

## Memorandum

**Date:** March 20, 2023.  
**To:** Mayor and Council  
**From:** Community Development  
**Subject:** PZ 23-005. West Oak Trace – Phase 2 Final Plat, Hill Road LL 898, 953 of the 19th District, 2nd Section, Cobb County, Georgia.

**Action:**

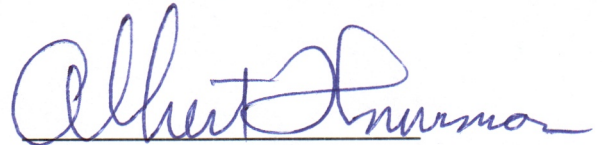
A motion to approve with conditions:

1. Any outstanding staff comments are addressed to comply with the requirements of the Unified Development Code.
2. The Covenants, Conditions and Restrictions (“CCRs”) shall contain a provision that all for-rent residences and project facilities or systems shall be maintained by a professional and certified management company. As part of the professional management company’s duties, it shall manage and oversee repairs and operations of the following systems and facilities of the community (excluding publicly dedicated streets, utilities and infrastructure):
  - a. All residential buildings/units.
  - b. Accessory structures, including, common laundry facilities, clubhouse, office building, maintenance building, etc.
  - c. The water system, including wells, pumps, filters, storage tanks, domestic and fire protection, water distribution systems and controls.
  - d. Project utilities, including fuel, lighting, electricity, telephone, cable television distribution systems and controls.
  - e. Roadways, drives and parking areas, including curbing and paving.
  - f. Drainage systems, including erosion and sedimentation protection, piping, drains, catch basins, manholes, cleanouts and riprap ditching.
  - g. Recreational facilities.
  - h. Landscaping, including maintenance of buffer areas and conserved and areas.
  - i. Other similar project systems and facilities.
  - j. Parking and traffic regulations for the residential component, to be implemented and enforced by the management company.
  - k. Regulations for individual lot privacy fences to be to be implemented and enforced by the management company, in compliance with all City of Powder Springs Unified Development Code provisions for residential lot fences.

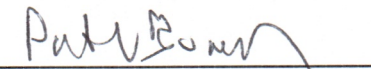
3. The CCRs shall provide that copies of actual or proposed project regulations pertaining to the residents of the residential structures shall be submitted to the Community Development Director prior to the issuance of the first CO. These regulations/declarations shall set forth all definitions, articles, rules, bylaws, and enforcement procedures pertaining to:
  - a. Owner's responsibilities.
  - b. Maintenance and funding responsibilities.
  - c. Tenant responsibilities.
  - d. Occupant's/tenants' restrictions. Such restrictions shall include a restriction against parking in designated fire lanes and a restriction stating that garages must be used primarily for vehicle parking rather than storage.
  - e. Maximum unit occupancy.
  - f. Maximum fines.
  - g. Active recreational area requirements
  - h. Termination procedures.
  - i. Items which from time to time may be deemed necessary by the Community Development Director to ensure proper zoning enforcement.
  
4. The CCRs shall contain a provision that so long as all of the homes in the community are owned by one entity, the owner shall provide a workforce housing credit ("WHC") in accordance with the following provisions:
  - i. Workforce credit shall apply to 3% of the total units, which shall be spread approximately pro rata across all unit types (# of bedrooms).
  - ii. Qualified Tenants must be employed by the City of Powder Springs, Cobb County or another municipality located within Cobb County, or must be employed by a medical facility located within the City of Powder Springs or Cobb County. Additionally, such Qualified Tenants shall have incomes that do not exceed 100% of the Area Median income (AMI) (as published annually by HUD).
  - iii. The workforce credit shall be equal to an amount of 20% of market rent. The Qualified Tenants initially shall pay 80% of the applicable market rent.
  - iv. Should the property be sold or transferred, the workforce credit program shall carry with the property to the subsequent owner
  - v. The Workforce Units will be made available on a continuous basis to all Households that meet the foregoing Tenant Qualifications on a first come, first served basis. The Workforce Units shall be the same construction and appearance (e.g., type and brand of appliances, materials used for countertops, flooring, etc.) to the "Market Rate Units," shall not be in isolated areas in the Project and shall be interspersed among the Market Rate Units to the extent possible.
  - vi. The property owner (or its property management company) shall deliver calendar yearly monitoring and compliance reports to the City during the period. Such reports shall include a Compliance Certificate, Rent Roll and Resident Income Certification (collectively, the "Compliance Forms"). The Compliance Forms shall be delivered to the City of Powder Springs no later than twenty (20) days from the end of each calendar quarter.

- vii. Qualified Tenants occupying the workforce credit units must reapply to meet the Tenant Qualifications on an annual basis. Should a Tenant who previously qualified and is inhabiting a workforce credit unit not qualify upon renewal, such Tenant shall have the right to either 1) Execute a market rent lease at lease renewal for the inhabited unit or an alternate market rate vacant unit within the development or 2) Vacate the inhabited workforce credit unit within three (3) months, while still paying the monthly discounted rent over the three (3) month period.
5. The Covenants, Conditions, and Restrictions shall include a clause that limits the maximum number of units that can be rented or leased within the community at any one time to 10% or less of the total homes. However, if all the homes in the community are owned by one entity and managed by a professional management company, then the rental restriction shall be waived in its entirety. If the owner of all of the homes in the community thereafter sells the homes individually to the public (i.e., does not sell all of the homes in the community to a single owner), the waiver of the rental restriction will lapse once 97% of the homes in the community have been sold to individual owners.

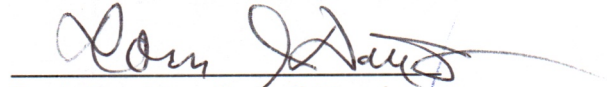
So motioned, this 20<sup>th</sup> day of March 2023.




Albert Thurman, Mayor

No  
Vote 

Patrick Bordelon, Council Member



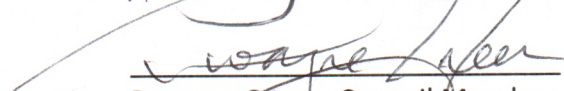
Doris Dawkins, Council Member

No  
Vote 

Patricia Wisdom, Council Member

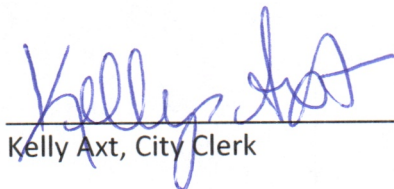


Henry Lust, Council Member



Dwayne Green, Council Member

Attest:



Kelly Axt, City Clerk