

Memorandum

Date: May 16, 2022.
To: Mayor and Council
From: Community Development
Subject: **PZ 22—018. Rezoning Request. 3500 Trillium Drive. To consider a change in zoning conditions for this MXU zoned location. Within land lots 804, 805, 824, and 825 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19080500080**

Action:

A motion to APPROVE with the following conditions:

- 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 Rezoning. This change in conditions only applies to Parcel 19080500080
- 2.** The Subject Property shall be developed in substantial conformity with the site plan, prepared by Alliance Engineering and Planning for Trilogy Acquisitions, LLC., dated 02/22/2022.
- 3.** The mixed-use development shall include a maximum of 154 for rent residential units at a density of 14.01 u/a. The minimum residential floor area shall be: 1400 square feet for two-bedroom units; 1600 square feet for three-bedroom units, a maximum 5-story hotel with a maximum of 120-rooms; an approximately 25,300-sf 2story office building to include approximately 3100 sf of restaurant space. For clarification, hotel is defined as "a commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby and does not include a motel or extended stay. Hotel, restaurant and office buildings shall be consistent with site plan dated 2/22/2022 and renderings included in this application.
- 4.** The applicant shall submit a revised site plan, subject to administrative review and approval, to comply with Fire Marshall, or Cobb County Department of Transportation, or City Development Code, or other requirements and provisions.
- 5.** The setbacks and buffers shall be:
 - Perimeter Building Setback: 10 feet
 - Between Buildings: 10 feet.
 - Perimeter Buffer: 0

Landscape Strip Road Frontage: 10 feet. As shown on approved site plan.

6. The architectural style and composition of the buildings proposed for the Subject Property shall be consistent with the architectural style that prevails at the adjacent MXU properties. The residential building elevations shall be comprised of a minimum of 75% brick or stone on all elevations facing the right-of-way and the commercial portion of the development. All remaining elevations shall be 60% brick or stone. Commercial structures shall be consistent with renderings provided and attached. Hardie plank, board and batten, and shake may be used to provide variation in the areas that are not brick or stone. Final elevations subject to City Design Review.
7. The proposed residential units shall have premium, high-end, and luxury features. The entrances to the residential and the amenity areas may have gates and controlled access.
8. An amenity area shall be provided within the residential component to include a pool and a cabana. No more than 50% of Certificates of Occupancy (CO) for the residential component will be issued prior to the completion of the amenity, as evidenced by a certificate of occupancy.
9. Parking shall be consistent with the referenced site plan, which depicts that the minimum number of parking space requirement is provided for the Hotel, Office, and Restaurant components. Parking shall consist of 437 surface parking spaces and 154 garage parking spaces. 154 of the 437 surface parking spaces are provided in the driveways of the residential units. That is, each residential unit shall have one garage space and one driveway space. The residential parking ratio is determined to be 1.9 parking spaces per dwelling unit as dictated by 50% of units are two-bedroom; and 50% are three-bedroom. Parking ratios are determined for two-bedrooms at 1.6 and for three-bedrooms at 2.2; the average of which is 1.9. The parking numbers above may be adjusted in final design provided they are consistent with the Unified Development Code.

Additionally:

- a. Driveways for the residential units shall be a minimum of 20-feet in length from the garage to the back of the sidewalk.
 - b. Surface parking spaces shall be 9'x19', excluding those in driveways of residential units.
 - c. Required location of Office and Office/Restaurant parking spaces shall be allowed beyond 300 feet of the building that it serves.
10. Signage for the Subject Property shall consist of ground-based, monument-style signage and building signage consistent with the City of Powder Springs Sign Ordinance. Additionally, within the interior of the site, there shall be appropriately positioned, grade-based directional signage in order to ensure ease of maneuverability and accessibility.

- 11.** The overall lighting plan within the proposed development shall be environmentally sensitive, decorative, and themed to the architectural style and composition of the buildings. Lighting utilized for the development shall be installed to minimize illumination from extending beyond the Subject Property's boundaries. Security lighting, as well as high-resolution video surveillance cameras shall be installed to address potential security issues, the features of said security system shall be at the discretion of property management.
- 12.** Given the proximity to the Silver Comet and Lucille Trails, the applicant shall promote alternate modes of transportation by providing bicycle parking distributed throughout the entire proposed development.
- 13.** The applicant shall submit a Landscape Plan as a part of the Plan Review Process, including the following:
 - a. The Subject Property shall be landscaped in conformity to or exceeding the level of landscaping within this sub-area of the City with respect to existing and mixed-use developments.
 - b. The inclusion of both intra-parcel and inter-parcel pedestrian connectivity and paths for all walkable areas.
 - c. Points of ingress/egress with monument-style signage shall be landscaped, lighted and irrigated as appropriate.
- 14.** A professional and certified management company shall be required to manage the for rent residences.
- 15.** The applicant shall submit a traffic study to include all proposed uses at the subject site and install any improvements identified in said study.
- 16.** The applicant shall prepare and submit a stormwater management agreement that provides for the appropriate retention and detention facility operation and maintenance.
- 17.** The Applicant shall provide inter-parcel pedestrian and vehicular access between adjacent properties.
- 18.** Developer shall install a sidewalk connection along Powder Springs Dallas Road connecting the development to the Lucille Trail or pay to the City of Powder Springs a fee in lieu of construction. The sidewalk shall be installed prior to 50% COs being issued for the residential component.
- 19.** The 25,300 sf Office/Restaurant building's development pad and parking lot shall be permitted

concurrently with proposed residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy (CO) from the city until the completion of the development pad, parking lot, infrastructure and landscaping evidenced by a certificate of completion for this phase of the project from the City. If final landscaping impedes construction of the residential component, then a guarantee in the form of cash, letter of credit, or CD may be used for up to one year the issuance of the certificate of completion

- 20.** The maximum 120-room hotel's development pad and parking lot shall also be permitted concurrently with the residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy (CO) from the city until the completion of the development pad, parking lot, infrastructure and landscaping evidenced by a certificate of completion for this phase of the project from the City. If final landscaping impedes construction of the commercial component, then a guarantee in the form of cash, letter of credit, or CD may be used for up to one year.
- 21.** Subdivision of property is subject to Mayor and Council Approval, such approval shall not be unreasonably withheld.
- 22.** All project facilities or systems shall be maintained by a company which manages HOAs in various neighborhoods in the State of Georgia and provides an on-site and staffed office with standard business hours of at least 9:00 a.m. to 5:00 p.m., Monday through Friday. Such systems and facilities shall include, to the extent such items are included in the original approval, the following:
 - 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.

- 23.** Occupancy Provisions – Copies of actual or proposed project regulations pertaining to the inhabitants of the residential structures shall be submitted to the Community Development Director 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 the prohibition of the use of outdoor devices using a naked, fuel fired, gas or propane fired flame on wooden decks, balconies, and the like for attached residences. Detached residences are excluded from this requirement. Also, there shall be a restriction against parking in designated fire lanes. A restriction stating that garages must be used for vehicle parking rather than storage shall be included.
 - e. Maximum unit occupancy.
 - f. Maximum fines.
 - g. Active recreational area recreations.
 - h. Termination procedures.
 - i. Garages shall be used for parking of vehicles.
 - j. Items which from time to time may be deemed necessary by the by the Community Development Director to ensure proper zoning enforcement.
- 24.** Applicant agrees to provide the Mayor and City Council an annual report of the development and project progress until such time as the full development has been completed evidenced by certificate of occupancies being issued for all residential and commercial components.
- 25.** Applicant to install curb and gutter along the south side of Richard D. Sailors Pkwy from CH James Pkwy to Florence Rd and a painted pedestrian crosswalk with signal connecting the north and south sides of Richard D. Sailors Pkwy.
- 26.** Workforce Housing Credit shall be provided 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 Issuer 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.

So motioned, this 16th day of May 2022.

Albert Thurman, Mayor

Patrick Bordelon, Council Member

Doris Dawkins, Council Member

Patricia Wisdom, Council Member

Henry Lust, Council Member

Dwayne Green, Council Member

Attest: _____
Kelly Axt, City Clerk