

Staff recommends approval of PZ25-006 from R-30 to MXU with the following conditions.

- 1) As part of the rezoning action the following variances are granted,
 - a. A variance for density is granted to allow a maximum overall density of 21.61 as demonstrated on the site plan.
 - b. A variance to timing of construction of the commercial development. The commercial component (vertically integrated within the U shaped 4-story building shall be completed with the construction of said building.
- 2) The mixed-use proposal includes a site plan showing a total maximum of 320 luxury, multi-family dwelling units that feature quality resort style amenities (passive and active), community open space and walking trails yielding a density of 21.61 units per acre. The applicant will also be constructing 6,000 square feet of retail space on the bottom floor of Building One (as shown herein as Exhibit A) in accordance with MXU requirements, as well as providing a 5,000 square foot clubhouse and fitness center for the residents. The proposed residential community will provide 554 on-site parking spaces (including 48 detached garages) dedicated to the residents and their guests, in accordance with City of Powder Springs standards. The site plan submitted also provides 30 on-site parking spaces dedicated to the retail uses proposed in accordance with City of Powder Springs standards. Parking spaces may be modified from the numbers presented as long as requirement of the Unified Development Code are met. The applicant is agreeable to a maximum building height of 4 stories for all residential buildings. Per section 2-21(j) of the Powder Springs UDC, contingent upon approval from Mayor and City Council, given that the vertically integrated 6,000 square feet of retail space will be constructed and issued a certificate of occupancy in conjunction with Building One, so long as construction has begun on Building One after initial land disturbance, applicant will have the ability to pull all building permits and begin construction on the remaining residential buildings in an effort to maximize efficiency in overall project construction schedule.
- 3) The architectural style of all residential buildings shall be constructed consistent with blended building materials that may include the application of stone, brick, hardi-plank, shake and board and batten as shown herein as Exhibit B. No vinyl materials will be used on the exterior portions of the proposed residential units. So long as the design plans of applicant are consistent with what's included in Exhibit

B, the conditions of the Architectural design approval process (Section 5-15 of the Powder Springs UDC) shall be considered met and a rereview/reapproval of plans by the community development director and/or Mayor and City Council shall not be required. The architectural style between this MXU development and the adjacent CRC zoned property shall be complementary and subject to staff review. The units should have brick on the first story with no other materials and use only two materials and patterns on the 2nd and 3rd story. Units shall have a minimum of 6 ft stoops at doors, unless otherwise approved by the city's design consultant. Final architectural design subject to staff review in consultation with city's design consultant. All building facades shall meet design requirements as all facades face either CH James Pkwy, common areas or the Silver Comet Trail.

- 4) The applicant agrees that all drives and roadways within the community will be privately owned and maintained. Applicant also agrees to ensure security, quality and long term maintenance of the property.
- 5) The applicant agrees to provide 5.27 acres of the site as protected community open space and walking trails. The applicant is also proposing a network of 5' and 6' wide sidewalks to access the Silver Comet Trail and connect to the Community Trail Head Park feature shown on the attached site plan.
- 6) The applicant agrees that all signage for the proposed community will be ground based, monument style signage that compliments the high quality, architectural style proposed for the project.
- 7) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the project.
- 8) All utilities servicing the residences within the proposed community shall be located underground.

9) All construction and employee vehicles and equipment will be parked, and otherwise located, on the property during the development of infrastructure and construction of the project and shall not be parked on or along US 278, Isley Stamper Road or Powder Springs Dallas Road. There will be no stacking of vehicles along any roadway waiting for entry onto the property. If a flagman is needed to facilitate safe access to the site by construction vehicles, one will be provided.

10) All stormwater infrastructure shall be constructed in accordance with the water quality requirements of the CWA - NPDES - NPS permit and City of Powder Springs water quality regulations, including the establishment of 75-foot buffer (50-foot undisturbed and 25-foot impervious surface setback) along state waters select water features as shown on the site plan submitted. No stream buffer variances are granted as part of this rezoning action. All areas located in the undisturbed stream buffer shall be placed in a conservation easement.

11) Development and construction hours for the proposed project shall be limited to the following:

7:00 AM to 7:00 PM Monday through Friday, April 1 through September 30,

7:00 AM to 7:00 PM Monday through Friday, October 1 through March 31,

8 AM to 4: 30 PM Saturday; and

No work on Sunday unless otherwise approved by the Mayor and Council of the City of Powder Springs.

12) Applicant to comply with all City of Powder Springs development standards and ordinances relating to project improvements.

13) To the maximum extent feasible, the development shall include interparcel access and connectivity to the Silver Comet trail.

- 14) If the city plans a sign in the future, the applicant shall work with the City to identify an area for gateway city signage and dedicate an easement to the city for said purpose.
- 15) Site plan be modified to be substantially consistent with that prepared by TSW dated June 24, 2025.
- 16) The detention pond shall be screened with landscaping subject to staff review. Underground detention shall be considered. Stormwater management facilities shall be designed by a registered landscape architect as formal or natural amenities for residents. The pond shall be designed to not require a fence or be enclosed by walls over 30 inches in height.
- 17) The MXU development shall have the following requirements
 - a. Front setback – 40 feet
 - b. Side setback – 40 feet
 - c. Rear setback- 40 feet
 - d. Landcape strip – 10 feet
 - e. Open space-minimum 20% in MXU zoned property.
- 18) All HVAC, mechanical systems and home utilities within the community shall be screened from view and shall not be located within the building setback.
- 19) 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. These practices need to be integral with the site layout, for example: islands within the parking lot for bioretention etc..
 - 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."
- 20) Common Open Space areas, amenities, mail kiosks, and all 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.
 - 21) Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicants agree to offsite improvements necessitated by this development. This includes the installation of a traffic signal at Isley Stamper Road or an improvement that facilitates movement to the north of the development with access to the commercial located in front of the Silverbrook.
 - 22) If the development on the site stalls for a period of 6 months or more, 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 site shall be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.
 - 23) The subject property shall be platted as one lot for the mixed use development prior to the issuance of a land disturbance permit.
 - 24) The multifamily and commercial components shall have industry leading electric vehicle charging stations installed, the minimum number of which to be at least 10% of the total number of multifamily apartment units.
 - 25) The Community Development Director shall be notified in advance of any changes to the management company of the multi-family component.
 - 26) Common Open Space areas, nature trails, 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.
 - 27) No more than 50% of certificates of occupancy for the Multi-family and mixed use buildings will be issued prior to the completion of amenity building and pool, as evidenced by certificates of completion.
 - 28) The central green areas of the multifamily development shall be graded to allow usable fields.

- 29) The development shall provide a Workforce Housing Credit (“WHC”) shall be provided in accordance with the following provisions, for the multifamily development, in compliance with UDC Sec. 4-325:
- 30) Pedestrian access be provided throughout the development (MXU and CRC zoning). A pedestrian connectivity plan shall be included with the land disturbance plan.
- 31) 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.
- 32) The site may be cleared in order to accommodate the development, however replanting and specimen tree replacement shall be per the Unified Development Code.
- 33) Parking lots meet the requirements of the Unified Development Code.
- 34) Stormwater management facility must be designed by a registered landscape architect as formal or natural amenities and may not be fenced or enclosed by walls over 30 inches in height.
- 35) Development and construction hours for the proposed project shall be limited to the following:

7:00 AM to 7:00 PM Monday through Friday, April 1 through September 30,

7:00 AM to 7:00 PM Monday through Friday, October 1 through March 31,

8 AM to 4: 30 PM Saturday; and

No work on Sunday.

These times may be modified if needed upon request of the applicant subject to Mayor and Council approval.

- 36) 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.