



STAFF ACTION ITEM

MEETING DATE: 05/04/2026

TITLE: Z-2025-07: ZONING REQUEST

Georgia Capital, LLC (Applicant), Estate of Mary Sue Tibbitts; 230 Summerhill Road, LLC.; Mike J. Pope (Titleholder), and Moore Ingram Johnson & Steele, LLP; J. Kevin Moore (Representative), have applied and seek to annex & zone +/-34.455 acres of property located at the Northwesterly and Southeasterly sides of Summerhill Road, from R-2 & B-2 (Paulding County) to TH-Townhome and C-2 Commercial Medium-Density (City of Dallas) for a residential , one hundred seventy-five (175) unit townhome community and medium-density commercial space for retail and office use. The subject property is located and legally known by Tax Parcel ID No(s):147.1.2.002.0000; 147.1.3.008.0000; 147.1.3.010.0000, in Land Lot(s): 458; 459; 479, 2nd District, 3rd Section, of Paulding County.

PRESENTED BY: *Brandon Rakestraw – Community Development Director*

AGENDA ITEM DESCRIPTION (Agenda Content):

Z-2025-07: ZONING REQUEST

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HISTORY/PAST ACTION:

Planning Commission – Public Hearing; April 23, 2026

****Recommendation**** – *Approve the zoning/rezoning request as follows:*

- *Approval - Rezoning Application Z-2025-07 with the following conditions:*
 - *Staff Recommendations: No(s) 1-11 as presented and specified in the Planning & Zoning Staff Document.*
 - *Ownership and Rental Restrictions Stipulation as specified in item C. below (Revised Staff Recommendation No. 12)*
- *Intended Use of Property: Commercial / Office & Attached Townhomes*
- *Proposed Lot Sizing: C-2 +/-9.335 acres; TH +/-26.298 acres*
- *Proposed Unit Count: C-2 Tract A +/-78,800; C-2 Tract B +/-9,400; TH 175-units*
- *Proposed townhome development density of 6.65 units per acre*
- *Zoning District: C-2 Medium-Density Commercial District & TH Townhome Residential District (City)Stipulations: All staff recommended stipulations as listed below.*
 1. *Development shall be constructed in substantial conformity to the site plan provided in zoning application.*
 2. *Owner/developer shall provide a minimum 20-foot planted or natural (where possible) buffer around the site perimeter and a minimum 20-foot-wide landscape area adjacent to public roads or right-of-way. Buffers and landscape areas shall be designated as common areas controlled by a Homeowner’s Association.*
 3. *Owner/developer is responsible for adhering to and providing full compliance with the landscaping standards found in Chapter 7 of the city’s Unified Development Code, including but not limited to professionally landscaped entrances, common areas, buffer areas, and amenities areas.*
 4. *Owner/developer shall comply, design, and construct all roadway and development entrance improvements and/or transportation improvements as required by Georgia Department of Transportation and/or Paulding County Department of Transportation and/or City of Dallas for access.*
 5. *Owner/developer shall comply, design, and construct all offsite sanitary sewer system and/or water system improvements and/or upgrades required by Paulding County Water System for servicing the proposed development.*

6. *The Developer shall install, operate, and maintain a complete Automated License Plate Reader (ALPR) system at each entrance at its sole cost and expense. The Developer must grant immediate and unfettered access to all ALPR data and live feeds to the Dallas Police Department. The system must comply with all applicable federal, state, and local laws, and the Dallas Police Department's established policies and procedures.*
 - a. *Installation & Maintenance: Developer is responsible for all costs related to procurement, installation, maintenance, software access, data hosting, and support of the ALPR system.*
 - b. *System Specifications: The system, including camera locations, power sources, and data storage mechanisms, must meet the technical specifications and approval of the Dallas Police Department.*
 - c. *Law Enforcement Access & Use: Legal ownership and control of the data reside with the Dallas Police Department, and the Developer shall ensure seamless integration and access for law enforcement personnel for public safety and investigative purposes.*
7. *A Homeowners Association shall be required for the Town Home development in its entirety. The Homeowners Association shall be created and enacted as part of final plating process for any development phase. Homeowners Association shall require mandatory membership.*
8. *A Property Management Association shall be required for the C-2 commercial development in its entirety. The Property Management Association shall be created and enacted as part of final plating process for any development phase. Property Management Association shall include all commercial zoned property mandatory.*
9. *Owner/developer shall supply for City of Dallas approval, detailed architectural elevation design plans for front, left side, right side, and rear of townhomes for each townhome to be constructed. All townhomes, buildings, or other structures shall comply with standards set forth in the city's ordinance codes.*
10. *Owner/developer shall supply for City of Dallas approval, detailed architectural elevation design plans for front, left side, right side, and rear of commercial buildings for each commercial building to be constructed. All buildings, or other structures shall comply with standards set forth in the city's ordinance codes.*
11. *Owner/developer shall provide written notice of concurrence stating noted impact have been satisfied from all entities found in the Fiscal Impact Analysis including but not limited to Paulding County School System, Paulding County Department of Transportation, Paulding County Water System, Paulding County Sheriff's Office, Paulding County Fire Department, Georgia Department of Transportation, City of Dallas Police Department and Solid Waste Department, Greystone Power/GA Power Company, Comcast, AT&T, Southern Company Gas, and any additional utility provider located in and servicing the development area.*
12. ~~*Owner/developer shall agree rental properties shall not exceed 10% (Seventeen (17) units) of the overall 175-unit count.*~~ *Ownership and Rental Restrictions (Revised Staff Recommendation No.12):*

Prior to or concurrent with approval of the preliminary plat, the Owner/Developer shall provide to the City a legally binding instrument, in a form acceptable to the City Attorney, establishing the ownership and rental structure for the subject development. Such instrument shall irrevocably elect and enforce one (1) of the following development options:

1. **For-Rent Community Option:** The development shall be established and maintained as a one hundred percent (100%) for-rent townhome community, owned and operated under the unified control of a single ownership entity and/or management company. Individual unit sales shall be prohibited.

OR

- a. **For-Sale Community with Rental Cap Option:** The development shall be established as a for-sale townhome community. Rental of units shall be limited to no more than ten percent (10%) of the total number of units within the development, not to exceed seventeen (17) units based on the approved maximum of one hundred seventy-five (175) units.

The option selected by the Owner/Developer in the required legal instrument shall be incorporated into the homeowners' association (HOA) covenants, conditions, and restrictions (CC&Rs) and/or bylaws, as applicable, and shall be recorded with the final plat. Such provisions shall run with the land and be binding on all successors and assigns.

Unless explicitly stated herein, all other lot and development standards shall comply with the C-1 & TH zoning district as written in the City of Dallas Unified Development Code. All other regulations, requirements, standards and specifications shall comply with City of Dallas Code of Ordinances.

FINANCIAL IMPACT:

N/A

INFORMATION:

Z-2025-07: ZONING REQUEST

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ANNEXATION & ZONING APPLICATION AND DOCUMENTS:

A-2025-04 & Z-2025-07 – Planning & Zoning Staff Document

Attachment A – Annexation/Zoning Official Application

Attachment B – Boundary Survey / Legal Description

Attachment C – Site Plan

Attachment D - A-2025-04_Z-2025-07_Georgia Capital, LLC - Paulding County Notification Letter

Attachment E – A-2025-04_Z-2025-07_ Georgia Capital, LLC - Paulding County School System Notification Letter

Attachment F – A-2025-04_Z-2025-07_ Georgia Capital, LLC / Moore Ingram Johnson & Steele, LLP - Notification Letter

Attachment G – A-2025-04_Z-2025-07_ Georgia Capital, LLC / Moore Ingram Johnson & Steele, LLP - Public Hearing Notification Letter

Attachment H - A-2025-04_Z-2025-07_ Georgia Capital, LLC - Legal Notice

Attachment I - A-2025-04_Z-2025-07_ Georgia Capital, LLC - Surrounding Property Owners Letter

Attachment J - A-2025-04_Z-2025-07_ Georgia Capital, LLC - Proposed Architectural Elevations

ANNEXATION & ZONING REQUEST:

APPLICATION No: A-2025-04 & Z-2025-07

Applicant: Georgia Capital, LLC

Applicant Address: 400 Galleria Parkway, Suite 1130

City: Atlanta State: Georgia Zip: 30339

Representative: Moore Ingram Johnson & Steele, LLP – J. Kevin Moore

Representative Address: Emerson Overlook, Suite 100, 326 Roswell Street

City: Marietta State: Georgia Zip: 30060

Titleholder: Estate of Mary Sue Tibbitts

Titleholder Address: 2928 Stanway Avenue

City: Douglasville State: Georgia Zip: 30135

Titleholder: 230 Summerhill Road, LLC.

Titleholder Address: 783 Holland Road

City: Powder Springs State: Georgia Zip: 30127

Titleholder: Mike J. Pope

Titleholder Address: 95 Avery Way

City: Dallas State: Georgia Zip: 30157

Location of Property: **469 Summerhill Road, Dallas, Georgia 30132 & Unaddressed property along the Northwesterly and Southeasterly sides of Summerhill Road and Jimmy Lee Smith Parkway**

Tax Parcel ID No.: **147.1.2.002.0000; 147.1.3.008.0000; 147.1.3.010.0000**

Land Lot(s): **458; 459; 479** District: **2nd** Section: **3rd**

Intended Use of Property: **Commercial / Office & Attached Townhomes**

Proposed Lot Sizing: **C-2 +/-9.335 acres; TH +/-26.298 acres**

Proposed Unit Count: **C-2 Tract A +/-78,800; C-2 Tract B +/-9,400; TH 175-units**

Zoning District: **C-2 Medium-Density Commercial District & TH Townhome Residential District (City)**

Setbacks & Lot Requirements:

C-2 Medium - Density Commercial District:

Minimum Lot Size –2.5 ac. subject parcel.; Minimum Lot Width – 150ft subject parcel; Minimum Lot Frontage – 50ft. subject parcel; Maximum Building Height – (Principal 60ft.) (Accessory – 26ft.); Front Setback_{1,10} –35ft. subject parcel; Side Setback₂ – (Principal – 30ft.) Accessory – 10ft / 30ft.₄) subject parcel; Rear Setback₂ – (Principal – 45ft.) (Accessory –10ft. / 45 ft.₆)subject parcel; Minimum Distance from Structure on Same Lot – 10ft.; Minimum Ground Floor Area (Per Unit) – (1 Story – N/A Average) (2+ Story – N/A); Total Minimum Living Area (Per Unit) – 750sf; Minimum Living Area Façade Width – N/A; Maximum Lot Coverage (structures and buildings) – 50%; Maximum Lot Coverage (all impervious surfaces) – 80%

TH Townhome Residential District:

Minimum Lot Size –1ac. subject parcel.; Minimum Lot Width – 100ft subject parcel; Minimum Lot Frontage – 50ft. subject parcel; Maximum Building Height – (Principal 45ft.) (Accessory – 24ft.); Front Setback –25ft. subject parcel; Side Setback – (Principal – 40ft.) Accessory – 10ft.) subject parcel; Rear Setback – (Principal – 40ft.) (Accessory –10ft.)subject parcel; Minimum Distance from Structure on Same Lot – 20ft.; Minimum Ground Floor Area (Per Unit) – (1 Story – 1,040sf Average) (2+ Story – 650); Total Minimum Living Area (Per Unit) – 1,040sf / 950sf; Minimum Living Area Façade Width – 24ft; Maximum Lot Coverage (structures and buildings) – 50%, Acc: 5% or 600sf (whichever is greater); Maximum Lot Coverage (all impervious surfaces) – 60%

STAFF COMMENTS:

Georgia Capital, LLC (Applicant), Estate of Mary Sue Tibbitts; 230 Summerhill Road, LLC.; Mike J. Pope (Titleholder), and Moore Ingram Johnson & Steele, LLP; J. Kevin Moore (Representative), have applied and seek to annex & zone +/-34.455 acres of property located at the Northwesterly and Southeasterly sides of Summerhill Road, from R-2 & B-2 (Paulding County) to TH-Townhome and C-2 Commercial Medium-Density (City of Dallas) for a residential, one hundred seventy-five (175) unit townhome community and medium-density commercial space for retail and office use. The subject property is located and legally known by Tax Parcel ID No(s):147.1.2.002.0000; 147.1.3.008.0000; 147.1.3.010.0000, in Land Lot(s): 458; 459; 479, 2nd District, 3rd Section, of Paulding County.

Property that borders the site to the north is within the city limits of Dallas. Property that borders the site to the south and west are light industrial zoned properties within Paulding County. Properties that border to the west and east are residential zone properties in Paulding County.

A. Existing land use and zoning classification of nearby property:

ADJACENT ZONING

ADJACENT DEVELOPMENT

NORTH: OMI – City of Dallas

NORTH: Office Medical Institutional - Residential

EAST: R-2 – Paulding County

EAST: Residential

SOUTH: I-1 – City of Hiram

SOUTH: Light Industrial

WEST: R-2 and I-1 – Paulding County

WEST: Residential & Light Industrial

B. Permitted Use impact on adjacent properties

- *Proposed townhome development density of 6.65 units per acre.*
- *Minimum lot size: 1:2,500sf*
- *Total unit count: 175*
- *Adjacent lot sizes:*
 - *+/-30 acres – Office Medical Institutional – Assisted Living Community to north*
 - *+/-40 acre – Residential property to east*
 - *+/-20 acre – Residential property to west*
 - *+/-6 and +/-12-acre Light Industrial properties to south*

C. Adverse effect on the usability of adjacent or nearby property

- *None – surrounding residential property is undeveloped single residence as current zoned land use.*
- *Light Industrial properties to west and south are developed.*

D. Proposal causes excessive or burdensome use of streets, transportation facilities, utilities, schools

- *Applicant shall complete a Fiscal Impact Analysis. Applicant shall provide written letters of concurrence from all utility providers, city/county government service departments,*

and public school system noting all impacts are either addressed or will be addressed on or before final platting of subject development.

- *Staff comments:*
 - *Increased traffic on existing State, County, and City public roadways and other nearby major and minor collector roads. Traffic Impact Study is required as part of the annexation and zoning submission and approval process. Developer shall complete all noted improvements as part of platting process. Developer shall provide concurrence document from Paulding County DOT and Georgia Department of Transportation.*
 - *Increase student population of nearby public schools. Developer shall provide impact concurrence document from Paulding County School System verifying all impacts have been mitigated.*
 - *Possible increase in calls for service for city police department. Developer shall provide impact concurrence documents from City of Dallas Police Department and Paulding County Sheriff's Office verifying all impacts have been mitigated.*
 - *Increase daily demand for the existing water system and decrease available sanitary sewer capacity - Paulding County Water System. Developer shall provide capacity certification from Paulding County Water System.*
 - *Increase in customer count for city garbage service.*

E. Supported by current conditions

- *Public Water supply via Paulding County Water exists along Summer Hill Road. Water supply capacity to be verified by Paulding County.*
- *Property is within Paulding County's – Sewer Service Area. Connection and extension of the county's sanitary sewer system may be required to service. Existing sewer infrastructure is located on property to the southeast. Sewer capacity to be verified by Paulding County.*
- *Public Roadway connection via Summer Hill Road. Summer Hill Road is a Paulding County roadway currently connecting Paris Road and Atlanta Highway.*
- *Property is located within the Wellstar Wellness District per the 2022-2027 Paulding County Joint Comprehensive Plan. This district promotes the consideration of multi-family housing to provide housing options for the area's growing future workforce.*
- *Development layout adheres to "park-like setting with quality-of-life amenities and attract additional medical and wellness uses" notated within the Land Use + Economic Development section under the Wellstar Wellness District recommendations.*

F. 2022 Comprehensive Plan

Conforms to the 2022-2027 Paulding County Joint Comprehensive Plan as being Community Residential character area, per the future development map shown on page 96 (MAP2.11). Property is also shown to be located in the Wellstar Wellness District, per the Special Area Studies section of the comprehensive plan. This district notates the consideration of multi-family housing, along with attraction of additional medical and wellness uses. The property is also located within Paulding County's Sewer Service Area. Existing sewer infrastructure is located on property to the southeast.

STAFF RECOMMENDATIONS:

Based on the preceding analysis Community Development staff recommend approval of this Annexation and Rezoning request. If the Planning Commission votes to recommend approval, staff recommend the following stipulations be applied:

1. Development shall be constructed in substantial conformity to the site plan provided in zoning application.
2. Owner/developer shall provide a minimum 20-foot planted or natural (where possible) buffer around the site perimeter and a minimum 20-foot-wide landscape area adjacent to public roads or right-of-way. Buffers and landscape areas shall be designated as common areas controlled by a Homeowner's Association.
3. Owner/developer is responsible for adhering to and providing full compliance with the landscaping standards found in Chapter 7 of the city's Unified Development Code, including but not limited to professionally landscaped entrances, common areas, buffer areas, and amenities areas.
4. Owner/developer shall comply, design, and construct all roadway and development entrance improvements and/or transportation improvements as required by Georgia Department of Transportation and/or Paulding County Department of Transportation and/or City of Dallas for access.
5. Owner/developer shall comply, design, and construct all offsite sanitary sewer system and/or water system improvements and/or upgrades required by Paulding County Water System for servicing the proposed development.
6. The Developer shall install, operate, and maintain a complete Automated License Plate Reader (ALPR) system at each entrance at its sole cost and expense. The Developer must grant immediate and unfettered access to all ALPR data and live feeds to the Dallas Police Department. The system must comply with all applicable federal, state, and local laws, and the Dallas Police Department's established policies and procedures.
 1. Installation & Maintenance: Developer is responsible for all costs related to procurement, installation, maintenance, software access, data hosting, and support of the ALPR system.

2. System Specifications: The system, including camera locations, power sources, and data storage mechanisms, must meet the technical specifications and approval of the Dallas Police Department.
3. Law Enforcement Access & Use: Legal ownership and control of the data reside with the Dallas Police Department, and the Developer shall ensure seamless integration and access for law enforcement personnel for public safety and investigative purposes.
7. A Homeowners Association shall be required for the Town Home development in its entirety. The Homeowners Association shall be created and enacted as part of final plating process for any development phase. Homeowners Association shall require mandatory membership.
8. A Property Management Association shall be required for the C-2 commercial development in its entirety. The Property Management Association shall be created and enacted as part of final plating process for any development phase. Property Management Association shall include all commercial zoned property mandatory.
9. Owner/developer shall supply for City of Dallas approval, detailed architectural elevation design plans for front, left side, right side, and rear of townhomes for each townhome to be constructed. All townhomes, buildings, or other structures shall comply with standards set forth in the city's ordinance codes.
10. Owner/developer shall supply for City of Dallas approval, detailed architectural elevation design plans for front, left side, right side, and rear of commercial buildings for each commercial building to be constructed. All buildings, or other structures shall comply with standards set forth in the city's ordinance codes.
11. Owner/developer shall provide written notice of concurrence stating noted impact have been satisfied from all entities found in the Fiscal Impact Analysis including but not limited to Paulding County School System, Paulding County Department of Transportation, Paulding County Water System, Paulding County Sheriff's Office, Paulding County Fire Department, Georgia Department of Transportation, City of Dallas Police Department and Solid Waste Department, Greystone Power/GA Power Company, Comcast, AT&T, Southern Company Gas, and any additional utility provider located in and servicing the development area.
12. ~~Owner/developer shall agree rental properties shall not exceed 10% (Seventeen (17) units) of the overall 175 unit count.~~

PLANNING COMMISSION:

A. PUBLIC HEARING DATE:

- April 23, 2026

B. RECOMMENDATION:

- **Approval** - Annexation Application A-2025-04 as presented.
- **Approval** - Rezoning Application Z-2025-07 with the following conditions:
 - i. Staff Recommendations: No(s) 1-11 as presented and specified in the Planning & Zoning Staff Document.
 - ii. Ownership and Rental Restrictions Stipulation as specified in item C. below (*Revised Staff Recommendation No. 12*)

C. ADDITIONAL STIPLULATIONS:

12. Ownership and Rental Restrictions (*Revised Staff Recommendation No.12*):

Prior to or concurrent with approval of the preliminary plat, the Owner/Developer shall provide to the City a legally binding instrument, in a form acceptable to the City Attorney, establishing the ownership and rental structure for the subject development. Such instrument shall irrevocably elect and enforce one (1) of the following development options:

- a. **For-Rent Community Option:** The development shall be established and maintained as a one hundred percent (100%) for-rent townhome community, owned and operated under the unified control of a single ownership entity and/or management company. Individual unit sales shall be prohibited.

OR

- b. **For-Sale Community with Rental Cap Option:** The development shall be established as a for-sale townhome community. Rental of units shall be limited to no more than ten percent (10%) of the total number of units within the development, not to exceed seventeen (17) units based on the approved maximum of one hundred seventy-five (175) units.

The option selected by the Owner/Developer in the required legal instrument shall be incorporated into the homeowners' association (HOA) covenants, conditions, and restrictions (CC&Rs) and/or bylaws, as applicable, and shall be recorded with the final plat. Such provisions shall run with the land and be binding on all successors and assigns.

ADDITIONAL STAFF RECOMMENDATIONS:

12. **Enforcement and Compliance:** (*Addition to Planning Commission Stipulation No.12*)

The ownership and rental restrictions set forth herein, and as further detailed in the recorded legal instrument and HOA documents, shall constitute zoning conditions of approval. Any violation of the Ownership or Rental Restrictions development option, including but not limited to unauthorized unit sales, exceeding the permitted rental cap,

or failure to maintain single-entity control (as applicable), shall be deemed a violation of the City's zoning ordinance.

The City shall have full authority to enforce these provisions through all remedies available under the zoning code and applicable law, including but not limited to issuance of citations, stop-work orders, withholding or revocation of permits or certificates of occupancy, and pursuit of civil penalties or injunctive relief. The Owner/Developer and the HOA shall cooperate with the City by providing documentation reasonably necessary to verify ongoing compliance, including leasing records or ownership data upon request.

Unless explicitly stated herein, all other lot and development standards shall comply with the C-2 & TH zoning district as written in the City of Dallas Unified Development Code. All other regulations, requirements, standards and specifications shall comply with City of Dallas Code of Ordinances.

The findings made herein are the opinions of the City of Dallas Community Development staff, and do not constitute a final decision. The City of Dallas, Mayor and Council shall govern the final decision on all Annexation, Zoning/Rezoning, Land Use Permit, Special Use Permit, and Medical Hardship Applications.