

Memorandum

Date: May 16, 2022.
To: Mayor and Council
From: Community Development
Subject: **PZ 22—012. Rezoning Request: 4975 and 5001 Hill Road SW. To rezone from R-20 in the County and NRC in the City to MXU in the City. The property is located within land lots 952, 953, and 972 of the 19th District, 2nd Section, and Cobb County, Georgia. PINs: 19095300070, 19095300060. Related Annexation Petition: ORD 22 - 002**

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. The rezoning is from R-20 in the County and NRC in the City to MXU in the City.
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 04/06/2022.
3. The mixed-use development shall include a maximum of 122 for-rent residential units at a density of 7.38 u/a. The minimum residential square footage shall be: 1400 square feet for two-bedroom units; 1600 square feet for three-bedroom units.
A 2-story commercial building with a minimum of 23,000SF. Said commercial building to allow for the following commercial uses a sports club, indoor recreation, assembly, office, and restaurant space.
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: 30 feet, and 35 feet along US HWY 278.
 - Between Buildings: 10 feet.
 - Perimeter Buffer: 20 feet. Perimeter buffer shall be graded and replanted, per the approved site plan.
 - Landscape Strip at Road Frontage: 10 feet at Hill Road. 25 feet at US HWY 278.

- 6.** The architectural style and composition of the commercial building proposed for the Subject Property shall be architecturally significant and be compatible with the residential buildings in the development. 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.. 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 pool and cabana amenity areas may have gates and controlled access at Ownership's discretion, and subject to City approval.
- 8.** An amenity area shall be provided within the residential component to include a pool and a cabana. No more than 50% of COs for the residential component will be issued prior to the completion of the amenity, as evidenced by a certificate of completion.
- 9.** Parking shall be consistent with the referenced site plan, which depicts that the minimum number of parking space requirement is provided for the proposed Pickleball Complex, and for the residential component. Parking shall consist of 405 surface parking spaces and 122 garage parking spaces. 122 of the 405 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 sidewalk.
 - b. Surface parking spaces shall be 9'x19', excluding those in driveways of residential units. NOTE THIS IS A REDUCTON IN PARKING SIZE PER THE UDC.
- 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, at the discretion of property management.

- 12.** 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 what is required.
 - 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.

- 13.** A professional and certified management company shall be required to manage the for-rent residences.

- 14.** The applicant shall submit a traffic study to include all proposed uses at the subject site and install any improvements identified in said study.

- 15.** The applicant shall comply with Cobb County Department of Transportation Comments, as may be revised by Cobb County:
 - Developer shall dedicate right-of-way along Hill Road, a minimum of 40 feet, measured from the roadway centerline.
 - Developer shall install left turn lane from Hill Road to proposed full access driveway. Design shall comply with Detail 401F.
 - Developer shall install raised concrete median along Hill Road at right-in/right-out driveway to restrict left turn movements.
 - Recommend developer provide additional storage for right turn lane along Hill Road for C.H. James Parkway (US 278).
 - Recommend developer coordinate with GDOT for any necessary permits or encroachments along C.H. James Parkway (US 278).
 - Developer shall provide uninterrupted access from Hill Road right-of-way line. Distance to be determined during plan review.
 - Developer shall submit plans to Cobb County Community Development for plan review.
 - This will result in some site plan adjustment; all site plan updates and changes will be sent to City Staff for approval.

- 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 where applicable.
- 18.** The proposed outdoor pickleball courts shall be permitted concurrently with the permitting of the residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy (COs) from the city until the completion of the courts.
- 19.** The development pad and parking lot for the proposed 23,000 sf Pickleball Complex building 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 (COs) from the city until the completion of the development pad, parking lot, infrastructure, and landscaping for the Pickleball Complex building. Evidence of completion of the development pad and parking lot and pickleball courts shall be 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 CD, may be used for up to one year from the issuance of the certificate of completion.
- 20.** Subdivision of property is subject to Mayor and Council Approval, such approval shall not be unreasonably withheld.
- 21.** 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.
- 22. 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. Items which from time to time may be deemed necessary by the by the Community Development Director to ensure proper zoning enforcement.
- 23. 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.**
- 24. 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