

Garden Gate Zoning Stipulations

to approval by the public works director. There shall be sufficient radius at lot 7 to allow forward and backward movement behind lots 1-7, subject to approval by the public works director. The maintenance of the private access drive shall be the responsibility of the HOA in perpetuity and the HOA shall not hold the City liable for any maintenance issues related to the process of garbage collection and the ingress, egress and all movement of the sanitation vehicles, whether those vehicles are operated directly by the city or by the city's sanitation service provider.

28. Before any permit other than for the model home is issued, the amenity area of the fire pit, gazebo, swing and fountain (consistent with the attached photos) shall be completed.
29. Prior to review and approval of the land disturbance permit, the site plan dated 8/15/2013 shall be revised as follows: (1) correct the set back dimensions of front 5'; rear 25' and side 0 with a 10-foot separation between units; (2) identify the location and dimensions of the required 20% open space that does not include the detention pond or yards of individual lots; (3) extend the sidewalk on Silver Springs Boulevard to Richard D. Sailors Parkway; (4) identify the location of the fencing required in paragraph 31 of these stipulations; (5) show the sidewalk located on private property instead of public right of way.
30. No open swale or drainage ditch shall exist on the Property; all required drainage shall be conveyed in a storm drain pipe.
31. Applicant shall install on the eastern boundary of Tract 2 and on the eastern boundary of Lots 19 and 20 of Tract 1 a picket, wrought iron or similar decorative style fence not taller than 4 feet in height beginning three feet behind the proposed sidewalk and extending north approximately 325 feet on Tract 1 and south approximately 185 feet on Tract 2. The fence shall be subject to design review by staff and shall include a column or similar design feature on Flowering Branch that will serve to mark the entrance to the Courtyards of Silver Springs. Landscaping shall be installed along the fence in the front yards of Lot 19 of Tract 1 and in the front yard of Tract 2.

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issuance of any land development permits.

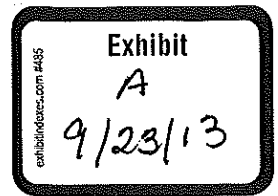
22. All nonresidential development shall be confined to the area delineated as Tract 2 on the site plan and shall be oriented perpendicular to the existing office development in the manner as shown on the originally approved site plan dated 6-15-2000. Access to this nonresidential site shall be from Silver Springs Boulevard only, and an interparcel access agreement required by Article 6 of the Unified Development Code shall be executed and recorded prior to the issuance of any the land development permit for the Property, or any portion thereof. All nonresidential structures shall be consistent with and complementary to the existing adjoining nonresidential structures in design, material and color. A landscape plan shall be developed for the Property that shall include a buffer and screening on the eastern boundary adjacent to the residential unit at Silver Springs Village, and a landscape strip fronting Flowering Branch Dr. There shall be no vehicular access to the nonresidential site, or any portion thereof, from Flowering Branch. The nonresidential portion shall only include office uses, and the following uses: specialty boutique stores, specialty food store, snack shop (such as coffee shop) and drop-off dry cleaner (no coin operated laundry).
23. The applicant or owner is responsible to pay for any and all design, engineering and construction of any connection to the Silver Comet Trail. The City will cooperate with applicant or owner in seeking approval from Cobb County for any such connection. The applicant or owner shall pay for any fees that the County or others may assess for approving any connections to the Silver Comet Trail.
24. The detention pond for the Property shall be titled in the name of, and conveyed to, the HOA by separate deed recorded simultaneously with the final plat. Said pond shall be heavily landscaped, screening the pond from public view. A comprehensive stormwater management plan shall be filed with the City as required by the Unified Development Code and shall specifically set forth a maintenance schedule that shall be implemented in perpetuity by the HOA
25. The development of the Property shall strictly conform to the site plan dated 8-15-2013 and attached hereto, except as modified by these stipulations.
26. The final plat for the Property shall delineate all potable water and sanitary sewer easements that shall be granted to the City for maintenance of said water and sewer infrastructure. The plat shall delineate all common, parking, amenity, retention or detention and entrance areas and sidewalks that shall be the responsibility of the HOA and not the City. The plat shall delineate those areas that are property of the adjoining Silver Springs Village development, including the Village Green.
27. The Applicant and owner and HOA shall at all times provide the City sanitation department the gate access code for entry to the rear of the homes for sanitation services. The access drive shall have sufficient turning radii to access the parking area to the rear of the lots, and the drives and lot shall meet all construction and material specifications and processes that will support the weight of the sanitation trucks, subject

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the Silver Springs Village HOA, the requirements for a separate amenity area and separate covenants may be removed through a change in zoning stipulations.

10. All property owners shall become and remain members of the HOA and shall abide by all covenants applicable to the Property.
11. The homes shall have a side yard setback of 0 feet and a minimum of 10 feet shall be maintained between the homes.
12. There shall be a continuous sidewalk along the front of the homes within the development, but no sidewalk connection to lot 82 of the Courtyards of Silver Springs. The sidewalk on Flowering Branch shall tie into the existing sidewalk for Silver Springs Village development, and shall be maintained by the Garden Gate HOA established for the governance of the Property.
13. All previous zoning stipulations applicable to the Property not in conflict herewith shall remain in full force and effect.
15. Except as varied herein, the applicant and owner shall comply with all requirements of the Unified Development Code.
16. The height of the homes to be constructed upon the Property shall be transitioned from the existing one story homes in Silver Springs Village to the one-half story to two story homes proposed by the applicant as shown in the attached renderings.
17. No lot on the property shall have a front set back that exceeds 20 feet.
18. The applicant or owner shall include an amenity package in the area(s) designated as such on the site plan dated 8-15-2013. The amenity package shall include those features displayed in photographs submitted by the applicant (gazebo, fire pit, swing and fountain) and attached hereto and shall be a part of the common area maintained by the HOA. The site plan shall also include the specification of required open space under Section 4-15 of the UDC, as well as a certification of the amount of open space provided pursuant to the site plan. Additionally, said site plan shall delineate the location of each 400 square foot private yard or patio per the requirements of Section 4-12 of the UDC.
19. In addition to any annual dues, at the time of closing for each lot, the purchaser of the lot shall pay to the HOA an initiation fee in an amount that is the greater of \$1000 or the amount set forth in the covenants of the HOA.
20. No action by the City on this application obligates the City to acquire any offsite easements for the Property.
21. All residential and nonresidential plans, exterior materials and building colors are subject to design review approval and shall be consistent with and complementary to the existing residential and nonresidential development of the adjoining Silver Springs Village development. The models and elevations shall be complementary to the existing development and subject to design review approval by Mayor and Council prior to

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1. As used herein, the term "Property" means and includes that certain 4.97 acre site shown as Tract 1 on the Applicant's site plan, dated 8-15-2013 and attached hereto. To the extent that different or additional conditions to said site plan are contained in the following conditions, said different or additional conditions shall control. Additionally, upon review and approval by the city zoning department, said plan may be modified to allow a smaller number of lots. The .90 acre site shown as Tract 2 on said site plan shall remain zoned NRC and subject to all existing zoning conditions not inconsistent with the conditions contained herein.
2. Each home constructed on the Property shall provide a two car rear loaded garage; there shall be no front entry garages.
3. The Property shall be rezoned to the MDR zoning district classification, and each lot shall contain a minimum of 4,725 square feet.
4. Each lot on the Property shall have a minimum frontage of 35 feet.
5. Each home on the Property shall have a minimum 2,000 square feet of heated and cooled living space.
6. The applicant or owner shall seek and obtain design review, lighting plan approval, and preliminary plat approval for the proposed homes within 90 days of approval of this application by the Mayor and City Council.
7. The applicant or owner shall apply for and secure a building permit for at least one residential structure on the Property by June 16, 2014. In the event no such building permit is obtained, the zoning classification of the entire Property shall, without further action from the City, revert to the NRC zoning district classification consistent with the original site plan approval.
8. The applicant or owner shall comply with all requirements of (including alley widths and gating) and receive approval from, the Cobb County Fire Marshal's office prior to preliminary plat approval.
9. Prior to the sale of any lot, the applicant or owner shall record restrictive covenants which shall include a mandatory homeowner's association ("HOA") responsible for the ownership, upkeep and maintenance of all common areas, including the amenity, entrance and retention or detention pond areas, which areas shall be defined by the covenants and delineated on the final plat. To the extent this responsibility requires access easements to the common areas, such access easements shall be delineated on the final plat. The applicant, owner and any subsequent developer or builder agrees to strictly enforce the provisions of the covenants until responsibility for maintenance of the common areas, is transferred from the Applicant or owner to the HOA. The covenants shall be substantially similar to the attached covenants, with modifications as approved by the City Attorney. If Silver Springs Village homeowner's association votes to allow the lot owners in the development proposed to be constructed on the Property to join

25th, 7:00 PM at the Ron Anderson Building.

8. Executive Session

9. Adjournment

Rosalyn Neal made a motion to adjourn, Nancy Hudson seconded. Motion carried 5-0. Meeting adjourned at 8:30 p.m.



Dawn R. Davis

with anger and overt resistance. And you have borne that brunt.

As one trained in research, I have done my best to learn the facts surrounding your firm's zoning request this year. And what I found is expressed in the attached email document which I wrote and distributed yesterday to every home in the Village. It was my hope this would help others to see the whole picture, as I have.

While I for one, as a 20 year resident of Manhattan, hate to see the beautiful trees cut down, I also recognize that you plan to create a neighborhood much like our own.

Please accept my apology along with my gratitude for listening to us and creating a subdivision of which we will one day be proud.

Mr. Calhoun read the 31 stipulations (attached to minutes as Exhibit A).

The Mayor then called for a motion and vote.

Cheryl Sarvis thanked everyone who was involved in this process.

Al Thurman made a motion to approve with the stipulations read by the City Attorney. Rosalyn Neal seconded, motion carried 5-0.

- H. **ORD 13-019** An ordinance amending Article 8 of the Unified Development Code to update provisions relating to infrastructure design standards; to repeal conflicting ordinances; to establish an effective date.

Mr. Calhoun presented the first reading. The second reading will be on October 7, 2013

7. City Manager and City Council Reports

Mr. Hulsey said that he and staff were compiling plans for the Barber Shop and will bring those to the next agenda meeting. He also told the Council that RA Barr and Barbara Barr's deannexation request was not on the agenda tonight because Mr. & Mrs. Barr had requested that their application for deannexation be withdrawn after Cobb County denied his application. Mr. Hulsey also said that he had received a letter from Cobb Marietta Water Authority that there will be a 4% increase in water rates effective 1/1/14 and that this rate will be passed on to our water customers. He said that the City had not been notified of the sewer rate increase.

Chris Wizner, Rosalyn Neal and Nancy Hudson all welcomed Diana to the City. Nancy Hudson said that there was a great turnout for the 9/14/13 shredding event. She said that over 140 cars & trucks came through to drop off documents to be shredded. Cheryl Sarvis reminded everyone of Lisa Cupid's Town Hall Meeting on Wednesday, September

forward their recommendations to the City Council at the end of 30 days.

Sherry Lade, 3566 Lilac Springs. Ms. Lade said that she had 2 concerns. One was the detention pond that will be built in this new subdivision. She would like to have the Council require the builder to heavily landscape that area. The other concern she had was that the builder be required to landscape the area along the Silver Comet Trail in order to help with the noise problem.

Susan Johnson, 3534 Flowering Springs. Ms. Johnson apologized to Mr. Williams for the impression they gave at the last meeting. She said that she wanted the land developed and would like to have a win/win situation. She stated that this development should be part of Silver Springs Village. She welcomed Fallwood Builders to the neighborhood.

Michael Janney, 3603 Spring Beauty, Mr. Janney stated that this area was suppose to be built for commercial buildings and only 5 of the commercial buildings were ever built. He expressed concern for the number of communities that had begun development but then went bankrupt. He expressed concern that the builder was pricing the homes to high and that they will not sell for \$250,000.

Ralph Shire, 3531 Flowering Springs, Mr. Shire was concerned about the public easement to the silver comet trail from the back of Silver Springs property and that he hopes that continued access will be taken into consideration.

John Flatt, 3589 Lilac Springs, Mr. Flatt said that the reason they were taking such an active interest was because it affects their neighborhood. He does not want to bring down the value of their homes. He would like for Mr. Williams to consider working with the residents of Silver Springs.

Richard Calhoun closed the public hearing.

Mayor Vaughn stated that she is aware that this has been a contentious issue and she appreciated the Silver Springs Village coming forward. She thank those that worked with their City Council Representative. The Mayor said that she can not mandate that a builder talk and negotiate with residents.

The Mayor read an email that Wilmont Williams received from Silver Springs Village Resident, Marjorie Miller:

"I write you-with my regret and apology-as the SSV resident who initiated the Marietta Daily Journal article. At the time I did so, I shared most residents' total ignorance of events transpiring in 2010. Thus when we received your certified letters, seemingly "out of the blue", we reacted

City's sanitation services and emergency vehicles. The detention pond will be 7.5 feet to 10 feet in depth. The retention pond will contain all drainage and no dirt will be hauled in or out of the property. Mr. Williams said the width of the private lanes and streets will be 20 feet and he will also have an additional 19 parking places for visitors to park.

Mr., Williams further explained that the homes will be a minimum of 2,000 square feet with walk-in laundry, walk-in pantry, gourmet kitchens with granite counter tops, wired for a sound system and will have a state of the art security system.

Mayor Vaughn asked if the homes would be hardiplank with stone accents. Mr. Williams replied that they will be hardiplank with stone accents and some cedar shake. The Mayor also asked if the color of the homes would be neutral and consistent with Silver Springs Village and he replied they would. The Mayor also asked if the master bedroom would be on the main floor and he replied only if the Council stipulated such; however, that there would a bedroom and full bath on the main floor.

Mayor Vaughn stated that she had reviewed the proposed covenants and they were very thorough. She asked if Mr. Williams will start working on his amenities once he has completed his model home and he replied that he would. She also stated that if Silver Springs Village decides to accept them into their HOA, Mr. Williams would have to come back to the City to have this stipulation removed. Mr. Williams stated he understood.

Chris Wizner inquired about the HOA fees and how much money would be turned over to the HOA. Mr. Williams stated that there would be an initiation fee for each home and yearly dues and that all of the money they collect will be turned over to the HOA. He said none of the HOA money would be used for any of the construction cost.

Gary Schultz, 3579 Lilac Springs, Powder Springs, GA. Mr. Schultz stated he was not in opposition to the development and was glad to see something being done with the property. He said that he hopes that we would learn from our mistakes and encourages Mr. Williams and Silver Springs Village sit down and go over their concerns and covenants.

Lois Becton, 3610 Silver Springs Way, Ms. Becton stated that the community needs collective support to be successful and that communication was missing. She requested that 3 representatives from Silver Springs Village and 3 from Fallwood form a team that would meet and be facilitated by a representative from the City. She said that they could work on concerns such as HOA, joint covenants, sharing of amenities and traffic control. She stated that the team could then

directing that bids for paving and topping of Silverbrooke Drive be had and providing for an effective date.

- C. **RES0 13-099** A resolution revising sewer connection fees and providing for an effective date.
- D. **RES0 13-101** A resolution approving and authorizing the Mayor to execute an Americans with Disabilities Accessibility Act (ADA) Transition Plan; appointing an ADA Coordinator and establishing an effective date.
- E. **RES0 13-102** A resolution approving and authorizing the Mayor to execute an agreement with Georgia Power Company for the provision of street lighting at the Vineyards of New Macland Subdivision and providing for an effective date.
- F. **RES0 13-107** A resolution authorizing the Mayor to execute the attached Municipal Lease Agreement with Konica Minolta Business Solutions for the leasing of certain copier equipment for use by City Hall and provide for an effective date.

Mr. Calhoun presented the Consent Agenda. He stated that the items on the Consent Agenda would be read in summary form and that all contracts, conditions, stipulations, agreements and other matters referenced in any agenda item were incorporated herein as if fully read and at the beginning of the reading of the Consent Agenda he will open a hearing on any item and anyone who wishes to speak may do so at the conclusion of the reading of the Consent Agenda. Mr. Calhoun opened a public hearing and no one spoke for or against any item on the Consent Agenda. Mr. Calhoun closed the public hearing.

Cheryl Sarvie made a motion to approve the Consent Agenda as presented, Rosalyn Neal seconded, motion carried 5-0.

Regular Agenda

- G. **PZ-13-026** Zoning and Variances, Land Lot 802, 803, 826, and 827; Fallwood Builders.

Mr. Calhoun opened the public hearing. The Applicant Wilmont Williams of Fallwood Builders was present. Mr. Williams stated that he was requesting that a 4.9 acre site be rezoned from NRC to MDR. He said that he is in agreement with all the proposed zoning stipulations. He said that he would like to stipulate that he will build a maximum of 29 homes and minimum of 25 homes. He also stated that he will have amenities that included a gated entrance, gathering center with picnic tables, and a fountain with meditation benches. Mr. Williams also stated that he will only have .50 acres as open space and if needed, he would apply for a variance. Mr. Williams further explained that there were no specimen trees located on the property and that he will plant 147 trees that will include red maple, magnolia, Virginia pines, rubber birch, cypress, weeping willows, dawn redwood and crepe myrtles. He further explained that he will have an access code available for the use of the

Gingrey is a physician. He has led the way for the minority party in the Senate in health care reform.

U. S. Senator Ron Wyden, Chairman, Senate Committee on Energy and Natural Resources. Senator Wyden gave an overview of how the federal government is working toward alternative energy sources, as well as the preservation and use of our vast natural resources.

At the Georgia Chamber-sponsored Georgia Congressional Delegation and Staff Appreciation Reception, Mayor Vaughn and I had the opportunity to connect with various other governmental and business leaders from our region including: Mayor Harvey Persons from Douglasville, Mayor Mark Matthews of Kennesaw, Cobb County Commission Chair Tim Lee, John Sell with Georgia Power, Ken Barber with Metro Bank, Shane Garrison with Puckett EMS, Dan Styfe with Piedmont Wellstar Health Benefits, Don Barbour with AT&T, Greg Morgan with the City's audit firm, Mauldin & Jenkins and Jerri Barr with the Center for Family Resources, just to name a few. Congressional members and their staff were also present, and the Mayor and I had yet another opportunity to discuss issues relating to Powder Springs, Cobb County and the surrounding region with each of them."

The Mayor announced that the Governors Gun Club had their grand opening and ribbon cutting. She reminded everyone of Powder Springs Day on October 5th.

Mayor Vaughn announced that the Council will be back on regular schedule (meeting twice per month) beginning in October. Also, the Dedication of the Cultural Arts Center will be on October 3rd at 5:00 p.m.

5. Citizens Comments

Tom Bevirt spoke to the Council to thank all the people who helped him when he had his back surgery. He particularly named the Mayor and Ray Vaughn, the City Hall Receptionist Nikki Proctor, RA and Barbara Barr and Al Thurman.

6. City Attorney

Consent Agenda

- A. **RES0 13-081** A resolution authorizing the Mayor to execute and submit a Community Development Block Grant Program Application for funding to undertake certain accessibility improvements within City facilities.
- B. **RES0 13-085** A resolution accepting the dedication of streets and other items contained within Silverbrooke Unit 1; expressly disclaiming the acceptance of other items,

Support alternative modes of transportation to provide solutions for meeting our increased capacity challenges as our county continues to grow and mature, including efforts that support regional transit connectivity.

2. Health care

The Cobb Chamber believes health care provider's mission to care for patients is being threatened by repeated ratcheting of Medicare and Medicaid payments for services that provide. Hospitals have already been subjected to more than \$250 billion in reductions since 2010 and cannot sustain any additional cuts without additional job losses, which will affect many residents of Powder Springs who work in the health care field. We asked that our Congressmen work to pass a fiscal year 2014 budget and address the deficit, as well as to commit to support the hospitals that serve as economic engines as well as health care providers and employers in our community.

3. Water Resources

The Cobb Chamber supports the passage of the Water Resources Development Act as continued investments in our water infrastructure are vital to our economy. Investments should be made in reservoir construction as well as improvements should be made in water conservation measures. Investments in water supply and water treatment would receive the appropriate regulatory and financial clearances needed, in a timely manner, to be economically viable.

A joint briefing, followed by a reception, was held with the Georgia Chamber, which included various other Chambers of Commerce from around Georgia. During the briefing, we had the chance to hear updates on a wide variety of topics from various congressional leaders, including:

U. S. Representative Bob Goodlatte, Chairman of the House Judiciary Committee. He gave a fascinating overview of the voluminous issues the Judiciary Committee addresses on an ongoing basis. He offered specific emphasis on issues relating to the Internet Tax and Immigration Reform.

U. S. Senator Marco Rubio, Senator Rubio spoke on the American Dream and the ideal of "preserving the American identity" both at home and abroad. He spoke of an economy that awards hard work and sacrifice.

U. S. Senator John Barrasso. Senator Barrasso along with U. S. Representative Phil Gingrey, gave an informative update on health care issues, particular the Affordable Health Care Act. He, like Congressman

occurred on Monday at the Washington Naval Yard, we arrived in Washington on Monday afternoon. We attended a welcome reception and dinner at the National Association of Realtors Building, hosted the ATT&T and Kaiser Permanente. This was a great opportunity to connect with the other attendees and forge new relationships, as well as enhance those that have already been established with the various governmental and business representatives of Cobb County.

Tuesday and Wednesday were very busy days, filled with visits in and around Capitol Hill. During those visits, we met in separate meetings, as well as joint sessions, with Senator Johnny Isakson, Congressman David Scott, Congressman Phil Gingrey, and Congressman Tom Price. During those meetings, Mayor Vaughn shared with these elected representatives issues of importance relating to our city, including, but not limited to: the need for additional transportation funds for local paving projects; the impact of the Affordable Care Act on our city and our employees; and, a request for federal acknowledgement of Powder Springs' 175th birthday. I spoke with members of congressional staff, including Michael Andel, Chief of Staff for Congressman Scott, and Lauren Culbertson, Information Officer for Senator Isakson. The conversation with Michael Andel from Congressman Scott's office carried over from our visit last year. Congressman Scott's office has been very attentive to our needs and requests over the past year, largely due to the relationship we have forged with the Congressman and with his Chief of Staff. This is due in large part to our participation in the Washington Fly-In. We at City Hall receive several calls throughout the year for constituent services from the federal level, and we usually pass these on to Congressman Scott's office, which acts expeditiously to our requests on behalf of their constituents. Mr. Andel reiterated his and his staff's commitment to assisting the City with these and other issues and concerns. In addition, both Mr. Andel and Ms. Culbertson have requested additional information from me so that they can create and have official documentation and recognition, read and adopted in the U. S. House and Senate honoring the City's 175th birthday. I will follow up with each of them this week with the requested information.

There were several items on the Chamber's agenda that we discussed individually and collectively with our congressional representatives and staffs, including, but not limited to:

1. Transportation:

The Cobb Chamber supports the federal government remaining an active partner with the states and local communities in the investment of funds for highways, local roads and public transportation, in particular, to promote economic growth and vitality.



City of Powder Springs
Council Minutes
City Council

City of Powder Springs
4484 Marietta Street
Powder Springs, GA
30127

Mayor
Patricia C. Vaughn

Council Members:
Rosalyn Neal, Chris Wizner
Cheryl Sarvis, Al Thurman, Nancy Hudson

Monday, September 23, 2013

7:00 PM

Council Chambers

1. Call to Order

The Mayor called the meeting to order. All Council Members were present. Also present were City Attorney Richard Calhoun, City Manager Brad Hulseley, City Clerk Dawn Davis and Public Works Director Greg Ramsey.

2. Invocation and Pledge of Allegiance

Al Thurman gave the invocation and the Mayor led the Pledge of Allegiance.

3. Approval of Minutes

Rosalyn Neal made a motion to approve the August 19, 2013 Regular City Council Meeting, August 21, 2013 Special Called Meeting, September 11, 2013 Special Called Meeting and September 11, 2013 Agenda Work Session. Cheryl Sarvis seconded, motion carried 5-0.

4. Mayor's Comments

The Mayor asked Mr. Hulseley if he was prepared to make his recommendation for Finance Director. Mr. Hulseley stated that he was recommending Dianna Bellanger. He stated that Ms. Bellanger was currently an Accountant III with Cobb County and was working toward her CPA. He said that she comes with a wealth of knowledge and he was recommending that she be approved as Finance Director at a salary of \$72,000. Rosalyn Neal made a motion to approve Ms. Bellanger as Finance Director, Chris Wizner seconded, motion carried 4-1 (Al Thurman opposed).

The Mayor said that she and City Manager Hulseley had attended the Cobb County Chamber of Commerce Washington Fly-In. She asked Mr. Hulseley to give the Council a report on what they accomplished while in Washington D.C. Mr. Hulseley made the following statement:

"After a flight delay out of Atlanta due to the unfortunate incident that