

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

September 25, 2018

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, 30127

COPY

Re: Application of Olympia Homes, Inc. to Rezone a 3.1 ± Acre Tract from R-15 to MDR, Land Lots 869 & 870, 19th District, 2nd Section, Powder Springs, Georgia

Application of Olympia Homes, Inc. for a Special Use Permit to allow the requested density of 7.74 units per acre for the proposed Townhome Community.

Dear Ms. Garver:

This firm represents Olympia Homes, Inc. ("Applicant") concerning the Applications referenced above. By meeting the September 25th deadline, it is my understanding that the Applications will proceed on parallel and concurrent tracks with each application being heard and considered by the Planning & Zoning Board on October 29, 2018 and by the Mayor and City Council on November 5, 2018.

Enclosed are the original Applications and checks made payable to the City of Powder Springs representing the Application fees. It is my understanding that, in addition to the public hearing dates mentioned above, there will be an Agenda Meeting with the Planning & Zoning Commission on October 11, 2018 and an Agenda Meeting with the Mayor and City Council on October 31, 2018.



SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY & EMAIL

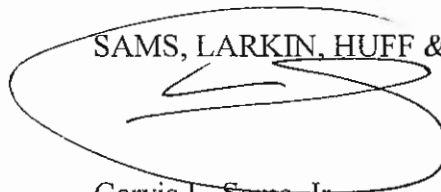
Ms. Tina Garver, AICP
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City of Powder Springs
September 25, 2018
Page 2

We will ensure that the notification signage provided by the City is appropriately placed upon the subject property in a timely fashion. In that regard, we will take time/date stamped photographs of the notification signage and forward it to your office. Additionally, we will ensure that notification letters, as provided under the City's regulations, shall be sent to property owners within 200 feet of the subject property.

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature in black ink, appearing to be "Garvis L. Sams, Jr.", is written over the printed name of the firm. The signature is enclosed within a large, hand-drawn oval.

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Attachments/Enclosures

cc: Ms. Pam Conner, City Manager (via hand delivery w/enclosures)
Olympia Homes, Inc. (via email w/attachments)

Powder Springs Application Form

REZONING

Applicant: Olympia Homes, Inc. Telephone No.: 770-984-9990

Applicant's Address: 1705 Enterprise Way, Suite 100, Marietta, GA 30067

Property Location: On the west side of Hopkins Road, north of Powder Springs Road Land Lot No.: 869 & 870

Applicant is: Property Owner Other: Attorney for Property Owner (Attach Owner's Authorization)

Other Representative of the Owner (Attach Owner's Authorization)

Current Zoning: R-15

Type of Application

Rezoning to: MDR

Change in Stipulations of Approval

Attachments

Application Fee Review Checklist

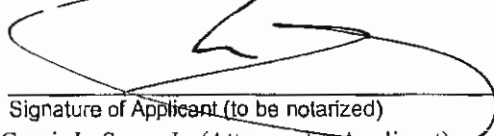
Boundary Description Other:

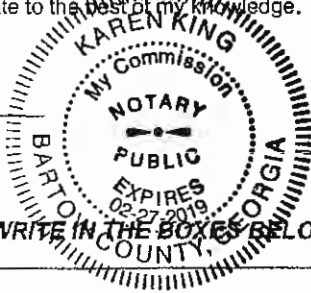
Sketch Plan (Not Required) Statement of proposed site improvements.

Impact Studies (Not Required) Analysis of zoning standards in support

Campaign Contribution Form of the Rezoning Application.

I attest that this Application and its attachments are accurate to the best of my knowledge.


 Signature of Applicant (to be notarized)
 Garvis L. Sams, Jr. (Attorney for Applicant)
 Sams. Larkin. Huff & Balli. LLP



Sworn to and subscribed before me this
25 day of Sept., 2018
Karen J. King
 Notary Public

DO NOT WRITE IN THE BOXES BELOW

DRI Forms filed with ARC/DCA/GRTA on: _____ Final determination received on: _____

Application Received Date: _____

Scheduled for Public Hearing on:

Planning Commission Date: _____

Mayor & City Council Date: _____

Signs Provided Date: _____

Newspaper Ad Date: _____

Affidavit Received Date: _____

Notes:

Planning Commission

Public Hearing: Date: _____

Tabled Until: Date: _____

Recommendation

Approval

Approval with Stipulations

Denial

No Recommendation

Mayor & Council

Public Hearing: Date: _____

Tabled Until: Date: _____

Returned to P.C. Date: _____

Final Action

Approved

Approved with Stipulations

Denied

Stipulations Attached



Application Withdrawn

By Planning Director

By P.C. or Mayor & Council

Date: _____

Without time restriction

Restriction: Cannot be refiled for _____ months

Powder Springs

OWNER'S AUTHORIZATION

This is to certify that (I am we are I am the Corporate Secretary of a Corporation that is) the owner of a majority interest in the property that is the subject of the attached application.

By execution of this form, this is to authorize the person named as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

(Check each that applies and cross out each that does not apply)

- Rezoning
- Special Use
- Appeal from Administrative Decision
- Special Exception
- Hardship Variance
- Flood Protection Variance

Applicant: Olympia Homes, Inc.

Applicant's Address: 1705 Enterprise Way, Suite 100, Marietta, GA 30067

Date this Authorization becomes null and void: N/A, 20 . (Not applicable)

[Signature] Attorney in fact for Z.D. Hamidibrooman
Signature of Owner (Notarized)

Signature of Owner

Signature of Owner

Signature of Owner

(Notarized)
(Notarized)
(Notarized)
(Notarized)



Karen P. King
9-21-18

Attach additional sheets as needed

Corporations – attach copy of corporate resolution approving authorization

دستور ← ← ← ← ←

State of Georgia
County of Cobb

DURABLE POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, that I Zarrin Dokht Hamidibroomand, of 4320 Paper Mill Rd. Marietta, GA. 30067 have made, constituted, and appointed, and by these presents do make, constitute, and appoint Sepideh Hamidi Fatemi, of 4320 Paper Mill Rd. Marietta, GA. 30067 and Massoud Fatemi, of 4320 Paper Mill Rd. Marietta, GA. 30067, my true and lawful attorneys-in-fact with full power of substitution, to act concurrently, independently of each other, for me and in my name, place, and stead and on my behalf, to do and perform for me anything of any character which I might do or perform for myself if personally present and acting.

Should my said attorneys-in-fact predecease me or otherwise be unable to perform all of the matters and things herein set out to be done and performed, then and in that event and thereafter I do hereby constitute and appoint Sougand Zarrabi my true and lawful attorney-in-fact with full power and authority to do and perform in my name and stead all matters and things herein authorized to be done and performed by the said attorney-in-fact with all of the power and authority herein given.

Without in any way diminishing the broad powers just conferred, which are believed and intended to include all of the following, as well as other acts not mentioned, I do specifically authorized my attorneys-in-fact, in my name and on my behalf:

- 1- To make claim for, execute proofs of claim, and otherwise take all steps necessary to collect any insurance to which I am entitled, particularly and health, accident, disability, or hospital insurance, and in connection therewith to give receipts and, where deemed proper, to give releases and other acquittances.
- 2- To sell, transfer, or lease real state or personal property, tangible and intangible, including automobiles, stocks, bonds, or other evidences of ownership or debt in which I have or may hereafter have any interest whatever, and to transfer, endorse, sign, or assign stock certificates or bonds or other instruments in connection therewith.
- 3- To endorse negotiable instruments of any character made payable to me and to deposit the same to my account.
- 4- To make deposits to and to draw checks upon my checking account or savings account in any bank, savings and loan association, brokerage house, money market fund, or the like wherein I maintain an account, whether in my own name or jointly with another, and in general to deal with the said accounts to the same extent that I might do if personally present and acting.
- 5- To execute deeds, leases, deeds of trust, and other instruments conveying or encumbering real or personal property, and generally to deal with such property as fully as I might if personally present and acting.
- 6- To collect all sums due me from any source, particularly any sums which are now due or may become due from the Government of the United States or any branch thereof, and to execute such instruments, endorsements, or signature thereto in my name as may be required or proper to facilitate the collection thereof.

7- To be responsible for the make-up and filing of any income tax returns, intangible tax returns, or tax returns of any other character for any taxable year or taxable period from January 1-2011, to December 31 2070 and as my agent, to sign and affirm such returns, my attorneys-in-fact being fully informed as to all facts necessary to make such returns.

8- To enter any safe deposit box standing in my name or to which I have the right of access and to deal with the contents thereof at the discretion of my attorneys-in-fact.

9- To make contracts on my behalf with respect to any property owned by me and with respect to my care and upkeep, including the employment of a nurse or nurses, physicians, or any other person whose services should be needed for my care and upkeep.

10- To make any contracts with respect to my care and treatment at any hospital, nursing home, or institution whose services are needed, in the opinion of my said attorneys-in-fact, for my proper care, maintenance, and treatment.

11- To pay and settle any and all claims or debts which may be owing by me at any time.

12- To enter into leases on any property owned by me or for any property to be leased by me, including an apartment, rooming accommodations, or nursing home accommodations.

13- To borrow in my behalf and in my name any funds needed by me and to pledge for the payment thereof any stocks, bonds, or securities or other property owned by me.

14- To purchase medicine, clothes, food, and other supplies for my benefit.

15- To transfer and deliver to the Trustee of any trust created by me any or all of my property, of every kind and description, and wherever located, to be held, managed, and distributed pursuant to the terms of said trust.

16- To disclaim or renounce any gifts, inheritance and/or other property rights to which I may be entitled.

And in general, attorneys-in-fact are given full power and authority to do and to perform all and every act or thing whatsoever required or necessary to be done for my upkeep, care, and maintenance and for the management of any property owned by me, as fully to all intents and purposes as I might or could do if personally present, and I hereby ratify and confirm all that my said attorneys-in-fact shall lawfully do or cause to be done by virtue hereof, it being my intent and purpose to confer upon my said attorneys-in-fact for the broadest possible powers to be used and exercised in the discretion of my attorneys-in-fact for my use and benefit.

My attorneys-in-fact shall keep full and accurate records of all transactions for me as my agent and of all my property and the disposition thereof, and shall render to me, if competent, or to my nearest living relative if I shall be incompetent or incapacitated, at least annually, inventories and accounts of all transactions of my attorneys-in-fact done in my behalf; and to the extent that I am able to do so, I hereby relieve my attorneys-in-fact of the responsibility and duty of filing any inventory, account, or report with any court or posting bond. My attorneys-in-fact shall file with my Executor an inventory of the assets in his hands held at the time of my death.

I HEREBY REVOKE ALL PRIOR GENERAL AND DURABLE POWERS OF ATTORNEY THAT I MAY HAVE PREVIOUSLY EXECUTED.

THIS POWER OF ATTORNEY SHALL NOT BE REVOKED BY MY SUBSEQUENT INCAPACITY OR MENTAL INCOMPETENCE.

IN WITNESS WHEREOF, I have executed the foregoing Power of Attorney, this 31 day of July, 2018.

x Z. D. Hamidibroomand (SEAL)

Zarrin Dokht Hamidibroomand

Signed, sealed, and delivered this 31 day of July, 2018,
in the presence of:



SABER
Unofficial Witness

Chris A. Nicholson
Notary Public

Applicant: Olympia Homes, Inc.

Applicant's Address: 1705 Enterprise Way, Suite 100, Marietta, GA 30067

Applicant's Attorney: Garvis L. Sams, Jr. (Sams, Larkin, Huff & Balli, LLP)

Attorney's Address: 376 Powder Springs Street, Suite 100
Marietta, GA 30064

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 venturers party to ownership of the property that is the subject of the attached application are listed below:

Z.D. Hamidibroomand

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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
_____	_____	_____
_____	_____	_____

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
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>
_____	_____	_____
_____	_____	_____

Attach additional sheets as needed

Applicant: Olympia Homes, Inc. Current Zoning: R-15 Proposed Zoning: MDR

Property Location: On the west side of Hopkins Road, north of Powder Springs Road Land Lot No. 869 & 870

Standards for rezoning consideration

The Planning Commission and the Mayor and City Council shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

Standard	YES	NO	Comments
a. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached
b. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached
c. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached
d. Will the existing use or usability of adjacent or nearby property not be adversely affected by the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached
e. Are there substantial reasons why the property cannot or should not be used as currently zoned?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached
f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached
g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached
h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See Attached

Prepared...Date: _____, 20__ for _____ Applicant
 Date: _____, 20__ by _____ Powder Springs Staff
 Date: Sept. 25, 20 18 by Other: Applicant's Attorney

* In addition to the foregoing sketch plan requirements, also submitted concurrently herewith is a Statement of Proposed Site Improvements; an Analysis of Zoning Standards in support of the Application, and, other related documentation and information.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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ADAM J. ROZEN

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September 25, 2018

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, 30127

Re: Application of Olympia Homes, Inc. to Rezone a 3.1 ± Acre Tract from R-15 to MDR, Land Lots 869 & 870, 19th District, 2nd Section, Powder Springs, Georgia

Application of Olympia Homes, Inc. for a Special Use Permit to allow 7.74 Units Per Acre.

Dear Ms. Garver:

This firm represents Olympia Homes, Inc. (“Applicant”). In that regard, the Unified Development Code (“UDC”) requires that the Mayor and City Council consider certain guidelines and standards as contained in the Review Checklist and/or Standards for Rezoning when deciding whether to grant or deny a Rezoning Application.

ANALYSIS OF ZONING STANDARDS IN SUPPORT OF THE APPLICATION FOR REZONING

a. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

Yes, the proposed use of the subject property for the development of a medium density single-family attached residential Townhome Community is compatible with the purpose and intent of the Comprehensive Plan in that the property is located at the edge of an existing Neighborhood Activity Center (“NAC”) on the City’s Future Land Use Map and is projected to be a part of a Redevelopment Area as defined in the Comprehensive Plan, adopted on October 16, 2017. The proposed Redevelopment Area is located along the north side of Powder Springs Road adjacent to the intersection of Powder Springs Road and Hopkins Road. The Redevelopment Area is designed to include multi-family, townhomes, and single family residential, along with office/flex space and commercial buildings. Accordingly, the City’s approval of this Application for Rezoning will further the goals of the City’s Comprehensive Plan.

SAMS, LARKIN, HUFF & BALLI

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Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
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b. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?

The MDR zoning district permits a variety in styles of homes, including duplexes, townhomes, condominiums, etc. Additionally, density increases are permitted by Special Use Permit under the MDR zoning district (a SUP Application is filed concurrently with the Rezoning Application).

c. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?

The adjacent property to the southeast is zoned Community Retail Commercial ("CRC") and developed as a convenience store with fuel sales. Directly south of the subject property is undeveloped, but also zoned CRC. Additionally, the property owner has property which is an easement for ingress and egress over, across and through this property. The properties lying north (R-15) and west (R-20) of the subject property are zoned and residentially utilized.

d. Will the existing use or usability of adjacent or nearby property not be adversely affected by the proposed use?

The Rezoning and SUP proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties and is consistent with the City's Comprehensive Plan, adopted on October 16, 2017.

e. Are there substantial reasons why the property cannot or should not be used as currently zoned?

The property is currently zoned R-15 but is located within an area designated as being within a NAC on the Comprehensive Land Use Map. Moreover, the subject property is too small to be developed commercially and is abutting residentially zoned properties. The proposed use will provide a step-down from the existing commercial at the intersection of Powder Springs Road and Hopkins Road. Additionally, the adjacent properties will become more viable for development and/or assemblage.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
September 25, 2018
Page 3

- f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use?**

Yes, public facilities and infrastructure are adequate to serve the proposed use. Access to the subject property will be via Hopkins Road along with optional access via the easement to Powder Springs Road.

- g. Is the proposed use 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 proposal is supported by the City of Powder Springs Comprehensive Plan, adopted on October 16, 2017, which provides for a MDR component that may ultimately be a part of a mixed-use environment within this sub-area of the City.

- h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?**

Yes, the proposed use reflects a reasonable balance between the promotion of public health, safety, morality and general welfare and the right to unrestricted use of the subject property. Additionally, the proposed use of attached residential Townhomes allows the property owner to exercise their property rights while offering housing choices to residents of the City of Powder Springs and buffering the residential to the north and west.

Based upon all of these factors, the Applicant has produced sufficient information which will allow the City to fully consider all relevant factors and to demonstrate that the Application complies with applicable requirements and is otherwise consistent with the policies reflected and the factors enumerated within the UDC.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
September 25, 2018
Page 4

With regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature in black ink, appearing to read "Garvis L. Sams, Jr.", is enclosed within a large, hand-drawn oval. The signature is written in a cursive style.

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Enclosures/Attachments

cc: Ms. Pam Conner, City Manager (via hand delivery w/enclosures)
Olympia Homes, Inc. (via email w/attachments)

Applicant: Olympia Homes, Inc. Current Zoning: R-15 Proposed Zoning: MDR
Property Location: On the west side of Hopkins Road, north of Powder Springs Road Land Lot No. 869 & 870

A sketch plan is required to accompany a rezoning application for an MDR or MXU Development, or a multifamily or nonresidential use or project, if any new construction alteration of the site is proposed.

The sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

The sketch plan must be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

The sketch plan must show the following:

- Name and address of the property owner.
- Name, address, and telephone number of the applicant (if different than the owner).
- If drawn on a boundary survey: date of survey and source of datum,
- Date of plan drawing, and revision dates, as appropriate.
- North point and approximate scale of the drawing.
- Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- Location sketch of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- Zoning district classification of the subject property and all adjacent properties, and current zoning district boundaries if they cross the property.
- Man-made features within and adjacent to the property, including existing streets and names, city limit lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.

The proposed project layout including:

- For office or industrial parks and residential subdivisions included within an MDR or MXU development, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
- For multi-family and nonresidential development projects, the approximate outline and location of all principal buildings, and the location of all minimum building setback lines, trash receptacle locations, outdoor storage areas, buffers, parking and loading areas, and driveways.
- A statement as to the source of domestic water supply.
- A statement as to the provision for sanitary sewage disposal.
- The approximate location of proposed storm water detention facilities.
- Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

Rezoning Plat for

Hopkins Road Community

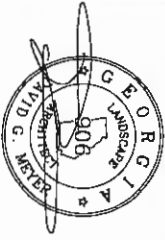
Powder Springs, Georgia Land Lot 869, 870, 19th District, 2nd Section

Prepared for:
Olympia Homes

DGM
LAND PLANNING
CONSULTANTS



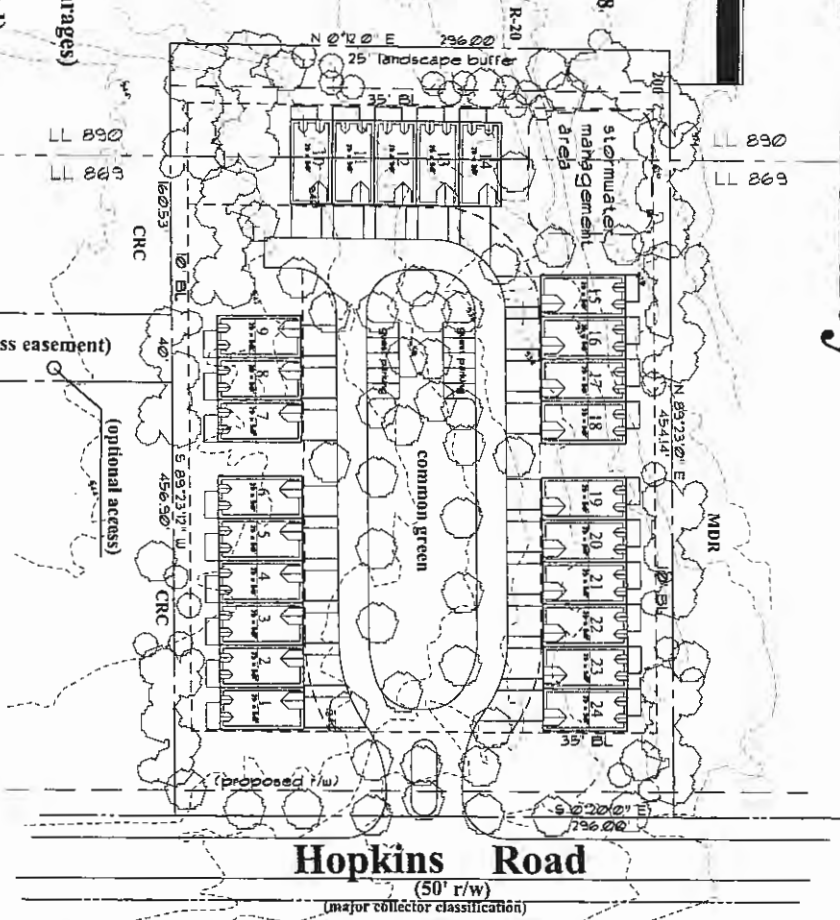
975 Cobb Place
Bldg. Suite 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



Site Data
Total Site Area: 3.1 AC
Present Zoning: R-15
Proposed Zoning: MDR
Total Units Shown: 24
(25' x 50' min., with 2 car front loaded garages)
Density: 7.74 UN/AC
(12 guest parking spaces provided)

- Notes:**
1. Boundary survey by Fermetter Surveying Company, Inc. dated October 16, 1995.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) #13061C001716, December 16, 2008, no portion of this site contains floodplain.
 4. No cemeteries are known to exist on site.
 5. No streams or wetlands are known to exist on site.
 6. No archeological or architectural landmarks are known to exist on site.
 7. Utility easements exist on site and are shown on site plan.
 8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

Powder Springs Road



Powder Springs Application Form

SPECIAL USE

Applicant: Olympia Homes, Inc. Telephone No.: 770-984-9990

Applicant's Address: 1705 Enterprise Way, Suite 100, Marietta, GA 30067

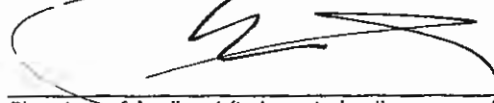
Property Location: On the west side of Hopkins Road, north of Powder Springs Road Land Lot No.: 869 & 870

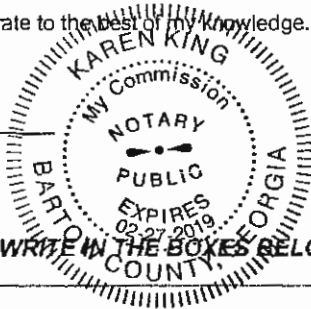
Applicant is: Property Owner Other: Attorney for Property Owner (Attach Owner's Authorization)
 Other Representative of the Owner (Attach Owner's Authorization)

Current Zoning: R-15 (A concurrent Rezoning application to MDR is submitted)
 Type of Application
 Special Use:
To Allow 7.74 units per acre
 Change in Stipulations of Approval

Attachments
 Application Fee Review Checklist
 Boundary Description Other:
 Sketch Plan (Not Required) Statement of proposed site improvements
 Impact Studies (Not Required) Analysis of zoning standards in
 Campaign Contribution Form support of the Special Use Application.

I attest that this Application and its attachments are accurate to the best of my knowledge.


 Signature of Applicant (to be notarized)
 Garvis L. Sams, Jr., Attorney for Applicant



Sworn to and subscribed before me this 25 day of Sept., 2018
Karen S. King
 Notary Public

DO NOT WRITE IN THE BOXES BELOW

DRI Forms filed with ARC/DCA/GRTA on: _____ Final determination received on: _____

Application Received Date: _____
 Scheduled for Public Hearing on:
 Planning Commission Date: _____
 Mayor & City Council Date: _____
 Signs Provided Date: _____
 Newspaper Ad Date: _____
 Affidavit Received Date: _____
 Notes:

Planning Commission
 Public Hearing: Date: _____
 Tabled Until: Date: _____
 Recommendation
 Approval
 Approval with Stipulations
 Denial
 No Recommendation

Mayor & Council
 Public Hearing: Date: _____
 Tabled Until: Date: _____
 Returned to P.C. Date: _____
 Final Action
 Approved
 Approved with Stipulations
 Denied
 Stipulations Attached



Application Withdrawn Date: _____
 By Planning Director Without time restriction
 By P.C. or Mayor & Council Restriction: Cannot be refiled for _____ months

Powder Springs

OWNER'S AUTHORIZATION

This is to certify that (I am we are I am the Corporate Secretary of a Corporation that is) the owner of a majority interest in the property that is the subject of the attached application.

By execution of this form, this is to authorize the person named as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

- Rezoning
- Special Use
- Appeal from Administrative Decision
- Special Exception
- Hardship Variance
- Flood Protection Variance

Applicant: Olympia Homes, Inc.

Applicant's Address: 1705 Enterprise Way, Suite 100, Marietta, GA 30067

Date this Authorization becomes null and void: N/A, 20____. (Not applicable)

[Signature] Attorney in fact for E.D. Hamidibroomand
Signature of Owner (Notarized)

Signature of Owner

(Notarized)

Signature of Owner

(Notarized)

Signature of Owner

(Notarized)



Karen L. King
9-21-18

Attach additional sheets as needed

Corporations- attach copy of corporate resolution approving authorization

State of Georgia

DURABLE POWER OF ATTORNEY

County of Cobb

KNOW ALL MEN BY THESE PRESENTS, that I Zarrin Dokht Hamidibroomand, of 4320 Paper Mill Rd. Marietta, GA. 30067 have made, constituted, and appointed, and by these presents do make, constitute, and appoint Sepideh Hamidi Fatemi, of 4320 Paper Mill Rd. Marietta, GA. 30067 and Massoud Fatemi, of 4320 Paper Mill Rd. Marietta, GA. 30067, my true and lawful attorneys-in-fact with full power of substitution, to act concurrently, independently of each other, for me and in my name, place, and stead and on my behalf, to do and perform for me anything of any character which I might do or perform for myself if personally present and acting.

Should my said attorneys-in-fact predecease me or otherwise be unable to perform all of the matters and things herein set out to be done and performed, then and in that event and thereafter I do hereby constitute and appoint Sougand Zarrabi my true and lawful attorney-in-fact with full power and authority to do and perform in my name and stead all matters and things herein authorized to be done and performed by the said attorney-in-fact with all of the power and authority herein given.

Without in any way diminishing the broad powers just conferred, which are believed and intended to include all of the following, as well as other acts not mentioned, I do specifically authorized my attorneys-in-fact, in my name and on my behalf:

1- To make claim for, execute proofs of claim, and otherwise take all steps necessary to collect any insurance to which I am entitled, particularly and health, accident, disability, or hospital insurance, and in connection therewith to give receipts and, where deemed proper, to give releases and other acquittances.

2- To sell, transfer, or lease real state or personal property, tangible and intangible, including automobiles, stocks, bonds, or other evidences of ownership or debt in which I have or may hereafter have any interest whatever, and to transfer, endorse, sign, or assign stock certificates or bonds or other instruments in connection therewith.

3- To endorse negotiable instruments of any character made payable to me and to deposit the same to my account.

4- To make deposits to and to draw checks upon my checking account or savings account in any bank, savings and loan association, brokerage house, money market fund, or the like wherein I maintain an account, whether in my own name or jointly with another, and in general to deal with the said accounts to the same extent that I might do if personally present and acting.

5- To execute deeds, leases, deeds of trust, and other instruments conveying or encumbering real or personal property, and generally to deal with such property as fully as I might if personally present and acting.

6- To collect all sums due me from any source, particularly any sums which are now due or may become due from the Government of the United States or any branch thereof, and to execute such instruments, endorsements, or signature thereto in my name as may be required or proper to facilitate the collection thereof.

7- To be responsible for the make-up and filing of any income tax returns, intangible tax returns, or tax returns of any other character for any taxable year or taxable period from January 1-2011, to December 31 2070 and as my agent, to sign and affirm such returns, my attorneys-in-fact being fully informed as to all facts necessary to make such returns.

8- To enter any safe deposit box standing in my name or to which I have the right of access and to deal with the contents thereof at the discretion of my attorneys-in-fact.

9- To make contracts on my behalf with respect to any property owned by me and with respect to my care and upkeep, including the employment of a nurse or nurses, physicians, or any other person whose services should be needed for my care and upkeep.

10- To make any contracts with respect to my care and treatment at any hospital, nursing home, or institution whose services are needed, in the opinion of my said attorneys-in-fact, for my proper care, maintenance, and treatment.

11- To pay and settle any and all claims or debts which may be owing by me at any time.

12- To enter into leases on any property owned by me or for any property to be leased by me, including an apartment, rooming accommodations, or nursing home accommodations.

13- To borrow in my behalf and in my name any funds needed by me and to pledge for the payment thereof any stocks, bonds, or securities or other property owned by me.

14- To purchase medicine, clothes, food, and other supplies for my benefit.

15- To transfer and deliver to the Trustee of any trust created by me any or all of my property, of every kind and description, and wherever located, to be held, managed, and distributed pursuant to the terms of said trust.

16- To disclaim or renounce any gifts, inheritance and/or other property rights to which I may be entitled.

And in general, attorneys-in-fact are given full power and authority to do and to perform all and every act or thing whatsoever required or necessary to be done for my upkeep, care, and maintenance and for the management of any property owned by me, as fully to all intents and purposes as I might or could do if personally present, and I hereby ratify and confirm all that my said attorneys-in-fact shall lawfully do or cause to be done by virtue hereof, it being my intent and purpose to confer upon my said attorneys-in-fact for the broadest possible powers to be used and exercised in the discretion of my attorneys-in-fact for my use and benefit.

My attorneys-in-fact shall keep full and accurate records of all transactions for me as my agent and of all my property and the disposition thereof, and shall render to me, if competent, or to my nearest living relative if I shall be incompetent or incapacitated, at least annually, inventories and accounts of all transactions of my attorneys-in-fact done in my behalf; and to the extent that I am able to do so, I hereby relieve my attorneys-in-fact of the responsibility and duty of filing any inventory, account, or report with any court or posting bond. My attorneys-in-fact shall file with my Executor an inventory of the assets in his hands held at the time of my death.

I HEREBY REVOKE ALL PRIOR GENERAL AND DURABLE POWERS OF ATTORNEY THAT I MAY HAVE PREVIOUSLY EXECUTED.

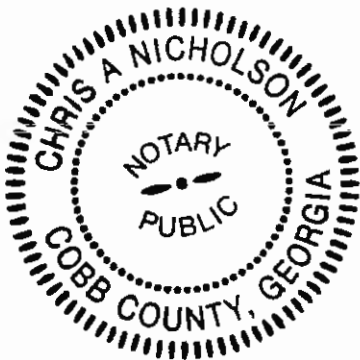
THIS POWER OF ATTORNEY SHALL NOT BE REVOKED BY MY SUBSEQUENT INCAPACITY OR MENTAL INCOMPETENCE.

IN WITNESS WHEREOF, I have executed the foregoing Power of Attorney, this 31 day of July, 2018.

x ZARRIN DOKHT HAMIDIBROOMAND (SEAL)

Zarrin Dokht Hamidibroomand

Signed, sealed, and delivered this 31 day of July, 2018,
in the presence of:



SABERHI
Unofficial Witness

Chris A. Nicholson
Notary Public

Powder Springs

CAMPAIGN CONTRIBUTION DISCLOSURE

Applicant: Olympia Homes, Inc.
Applicant's Address: 1705 Enterprise Way, Suite 100, Marietta, GA 30067
Applicant's Attorney: Garvis L. Sams, Jr. (Sams, Larkin, Huff & Balli, LLP)
Attorney's Address: 376 Powder Springs Street, Suite 100
Marietta, GA 30064

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 venturers party to ownership of the property that is the subject of the attached application are listed below:

J. D. Hamidibroomand

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	N/A	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	N/A	N/A
_____	_____	_____
_____	_____	_____

Attach additional sheets as needed

Powder Springs

Review Checklist

SPECIAL USE

Applicant: Olympia Homes, Inc. Current Zoning: R-15 Proposed Sp. Use: Allow 7.74 upa
(MDR Application submitted)

Property Location: On the west side of Hopkins Road, north of Powder Springs Road Land Lot No. 869 & 870

Standards for special use consideration

A special use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

Standard	YES	NO	Comments
a. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
b. Will the establishment of the special use not impede the normal and orderly development of surrounding property for uses predominate in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
c. Is the location and character of the proposed special use consistent with a desirable pattern of development in general?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
d. Is or will the type of street providing access to the use be adequate to serve the proposed special use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
e. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
g. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
h. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.
i. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	See attached.

Prepared...Date: _____, 20 18 for _____ Applicant
 Date: _____, 20 _____ by _____ Powder Springs Staff
 Date: September 25, 20 18 by Other: Garvis L. Sarrs, Jr.
 Attorney for Applicant

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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

ADAM J. ROZEN

WWW.SLHB-LAW.COM

September 25, 2018

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, 30127

Re: Application for a Special Use Permit (Allow 7.74 units per acre)
Applicant: Olympia Homes, Inc.
Property: Land Lots 869 & 870, 19th District, 2nd Section, City of Powder Springs,
Cobb County, GA

Dear Ms. Garver:

This firm represents Olympia Homes, Inc. ("Applicant") for a Special Use Permit. In that regard, the Unified Development Code ("UDC") requires that the Mayor and City Council consider certain guidelines and standards as contained in the Review Checklist and/or Standards for Special Use Consideration when deciding whether to grant or deny a SUP Application. Applying the Review Checklist and Standards for Special Use Considerations show that the City should grant this Application.

ANALYSIS OF STANDARDS FOR SPECIAL USE CONSIDERATION AND UDC STANDARDS IN SUPPORT OF OLYMPIA HOMES, INC. SUP APPLICATION

- a. **Will the proposed Special Use be consistent with the stated purposes of the zoning district in which it will be located?**

The subject property is presently zoned R-15 and is undeveloped. The concurrently filed Rezoning Application seeks rezoning of the property to the Medium Density Residential ("MDR") classification for the development of a Single-Family Attached Townhome Community.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
September 25, 2018
Page 2

- b. Will the establishment of the Special Use not impede the normal and orderly development of surrounding property for uses predominate in the area?**

The City's decision to grant the SUP Application will ensure that the overall character of the area will remain intact. The proposed Townhome Community will be compatible with the purpose and intent of the Comprehensive Plan and is located within an area projected to be part of a Redevelopment Area as defined in the Comprehensive Plan, adopted on October 16, 2017.

- c. Is the location and character of the proposed Special Use consistent with a desirable pattern of development in general?**

The proposed MDR Rezoning (filed concurrently with the SUP Application) is consistent with the City-sanctioned pattern of development as defined in the Comprehensive Plan. Additionally, the subject property is located at the edge of a Neighborhood Activity Center ("NAC") node and directly contiguous (northern property line) to property zoned MDR.

- d. Is or will the type of street providing access to the use be adequate to serve the proposed Special Use?**

Hopkins Road is classified as a Major Collector and is therefore more than adequate to serve the proposed Townhome Community. Additionally, there is secondary/optional ingress to and egress from the subject property (by way of an existing forty foot (40') easement.

- e. Is or will access in to and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?**

The 24-unit Townhome Community will produce less traffic than a 24-7 commercial development and provides a transition from existing and future commercial development. Additionally, the subdivision entrance will be located more than 275' from the signalization intersection of Hopkins Road/Powder Springs Road, to lessen any impact on a.m./p.m. peak hour traffic which may occur.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
September 25, 2018
Page 3

- f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the Special Use?**

Available public facilities are more than adequate to serve the proposed Townhome Community.

- g. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?**

The proposed Townhome Community will provide a transition from the adjacent existing commercial development and future commercial development along Powder Springs Road and will not cause adverse effects such as noise, light intrusion, glare or odors.

- h. Will the hours and manner of operation of the Special Use have no adverse effects on other properties in the area?**

The proposed Townhome Community will have no adverse effect upon other similarly positioned properties in the area.

- i. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?**

The height, size, scale and location of the single-family attached residences will be compatible and suitable in view of the use and development of adjacent and nearby properties.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

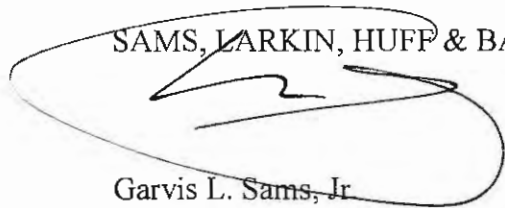
VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
September 25, 2018
Page 4

Based upon all of these factors, the Applicant has produced sufficient information to allow the City to fully consider all relevant factors and to demonstrate that the Application complies with all applicable requirements and is otherwise consistent with the policies reflected and the factors enumerated within the UDC. In that regard, the City should approve the Special Use Application as submitted. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature in black ink, appearing to read 'Garvis L. Sams, Jr.', is written over a circular stamp or watermark that contains the text 'SAMS, LARKIN, HUFF & BALLI, LLP'.

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Enclosures/Attachments

cc: Ms. Pam Conner, City Manager (via hand delivery w/enclosures)
Olympia Homes, Inc. (via email w/attachments)

Applicant: Olympia Homes, Inc. Current Zoning: R-15 Proposed Sp. Use: Allow 7.74 upa
(MDR Application submitted)

Property Location: On the west side of Hopkins Road, north of Powder Springs Road. Land Lot No. 869 & 870

A sketch plan must accompany any application for special use approval if any new construction or alteration of the site is proposed.

The sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

The sketch plan must be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

The sketch plan must show the following:

- Name and address of the property owner.
- Name, address, and telephone number of the applicant (if different than the owner).
- If drawn on a boundary survey: date of survey and source of datum,
- Date of plan drawing, and revision dates, as appropriate.
- North point and approximate scale of the drawing.
- Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- Location sketch of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- Zoning district classification of the subject property and all adjacent properties, and current zoning district boundaries if they cross the property.
- Man-made features within and adjacent to the property, including existing streets and names, city limit lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- Proposed use of the property, including such pertinent operating characteristics as hours of operation, outdoor activities and lighting.
- The proposed project layout, including the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
- A statement as to the source of domestic water supply.
- A statement as to the provision for sanitary sewage disposal.
- The approximate location of proposed storm water detention facilities.
- Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

*In addition to the foregoing sketch plan requirements, also submitted concurrently herewith is a Statement of Proposed Site Improvements; an Analysis of Zoning Standards in Support of the Application; and, other related documentation and information.

Rezoning Plat for

Hopkins Road Community

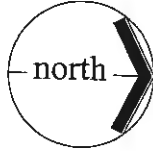
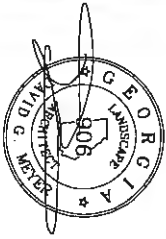
Powder Springs, Georgia Land Lot 869, 870, 19th District, 2nd Section

prepared for:
Olympia Homes

DGM
LAND PLANNING
CONSULTANTS



975 Cobb Place
Bldg. Suite 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491

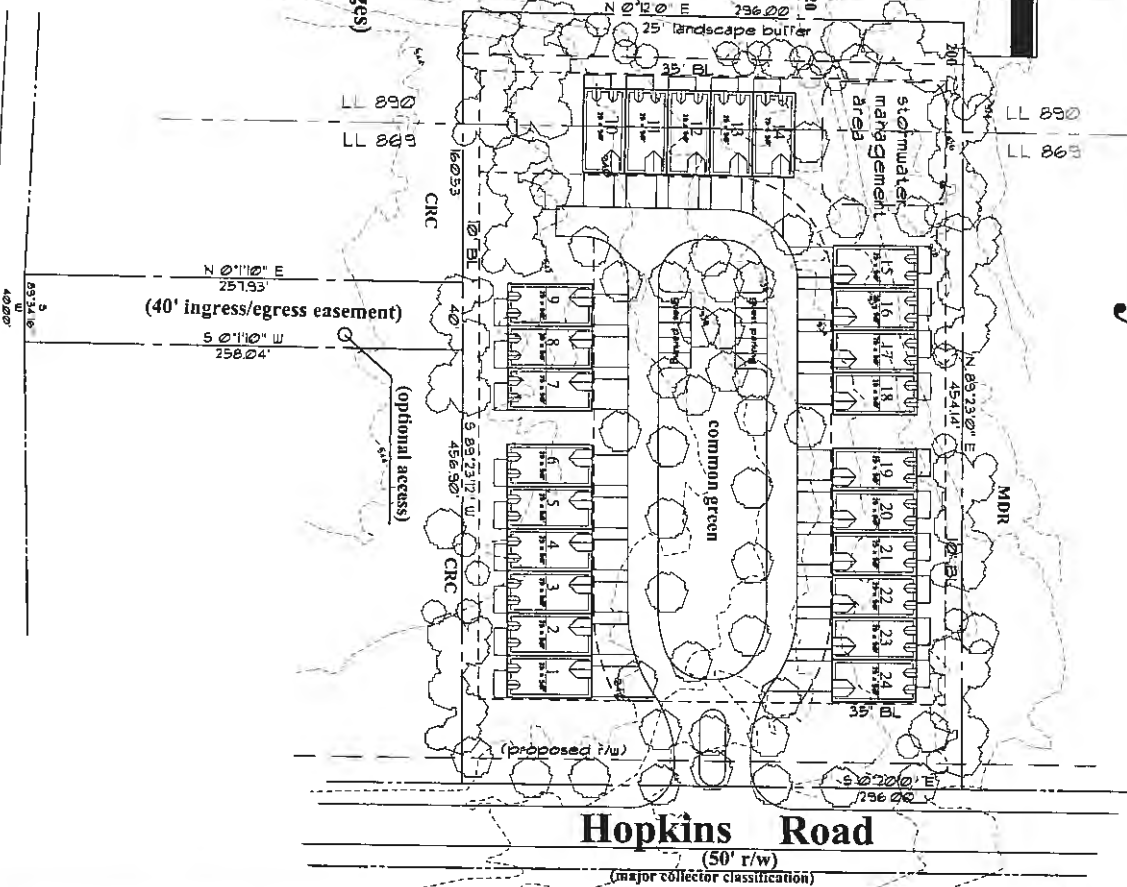


Scale: 1" = 50'
September 23, 2018.

Site Data
Total Site Area: 3.1 AC
Present Zoning: R-15
Proposed Zoning: MDR
Total Units Shown: 24
(25' x 50' min., with 2 car front loaded garages)
Density: 7.74 UN/AC
(12 guest parking spaces provided)

- NOTES:**
1. Boundary survey by Perimeter Surveying Company, Inc., dated October 16, 1985.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) #906TC0011G, December 16, 2006, no portion of this site contains floodplain.
 4. No cemeteries are known to exist on site.
 5. No streams or wetlands are known to exist on site.
 6. No archeological or architectural landmarks are known to exist on site.
 7. Utility easements exist on site and are shown on site plan.
 8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

Powder Springs Road



Rebecca Keaton
Rebecca Keaton
Clerk of Superior Court Cobb Cty. Ga.

Sams & Cole, LLC
2809 Lassiter Road
Suite 100
Marietta, Georgia 30062
File# Fatemi

Mail

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, Made the 4th day of May in the year Two Thousand and Seventeen (2017) between Hamidi Enterprises, Inc., as party of the first part, hereinafter referred to as Grantor, and Z.D. Hamidibroomand, as party or party of the second part, hereinafter referred to as Grantee, (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor for and in consideration of the sum of Ten Dollars and no cents (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby acknowledged, has granted, bargained, sold, alienated, conveyed and confirmed and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee the following described property:

See Exhibit A attached hereto and made a part hereof by reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomever.

IN WITNESS WHEREOF, the Grantors have set her hand and affixed her seal the day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

Hamidi Enterprises, Inc.

Z.D. HAMIDI

By: Zarrin Dokht Hamidibroomand

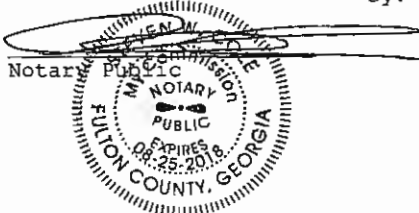
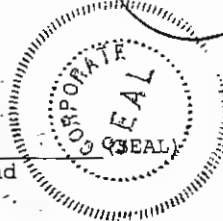


EXHIBIT A

All that tract or parcel of land lying and being in Land Lots 869 and 870 of the 19th District, 2nd Section, Cobb County, Georgia, and being 3.10 acres as shown on plat of survey prepared by Kenneth L. Nutt, Registered Land Surveyor, dated September 9, 1985, and revised October 18, 1985, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection of the northerly right of way line of Georgia Highway Number 5 (60 foot right of way) and the westerly right of way line of Hopkins Road (50 foot right of way), running thence westerly along the northerly right of way line of Georgia Highway Number 5 258.90 feet to a point; running thence north $00^{\circ} 12' 10''$ east 258.05 feet to a point, said point being the true point of beginning. FROM SAID TRUE POINT OF BEGINNING THUS ESTABLISHED, running thence south $89^{\circ} 23' 12''$ west 200.53 feet to a point; running thence north $00^{\circ} 12'$ east 296.00 to a point; running thence north $89^{\circ} 23'$ east 454.14 feet to a point on the westerly right of way line of Hopkins Road; running thence south $00^{\circ} 20'$ east along the westerly right of way line of Hopkins Road 296.00 feet to a point; running thence south $89^{\circ} 23' 12''$ west 256.37 feet to a point, said point being the true point of beginning.

Also a non-exclusive easement for ingress and egress over, across and through the following described property:

Beginning at a point on the northerly right of way line of Georgia Highway Number 5, said point being 258.90 feet westerly as measured along the northerly right of way line of Georgia Highway Number 5 from the intersection of the northerly right of way line of Georgia Highway Number 5 and the westerly right of way line of Hopkins Road, running thence south $87^{\circ} 54'$ west along the northerly right of way line of Georgia Highway Number 5 20.34 feet to a point; running thence north $89^{\circ} 02'$ west along the northerly right of way line of Georgia Highway Number 5, 19.67 feet to a point; running thence north $00^{\circ} 12' 10''$ east 257.93 feet to a point on the southerly line of the above described property; running thence north $89^{\circ} 23' 12''$ east along the south line of the above described property 40.0 feet to a point; running thence south $00^{\circ} 12' 10''$ west 258.05 feet to a point on the northerly right of way line of Georgia Highway Number 5, said point being the point of beginning.

TO THE CITY OF POWDER SPRINGS
COBB COUNTY, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, OLYMPIA HOMES, 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 a rezoning of certain real property lying and being within the City of Powder Springs, Cobb County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Zoning of the property seeks a rezoning from the existing category of R-15, as established by the governing authority of Powder Springs, Cobb County, Georgia to the zoning category of Medium Density Residential ("MDR") as proposed with a Special Use Permit.

3.

The current R-15 zoning classification of the property and all intervening classifications between same and MDR as proposed with a Special Use Permit 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 zoning classification of R-15 and all intervening classifications between same and MDR as proposed with a Special Use Permit as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classification does 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 25th day of September, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN, HUFF
& BALLI, LLP
LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770.422.7016