

Memorandum

Date: June 17, 2024.

To: Mayor and Council

From: Community Development

Subject: **PZ 24-007**. Rezoning Request for an approximate 16.57-Acre Tract from R-20 to MXU (City). The property is located at east side of Ernest Barrett Pkwy within Land Lots 765, 19th District, 2nd Section, Cobb County, Georgia. PIN: 1907900010 (portion). Applicant: Vida Companies, LLC.

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.
2. The Subject Property shall be developed in substantial conformity to that certain conceptual site plan, dated June 11, 2024, prepared by Geheber Lewis Associates, and inclusive of City Staff and TSW recommendations.
3. Final site plan approval shall be subject to final determination of state waters by City Staff as modified by any future variances or waivers to be obtained by Applicant. No stream buffer variances have been granted as part of this rezoning action.
4. Residential Component: The construction of a maximum number of 70 townhomes, 290 multi-family units (shall include elevators, and internal corridor access). Commercial Component: The construction of a minimum of 5,000-sf of retail space
5. The construction of a club house of a minimum of 6000-sf, to include but not limited to a pool and premium fitness center, and work and assembly spaces.
6. The townhomes units shall be staggered to the extent required by code or as administratively approved by staff in the final site plan.
7. The subject property shall be submitted for subdivision within 18 months of City Council's approval, and prior to the issuance of the Land Disturbance Permit. The Land Disturbance Permit for the multi-family and commercial tracts shall be filed and completed as a single LDP. The community development director is authorized to administratively approve one extension to deadline.

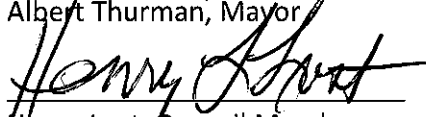
33. The development site shall be maintained to manage unsightly overgrowth of vegetation, and steps taken to prevent and respond to incidence of illegal dumping.

34. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.

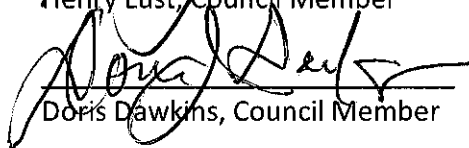
So motioned, this 17th day of June 2024.



Albert Thurman, Mayor



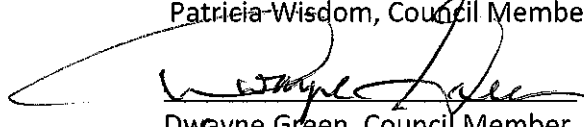
Henry Lust, Council Member



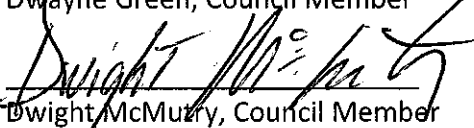
Doris Dawkins, Council Member

Absent

Patricia Wisdom, Council Member

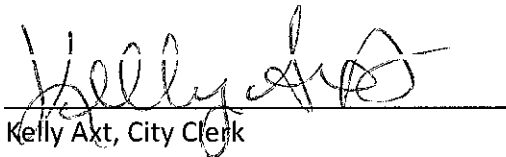


Dwayne Green, Council Member



Dwight McMurry, Council Member

Attest:



Kelly Axt, City Clerk

8. The architectural style and composition of the townhomes shall be thematically and stylistically aligned and consist of traditional architecture on all sides in substantial conformity to the revised architectural renderings/elevations being submitted concurrently herewith. The side elevations of townhome unit rows shall have a minimum of 50% brick net of glazing where visible from the right-of-way, and a minimum of brick or stone water table otherwise. The architecture of the multifamily buildings shall be thematically consistent with the "Luna Apartments" exhibits and elevations submitted with the application.

9. Elevations for the townhome component shall be subject to review and approval by Administrative Design Review by staff, in consultation with the Mayor Pro Tempore.

10. Fencing shall be provided along the rear of the property.

11. Electric Vehicle (EV) Charging. Residential garages within the townhome components shall be pre-wired with the minimum standards or better for level 2 EV charging capability with a NEMA 14-50 receptacle. The multifamily and commercial components shall have electric vehicle charging stations installed. The minimum number parking spaces equipped for electric vehicle charging shall be at least 10% of the total number of multifamily apartment parking spaces, with a minimum of 4 parking spaces located on the commercial parcel.

12. Stormwater management facilities, must be installed underground. This may be administratively varied to add bioretention with landscaping meeting engineering requirements.

13. The applicant agrees to dedicate to the southern tip of the parcel below the proposed commercial building to the Development Authority of Powder Springs, within thirty (30) days of acquisition of the property from the current owner, as shown on the exhibit attached to this application. The deed of conveyance shall include restrictions that preclude use or development of the conveyed property for (i) dollar stores, or the like; (ii) gas stations and convenience stores; (iii) automobile parts and/or services; and (iv) car washes.

14. The applicant agrees to provide a Reciprocal Easement Agreement for shared road should the property be sold to a third party.

15. The building setbacks and heights shall be as indicated below. Any building locations changes deviating from the attached site plan, dated June 11, 2024, prepared by Geheber Lewis Associates, but consistent with the approved setbacks shall be considered administratively and not require Council approval.

1. Perimeter.

- 20' minimum rear setback.
- 25' minimum front setback.
- 10- minimum side back.

2. Multi-family.

- 20' minimum side setback from right of way.

50' minimum between multifamily buildings.
75' maximum height from average grade

3. Townhome.

20' minimum side setback from right of way.
20' minimum between townhome buildings.
48' maximum height from average grade

4. Commercial Building.

40' minimum front setback from Barrett Pkwy property line.
42' maximum height from average grade

16. A professional and certified third-party management company is required to manage the townhomes and multi-family components.

17. The Community Development Director shall be notified in advance of any changes to the management company of the multi-family and townhome components.

18. The submission of a landscape plan is required during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. The landscape plan shall include, but is not limited to, the following requirements:

- a. A landscape screening, vegetative buffer around the perimeter of the Subject Property which has contiguity to existing residential developments.
- b. The landscape plan 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.
- c. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
- d. All HVAC, mechanical systems and home utilities within the community shall be located in the rear to the greatest extent possible, or screened by way of fencing and/or landscaping, subject to staff approval.
- e. Entry signage for the proposed Residential Community shall be ground-based, monument-style, landscaped, lighted and irrigated.
- f. The installation of landscaped front, side and rear yards and attendant irrigation components where indicated by the Arborist.

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. Clearing shall be conducted in phases in compliance with the provisions of the UDC.

19. 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, ground-based directional signage in order to ensure ease of maneuverability and accessibility.

20. All outdoor lighting shall be 3000K color temperature or lower.

21. Parking shall be consistent with the referenced site plan, which depicts that the minimum number of parking space requirement is provided for the Residential and Commercial components.

Additionally:

- a. Driveways for the townhome residential units shall be a minimum of 20-feet in length from the garage to the back of the sidewalk. Covenants for management company must include language that states that vehicles shall not be parked in a manner that will encroach in the sidewalk.
- b. Multi-family and commercial surface parking spaces shall be 9'x18'.
- c. Bicycle parking racks shall be located at the amenity areas and distributed throughout the development. At minimum of 6 bicycle parking U racks are to be provided.

22. Approval is 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. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and /or landscaping. At the time of design and plan production the applicant will be within the 1-mile of an impaired stream, therefore the applicant shall provide 4 additional BMPs in Appendix 1 checklist.

- c. Verifying all points of discharge with respect to detention/water quality.
- d. Compliance with the protections required under State and Local Law concerning adjacent streambank buffers and an agreement that there has been no "buffer averaging".
- e. Impervious surface calculations shall not exceed 60% of the total site area pursuant to and in accordance with UDC requirements and as shown on the revised site plan.

23. 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 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. Notwithstanding the preceding, any alley shall accommodate police and sanitation vehicles.
- c. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.

24. 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.

25. 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.

26. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicant agrees to offsite improvements necessitated by this development, on land controlled by the applicant, within existing rights of way and in an aggregate amount not to exceed \$250,000.

27. No less than 5,000 square feet of the commercial component shall be permitted concurrently with the proposed residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy from the city until the completion of the Commercial building, evidenced by completion of commercial building in cold dark shell condition.

28. No more than 50% of certificates of occupancy for the Multi-family and townhome buildings will be issued prior to the completion of amenity building and pool, as evidenced by certificates of occupancy.

29. If any phase of the site has been cleared and graded, and subsequent development on the site stalls for a period of 6 months or more after issuance of land development permits, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building construction to proceed to certificate of completion, the cleared area of the site shall be stabilized and seeded, and revegetated buffer and perimeter requirements per a plan approved by the Community Development Director.

30. Pedestrian access shall be provided throughout the development. A sidewalk plan shall be included with the land disturbance plan clearly showing connectivity throughout the development.

31. The central green areas of the townhomes; and open spaces near multifamily developments, shall be graded to allow usable green spaces, subject to approval in the final site plan.

32. The Declaration of Covenants, Conditions and Restrictions ("CCRs") shall contain a provision that, Workforce Housing Credit ("WHC") shall be provided in accordance with the following provisions, for the multifamily development, in compliance with UDC Sec. 4-325, as modified by the provisions below:

- i. Workforce credit shall apply to 3% of the total units, which shall be spread approximately pro rata across all unit types, by number of bedrooms ("Workforce Units"). *Owner shall float Workforce Units around the property as needed to manage lease expirations and availability of Qualified Tenants.*
- 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 household incomes that do not exceed 100% of the Area Median income (AMI) (as published annually by HUD for Atlanta-Sandy Springs-Roswell HUD Metro FMR Area).
- iii. Qualified Tenants must meet all credit and background screening requirements that are imposed on market rate tenants. In the event of Owner cannot locate Qualified Tenants within 60 days of a Workforce Unit notice to vacate, Owner shall market and lease unit to a market rate tenant, and the next identified Qualified Tenant will be placed on a waitlist for the next available floating Workforce Unit.

- iv. The Workforce Housing program shall end the earlier of (1) twenty years after the first certificate of occupancy is issued or (2) upon recordation of condominium plat and units being offered for-sale to individual buyers.
- v. Workforce Unit rents are to be calculated based on HUDUSER 80% income limits for the Atlanta – Sandy Springs – Roswell HUD Metro FMR Area, and shall be set to 30% of the income limits specified in the HUDUSER data. Regardless of actual household size, the rents will be established with 1.5 persons per bedroom for all one bedroom or larger units. Studios will be one person per bedroom.

As a mathematical example, the 1-person 80% AMI rents are \$57,200 in FY 2023. 30% of this is \$17,160, divided by 12 months is \$1,430. Thus, a studio would rent for \$1,430.

For a one bedroom, the average of the 1-person and 2-person 80% income limit would be taken: $(\$57,200 + \$65,360) / 2 = \$61,280 * 30\% / 12 = \$1,532$

For a two bedroom, the 3-person 80% income limit is taken.

For a three bedroom, the average of the 4-person and 5-person 80% income limit is taken.

For a four bedroom, the 6-person 80% income limit is taken.

- vi. Should the property be sold or transferred, the workforce credit program shall carry with the property to the subsequent owner.
- vii. 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.
- viii. The property owner (or its property management company) shall deliver semi-annual 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 period.
- ix. Qualified Tenants occupying the workforce credit units must reapply to meet the Tenant Qualifications on an annual basis, due sixty days prior to lease renewal. 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 sixty days, while still paying the monthly discounted rent over the sixty day period.