



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

Monday, October 21, 2024

7:00 PM

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

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/81382308242>

Meeting ID: 813 8230 8242 Dial: 1-929-205-6099

1. Call To Order

The Mayor called the meeting to order at 7:00 pm. All council members were present. Also present were City Attorney Julie Livingston, City Manager Pam Conner and City Clerk Kelly Axt.

Staff in Attendance: Phyliss Calloway, Lane Cadwell, Shaun Myers (ZOOM), Wayne Wright (ZOOM), Travis Landrum (ZOOM)

Present 6 - Al Thurman, 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

2. Invocation and Pledge of Allegiance

The Invocation was led by Council Member Green. The Pledge of Allegiance was led by Council Member McMutry.

3. Approval of Minutes

[2024-076](#)

City Council Agenda Minutes 10/07/2024

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post McMutry, that the Minutes fro the City Council Agenda 10/07/24 were 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

[2024-078](#) City Council Work Session Minutes 10/16/2024

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post McMutry, that the Minutes from the City Council Work Session of 10/16/24 were 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

4. Mayor's Comments

Mayor Thurman shared he attended and enjoyed the City's Annual Trunk or Treat event. He further stated it was great. Mayor Thurman stated Powder Springs was featured in the current edition of FOCUS Atlanta. He announced he would be in attendance for the honoring of Jaiden Moore from Hillgrove High School as a Georgia High School Player of the week.

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

[2024-075](#) Proclamation - Domestic Violence Awareness & Prevention Month

Attachments: [DV Awareness](#)

Council Member Dwight McMutry read the Proclamation recognizing Domestic Violence Awareness and Prevention month into the record.

8. City Attorney

A. Consent Agenda

[RES0 24-148](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR AND COUNCIL TO EXECUTE AN AGREEMENT WITH SERIOUS TREE

SERVICES FOR AN AMOUNT OF \$11,000 TO REMOVE AND TRIM TREES LOCATED IN THE PUBLIC RIGHT OF WAY ON FAMBROUGH DR., COMPTON CIRCLE, POWDER SPRINGS DALLAS RD. FROM C.H JAMES TO BROWNSVILLE RD. PROVIDING FOR AN EFFECTIVE DATE AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-148](#)

[Tree Trimming](#)

[Serious Tree Services](#)

[RESO 24-150](#) A RESOLUTION APPROVING AND AUTHORIZING THE PURCHASE OF AN ENHANCED AND EXPANDED SOUND SYSTEM FOR USE AT THE AMPHITHEATER IN THURMAN SPRINGS PARK FOR AN AMOUNT OF \$23,781.91; AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT TO EFFECTUATE SAME; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-150](#)

[Estimate 2401 from MG Systems Inc.pdf](#)

approved

[RESO 24-152](#) A RESOLUTION AUTHORIZING THE SURPLUS AND DISPOSAL OF EQUIPMENT NO LONGER USED BY THE CITY OF POWDER SPRINGS POLICE DEPARTMENT; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-152](#)

[Surplus October 2024](#)

approved

[RESO 24-153](#) A RESOLUTION DECLARING AS SURPLUS AND AUTHORIZING THE DISPOSITION OF POLICE VEHICLES; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-153](#)

[2024 Surplus vehicles](#)

approved

[RESO 24-155](#) A RESOLUTION AUTHORIZING THE TEMPORARY USE OF CERTAIN AREAS OF THE SILVER COMET TRAIL LINEAR PARK TO ACCOMMODATE THE LAUNCH AND MEDIA COVERAGE OF THE MICROTRANSIT PILOT PROGRAM BY COUNTY UBER AND LYFT ON OCTOBER 31 FROM 2PM-3PM; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-155](#)

approved

[RESO 24-156](#) A RESOLUTION ACCEPTING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH EDMUNDS & ASSOCIATES, INC. TO RENEW THE SOFTWARE SUPPORT LICENSE FOR AN AMOUNT OF \$25,000; TO UTILIZE THE CLOUD HOSTING SERVICES FOR RECORD RETRIEVAL FOR AN AMOUNT OF \$8,000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-156](#)

approved

[RESO 24-157](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A RENEWAL AGREEMENT WITH WAYNE WRIGHT TO CONTINUE TEMPORARY PROFESSIONAL SERVICES RELATING TO CERTAIN ECONOMIC DEVELOPMENT RESPONSIBILITIES FOR A MONTHLY FEE OF \$5000; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

Attachments: [Executed RESO 2024-157](#)

[Wayne Wright contract amendment draft](#)

approved

[RESO 24-158](#) A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH GEORGIA POWER COMPANY FOR THE PROVISION OF PEDESTRIAN STREET LIGHTING WITHIN THE PARK PLACE TOWNHOME DEVELOPMENT FOR THE INSTALLATION AMOUNT OF \$48,500 AND A MONTHLY SERVICE FEE OF \$270; AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH GEORGIA POWER COMPANY TO REPLACE EXISTING PEDESTRIAN LIGHTING WITH LED LIGHTING; PROVIDING FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

Attachments: [Executed RESO 2024-158](#)[Illumination Contract - Atlanta St - GPC Owned](#)[Illumination Contract - Geoga David Way - GPC Owned](#)[Illumination Contract - Geoga Ford Center - GPC Owned](#)[Illumination Contract - George David Way - New lighting](#)[Illumination Contract - Groveland Park Dr - GPC Owned](#)[Illumination Contract - Maritetta St - GPC Owned \(1\)](#)[Illumination Contract - Maritetta St - GPC Owned](#)[Illumination Contract - Silver Springs Way - GPC Owned](#)[Lighting proposal - City of Powder Springs - Atlanta St Streetscape - GPC Owned](#)[Lighting proposal - City of Powder Springs - George David Way - GPC Owned](#)[Lighting proposal - City of Powder Springs - George David Way - New Lighting](#)[Lighting proposal - City of Powder Springs - George Ford Center - GPC Owned](#)[Lighting proposal - City of Powder Springs - Groveland Park Dr - GPC Owned](#)[Lighting proposal - City of Powder Springs - Marietta St Streetscape - GPC Owned \(1\)](#)[Lighting proposal - City of Powder Springs - Silver Springs Way - GPC Owned](#)

approved

Approval of the Consent Agenda

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post McMurry, to approve the Consent Agenda as read by the City Attorney. 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 McMurry

B. Regular Agenda | Public Hearing

AL-24-005

Alcohol License: Retail Beer and Wine, and Sunday Sales. Chevron at 2991 Powder Springs Road. Applicant: Maulik Patel

Applicant Maulik Patel was present and stated he moved his business - though annexation- to the City of Powder Springs from Cobb County. This requires he get a City of Powder Springs Alcohol License. He stated his compliance practices and his clean of violation history.

No other speakers for of against.

No Discussion held.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - At Large Post McMurry, that this Alcohol License AL 24-005 was 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 McMurry

[PZ 24-013](#)

Variance request to UDC 8-92(e) to allow a privacy fence to encroach into the drainage easement. The property is located at 4444 Quilter Street, within land lot 680 of the 19th District, 2nd Section, Cobb County, Georgia. PIN: 19068000490.

- Attachments: [Approved PZ 24-013](#)
[Signed Motion to Table to 09-16-24](#)
[Tabled Motion to July 5th PZ 24-013](#)
[Variance App. 4444 Quilter Redacted](#)
[PZ 24-013 Tabled to 10-21](#)

Applicant Linh Le was in attendance to address the Mayor and Council about her variance request. Shaun Myers provide an overview and read the stipulations into the record. Ms. Le acknowledged the three stipulations and stated she was aware of them and agreed to them.

No other speakers on this matter.

No Discussion Held.

A motion was made by Council Member - Ward 3 Green, seconded by Council Member - Ward 2 Dawkins, that this Variance PZ 24-013 was approved with the following stipulations:

- 1. The applicant is responsible for any repairs to the fence should repairs to the pipe require that the fence be removed or damaged.**
- 2. The applicant shall create a 4-inch opening at the bottom of the fence panels located within the drainage easement. This is intended to allow for surface stormwater to flow under the fence.**
- 3. The city is not liable for the potential increased flood risk, or drainage issues on the subject property caused by the fence's location within the drainage easement.**

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 McMurry

[ORD 24-012](#)

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.

First Reading: 05/20/2024. Second Reading: 06/03/2024

Attachments: [Executed ORD 2024-012](#)

[Annexation Application - 5500 Elliott Road - 04-23-2024 Redacted](#)

[Legal Description](#)

[Site Map Location](#)

[Site Plan - 04-22-2024 Redacted](#)

[Survey - 04-03-2024 Redacted](#)

[Cobb County Notice of Non-Objection 5500 Elliott Rd](#)

Public hearing for ORD 24-012 and PZ 24-014

Kevin Moore for applicant Traton Homes. Shaun Myers, Planning and Zoning Manager, for Powder Springs.

Staff and P&Z recommend approval with 27 stipulations. Mr. Moore stated they are in agreement with all stipulations. Mr. Myers specifically noted the stipulation for stream ban restoration.

Mr. Moore provided an overview of Phase 1 on this proposed project. This project calls for 24 SFH with rear loading garages situated around a "central park". Their will be 16 for purchase- HOA maintained front garage town homes. Per City ordinance and HOA covenants no more than 5% rentals at any time.

The proposed development comprises 29 acres - 21 acres will be permanently preserved. Walking trails will be installed. A full amenities package will be offered to Phase 1 residents will built in phase 2.

Mr. Moore stated the City's newly adopted architectural standards would be followed for this project. All driveways meet the City's minimum requirements.

In Opposition:

Richard Thomas stated concerns about driveway size and additional parking. He further stated he believes within a year the rental limitations will be violated.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 2 Dawkins, that this Ordinance 24-012 for annexation was adopted.

Reference PZ 24-014

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

[PZ 24-014](#) Rezoning Request for a 29.6-acre tract, to rezone from R-30 (county) to PUD-R (city). The property is located at 5500 Elliott Road within land lots 598, 599, 660, 661, of the 19th district, 2nd section, Cobb County Georgia. PIN: 19066000060.

Attachments: [Approved PZ 24-014](#)

[Elliott Rd. Overall Site Plan 09092024. Reference Northern Parcel](#)

[Traton Homes Elevations](#)

[24-117 - Trip Generation Memo - Elliot Road Res Dev. City of Powder Springs, GA](#)

[PZ24-014. site plan, TSW mark-up, floodplain impact, renderings.](#)

[Signed PZ 24-014 Motion to Table to 09-16-24](#)

[Tabled Motion to July 15th PZ 24-014](#)

[List of Requested Variances](#)

[Rezoning Application - 5500 Elliott Road - 04-23-2024 Redacted](#)

[Site Map Location](#)

[Site Plan - 04-22-2024 Redacted](#)

[Survey - 04-03-2024 Redacted](#)

[Cobb County Notice of Non-Objection 5500 Elliott Rd Redacted](#)

[PZ 24-014 Tabled to Oct 21](#)

Updated Site Plan. 05152024 Redacted

Public hearing for ORD 24-012 and PZ 24-014

Kevin Moore for applicant Traton Homes. Shaun Myers, Planning and Zoning Manager, for Powder Springs.

Staff and P&Z recommend approval with 27 stipulations. Mr. Moore stated they are in agreement with all stipulations. Mr. Myers specifically noted the stipulation for stream ban restoration.

Mr. Moore provided an overview of Phase 1 on this proposed project. This project calls for 24 SFH with rear loading garages situated around a "central park". Their will be 16 for purchase- HOA maintained front garage town homes. Per City ordinance and HOA covenants no more than 5% rentals at any time.

The proposed development comprises 29 acres - 21 acres will be permanently preserved. Walking trails will be installed. A full amenities package will be offered to Phase 1 residents will built in phase 2.

Mr. Moore stated the City's newly adopted architectural standards would be

followed for this project. All driveways meet the City's minimum requirements.

In Opposition:

Richard Thomas stated concerns about driveway size and additional parking. He further stated he believes within a year the rental limitations will be violated.

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this Rezoning PZ 24-014 was approved with the following stipulations:

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.
2. The Subject Property shall be developed in substantial conformity to that Elliot Road Overall revised site plan, prepared by Ridge Planning, received 9/9/2024, referenced in the staff report at Figure 3, and inclusive of City Staff and TSW recommendations.
3. Elevations for the residential units shall be in substantial conformity to those submitted 10/15/2024 and attached to the application. Elevations shall be subject to administrative design review by staff and inclusive of TSW's recommendations and shall comply with the City's design guidelines.
4. The applicant shall develop a maximum of 24 detached single-family units, and 16 attached single-family units, with elevations in substantial conformity to those included in the subsequent zoning application submittals.
5. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.
6. PUD-R Variance Approvals. The following variances are approved as a part of the rezoning request:
 - I. Waiver to allow more than fifty (50) percent of flood plain to count towards required Open Space (see UDC § 1-35).
 - II. Waiver to allow a minimum horizontal road centerline radius of seventy-five (75) feet.
7. The open space within the undevelopable areas shall be made usable with the provision of a permanent trail system.
8. The applicant shall repair and restore both sides of the creek bank. Erosion damage has compromised the banks of the creek, and repairs and restoration are needed to ensure this development does not contribute to increasing flood risk in the area.
9. The setbacks are as follows:

Front: 10 feet from right-of-way.
Side: 5 feet.
Rear: 10 feet.
Perimeter: 25 feet.

10. All elevations visible from any right-of-way shall have a minimum of 50% brick. All side elevations NOT visible from the right-of-way shall have a minimum of brick or stone water table.

Side and rear elevations visible from the right-of-way shall include window shutter features.

11. The mail kiosk shall be covered and developed in substantial conformity to the architectural style of the homes.

12. The central green recreational area shall be graded to be substantially flat.

13. Electric Vehicle (EV) Charging. Residential garages shall be pre-wired with the minimum standards or better for level 2 EV charging capability with NEMA 14-50 receptacle, or better.

14. The subject property shall be submitted for subdivision within 12 months of the City Council's approval, and prior to the issuance of the Land Disturbance Permit.

15. 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 side building setback.

e. Entry signage for the proposed Residential Community 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.

g. 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. Clearing shall be conducted in phases in compliance with the provisions of the UDC.

16. 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.

17. Except where rear entry units are proposed, driveways shall be a minimum of 22-feet in length from the garage to the back of the sidewalk. The covenants for the management company must include language that states that vehicles shall not be parked in a manner that will

encroach in the sidewalk.

18. 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. At the time of design and plan production the applicant will be within the 1 -mile of an impaired stream, therefore the applicant shall provide 4 additional BMPs in Appendix 1 checklist.
- 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."

19. 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.

20. 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.

21. 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:

- a. Increase the density of the Residential Community.
- b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
- d. Change access locations to different rights-of-way.

22. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. Applicants agree to offsite improvements necessitated by this development.

23. No more than 50% of certificates of occupancy will be issued prior to the completion of amenity features, as evidenced by certificates of completion.

24. 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.

25. Per Cobb County comments, the applicant is required to dedicate additional right-of-way, curb and gutter and sidewalks along Elliott Road.

26. No variance has been considered regarding development in the floodplain or floodplain adjacent area as part of this application. Floodplain compliance will be reviewed as part of the land disturbance permit process.

27. The applicant shall comply with Cobb County FMO comments, included in the appendix.

Reference ORD 24-102

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

[PZ 24-020](#)

Rezoning Request for a 18.22-acre tract, to rezone from R-30 to PUD-R. The property is located at 5535 + 5551 Powder Springs Dallas Road within land lots 734, 735, 746 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19073400030, 19074600050.

Attachments: [Revised Site Plan. 09.09.2024](#)

[Traffic Assessment. 5535 Powder Springs Dallas Residential](#)

[Signed PZ 24-020 Motion to Table to 09-16-24](#)

[2024.08.22 - Zoning Plan w highlighted variances](#)

[State Waters Findings Report](#)

[Elevations](#)

[Rezoning Application. 5535, 5551 Powder Springs Dallas Road Redacted](#)

[LEGAL DESCRIPTION](#)

[PZ 24-020 Tabled to Oct 21](#)

Public hearing for PZ 24-020 and PZ 24-021

Kevin Moore for applicant Blue River Development. Shaun Myers, Planning and Zoning Manager, for Powder Springs.

Staff and Planning and Zoning recommend approval with conditions

Mr. Moore provided an overview of the proposed project that includes 50 homes (26 SFH and 24 Townhomes - no apartments or condos). He stated they are in agreement with the 22 stipulations for PZ 24-020 and the single stipulation for PZ 24-021.

He stated these additional commitments:

1. The floodplain would be expanded (an acre) to be sure this area and surrounding area with have enhanced stormwater management. The intent is to over compensate for the floodplain disturbance.
2. Open park space will have privacy fencing for safety and aesthetics. This is by the railroad tracks.
3. Pocket Parks will have hard and soft landscaping. Covered seating can be done at the council wishes.
4. Larger detention pond with bio retention for additional beautification
5. Walking trails will be installed by the detention pond
6. Adding additional wood privacy fence on perimeter - 25' vegetative buffer
7. Traffic improvements at entrance to include a decel lane, left turn lane and ROW to be part of the developer property
8. Mr. Moore clarified driveway measurements are compliant with City standards.
9. Project Engineer stated the first four homes will be built up from the floodplain.
10. Along the road will be re landscaped with monuments.
11. Sidewalks all around.

Mr. Moore provided an overview of Blue River Developments history and scope with a reputation for quality.

Two speaker in Opposition:

1. Richard Thomas - questions walking trails will be installed; density of homes for the development; disruption of nature/trees; entrance and traffic issues; and parking issues in the development
2. David Green - stated the City has too many apartments and condos as well as too much development overall.

A motion was made by Council Member - At Large Post McMurry, seconded by Council Member - Ward 2 Dawkins, that this Rezoning PZ 24-020 was approved with the following stipulations:

- 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.**
- 2. The Subject Property shall be developed in substantial conformity to that certain**

conceptual site plan, dated 08/07/2024, prepared by Gaskins and Lecraw for Blue Ridge Development, and inclusive of City Staff and TSW recommendations.

3. Elevations for the residential units shall be in substantial conformity to those submitted and attached to the application. Elevations shall be subject to administrative design review by staff and inclusive of TSW's recommendations and shall comply with the City's Design Guidelines.

4. The applicant shall develop a maximum of 50 residential units (26 single-family + 24 townhomes).

5. All stormwater management facilities shall be designed using bioretention methods to promote natural filtration, water quality improvement, and runoff reduction. The bioretention areas shall be landscaped to enhance the site's aesthetic appeal, incorporating plants, shrubs, and ornamental grasses suitable for bioretention. The landscaping design shall integrate seamlessly with surrounding amenities and be maintained as an attractive, functional feature of the property.

6. All areas located in the floodplain and undisturbed stream buffer shall be placed in a conservation easement.

7. PUD-R Variance Approvals. The following variances are approved as a part of the rezoning request:

I. Temporary Stream Buffer Variance to the 50' undisturbed buffer and the 75' impervious setback for a temporary construction access road to the flood plain compensation area.

II. Variance to the 50' undisturbed setback to allow construction of the floodplain compensation area.

III. Variance to allow perimeter buffer encroachment for access roadway section and stormwater management facility section.

8. The setbacks are as follows:

Front: 35 feet from right-of-way.

Side: 10 feet.

Rear: 25 feet.

Perimeter: 35 feet.

9. All elevations visible from any right-of-way shall have a minimum of 50% brick. All side and rear elevations NOT visible from the right-of-way shall have a minimum brick or stone water table.

10. The mail kiosk shall be covered and developed in substantial conformity to the architectural style of the homes.

11. Electric Vehicle (EV) Charging. Residential garages shall be pre-wired with the minimum standards or better for level 2 EV charging capability with NEMA 14-50 receptacle, or better.

12. The subject property shall be submitted for subdivision within 12 months of the City Council's approval, and prior to the issuance of the Land Disturbance Permit.

13. 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 bioretention stormwater management facilities; 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.

e. Entry signage for the proposed Residential Community 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.

g. 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. Clearing shall be conducted in phases in compliance with the provisions of the UDC.

14. 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.

15. Except where rear entry units are proposed, driveways shall be a minimum of 22-feet in length from the garage to the back of the sidewalk. Covenants for management company must include language that states that vehicles shall not be parked in a manner that will encroach in the sidewalk.

16. 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.
- 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".

17. 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.

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. 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:

- a. Increase the density of the Residential Community.
- b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building which is adjacent to property which is zoned in the same or more restrictive zoning district.
- d. Change access locations to different rights-of-way.

20. Traffic impacts will be reviewed as part of the Land Disturbance Permit process. The applicant agrees to offsite improvements necessitated by this development.

21. No more than 50% of certificates of occupancy will be issued prior to the completion of amenity features, inclusive of installation of communal furniture in the open space and common areas; as evidenced by certificates of completion.

22. 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.

Reference PZ 24-021

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

[PZ 24-021](#)

Floodplain Variance for a 18.22-acre tract, to rezone from R-30 to PUD-R. The property is located at 5535 + 5551 Powder Springs Dallas Road within land lots 734, 735, 746 of the 19th district, 2nd section, Cobb County Georgia. PIN: 19073400030, 19074600050.

Attachments: [Approved PZ 24-021](#)

[2024.09.09 - Zoning Plan with Fence](#)

[2024.08.07 - SF and TH mix w Decel](#)

[2024.08.22 - Zoning Plan w highlighted variances](#)

[State Waters Findings Report](#)

[2024.06.01 - Floodplain Variance Request - Both Parcels Redacted](#)

[Barrom signed flood plain variance doc 5551 PS Dallas Redacted](#)

[BLOSSER_BRADSHAWn Flood plain variance doc 5535 PS Dallas Redacted](#)

[Signed PZ 24-021 Motion to Table to 09-16-24](#)

[PZ 24-021 Tabled to Oct 21](#)

Public hearing for PZ 24-020 and PZ 24-021

Kevin Moore for applicant Blue River Development. Shaun Myers, Planning and Zoning Manager, for Powder Springs.

Staff and Planning and Zoning recommend approval with conditions

Mr. Moore provided an overview of the proposed project that includes 50 homes (26 SFH and 24 Townhomes - no apartments or condos). He stated they are in agreement with the 22 stipulations for PZ 24-020 and the single stipulation for PZ 24-021.

He stated these additional commitments:

1. The floodplain would be expanded (an acre) to be sure this area and surrounding area with have enhanced stormwater management. The intent is to over compensate

for the floodplain disturbance.

2. Open park space will have privacy fencing for safety and aesthetics. This is by the railroad tracks.
3. Pocket Parks will have hard and soft landscaping. Covered seating can be done at the council wishes.
4. Larger detention pond with bio retention for additional beautification
5. Walking trails will be installed by the detention pond
6. Adding additional wood privacy fence on perimeter - 25' vegetative buffer
7. Traffic improvements at entrance to include a decel lane, left turn lane and ROW to be part of the developer property
8. Mr. Moore clarified driveway measurements are compliant with City standards.
9. Project Engineer stated the first four homes will be built up from the floodplain.
10. Along the road will be re landscaped with monuments.
11. Sidewalks all around.

Mr. Moore provided an overview of Blue River Developments history and scope with a reputation for quality.

Two speaker in Opposition:

1. Richard Thomas - questions walking trails will be installed; density of homes for the development; disruption of nature/trees; entrance and traffic issues; and parking issues in the development
2. David Green - stated the City has too many apartments and condos as well as too much development overall

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - At Large Post McMurry, that this Variance PZ 24-021 was approved with the following stipulation:

- 1. The applicant shall demonstrate no net fill in the floodplain, no rise, and shall not encroach into the floodway.**

Reference 24-020

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 McMurry

[ORD 24-016](#)

AN ORDINANCE AMENDING THE CODE OF ORDINANCES REGARDING OUTDOOR BURNING; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

1st Reading - 9/16/24 2nd Reading and Public Hearing - 10/21/24

Attachments: [Executed ORD 2024-016](#)

[ORD 2024-016 EXH A](#)

A motion was made by Council Member - Ward 2 Dawkins, seconded by Council Member - Ward 3 Green, that this Ordinance 24-016 was 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

[ORD 24-017](#)

AN ORDINANCE TO APPROVE AN ADOPTION AGREEMENT AND GENERAL ADDENDUM RELATING TO THE GEORGIA MUNICIPAL EMPLOYEE BENEFIT SYSTEM DEFINED BENEFIT RETIREMENT PLAN; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

First Reading: 10/07/2024 Second Reading: 10/21/2024

Attachments: [Executed ORD 2024-017](#)
[Ordinance 2024 - 017 Exh A Redacted](#)
[Georgia Opinion Letter Defined Benefit Plan Third Cycle \(2020 Cumulative List\) \(4877-9792-2173.v1\) \(002\)](#)
[Georgia Amendment 1 to DB Basic Plan Document](#)
[Georgia GMEBS DB Pre-Approved Basic Plan Document for Third 6-Year Cycle \(Final\)](#)
[Powder Springs AA and Addendum \(Restated Eff 10-7-2024\)](#)
[Powder Springs Executed CL \(11-4-2024\)](#)

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - At Large Post Wisdom, that this Ordinance 24-017 was 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

8. City Manager and City Council Reports

City Manager Conner acknowledged and thanked the staff that participated in the Surplus Yard sale conducted on October 18 and 19th. Ms. Conner also shared comments from Lynn and Judith Ann Wilson regarding their property on Hill Road related to the Trilogy development project. They requested the record reflect the property transaction did not close - Trilogy does not own the property; the Wilson's notified Trilogy of a breach of contract and the Wilson's oppose any further steps by Trilogy.

Council Member Green - Love thy neighbor and Peace and Blessings to all

Council Member Dawkins - Thanked everyone for their attendance this evening.

Council Member McMutry - Complemented the Cultural Affairs Committee - especially noting Travis Landrum, Michelle Coursey and Kimberly Stallworth - for

their efforts for a great Trunk or Treat event. He stated he would be reading at Varner Elementary on Wednesday the 23rd.

Council Member Wisdom - Provided a report on the 4P meeting noting the topics of homelessness; housing programs, down payment assistance; food insecurities and serving seniors. She stated she would be reading at Powder Springs Elementary on the 23rd.

Mayor Pro Tem Lust - Thanked everyone for their attendance this evening. Stated on Saturday he attended the Trunk or Treat event. The weather was beautiful and lots of children with lots of candy. Friends from Florida commented on our downtown and the event. He stated he would be reading at Compton Elementary on the 23rd.

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

No Executive Session Held

10. Adjournment

A motion was made by Mayor Pro Tem - Ward 1 Lust, seconded by Council Member - Ward 3 Green, that this adjournment was 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