

## Staff Report

**Date: July 1, 2026**

**To:** Planning & Zoning Commission

**From:** JoAnna Robinson

### **Subject**

**PZ: PZ26-020 – Rezone at Powder Springs Dallas Road from LI to PUD-R.**

**PZ: PZ26-026 – Flood Variance: The purpose of variance is to permit development on land adjacent to a floodplain.**

### **Location:**

PIN: 19074700080. LL734, LL747, AND LL748 of the 19<sup>th</sup> District, 2nd Section, Cobb County Approximately 10.4 acres. Current zoning is Light Industrial (LI).

### ***Background:***

Mr. Kenneth Jones, one of the owners of the subject property, proposes to re-zone an approximately 10.4 acre property located north of the intersection of Angham Road and Powder Springs Dallas Road. This property borders the Powder Springs Dallas Road Conservation tract of land as well. The subject property was incorporated into the City of Powder Springs on **July 1, 2012**, pursuant to **House Bill 1146** (Ga. L. 2012, p. 4505), a Local Act of the Georgia General Assembly which annexed various 'unincorporated islands' into the city limits.

Property zoning in adjacent or close vicinity:

N = LI

E = LI

S = R-30 and CRC (not adjacent, but across the street)

W = Unincorporated Cobb County R-30 and PUD-R (not adjacent, but across the street)  
Future Land Usage for Unincorporated Cobb R-30 is VLDR (very low density residential)

As a note, this subject property is also located on floodplain and floodplain adjacent land. The origin is Powder Springs Creek.

**Request:**

To re-zone this subject property of 10.4 acres from LI to PUD-R to build 32 townhomes. They will be on a minimum of 8,000 sq ft lots with 60-foot lot width per site plan given to Staff 04/23/2026 (Figure 4). In conjunction with this request, the Applicant has submitted a **Floodplain Variance** application (**PZ26-026**) on which may affect the final development layout and buildable area.

*Figure 1 – Zoning Map*

*Figure 2 – Overhead view of surrounding properties*

*Figure 3 – Future Land Use Map (FLUM)*

*Figure 4 – Site Plan (Original)*

*Figure 5 - Updated Site Plan (received 05/19/2026)*

*Figure 6 – Site Plan with overlay of floodplain/floodplain adjacent areas on property (prepared by Staff and sent 05/21/2026 to Applicant)*

Figure 1 – Zoning Map

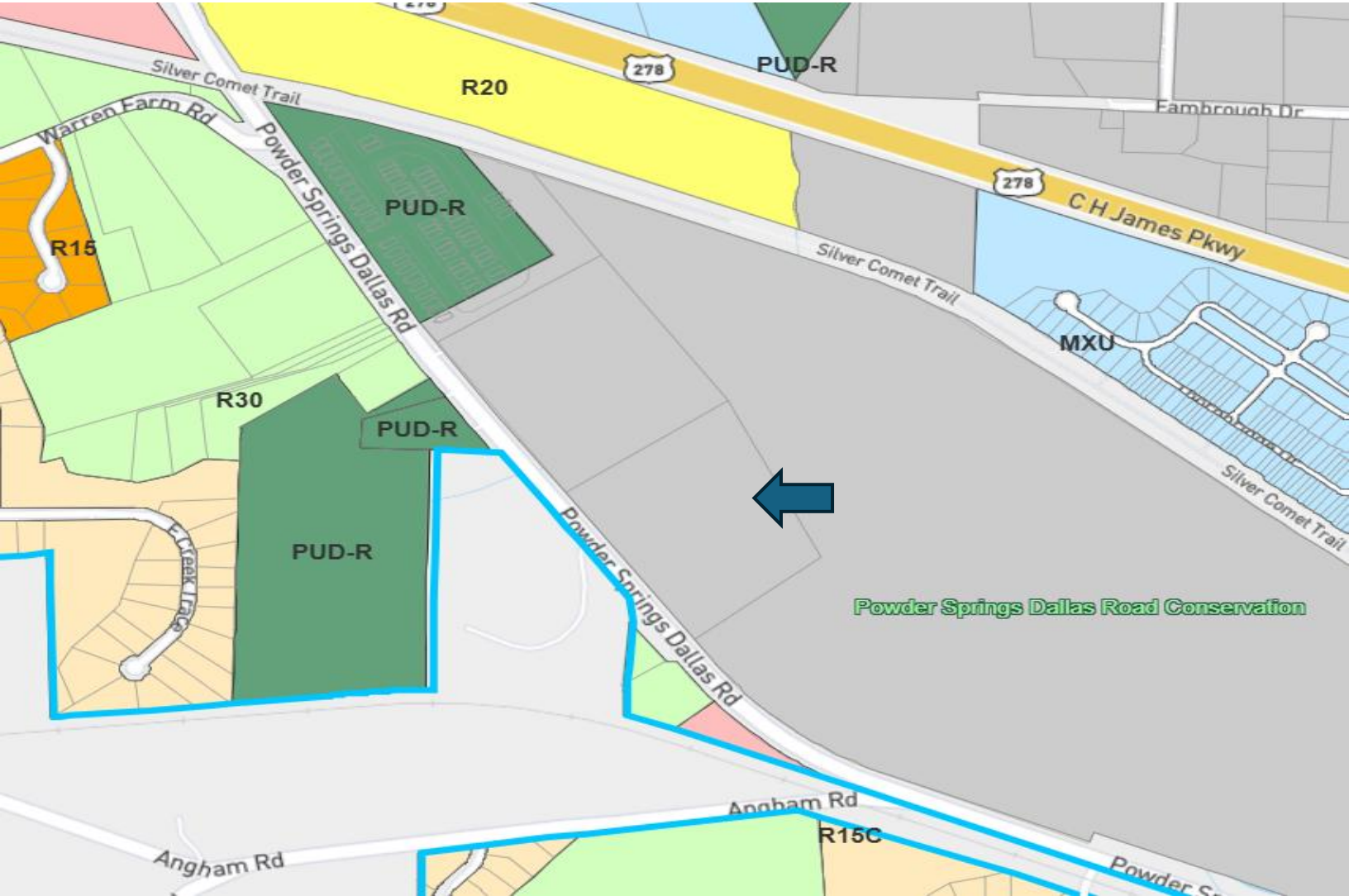


Figure 2 – Overhead view of surrounding properties

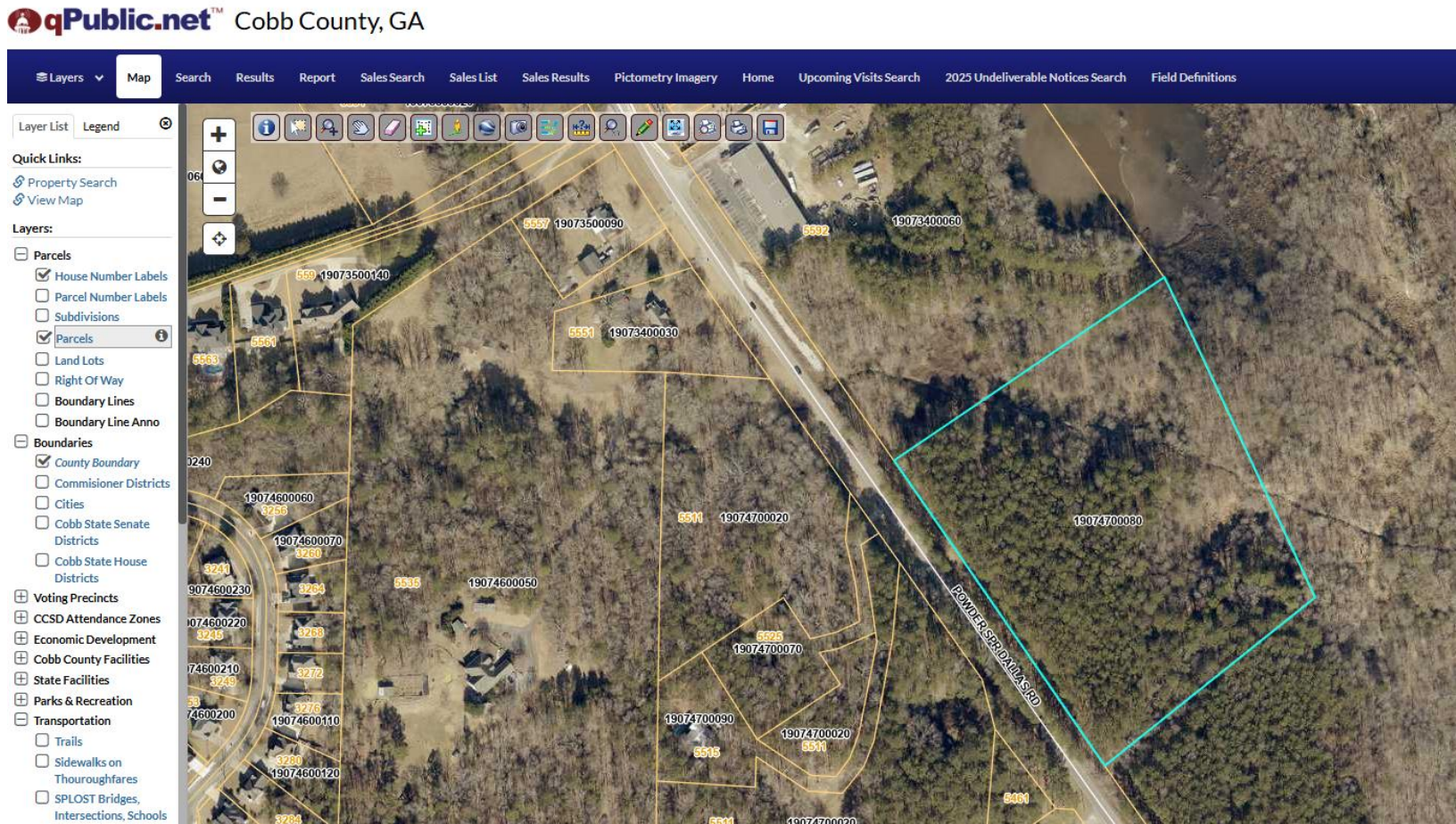


Figure 3 – Future Land Use Map (FLUM)

# FUTURE LAND USE MAP



**Layer List**

Layers

- City Limits
- Parcels
- Zoning
- Character Areas (FLU 2022)

- Suburban Residential Neighborhood
- Village Center Residential
- Neighborhood Activity Center
- Downtown Powder Springs
- Parks Recreation Conservation
- Commercial Corridors
- Professional Employment Center
- Downtown Development Overlay



Figure 5 – Updated Site Plan (received 05/19/2026)

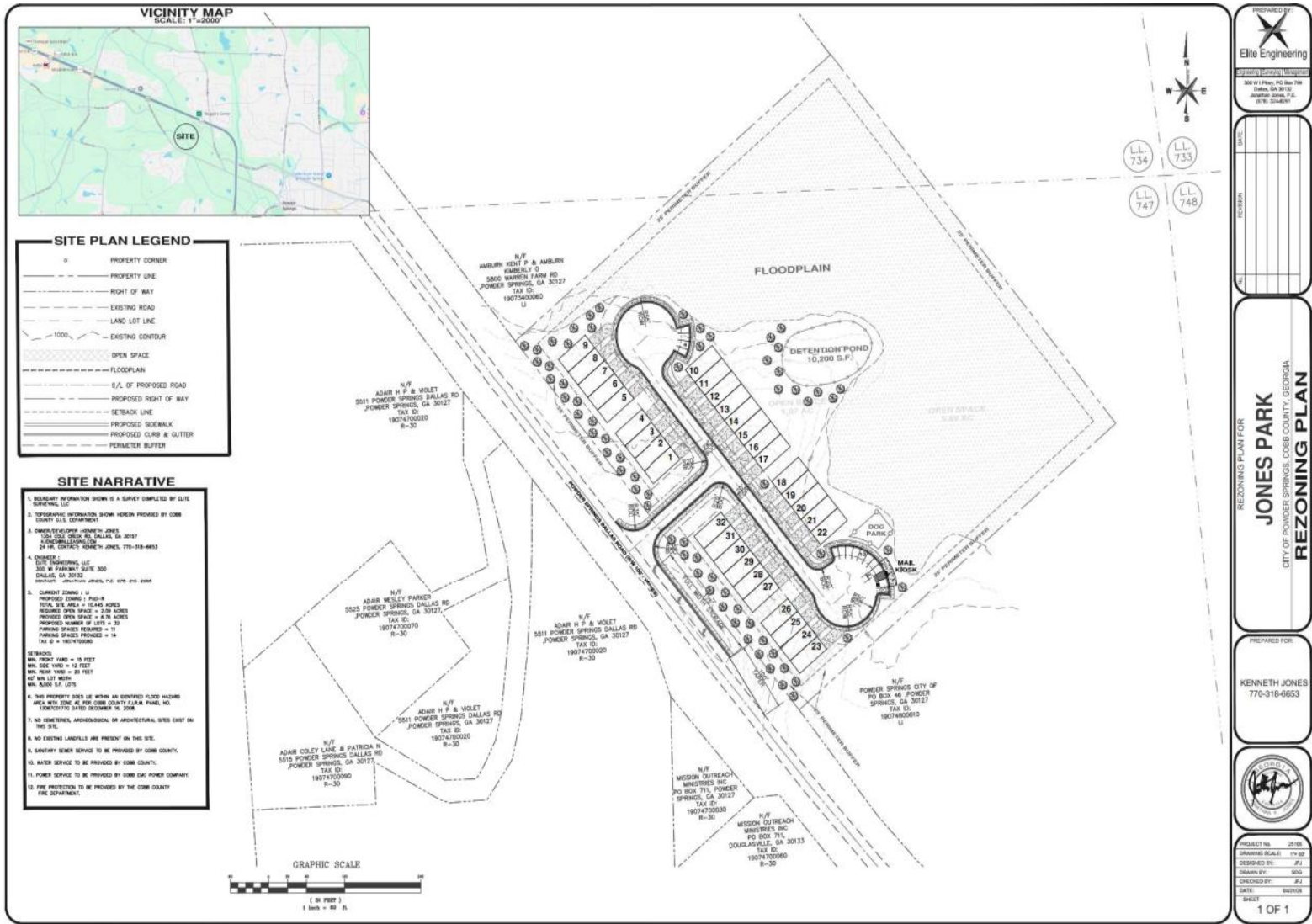
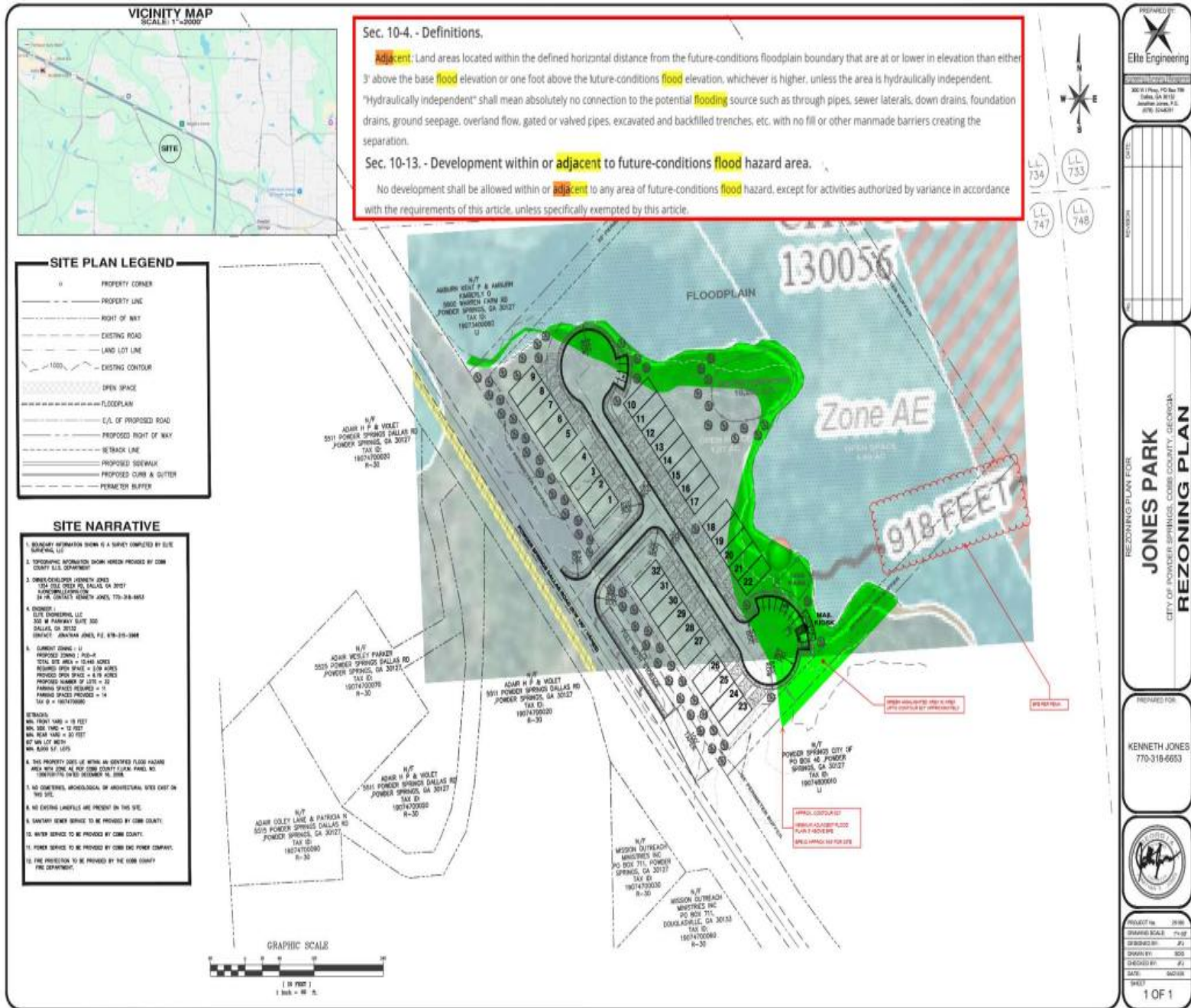


Figure 6 – Site Plan with overlay of floodplain/floodplain adjacent areas on property (prepared by Staff and sent 05/21/2026 to Applicant)



**Criteria for Rezoning Decisions: (Applicant's Answers)**

**a. Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city's comprehensive plan shall be used in decision making relative to amendments to the official zoning map.**

The proposed zoning is compatible with the purpose and intent of City of Powder Springs.

**b. Whether the proposed zoning district and uses permitted within that district are suitable in view of the zoning and development of adjacent and nearby property.**

The proposed zoning is suitable with adjacent zonings.

**c. Whether the existing use or usability of adjacent or nearby property will be adversely affected by one or more uses permitted in the requested zoning district.**

The existing use and usability of adjacent properties will not be negatively affected.

**d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned;**

The current zoning does not allow for townhomes.

**e. Whether public facilities such as roads, schools, water and sewer utilities, and police and fire protection will be adequate to serve the proposed zoning district and uses permitted.**

The current roads, schools, water, sewer, police and fire protection will be adequate to serve the proposed zoning.

**f. Whether the proposed zoning district and uses permitted within that zoning district are supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties.**

The proposed zoning is supported by the new conditions.

**g. Whether the proposed zoning district and uses permitted within that zoning district reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property.**

The new zoning reflects a balance between public health, safety, morality and general welfare.

**Questions for Applicant: (Per UDC 13-36) (Asked at Planning and Zoning Work Session on May 14, 2026.)**

1. What is the proposed sq footage of heated floor area per dwelling? **Minimum size of 1,400 square feet.**
2. What is the proposed number of guest parking spaces? **3. On updated site plan received 05/19/2026 there are now 14 guest parking spaces.**
3. What is the maximum proposed height of any structure? **36 feet.**
4. Have you mapped out the utilities? **Not seen on updated site plan given to Staff on May 19, 2026.**
5. Do you have examples of elevations? **No.**

**Analysis: (Staff)**

- Per UDC Sec. 2-17, Table 2-2 For PUD-R, a maximum of 8 dwelling units are allowed per 1 acre.
- Per UDC Sec. 10-12 “No development shall be allowed within any area of special flood hazard except for activities authorized by variance in accordance with the requirements of this article, unless specifically exempted by this article.”
- A PUD-R development utilizing diverse housing types including duplexes, multifamily units, townhouses, and condominiums is consistent with the future land use designation of ‘Village Center Residential.’

- **Comments from one of our engineers on Staff: Yanni Spanoudakis, PE Land Development & Stormwater Services, Director.**

### **Floodplain**

1. **Figure needs to be revised to include “adjacent floodplain” see definition below. No development including stormwater pond or impervious is to be included in this area**

**Adjacent:** Land areas located within the defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either 3' above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent. "Hydraulically independent" shall mean absolutely no connection to the potential flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation.

### **Sec. 10-13. - Development within or adjacent to future-conditions flood hazard area.**

No development shall be allowed within or adjacent to any area of future-conditions flood hazard, except for activities authorized by variance in accordance with the requirements of this article, unless specifically exempted by this article.

2. R/W will need to be graded with positive slope to road and sodded, requiring grading and disturbance, thus it is unfeasible for the R/W to extend into the floodplain, and into the 25' perimeter buffer.
3. Flood study will be subject to review and any required floodplain variance will need to be formally presented to council either with this case or during the LDP process. Floodplain conditions may have effect on lot count.

### **Other Comments**

4. Provide calcs for open space, 20% of overall site is required, only half of required can be flood plain, i.e., 10% floodplain, wetland buffer etc. **PLUS** 10% open space. Required setbacks and buffers cannot count towards open space **1.35 (d) (2).**
5. 25' perimeter is a buffer, building setback 2-15 (f) (1), landscaping buffer 2-15 (f)(2)
6. Frontage needs to include 20' wide landscaping strip 2-15 (f)(6)(a)
7. Amenity (dog park) cannot be in R/W.”

- In response to the above comments from Staff, the applicant then sent an updated site plan for the subject property (Figure 5)
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- Also as of May 21, 2026, Staff sent the Applicant a marked-up site plan with the approximate flood adjacent zone overlaid (Figure 6) on the updated site plan that was provided to Staff.
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- Since the preparation of the original staff report, the Applicant has applied for a Floodplain Variance (submitted on 06.08.2026).

#### **Staff Analysis (for the rezoning)**

**a. Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city's comprehensive plan shall be used in decision making relative to amendments to the official zoning map.**

The Comprehensive Plan states this to be *Village Center Residential* (Figure 3). Per UDC 2-14: "The MDR Zoning District is intended to implement the "village center residential" future development area as established by the comprehensive plan. The MDR Zoning District is intended to implement the "medium density residential" future land use category established by comprehensive plan." The purpose and intention "also permits duplexes, triplexes, quadraplexes, townhouses, and condominiums by right at densities not exceeding 5 dwelling units per acre." There are approximately 10.4 total acres in this parcel however, 5-6 acres are located in a special flood hazard area. There are approximately 4.75 buildable acres. As of which, 4-5 dwelling units will be allowed per acre for a project of 32 units.

**b. Whether the proposed zoning district and uses permitted within that district are suitable in view of the zoning and development of adjacent and nearby property.**

- The proposed use for this subject property is compatible.
- The site footprint of the 4.75 buildable acres might not be able to accommodate 32 townhome units.

Adjacent and Nearby Properties

- Directly west and northwest (addresses 5535 and 5551 respectively) were re-zoned from R-30 to PUD-R October 21, 2024 (**PZ 24-021**). As a note, a floodplain variance was also approved as well.
- Adler Springs a PUD-R development is also north of the this subject property and was rezoned from LI to PUD-R March 21, 2022 (**PZ 21-049**)
- The only remaining LI property is directly to the north with the address of 5592 Powder Springs Dallas Road.

**c. Whether the existing use or usability of adjacent or nearby property will be adversely affected by one or more uses permitted in the requested zoning district.**

- Introducing a residential density adjacent to an active warehouse space may restrict the neighboring property owner's future ability to market and sell the site for industrial use.

**g. Whether the proposed zoning district and uses permitted within that zoning district reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property.**

- Transitioning the property to PUD-R aligns with the development and is consistent with the future land use plan.
- The proposed change reflects a reasonable progression of land use, provided the developer installs dense landscape buffers to shield new homes from the single remaining LI parcel next door. As a note, there is a 25-foot proposed buffer.

# Staff Analysis (for the Variance)

The application was reviewed against the following criteria:

## a. Good and sufficient cause for the relief sought exists.

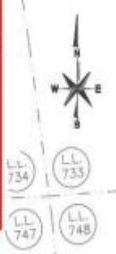
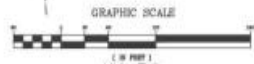


**Sec. 10-4. - Definitions.**  
**adjacent:** Land areas located within the defined horizontal distance from the future-conditions floodplain boundary that are at or lower in elevation than either 3' above the base flood elevation or one foot above the future-conditions flood elevation, whichever is higher, unless the area is hydraulically independent. "Hydraulically independent" shall mean absolutely no connection to the potential flooding source such as through pipes, sewer laterals, down drains, foundation drains, ground seepage, overland flow, gated or valved pipes, excavated and backfilled trenches, etc. with no fill or other manmade barriers creating the separation.

**Sec. 10-13. - Development within or adjacent to future-conditions flood hazard area.**  
 No development shall be allowed within or adjacent to any area of future-conditions flood hazard, except for activities authorized by variance in accordance with the requirements of this article, unless specifically exempted by this article.



- SITE NARRATIVE**
- BOUNDARY INFORMATION SHOWN IS A SURVEY COMPLETED BY ELITE SURVEYING, LLC.
  - TERRAIN ELEVATION INFORMATION PROVIDED BY COMB COUNTY GIS DEPARTMENT.
  - OWNER DEVELOPER: JONAS JONES  
 1324 COLLETT RD, DALLAS, GA 30127  
 CONTACT: JONAS@JONES-JONES.COM, 770-318-6653
  - OWNER: ELITE ENGINEERING, LLC  
 500 W. PARKWAY SUITE 300  
 DALLAS, GA 30126  
 CONTACT: GREGORY@ELITE-ENR.COM, 479-219-2884
  - PROPOSED ZONING: PD-10  
 TOTAL LOT AREA = 10.48 ACRES  
 PROPOSED OPEN SPACE = 2.58 ACRES  
 PROPOSED NUMBER OF LOTS = 32  
 PARKING SPACES PROVIDED = 14  
 TOTAL # OF IMPROVEMENTS:
- SETBACKS:**  
 MIN. FRONT YARD = 10 FEET  
 MIN. SIDE YARD = 10 FEET  
 MIN. REAR YARD = 20 FEET  
 MIN. SIDE SETBACK = 10 FEET  
 MIN. SIDE SETBACK = 10 FEET
- THE PROPOSED DEVELOPMENT IS WITHIN AN UNDESIGNED FLOOD HAZARD AREA AND SHALL BE FOR COMB COUNTY / FLOOD HAZARD NO. 130056 (SEE ATTACHED MAPS) SHOWN TO DATE.
  - NO EXISTING, ARCHITECTURAL OR HISTORICAL STRUCTURES EXIST ON THIS SITE.
  - NO EXISTING LANDLILLS ARE PRESENT ON THIS SITE.
  - SEWER SERVICE SHALL BE PROVIDED BY COMB COUNTY.
  - WATER SERVICE TO BE PROVIDED BY COMB COUNTY.
  - POWER SERVICE TO BE PROVIDED BY COMB COUNTY POWER COMPANY.
  - FIRE PROTECTION TO BE PROVIDED BY THE COMB COUNTY FIRE DEPARTMENT.



**Elite Engineering**  
 888 W. 11th St., P.O. Box 100  
 Dallas, GA 30126  
 Jonathan Jones, P.E.  
 (770) 318-6653

DATE: \_\_\_\_\_  
 DRAWN BY: \_\_\_\_\_  
 CHECKED BY: \_\_\_\_\_  
 SCALE: \_\_\_\_\_

RECORDING PLAN FOR:  
**JONES PARK**  
 CITY OF POWDER SPRINGS, COBB COUNTY, GEORGIA  
**REZONING PLAN**

PREPARED FOR:  
 KENNETH JONES  
 770-318-6653

PROJECT NO. 2508  
 DRAWING SCALE: 1"=40'  
 DRAWN BY: JF  
 CHECKED BY: JF  
 DATE: 08/05/2018  
 SHEET: 1 OF 1

The requested variance fails to establish a good and sufficient cause because the hardship is entirely self-created by the applicant's choice to maximize density and financial return. The property features ample dry, high ground along Powder Springs Dallas Road where units 1-9 and 23-32 and 11-17 and are located, demonstrating that a safe, fully legal, and scaled-down residential development is entirely possible without violating any local ordinances. The builder only requires a variance because they are trying to fit 32 townhomes onto a topographically restricted lot. Wanting to fit more units on a property to increase profit is a business preference, not a unique physical problem with the land itself. Furthermore, the submitted site plan shows that the backyards, patios, and foundations for units 10 and 18 - 22 may directly encroach into the protected green flood hazard zone, creating a safety risk that goes against local development rules (Sec. 10-13) designed to keep residents and property safe from future-conditions floodplains.

**b. Failure to grant the variance would result in exceptional hardship.**

Denying the requested variance does not create an exceptional physical hardship for the property owner. An exceptional hardship typically occurs only when natural site features and local safety rules combine to make a parcel completely unbuildable. In this case, the property possesses buildable acreage on high, dry ground along Powder Springs Dallas Road. The site may still be developed as a safe, successful residential project—such as units 1 through 9, 11 through 17, and 23 through 32—in full compliance with city flood regulations. While a denial will limit the overall unit count and alter the project's financial expectations, local ordinances and federal standards establish that a reduction in planned density or profit does not constitute an exceptional land-use hardship.

**c. The variance is the least deviation from the standards of this article necessary to accomplish the objectives of the applicant and/or the minimum necessary to afford relief.**

As shown on the layout, the western portion of the tract along Powder Springs Dallas Road sits on high, dry ground completely clear of the flood hazard area. This buildable acreage allows for a fully compliant, safe residential layout—such as the construction of units 1 – 9, 11 -17, and 23 – 32 without needing any flood variances. These are entirely outside the protected green zone. A variance to encroach into the future-conditions floodplain is not necessary to afford the property owner a reasonable use of the land. The current request is driven by a desire to meet a specific density target rather than the minimum physical relief required by the site's natural terrain.

**d. Granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, or creation of a nuisance.**

Granting this variance may increase local flood levels, create public safety hazards, and risk costly emergency expenses for the city.

The builder's site plan shows that units 10 and 18 through 22, including their backyards and patios, sit directly inside a protected flood hazard zone. Covering this natural drainage area with roofs, concrete patios, and pavement prevents the ground from absorbing water. This extra rainwater will rush straight into Powder Springs Creek, which risks pushing floodwaters onto neighboring properties.

Furthermore, building permanent homes in a known flood zone may place future residents at risk of having property damage. If these lower units flood, it could require dangerous water rescues, putting first responders at risk and straining city resources. Finally, because the developer has not provided a certified engineering study proving this work will cause "zero rise" in local flood levels, the request cannot meet the city's safety requirements.

**e. No variance shall be issued within any designated floodway that would cause any increase in flood levels during the base flood discharge.**

A flood plain No Rise analysis will be performed demonstrating no rise in flood plain or flood way elevations outside of property controlled by applicant.

**Staff Recommends:**

- **Environmental & Floodplain Impact Analysis:** Provide a detailed layout of the development footprint, specifically emphasizing how the project scales against, impacts, or sits adjacent to the existing floodplain. (Never did)
- **Architectural Deliverables:** Submit comprehensive project design plans, including detailed structural and building elevations. (Never did)
- **Civil & Traffic Engineering Plans:** Detail all proposed right-of-way improvements, including necessary turn lanes and deceleration lanes. (Never did)

**Please Note:** Due to physical site constraints, the applicant must navigate two separate regulatory tracks simultaneously: a floodplain engineering assessment and a fire safety review by the Cobb County Fire Marshal via MobileEyes.

**Staff Recommendations as of 05/21/2026 to Table this case due to more information must be provided. Also, as of 05/21/2026, Applicant has not reached out to the Cobb County Fire Marshal's office. As of 07/06/2026, Applicant has not reached out to the Cobb County Fire Marshal's office.**