



# City of Powder Springs

City of Powder Springs  
4426 Marietta Street  
Powder Springs, GA  
30127

## Details

**File Number: PZ 22--022**

**File ID:** PZ 22--022

**Type:** Rezoning

**Status:** Public Hearing

**Version:** 1

**Staff Denial  
Recommendation :**

**In Control:** City Council

**File Created:** 05/25/2022

**Subject:**

**Final Action:** 12/05/2022

**Title:**

### Internal Notes:

**Agenda Date:** 12/05/2022

**Sponsors:** Community Development Department

**Enactment Date:**

**Attachments:** Carrington Park - Elevations, Carrington Park - Floor Plans, Letter from the property owner to PZ Commission and Council. PZ 22\_002. 8.10.2022 Redacted, Rezoning Request Application and Statement of Intent Redacted, Deferral Request for C.H. James Redacted, Second Deferral Request for C.H. James Redacted, Signed Motion to table to 08-15-2022, Signed Motion to table to 09-19-2022, Carrington Park - Site Plan 8.12.2022, Executed Motion to Table to 12-05-2022, Executed Motion to Deny w\_o Prejudice ORD PZ 2022-022, Details

**Enactment Number:**

### Funding Source:

**Contract Renewal:**

**Originator:**

**Effective Date:**

**Related Files:**

### Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	9/9/2022	Tina Garver	Approve	9/13/2022
1	2	9/9/2022	Eric Meyer	Disapprove	9/13/2022

**Notes:** Tina needs to make edits.

### History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Planning & Zoning Commission	06/27/2022	tabled	City Council			

	<b>Action Text:</b>	Josh Mahoney, attorney representing Parkland Communities requested that the case be tabled until the July 25 Public Hearing. Roy Wade Moved and Jim Taylor seconded the motion to table until July 25, 2022.				
1	City Council	07/18/2022	tabled	City Council	08/15/2022	Pass
	<b>Action Text:</b>	A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that this Rezoning PZ 22-022 be tabled to the City Council, due back on 8/15/2022 The motion carried by the following vote: Yes: 5 Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom				
1	Planning & Zoning Commission	07/25/2022	tabled	City Council		
	<b>Action Text:</b>	Shaun Myers presented staffs recommendation and informed the commission of the applicants request to table to allow for time to improve the site plan, based on recommendations for TSW. Josh Mahoney, Attorney representing the applicant, Battle Law P.C Tucker GA, requested to table until August 29, 2022.				
	<b>Public Comments:</b>	Jonathan Benator, Attorney representing Carrington Park HOA, presented his opposition to the rezoning based on the communities opinion that the proposed development: is inconsistency with the comprehensive plan; will cause access issues on Carrington Park Drive; the quality of the proposed product is lower; there will be difficulty distinguishing between the two communities; and it will hurt existing property values. Their proposed conditions included: lower density, including single-family detached units, additional parking, leasing restrictions, enhanced amenity offerings, rear entry units.				
		Jim Taylor made a motion to Table until August 29, 2022, seconded by Roy Wade. None opposed.				
1	City Council	08/15/2022	tabled	City Council	09/19/2022	Pass
	<b>Action Text:</b>	A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post Bordelon, that this Rezoning PZ 22-022 be tabled to the City Council on 9/19/2022. The motion carried by the following vote:				
	<b>Notes:</b>	No discussions were held. Yes: 5 Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom				
1	Planning & Zoning Commission	08/29/2022	recommended for denial	City Council		
	<b>Action Text:</b>	Josh Mahoney, Attorney representing the applicant, Battle Law P.C Tucker GA, presented with the aid of a Powerpoint presentation, and addressed questions from the commission. Jim Jacobi, developer and owner of parkland communities, presented and addressed questions on detention pond, etc.				
	<b>Public Comments:</b>	Jonathan Benator, Attorney representing Carrington Park HOA, presented his opposition to the rezoning. He stated that the HOA is agreeable to some aspects of the development and the revised site plan: front entry units, on street parking and rental restrictions. He opposes to access from carrington park drive and would prefer the secure access from CH Jmaes Pkwy. He proposed a stipulation for minimum unit size of 1600 sf. he want to remove units 1-3. wants the proposed development to offer nicer amenities to eliminate encroachment into their amenities. The HOA wants a separate monument sign to distinguish the communities.				
		Yvonne Leon, 3340 Carrington Park Drive. Opposed. She commented that the last builder left them "high and dry" and that the development is not a good fit.				
		Gregory Mylon. 5155 Carrington Park Drive. Opposed. says it will degrade quality of life.				
	<b>MOTION.</b>	Jim Taylor made a motion to DENY, seconded by Roy Wade. The commission voted 5:1 to DENY.				
1	City Council	09/19/2022	tabled	City Council	11/21/2022	Pass
	<b>Action Text:</b>	A motion was made by Council Member - At Large Post Wisdom, seconded by Council Member - Ward 3 Green, that Rezoning PZ 22--022 be tabled to the City Council, on 11/21/2022. The motion carried by the following vote:				
	<b>Notes:</b>	Michelle Battle, Attorney on behalf of property owner OTH 12 LLC, discussed the				

owner's lack of viability of commercial development and presented renderings of the proposed rezoning from commercial to 48 detached single-family homes and 94 single-family attached town homes.

Jonathon Banader, 1510 Ellsworth Industrial Boulevard in Atlanta, spoke in opposition on behalf of the current Carrington Association property owners. Mr. Banader outlined that the property should remain a commercial component, if a separate HOA is allowed it would create conflicts between the two communities, and the applicant has not exhausted the possibility of getting a curb cut along C.H. James Parkway so the development does not need to utilize the main road into the Carrington subdivision.

Chandra Harris, 3309 Thornbridge Drive, spoke in opposition citing parking concerns, traffic, dense areas and a decrease in quality of life.

Twilikki Davis-Young, 5188 Carrington Park Drive, discussed her opposition about preserving privacy, character and livability in the community.

Yvonne Leon, 3340 Thornbridge Drive, expressed her opposition stating the current community is already established, densely populated and has narrow streets.

Mayor and Council commented on incorporating the applicants community with existing community; asked to address the entrance sign for the new development; and suggested buying into the current HOA. Jim Jacoby, owner of Parkland Community, shared that they have made attempts to work with the Carrington community during online meeting, offering to blend the HOA with their current HOA; they are willing to use their own separate entrance monument; there was an offer to collect an initiation fee on every unit and the fees will go back to the HOA

Yes: 4 Henry Lust, Dwayne Green, Patrick Bordelon, and Patricia Wisdom

Absent: 1 Doris Dawkins

- |   |                     |  |        |              |            |      |
|---|---------------------|--|--------|--------------|------------|------|
| 1 | City Council        | 11/21/2022   | tabled | City Council | 12/05/2022 | Pass |
|   | <b>Action Text:</b> | A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post 2 Wisdom, that Rezoning PZ 22-022 be tabled to the City Council, due back on 12/5/2022. The motion carried by the following vote:             |        |              |            |      |
|   | <b>Notes:</b>       | The applicant is requesting to table the public hearing to December 5, 2022.   |        |              |            |      |
|   |                     | Yes: 5 Henry Lust, Doris Dawkins, Dwayne Green, Patrick Bordelon, and Patricia Wisdom  |        |              |            |      |
| 1 | City Council        | 12/05/2022   | Denied |              |            | Pass |
|   | <b>Action Text:</b> | This Rezoning PZ 22--022 was Denied without prejudice.   |        |              |            |      |
|   | <b>Notes:</b>       | Josh Mahoney, of Battle Law and Attorney for applicant Parkland Community, presented a plan as a result of the ongoing negotiations with the Carrington Community. Mr. Mahoney did state that they still do not have an agreement with the |        |              |            |      |

Community and has requested another tabling to 60 days.

Jim Jacobi, of Parkland Community, discussed that they have added a water quality pond in their plans for storm water management. Mr. Jacobi also mentioned that they are working with the HOA's attorney on drafting an annexation plan to become apart of the existing HOA.

Pam Conner, City Manager, stated that the application has been before the Council several times with no commitment and that Staff is recommending that the application be denied without prejudice.

Chandra Harris, resident of 3309 Thornbridge Drive Powder Springs GA 30127, shared her concerns with bottleneck traffic in the community.

Yvonne Leon, resident of 3340 Thornbridge Drive Powder Springs GA 30127, stated her opposition to PZ 22-022.

Staff recommends denial of the application because it is not consistent with the Comprehensive Plan.

The application was denied without prejudice.

Yes: 4 Henry Lust, Doris Dawkins, Dwayne Green, and Patrick Bordelon

No: 1 Patricia Wisdom

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