

**Staff Report**

**Date:** May 1, 2026

**To:** Planning & Zoning Commission

**From:** JoAnna Robinson

**Subject:** Change in Zoning Conditions AND Special Use

**PZ:** PZ26-024 = Change in Zoning Conditions

**PZ:** PZ26-025 = Special Use to allow restaurant with drive-through (2 of them)

**Location:**

PIN: 19080500080 . LL804, LL 805, LL824, AND LL825 of the 19<sup>th</sup> District, 2nd Section, Cobb County Approximately 11 acres. Current zoning is Mixed Use (MXU).

Property zoning in adjacent properties:

N – MXU

E – Community Retail Commercial (CRC)

S – Unincorporated Cobb County. Heavy Industrial (HI). Future land use (FLU) of Heavy Industrial (HI).

W- CRC

***Background:***

The Applicant, Jason Campbell, on behalf of Parkland Homebuilders, LLC, is requesting a change in zoning conditions of the subject property. This property is located at the intersection of C H James Pkwy and Powder Springs Dallas Road. Also, this property has road frontage on Richard D. Sailors Pkwy and Florence Road as well. The original rezoning request on this property occurred on August 21, 2006. There has been multiple changes in conditions for site specific plans on July 21, 2008, March 19, 2012, June 3, 2013, May 5, 2014, July 21, 2014, June 6, 2016, July 18, 2016, and then May 16, 2022 (**PZ22-018**). This mixed-use development originally included land where Silver Comet Senior Village and Abbington Trail Apartments are now

housed. This applicant is requesting a change in zoning conditions related to their new proposed site plan. After the withdrawal of Trillium Powder Springs, LLC, Parkland Homebuilders has returned to the project. The current applicant is now seeking amendments to the conditions previously approved under case **PZ22-018**.

The following stipulations were:

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. This change in conditions only applies to Parcel 19080500080. The word applicant refers to all owners, successors, and interests in the referenced property.

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 02/22/2022.

3. The mixed-use development shall include a maximum of 154 for rent residential units at a density of 14.01 u/a. The minimum residential floor area shall be: 1400 square feet for two-bedroom units; 1600 square feet for three-bedroom units, a maximum 5-story hotel with a maximum of 120-rooms; and approximately 25,300-sf 2-story office building to include approximately 3100 sf of restaurant space. For clarification, hotel is defined as "a commercial lodging service with one or more buildings devoted to the temporary shelter for the traveling public, and where entry to individual guest rooms is via a central lobby and does not include a motel or extended stay. Hotel, restaurant and office buildings shall be consistent with site plan dated 2/22/2022 and renderings included in this application.

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: 10 feet

Between Buildings: 10 feet

Perimeter Buffer: 0

Landscape Strip Road Frontage: 10 feet. As shown on approved site plan.

6. The architectural style and composition of the buildings proposed for the Subject Property shall be consistent with the architectural style that prevails at the adjacent MXU properties. 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. Commercial structures shall be consistent with renderings provided and attached. Hardie plank, board and batten, and shake may be used to provide variation in the areas that are not brick or stone.

7. The proposed residential units shall have premium, high-end, and luxury features. The entrances to the residential and the amenity areas may have gates and controlled access.

8. An amenity area shall be provided within the residential component to include a pool and a cabana. No more than 50% of Certificates of Occupancy (CO) for the residential component will be issued prior to the completion of the amenity, as evidenced by a certificate of occupancy.

9. Perimeter Buffer: 0 Landscape Strip Road Frontage: 10 feet. As shown on approved site plan. The architectural style and composition of the buildings proposed for the Subject Property shall be consistent with the architectural style that prevails at the adjacent MXU properties. 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. Commercial structures shall be consistent with renderings provided and attached. Hardie plank, board and batten, and shake may be used to provide variation in the areas that are not brick or stone. The proposed residential units shall have premium, high-end, and luxury features. The entrances to the residential and the amenity areas may have gates and controlled access. An amenity area shall be provided within the residential component to include a pool and a cabana. No more than 50% of Certificates of Occupancy (CO) for the residential component will be issued prior to the completion of the amenity, as evidenced by a certificate of occupancy. Parking shall be consistent with the referenced site plan, which depicts that the minimum number of parking space requirement is provided for the Hotel, Office, and Restaurant components. Parking shall consist of 437 surface parking spaces and 154 garage parking spaces. 154 of the 437 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 the sidewalk.
- b. Surface parking spaces shall be 9'x19', excluding those in driveways of residential units.

c. Required location of Office and Office/Restaurant parking spaces shall be allowed beyond 300 feet of the building that it serves.

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, the features of said security system shall be at the discretion of property management.

12. Given the proximity to the Silver Comet and Lucille Trails, the applicant shall promote alternate modes of transportation by providing bicycle parking distributed throughout the entire proposed development.

13. 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 the level of landscaping within this sub-area of the City with respect to existing and mixed-use developments.

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.

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

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

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.

18. Developer shall install a sidewalk connection along Powder Springs Dallas Road connecting the development to the Lucille Trail or pay to the City of Powder Springs a fee in lieu of construction. The sidewalk shall be installed prior to 50% COs being issued for the residential component.

19. The 25,300 sf Office/Restaurant building's development pad and parking lot shall be permitted concurrently with proposed residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy (CO) from the city until the completion of the development pad, parking lot, infrastructure and landscaping evidenced by a certificate of completion for this phase of the project from the City. If final landscaping impedes construction of the residential component, then a guarantee in the form of cash, letter of credit, or CD may be used for up to one year the issuance of the certificate of completion

20. The maximum 120-room hotel's development pad and parking lot shall also be permitted concurrently with the residential component. No more than 50% of the total number of dwelling units authorized in the MXU development shall receive Certificates of Occupancy (CO) from the city until the completion of the development pad, parking lot, infrastructure and landscaping evidenced by 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, or CD may be used for up to one year.

21. Subdivision of property is subject to Mayor and Council Approval, such approval shall not be unreasonably withheld.

22. 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.
- k. The maintenance and repair or replacement of appliances.

23. 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. Garages shall be used for parking of vehicles.

j. Items which from time to time may be deemed necessary by the by the Community Development Director to ensure proper zoning enforcement.

24. 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.

25. Applicant to install curb and gutter along the south side of Richard D. Sailors Pkwy from CH James Pkwy to Florence Rd and a painted pedestrian crosswalk with pedestrian signal connecting the north and south sides of Richard D. Sailors Pkwy.

26. 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 annual reporting period.

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.

***Request:***

To change zoning conditions of the current MXU zoning for a new site plan and mix of uses for 154 stacked townhome rental units and up to 18,000 sq ft of retail building and 2 restaurant outparcels. This is #3, #9, #19, and #20.

*Figure 1 – Zoning Map*

*Figure 2 – Overhead view of surrounding properties*

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

*Figure 4 – Original Site Plan from PZ-22-018*

*Figure 5 – New Proposed Site Plan (as of 05.29.2026)*

*Figure 6 – Color Rendering of New Proposed Site Plan*

Figure 1 – Zoning Map

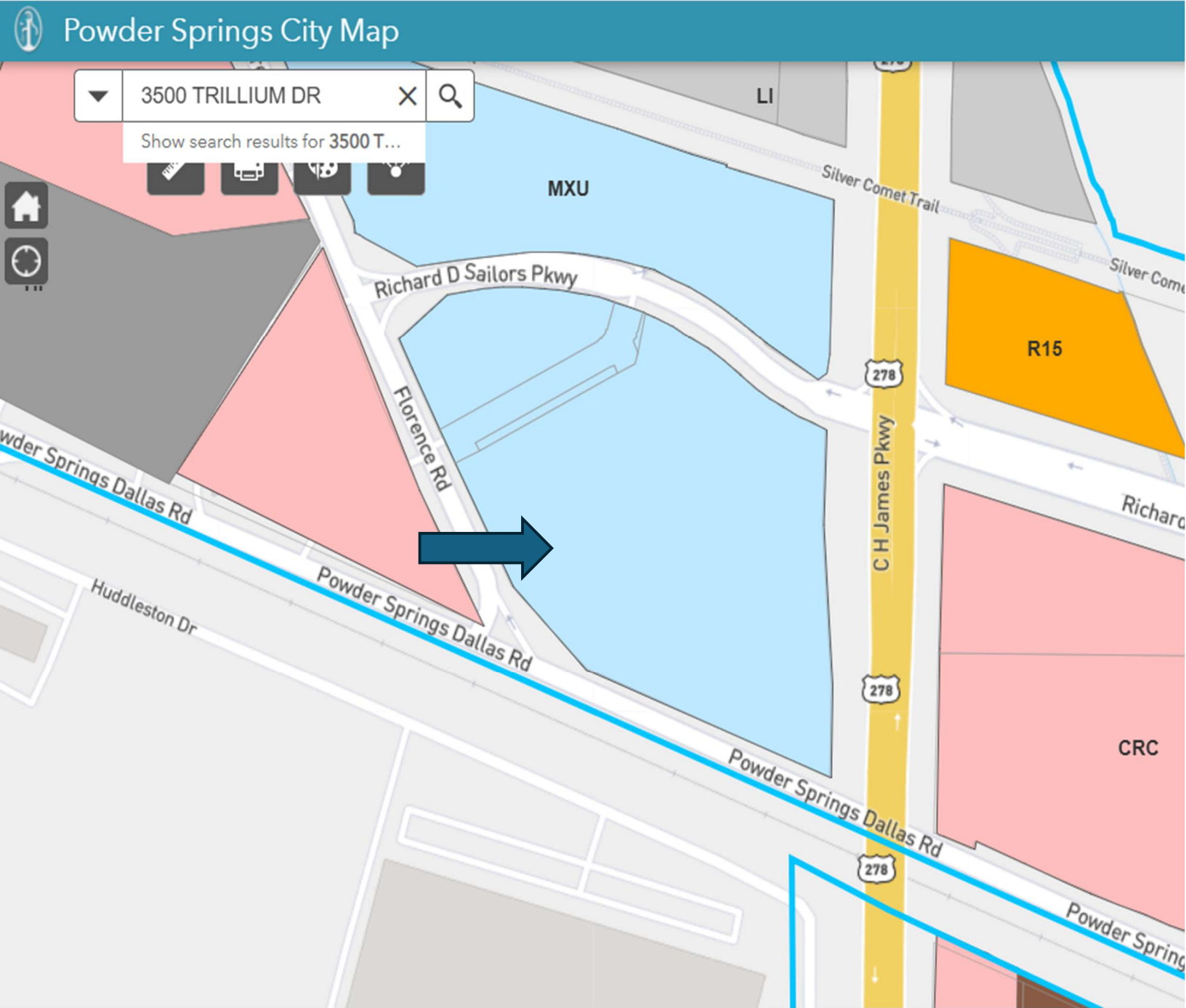


Figure 2 – Overhead view of surrounding properties

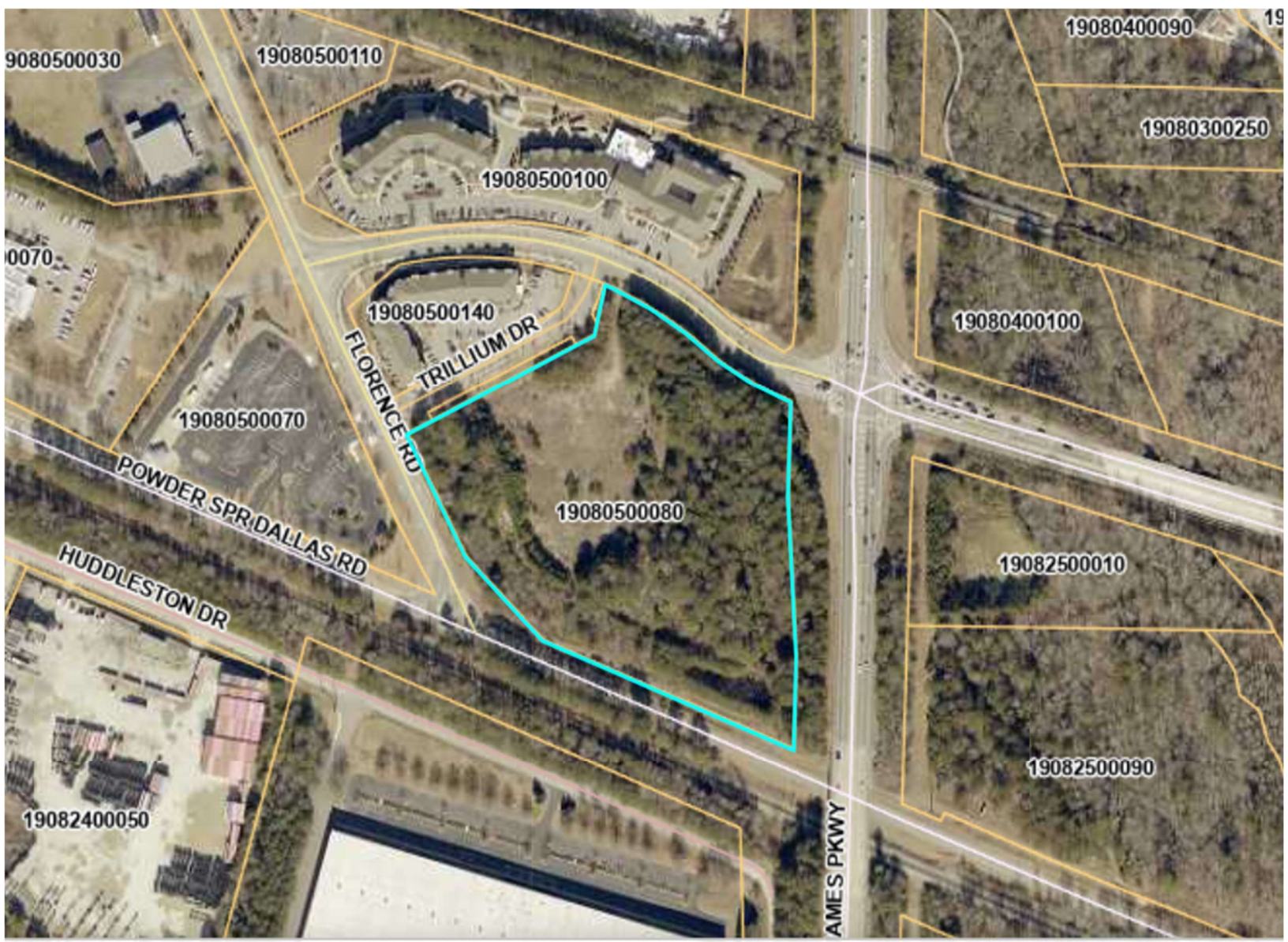


Figure 3 – Future Land Use Map (FLUM)

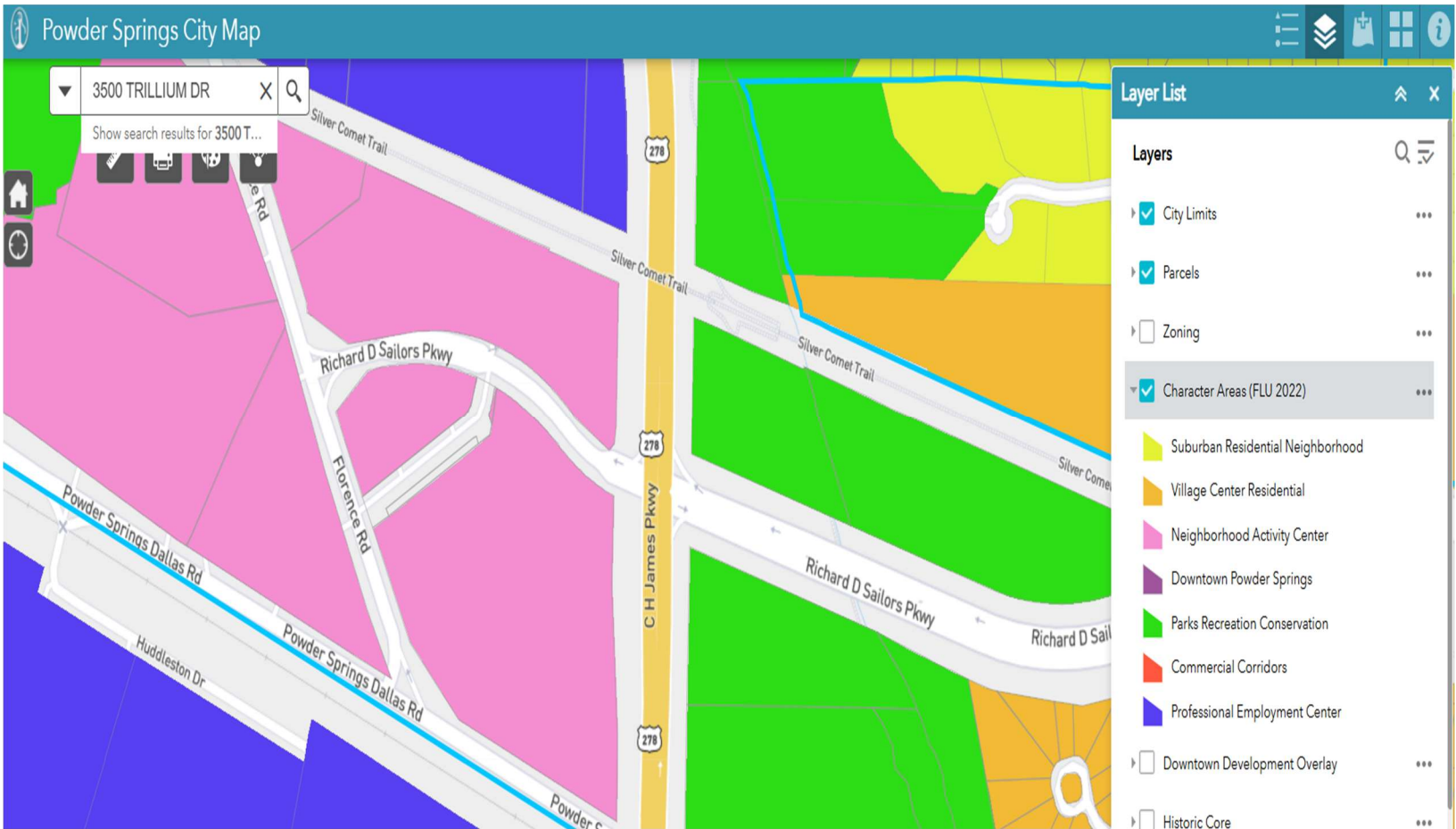
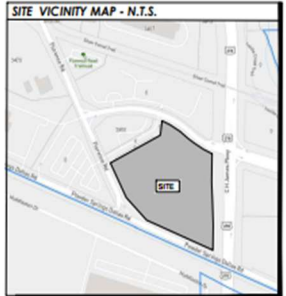
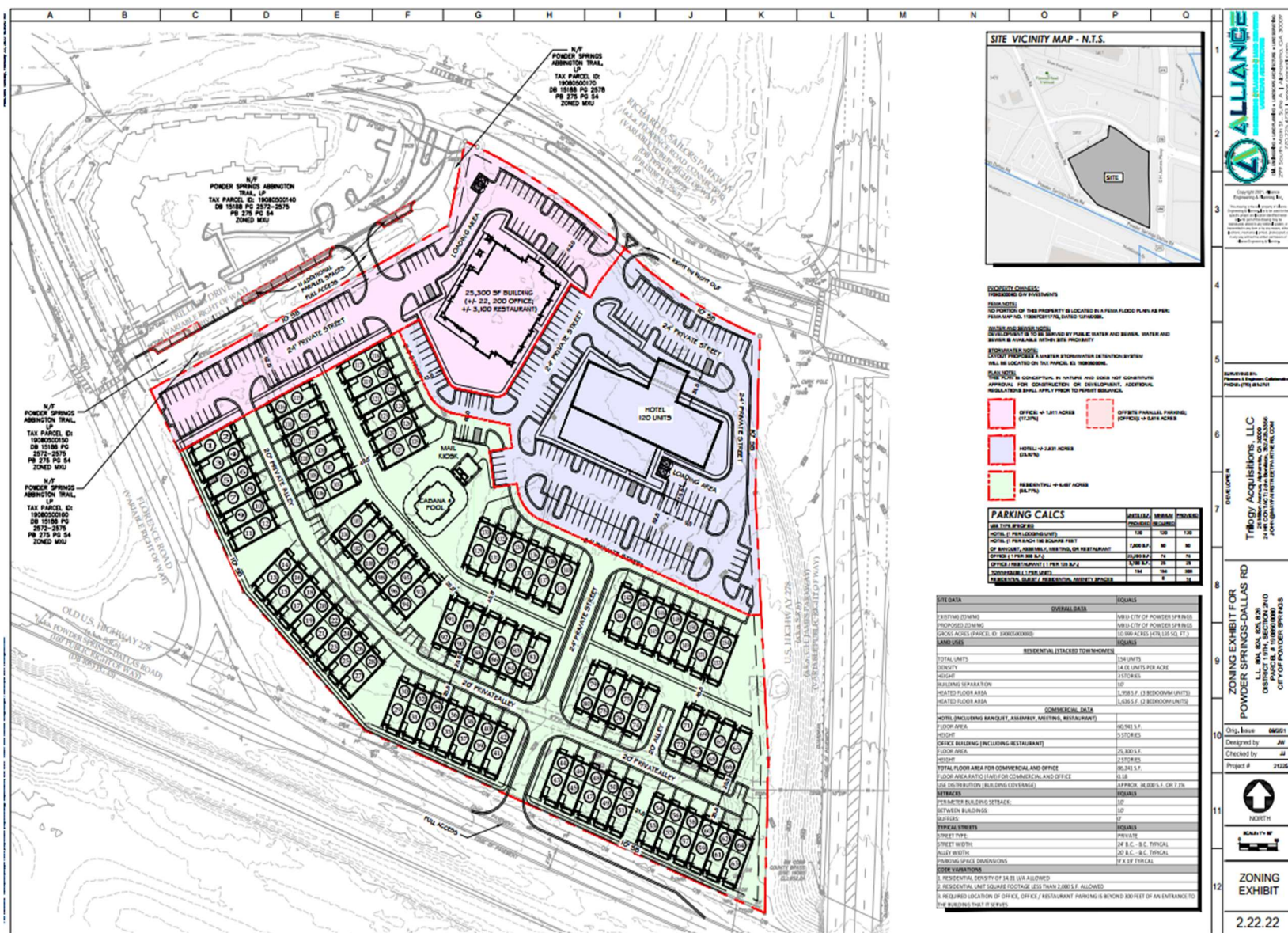


Figure 4 – Original Site Plan from PZ-22-018



**PROPERTY CHANGES:**  
 REVISIONS OR SUPPLEMENTS  
**FROM NOTES:**  
 NO PORTION OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD PLAIN AS PER FEMA MAP NO. 17060C0101G01000000.  
**WATER AND SEWER LINES:**  
 DEVELOPMENT SHALL BE SERVED BY PUBLIC WATER AND SEWER. WATER AND SEWER IS AVAILABLE WITHIN SITE PROPERTY.  
**STORMWATER MANAGEMENT:**  
 STORMWATER MANAGEMENT DETENTION SYSTEM SHALL BE LOCATED ON TAX PARCEL ES THEREAFTER.  
**PERMITS:**  
 ALL PERMITS SHALL BE OBTAINED BY OWNER AND SHALL BE IN COMPLIANCE WITH ALL APPLICABLE REGULATIONS. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT SUBMITTAL.

**PARKING CALCS**

USE TYPE (GROUP)	APPLICABLE STANDARD	MINIMUM	MAXIMUM
HOTEL (1 PER ROOM)	100	100	100
HOTEL (1 PER EACH 100 ROOMS)	100	100	100
OFFICE (1 PER 100 S.F.)	1.5	1.5	1.5
OFFICE (RESTAURANT) (1 PER 100 S.F.)	1.5	1.5	1.5
RESIDENTIAL (1 PER 100 S.F.)	1.0	1.0	1.0

SITE DATA	OVERALL DATA	ISSUES
EXISTING ZONING	MURR CITY OF POWDER SPRINGS	
PROPOSED ZONING	MURR CITY OF POWDER SPRINGS	
CANONICAL PARCELS (IF APPLICABLE)	100 PARCELS TOTAL (SIL 17)	
LAND USES	RESIDENTIAL ESTABLISHED TOWNHOUSES	
TOTAL UNITS	104 UNITS	
DENSITY	14.04 UNITS PER ACRE	
HEIGHT	2 STORY	
BUILDING SEPARATION	10'	
HEATED FLOOR AREA	1,098 S.F. (1 BEDROOM UNITS)	
HEATED FLOOR AREA	1,098 S.F. (2 BEDROOM UNITS)	
COMMERCIAL DATA		
HOTEL (INCLUDING BANQUET, MEETING, RESTAURANT)	20,000 S.F.	
FLOOR AREA	20,000 S.F.	
OFFICE BUILDING (INCLUDING RESTAURANT)	25,000 S.F.	
FLOOR AREA	25,000 S.F.	
TOTAL FLOOR AREA FOR COMMERCIAL AND OFFICE	45,000 S.F.	
FLOOR AREA RATIO (LAND USE COMMERCIAL AND OFFICE)	0.18	
USE COVER (TOTAL FLOOR AREA COVERAGE)	APPROX. 10.0% ON 2.0 AC.	
STREETS		
PERMITS BUILDING SETBACK	10'	
BETWEEN BUILDINGS	10'	
BUFFERS	10'	
TYPICAL STREETS	PRIVATE	
STREET TYPE	PRIVATE	
STREET WIDTH	24' R.C. - E.C. TYPICAL	
ALLEY WIDTH	20' R.C. - E.C. TYPICAL	
PARKING SPACE DIMENSIONS	8' X 18' TYPICAL	
CODE VARIATIONS		
1. RESIDENTIAL DENSITY OF 14.04 IS ALLOWED.		
2. RESIDENTIAL LAND SQUARE FOOTAGE LESS THAN 2,000 S.F. ALLOWED.		
3. REQUIRED LOCATION OF OFFICE, OFFICE / RESTAURANT PARKING IS BEYOND 80 FEET OF AN ENTRANCE TO THE BUILDING THAT IS BEING.		

**ALLIANCE**  
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**ZONING EXHIBIT FOR POWDER SPRINGS-DALLAS RD**  
 L.L. WA. 04. 06. 09. 12. 15. 18. 21. 24. 27. 30. 33. 36. 39. 42. 45. 48. 51. 54. 57. 60. 63. 66. 69. 72. 75. 78. 81. 84. 87. 90. 93. 96. 99. 102. 105. 108. 111. 114. 117. 120. 123. 126. 129. 132. 135. 138. 141. 144. 147. 150. 153. 156. 159. 162. 165. 168. 171. 174. 177. 180. 183. 186. 189. 192. 195. 198. 201. 204. 207. 210. 213. 216. 219. 222. 225. 228. 231. 234. 237. 240. 243. 246. 249. 252. 255. 258. 261. 264. 267. 270. 273. 276. 279. 282. 285. 288. 291. 294. 297. 300. 303. 306. 309. 312. 315. 318. 321. 324. 327. 330. 333. 336. 339. 342. 345. 348. 351. 354. 357. 360. 363. 366. 369. 372. 375. 378. 381. 384. 387. 390. 393. 396. 399. 402. 405. 408. 411. 414. 417. 420. 423. 426. 429. 432. 435. 438. 441. 444. 447. 450. 453. 456. 459. 462. 465. 468. 471. 474. 477. 480. 483. 486. 489. 492. 495. 498. 501. 504. 507. 510. 513. 516. 519. 522. 525. 528. 531. 534. 537. 540. 543. 546. 549. 552. 555. 558. 561. 564. 567. 570. 573. 576. 579. 582. 585. 588. 591. 594. 597. 600. 603. 606. 609. 612. 615. 618. 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3675. 3678. 3681. 3684. 3687. 3690. 3693. 3696. 3699. 3702. 3705. 3708. 3711. 3714. 3717. 3720. 3723. 3726. 3729. 3732. 3735. 3738. 3741. 3744. 3747. 3750. 3753. 3756. 3759. 3762. 3765. 3768. 3771. 3774. 3777. 3780. 3783. 3786. 3789. 3792. 3795. 3798. 3801. 3804. 3807. 3810. 3813. 3816. 3819. 3822. 3825. 3828. 3831. 3834. 3837. 3840. 3843. 3846. 3849. 3852. 3855. 3858. 3861. 3864. 3867. 3870. 3873. 3876. 3879. 3882. 3885. 3888. 3891. 3894. 3897. 3900. 3903. 3906. 3909. 3912. 3915. 3918. 3921. 3924. 3927. 3930. 3933. 3936. 3939. 3942. 3945. 3948. 3951. 3954. 3957. 3960. 3963. 3966. 3969. 3972. 3975. 3978. 3981. 3984. 3987. 3990. 3993. 3996. 3999. 4002. 4005. 4008. 4011. 4014. 4017. 4020. 4023. 4026. 4029. 4032. 4035. 4038. 4041. 4044. 4047. 4050. 4053. 4056. 4059. 4062. 4065. 4068. 4071. 4074. 4077. 4080. 4083. 4086. 4089. 4092. 4095. 4098. 4101. 4104. 4107. 4110. 4113. 4116. 4119. 4122. 4125. 4128. 4131. 4134. 4137. 4140. 4143. 4146. 4149. 4152. 4155. 4158. 4161. 4164. 4167. 4170. 4173. 4176. 4179. 4182. 4185. 4188. 4191. 4194. 4197. 4200. 4203. 4206. 4209. 4212. 4215. 4218. 4221. 4224. 4227. 4230. 4233. 4236. 4239. 4242. 4245. 4248. 4251. 4254. 4257. 4260. 4263. 4266. 4269. 4272. 4275. 4278. 4281. 4284. 4287. 4290. 4293. 4296. 4299. 4302. 4305. 4308. 4311. 4314. 4317. 4320. 4323. 4326. 4329. 4332. 4335. 4338. 4341. 4344. 4347. 4350. 4353. 4356. 4359. 4362. 4365. 4368. 4371. 4374. 4377. 4380. 4383. 4386. 4389. 4392. 4395. 4398. 4401. 4404. 4407. 4410. 4413. 4416. 4419. 4422. 4425. 4428. 4431. 4434. 4437. 4440. 4443. 4446. 4449. 4452. 4455. 4458. 4461. 4464. 4467. 4470. 4473. 4476. 4479. 4482. 4485. 4488. 4491. 4494. 4497. 4500. 4503. 4506. 4509. 4512. 4515. 4518. 4521. 4524. 4527. 4530. 4533. 4536. 4539. 4542. 4545. 4548. 4551. 4554. 4557. 4560. 4563. 4566. 4569. 4572. 4575. 4578. 4581. 4584. 4587. 4590. 4593. 4596. 4599. 4602. 4605. 4608. 4611. 4614. 4617. 4620. 4623. 4626. 4629. 4632. 4635. 4638. 4641. 4644. 4647. 4650. 4653. 4656. 4659. 4662. 4665. 4668. 4671. 4674. 4677. 4680. 4683. 4686. 4689. 4692. 4695. 4698. 4701. 4704. 4707. 4710. 4713. 4716. 4719. 4722. 4725. 4728. 4731. 4734. 4737. 4740. 4743. 4746. 4749. 4752. 4755. 4758. 4761. 4764. 4767. 4770. 4773. 4776. 4779. 4782. 4785. 4788. 4791. 4794. 4797. 4800. 4803. 4806. 4809. 4812. 4815. 4818. 4821. 4824. 4827. 4830. 4833. 4836. 4839. 4842. 4845. 4848. 4851. 4854. 4857. 4860. 4863. 4866. 4869. 4872. 4875. 4878. 4881. 4884. 4887. 4890. 4893. 4896. 4899. 4902. 4905. 4908. 4911. 4914. 4917. 4920. 4923. 4926. 4929. 4932. 4935. 4938. 4941. 4944. 4947. 4950. 4953. 4956. 4959. 4962. 4965. 4968. 4971. 4974. 4977. 4980. 4983. 4986. 4989. 4992. 4995. 4998. 5001. 5004. 5007. 5010. 5013. 5016. 5019. 5022. 5025. 5028. 5031. 5034. 5037. 5040. 5043. 5046. 5049. 5052. 5055. 5058. 5061. 5064. 5067. 5070. 5073. 5076. 5079. 5082. 5085. 5088. 5091. 5094. 5097. 5100. 5103. 5106. 5109. 5112. 5115. 5118. 5121. 5124. 5127. 5130. 5133. 5136. 5139. 5142. 5145. 5148. 5151. 5154. 5157. 5160. 5163. 5166. 5169. 5172. 5175. 5178. 51



Figure 6 – Color Rendering of New Proposed Site Plan (as of 05.29.2026)



AZALEA  
PARK



PARKLAND  
COMMUNITIES

**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 plan is compatible with the purpose and intent of the Comprehensive Plan and the Community Activity Center designation on the Future Land Use Map.

**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 uses are suitable and allowed in the current zoning district and are appropriate uses in keeping with the MXU multi-family residential uses of the adjacent nearby properties.

**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 uses of adjacent nearby properties will not be adversely affected. The proposed uses will complement the existing uses and residences offering convenience to shopping and eating establishments promoting walkability and offering a mix of uses.

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

The property will be used as currently zoned. This application is to gain approval for a new site plan and different uses allowed under the current zoning.

**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.**

Current facilities will be adequate to serve the proposed uses.

**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 current and proposed uses with the zoning district are supported by the new conditions in the area.

**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 proposed uses reflect an adequate balance that promotes public health, safety, morality, general welfare, walkability, and sustainability.

**Criteria for Special Use Decisions: (Applicant's Answers)**

**a. Whether the proposed special use is consistent with the stated purpose of the zoning district in which it will be located.**

The proposed special use is consistent with the purpose and intent of the Comprehensive Plan and the Community Activity Center designation on the Future Land Use Map.

**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 uses are suitable and allowed in the current zoning district and are appropriate uses in keeping with the MXU multi-family residential uses of the adjacent nearby properties

**c. Whether the location and character of the proposed special use are consistent with a desirable pattern of development in general.**

The location and character of the proposed special use are consistent with the desirable pattern of development The proposed special use shall provide a mix of restaurant uses to the area and enhance the services and offerings in this Activity Center.

**d. Whether the type of street providing access to the use is or will be adequate to serve the proposed special use.**

The type of street providing access to the use is adequate to serve the proposed special use. There are several similar uses further to the west of the site.

**e. Whether access into and out of the property is or will be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.** There are multiple access points that distribute traffic to provide for adequate vehicle and pedestrian safety for the anticipated volume of traffic flow, and access by emergency vehicles.

**f. Whether public facilities such as schools, water or sewer utilities, and police or fire protection are or will be adequate to serve the use.** Current facilities will be adequate to serve the proposed uses.

**g. Whether refuse, service, parking and loading areas on the property will be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor.**

Refuse, Service and loading areas are located to the rear and or side of the facilities and are screened from view protecting neighboring properties in the area from any adverse effects.

**h. Whether the hours and manner of operation of the special use will have adverse effects on other properties in the area.**

The special use and operation of the facilities will be operated during typical business hours and shall not adversely effect other properties in the area.

**i. Whether the height, size or location of the buildings or other structures on the property are or will be compatible with the height, size or location of buildings or other structures on neighboring properties.**

The height and size of the proposed buildings will be of similar height, size and massing of other structures on neighboring properties.

## Analysis: (Staff)

### New site plan:

- No hotel or office space, instead proposing 3 outparcels for commercial use
- Parking has not changed for the 3 outparcels from 2022.
- 3 less parallel parking spaces
- Ask Applicant which specific conditions they are seeking to change (double check #3, #9, #19, #20) Staff did reach out to June 9, 2026 to Sams and Larkin. No response yet.
- 1 car garage per unit with room for parking 2 cars on driveway. (154 garages) (has not changed)
- PER **UDC Sec. 2-22, Table 2-3** a restaurant is a PERMITTED use, however with a drive-through, is a SPECIAL USE in the MXU zoning district.

### Concerning Drive-throughs:

- see **UDC Sec. 4-115 Drive-Thru**  
[https://library.municode.com/ga/powder\\_springs/codes/unified\\_development\\_code?no\\_deId=ART4SPUSPR\\_DIVIUS\\_S4-115DRRO](https://library.municode.com/ga/powder_springs/codes/unified_development_code?no_deId=ART4SPUSPR_DIVIUS_S4-115DRRO)
- See **UDC Sec. 6-78 Stacking spaces for drive-through facilities or service windows.**
- [https://library.municode.com/ga/powder\\_springs/codes/unified\\_development\\_code?no\\_deId=ART6ACPALO\\_DIVVOREPAGERE\\_S6-78STSPDRROFASEWI](https://library.municode.com/ga/powder_springs/codes/unified_development_code?no_deId=ART6ACPALO_DIVVOREPAGERE_S6-78STSPDRROFASEWI)
- See **UDC Sec. 7-62 Drive-through lanes.**
- [https://library.municode.com/ga/powder\\_springs/codes/unified\\_development\\_code?no\\_deId=ART7SIADDE\\_DIVVREGOSPSI\\_S7-62DRROLA](https://library.municode.com/ga/powder_springs/codes/unified_development_code?no_deId=ART7SIADDE_DIVVREGOSPSI_S7-62DRROLA)
- See **UDC Sec. 5-38 Exterior Lighting.**  
[https://library.municode.com/ga/powder\\_springs/codes/unified\\_development\\_code?no\\_deId=ART5SIARDERE\\_DIVIISIDEREGU\\_S5-38EXLI](https://library.municode.com/ga/powder_springs/codes/unified_development_code?no_deId=ART5SIARDERE_DIVIISIDEREGU_S5-38EXLI)

Concerning Off-Street parking:

- For off-street parking spaces **UDC Sec 6-74**  
[https://library.municode.com/ga/powder\\_springs/codes/unified\\_development\\_code?nodeId=ART6ACPALO\\_DIVVOREPAGERE\\_S6-74MINUOREPASPRE](https://library.municode.com/ga/powder_springs/codes/unified_development_code?nodeId=ART6ACPALO_DIVVOREPAGERE_S6-74MINUOREPASPRE)

Walkability:

- Pedestrian Access **UDC 6-42 and 5-39**  
[https://library.municode.com/ga/powder\\_springs/codes/unified\\_development\\_code?nodeId=ART6ACPALO\\_DIVIIIITECI\\_S6-42PEFAINSIRE](https://library.municode.com/ga/powder_springs/codes/unified_development_code?nodeId=ART6ACPALO_DIVIIIITECI_S6-42PEFAINSIRE)

- 1. 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, in accordance with Table 13-1:**

The proposed use and change in site plan for this MXU zoned location are compatible with the Neighborhood Activity Center (NAC) future land use designation (*Figure 3*) Neighborhood Activity Centers are made of residential, commercial, civic, and public uses intended to be -pedestrian-oriented and serve residents living on-site and in nearby residential areas. The comprehensive plan lists MXU as an appropriate zoning district and Townhomes, condominiums, or apartment buildings as appropriate uses. Additionally, Table 13-1 lists MXU as a compatible zoning district for sites designated as NAC future land use.