



STAFF ACTION ITEM *PUBLIC HEARING*

MEETING DATE: 05/04/2026

TITLE: Z-2025-07: ZONING PUBLIC HEARING

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):

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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 platting 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 platting 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

2. **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 regulation, requirements, standards and specification shall comply with City of Dallas Code of Ordinances.

FINANCIAL IMPACT:

N/A

INFORMATION:

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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

***These items can be found in and attached to A-2025-04 & Z-2025-07 annexation & rezoning agenda item. ***