



P.O. Box 46
 4488 Pineview Drive
 Powder Springs, GA 30127
 Phone: 770-943-1666
 Fax: 770-222-6935

October 28, 2021.

Pamela L. Mabry
 County Clerk, Cobb County
 100 Cherokee Street, Suite 355
 Marietta, GA 30090

COBB COUNTY, GA
 FILED IN OFFICE
 2021 NOV - 1 A 10:11
 COBB COUNTY
 CLERK'S OFFICE

Re: Petition for Annexation – 5550 Story Road in the 19th District, 2nd Section, Land Lots 820 and 883, Cobb County, Georgia.

Dear Pamela Mabry,

The City of Powder Springs has received the enclosed applications for Annexation and Rezoning from David Pearson Communities, Inc. The propose developing 152 residential units at a density of 3.30 units per acre. Total tract acreage: 46.02 acres. Parcel Identification Numbers: 19088300010. The site is currently zoned R30 in the county and the applicant is requesting to rezone to PUD-R in the city. This petition will be heard at the Planning and Zoning Commission’s November 22, 2021 public hearing, and at Mayor and Council’s December 6, 2021 public hearing.

Figure 1. 5550 Story Road. PIN: 19088300010. Total Acreage: 42.02 acres.





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Sincerely,

A handwritten signature in black ink, appearing to read 'Shaun Myers', is written over the typed name.

Shaun Myers
Planning and Zoning Manager
City of Powder Springs
Phone: 770.943.1666 ext. 345
Email: smyers@cityofpowdersprings.org

Carbon Copies emailed to: Pamela.Mabry@cobbcounty.org. and David.LWebb@cobbcounty.org



APPLICATION FOR ANNEXATION

Applicant Or Agent Must Be Present At All Public Hearings

OFFICE USE ONLY

Planning & Zoning Hearing:

Mayor & Council Hearing:

APPLICANT INFORMATION

*NAME: David Pearson Communities, Inc.

ADDRESS: Suite 400, 2000 First Drive

CITY: Marietta STATE: GA ZIP: 30062

PHONE: (770) 321-5032 (Applicant); (770) 429-1499 (Applicant/Owner Representative)

EMAIL: doug@davidpearsoncommunities.com; jkm@mijs.com

PROPERTY OWNER ELECTOR PRIMARY CONTACT

PROPERTY OWNER INFORMATION

NAME: Assemblies of God Foundation, a Missouri corporation, Trustee of The James R. Storey Charitable Remainder Unitrust (an irrevocable trust)

ADDRESS: 3900 S Overland Avenue

CITY: Springfield STATE: MO ZIP: 65807

PHONE: (866) 621-1787

EMAIL: _____

PROPERTY INFORMATION

LAND LOT: 820, 821 DISTRICT: 19th PARCEL: 19088300010
882, 883

NUMBER OF ACRES: 46.02+/- CURRENT ZONING: R-30 (Cobb County)
(Total Overall)

CURRENT ZONING: R-30 (Cobb County) If residential, how many residents?: 0

I attest that this application and its attachments are accurate to the best of my knowledge and certify that the described property adjoins and is contiguous to the existing corporate limits of the City of Powder Springs, Georgia:

Assemblies of God Foundation, a Missouri corporation, Trustee of The James R. Storey Charitable Remainder Unitrust (an irrevocable trust)

BY [Signature]

Property Owner's Signature (To Be Notarized)

Title: Vice President

Sworn to and subscribed before me this 14th day of October, 2021

Notary Public [Signature]
My Commission Expires: 10-18-2022

10/14/2021 (866) 621-1787

Date

Telephone

KRISTI L. WILLOUGHBY
Notary Public - Notary Seal
STATE OF MISSOURI
Greene County
My Commission Expires Oct. 18, 2022
Commission #14427595

*See Attached for Applicant/Property Owner Representative

ATTACHMENT TO APPLICATION FOR ANNEXATION

Application No.: _____
Planning Commission Hearing: November 22, 2021
City Council Hearing: December 6, 2021

Applicant: David Pearson Communities, Inc.
Titleholder: Assemblies of God Foundation,
a Missouri corporation, Trustee of
The James R. Storey Charitable Remainder
Unitrust (an irrevocable trust)

Applicant's and Property Owner's Representative:

J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook, Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499 (Office)
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

LEGAL DESCRIPTION
(NORTHERN ANNEXATION TRACT)

All that tract or parcel of land lying and being in Land Lots 820, 821, 882 and 883 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

*To find the **TRUE POINT OF BEGINNING** commence at an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of Story Road (50' right-of-way) said iron pin being located 375.79 feet from the intersection of the said northwesterly right-of-way of Story Road and the northeasterly right-of-way of Hiram Lithia Springs Road (50' right-of-way) as measured in a northeasterly direction along the said northwesterly right-of-way of Story Road; thence leaving said right-of-way and running $N00^{\circ}04'49''E$ for a distance of 150.61 feet to an iron pin set (#4 rebar w/cap); running thence $N00^{\circ}02'19''W$ for a distance of 76.52 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**; having thus established the **TRUE POINT OF BEGINNING** leaving said iron pin and running $N00^{\circ}02'19''W$ for a distance of 206.48 feet to an iron pin set (#4 rebar); thence running $N00^{\circ}14'42''E$ for a distance of 186.55 feet to an iron pin found (3/4" crimped-top-pipe); thence running $N00^{\circ}47'38''W$ for a distance of 232.73 feet to an iron pin found (1/2" open-top-pipe) located on the common line between Land Lot 883 and 820 of the said 19th District; thence leaving said Land Lot Line and running $N00^{\circ}56'49''W$ for a distance 208.27 feet to an iron pin found (#4 rebar); thence running $N00^{\circ}49'40''W$ for a distance of 34.61 feet to an iron pin found (#4 rebar); thence running $N00^{\circ}54'28''W$ for a distance of 134.42 feet to an iron pin found (#4 rebar disturbed); thence running $N00^{\circ}56'47''W$ for a distance of 139.74 feet to an iron pin found (1/2" open-top-pipe); thence running $N86^{\circ}08'37''W$ for a distance of 97.61 feet to an iron pin found (#4 rebar); thence running $N01^{\circ}22'21''E$ for a distance of 139.94 feet to an iron pin found (1/2"*

*open-top-pipe); thence running N00°24'42"E for a distance of 38.82 feet to an iron pin found (#4 rebar); thence running S85°25'25"E for a distance of 741.51 feet to an iron pin set (#4 rebar); thence running S88°38'59"E for a distance of 680.39 feet to an iron pin found (#4 rebar); thence running S00°23'53"W for a distance of 819.02 feet to an iron pin set located on the northwesterly right-of-way of said Story Road; thence running in a generally southwesterly direction along and following the northwesterly right-of-way of said Story Road for the following courses and distances: running thence S58°49'02"W for a distance of 225.83 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 307.99 feet (said arc being subtended by a chord of S58°15'23"W – 307.99 feet and having a radius of 18,878.22 feet) to a point; thence running S56°40'03"W for a distance of 171.30 feet to an iron pin set (#4 rebar w/cap) thence leaving said right-of-way and running S89°57'41"W for a distance of 477.67 feet to an iron pin set (#4 rebar w/cap); thence running S23°25'45"W for a distance of 93.35 feet to an iron pin set (#4 rebar w/cap); thence running S89°57'41"W for a distance of 234.56 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**. Said tract contains ±34.593 acres (±1,506,872 sq. ft.).*

LEGAL DESCRIPTION
(SOUTHERN ANNEXATION TRACT)

All that tract or parcel of land lying and being in Land Lots 821 and 882 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

*To find the **TRUE POINT OF BEGINNING** commence at a point located at the intersection of the southeasterly right-of-way of Story Road (50' right-of-way) and the easterly right-of-way of Riding Woods Drive (50' right-of-way) and running thence in a northeasterly direction along the southeasterly right-of-way of Story Road and following the curvature thereof along a curve to the left for an arc length of 59.85 feet (said arc being subtended by a chord of N56°15'24"E – 59.84 feet and having a radius of 946.02 feet) to a point; running thence N56°40'03"E along the southeasterly right-of-way of Story Road for a distance of 169.83 feet to a point; running thence in a northeasterly direction along the southeasterly right-of-way of Story Road and following the curvature thereof along a curve to the right for an arc length of 77.35 feet (said arc being subtended by a chord of N57°54'29"E – 77.35 feet and having a radius of 18828.22 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**; having thus established the **TRUE POINT OF BEGINNING** leaving said iron pin and running in a generally northeasterly direction along the southeasterly right-of-way of Story Road for the following courses and distances; running thence along a curve to the right for an arc length of 229.34 feet (said arc being subtended by a chord of N58°22'29"E – 229.34 feet and having a radius of 18,828.22 feet) to a point; thence running N58°49'02"E for a distance of 368.51 feet to a point; thence running in a northeasterly direction along a curve to the left for an arc length of 165.52 feet (said arc being subtended by a chord of N54°35'06"E – 165.35 feet and having a radius of 1035.60 feet) to a point; thence running N48°23'48"E for a distance of 111.58 feet to an iron pin set (#4 rebar w/cap); thence leaving said right-of-way and*

running $S00^{\circ}31'40''W$ for a distance of 157.03 feet to an iron pin set (#4 rebar); thence running $S89^{\circ}44'01''E$ for a distance of 300.00 feet to an iron pin found (#4 rebar) located on the common line between Land Lot 882 and 881, said iron pin being located $S00^{\circ}33'37''W$ a distance of 96.01 feet from an iron pin found (1" open-top-pipe) which is the common corner of Land Lots 821, 822, 881 and 882 of the said 19th District; thence running $S01^{\circ}07'02''W$ along the common line between Land Lots 881 and 882 for a distance of 362.69 feet to an iron pin found (#4 rebar); thence continuing along said Land Lot Line $S01^{\circ}00'55''W$ for a distance of 219.59 feet to an iron pin found (#5 rebar); thence leaving said Land Lot Line and running $N88^{\circ}44'16''W$ for a distance of 886.49 feet to an iron pin set (#4 rebar w/cap); thence running $N28^{\circ}26'34''W$ for a distance of 273.07 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**. Said tract contains ± 11.43 acres ($\pm 497,875$ sq. ft.).



FIELD SURVEY
 INSTRUMENTS
 CONTROL POINTS
 ADJUSTED POINTS
 BENCH MARKS
 CONTROL POINTS
 ADJUSTED POINTS
 BENCH MARKS
 CONTROL POINTS
 ADJUSTED POINTS
 BENCH MARKS

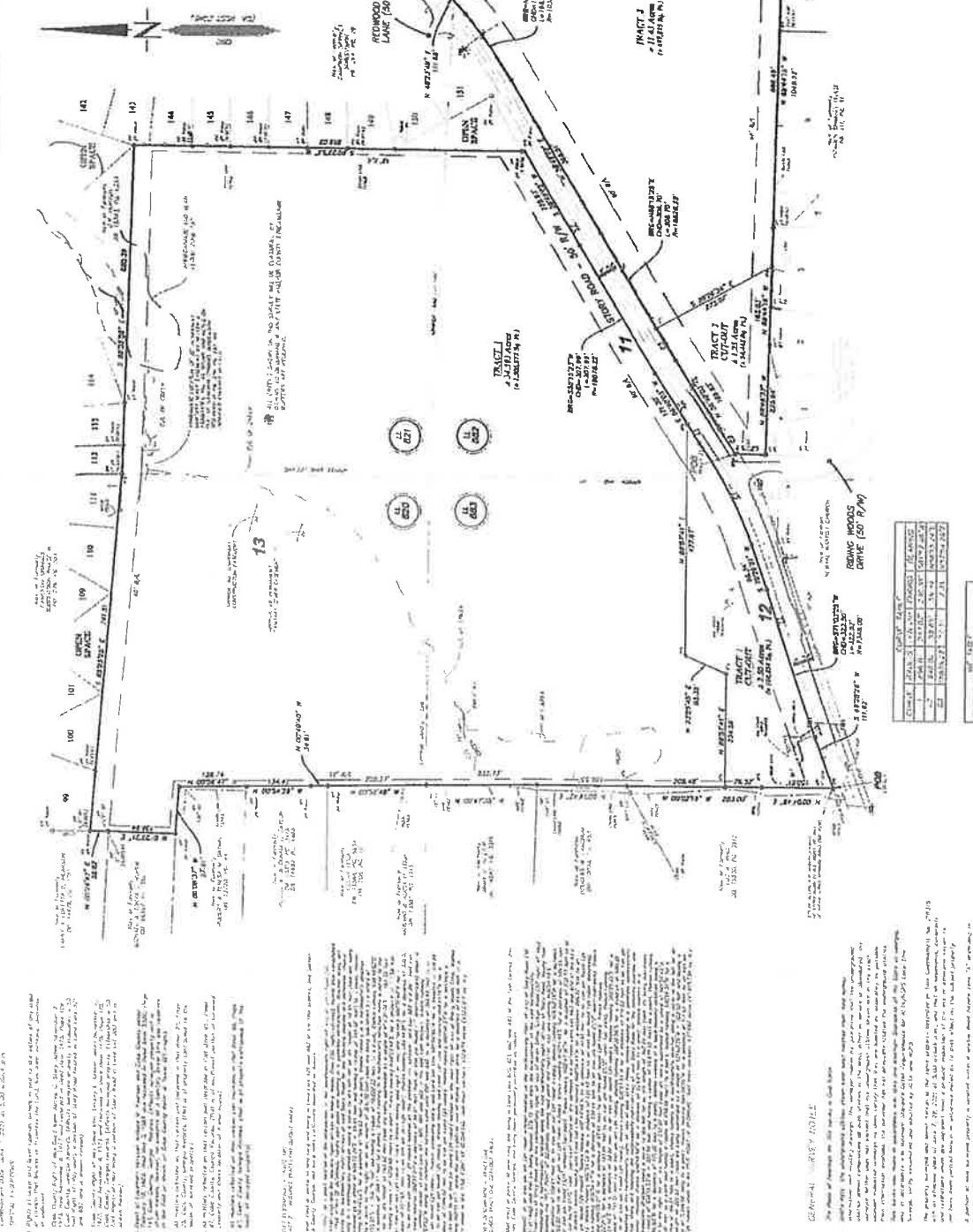
TUSCALOOSA TRACT #1
 TUSCALOOSA TRACT #2
 TUSCALOOSA TRACT #3

TUSCALOOSA TRACT #4
 TUSCALOOSA TRACT #5
 TUSCALOOSA TRACT #6

TUSCALOOSA TRACT #7
 TUSCALOOSA TRACT #8
 TUSCALOOSA TRACT #9

SURVEYOR'S CERTIFICATE
 TO: DAVID PEARSON COMMUNITIES INC.
 FIRST AMERICAN TITLE INSURANCE COMPANY

LEGEND
 M 1/4 SECTION
 S 1/4 SECTION
 T 1/4 SECTION
 R 1/4 SECTION
 L 1/4 SECTION
 E 1/4 SECTION
 S 1/4 SECTION
 T 1/4 SECTION
 R 1/4 SECTION
 L 1/4 SECTION
 E 1/4 SECTION
 S 1/4 SECTION
 T 1/4 SECTION
 R 1/4 SECTION
 L 1/4 SECTION
 E 1/4 SECTION



ALTA/NE'S LAND TITLE SURVEY FOR
DAVID PEARSON COMMUNITIES
 LOCATED IN LAND LOTS 802, 811, 842 & 843
 TUSCALOOSA COUNTY, ALABAMA
 SCALE: 1"=100'
 DATE: 03/11/2010

CENTERLINE
 Surveying and Land Planning, Inc.
 1000 1/2 AVENUE S.W.
 ALBUQUERQUE, NM 87102-3144
 TEL: (505) 265-3333
 FAX: (505) 265-3334
 WWW.CENTRALINE.COM

DATE	DESCRIPTION
03/11/2010	FIELD SURVEY
03/11/2010	OFFICE SURVEY
03/11/2010	FINAL SURVEY

PROJECT NO. TUS1018

1. The purpose of this survey is to show the location of the centerline of the proposed road and the location of the corners of the proposed road.
 2. The survey was conducted in accordance with the provisions of the Alabama Surveying Code, Title 25, Chapter 2-7.
 3. The survey was conducted in accordance with the provisions of the Alabama Surveying Code, Title 25, Chapter 2-7.
 4. The survey was conducted in accordance with the provisions of the Alabama Surveying Code, Title 25, Chapter 2-7.
 5. The survey was conducted in accordance with the provisions of the Alabama Surveying Code, Title 25, Chapter 2-7.



5550 Story Road



1,504.7

752.33

1,504.7 Feet



WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Cobb County Georgia

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

1:9,028



Map Notes:



Overview



Legend

- Cobb Tile Index
- Cities**
- Acworth
- Austell
- Kennesaw
- Marietta
- Powder Springs
- Smyrna
- Unincorporated
- Administrative Facilities
- Libraries
- Police Stations
- Fire Stations
- County Parks
- Federal Parks
- Parcels**
- Roads**
- ARTERIAL
- INTERSTATE
- LOCAL
- MAJOR
- MINOR
- PRIVATE
- RAMP

Parcel ID 19088300010
 Class Code V5 - Conservation - large tract
 Taxing District (9) UNINCORPORATED
 Acres 48.18

Physical Address 5550 STORY RD
 Owner STOREY JAMES ROY
 5550 STORY RD
 POWDER SPRINGS GA 30127

Last 2 Sales			
Date	Price	Reason	Qual
n/a	0	n/a	n/a
n/a	0	n/a	n/a

Date created: 10/20/2021
 Last Data Uploaded: 10/20/2021 5:58:22 PM



Overview



Legend

- Cobb Tile Index
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 - Acworth
 - Austell
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Physical Address 5550 STORY RD
 Owner STOREY JAMES ROY
 5550 STORY RD
 POWDER SPRINGS GA 30127

Last 2 Sales			
Date	Price	Reason	Qual
n/a	0	n/a	n/a
n/a	0	n/a	n/a

Date created: 10/6/2021
 Last Data Uploaded: 10/6/2021 5:26:08 PM



city of
powder springs
Rezoning Request
Application Checklist

Applicant Information

Name ***David Pearson Communities, Inc.**

Phone **(770) 321-5032; *(770) 429-1499**

Mailing Address **Suite 400, 2000 First Drive, Marietta, GA 30062**

Email **doug@davidpearsoncommunities.com; *jkm@mijis.com**

Application Checklist

The following information will be required:

1. Application
 2. Notice of Intent
 3. Applicant's Written Analysis
 4. Campaign Contribution Disclosure
 5. Owner's Authorization, if applicable.
 6. Legal Description and Survey Plat of the property
 7. Application Fee (summary of fees attached)
 8. Copy of the Deed that reflects the current owners name
 9. Vicinity Map outlining the parcel/s in relation to the surrounding area
 10. Site plan, plat or survey prepared by an architect, engineer. The following information **must** be included:
 Specific use or uses proposed for the site. Acreage, bearing and distances, other dimensions, and location of the tract(s). Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area. Detention/retention areas, and utility easements. Location of dumpsters. Public or private street(s) - right of way and roadway widths, approximate grades. Location and size of parking area with proposed ingress and egress. Specific types and dimensions of protective measures, such as buffers. Landscaping. Wetlands, stream buffers, and 100 year floodplain.
 11. Sketch Plan/ Architectural Rendering, if applicable
 12. Traffic Study required for development with 500,000 sf of nonresidential floor area or 350 dwelling units or more.
- List additional attachments: 2021 Cobb County Paid Tax Receipt

Note Carefully

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

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



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

Applicant Information

Name *David Pearson Communities, Inc.	Phone (770) 321-5032; *(770) 429-1499
Mailing Address Suite 400, 2000 First Drive, Marietta, GA 30062	Email doug@davidpearsoncommunities.com; *jkm@mijis.com

Rezoning Request Property Information

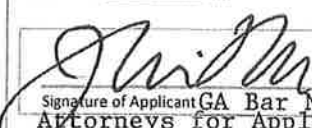
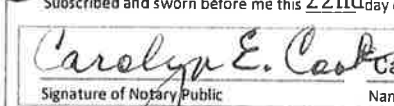
Address 5550 Story Road (north and south parcels)	Parcel ID / Lot# 19088300010	Acreage 46.02+/-
Present Zoning R-30 (Cobb County)	Proposed Zoning PUD-R	
Source of Water Supply Cobb County Water	Source of Sewage Disposal Cobb County Water & Sewer	
Proposed Use Peak Hour Trips Generated	Source	


Additional Information, If Applicable

Elementary School and School's Capacity Powder Springs Elementary - 104 under	Middle School and School's Capacity Cooper Middle School - 95 under
High School and School's Capacity McEachern High School - 124 under	

Notary Attestation

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

	J. Kevin Moore	October 22, 2021
Signature of Applicant	Name	Date
Attorneys for Applicant and Property Owner		
Subscribed and sworn before me this <u>22nd</u> day of <u>October</u> 20 <u>21</u>		
	Carolyn E. Cook	January 10, 2023
Signature of Notary Public	Name of Notary Public	My Commission Expires



***See Exhibit "A" for Applicant's and Property Owner's Representative Information**
For Official Use Only

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



city of
powder springs
Rezoning Request
Notice of Intent

Applicant Information

Name	*David Pearson Communities, Inc.	Phone	(770) 321-5032; *(770) 429-1499
Mailing Address	Suite 400, 2000 First Drive, Marietta, GA 30062	Email	doug@davidpearsoncommunities.com; *jkm@mijs.com

Notice of Intent

PART I. Please indicate the purpose of this application :
 The purpose of this Application for Rezoning is to rezone the Property (both north and south tracts) and develop the Property into a single-family residential community.

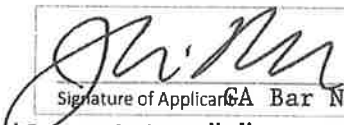
PART II. Please list all requested variances:
 None known at this time.

Part III. Existing use of subject property:
 The Property is undeveloped.

Part IV. Proposed use of subject property:
 Single-family Residential Community.

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

Applicant Signature

	*David Pearson Communities, Inc/ Signature of Applicant	GA Bar No. 519728	Printed Name	J. Kevin Moore	Date	October 22, 2021
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*See Exhibit "A" for Applicant's and Property Owner's Representative Information



Rezoning Request

Applicant's Written Analysis

Applicant Information

Name	*David Pearson Communities, Inc.	Phone	(770) 321-5032; *(770) 429-1499
Mailing Address	Suite 400, 2000 First Drive, Marietta, GA 30062	Email	doug@davidpearsoncommunities.com; *jkm@mijcs.com

Written Analysis

In details please address these Rezoning Criteria:

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 proposed PUD-R zoning district is compatible with the purposes and intent of the City's Comprehensive Plan as the proposed development will provide quality housing; as well as, allow residential zoning and development to be adjacent to similar developments.

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 proposed PUD-R zoning classification, and the proposed quality single-family residential community, are suitable uses for the Subject Property in view of uses of the surrounding properties. The adjacent and surrounding properties are primarily residential uses. The proposed community would be a quality development consistent with surrounding neighborhoods.

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.

No adjacent or nearby properties will be adversely or negatively impacted by rezoning the Subject Property to the proposed PUD-R zoning classification and development of a quality single-family residential community.

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

The proposed PUD-R zoning classification within the City of Powder Springs will allow for a higher and better use of the Subject Property than as currently zoned within Cobb County.

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.

There is adequate public facilities and infrastructure in place to sufficiently service the proposed single-family residential community.

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 existing zoning classification does not reflect changing conditions of the area surrounding it. If the Property were developed pursuant to the existing zoning, the surrounding communities would be adversely impacted.

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.

The proposed PUD-R zoning classification, together with the quality residential community, is a more reasonable use of the Property, and provides a better overall promotion of public health, safety, morality, and general welfare of area residents and neighborhoods.

Applicant Signature

	*David Pearson Communities, Inc./	October 22, 2021
Signature of Applicant	Printed Name J. Kevin Moore	Date

*See Exhibit "A" for Applicant's and Property Owner's Representative Information



Rezoning Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name David Pearson Communities, Inc.	Applicant's Address 2000 First Drive, Suite 400, Marietta, GA 30060
Applicant's Attorney *Moore Ingram Johnson & Steele, LLP - J. Kevin Moore	Attorney's Address 326 Roswell Street, Emerson Overlook, Suite 100, Marietta, GA 30060

Campaign Contribution Disclosure

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

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

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

Assemblies of God Foundation, Trustee of	Naomi Leah Storey
The James R. Storey Charitable Remainder Unitrust	
James Roy Storey/James R. Storey	

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
None		

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
None		

***See Exhibit "A" for Applicant's and Property Owner's Representative Information**



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 names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check each box that applies

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

Applicant: David Pearson Communities, Inc.

Applicant's Address: Suite 400, 2000 First Drive, Marietta, GA 30062

Date this Authorization becomes null and void: _____, 20____. (Not applicable)
Assemblies of God Foundation, a Missouri corporation, Trustee of
The James R. Storey Charitable Remainder Unitrust (an Irrevocable trust)

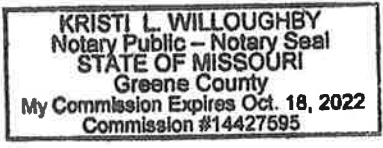
BY: [Signature]
Signature of Owner
TITLE: Vice President and Secretary
Printed Name: William A Hunt Jr VP

Sworn to and subscribed before me:
[Signature]
Notary Public
My Commission Expires: 10/18/2022

Signature of Owner (Notarized)

[Notary Seal]

Signature of Owner (Notarized)



Signature of Owner (Notarized)

EXHIBIT "A" – ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Planning Commission Hearing: November 22, 2021
City Council Hearing: December 6, 2021

Applicant: David Pearson Communities, Inc.
Titleholder: Assemblies of God Foundation,
a Missouri corporation, Trustee of
The James R. Storey Charitable Remainder
Unitrust (an irrevocable trust)

Applicant's and Property Owner's Representative:

J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook, Suite 100
326 Roswell Street
Marietta, Georgia 30060
(770) 429-1499 (Office)
(770) 429-8631 (Telefax)
E-mail: jkm@mijs.com

LEGAL DESCRIPTION
(NORTHERN ZONING TRACT)

All that tract or parcel of land lying and being in Land Lots 820, 821, 882 and 883 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

*To find the **TRUE POINT OF BEGINNING** commence at an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of Story Road (50' right-of-way) said iron pin being located 375.79 feet from the intersection of the said northwesterly right-of-way of Story Road and the northeasterly right-of-way of Hiram Lithia Springs Road (50' right-of-way) as measured in a northeasterly direction along the said northwesterly right-of-way of Story Road; thence leaving said right-of-way and running N00°04'49"E for a distance of 150.61 feet to an iron pin set (#4 rebar w/cap); running thence N00°02'19"W for a distance of 76.52 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**; having thus established the **TRUE POINT OF BEGINNING** leaving said iron pin and running N00°02'19"W for a distance of 206.48 feet to an iron pin set (#4 rebar); thence running N00°14'42"E for a distance of 186.55 feet to an iron pin found (3/4" crimped-top-pipe); thence running N00°47'38"W for a distance of 232.73 feet to an iron pin found (1/2" open-top-pipe) located on the common line between Land Lot 883 and 820 of the said 19th District; thence leaving said Land Lot Line and running N00°56'49"W for a distance 208.27 feet to an iron pin found (#4 rebar); thence running N00°49'40"W for a distance of 34.61 feet to an iron pin found (#4 rebar); thence running N00°54'28"W for a distance of 134.42 feet to an iron pin found (#4 rebar disturbed); thence running N00°56'47"W for a distance of 139.74 feet to an iron pin found (1/2" open-top-pipe); thence running N86°08'37"W for a distance of 97.61 feet to an iron pin found (#4 rebar); thence running N01°22'21"E for a distance of 139.94 feet to an iron pin found (1/2"*

open-top-pipe); thence running $N00^{\circ}24'42''E$ for a distance of 38.82 feet to an iron pin found (#4 rebar); thence running $S85^{\circ}25'25''E$ for a distance of 741.51 feet to an iron pin set (#4 rebar); thence running $S88^{\circ}38'59''E$ for a distance of 680.39 feet to an iron pin found (#4 rebar); thence running $S00^{\circ}23'53''W$ for a distance of 819.02 feet to an iron pin set located on the northwesterly right-of-way of said Story Road; thence running in a generally southwesterly direction along and following the northwesterly right-of-way of said Story Road for the following courses and distances: running thence $S58^{\circ}49'02''W$ for a distance of 225.83 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 307.99 feet (said arc being subtended by a chord of $S58^{\circ}15'23''W$ – 307.99 feet and having a radius of 18,878.22 feet) to a point; thence running $S56^{\circ}40'03''W$ for a distance of 171.30 feet to an iron pin set (#4 rebar w/cap) thence leaving said right-of-way and running $S89^{\circ}57'41''W$ for a distance of 477.67 feet to an iron pin set (#4 rebar w/cap); thence running $S23^{\circ}25'45''W$ for a distance of 93.35 feet to an iron pin set (#4 rebar w/cap); thence running $S89^{\circ}57'41''W$ for a distance of 234.56 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**. Said tract contains ± 34.593 acres ($\pm 1,506,872$ sq. ft.).

LEGAL DESCRIPTION
(SOUTHERN ZONING TRACT)

All that tract or parcel of land lying and being in Land Lots 821 and 882 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

*To find the **TRUE POINT OF BEGINNING** commence at a point located at the intersection of the southeasterly right-of-way of Story Road (50' right-of-way) and the easterly right-of-way of Riding Woods Drive (50' right-of-way) and running thence in a northeasterly direction along the southeasterly right-of-way of Story Road and following the curvature thereof along a curve to the left for an arc length of 59.85 feet (said arc being subtended by a chord of N56°15'24"E – 59.84 feet and having a radius of 946.02 feet) to a point; running thence N56°40'03"E along the southeasterly right-of-way of Story Road for a distance of 169.83 feet to a point; running thence in a northeasterly direction along the southeasterly right-of-way of Story Road and following the curvature thereof along a curve to the right for an arc length of 77.35 feet (said arc being subtended by a chord of N57°54'29"E – 77.35 feet and having a radius of 18828.22 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**; having thus established the **TRUE POINT OF BEGINNING** leaving said iron pin and running in a generally northeasterly direction along the southeasterly right-of-way of Story Road for the following courses and distances; running thence along a curve to the right for an arc length of 229.34 feet (said arc being subtended by a chord of N58°22'29"E – 229.34 feet and having a radius of 18,828.22 feet) to a point; thence running N58°49'02"E for a distance of 368.51 feet to a point; thence running in a northeasterly direction along a curve to the left for an arc length of 165.52 feet (said arc being subtended by a chord of N54°35'06"E – 165.35 feet and having a radius of 1035.60 feet) to a point; thence running N48°23'48"E for a distance of 111.58 feet to an iron pin set (#4 rebar w/cap); thence leaving said right-of-way and*

*running S00°31'40"W for a distance of 157.03 feet to an iron pin set (#4 rebar); thence running S89°44'01"E for a distance of 300.00 feet to an iron pin found (#4 rebar) located on the common line between Land Lot 882 and 881, said iron pin being located S00°33'37"W a distance of 96.01 feet from an iron pin found (1" open-top-pipe) which is the common corner of Land Lots 821, 822, 881 and 882 of the said 19th District; thence running S01°07'02"W along the common line between Land Lots 881 and 882 for a distance of 362.69 feet to an iron pin found (#4 rebar); thence continuing along said Land Lot Line S01°00'55"W for a distance of 219.59 feet to an iron pin found (#5 rebar); thence leaving said Land Lot Line and running N88°44'16"W for a distance of 886.49 feet to an iron pin set (#4 rebar w/cap); thence running N28°26'34"W for a distance of 273.07 feet to an iron pin set (#4 rebar w/cap) which is the **TRUE POINT OF BEGINNING**. Said tract contains ±11.43 acres (±497,875 sq. ft.).*

THIS DOCUMENT WAS PREPARED BY:
Assemblies of God Foundation
3900 S Overland Avenue
Springfield MO 65807

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF COBB

This Warranty Deed made this 22nd day of September, 2021, by and between the GRANTOR, JAMES R. STOREY, a married man, hereinafter referred to as "Grantor" and the GRANTEES, ASSEMBLIES OF GOD FOUNDATION, a Missouri corporation, Trustee of THE JAMES R. STOREY CHARITABLE REMAINDER UNTRUST (an irrevocable trust), hereinafter referred to as "Grantee." The mailing address of the Grantee is 3900 S. Overland Avenue, Springfield, Missouri 65807.

WITNESSETH: The Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt and sufficiency of which is hereby specifically acknowledged, has granted, bargained, sold, aliened, conveyed, and confirmed, and by these presents does hereby grant, bargain, sell, alien, convey, and confirm to Grantee, the following described lots, tracts or parcels of land lying, being and situated in the County of Cobb and State of Georgia, to-wit:

See legal description on Exhibit A attached hereto and incorporated herein by reference.

Property commonly known as 5550 Story Road, Powder Springs, Georgia 30127

It being a portion of the property conveyed to James R. Storey, by deed of Winnell Capes Story (Mrs. Carl Story) dated the 31st day of July, 1981 and of record in the Cobb County Recorder of Deeds in Deed Book 2437, at Page 347.

TO HAVE AND TO HOLD the premises aforesaid, with all and singular the rights, privileges, appurtenances and immunities thereto belonging or in anywise appertaining, unto the said Grantee and unto successors and assigns FOREVER, the said Grantor hereby covenanting that it is lawfully seized of an indefeasible estate in fee in the premises herein conveyed; that it has good right to convey the same; that the said premises are free and clear of any incumbrances done or suffered by it or those under whom it claimed title; and that it will warrant and defend the title to said premises unto the said Grantee, and unto their successors and assigns forever, against the lawful claims and demands of all persons.

IN WITNESS WHEREOF, the said Grantor has signed and sealed this deed the day and year first above written.

GRANTOR:

James R. Storey
James R. Storey

Naomi Storey
Witness

STATE OF GEORGIA)
COUNTY OF COBB) ss.

On this 22ND day of SEPTEMBER, 2021, before me personally appeared that James R. Storey, to me known to be the persons described in, and who executed the foregoing instrument, and acknowledged that they executed the same as their free act and deed.

In testimony whereof I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

My commission expires:
Aug 25, 2024

Joyce A. Corn
Notary Public
Type or print name Joyce A. CORN



EXHIBIT A

All that tract or parcel of land lying and being in Land Lots 820, 821, 882 and 883 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

NORTHERN TRACT:

BEGINNING at an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of Story Road (50' right-of-way) said iron pin being located 375.79 feet from the intersection of the said northwesterly right-of-way of Story Road and the northeasterly right-of-way of Hiram Lithia Springs Road (50' right-of-way) as measured in a northeasterly direction along the said northwesterly right-of-way of Story Road; having thus established the TRUE POINT OF BEGINNING leaving said point and right-of-way and running $N00^{\circ}04'49''E$ for a distance of 150.61 feet to an iron pin set (#4 rebar w/cap); thence running $N00^{\circ}02'19''W$ for a distance of 283.00 feet to an iron pin set (#4 rebar w/cap); thence running $N00^{\circ}14'42''E$ for a distance of 186.55 feet to an iron pin found (3/4" crimped-top-pipe); thence running $N00^{\circ}47'38''W$ for a distance of 232.73 feet to an iron pin found (1/2" open-top-pipe) located on the common line between Land Lot 883 and 820 of the said 19th District; thence leaving said Land Lot Line and running $N00^{\circ}56'49''W$ for a distance 208.27 feet to an iron pin found (#4 rebar); thence running $N00^{\circ}49'40''W$ for a distance of 34.61 feet to an iron pin found (#4 rebar); thence running $N00^{\circ}54'28''W$ for a distance of 134.42 feet to an iron pin found (#4 rebar disturbed); thence running $N00^{\circ}56'47''W$ for a distance of 139.74 feet to an iron pin found (1/2" open-top-pipe); thence running $N86^{\circ}08'37''W$ for a distance of 97.61 feet to an iron pin found (#4 rebar); thence running $N01^{\circ}22'21''E$ for a distance of 139.94 feet to an iron pin found (1/2" open-top-pipe); thence running $N00^{\circ}24'42''E$ for a distance of 38.82 feet to an iron pin found (#4 rebar); thence running $S85^{\circ}25'25''E$ for a distance of 741.51 feet to an iron pin set (#4 rebar); thence running $S88^{\circ}38'59''E$ for a distance of 680.39 feet to an iron pin found (#4 rebar); thence running $S00^{\circ}23'53''W$ for a distance of 819.02 feet to an iron pin set located on the northwesterly right-of-way of said Story Road; thence running in a generally southwesterly direction along and following the northwesterly right-of-way of said Story Road for the following courses and distances: running thence $S58^{\circ}49'02''W$ for a distance of 225.83 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 307.99 feet (said arc being subtended by a chord of $S58^{\circ}15'23''W - 307.99$ feet and having a radius of 18,878.22 feet) to a point; thence running $S56^{\circ}40'03''W$ for a distance of 171.30 feet to a point; thence running in a southwesterly direction along a curve to the right for an arc length of 237.07 feet (said arc being subtended by a chord of $S61^{\circ}57'46''W - 236.38$ feet to a point and having a radius of 896.02 feet) to a point; thence running $S70^{\circ}26'51''W$ for a distance of 98.34 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 322.52 feet (said arc being subtended by a chord of $S71^{\circ}03'25''W - 322.50$ feet and having a radius of 7,348.08 feet) to a point; thence running $S69^{\circ}28'26''W$ for a distance of 111.62 feet to an iron pin set (#4 rebar) which is the TRUE POINT OF BEGINNING. Said tract contains ± 37.092 acres ($\pm 1,615,730$ sq. ft.)

LESS AND EXCEPT FROM THE NORTHERN TRACT:

All that tract or parcel of land lying and being in Land Lots 882 and 883 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin set (#4 rebar w/cap) located on the northwesterly right-of-way of Story Road (50' right-of-way) said iron pin being located 375.79 feet from the intersection of the said northwesterly right-of-way of Story Road and the northeasterly right-of-way of Hiram Lithia Springs Road (50' right-of-way) as measured in a northeasterly direction along the said northwesterly right-of-way of Story Road; having thus established the TRUE POINT OF BEGINNING leaving said point and right-of-way and running $N00^{\circ}04'49''E$ for a distance of 150.61 feet to an iron pin set (#4 rebar w/cap); thence running $N00^{\circ}02'19''W$ for a distance of 76.52 feet to an iron pin set (#4 rebar w/cap); thence running $N89^{\circ}57'41''E$ for a distance of 234.56 feet to an iron pin set (#4 rebar w/cap); thence running $N23^{\circ}25'45''E$ for a distance of 93.35 feet to an iron pin set (#4 rebar w/cap); thence running $N89^{\circ}57'41''E$ for a distance of 477.67 feet to an iron pin set located on the northwesterly right-of-way of said Story Road; thence running in a generally southwesterly direction along and following the northwesterly right-of-way of said Story Road for the following courses and distances: running thence $S56^{\circ}40'03''W$ for a distance of 46.24 feet to a point; thence running in a southwesterly direction along a curve to the right for an arc length of 237.07 feet (said arc being subtended by a chord of $S61^{\circ}57'46''W - 236.38$ feet to a point and having a radius of 896.02 feet) to a point; thence running

S70°26'51"W for a distance of 98.34 feet to a point; thence running in a southwesterly direction along a curve to the left for an arc length of 322.52 feet (said arc being subtended by a chord of S71°03'25"W - 322.50 feet and having a radius of 7,348.08 feet) to a point; thence running S69°28'26"W for a distance of 111.62 feet to an iron pin set (#4 rebar) which is the TRUE POINT OF BEGINNING. Said tract contains ±2.50 acres (±108,858 sq. ft.)

and;

All that tract or parcel of land lying and being in Land Lots 821 and 882 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

SOUTHERN TRACT:

BEGINNING at a point located at the intersection of the southeasterly right-of-way of Story Road (50' right-of-way) and the easterly right-of-way of Riding Woods Drive (50' right-of-way); having thus established the TRUE POINT OF BEGINNING leaving said point and running in a generally northeasterly direction along and following the southeasterly right-of-way of said Story Road for the following courses and distances: thence running in a northeasterly direction along a curve to the left for an arc length of 59.85 feet (said arc being subtended by a chord of N56°15'24"E - 59.84 feet and having a radius of 946.02 feet) to a point; thence running N56°40'03"E for a distance of 169.83 feet to a point; thence running in a northeasterly direction along a curve to the right for an arc length of 306.70 feet (said arc being subtended by a chord of N58°15'25"E - 306.70 feet and having a radius of 18,828.22 feet) to a point; thence running N58°49'02"E for a distance of 368.51 feet to a point; thence running in a northeasterly direction along a curve to the left for an arc length of 165.52 feet (said arc being subtended by a chord of N54°35'06"E - 165.35 feet and having a radius of 1035.60 feet) to a point; thence running N48°23'48"E for a distance of 111.58 feet to an iron pin set (#4 rebar w/cap); thence leaving said right-of-way and running S00°31'40"W for a distance of 157.03 feet to an iron pin set (#4 rebar); thence running S89°44'01"E for a distance of 300.00 feet to an iron pin found (#4 rebar) located on the common line between Land Lot 882 and 881, said iron pin being located S00°33'37"W a distance of 96.01 feet from an iron pin found (1" open-top-pipe) which is the common corner of Land Lots 821, 822, 881 and 882 of the said 19th District; thence running S01°07'02"W along the common line between Land Lots 881 and 882 for a distance of 362.69 feet to an iron pin found (#4 rebar); thence continuing along said Land Lot Line S01°00'55"W for a distance of 219.59 feet to an iron pin found (#5 rebar); thence leaving said Land Lot Line and running N88°44'16"W for a distance of 1049.52 feet to an iron pin found (#3 rebar); thence running N88°46'37"W for a distance of 225.64 feet to an iron pin found (#4 rebar) located on the east right-of-way of Riding Woods Drive; thence running N01°11'45"E along the east right-of-way of Riding Woods Drive for a distance of 64.06 feet to a point which is the TRUE POINT OF BEGINNING. Said tract contains ±12.679 acres (±552,317 sq. ft.).

LESS AND EXCEPT FROM THE SOUTHERN TRACT:

All that tract or parcel of land lying and being in Land Lot 882 of the 19th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the intersection of the southeasterly right-of-way of Story Road (50' right-of-way) and the easterly right-of-way of Riding Woods Drive (50' right-of-way); having thus established the TRUE POINT OF BEGINNING leaving said point and running in a generally northeasterly direction along and following the southeasterly right-of-way of said Story Road for the following courses and distances: thence running in a northeasterly direction along a curve to the left for an arc length of 59.85 feet (said arc being subtended by a chord of N56°15'24"E - 59.84 feet and having a radius of 946.02 feet) to a point; thence running N56°40'03"E for a distance of 169.83 feet to a point; thence running in a northeasterly direction along a curve to the right for an arc length of 77.35 feet (said arc being subtended by a chord of N57°54'29"E - 77.35 feet and having a radius of 18,828.22 feet) to an iron pin set (#4 rebar w/cap) thence leaving said right-of-way and running S28°26'34"E for a distance of 273.07 feet to an iron pin set (#4 rebar w/cap); thence running N88°44'16"W for a distance of 163.03 feet to an iron pin found (#3 rebar); thence running N88°46'37"W for a distance of 225.64 feet to an iron pin found (#4 rebar) located on the east right-of-way of Riding Woods Drive; thence running N01°11'45"E along the east right-of-way of Riding Woods Drive for a distance of 64.06 feet to a point which is the TRUE POINT OF BEGINNING. Said tract contains ±1.25 acres (±54,442 sq. ft.).

END OF DESCRIPTION.



CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Printed: 10/19/2021

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
 JAMES R & NAOMI LEAH STOREY

STOREY JAMES ROY

Payment Date: 10/12/2021

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2021	19088300010	10/15/2021	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$476.00	\$0.00



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

5550 Story Road



1:9,028

This map is a user generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.
THIS MAP IS NOT TO BE USED FOR NAVIGATION

Map Notes:



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Cobb County Georgia

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Hearing Dates: **November 22, 2021**
December 6, 2021

**BEFORE THE PLANNING AND ZONING COMMISSIONERS
AND THE MAYOR AND CITY COUNCIL
FOR THE CITY OF POWDER SPRINGS, GEORGIA**

CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR REZONING

COME NOW, Applicant, DAVID PEARSON COMMUNITIES, INC. (hereinafter referred to as "Applicant"), and Property Owner, ASSEMBLIES OF GOD FOUNDATION, a Missouri corporation, TRUSTEE OF THE JAMES R. STOREY CHARITABLE REMAINDER UNITRUST (an irrevocable trust) (hereinafter referred to as "Owner" or "Property Owner"), and assert the following:

1.

By Application for Rezoning dated and filed October 22, 2021, Applicant and Property Owner applied for annexation and rezoning of certain real property, located within unincorporated Cobb County, Georgia, a more particular description and delineation of the subject property being set forth in said Application (hereinafter referred to as the "Property" or "Subject Property").

2.

The Application for Rezoning of the Property seeks rezoning from the existing zoning category of R-30, under and pursuant to the Cobb County Zoning Ordinance, to PUD-R, as established by the governing authority of the City of Powder Springs, Georgia, under and pursuant to the Unified Development Code of Powder Springs Georgia, as

amended, being hereinafter referred to as the “Unified Development Code of the City of Powder Springs.”

3.

As to the current R-30 zoning category and the Property located within unincorporated Cobb County, Georgia, the Zoning and Planning Ordinance of Cobb County and the Unified Development Code of the City of Powder Springs, Georgia (collectively the “Ordinances”), are unconstitutional as applied to the Property in that said Ordinances deprive Applicant and Property Owner of their Property under and pursuant to Art. I, § I, ¶¶ 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 of America. This deprivation of the Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The R-30 zoning category, as it presently exists, together with any intervening zoning categories between the existing R-30 zoning category (Cobb County) and the requested PUD-R zoning category (City of Powder Springs), violates the Applicant’s and Property Owner’s right to unfettered use of their Property in that said zoning classifications do not bear a substantial relation to the public health, safety, morality, or general welfare and are therefore confiscatory and void. Further, said Ordinances 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 on the Applicant and Property Owner.

4.

To the extent the Unified Development Code of the City of Powder Springs, Georgia, allows or permits the Mayor and City Council to rezone the Subject Property to any category other than as requested, said Ordinance is further unconstitutional in that same

violates Applicant's and Property Owner's constitutionally guaranteed rights to due process, both substantive and procedural. Furthermore, any such action by the Mayor and City Council, or as allowed by the Zoning and Planning Ordinance of the City of Powder Springs, is an unconstitutional use of the zoning power and would constitute an abuse of discretion with no justification or benefit flowing to the public welfare. Accordingly, said Ordinance or action would likewise represent a taking of private property rights without the payment of just and adequate compensation in violation of the Constitutions of the State of Georgia and the United States of America.

5.

The Ordinances are further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with the Zoning Application also violate Art. I, § I, ¶¶ I, II, and XII of the Georgia Constitution of 1983 in that said procedures impose unreasonable time restraints, contain the absence of rebuttal, contain the inability to confront witnesses, contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issue at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law. These procedures fail to comport with the due process requirements of the Constitution of the State of Georgia 1983 and the due process requirements of the Constitution of the United States of America.

Respectfully submitted, this 22nd day of October, 2021.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVINMOORE

Georgia Bar No. 519728

Attorneys for Applicant and Property Owner

Page 3 of 3

SHAUN MYERS
(770) 943-1666
THE CITY OF POWDER SPRINGS
4488 PINEVIEW DRIVE
POWDER SPRINGS GA 30127

1 LBS 1 OF 1
SHP WT: 1 LBS
DATE: 29 OCT 2021

SHIP COUNTY CLERK, COBB COUNTY
TO: PAMELA L. MABRY
STE 355
100 CHEROKEE ST

MARIETTA GA 30090-7000



GA 303 3-10



UPS GROUND

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PAMELA L. MABRY
100 CHEROKEE ST
STE 355
MARIETTA GA 30090

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