



GARVIS L. SAMS, JR.
(RETIRED)
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

October 23, 2024

VIA ELECTRONIC FORMAT

Mr. Shaun Myers, MPP, AICP
Planning and Zoning Manager
City of Powder Springs
4488 Pineview Drive
Powder Springs, Georgia 30127

Re: Application of Meritage Homes of Georgia, Inc. to Change the Previously Approved Conditions of PZ22-001, Zoned PUD-R – Land Lots 1019 and 1020, 19th District, 2nd Section, Powder Springs, Cobb County, Georgia

Dear Shaun:

This firm has been engaged by and represents Meritage Homes (“Applicant”) concerning the above-captioned Application for Changing Previously Approved Conditions of PZ22-001. In that regard, attached please find the Zoning Application and the following:

1. Copies of the deed reflecting the record titleholder.
2. Legal description of the Subject Property sought to be rezoned, as contained in the above referenced deed.
3. Two copies of a Site Plan.
4. A copy of the of the 2023 paid tax receipts for Cobb County.
5. A map outlining the parcels in relation to the surrounding area.
6. A Variance Application will be submitted under separate cover if the need for waivers or variances presents itself.

I trust that the attached materials comport with the applicable requirements for annexation and rezoning of the Subject Property. Please feel free to contact me if you or your staff have any questions or require any additional information or documentation.



VIA ELECTRONIC FORMAT

Mr. Shaun Myers, MPP, AICP
Planning and Zoning Manager
City of Powder Springs
October 23, 2024
Page 2

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Parks F. Huff". The signature is written in a cursive style with a large initial "P".

Parks F. Huff
phuff@samslarkinhuff.com

PFH/jac
Attachments

cc: Ms. Pam Conner, City Manager (via email w/attachments)
Ms. Tina Garver, Community Development Director (via email w/attachments)
Mr. Clay Kirkley, VP Land Development Meritage Homes of Georgia, Inc. (via email w/attachments)



Rezoning Request Application Packet

Applicant's Public Notice Requirements

The Code requires public notice of your Rezoning request, Special Use and Variance requests. The Community Development Department will tell you when and where the Planning and Zoning Commission and the Mayor and Council meetings will be held.

Newspaper: The City will publish a legal notice in the newspaper regarding your application and announcing the time and place of the public hearing. At least 15 days before the Mayor and Council but no more than 45 days prior to the date of the public hearing.

Sign Posting, Public Hearing Notice & Affidavit

Sign Posting: The applicant shall be required to post and maintain signs supplied by the City on or near the right-of way of the nearest public street, so as to be visible from the street for at least 15 days and not more than 45 days immediately preceding the date for the governing body's public hearing on the rezoning or special use application. It is your responsibility to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require the reposting and re-advertising prior to any future public hearing, for which the applicant shall pay an additional re-advertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.

Public Hearing Notice: At least 15 days before the Planning & Zoning Commission's public hearing, you are to mail a notice to all persons owning property within 200 feet of the property that is the subject matter of the zoning change. The notice is to state the time, place and purpose of the hearings, and include a page size copy of the sketch plan submitted with the application.

Affidavit: Prior to the public hearing you must also submit an affidavit with a copy of the notice to the Community Development Director listing the property owners and certifying the date that the notices were mailed (form attached)

City Actions

The Community Development Department will date your application when it is received. The Community Development Department has five (5) working days in which to determine that your application is complete or to return it to you for additional information. The application will not be scheduled for public hearing until it is complete. The Planning Commission's public hearing will be held at the time advertised. At the public hearing, you will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. You may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing. After the Planning Commission has made their recommendation, the Mayor and City Council will consider approval or denial of the application at their own public hearing. You or a representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application shall attend the meetings, and make a presentation following the same procedure as the Planning Commission hearing. The final action taken by the Mayor and City Council will be indicated on the application form, along with any stipulations that they impose on the property if approved, and a copy will be given to you as official notice of their final action.

Contact Information

The Community Development Dept.
4181 Atlanta Street
Powder Springs GA 30127.
commdev@cityofpowdersprings.org
770-943-1666

Zoning Administrator
Shaun Myers
Planning and Zoning Manager
smyers@cityofpowdersprings.org
770-943-1666



**city of
powder springs**

Rezoning Request

Application Checklist

Applicant Information

Name Meritage Homes of Georgia, Inc.	Phone [REDACTED]
Mailing Address 3700 Mansell Road, Suite 550 Alpharetta, GA 30022	Email [REDACTED]

Application Checklist

The following information will be required:

1. Application
2. Notice of Intent
3. Applicant's Written Analysis
4. Campaign Contribution Disclosure
5. Owner's Authorization, if applicable.
6. Legal Description and Survey Plat of the property
7. Application Fee (summary of fees attached)
8. Copy of the Deed that reflects the current owners name
9. Vicinity Map outlining the parcel/s in relation to the surrounding area
10. Site plan, plat or survey prepared by an architect, engineer. The following information **must** be included:
 Specific use or uses proposed for the site. Acreage, bearing and distances, other dimensions, and location of the tract(s). Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area. Detention/retention areas, and utility easements. Location of dumpsters. Public or private street(s) - right of way and roadway widths, approximate grades Location and size of parking area with proposed ingress and egress. Specific types and dimensions of protective measures, such as buffers. Landscaping. Wetlands, stream buffers, and 100 year floodplain.
11. Sketch Plan/ Architectural Rendering, if applicable
12. Traffic Study required for development with 500,000 sf of nonresidential floor area or 350 dwelling units or more.

List additional attachments:

Note Carefully

If your application qualifies as a "Development of Regional Impact" (see Article 13) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRTA requirements.

Indicate the current zoning district of the property, and the zoning district you are requesting. File a separate application for each Rezoning request naming a different zoning district. A Special Use request, Variance request can be filed concurrently with a Rezoning request on the same property by separate application.



**city of
powder springs**
Rezoning Request
Application Form

Applicant Information

Name Meritage Homes of Georgia, Inc.	Phone [REDACTED]
Mailing Address 3700 Mansell Road, Suite 550 Alpharetta, GA 30022	Email [REDACTED]

Rezoning Request Property Information

Address Austell Powder Springs Road, Dugger Drive, Smith Drive and Frank Aikin Road	Parcel ID / Lot# [REDACTED]	Shown on attached Warranty Deed	Acreage 37.21
Present Zoning PUD-R	Proposed Zoning Existing PUD-R (Change in Conditions of PZ22-001)		
Source of Water Supply	Source of Sewage Disposal		
Proposed Use Peak Hour Trips Generated	Source		

Additional Information, If Applicable

Elementary School and School's Capacity	Middle School and School's Capacity
High School and School's Capacity	

Notary Attestation

Executed in Maricopa (City), GA (State).

	Parks F. Huff Attorney for Applicant	<u>10-23-2024</u>
Parks F. Huff/Attorney for Applicant	Printed Name	Date

Subscribed and sworn before me this 23rd day of Oct month, 2024

	Jason A. Campbell	<u>02-04-2028</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires



For Official Use Only

PZ #	
Planning Commission Hearing	City Council Hearing
Withdrawal Date	Reason for Withdrawal



**city of
powder springs**
Rezoning Request
Notice of Intent

Applicant Information

Name Meritage Homes of Georgia, Inc.	Phone [REDACTED]
Mailing Address 3700 Mansell Road, Suite 550 Alpharetta, GA 30022	Email [REDACTED]

Notice of Intent

PART I. Please indicate the purpose of this application : The Applicant is requesting a change in the previously approved conditions of PZ22-001 in order to allow an additional access to the subdivision on Austell Powder Springs Road.

PART II. Please list all requested variances:

N/A

Part III. Existing use of subject property:

Development for a single-family subdivision (Westmont Preserve).


Part IV. Proposed use of subject property:

Single-family residential subdivision.

Part V. Other Pertinent Information (List or attach additional information if needed):

The original site plan approved as part of PZ22-001 had a cul-de-sac street coming off Dugger Drive. The proposed plan submitted with this applications plan a through access in the development from Austell Powder Springs Road to Dugger Drive.

Applicant Signature

	Parks F. Huff Attorney for Applicant Printed Name	10-23-2024 Date
Parks F. Huff/Attorney for Applicant		



city of powder springs

Rezoning Request

Applicant's Written Analysis

Applicant Information

Name Meritage Homes of Georgia, Inc.	Phone [REDACTED]
Mailing Address 3700 Mansell Road, Suite 550 Alpharetta, GA 30022	Email [REDACTED]

Written Analysis

 In details please address these Rezoning Criteria: SEE ATTACHED ANALYSIS

- a. Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city's comprehensive plan shall be used in decision making relative to amendments to the official zoning map.
- b. Whether the proposed zoning district and uses permitted within that district are suitable in view of the zoning and development of adjacent and nearby property.
- c. Whether the existing use or usability of adjacent or nearby property will be adversely affected by one or more uses permitted in the requested zoning district.
- d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned;
- e. Whether public facilities such as roads, schools, water and sewer utilities, and police and fire protection will be adequate to serve the proposed zoning district and uses permitted.
- f. Whether the proposed zoning district and uses permitted within that zoning district are supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties.
- g. Whether the proposed zoning district and uses permitted within that zoning district reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property.

Applicant Signature

	Parks F. Huff/Attorney for Applicant	10-23-2024
Parks F. Huff/Attorney for Applicant	Printed Name	Date

**STATE OF GEORGIA
CITY OF POWDER SPRINGS**

ZONING ANALYSIS

**Meritage Homes of Georgia, Inc. – Application for
Change in Previously Approved Conditions of PZ22-001**

- a. Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city’s comprehensive plan shall be used in decision making relative to amendments to the official zoning map.**

The Subject Property is located in the City of Powder Springs as is noted as being in the LI land use category on the City’s Future Land Use Map (“FLUM”). The City of Powder Springs FLUM indicates nearby properties in the City of Powder Springs along this section of the Austell Powder Springs Road, Dugger Drive, Smith Drive and Frank Aikin Road are delineated as being in the Retail Commercial, LD Residential and the MD Residential land use categories. The proposed change to the previously approved PUD-R zoning district and the proposed use contained and embodied within the Application will allow the Subject Property to be developed on a tract of land that is among properties developed with single-family residential, retail commercial, and automotive businesses.

- b. Whether the proposed zoning district and uses permitted within that district are suitable in view of the zoning and development of adjacent and nearby property.**

The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings which are in direct contiguity or adjacent to the Subject Property that had originally approved for the current single-family detached subdivision. This proposal is to amend the previously approved site plan to allow an entrance from Austell Powder Springs Road to Dugger Drive that was originally approved as a cul-de-sac street from Dugger Drive.

- c. Whether the existing use or usability of adjacent or nearby property will adversely affected by one or more uses permitted in the requested zoning district.**

The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are residentially zoned and which transition to commercial. Nearby properties within the City of Powder Springs have varying densities for MDR and LDR residential zonings.

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

The previously approved site plan from PZ22-001 had one access from Austell Powder Springs Road into the proposed subdivision. The current proposal removes the previously approved site plan indicating a cul-de-sac from Dugger Drive and will add an additional entrance on Austell Powder Springs Road and connect to Dugger Drive in place of the cul-de-sac street from Dugger Drive.

- e. Whether public facilities such as roads, schools, water and sewer utilities, and police and fire protection will be adequate to serve the proposed zoning district and uses permitted.**

The zoning proposal will have no adverse impact upon the existing infrastructure including, but not limited to, existing streets, fire and police protection, transportation facilities, utilities or schools.

- f. Whether the proposed zoning district and uses permitted within that zoning district are supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties.**

The proposed use will occupy a section of Austell Powder Springs Road that is in an area developed with single-family residential, retail and automotive uses.

- g. Whether the proposed zoning district of PUD-R and uses permitted within that zoning district reflect a reasonable balance between the promotion of the public health, safety, morality or general welfare and the right to unrestricted use of property.**

The proposed change in the previously approved conditions is balanced between the proposed zoning amendment and the use of the Subject Property and the proposed use's impact to the public's health, safety and general welfare, all of which are beneficial from a land use perspective.

Respectfully submitted, this the 23rd day of Oct. 2024.

SAMS, LARKIN, & HUFF, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Georgia Bar No. 375010

376 Powder Springs Street, Suite 100
Marietta, GA 30064




city of powder springs

Rezoning Request

Owner's Authorization Form

Owner's Authorization

Applicant Name Meritage Homes of Georgia, Inc.	Applicant's Address 3700 Mansell Road, Suite 550 Alpharetta, GA 30022
Property Address Austell Powder Springs Road, Dugger Drive, Smith Drive and Frank Aikin Road Powder Springs, GA	Property PIN Shown on attached Warranty Deed

This is to certify that I am or We are or I am the Authorized Representative of a Corporation that is the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check all that apply:

Rezoning <input checked="" type="checkbox"/> Change in Conditions of PZ22-001	Special Use <input type="checkbox"/>	Hardship Variance <input type="checkbox"/>
Special Exception <input type="checkbox"/>	Flood Protection Variance <input type="checkbox"/>	Appeal of Administrative Decision <input type="checkbox"/>


Signature of Property Owner(s)

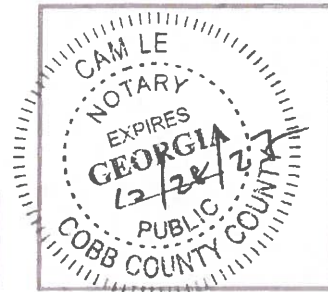
	Clay Kirkley	10/24/24
Signature of Owner	Printed Name	Date

State of GA, County of Cobb.

This instrument was acknowledged before me this 21st day of October month.

2024, by Clay Kirkley name of signer. Identification Presented: Driver license

	Cam Le	10/22/29
Signature of Notary Public	Name of Notary Public	My Commission Expires



_____ Signature of Owner	_____ Printed Name	_____ Date
-----------------------------	-----------------------	---------------

State of _____, County of _____.

This instrument was acknowledged before me this _____ day of _____ month.

20 _____, by _____ name of signer. Identification Presented: _____

_____ Signature of Notary Public	_____ Name of Notary Public	_____ My Commission Expires
-------------------------------------	--------------------------------	--------------------------------





Rezoning Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name Meritage Homes of Georgia, Inc.	Applicant's Address 3700 Mansell Road, Suite 550 Alpharetta, GA 30022
Applicant's Attorney Parks F. Huff SAMS, LARKIN & HUFF, LLP	Attorney's Address Suite 100, 376 Powder Springs Street Marietta, GA 30064

Campaign Contribution Disclosure

The following information is provided in accordance with the Georgia Conflict of Interest in Zoning Actions Act, O.C.G.A. 36-67A-1 et seq.

The property that is the subject of the attached application is owned by:

- Individual(s)
 Corporation
 Partnership
 Limited Partnership
 Joint Venture

All persons, corporations, partners, limited partners, or joint ventures party to ownership of the property that is the subject of the attached application are listed below:

APPLICANT: Within the two years preceding the date of the attached application, the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
N/A		

ATTORNEY: Within the two years preceding the date of the attached application, the attorney representing the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
N/A		

**THIS INSTRUMENT PREPARED BY
AND SHOULD BE RETURNED TO:**

Hartley Rowe & Fowler
Attn: Robert J. Kauffman
Post Office Box 489
Douglasville, GA 30133
22-0159B

TAX PARCEL ID. NO.:

19101900320
19102000030
19102000040
19102000050
19102000060
19102000070
19102000200
19101900310
19101900290
19102000020
19101900350

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED, made and executed on October 4, 2022, by DOSSEY, LLC, a Georgia limited liability company (hereinafter referred to as the "Grantor"), whose address is 6234 Old Highway 5, suite D9-250, Woodstock, GA 30188, to MERITAGE HOMES OF GEORGIA, INC., an Arizona corporation (hereinafter called the "Grantee") whose address is 3700 Mansell Road, Suite 550, Alpharetta, GA 30022.

Wherever used herein the term "grantor" and "grantee" include all the parties to this instrument and the heirs, legal representatives and assigns of individuals, and the successors and assigns of corporations, partnerships (including joint ventures, public bodies and quasi-public bodies)

WITNESSETH: THAT Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, does hereby grant, bargain, sell, alienate, remise, release, convey, and transfer unto Grantee, all of that certain land lying and being in the County of Cherokee, State of Georgia, to-wit:

See Exhibit "A" attached hereto and made a part hereof by reference (hereinafter referred to as the "Property").

TOGETHER with the following as applicable to the Property: (i) all buildings, structures, and improvements thereon and all of the rights, privileges, appurtenances, hereditaments, easements, reversions, and remainders pertaining to or used in connection therewith, including, without limitation, to the extent assignable: (ii) all development rights and credits, impact fee

credits, prepaid fees, air rights, water, water rights, water stock, water capacity, sewer, wastewater and re-use water rights, sewage treatment capacity, other utility capacity and rights, capacity certificates, approvals, and permits relating thereto, (iii) strips and gores, streets, alleys, easements, rights-of-way, public ways, or other rights appurtenant, adjacent, or connected thereto, and (iv) minerals, oil, gas, and other hydrocarbon substances in, under, or that may be produced therefrom.

TO HAVE AND TO HOLD the same in fee simple forever, subject to the exceptions set forth on Exhibit "B" attached hereto and made a part hereof by reference (the "Permitted Exceptions").

Subject to the Permitted Exceptions, Grantor covenants with Grantee, that Grantor has done nothing to impair such title as Grantor received, and Grantor will warrant and defend the title against the lawful claims of all persons claiming by, under or through Grantor, except for the Permitted Exceptions.

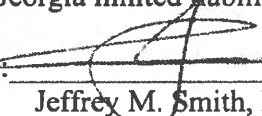
IN WITNESS WHEREOF, Grantor has caused this Limited Warranty Deed to be duly executed as of the day and year first above written.

Signed, sealed and delivered in the presence of:

GRANTOR:

DOSSEY, LLC
a Georgia limited liability company




By: _____
Jeffrey M. Smith, Manager

Witness

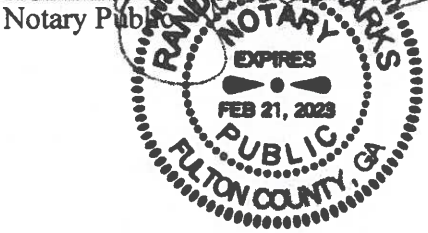



EXHIBIT "A" TO DEEDLegal Description of Property

A tract or parcel of land lying in Land Lots 1019 and 1020 of the 19th District, 2nd Section, City of Powder Springs, Cobb County, Georgia and being more particularly described as follows:

Begin at a set 5/8" capped rebar (L.S.F. #1322) lying at the intersection between the westerly right-of-way of Dugger Drive (20' right-of-way) and the line common to Land Lots 979 and 1020; thence leaving said Land Lot Line, run South 26 degrees 32 minutes 18 seconds East along said right-of-way for a distance of 285.00 feet to a point; thence run South 26 degrees 32 minutes 18 seconds East along said right-of-way for a distance of 207.53 feet to a point; thence run South 27 degrees 59 minutes 47 seconds East along said right-of-way for a distance of 79.30 feet to a point; thence run South 28 degrees 03 minutes 34 seconds East along said right-of-way for a distance of 46.05 feet to a point; thence run South 31 degrees 08 minutes 26 seconds East along said right-of-way for a distance of 110.02 feet to a point, said point lying on a curve to the left, said curve having a radius of 176.00 feet, a central angle of 36 degrees 39 minutes 32 Seconds, a chord bearing of South 49 degrees 28 minutes 12 seconds East and a chord length of 110.70 feet; thence run along the arc of said curve and said right-of-way for a distance of 112.61 feet to a point; thence run South 67 degrees 47 minutes 58 seconds East along said right-of-way for a distance of 80.60 feet to a set mag nail being the intersection between said westerly right-of-way of Dugger Drive and the northerly right-of-way of Smith Drive (apparent 30' right-of-way); thence leaving said right-of-way of Dugger Drive, run South 75 degrees 28 minutes 17 seconds West along said right-of-way of Smith Drive for a distance of 71.55 feet to a point, said point lying on a curve to the left, said curve having a radius of 67.00 feet, a central angle of 82 degrees 31 minutes 28 seconds, a chord bearing of South 34 degrees 12 minutes 33 seconds West and a chord length of 88.37 feet; thence run along the arc of said curve and said right-of-way for a distance of 96.50 feet to a point; thence run South 07 degrees 03 minutes 11 seconds East along said right-of-way for a distance of 140.81 feet to a point; thence run South 07 degrees 03 minutes 11 seconds East along said right-of-way for a distance of 38.09 feet to a point; thence run South 01 degrees 39 minutes 02 seconds East along said right-of-way for a distance of 280.96 feet to a set 5/8" capped rebar (L.S.F. #1322) being the intersection of said westerly right-of-way of Smith Drive and the northerly right-of-way of Frank Aiken Road (50' right-of-way); thence leaving said right-of-way of Smith Drive, run North 87 degrees 55 minutes 32 seconds West along said right-of-way of Frank Aiken Road for a distance of 169.52 feet to a Set 5/8" capped rebar (L.S.F. #1322); thence leaving said right-of-way, run North 01 degrees 04 minutes 29 seconds East for a distance of 195.37 feet to a found 2" metal post; thence run North 88 degrees 52 minutes 58 seconds West for a distance of 1,201.91 feet to a set 5/8" capped rebar (L.S.F. #1322); thence run South 00 degrees 40 minutes 13 seconds West for a distance of 200.00 feet to a set 5/8" capped rebar (L.S.F. #1322) lying on the northerly right-of-way of the aforementioned Frank Aiken Road; thence run North 88 degrees 52 minutes 52 second West along said right-of-way for a distance of 25.00 feet to a set 5/8" capped rebar (L.S.F. #1322) at the intersection between said northerly right-of-way and the line common to Land Lots 1020 and 1021; thence leaving said right-of-way, run North 00 degrees 40 minutes 13 seconds East along said Land Lot Line for a distance of 208.77 feet to a found 1/2" rebar; thence run North 00 degrees 06 minutes

42 seconds West along said Land Lot Line for a distance of 546.15 feet to a found 1/2" rebar; thence run North 00 degrees 08 minutes 03 seconds West along said Land Lot Line for a distance of 265.99 feet to a point; thence run North 00 degrees 08 minutes 03 seconds West along said Land Lot Line for a distance of 266.00 feet to a found 1.5" open top pipe being the corner common to Land Lots 978, 979, 1020 and 1021; thence leaving said common corner, run South 89 degrees 07 minutes 46 seconds East along the line common to Land Lots 979 and 1020 for a distance of 989.03 feet to the POINT OF BEGINNING.

Said tract or parcel contains 1,395,010 square feet, or 32.025 acres.

TOGETHER WITH:

A tract or parcel of land lying in Land Lots 1019 and 1020 of the 19th District, City of Powder Springs, Cobb County, Georgia and being more particularly described as follows:

Commence at a point being the intersection between the easterly right-of-way of Dugger Drive (20' right-of-way) and the line common to Land Lots 979 and 1020; thence leaving said common line, run South 26 degrees 32 minutes 18 seconds East along said right-of-way for a distance of 126.29 feet to a point, said point being the POINT OF BEGINNING of the tract or parcel herein described; thence leaving said right-of-way, run North 84 degrees 55 minutes 40 seconds East for a distance of 197.95 feet to a found 1/2" rebar; thence run South 39 degrees 29 minutes 45 seconds East for a distance of 65.84 feet to a found 3/4" open top pipe; thence run South 30 degrees 56 minutes 58 seconds East for a distance of 74.00 feet to a point; thence run South 30 degrees 56 minutes 58 seconds East for a distance of 116.29 feet to a point; thence run North 79 degrees 28 minutes 50 seconds East for a distance of 208.26 feet to a found 1" rod lying on the westerly right-of-way of Austell Powder Springs Road (50' right-of-way); thence run South 30 degrees 22 minutes 01 seconds East along said right-of-way for a distance of 140.59 feet to a point; thence run South 33 degrees 22 minutes 35 seconds East along said right-of-way for a distance of 92.54 feet to a set 5/8" capped rebar (L.S.F. #1322); thence leaving said right-of-way run South 69 degrees 47 minutes 58 seconds West for a distance of 149.95 feet to a found 1" open top pipe; thence run South 31 degrees 26 minutes 39 seconds East for a distance of 150.84 feet to a found Brass Monument; thence run North 69 degrees 47 minutes 23 seconds East for a distance of 149.87 feet to a set 5/8" capped rebar (L.S.F. #1322) lying on the westerly right-of-way of aforementioned Austell Powder Springs Road; thence run South 32 degrees 53 minutes 01 seconds East along said right-of-way for a distance of 58.84 feet to a set 5/8" capped rebar (L.S.F. #1322) being the intersection of the westerly right-of-way of Austell Powder Springs Road and the northerly right-of-way of Smith Drive (apparent 30' right-of-way); thence leaving said right-of-way of Austell Powder Springs Road, run South 76 degrees 13 minutes 43 seconds West along said right-of-way of Smith Drive for a distance of 287.08 feet to a point being the intersection of the northerly right-of-way of Smith Drive and the easterly right-of-way of the aforementioned Dugger Drive, said point lying on a curve to the right, having a radius of 200.00 feet, a central angle of 35 degrees 58 minutes 19 seconds, a chord bearing of North 85 degrees 47 minutes 07 seconds West and a chord length of 123.51 feet; thence leaving said northerly right-of-way of Smith Drive, run along the arc of said curve and said easterly right-of-way of Dugger Drive for a distance of 125.57 feet to a point; thence run North 67 degrees 47 minutes 58 seconds West along said right-of-way for a distance of 26.04 feet to a point, said point lying on a curve to

the right, having a radius of 156.00 feet, a central angle of 36 degrees 39 minutes 32 seconds, a chord bearing of North 49 degrees 28 minutes 12 seconds West and a chord length of 98.12 feet; thence run along the arc of said curve and said right-of-way for a distance of 99.81 feet to a point; thence run North 31 degrees 08 minutes 26 seconds West along said right-of-way for a distance of 109.48 feet to a point; thence run North 28 degrees 03 minutes 34 seconds West along said right-of-way for a distance of 54.53 feet to a point; thence run North 27 degrees 59 minutes 18 seconds West along said right-of-way for a distance of 70.00 feet to a point; thence run North 26 degrees 32 minutes 18 seconds West along said right-of-way for a distance of 68.02 feet to a point; thence run North 26 degrees 32 minutes 18 seconds West along said right-of-way for a distance of 93.55 feet to a point; thence run North 26 degrees 32 minutes 18 seconds West along said right-of-way for a distance of 133.50 feet to a point; thence run North 26 degrees 32 minutes 18 seconds West along said right-of-way for a distance of 59.47 feet to the POINT OF BEGINNING.

Said tract or parcel being 213,435 square feet, or 4.900 acres.

EXHIBIT "B" TO DEED

Permitted Exceptions

1. Taxes and assessments for the year 2022 and subsequent years, not due and payable.
2. Rights of others and rights of upper and lower riparian owners in and to the waters of the pond located on subject property and the natural flow thereof without diminution.
3. Rights of upper and lower riparian owners in and to the waters of the creeks and branches crossing subject property and the natural flow thereof without diminution.
4. All matters as disclosed upon that plat of Boundary Survey prepared for Dossey, LLC & Chicago Title Insurance Company, by Alliance Land Surveying, certified by Michael C. Bell, Georgia Registered Land Surveyor No. 3465, dated December 17, 2021 which include but are not limited to the following:
 - a) Pond and branch located on the northwestern portion of property;
 - b) Wetland area located on the southeastern or northeastern on Tracts 5 and 6 respectively;
 - c) Hogwire fence traversing across a center portion of Tract 5 and southwestern portion of Tract 6;
 - d) Overhead electrical lines traversing along a center portion Tracts 1, 2, 3, 4, 5, 8 and 9.
5. All matters as disclosed upon that plat of survey prepared for S. C. Leggett by Crusselle, Rakestraw & Wright, dated December 15, 1988, filed for record December 19, 1988 and recorded in Plat Book 124, Page 84, Cobb County, Georgia records.
6. Easement from James W. Dugger and Kitty M. Dugger to Georgia Power Company dated June 21, 1990, filed for record August 28, 1990 and recorded in Deed Book 5846, Page 57, aforesaid records.
7. Easement from Mrs. R. J. Smith to Georgia Power Company dated November 22, 1976, filed for record February 21, 1977 and recorded in Deed Book 1754, Page 482, aforesaid records.
8. Easement from James Smith Dugger to the City of Power Springs, a political subdivision of the State of Georgia, dated November 6, 1996, filed for record August 6, 1997 and recorded in Deed Book 10548, Page 63, aforesaid records (Affects Tract 6 only).
9. All matters as disclosed upon that plat of survey entitled "Subdivision of Property of M.A.J. Landers" dated March 3, 1935 and recorded in Plat Book 34, Page 7, aforesaid records.



Affidavit of Public Notification

Public Notification Requirements

Per Article 13 and 14 of the City of Powder Springs Unified Development Code, I certify that I have met the advertising requirements of Article 13 and Article 14 for a Special Use, Variance or Rezoning application for subject property located at Austell Powder Springs Road, Dugger Drive, Smith Drive and Frank Aikin Road Change in previously approved conditions of PZ22-001. approved 3-21-2022.

Notices were mailed to all persons owning property located in whole or in part within 200 feet of any portion of the property that is the subject of the rezoning, special use or variance application. The written notice was mailed to the property owners as such names and addresses appear on the County's current ad valorem tax records on 10-15-2024. Said notices were mailed at least 15 days but no more than 45 days prior to the Mayor and Council first public hearing date.

Signs were placed on the subject property advertising said hearing on 10-15-2024. One sign was placed at each road frontage at least 15 days prior to the Mayor and Council first hearing date.

Please attach the following to affidavit: notices, list of addresses, picture of sign posted on property and any receipt or documentation that was provided at the post office.

Please sign affidavit after letters have been mailed out to neighboring lot owners within 200 feet of the subject site and sign/s have been posted on subject site.

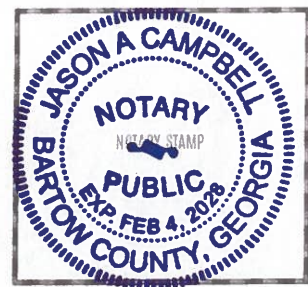
Notary Attestation

Executed in Marietta (City), GA (State).

[Signature]
 Parks F. Huff/Attorney for Applicant
 Printed Name Parks F. Huff Date 10-16-2024

Subscribed and sworn before me this 16th day of Oct, 2024

[Signature] Jason A. Campbell
 Signature of Notary Public Name of Notary Public My Commission Expires 02-04-2028



October 15, 2024

Dossey, LLC
6234 Old Hwy 5 Ste D9-250
Woodstock, Georgia 30188

Meritage Homes
2700 Cumberland Pkwy., Suite 400
Atlanta, GA 30339

RE: Rezoning Application to consider a change in zoning conditions of PZ22-001, approved 3/21/2022. The property is the Westmont Preserve Subdivision, at Austell Powder Springs Road, Dugger Drive, Smith Drive, and Frank Aikin Road in the 19th District, 2nd Section, Land Lots 1019 and 1020, Cobb County, Georgia.

Dear Neighbors:

We are hereby providing you notice of a request to change the previously approved conditions of rezoning. We propose an additional access to the subdivision on Austell Powder Springs Road.

The application will be heard before the Mayor and City Council on the following dates:

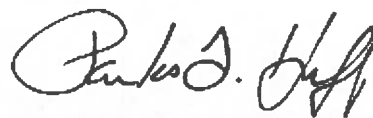
October 30, 2024. City Council Work Session Meeting **5:00 PM**
On site location: 4181 Atlanta Street, Bldg. 2, Ford Reception Hall.

November 04, 2024. Mayor and Council Public Hearing **7:00 PM**
On site location: 4181 Atlanta Street, Bldg. 1, Vaughn Cultural Arts Center.

Please visit our website at www.cityofpowdersprings.org for ZOOM links, physical meeting location details, and additional information and instructions. Any changes to our meetings will also be updated on our website.

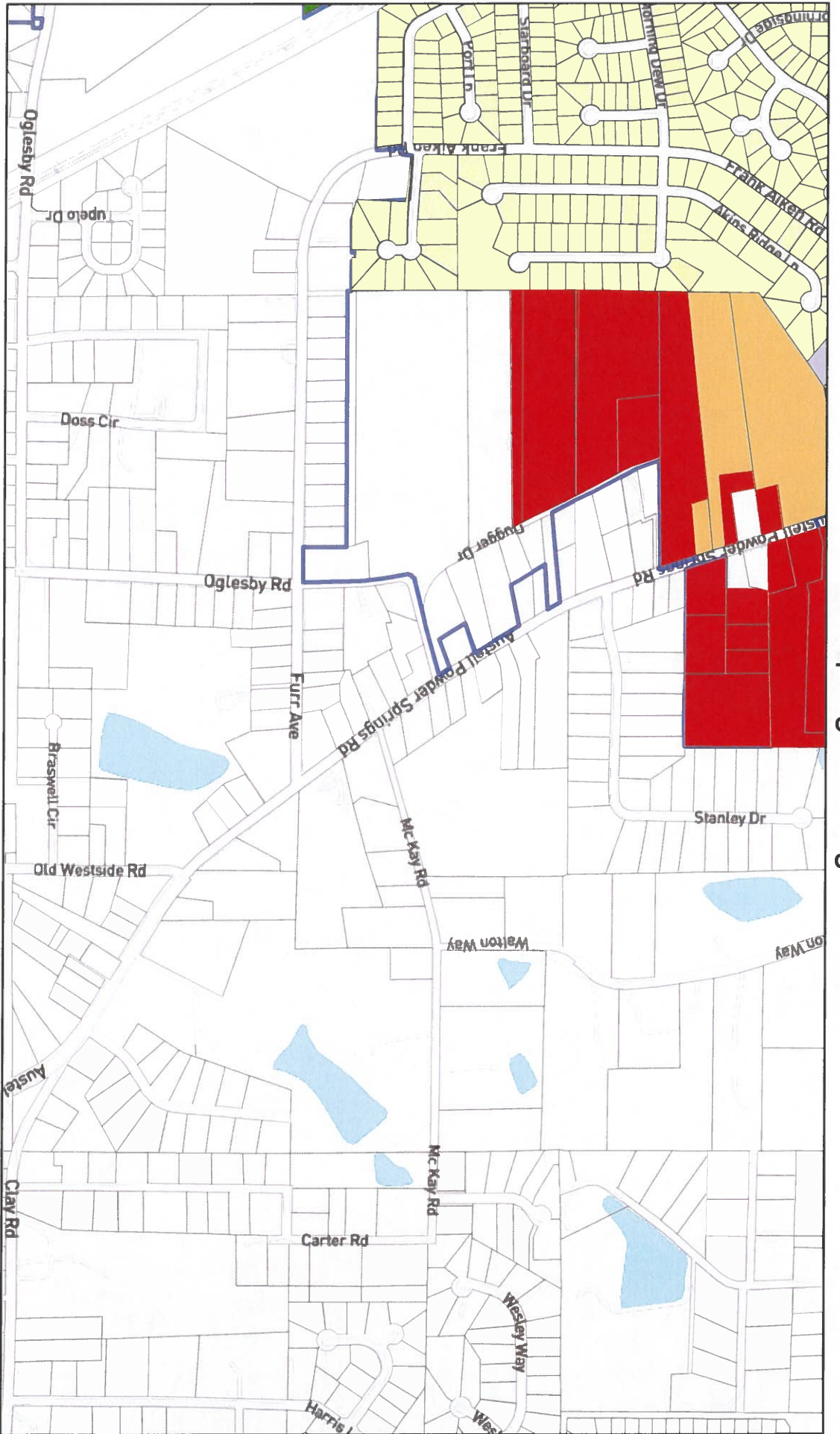
Should you have any questions please feel free to contact the City of Powder Springs at 770-943-1666 extention 345, or email Shaun Myers smyers@cityofpowdersprings.org, Planning and Zoning Manager at the City of Powder Springs.

Thank you,



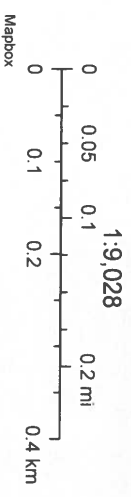
Parks F. Huff
Attorney for Applicant

FLUM-Powder Springs-Meritage Homes



10/17/2024, 12:05:23 PM

- Parcels
- MD Residential
- Future Land Use
- Office Commercial
- Parks Recreation Conservation
- Retail Commercial
- City Limits





Certificate of Mailing — Firm

Name and Address of Sender

Sams, Larkin & Huff, LLP
376 Powder Springs Street
Suite 100
Marietta, GA 30064

TOTAL NO. of Pieces Listed by Sender

75

TOTAL NO. of Pieces Received at Post Office™

75

Postmaster, per (name of receiving employee)

P. Conroy, clerk

USPS® Tracking Number
Firm-specific Identifier

Address
(Name, Street, City, State, and ZIP Code™)

Affix Stamp Here
Postmark with Date of Receipt.



1. Please See Attached List

2.

3.

4.

5.


6.

U.S. POSTAGE PAID
MARIETTA, GA
30062
OCT 15 24
AMOUNT
\$31.85
\$2324P501250-24



0000

U.S. POSTAGE PAID
MARIETTA, GA
30062
OCT 15 24
AMOUNT
\$16.90
\$2324P501250-24



0000

4373 AUSTELL ROAD LLC
173 HOLLY PATH
ROCKMART GA 30153

AKINS RIDGE HOMEOWNERS
ASSOCIATION INC
4109 AKINS RIDGE CT
POWDER SPRINGS GA 30127

AKPUCHUKWU RHODA & LAZARUS
4441 BRITTANY DR
POWDER SPRINGS GA 30127

BARNER TANJA N
4076 AKINS RIDGE CT
POWDER SPRINGS GA 30127

BELL FREDERICK J
4599 FRANK AIKEN RD
POWDER SPRINGS GA 30127

BOWIE LINDA A
4324 AUSTELL POWDER SPRINGS RD
POWDER SPRINGS GA 30127

BRITTON KAMEKA RENEE
4443 BRITTANY DR
POWDER SPRINGS GA 30127

BULLOCK GEORGE RANDALL
115 WATERFORD WAY
POWDER SPRINGS GA 30127

COOKE WINSTON B JR
4082 AKINS RIDGE CT
POWDER SPRINGS GA 30127

COOLEY HANSEL B & T V
5284 STOUT PKWY
POWDER SPRINGS GA 30127

CRAWFORD RONALD R II
765 CHANSON DR
MARIETTA GA 30064

CSMA BLT LLC
1850 PARKWAY PL SUITE 900
MARIETTA GA 30067

DANGERFIELD TIFFANY N
4439 BRITTANY DR
POWDER SPRINGS GA 30127

DEBI DUGGER ENTERPRISES LLC
11805 BIG CANOE
JASPER GA 30143

DEBI DUGGER ENTERPRISES LLC
11805 BIG CANOE
JASPER GA 30143

DEBI DUGGER PROEPRTIES LLC
11805 BIG CANOE
JASPER GA 30143

DEBI DUGGER PROPERTIES LLC
11805 BIG CANOE
JASPER GA 30143

DUGGER DEBORAH G
11805 BIG CANOE
JASPER GA 30143

DUGGER JAMES S
11805 BIG CANOE
JASPER GA 30143

FIELDS DAVID L
995 ZENITH TRL NUMBER 5737
ELLIJAY GA 30540

FUENTES RODAS CHRISTINA &
GARCIA RAUL ERNESTO
4444 BRITTANY DR
POWDER SPRINGS GA 30127

FURR RICKY L & JEAN BENSON
49 CREEKWOOD PASS
DALLAS GA 30157

GEORGIA POWER COMPANY
BIN #10120 STANLEY WARREN
241 RALPH MCGILL BLVD SUITE 200
ATLANTA GA 30308

GOLD PROPERTY PARTNERS LLC
4201 REGENCY CT NW
ATLANTA GA 30327

GOLD PROPERTY PARTNERS LLC
4201 REGENCY CT NW
ATLANTA GA 30327

GRACE TARA
4052 AKINS RIDGE CT
POWDER SPRINGS GA 30127

GRAYSON JAMES JARED &
TABATHA L F
4621 FRANK AIKEN RD
POWDER SPRINGS GA 30127

GRIFFIN TERRY
3781 OGLESBY RD
POWDER SPRINGS GA 30127

HAZELIP LINDA GALE FERGUSON &
WILLIAM L HAZELIP LEE D & ERIC
WILLIAM
1328 MARIETTA COUNTRY CLUB DR
KENNESAW GA 30152

HINES RODNEY EDWARD & MONICA
DELYNN
4435 BRITTANY DR
POWDER SPRINGS GA 30127

HOGUE JAMES R & CAROLE
3886 FURR AVE
POWDER SPRINGS GA 30127

IJEH NKEM & JOSEPHINE
4065 AKINS RIDGE CT
POWDER SPRINGS GA 30127

JAMES S DUGGER PROPERTIES LLC
4370 DUGGER DR
POWDER SPRINGS GA 30127

JAMES S DUGGER PROPERTIES LLC
4370 DUGGER DR
POWDER SPRINGS GA 30127

JAMES S DUGGER PROPERTIES LLC
11805 BIG CANOE
JASPER GA 30143

JAMES S DUGGER PROPERTIES LLC
4370 DUGGER DR
POWDER SPRINGS GA 30127

JAMES S DUGGER PROPERTIES LLC
4370 DUGGER DR
POWDER SPRINGS GA 30127

JAMES S DUGGER PROPERTIES LLC
4370 DUGGER DR
POWDER SPRINGS GA 30127

JAMES S DUGGER PROPERTIES LLC
4370 DUGGER DR
POWDER SPRINGS GA 30127

JAMES S DUGGER PROPERTIES LLC
11805 BIG CANOE
JASPER GA 30143

JAMES S DUGGER PROPERTIES LLC
11805 BIG CANOE
JASPER GA 30143

JOHNSON JASMINE TIAESHA
4059 AKINS RIDGE CT
POWDER SPRINGS GA 30127

JONES JOE W
4446 FRANK AIKEN RD
POWDER SPRINGS GA 30127

KEN & DEN PROPERTIES LLC
P O BOX 73
POWDER SPRINGS GA 30127

KILPATRICK JOSEPH C JR
2870 WHITBY DR
DORAVILLE GA 30340

LILEY ROY K JR &
LILEY ANNA L
80 STAFFORD LN
VILLA RICA GA 30180

LOYOLA GUSTAVO RODRIGUEZ &
ORTEGA NANCY TRUJILLO
3890 SMITH DR
POWDER SPRINGS GA 30127

MADDOX FAMILY PROPERTIES LLC
104 COCHRAN RIDGE RD
DALLAS GA 30157

MANUEL HAYWARD & ANITA
4071 AKINS RIDGE CT
POWDER SPRINGS GA 30127

MONTGOMERY ALISA A
4433 BRITTANY DR
POWDER SPRINGS GA 30127

MOORE KENNETH
5242 COOLAMBER DR
POWDER SPRINGS GA 30127

MOORE KENNETH E
4425 AUSTELL POWDER SPRINGS RD
POWDER SPRINGS GA 30127

MOORE KENNETH E
5242 COOLAMBER DR
POWDER SPRINGS GA 30127

MOUNTAIN RESERVE LLC
879 PICKENS INDUSTRIAL DR
MARIETTA GA 30062

MOUNTAIN RESERVE LLC
879 PICKENS INDUSTRIAL DR
MARIETTA GA 30062

N&H DEVELOPMENT INC
4058 AKINS RIDGE CT
POWDER SPRINGS GA 30127

NGUYEN HUONG THI & TRAN LINH
HUYNH
3881 FURR AVE
POWDER SPRINGS GA 30127

NUNEZ JANET
4565 FRANK AIKEN RD
POWDER SPRINGS GA 30127

NWABEKE INNOCENT
4077 AKINS RIDGE CT
POWDER SPRINGS GA 30127

PEEK JANICE M
4485 FRANK AIKEN RD
POWDER SPRINGS GA 30127

RAGSDALE BRENDA
181 RAGSDALE RD
DALLAS GA 30132

RESONANCE DP LLC.
3750 GREENVIEW DR
MARIETTA GA 30068

RICHARDS DONALD EDWARD
4509 FRANK AIKEN RD
POWDER SPRINGS GA 30127

RICHARDSON KAROL
4070 AKINS RIDGE COURT
POWDER SPRINGS GA 30127

ROBERTS L WAYNE & PALMER
JANIS
3900 SMITH DR
POWDER SPRINGS GA 30127

ROLLINS LILLIAN S & MCDONALD
MARK L
3236 SHARON DR
POWDER SPRINGS GA 30127

RS RENTAL I LLC
CO MYND MANAGEMENT
1955 S VAL VISTA DR SUITE 126
MESA AZ 85204

SAILORS SHERRY L
3891 FURR AVE
POWDER SPRINGS GA 30127

SAINTILBERT NAHOMIE GOUIN &
GOUIN EDNY ROMAIN
4064 AKINS RIDGE CT
POWDER SPRINGS GA 30127

SFR XII OWNER 2 LP
4645 HAWTHORNE LN NW
WASHINGTON DC 20016

SNIDER RYAN
3758 OGLESBY RD
POWDER SPRINGS GA 30127

STAMPER JOHNNY B
P O BOX 608
POWDER SPRINGS GA 30127

UTLEY ANTHONY C
4437 BRITTANY DR
POWDER SPRINGS GA 30127

UWAEKWE JOY &
JONES ELIZABETH
4083 AKINS RIDGE CT
POWDER SPRINGS GA 30127

WASHINGTON MARIE A
4405 STANELY DR
POWDER SPRINGS GA 30127

ZONING NOTICE

Application has been made for
a variance
to be heard by the
Powder Springs Planning Commission

On 10/28/20 at 7:00 pm

and by the Mayor & City Council
of Powder Springs, Georgia.

On 11/4/20 at 7:00 pm

Zoning PUD-R and [redacted] Change in Conditions

Location: 4181 Atlanta Street

ZONING NOTICE

Application has been made for
a variance
to be heard by the
Powder Springs Planning Commission
On _____ at 7:00 pm
and by the Mayor & City Council
of Powder Springs, Georgia.

On _____ at 7:00 pm

Zoning RUD-R and [redacted] Change in Conditions

Location: 1411 North Street



Fee Schedule

FEES – Updated 11/5/2018. Please verify cost with staff

Variance, residential	\$	250.00
Variance, commercial	\$	450.00
Special Use	\$	250.00
Rezoning Application, single family, 0-5 acres	\$	250.00
Rezoning Application, single family, 6-10 acres	\$	700.00
Rezoning Application, single family, 11-20 acres	\$	1,000.00
Rezoning Application, single family, 21-100 acres	\$	1,500.00
Rezoning Application, single family, \geq 101 acres	\$	1,500.00 + \$30/acre
Rezoning Application, undeveloped med/high density residential, 0-5 acres	\$	700.00
Zoning - Rezoning Application, undeveloped med/high density residential, 6-10 acres	\$	1,200.00
Zoning - Rezoning Application, undeveloped med/high density residential, 11-20 acres	\$	1,500.00
Zoning - Rezoning Application, undeveloped med/high density residential, 21-100 acres	\$	2,000.00
Rezoning Application, undeveloped med/high density residential, \geq 101 acres	\$	2,000.00 + \$40 /acre
Rezoning Application, undeveloped non-residential, 0-5 acre	\$	900.00
Rezoning Application, undeveloped non-residential, 6-10 acres	\$	1,500.00
Rezoning Application, undeveloped non-residential, 11-20 acres	\$	1,800.00
Rezoning Application, undeveloped non-residential, 21-100 acres	\$	2,200.00
Rezoning Application, undeveloped non-residential, \geq 101 acres	\$	2,200.00 + \$50 /acre
Zoning - Rezoning Application, developed med/high density residential, 0-20,000 SF	\$	700.00
Rezoning Application, developed med/high density residential, 20,0001 - 50,000 SF	\$	1,200.00
Rezoning Application, developed med/high density residential, 50,001 - 100,000 SF	\$	1,500.00
Rezoning Application, developed med/high density residential, 100,001 - 500,000 SF	\$	2,000.00
Rezoning Application, developed med/high density residential, \geq 500,001 SF	\$	2,000.00 \$90 /100,000 SF
Rezoning Application, developed non-residential, 0-20,000 SF	\$	900.00
Rezoning Application, developed non-residential, 20,001-50,000 SF	\$	1,500.00
Rezoning Application, developed non-residential, 50,001-100,000 SF	\$	1,800.00
Rezoning Application, developed non-residential, 100,001-500,000 SF	\$	2,200.00
Rezoning Application, developed non-residential, \geq 500,001 SF	\$	2,200.00 + \$115 /100,000 SF
Public Hearing signs	\$	25.00
Public Hearing signs - Deposit	\$	10.00



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2024	19101900290	10/15/2024	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,204.07	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY

Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19101900310	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,157.76	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19101900320	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,268.95	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19101900350	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$759.18	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19102000020	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,965.18	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2024	19102000030	10/15/2024	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,036.19	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19102000040	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$5,980.68	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19102000050	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,491.97	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19102000060	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$8,146.28	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19102000070	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$127.36	\$0.00



Scan this code with your mobile phone to view this bill!



Printed: 10/17/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: [REDACTED]
Fax: [REDACTED]

Payer:
MERITAGE HOMES OF GEORGIA INC

MERTIAGE HOMES OF GEORGIA INC

Payment Date: 10/14/2024

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2024	19102000200	10/15/2024	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$62.72	\$0.00



Scan this code with your mobile phone to view this bill!

TO THE CITY OF POWDER SPRINGS

COBB COUNTY, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, MERITAGE HOMES OF GEORGIA, INC., hereinafter referred to as the "Applicant", and asserts the following, to wit:

1.

By application to which this exhibit relates, the Applicant has applied for an Application for Rezoning for a "Change of Conditions of Something Previously Approved" ("Application") of certain real property lying and being within Cobb County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Applications.

2.

The Application being submitted for the property seeks a change in the previously approved site plan, which included a cul-de-sac street. Under the proposed site plan, the cul-de-sac street is being replaced with another street entering from Austell Powder Springs Road. The request is to amend previously approved conditions on the existing PUD-R zoning category to the same PUD-R category with new conditions, as established by the governing authority of the City of Powder Springs, Georgia to the zoning category of PUD-R as established by the governing authority of the City of Powder Springs, Georgia.

3.

Particularly given that the property is located in the LDR area as designated on Powder Springs' Future Land Use Map, and is situated near and abutting similar properties that have been annexed and rezoned to the requested PUD-R in the City of Powder Springs, the

current PUD-R with conditions in the City of Powder Springs and all intervening classifications between same and PUD-R with conditions to the same PUD-R with new conditions in the City of Powder Springs as proposed are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The PUD-R with conditions zoning classification and all intervening classifications between same and PUD-R with new conditions in the City of Powder Springs as proposed as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classifications do not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The City of Powder Springs' Unified Development Code is further unconstitutional in that the procedures contained therein pertaining to the public hearings held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

Respectfully submitted, this the 23rd day of Oct. 2024.

SAMS, LARKIN & HUFF, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010