

Memorandum

Subject: PZ 18—031
Rezoning - Paran Homes

Single-Family Residential District (R20) to Medium Density Residential (MDR)
Land Lot 833 and 870, 19th District, Powder Springs, Georgia.

Date: **December 3, 2018**

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.
2. The Subject Property shall be developed conceptually to that certain revised site plan, prepared by Gaskins Engineering & Surveying, which is being submitted concurrently herewith and dated 11/14/18. Development of the site must be consistent with the Unified Development Code requirements, unless specifically varied.
3. The construction of a maximum number of one-hundred four (104) non-supportive active adult, age-restricted residential homes at an overall maximum density of 3.75 units per acre.
4. The architectural style and composition of the homes shall consist of traditional architecture on all sides in substantial conformity to the architectural renderings/elevations being submitted concurrently herewith. The building façade of all sides shall comprise of at least 50% brick. The remaining 50% may consist of stacked stone, cedar shake, Hardipanel and/or Hardiplank consistent with the Standards of Article 5 of the UDC.
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. 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 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.
 - 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.
7. 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.
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.
 - 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.
 - e. Compliance with UDC requirements regarding Low Impact Design.

9. Compliance with the recommendations from the City's Engineer and/or Consultant 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 Detail Standards, including the construction of sidewalks on both sides of the interior streets.
 - b. Sidewalk shall be built to the City of Powder Springs' Design Detail Standards for the extent of the project along Powder Springs Road.
 - c. The interior streets shall be designed to provide appropriate access and maneuverability for public safety services and vehicles.
 - d. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.
 - e. The installation of a deceleration lane and taper as shown on the revised site plan. If not currently existing, applicant shall donate additional right-of-way to the city. A minimum of 50 feet from centerline is required [DOT requirement].
 - f. The Residential Community will be gated subject to UDC requirements for gated communities.
 - g. Any curb, drainage or sidewalk damaged during construction shall be replaced.
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 substantial compliance with ADA regulations with respect to accessibility.
11. The development shall contain an amenity area. The amenity shall include at a minimum a clubhouse. Development of the amenity shall include input from the homeowners. The amenity area shall be completed, as evidenced by the issuance of a certificate of occupancy by March 1, 2020.
12. The Covenants, Conditions and Restrictions ("CCRs") will include a "trigger mechanism" which designates that a certain percentage (which will be determined between Paran and the City during Plan Review) of the HOA fees which shall be solely and exclusively dedicated to interior infrastructure such as streets, sidewalks, amenities, stormwater management/detention features, water and sewer, and other such interior infrastructure components within this Age-Restricted Residential Senior Living Community.
13. The homeowner's association shall publish and adhere to policies and procedures that demonstrate that the community is intended to provide housing for persons 55 and over including maintaining surveys or affidavits verifying compliance with 55 and older occupancy requirements as permitted by 42 U.S.C. Section 3607, (b) (2) (c) of the Federal Fair Housing Act. The association shall also include declarations and bylaws including rules and regulations, which at a minimum shall regulate and control the following:
 - a. Restriction on homes being occupied, with at least 80 percent of the occupied units occupied by at least one resident who is age 55 or older

- b. Restrictions on single-family detached and attached cottage residential use only and leasing of units. No more than 10 percent of the total units may be leased by individual owners at any one time.
14. Mayor and Council have stated concern regarding Powder Springs Road and the proposed development. This issue will be addressed by a Traffic Engineer/P.E. and mutually reviewed and approved during the Plan Review process, subject to a final review and final approval by way of an agenda item before the Mayor and City Council if an impasse is reached during Plan Review.
15. 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.
14. Site Plan must comply with Cobb County Fire Marshal comments below:
- a. Dedicated guest parking at a ratio of 0.5 spaces per unit is required to help keep the roadways clear for emergency vehicles.
 - b. Fire Department access to the remote portions of the units farthest from the main drive will need to be addressed. This is primarily a concern for the units around the parameter of the property. This may require the driveways to be widened to 20-ft for a portion or a fire protection equivalency to be built into the structures.
 - c. Must provide a 45 foot straight travel path before and after the access gate.

SO MOTIONED this 3rd day of December, 2018.

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