

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100

376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

TELEPHONE

FACSIMILE

March 26, 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 Mike Nelson to Rezone an approximate 4.9-Acre Tract from R-20 to PUD-R – Land Lots 833 and 870, 19th District, 2nd Section, Cobb County, Georgia

Dear Mr. Myers:

This firm has been engaged by and represents Mike Nelson (“Applicant”) concerning the above-captioned Applications for Rezoning. In that regard, attached please find the Rezoning Applications and the following:

1. Copies of the deeds 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 receipt for Cobb County.
5. A map outlining the parcels in relation to the surrounding area.
6. Copies of Architectural Renderings/Elevations depicting the proposed development.
7. A Variance Application will be submitted under separate cover if the need for waivers or variances presents itself.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA ELECTRONIC FORMAT

Mr. Shaun Myers, MPP, AICP
Planning and Zoning Manager
City of Powder Springs
March 26, 2024
Page 2

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.


With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff



PFH/jac
Attachments

cc: Ms. Pam Conner, City Manager (via email w/attachments)
Ms. Tina Garver, Community Development Director (via email w/attachments)
Mr. Mike Nelson (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



Rezoning Request Application Checklist

Applicant Information

Name	Mike Nelson	Phone	
Mailing Address	1233 Creek Forest Lane Austell, GA 30106	Email	

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

Owner's Authorization Form

Owner's Authorization

Applicant Name <u>Julissa Castillo</u>	Applicant's Address <u>4439 Luther Ward Rd</u>
Property Address <u>3720-3716 Powder Springs Rd Powder Springs, GA</u>	Property PIN <u>19-0870-0-001-0</u>

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 <u>Julissa Castillo</u>	Printed Name <u>Julissa Castillo</u>	Date <u>3/13/24</u>
--	--------------------------------------	---------------------

State of GA, County of Cobb.

This instrument was acknowledged before me this 13 day of March month.

2024, by Julissa Castillo. Identification Presented: GA Driver License

<u>Vidya Kumar</u> Signature of Notary Public	<u>Vidya Kumar</u> Name of Notary Public	<u>Feb 4, 2026</u> 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 _____

Return to:
O'Kelley & Sorohan, Attorneys at Law, LLC
200 Galleria Parkway, Suite 420
Atlanta, GA 30339
File No.: 05-156705-REG

STATE OF _____
COUNTY OF _____

LIMITED WARRANTY DEED

THIS INDENTURE, made on **31st day of December, 2020**, between

Swati Mane

(hereinafter referred to as "Grantor") and

Julissa Castillo

(hereinafter referred to as "Grantee"), the words "Grantor" and "Grantee" to include the heirs, executors, legal representatives, successors and assigns of said parties where the context requires or permits; WITNESSETH:

THAT Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATIONS, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged by Grantor, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee,

SEE ATTACHED EXHIBIT "A"

TOGETHER WITH all and singular the rights, members and appurtenances thereto (hereinafter collectively referred to as the "Premises"), the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of Grantee.

Subject to all easements, rights of way, and restrictive covenants of record (hereinafter referred to as the "Exceptions").


TO HAVE AND TO HOLD the Premises, subject to the Exceptions, to the only proper use, benefit and behoof of Grantee, forever, in FEE SIMPLE, and Grantor will, subject to the Exceptions, warrant and forever defend the right and title to the Premises unto Grantee against the claims of all person claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, Grantor has executed this instrument under seal, as of the date first above written.

Signed, sealed and delivered
in the presence of:



Unofficial Witness



Swati Mane

Notary Public
Commission expires: 10 / 25 / 2021



EXHIBIT "A"
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lots 833 and 870 of the 19th District, 2nd Section, Cobb County, Georgia, being Tract 1 as shown on plat of survey for Edna Wyatt, dated May 10, 1993, by Kenco Surveying Co., Inc., Richard E. Nutt, GRLS, and being further described as follows:

Commencing at the intersection of the common corners of Land Lots 796, 797, 832 and 833; thence running South 03 degrees 03 minutes 48 seconds East a distance of 874.22 feet to an iron pin; thence running South 03 degrees 01 minutes 48 seconds East a distance of 138.18 feet to a point; thence running South 03 degrees 05 minutes 24 seconds East a distance of 160.03 feet to a point; thence running South 03 degrees 51 minutes 42 seconds East a distance of 66.00 feet to a point and the true point of beginning; thence running North 88 degrees 08 minutes 29 seconds East a distance of 291.22 feet to an iron pin; thence running South 01 degrees 14 minutes 52 seconds East a distance of 64.00 feet to an iron pin located on the line dividing Land Lot 833 and 870; thence running South 01 degrees 54 minutes 43 seconds East a distance of 804.56 feet to an iron pin located on the northerly right of way of Powder Springs Road (formerly known as Powder Springs Street) (60 foot right of way); thence running along said right of way North 83 degrees 23 minutes 57 seconds West a distance of 205.32 feet to an iron pin; thence running North 06 degrees 45 minutes 58 seconds West a distance of 218.24 feet to an iron pin; thence running North 17 degrees 42 minutes 47 seconds West a distance of 186.33 feet to an iron pin; thence running North 04 degrees 37 minutes 06 seconds West a distance of 158.20 feet to an iron pin; thence running North 04 degrees 05 minutes 30 seconds West a distance of 269.87 feet to a point; thence running North 03 degrees 51 minutes 32 seconds West a distance of 13.99 feet to a point and the true point of beginning.

LESS and EXCEPT:

All that tract or parcel of land lying and being in Land Lots 833 and 870 of the 19th District, 2nd Section, Cobb County, Georgia, and being an area of 2.2647 acres, shown as Tract II on plat of survey for Peggy J. Nelson, prepared by James A. Evans, Jr., GRLS No. 2167, dated June 14, 2000, and recorded in Plat Book 190 Page 18, Cobb County, Georgia records, more particularly described as follows: Beginning at the point of intersection of the Northerly right of way of Powder Springs Road (f/k/a Powder Springs Street) and the West right of way of a certain 25 foot ingress- egress easement as shown on the above referenced plat of survey; thence North 80 degrees 25 minutes 54 seconds West along said right of way of Powder Springs Road for a distance of 100.91 feet to an iron pin; thence North 08 degrees 36 minutes 32 seconds East for a distance of 128.37 feet to an iron pin; thence North 81 degrees 47 minutes 35 seconds West for a distance of 48.40 feet to an iron pin; thence North 06 degrees 00 minutes 38 seconds East for a distance of 114.35 feet to an iron pin; thence North 01 degrees 08 minutes 14 seconds East for a distance of 586.31 feet to an iron pin; thence South 89 degrees 03 minutes 01 seconds East for a distance of 121.91 feet to an iron pin; thence South 01 degree 33 minutes 38 seconds West for a distance of 64.00 feet to an iron pin; thence South 01 degree 08 minutes 14 seconds West for a distance of 784.68 feet to an iron pin and the true point of beginning. The above referenced plat of survey is incorporated herein by reference.

Rezoning Plat

3716/3720 Powder Springs Road

City of Powder Springs, Georgia Land Lot 833 and 870, 19th District, 20th Section

prepared for:

Mr. Mike Nelson
Mike Nelson Homes
P.O. Box 7027
Marietta, Georgia 30065

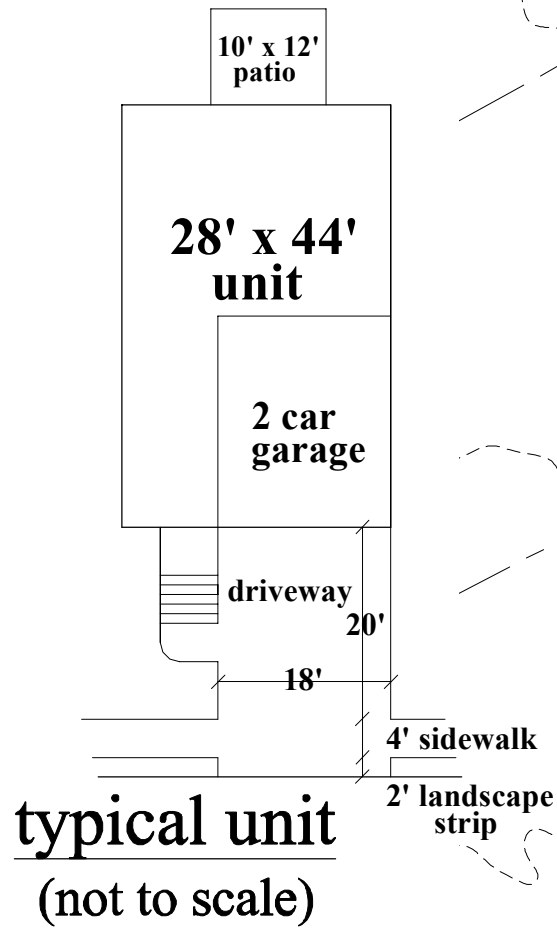
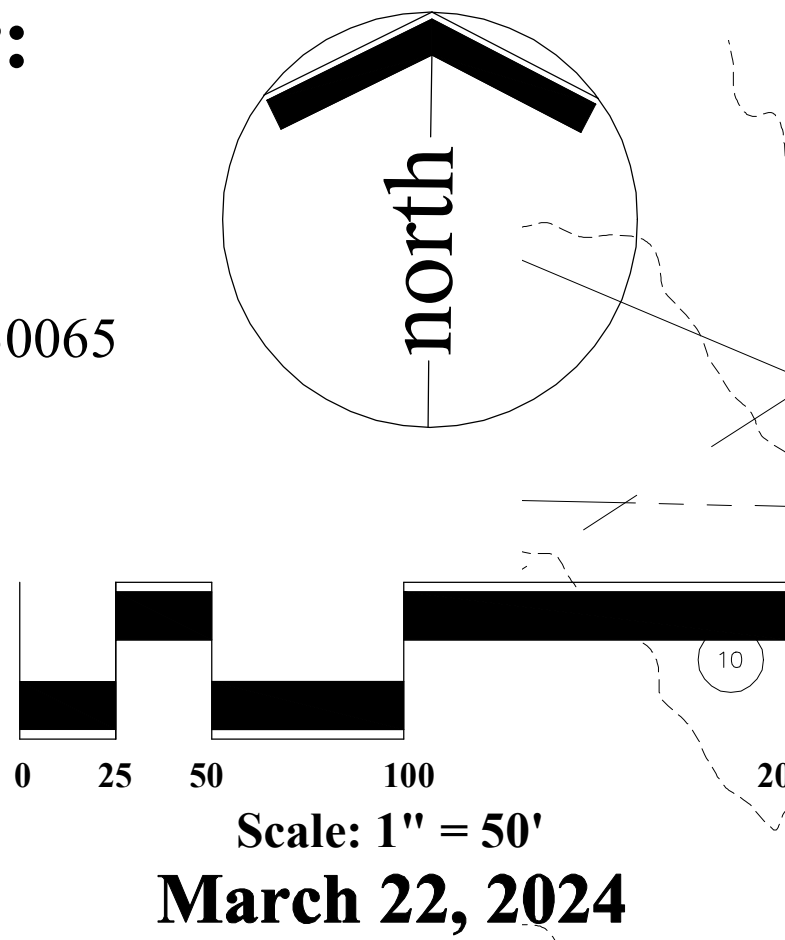
DGM

LAND PLANNING
CONSULTANTS, INC.



1635 OLD HWY 41
SUITE 112-314
KENNESAW, GA 30152

DGMLPC.COM

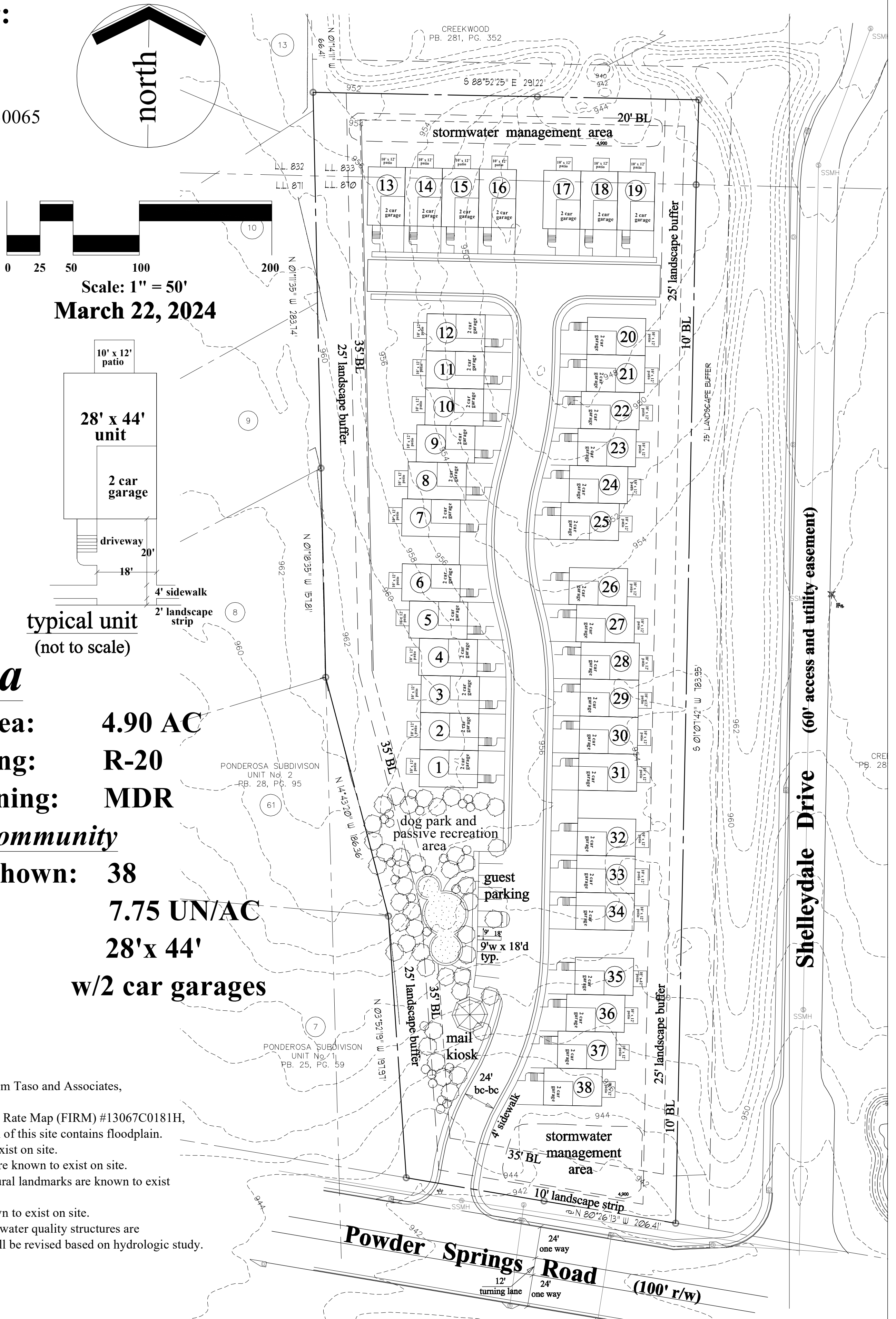


Site Data

Total Site Area: 4.90 AC
Present Zoning: R-20
Proposed Zoning: MDR
Townhome Community
Total Units Shown: 38
Density: 7.75 UN/AC
Unit Size: 28'x 44'
w/2 car garages

General Notes:

1. Boundary and topography from Taso and Associates, dated January 19, 2024
2. According to Flood Insurance Rate Map (FIRM) #13067C0181H, March 4, 2013, no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No streams and/or wetlands are known to exist on site.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.
7. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



Rezoning Plat

3716/3720 Powder Springs Road

City of Powder Springs, Georgia Land Lot 833 and 870, 19th District, 20th Section

prepared for:

Mr. Mike Nelson
Mike Nelson Homes
P.O. Box 7027
Marietta, Georgia 30065

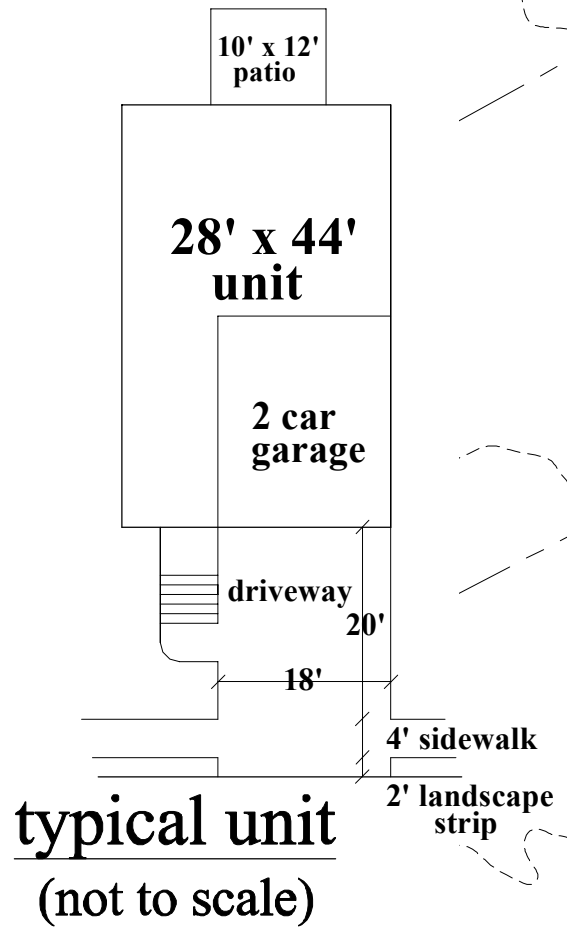
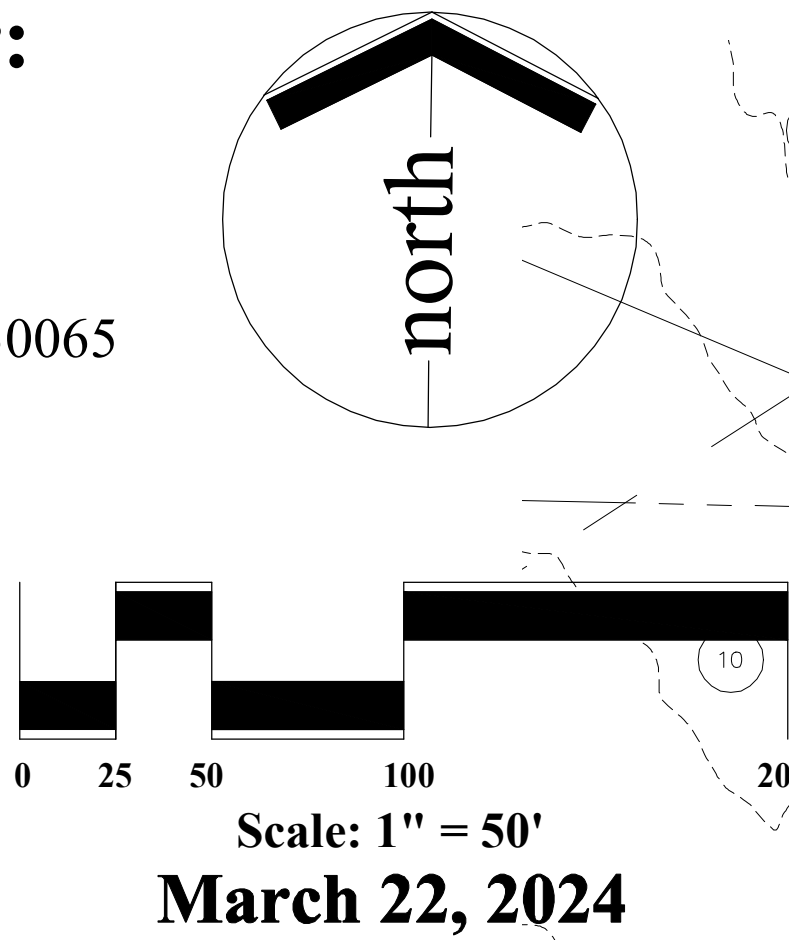
DGM

LAND PLANNING
CONSULTANTS, INC.



1635 OLD HWY 41
SUITE 112-314
KENNESAW, GA 30152

DGMLPC.COM

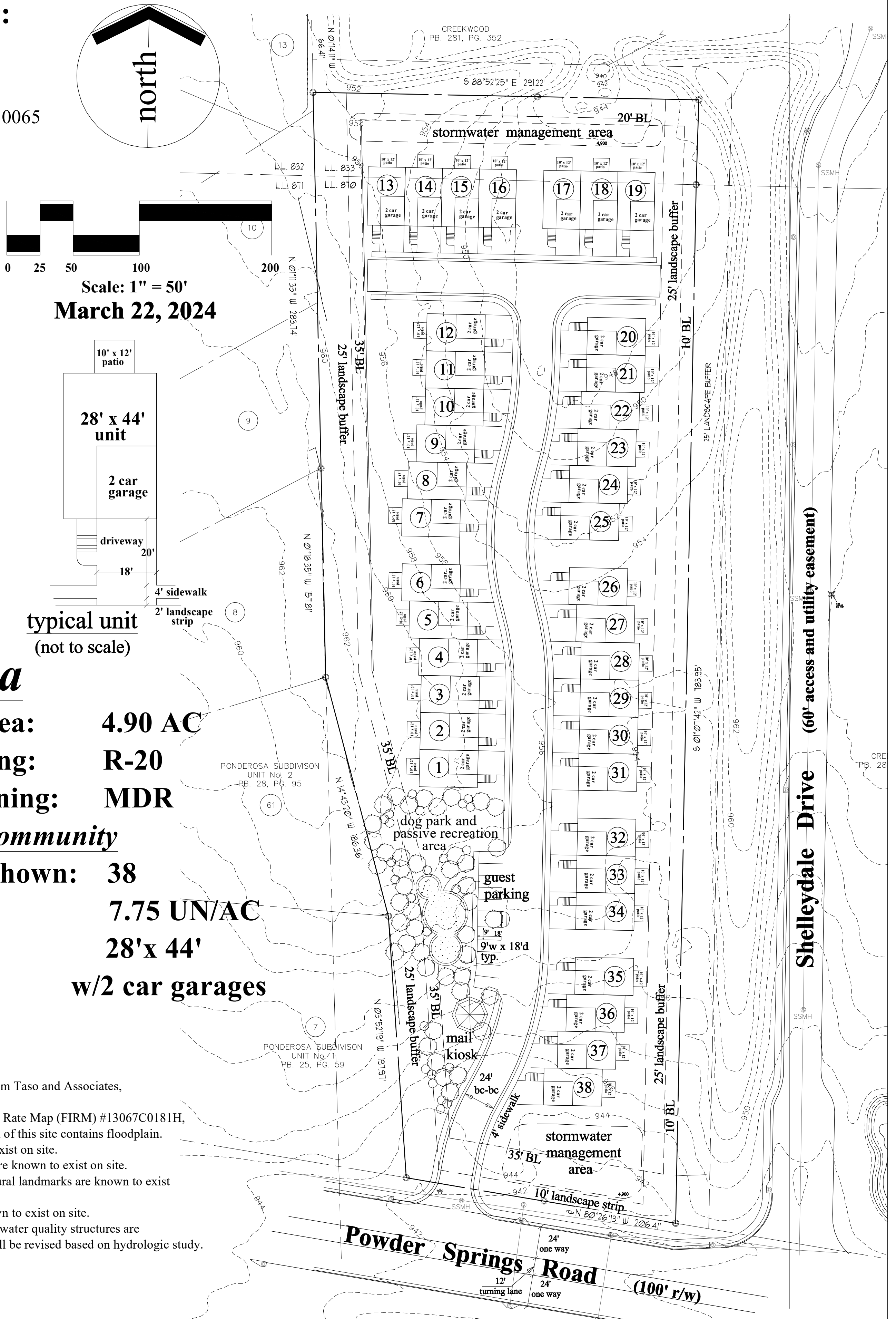


Site Data

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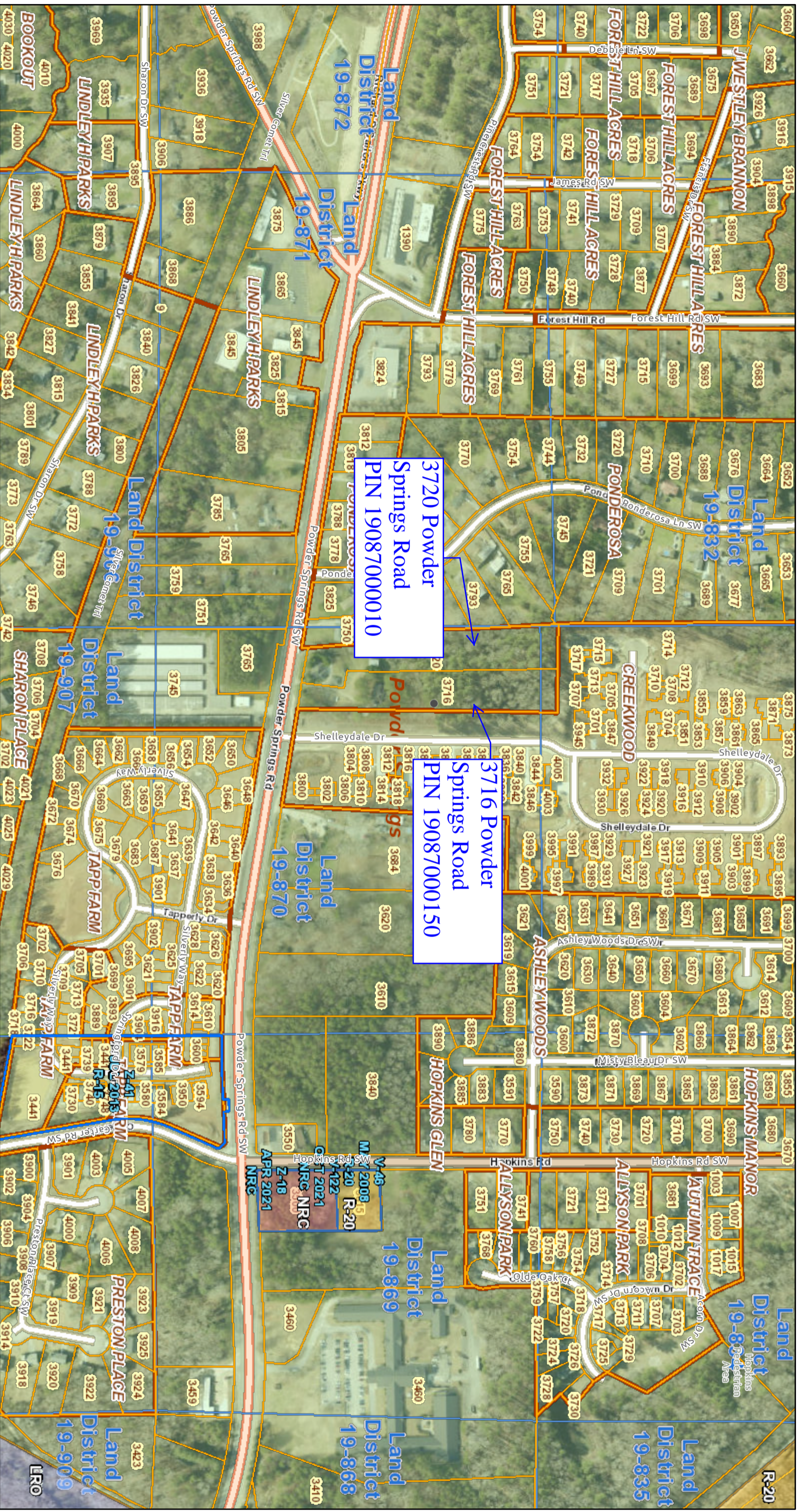
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6. No utility easements are known to exist on site.
7. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



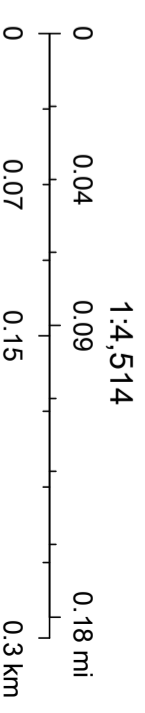


Cobb GIS-3716 & 3720 Powder Springs Road in City of Powder Springs



10/9/2023, 10:43:56 AM

- | | | | | | | | |
|--|-----|-----|----------|----------|------|-------|-----|
| Commissioner Districts | CF | PSC | OI | R-40/OSC | R-15 | RM-8 | RDR |
| District Four: (SW Cobb) Monique Sheffield | NRC | GC | OMR | R-40 | R-12 | FST | MHP |
| Zoning Petitions | UVC | RRC | OHR | R-30/OSC | RD | FST-6 | RSL |
| Current Case | PVC | HI | OS | R-30 | RA-4 | FST-8 | RMR |
| Past Case | CRC | IF | R-80 | R-20/OSC | RA-5 | RM-12 | PD |
| Proposed Case | UC | LI | R-80/OSC | R-20 | SC | RM-16 | PRD |
| Zoning Districts | NS | LRO | RR | R-15/OSC | RA-6 | MHP/S | RHR |
| <all other values> | | | | | | | |



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 Community Maps Contributors. © OpenStreetMap,
 Microsoft, Esri, HERE, Garmin, SafeGraph,
 GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS,
 This map is a user generated static output from an Internet mapping
 Cobb County GIS



Rezoning Request Notice of Intent

Applicant Information

Name Mike Nelson	Phone [REDACTED]
Mailing Address 1233 Creek Forest Lane Austell, GA 30106	Email [REDACTED]

Notice of Intent

SEE ATTACHED NOTICE OF INTENT

PART I. Please indicate the purpose of this application :

Rezoning the existing two parcels to the PUD-R zoning district.

PART II. Please list all requested variances:

None at this time.

Part III. Existing use of subject property:

Two single-family residential parcels.

Part IV. Proposed use of subject property:

Development of a townhouse community.

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

Applicant Signature

	Parks F. Huff	3-26-2024
Parks F. Huff/Attorney for Applicant	Printed Name	Date

**STATE OF GEORGIA
CITY OF POWDER SPRINGS**

NOTICE OF INTENT

Mike Nelson

1. **PART I Please indicate the purpose of this application:**

This Application for Rezoning seek certain entitlements in order to allow the construction of a townhouse development consisting of 35 single-family attached townhomes. The Subject Property consists of an approximate 4.90-acre tract of land located on the north side of Powder Springs Road, west of Hopkins Road. The Subject Property is located in within the limits of the City of Powder Springs.

2. **PART II Please list all requested variances:**

There are no requests for the granting of concurrent variances.

3. **PART III Existing use of the subject property:**

The Subject Property on the north side of Powder Springs Road is presently zoned R-20 in the City of Powder Springs. The Subject Property has been utilized for single-family detached residential.

4. **PART IV Proposed use of subject property:**

The City's Future Land Use Map ("FLUM") reflects that the Subject Property is located within the confines of the LD Residential ("LDR") and that near nearby properties within the City of Powder Springs, on the north side of Powder Springs Road are in the MD Residential, Office Commercial, Mixed Use and Retail Commercial land use categories.

The proposed develop will be for attached, single-family townhomes at a density of 7.14 units per acre.

5. **PART V Other Pertinent Information:**

The proposed development will provide attached, single-family townhomes which is similar to other attached developments in this area. The Subject Property is positioned on the middle of a stretch of Powder Springs Road where the other attached residential developments are to the east and west.

Based upon the foregoing reasons, the Applicant respectfully requests that the Application for Rezoning be approved while soliciting any comments from staff or other officials of the City of Powder Springs so that such recommendations or input may be incorporated as conditions of approval of these Applications.

Respectfully submitted, this the 26th day of March 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




Rezoning Request

Applicant's Written Analysis

Applicant Information

Name Mike Nelson	Phone [REDACTED]
Mailing Address 1233 Creek Forest Lane Austell, GA 30106	Email [REDACTED]

Written Analysis

In details please address these Rezoning Criteria: **SEE ATTACHED ANALYSIS**

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.

a. _____

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	3-26-2024
Parks F. Huff/Attorney for Applicant	Printed Name	Date

**STATE OF GEORGIA
CITY OF POWDER SPRINGS**

ZONING ANALYSIS

Mike Nelson

- 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 LD Residential 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 north side of Powder Springs Road are delineated as being in the MD Residential, Office Commercial, Mixed Use and Retail Commercial land use categories. The proposed 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 between attached residential to the east (also zoned PUD-R) and detached residential to the west.

- 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 and along this area of Powder Springs Road.

- 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 westward on the north and south sides of Powder Springs Road. 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 Subject Property to be affected by the Rezoning proposal has limited reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owners of the Subject Property are suffering a significant economic detriment by virtue of the continuation of the present R-20 zoning classification. Additionally, the Rezoning of the Subject Property for single-family, attached townhomes will present a unique and appropriately positioned use that brings a combination of two long, rectangular parcels into one residential development.

- 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 Powder Springs Road that is in an area developed with attached and detached residential, retail, office, industrial and parks 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 attached, single-family townhome proposal is balanced between the proposed zoning classification and the uses of the Subject Property and the proposed uses' impact to the public's health, safety and general welfare, all of which is beneficial from a land use perspective.

Respectfully submitted, this the 26th day of March 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




Rezoning Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name Mike Nelson	Applicant's Address 1233 Creek Forest Lane Austell, GA 30106
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:

- | | | | | |
|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 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:

Julissa Castillo

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		



Rezoning Request Owner's Authorization Form

Owner's Authorization

Applicant Name <u>Julissa Castillo</u>	Applicant's Address <u>4439 Luther Ward Rd</u>
Property Address <u>3720-3716 Powder Springs Rd Powder Springs, GA</u>	Property PIN <u>19-0870-0-001-0</u>

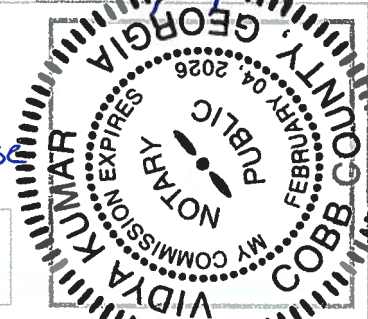
This is to certify that I am or We are or I am the Authorized Representative of a Corporation that is the owner of a majority interest in the subject property of the attached application. By execution of this form, this is to authorize the person names as "applicant" below, acting on behalf of the owner, 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 <u>Julissa Castillo</u>	Printed Name <u>Julissa Castillo</u>	Date <u>3/13/24</u>
State of <u>GA</u> , County of <u>Cobb</u> .		
This instrument was acknowledged before me this <u>13</u> day of <u>March</u> month.		
20 <u>24</u> , by <u>Julissa Castillo</u> . Identification Presented: <u>GA Driver License</u>		
<u>[Signature]</u> Signature of Notary Public	<u>Vidya Kumar</u> Name of Notary Public	<u>Feb 4, 2026</u> 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



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



Printed: 10/9/2023

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
BSI FINANCIAL

JULISSAGAREALTY COM LLC

Payment Date: 10/5/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	19087000150	10/15/2023	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$4,117.04	\$0.00



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



Printed: 10/9/2023

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
BSI FINANCIAL

JULISSAGAREALTY COM LLC

Payment Date: 10/5/2023

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2023	19087000010	10/15/2023	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$4,707.86	\$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, MIKE NELSON, 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 Rezoning of the property seeks a rezoning from the existing category of R-20, as established by the governing authority of Powder Springs, Georgia to the zoning category of PUD-R.

3.

Particularly given that the property is located in the LD Residential area as designated on the Powder Springs Future Land Use Map, and is situated near and abutting similar properties that have been rezoned to the requested PUD-R, the current R-20 zoning classification of the property and all intervening classifications between same and PUD-R 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 R-20 zoning classification in the City of Powder Springs and all intervening classifications between same and PUD-R 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 26th day of March 2024.

SAMS, LARKIN & HUFF, LLP

By: _____

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