

Memorandum

Subject: **PETITION:** The applicant, is initiating a Rezoning request from Single-Family Residential District (R-20) and Medium Density Residential (MDR) Conditional to PUD-R.

A) To vary Section 4-120 (e) to allow for townhome units to not be staggered (Variance withdrawn per applicant)

B) To vary 12-13 (g) to remove more than 75% of existing canopy coverage

C) To vary 12-13 (e) to clear more than 8 acres of the site

D) Section 2-15 (h) – Architecture: requesting to not include 50% brick on front, side of townhomes.

3840/0 Hopkins Road SW; 3620/3610 Powder Springs Road

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) and MDR conditional to Planned Unit Development-R (PUD-R) on property that west of the intersection of Powder Springs Road and Hopkins road consisting of approximately 10.2 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 (31) townhomes with a minimum square footage of 1700 square feet; construction of a maximum of 35 single-family detached homes with a minimum square footage of 1800 square feet. The density may not exceed 6.5 dwelling units per acre.
4. The setback are as follows:
Front: 15 feet from right-of-way,
Rear: 20 feet
Side – 5 (side corner – 10 feet)
35 feet perimeter setback
Between buildings: minimum of 10 feet
5. Variance requested and approved
B) To vary 12-13 (g) to remove more than 75% of existing canopy coverage
C) To vary 12-13 (e) to clear more than 8 acres of the site.

5.a. Variance to allow

Front: 45%-50% brick/stone on the front per unit.

Side: Allow 50% brick/stone on end units adjacent to Powder Springs Street and Hopkins Road.

Internal Sides: Water table allowed on internal sides

6. Design Review shall be conducted via Administrative Review
7. A raised medium will be required at the access point along Powder Springs Road to prevent vehicles from cutting across Powder Springs Road to join the traffic moving in an early direction.
8. The architectural style and composition of the homes shall consist of traditional architecture on all sides Variety in the neighborhood will be provided using 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 50% brick on the front façade. An administrative design review will be conducted to ensure design meets the exhibit submitted in addition to the zoning stipulations set forth.

PZ 21-007 Rezoning from R20 and MDR Conditional to PUD-R, 3610 Powder Springs Road, West Project / LL 870, 869





9. 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.
10. 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. Landscaping and screening around the proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees.
 - b. A split rail fence and a 25-foot landscape strip may be maintained along the frontage of Powder Springs Road. Landscaping shall be outward of the fence. Rendering of Powder Springs road frontage must be submitted when submitting landscape plans.
 - c. Hopkins Road Frontage may construct a split rail fence and a 10-foot landscape strip must be maintained along the frontage of Hopkins Road Landscaping shall be outward of the fence. Rendering of Hopkin roads frontage must be submitted when submitting landscape plans.

- 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/sod 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.
11. 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.
12. 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.

13. Site Plan must be consistent with PUD-R regulations and all other applicable regulations identified in the Unified Development Code.
14. 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.
15. All perimeter and roadway buffer areas will either be owned by the HOA or deed restricted with maintenance easements in favor of the HOA.
16. The applicant will review traffic impacts on Powder Springs Road and Carter Road. The entrance to the subdivision on Powder Springs Road will be limited to right –in/ right out unless an alternate design is approved by staff incorporating concepts from the Powder Springs Corridor and Connectivity Plan, dated Fall 2018. Additionally, the applicant and staff will continue to review options for a joint public/private project improving the area of Powder Springs Road directly adjacent to the development. An agreement regarding the required road improvements shall be completed prior to the issuance of the Land Disturbance permit.
17. 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.
18. 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.
20. Right-of-way dedication is required along Hopkins Road which will be reviewed against City standards during site plan review
21. Per PUD-R requirement, a 25 foot perimeter buffer must be maintained along Powder Springs Road frontage.
22. 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.

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