



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



Rezoning Request Application Checklist

Applicant Information

Name	Blue River Development, LLC	Phone	[REDACTED]
Mailing Address	3715 DaVinci Court, Suite 300 Norcross, GA 30092	Email	[REDACTED]

Application Checklist

The following information will be required:

- Application
- Notice of Intent
- Applicant's Written Analysis
- Campaign Contribution Disclosure
- Owner's Authorization, if applicable.
- Legal Description and Survey Plat of the property
- Application Fee (summary of fees attached)
- Copy of the Deed that reflects the current owners name
- Vicinity Map outlining the parcel/s in relation to the surrounding area
- 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.
- Sketch Plan/ Architectural Rendering, if applicable
- 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	Blue River Development, LLC	Phone	[REDACTED]
Mailing Address	3715 DaVinci Court, Suite 300 Norcross, GA 30092	Email	[REDACTED]

Rezoning Request Property Information

Address	5535, 5551 Powder Springs Dallas Road	Parcel ID / Lot#	074600050, 190734000	Acreage	16.4 + 1.4 = 17.8
Present Zoning	R30	Proposed Zoning	PUD-R		
Source of Water Supply	Cobb Water, Public Water		Source of Sewage Disposal	Cobb Water, Public Sewage	
Proposed Use Peak Hour Trips Generated	35 am peak, 47 pm peak, 450 total		Source	ITE Trip Generation Rates Table, 8th Edition, ITE Trip Generation Handbook	

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 Atlanta (City), GA (State).

	Michael Meshtekoty	4/22/2024
Signature of Applicant	Printed Name	Date

Subscribed and sworn before me this 22 day of April, 2024

	Taylor Terry	01/03/2025
Signature of Notary Public	Name of Notary Public	My Commission Expires



TAYLOR TERRY
Notary Public, Georgia
DeKalb County
My Commission Expires
January 03, 2025

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 **Blue River Development, LLC**

Phone [REDACTED]

Mailing Address **3715 DaVinci Court, Suite 300 Norcross, GA 30092**

Email [REDACTED]

Notice of Intent

PART I. Please indicate the purpose of this application :

To rezone two adjacent parcels, 19073400030 and 19074600050, from R-30 to PUD-R. The two parcels combined total 17.8-acres and will contain 47 single family detached dwelling units

PART II. Please list all requested variances:

No variances requested at this time

Part III. Existing use of subject property:

single family residential dwellings (2) with some storage sheds

Part IV. Proposed use of subject property:

47 detached single family residential dwellings

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

The property has a significant flood plain and creek buffer bisecting the property.

Applicant Signature


Signature of Applicant

Blue River Development, LLC
Printed Name

04/22/2024
Date



Rezoning Request

Applicant's Written Analysis

Applicant Information

Name	Blue River Development, LLC	Phone	[REDACTED]
Mailing Address	3715 DaVinci Court, Suite 300 Norcross, GA 30092	Email	[REDACTED]

Written Analysis

In details please address these Rezoning Criteria:

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 future land use designates this area as low density residential with Light Industrial across Powder Springs Dallas Road. R-15 zoned property adjoins this property to the east and is adjoined by Cobb County zoned property to the west. Property to the north remains R-30.

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.

Given the PUD-R in the nearby vicinity of this property, R-15 to the east, a rail road to the south and large flood plain bi-secting the property, the planned use is suitable.

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.

Property to the west have been developed into a higher density than R-30 (R-15). Property to the north and east remains as R-30. Given the buffering and large area of open space (6.5-acres +/-) due to the flood plain on the parcel, nearby property should not be adversely affected, particularly since use will be residential.

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

Approximately 1/3 of the property is encumbered with buffered streams and flood plain. To obtain the highest use of the property within a residential use, allowing 30,000 sf lots on the remaining usable portion of the property would yield less than 1/2 of the yield afforded by the requested zoning.

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.

we have not accessed the affect of this development on schools, police or fire protection services. We understand this will be examined by the City as part of the rezoning process. Given the low unit count (47), this should not pose a burden. We have obtained letters of serviceability from Cobb Water.

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.

we are not aware of any new or changing conditions not anticipated by the comprehensive plan that would affect the existing 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.

examining the infill of development in and around this area, we believe the planned use is reflective of development and does not negatively impact the public health, safety, morality or general welfare of the community.

Applicant Signature

	Blue River Development, LLC	4/22/2024
Signature of Applicant	Printed Name	Date



Rezoning Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name Blue River Development, LLC	Applicant's Address 3715 DaVinci Court, Suite 300 Norcross, GA 30092
Applicant's Attorney Kevin Moore, Moore Ingram Johnson & Steele	Attorney's Address 326 Roswell St, Suite 100, Marietta, GA 30060

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
NA	NA	NA

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



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 5535, 5551 Powder Springs Dallas Road

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 _____. 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 _____. 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 _____ (City), _____ (State).

Signature of Applicant

Printed Name

Date

Subscribed and sworn before me this _____ day of _____, 20__.

Signature of Notary Public

Name of Notary Public

My Commission Expires





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, => 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, => 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, => 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, => 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, => 500,001 SF	\$ 2,200.00 + \$115 /100,000 SF
Public Hearing signs	\$ 25.00
Public Hearing signs - Deposit	\$ 10.00



city of powder springs

Rezoning Request Owner's Authorization Form

Owner's Authorization

Applicant Name Blue River Development, LLC	Applicant's Address 3715 DaVinci Court, Suite 300 Norcross, GA 30092
Property Address 5535, 5551 Powder Springs Dallas Road <small>POWDER SPRINGS, GA</small>	Property PIN 19073400030 and 19074600050

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"/>	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)

_____ Signature of Owner	_____ Printed Name	_____ Date
State of _____, County of _____.		
This instrument was acknowledged before me this _____ day of _____, 20____, by _____, Identification Presented: _____.		
_____ 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 _____, 20____, by _____, Identification Presented: _____.		
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Printed Name

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