



# City of Powder Springs

City of Powder Springs  
4426 Marietta Street  
Powder Springs, GA 30127  
cityofpowdersprings.org

## Meeting Minutes - Final

### City Council

*Mayor*

*Albert Thurman*

*Council Members:*

*Henry Lust, Doris Dawkins, Dwayne Green, Dwight McMutry, Patricia  
Wisdom*

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Monday, July 21, 2025

7:00 PM

Patricia C. Vaughn Cultural Arts Center  
4181 Atlanta Street | Building 1  
Powder Springs, GA 30127

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**Onsite at Patricia Vaughn Cultural Arts Center - 4181 Atlanta Street, Bldg. 1**

### **Pre-Meeting Discussion at 6:30PM**

**Join Zoom Meeting - <https://us06web.zoom.us/j/87935469714>**

**Meeting ID: 879 3546 9714   Dial: 1-929-205-6099**

### **1. Call to Order**

Mayor Pro Tem Henry Lust called the meeting to order at 7:00 pm. Mayor Albert Thurman was absent. All Council Members were present on-site. Also present onsite were City Attorney Julie Livingston, City Manager Pam Conner and City Clerk Kelly Axt.

Staff in Attendance: Phyllis Calloway (Zoom), Lane Cadwell, Tamara Newkirt, and Travis Sims (Zoom).

**Present**   5 - Mayor Pro Tem - Ward 1 Henry Lust, Council Member - Ward 2 Doris Dawkins, Council Member - Ward 3 Dwayne Green, Council Member - At Large Post 2 Patricia Wisdom, and Council Member - At Large Post 1 Dwight McMutry

**Absent**   1 - Al Thurman

### **2. Invocation and Pledge of Allegiance**

Invocation was led by Council Member Green and the Pledge of Allegiance was led by Council Member Dawkins.

### **3. Approval of Minutes**

[2025 -042](#)   City Council Meeting Minutes 06/16/25

**Attachments:**   [City Council Agenda Minutes 16-June-2025](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, that City Council Minutes 06/16/2025 be approved. The motion carried by the following vote:

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[2025 -043](#) Special Called City Council Meeting - 1st Millage Hearing 7/7/25 at 7PM

**Attachments:** [Special Called City Council Agenda Minutes 07-July-2025](#)

**A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, that Special Called City Council Minutes-1st Millage Hearing 07/07/2025 be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

#### 4. Mayor's Comments

Mayor Thurman was absent.

#### 5. Citizens Comments

No citizen comments were made.

**Registration to speak at any City Council meeting, per City Charter, is the day of the meeting only beginning 20 minutes prior to the start of the meeting (6:40 - 7:00 PM). The first twelve registering to speak will be given five (5) minutes to address Mayor and Council with their comments. Comments only - this is not a question and answer dialogue.**

**You can register by signing up in person at the Cultural Arts Center located at 4181 Atlanta Street - location of the on site meeting. Only on-site Citizen Comments are available. There are no virtual opportunities to provide Citizen Comments.**

#### 6. Public Reports | Presentations

[2025 -041](#) Police Department - Oaths of Office

- Officer Jasmine Mason
- Officer Sharmelle Waddell
- Officer Kenneth Hartsfield
- Officer Mekhi Stewart
- Officer Jordan Hayes
- Officer Alex Becker

Mayor Pro-Tem Lust read the oath of office to the newly certified Police Officers.

#### 7. City Attorney

**A. Consent Agenda**

[MOT 25-007](#) Motion to amend the Consent Agenda to table RESO 25-113 and RESO 25-114 to the August 18, 2025 Council Agenda.

**approved**

[RES0 25-111](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A DEDUCTIVE CHANGE ORDER WITH TRIPLE R PAVING AND CONSTRUCTION LLC TO CLOSE OUT THE 2025 RESURFACING PROJECT FOR AN AMOUNT OF \$190,573.67; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-111](#)  
[Change Order No. Letter 1 Triple R](#)

**approved**

[RES0 25-112](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A DEDUCTIVE CHANGE ORDER TO THE AGREEMENT WITH EAST COAST GRADING TO CLOSE OUT THE 2024 RESURFACING PROJECT IN THE AMOUNT OF \$68,463.43; PROVIDING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-112](#)  
[East Coast Grading PA 5 Final Resurfacing 2024 \\$68463.43 2503.062](#)

**approved**

[RES0 25-113](#) A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF FURNITURE, FIXTURES AND EQUIPMENT REMOVED FROM THE OLD CITY HALL, COMMUNITY DEVELOPMENT AND MUNICIPAL COURT FACILITIES AND CURRENTLY LOCATED IN STORAGE, INCLUDING THROUGH AUCTION, YARD SALE, SAME-DAY-REMOVAL OR SIMILAR MEANS; DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF CERTAIN CITY VEHICLES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-113](#)  
[RESOLUTION 2025 - 113 Surplus](#)  
[Pictures Part 1](#)  
[Pictures Part 2](#)  
[Pictures Part 3](#)  
[Pictures Part 4](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Resolution RES0 25-113 be tabled to the City Council, on 8/18/2025. The

**motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[RES0 25-114](#) A RESOLUTION UPDATING THE PAY CLASSIFICATION TABLE FOLLOWING THE COMPENSATION ADJUSTMENT APPROVED FOR EMPLOYEES; ADDING JOB CLASSIFICATION TITLES TO SAID TABLE; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [Executed RESO 2025-114](#)

[RESOLUTION 2025 - 114 Classification Table Update](#)

[Tabled RESO 2025-114](#)

[FY 26 Active PD Salary Table updated 070125 050323 Evergreen 070122](#)

[1.25 COLA 10 Year](#)

[Pay Grade Table FY25 July 25 Adjustments in title and rate](#)

**A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that Resolution RES0 25-114 be tabled to the City Council, on 8/18/2025. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[RES0 25-115](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE SUB-RECIPIENT AGREEMENT WITH THE COBB COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AGREEMENT TO INCREASE THE BUDGET AMOUNT FROM \$59,603 TO \$85,706; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [Executed RESO 2025-115](#)

[City of Powder Springs 2025 Amendment 1](#)

**approved**

[RES0 25-116](#) A RESOLUTION AUTHORIZING AND APPROVING THE MAYOR TO EXECUTE AN AGREEMENT WITH A RELOCATION COMPANY TO PROVIDE SUPPLIES AND LABOR FOR PACKING OF MATERIALS AND FOR MOVING FROM TEMPORARY LOCATIONS TO THE NEW CITY HALL AND STORAGE FACILITY FOR AN AMOUNT OF UP TO \$20,000; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**Attachments:** [Executed RESO 2025-116](#)

approved

[RES0 25-117](#) A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT FOR CERTAIN CONTINUED AND ENHANCED PROFESSIONAL SERVICES SUCH AS AUDIO VISUAL, COMMUNICATIONS, ECONOMIC DEVELOPMENT, ACTUARIAL ANALYSIS, MARKETING, GRANT WRITING AND PROCUREMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-117](#)  
[The City of Powder Springs \(1\)](#)

approved

[RES0 25-118](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN ANSWER TO A BOND VALIDATION FILED BY THE COBB-MARIETTA COLISEUM AND EXHIBIT HALL AUTHORITY; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-118](#)  
[PS 2025 Answer Bond Ext](#)

approved

[RES0 25-119](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH OPTERRA SOLUTIONS RENEWING MAINTENANCE OF CERTAIN DETENTION PONDS; INCLUDING NEW PONDS WITHIN THE MAINTENANCE AGREEMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-119](#)  
[Opterra renewal and new ponds Redacted](#)

approved

[RES0 25-120](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE CARL VINSON INSTITUTE FOR CERTAIN PROFESSIONAL SERVICES IN ASSESSING STAFFING EFFICIENCIES AND NEEDS OF THE POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-120](#)

approved

[RES0 25-121](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH KB ADVISORY GROUP AND THE CARL

VINSON INSTITUTE FOR CERTAIN PROFESSIONAL SERVICES RELATING TO THE MORATORIUM PREVIOUSLY ESTABLISHED BY THE CITY OF POWDER SPRINGS AND TO DEVELOP A STRATEGIC BUDGETING AND FISCAL FORECASTING TOOL FOR USE IN CONSIDERING LAND USE DECISIONS TO BETTER MANAGE GROWTH AND LONG TERM FINANCIAL SUSTAINABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-121](#)

approved

[RESO 25-122](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH COMMUNITIES IN SCHOOLS OF GEORGIA IN MARIETTA/COBB COUNTY TO PERFORM TUTORING SERVICES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2025-122](#)  
[Draft CIS 3rd amendment](#)

approved

## Approval of the Consent Agenda

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post Wisdom, to approve the Consent Agenda as read by the City Attorney Julie Livingston. The motion carried by the following vote:

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

## B. Regular Agenda | Public Hearing

[PZ 24-029](#) Rezoning Request to rezone an approximate 4.9-Acre Tract from R-20 to PUD-R. The property is located at 3720 and 3716 Powder Springs Rd, within land lots 833 and 870, 19th District, 2nd Section, Cobb County, Georgia. PINs: 19087000010, 19087000150.

Applicant has requested the application be withdrawn without prejudice. Planning and Zoning Commission voted on June 30, 2025 to recommend acceptance of the withdrawal without prejudice.

**Attachments:** [Withdrawn PZ 24-029](#)  
[Tabled PZ 2024-029](#)  
[Site Plan. 2025-3-16. NELSON - POWDER SPRINGS](#)  
[Creekwood Meeting Notes](#)  
[Tabled Motion 06-02 PZ 24-029](#)  
[Tabled PZ 24-029](#)  
[Signed Table to Motion 02-03-25](#)  
[Signed table to Dec 2nd](#)  
[Site Plan. 2024-10-30 NELSON - POWDER SPRINGS](#)  
[Renderings. 28' wide th- streetscape 4-8-21 fin](#)  
[Traffic Impact Study](#)  
[Fiscal Impact Analysis. Powder Springs Road FIA 10 16 24](#)  
[Public Opposition. CREEKWOOD SUBDIVISION PETITION](#)  
[Rezoning Application. 3716 & 3720 Powder Springs Road Redacted](#)  
[Signed PZ 24-029 Tabled Motion to 11-04](#)  
[Signed Motion to table to Apr 7](#)

**A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council Member - Ward 3 Green, that Rezoning PZ 24-029 be Withdrawn without Prejudice. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

**ORD 25**  
**-003**

AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING USE OF PUBLIC RIGHT OF WAY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading 2/3/25    2nd Reading 2/17/25 (Tabled to 7/21/25)

2nd Reading 7/21/25

MOTION TO WITHDRAW

**Attachments:** [Withdrawn ORD 2025-003](#)  
[Tabled ORD 2025-003](#)  
[ORD 2025-003 EXH A GMA Model ROW Ordinance](#)  
[GMA Model Utility ROW Encroachment Permit](#)

**A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post1 McMutry, that Ordinance ORD 25 -003 be Withdrawn. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[ORD 25-010](#)

An Ordinance for Annexation of a 9.3-acre tract, to rezone from R-20 (county) to PUD-R (city). The property is located at Old Horse Shoe Bend Road at Barrett Pwky., within land lot 691, 2nd section, Cobb County Georgia. PIN: 19069100070 and 19069100010. Applicant: Traton, LLC.

1st Reading 5/5/25 (Tabled to June 2, 2026)    2nd Reading 5/19/25

**Attachments:** [Withdrawn ORD 2025-010](#)

[Survey - 02-18-2025 \(1\)](#)

[Legal Description - Tract 2 \(Brown\)](#)

[Legal Description - Tract 3 \(Brown\)](#)

[Legal Description - Tract 4 \(Garrett Estate\)](#)

[Legal Description - Tract 1 \(Garrett Estate\)](#)

**A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post 2 Wisdom, that Ordinance ORD 25 -010 be Withdrawn. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[PZ 25-005](#)

Rezoning. For a 9.3-acre tract, to rezone from R-20 (county) to PUD-R (city). The property is located at Old Horse Shoe Bend Road at Barrett Pwky., within land lot 691, 2nd section, Cobb County Georgia. PIN: 19069100070 and 19069100010. Applicant: Traton, LLC.



**Attachments:** [Withdrawn PZ 2025-005](#)  
[Staff Report](#)  
[Tabled PZ 2025-005](#)  
[Tabled Motion 06-02 PZ 25-005](#)  
[TSW and Staff Recommended Site Plan](#)  
[Rezoning Application Redacted](#)  
[Site Plan \(Revised\) - 03-24-2025](#)  
[List of Requested Variances](#)  
[Survey - 02-18-2025](#)  
[Site Map \(Overall\)](#)  
[Constitutional Challenge Redacted](#)  
[2024 Cobb Tax Receipt \(Brown\)](#)  
[2024 Cobb Tax Receipt \(Garrett\)](#)  
[Deed \(Brown\)](#)  
[Deed \(Garrett\)](#)  
[Exhibit A - Contact Information Redacted](#)  
[Legal Description - Tract 1 \(Garrett Estate\)](#)  
[Legal Description - Tract 2 \(Brown\)](#)  
[Legal Description - Tract 3 \(Brown\)](#)  
[Legal Description - Tract 4 \(Garrett Estate\)](#)  
[Letters of Administration \(Garrett Estate\)](#)  
[Site Map \(Brown\)](#)  
[Site Map \(Garrett Estate\)](#)

**A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 2 Wisdom, that Rezoning PZ 25-005 be Withdrawn without Prejudice. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[PZ 25-007](#) Rezoning. For a 6.26-acre tract, to rezone from CRC to PUD-R. The property is located at 3200 Powder Springs Road, within land lots 866 and 867, 2nd section, Cobb County Georgia. PIN: 19086700050. Applicant: Kenneth Ellsworth

Attachments: [Approved PZ 2025-007](#)  
[Staff Report](#)  
[Tabled PZ 2025-007](#)  
[Tabled Motion PZ 25-007](#)  
[Revised Site Plan 05082025](#)  
[TSW and Staff Recommended Site Plan](#)  
[Rezoning Request Application and attachments Redacted](#)  
[2025.07.03 - 3200 Powder Springs applicant revision](#)  
[3200 PS Road Staff revision](#)  
[3200 Rezoning Exhibit](#)

Michael Palazzone, Managing Broker for Tomohawk Realty Partners, discussed the rezoning application to develop 54 town homes.

Carol Dalton, resident of 3906 Abbott Way in Powder Springs, read an opposition letter to the initial density request of the applicant.

April Jordan, resident of 3163 Hardian Court in Powder Springs, shared her agreeance to new sidewalks and lower density and asked for an additional entrance of Powder Springs Road.

Zina Holt, resident of 3749 Lockerbie Lane in Powder Springs, asked for clarity regarding landscaping in the new subdivision.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, that Rezoning PZ 25-007 be approved with the following conditions:

1. The development shall include the adjacent parcel owned by the Development Authority of the City of Powder Springs and/or City of Powder Springs. Assumes acquisition adjacent parcel from the Development Authority of Powder Springs.
2. The development site plan shall be consistent with the attached site plan prepared by TSW and entitled Site 7 Concept Plan and dated 6/16/25. To the extent the TSW site plan configuration requires a variance, said variance shall be considered approved by this rezoning.
3. The residential town home units shall be for-sale and subject to all city development regulations.
4. The architectural style shall consist of full brick on each façade that faces and is visible from the travel corridor and public right of way
5. There shall be no ingress or egress to the development from Powder Springs Road.
6. The developer shall include within its landscape plan an element of landscaping beyond that required in the UDC to screen and beautify the view shed along Powder Springs Road, which includes Pine Grove only for sidewalk, black top ornamental fence along the boundary of the development. All fencing shall have landscaping installed outside of the fencing closest to the travel corridor. On the eastern boundary a decorative privacy fence may be installed. Per meeting- not required to place sidewalks on Powder Springs Road, Pine Grove Road sidewalks only.
7. Storm Water requirements may be met with a retention pond that is amenitized and includes a fountain or similar aesthetic. Underground detention is not required but no detention area shall be located within public view but shall be screened. All storm water areas shall be

maintained by the Homeowners' Association in accordance with the UDC provisions, which shall be specifically described in the development covenants.

8. The development shall include a useable common area amenity that enhances the living experience for the residents such as a pool, a pickle ball court with shade structure or a clubhouse, playground and open space or similar amenity. The amenity shall be designed to address both social and recreational activities and may not consist of only a gazebo.

The motion carried by the following vote:

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[PZ 25-008](#)

Variance. To allow development in the floodplain, future conditions flood and/or adjacent area. The property is located at 5525, 5535 and 5500 Elliott Road within land lots 598, 599, 660, 661, 19th district, 2nd Section, Cobb County, Georgia. PIN: 19067400030, 19066000050 and 19066000060.

**Attachments:** [Approved PZ 2025-008](#)

[Staff Report](#)

[Engineer Recommendation](#)

[Tabled PZ 2025-008](#)

[24003 Floodplain Exhibit](#)

[Flood Plain NO-RISE STUDY - FUTURE fpPSC 3-9-25 Redacted](#)

[Site Map - 5500 Elliott Road](#)

[Site Map - 5525 and 5535 Elliott Road](#)

[Variance Application - 04-22-2025 Redacted](#)

[Comments from Dewberry Engineering Redacted](#)

Kevin Moore, Attorney on behalf of the variance applicant, discussed the variance application to develop in a floodplain area.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that Variance PZ 25-008 be approved with the following conditions:

1. The application for variance shall be updated by the applicant and submitted with the application for Land Disturbance Permit. Because the 24003 Floodplain Exhibit dated 03/10/25 is showing that the proposed development will encroach on both the 100-yr Existing (Special Flood Hazard Area – SFHA) and 100-yr Future Conditions flood hazard area, the variance application shall be amended to reflect that the variance request proposes encroachments on both the SFHA and Future-Conditions flood hazard areas.

2. Because the UDC Article 10, Sec 10-32(d) allows a flood hazard area variance when it has been demonstrated that granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense or creation of a nuisance, with the application of the Land Disturbance Permit, the applicant developer shall provide a No-Rise Report and the supporting engineering study prepared in accordance with Sec. 10-15 of the UDC.

3. The application for Land Disturbance Permit shall include the required reports and studies that demonstrate the Sec 10-15 engineering study requirements are met and the Sec 10-16 standards for encroachment are met. The previous No-Rise reports and engineering study prepared in support of Elliott Green North and South proposed development shall be revised and updated to address the City's review comments made on 03/12/2025 and 05/06/2025, which remain unaddressed as of the date of the variance approval.

4. The Hydraulic Analysis for Elliott Greene report dated 12/20/2024 discussed direct release of the storm water from the project site. If direct release is proposed, it shall be documented through a certified engineering study and report that any proposed increase in the peak flow discharges along Powder Springs Creek will not increase the Base Flood Elevations, Floodway Elevations or 100-yr Future Conditions Flood Elevations along the stream. This documentation shall be included in the study and reports that are required with the application for Land Disturbance Permit.

5. After the completion of the development and prior issuance of the final Certificate of Occupancy, an As-Built Floodplain Study report shall be submitted to the City certifying that the development is completed as proposed, and the City's Floodplain Managements requirements have been met.

The motion carried by the following vote:

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[PZ 25-009](#)

Rezoning - For a 0.5-acre tract, to rezone from R-20 to CBD. The property is located at 4293 Marietta Street, within Land Lots 874 and 903, 19th district, 2nd section, Cobb County, Georgia. PINs: 19090300140. Applicant: Patience Uchenye

**Attachments:** [Approved PZ 2025-009](#)

[Application Redacted](#)

[Staff Report](#)

[Floorplan](#)

[Deed](#)

[Site Plan](#)

Patience Uchenye, rezoning applicant, shared that they are in agreement with the seven conditions imposed by the City staff.

Jessica Haney, resident of 4284 Marietta Street in Powder Springs, shared her concerns with the lot lines and that the business is suited for this area.

Tom Vonk, resident of 4130 Cedar Ridge Road and next business owner, shared his concerns with parking lot spacing.

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At

Large Post 1 McMutry, that Rezoning PZ 25-009 be approved with the following conditions:

1. In order to maintain and reflect the established residential character along this area of Marietta Street between the downtown commercial corridor and the New Macland Road intersection, there shall be no commercial addition or other modification to the existing exterior structures. There shall be no interior modifications unless required by code and consistent with the applicable permit.
2. The existing gravel vehicular parking area, residential in character, shall be maintained in its current form to reduce visual impacts that result from a typical paved parking lot. Applicant shall demonstrate compliance with other parking requirements relating to accessibility and circulation.
3. There shall be no encroachment into the surrounding properties.
4. To reduce noise and disruption to nearby residential properties, hours of operation shall be limited to 10AM to 6PM Monday through Friday and 10AM to 7PM Saturday, and 1PM-5PM on Sundays. Business operations may not generate noise exceeding residential noise levels at the property line.
5. Traffic impacts shall be managed by limiting delivery times to Monday to Friday between 10AM and 3PM.
6. To maintain residential aesthetics, signage shall be limited to one, non-illuminated post and panel sign in the front yard no larger than 4 square feet. No wall or building signs shall be allowed.
7. There shall be no more than 1 non-resident employee on site at any time.
8. Customer visits shall be appointment only with no more than 8 customers each day.
9. Outdoor storage is not allowed.
10. Except as otherwise provided herein, all code provisions apply, including accessibility standards and property maintenance.
11. The conditional approval is limited to this use and this applicant only. Any change in use or ownership reverts the property to R20 zoning. If the use ceases or the owner changes, the new owner and new use shall complete the rezoning process.

The motion carried by the following vote:

Yes: 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

Absent: 1 - Thurman

[ORD 25](#)  
[-014](#)

AN ORDINANCE TO ANNEX CERTAIN PROPERTY FROM THE UNINCORPORATED AREAS OF COBB COUNTY TO THE CORPORATE LIMITS OF THE CITY OF POWDER SPRINGS; REPEALING CONFLICTING ORDINANCES; ESTABLISHING AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st reading 6/16/25; 2nd reading 7/21/25

Attachments: [Adopted ORD 2025-014](#)  
[Powder Springs Annexation Application Redacted](#)

Jake Flag, of Thompson Thrift, provided a presentation of the Chicago based company; discussed the annexation request of three unincorporated parcels for mixed use development.

Chad Lambeth, Land Planner and Engineer of PEC, discussed the project for multi-family and commercial development.

Mason of Thompson Thrift, discussed the ongoing conversations with Staff regarding stipulations with the proposed development.

**A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, that Ordinance ORD 25 -014 be adopted. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

**PZ 25-010**

Rezoning - For a 3.7- acre tract, to rezone from R-30 to CRC. The property is located at 5655 Allen Road, within Land Lot 672, 19th district, 2nd section, Cobb County, Georgia. PINs: 19067200040. Applicant: Spring Creek Investment Properties

**Attachments:** [Motion to approve rezoning on CH James Pkwy \(AutoRecovered\)](#)

[Staff Report](#)

[Staff Recommended Stipulations](#)

[Rezoning Application.pdf Redacted](#)

[Commercial Site Plan](#)

[Deed](#)

[Plat](#)

**A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council Member - Ward 3 Green, that Rezoning PZ 25-010 be approved:**

**Staff recommends approval of PZ25-010 and PZ25-011 from R-30 to CRC with the following conditions (full set of stips with exhibits attached to minutes)**

- 1) Architectural and site design shall meet the requirements of the City of Powder Springs Design Guidelines and shall be subject to staff review. All sides of the building shall meet design standards.
- 2) The site plan attached as Exhibit D and prepared by the City's consultant shall apply to the application unless an alternate design is approved by the City's site planning and architectural consultant or city staff.
- 3) To the maximum extent feasible, the development shall include interparcel access between the CRC parcels and connectivity to the Silver Comet trail.
- 4) The future use shall be consistent with the permitted uses under the CRC zoning district regulations, except that the following uses not be allowed (unless a Special Use Permit is approved by Mayor & Council): auto broker, intermodal container, boarding house (exclusive of dog boarding), dormitory, group home, halfway house, Dollar Stores, Gas Station and Convenience Stores ,Automobile parts and services, car wash. The current residential use located on a portion of the CRC property is permitted to remain, until an approved business license is obtained for an allowable future use of the CRC property(s). Depending on the use proposed for the CRC property(s), the existing residence may be modified to accommodate an

allowable use and related parking, landscaping and signage requirements.

- 5) No stream buffer variances are granted as part of this rezoning action.
- 6) If the city plans a sign in the future, the applicant shall work with the City to identify an area for gateway city signage and dedicate an easement to the city for said purpose.
- 7) The submission of a landscape plan is required during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. The landscape plan shall include, but is not limited to, the following requirements:
  - a. A landscape screening, vegetative buffer around the perimeter of the Subject Property which has contiguity to existing residential developments.
  - b. The landscape plan shall be prepared, stamped, and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist and shall identify open space areas; landscaped communal areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.
  - c. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
  - d. All HVAC, mechanical systems and home utilities within the community shall be screened from view and shall not be located within the building setback.
  - e. Entry signage for the proposed development shall be ground based, monument-style, landscaped, lighted and irrigated.
  - f. The installation of landscaped front, side and rear yards and attendant irrigation components where indicated by the Arborist. Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to all tree protection measures and the adherence to same during the construction and build out of the three.
- 8) 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, ground based directional signage to ensure ease of maneuverability and accessibility.
- 9) Approval is subject to recommendations from the City of Powder Springs Engineer and/or the City's consultants concerning hydrology, stormwater management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:
  - a. Providing the City Engineer and/or the City's consultants with a Hydrology Plan for the Subject Property during the Plan Review process.
  - b. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and /or landscaping. These practices need to be integral with the site layout, for example: islands within the parking lot for bioretention etc.
  - c. Verifying all points of discharge with respect to detention/water quality.
  - d. Compliance with the protections required under State and Local Law concerning adjacent streambank buffers and an agreement that there has been no "buffer averaging."
- 10) Compliance with the recommendations from the City's Engineer and/or Consultants with respect to Public Works and traffic/transportation issues, as follows:
  - a. Streets shall be built to the City of Powder Springs' Design and Detail Standards, including the construction of sidewalks on both sides of the interior streets.
  - b. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.
- 11) Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicants agree to offsite improvements necessitated by this development.
- 12) If the development on the site stalls for a period of 6 months or more, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building

construction to proceed to certificate of completion, the site shall be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.

13) No variances are granted as part of this request. A fully compliant site plan is required prior to the issuance of a land disturbance permit.

14) All areas located in the undisturbed stream buffer shall be placed in a conservation easement.

15) Detention ponds and dumpsters shall not be located in any front yard area.

**The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[PZ 25-011](#)

Rezoning - For a 2.74 acre tract, to rezone from R-30 to CRC. The property is located at Allen Road and CH James Parkway , within Land Lots 671 and 672, 19th district, 2nd section, Cobb County, Georgia. PINs: 19067200070 and 19067100070. Applicant: Marjorie Sanchez and Bernie Gudiel

**Attachments:** [Motion to approve rezoning on CH James Pkwy \(AutoRecovered\)](#)

[Staff Report](#)

[Staff Recommended Stipulations](#)

[Sanchez Rezoning Application Full Redacted](#)

[Site Plan](#)

A motion was made by Council Member - At Large Post 2 Wisdom, seconded by Council Member - At Large Post 2 McMutry, that Rezoning PZ 25-011 be approved with the following conditions:

Staff recommends approval of PZ25-010 and PZ25-011 from R-30 to CRC with the following conditions (full set of stips with exhibits attached to minutes)

- 1) Architectural and site design shall meet the requirements of the City of Powder Springs Design Guidelines and shall be subject to staff review. All sides of the building shall meet design standards.
- 2) The site plan attached as Exhibit D and prepared by the City's consultant shall apply to the application unless an alternate design is approved by the City's site planning and architectural consultant or city staff.
- 3) To the maximum extent feasible, the development shall include interparcel access between the CRC parcels and connectivity to the Silver Comet trail.
- 4) The future use shall be consistent with the permitted uses under the CRC zoning district regulations, except that the following uses not be allowed (unless a Special Use Permit is approved by Mayor & Council): auto broker, intermodal container, boarding house (exclusive of dog boarding), dormitory, group home, halfway house, Dollar Stores, Gas Station and Convenience Stores ,Automobile parts and services, car wash. The current residential use located on a portion of the CRC property is permitted to remain, until an approved business license is obtained for an allowable future use of the CRC property(s). Depending on the use proposed for the CRC property(s), the existing residence may be modified to accommodate an



allowable use and related parking, landscaping and signage requirements.

- 5) No stream buffer variances are granted as part of this rezoning action.
- 6) If the city plans a sign in the future, the applicant shall work with the City to identify an area for gateway city signage and dedicate an easement to the city for said purpose.
- 7) The submission of a landscape plan is required during the Plan Review process which shall be subject to review and approval by the Community Development Director and/or designee. The landscape plan shall include, but is not limited to, the following requirements:
  - a. A landscape screening, vegetative buffer around the perimeter of the Subject Property which has contiguity to existing residential developments.
  - b. The landscape plan shall be prepared, stamped, and signed by a Georgia Registered Landscape Architect or a degreed Horticulturist and shall identify open space areas; landscaped communal areas; and other components of the proposed Residential Community which will be further identified during the Plan Review process.
  - c. The installation of underground utilities and the utilization of decorative lighting themed to the architectural style and composition as above mentioned.
  - d. All HVAC, mechanical systems and home utilities within the community shall be screened from view and shall not be located within the building setback.
  - e. Entry signage for the proposed development shall be ground based, monument-style, landscaped, lighted and irrigated.
  - f. The installation of landscaped front, side and rear yards and attendant irrigation components where indicated by the Arborist. Compliance with the City's current Tree Preservation & Replacement Ordinance and substantial conformity to all tree protection measures and the adherence to same during the construction and build out of the three.
- 8) 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, ground based directional signage to ensure ease of maneuverability and accessibility.
- 9) Approval is subject to recommendations from the City of Powder Springs Engineer and/or the City's consultants concerning hydrology, stormwater management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:
  - a. Providing the City Engineer and/or the City's consultants with a Hydrology Plan for the Subject Property during the Plan Review process.
  - b. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and /or landscaping. These practices need to be integral with the site layout, for example: islands within the parking lot for bioretention etc.
  - c. Verifying all points of discharge with respect to detention/water quality.
  - d. Compliance with the protections required under State and Local Law concerning adjacent streambank buffers and an agreement that there has been no "buffer averaging."
- 10) Compliance with the recommendations from the City's Engineer and/or Consultants with respect to Public Works and traffic/transportation issues, as follows:
  - a. Streets shall be built to the City of Powder Springs' Design and Detail Standards, including the construction of sidewalks on both sides of the interior streets.
  - b. Compliance with the Fire Marshall's recommendations with respect to Life Safety & Fire Prevention Issues during the Plan Review process.
- 11) Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicants agree to offsite improvements necessitated by this development.
- 12) If the development on the site stalls for a period of 6 months or more, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building

construction to proceed to certificate of completion, the site shall be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.

13) No variances are granted as part of this request. A fully compliant site plan is required prior to the issuance of a land disturbance permit.

14) All areas located in the undisturbed stream buffer shall be placed in a conservation easement.

15) Detention ponds and dumpsters shall not be located in any front yard area.

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**The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

[PZ 25-012](#)

Rezoning. For a 14.7-acre tract, to rezone from R-30 (county) to MXU(city). The property is located on CH James Pkwy, within Land Lots 671, 19th district, 2nd section, Cobb County, Georgia. PINs:19067100050, 19067100020 Applicant: Thompson Thrift Residential

**Attachments:** [Motion to approve rezoning on CH James Pkwy \(AutoRecovered\)](#)

[Staff Report](#)

[Staff Recommended Stipulations MXU](#)

[TSW Recommended Site Plan](#)

[Silver Trace Mixed Use Development Powder Springs Traffic Impact Study](#)

[2025-03-25 Rezoning Request Application - executed - 24297.00 Redacted](#)

[2025-03-25 -Site Zone-2 PN-24297.00](#)

[2025-04-25 - Powder Springs Elevations - County Submission](#)

[PZ25-006 CCWS](#)

[Thompson Thrift MXU Stipulation Letter](#)

[CH James Pkwy Rezoning DRAFT 071625](#)

A motion was made by Council Member - At Large Post 1 McMutry, seconded by Council Member - Ward 3 Green, that Rezoning PZ 25-012 be approved with the following conditions:

Staff recommends approval of PZ25-012 from R-30 to MXU with the following conditions (full set attached as an exhibit to the minutes):

- 1) As part of the rezoning action the following variances are granted,
  - a. A variance for density is granted to allow a maximum overall density of 21.61 as demonstrated on the site plan.
  - b. A variance to timing of construction of the commercial development. The white box/warm shell of the commercial component (vertically integrated within the U shaped 4 story building) shall be completed with the construction of said building and said building shall be constructed and completed first or concurrent with up to 3 of the planned buildings. This partially finished

space shall be ready for tenant improvements and include basic elements such as a finished ceiling, lighting, HVAC, sprinkler system and a restroom finished to the level required by the fire marshal in order to obtain a certificate of completion, with the interior left essentially without finish to permit a tenant to customize. Per section 2-21(j) of the Powder Springs UDC, contingent upon approval from Mayor and City Council, given that the vertically integrated 6,000 square feet of retail space will be constructed and issued a certificate of completion as a white box/warm shell in conjunction with Building One, and so long as construction of said building begins and is completed first or concurrent with up to 3 of the planned buildings after initial land disturbance, applicant will have the ability to pull all building permits at once and begin construction on the remaining residential buildings along with building one in an effort to maximize efficiency in overall project construction schedule. Up to 3 additional planned buildings may be issued a Certificate of Occupancy until there has been a certificate of completion issued for the white box/warm shell of retail space.

c. A variance to require replanting per Section 8-32 of the Unified Development Code to require replanting after 12 months of inactivity rather than after six months as required by code.

2) The mixed-use proposal includes a site plan showing a total maximum of 320 luxury, multi-family dwelling units that feature quality resort style amenities (passive and active), community open space and walking trails yielding a density of 21.61 units per acre. The applicant will also be constructing 6,000 square feet of retail space on the bottom floor of Building One (as shown herein as Exhibit A) in accordance with MXU requirements, as well as providing a 5,000 square foot clubhouse and fitness center for the residents. The proposed residential community will provide 554 onsite parking spaces (including 48 detached garages) dedicated to the residents and their guests, in accordance with City of Powder Springs standards. The site plan submitted also provides 27 on-site parking spaces dedicated to the retail uses proposed in accordance with City of Powder Springs standards. Parking spaces may be modified from the numbers presented as long as requirement of the Unified Development Code are met. The applicant is agreeable to a maximum building height of 4 stories for all residential buildings.

3) The architectural style of all residential buildings shall be constructed consistent with the amount blended building materials that may include the application of stone, brick, hardi-plank, shake and board and batten consistent with that shown herein as Exhibit B. No vinyl materials will be used on the exterior portions of the proposed residential units. So long as the design plans of applicant are consistent with what's included in Exhibit B as determined by the community development director, the conditions of the Architectural Design Approval process and Building Material Requirements (Section 5-15 and 5-53 of the Powder Springs UDC) shall be considered met and a rereview/reapproval of plans by the Mayor and City Council shall not be required.

4) The applicant agrees that all drives and roadways within the community will be privately owned and maintained. Applicant also agrees to ensure security, quality and long term maintenance of the property.

5) The MXU development agrees to provide at least 20% open space as protected community open space as depicted in Exhibit C. The applicant is also proposing a network of 5' and 6' wide sidewalks to access the Silver Comet Trail and connect to the Community Trail Head Park feature shown on the attached site plan.

6) The applicant agrees that all signage for the proposed community will be ground based, monument style signage that compliments the high quality, architectural style proposed for the project.

7) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the project.

8) All utilities servicing the residences within the proposed community shall be located underground.

9) All construction and employee vehicles and equipment will be parked, and otherwise

located, on the property during the development of infrastructure and construction of the project and shall not be parked on or along US 278, Isley Stamper Road or Powder Springs Dallas Road. There will be no stacking of vehicles along any roadway waiting for entry onto the property. If a flagman is needed to facilitate safe access to the site by construction vehicles, one will be provided.

10) All stormwater infrastructure shall be constructed in accordance with the water quality requirements of the CWA - NPDES - NPS permit and City of Powder Springs water quality regulations, including the establishment of 75-foot buffer (50-foot undisturbed and 25-foot impervious surface setback) along state waters select water features as shown on the site plan submitted. No stream buffer variances are granted as part of this rezoning action. All areas located within the undisturbed stream buffer shall be placed in a conservation easement.

11) Development and construction hours for the proposed project shall be limited to the following: 7:00 AM to 7:00 PM Monday through Friday, April 1 through September 30, 7:00 AM to 7:00 PM Monday through Friday, October 1 through March 31, 8 AM to 4: 30 PM Saturday; and No work on Sunday unless otherwise approved by the Mayor and Council of the City of Powder Springs.

12) Applicant to comply with applicable City of Powder Springs development standards and ordinances relating to project improvements.

13) To the maximum extent feasible, the development shall include connectivity to the Silver Comet trail. When the adjacent CRC property develops, the applicant and/or property owner agrees to allow inter-parcel access for the benefit of the multifamily residents based on conditions agreeable to both the applicant/and or property owner and the owner(s) of the CRC property. If the city plans a sign in the future, the applicant shall work with the City to identify an area for gateway city signage and dedicate an easement to the city for said purpose.

14) The detention pond shall be screened with landscaping subject to staff review. Underground detention shall be considered. Stormwater management facilities shall be designed by a registered landscape architect as formal or natural amenities for residents. The pond shall be designed to not require a fence or be enclosed by walls over 30 inches in height.

15) The MXU development shall have the following requirements:

- a. Front setback – 40 feet
- b. Side setback – 40 feet
- c. Rear setback- 40 feet
- d. Landscape strip – 10 feet
- e. Open space-minimum 20% in MXU zoned property

16) All HVAC, mechanical systems and home utilities within the community shall be screened from view and shall not be located within the building setback.

17) Approval is subject to recommendations from the City of Powder Springs Engineer and/or the City's consultants concerning hydrology, stormwater management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations:

- a. Providing the City Engineer and/or the City's consultants with a Hydrology Plan for the Subject Property during the Plan Review process.
- b. Compliance with City Engineer's requirements for low impact design and bio retention, to include runoff capture or infiltration practices into the site either upstream of storage facilities or integral with grading and drainage and/or pavement and /or landscaping. These practices need to be integral with the site layout, for example: islands within the parking lot for bio retention etc..
- c. Verifying all points of discharge with respect to detention/water quality.
- d. Compliance with the protections required under State and Local Law concerning adjacent streambank buffers and an agreement that there has been no "buffer averaging."

18) Common Open Space areas, amenities, mail kiosks, and all the various components for common and public use as described above shall be constructed in compliance with ADA regulations with respect to accessibility and related factors.

- 19) Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicants agree to onsite improvements necessitated by this development. Substantially similar to that shown in the attached exhibit or as allowed by the Georgia Department of Transportation
- 20) If the development on the site stalls for a period of 12 months or more, as evidenced by a lack of issuance of building permits and inspections requests as would be normal for building construction to proceed to certificate of completion, the site shall be replanted per a plan approved by the Community Development Director showing compliance with minimum tree canopy, street trees and buffer requirements.
- 21) The subject property being rezoned to MXU shall be platted as one lot prior to the issuance of a land disturbance permit.
- 22) The multifamily and commercial components shall have industry leading electric vehicle charging stations installed, the minimum number of which to be at least 5% of the total number of multifamily apartment units.
- 23) The Community Development Director shall be notified in advance of any changes to the management company of the multi-family component.
- 24) No more than 50% of certificates of occupancy for the Multi-family and mixed use buildings will be issued prior to the completion of amenity building and pool, as evidenced by certificates of completion.
- 25) The central green areas of the multifamily development shall be graded to allow usable areas.
- 26) The development shall provide a Workforce Housing Credit ("WHC") shall be provided in accordance with the following provisions, for the multifamily development, in compliance with UDC Sec. 4-325:
- 27) When the commercial development occurs, the developer/ owner shall agree to provide pedestrian access between the CRC and MXU properties.
- 28) The site may be cleared in order to accommodate the development, however replanting and specimen tree replacement shall be per the Unified Development Code.
- 29) Parking lots meet the requirements of the Unified Development Code.
- 30) The Community Development Director shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review process and thereafter except for those that:
- Increase the density of the Residential Community.
  - Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
  - Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
  - Change access locations to different rights-of-way.

The motion carried by the following vote:

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman

## 8. City Manager and City Council Reports

City Manager Pam Conner congratulated the newly hired police officers.

Council Member Green made no reports nor remarks.

Council Member Dawkins thanked everyone for attending the meeting; congratulated the new officers; and reminded everyone of the Summer Concert this coming Saturday.

Council Member McMutry welcomed the new police officers; attended the ribbon cutting for Acres and Oak last Friday; and reminded everyone of the Family in the Parks series next Thursday.

Council Member Wisdom thanked everyone for attending the meeting in person as well as online; welcomed the new officers; shared that she visited a few new businesses in the downtown area; and attended the 4P meeting last Friday.

Mayor Pro-Tem Lust congratulated the Chief of Police for his recruiting of the new officers; will be attending a Habitat for Humanity event this coming Thursday; and thanked everyone for attending the meeting.

#### **9. Executive Session, if called for purposes of Real Estate, Litigation or Personnel Matters**

No executive session was held.

#### **10. Adjournment**

**A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post 1 McMutry, that this Adjournment be approved. The motion carried by the following vote:**

**Yes:** 5 - Mayor Pro Tem - Ward 1 Lust, Council Member - Ward 2 Dawkins, Council Member - Ward 3 Green, Council Member - At Large Post 2 Wisdom, and Council Member - At Large Post 1 McMutry

**Absent:** 1 - Thurman