style and composition of the homes shall be thematically and stylistically aligned and consist of traditional architecture on all sides in substantial conformity to the architectural renderings/elevations being submitted concurrently herewith.
5. 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, interior private streets, open space areas, sidewalks, community areas, stormwater detention and/or water quality ponds, lighting, the entrance to the Residential Community and any amenities.
6. The submission of a landscape plan during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. Additionally, the landscape plan shall include, but not necessarily be limited to, the following:
 - a. Landscaping and screening around the proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees, and/or bushes. Also where possible to do so and following Staff direction, the utilization of natural/existing vegetation where feasible.
 - b. A landscape screening, vegetative buffer around the perimeter of the Subject Property which has contiguity to existing residential developments.
 - c. 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 which presently consists of 10.4 acres or 30% of the Subject Property; landscaped common areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.
 - d. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.

VIA EMAIL AND HAND DELIVERY

Mr. Shaun Myers
Planning and Zoning Manager
City of Powder Springs
January 4, 2023
Page 4

- e. All HVAC, mechanical systems and home utilities within the community shall be screened by way of fencing and/or landscaping.
 - f. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
 - g. The installation of landscaped front, side and rear yards and attendant irrigation components where indicated by the Arborist.
 - h. 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 (3) Residential Communities.
7. A third party management company shall be hired to manage the day-to-day operations of the Residential HOAs 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.
8. 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 under State and Local Law concerning adjacent streambank buffers and an agreement that there has been no "buffer averaging".
 - d. Impervious surface calculations shall not exceed 50% of the total site area pursuant to and in accordance with UDC requirements and as shown on the revised site plan.

VIA EMAIL AND HAND DELIVERY

Mr. Shaun Myers
Planning and Zoning Manager
City of Powder Springs
January 4, 2023
Page 5

9. 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 to be constructed shall be private; however, said 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. The interior streets shall be designed to provide appropriate access and maneuverability for public safety services and vehicles.
 - c. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.
 - d. The installation of a deceleration lane and taper as shown on the revised site plan.
 - e. The Single-family Residential Communities shall have public streets and the Multi-family Residential Community shall be gated and subject to UDC requirements for gated communities.
10. 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 compliance with ADA regulations with respect to accessibility and related factors.
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 or the Floor Area Ratio ("FAR") of the 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.

VIA EMAIL AND HAND DELIVERY

Mr. Shaun Myers
Planning and Zoning Manager
City of Powder Springs
January 4, 2023
Page 6

- c. Increase the height of any 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.

Please do not hesitate to contact me should you or the City's staff require additional information or documentation prior to the formulation of staff's Analysis and Recommendations and/or prior to the application being heard and considered by the Planning Commission and the Mayor and City Council. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.


GLS, Jr./jac
Attachments

cc: Ms. Tina Garver, Community Development Director (via email)
Pam Conner, Esq., City Manager (via email)
Mr. Mark Randall, South City Partners (via email)
Mr. John Long, South City Partners (via email)
Mr. Sean Rosco, South City Partners (via email)
Mr. Clif Poston, Traton (via email)
Mr. Richard Parvey, Traton (via email)
Mr. Robert L. Hosack, Jr., AICP (via email)
Mr. Richard W. Calhoun, Esq., City Attorney (via email)
Mr. Parks F. Huff, Esq. (via email)