

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100

376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

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

3-23-21 Rcvd DM

March 23, 2021

VIA HAND DELIVERY & EMAIL

COPY

Ms. Shauna Wilson-Edwards
Special Projects Coordinator for Zoning and Plan Review
City of Powder Springs
4488 Pineview Drive
Powder Springs, Georgia 30127

Re: Application of Selig Enterprises Inc. to Rezone a 32.11 Acre Tract from CRC to MXU – Land Lots 1025, 1026, 1027 and 1047, 19th District, 2nd Section, Cobb County, Georgia

Dear Shauna:

This firm has been engaged by and represents Selig Enterprises Inc. concerning the above-captioned Application for Rezoning. In that regard, enclosed please find the Rezoning Original Application and the following:

1. A copy of the Deed reflecting the record titleholder.
2. Legal descriptions of the Subject Property sought to be rezoned, as contained in the above referenced Deed.
3. Five (5) copies of a Site Plan prepared by Flippo Civil Design drawn to scale and two (2) 8½" x 11" copies of same.
4. A copy of the of the 2020 paid tax receipts for Cobb County and the City of Powder Springs.
5. A Vicinity Map outlining the parcels in relation to the surrounding area.
6. A Survey of the Subject Property.
7. A site plan of the Communication Tower and Area.
8. Copies of Architectural Renderings/Elevations depicting the proposed products.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

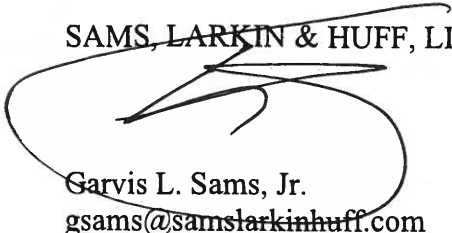
Ms. Shauna Wilson-Edwards
Special Projects Coordinator for Zoning and Plan Review
City of Powder Springs
March 23, 2021
Page 2

9. A Trip Generation Memorandum for the Multi-Family component prepared by A&R Engineering Inc.
10. A Constitutional Challenge.
11. A copy of the contemporaneous filed Variance Application.
12. Payment of the Rezoning Application fee, sign deposit fee, and notification sign costs will be presented after submittal of the application.

Based upon all of these factors, the Applicant has produced sufficient information which will allow the City to fully consider all relevant factors and to demonstrate that the Rezoning Application complies with applicable requirements and is otherwise consistent with the policies reflected and the factors enumerated within the UDC. Please do not hesitate to contact me should 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



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS, Jr./klk
Enclosures

cc: Ms. Pam Conner, City Manager (via email w/attachments)
Ms. Tina Garver, AICP, Community Development Director (via email w/attachments)
Mr. Greg Lewis, Senior Vice President, Selig Enterprises (via email w/attachments)
Mr. Paul Flippo, PE, Flippo Civil Design (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.
4488 Pineview Drive
Powder Springs GA 30127.
commdev@cityofpowdersprings.org
770-943-1666

Zoning Administrator
Shauna Wilson-Edwards
Special Projects Coordinator for Zoning
sedwards@cityofpowdersprings.org
770-943-1666



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

Applicant Information

Name Selig Enterprises Inc.

Phone 404-876-5511

Mailing Address 1100 Spring Street, NW, Ste 550, Atlanta, GA 30309

Email glewis@seligenterprises.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:

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 Selig Enterprises Inc	Phone 404-876-5511
Mailing Address 1100 Spring Street, NW, Ste 550, Atlanta, GA 30309	Email glewis@seligenterprises.com

Rezoning Request Property Information



Address 4493, 4391 & 4327 Brownsville Road 0 Oglesby Road	Parcel ID / Lot# 19102600080, 19102600010, 19102600070 & 19104700310 Acreage 32.11 Acres
Present Zoning CRC	Proposed Zoning MXU
Source of Water Supply Adjacent to subject property as shown on attached Cobb County Sewer Map	Source of Sewage Disposal At site
Proposed Use Peak Hour Trips Generated Trip Generation Memo provided herein	Source Cobb County

Additional Information, If Applicable

Elementary School and School's Capacity Powder Springs (900)	Middle School and School's Capacity Cooper MS (1162)
High School and School's Capacity McEachern (2450)	

Notary Attestation

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

	Garvis L. Sams, Jr. (SAMS, LARKIN & HUFF, LLP)	March 23, 2021
Signature of Applicant	Printed Name	Date
Subscribed and sworn before me this <u>23</u> day of <u>March</u> , 20 <u>21</u> .		
	Karen L. King	2-28-23
Signature of Notary Public	Name of Notary Public	My Commission Expires



For Official Use Only

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



752.3

0

376.17

752.3 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 : 4,514



Map Notes:



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

Applicant Information

Selig Enterprises Inc. by Garvis L. Sams, Jr., Applicant's	
Name Attorney (SAMS, LARKIN & HUFF, LLP)	Phone 770-422-7016
376 Powder Springs Street, Suite 100	
Mailing Address Marietta, GA 30064	Email gsams@samslarkinbuff.com

Notice of Intent See attached consolidated Notice of Intent

PART I. Please indicate the purpose of this application :

PART II. Please list all requested variances:

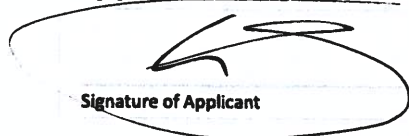
Part III. Existing use of subject property:

See Attached Consolidated
Notice of Intent

Part IV. Proposed use of subject property:

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

Applicant Signature



Signature of Applicant

Garvis L. Sams, Jr., Applicant's Attorney

Printed Name

Date

March 23, 2021

**STATE OF GEORGIA
CITY OF POWDER SPRINGS**

NOTICE OF INTENT

Selig Enterprises Inc.

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

This Application for Rezoning seeks certain entitlements in order to allow the construction of a mixed-use development consisting of Class “A”, highly-amenitized luxury apartments and retail commercial in combination with significant revisions to the existing shopping center and additional future commercial out-parcels located on the property at issue (“Subject Property”). The entirety of the Subject Property consists of an approximate 32.11 acre tract of land and is located at the southeast intersection of CH James Parkway and Brownsville Road and on the north side of Oglesby Road.

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

A waiver of the density from 12 dwelling units per acre to 15.61 dwelling units per acre.
A separate Variance Application is being submitted concurrently herewith.

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

The Subject Property is presently zoned Community Retail Commercial (“CRC”) and has an existing small shopping center (approximately 12,000 square feet) built circa 1995 and which is located on CH James Parkway. The remainder of the Subject Property is vacant (located along Brownsville Road and Oglesby Road) and separated by an existing church (Linked Up Church).

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

The City of Powder Springs' Future Land Use Map ("FLUM") reflects that the Subject Property is located within the confines of a Mixed Use - Community Activity Center ("CAC") which is appropriate for the proposed mixed-use development as proposed and as shown on the site plan and other documentation being submitted herewith. Selig's proposal is to develop the Subject Property with 300 residential apartment units; proposed future commercial properties, and the continued utilization of the existing shopping center after retrofitting, rehabbing and repurposing as depicted on the site plan.

With respect to the current mixed-use development proposal, the residential component will consist of a maximum of 300 luxury apartment units, and a mixture of existing and new retail and restaurant uses within the proposed future retail commercial out-parcels. The amenities of the residential component will include a gated entrance, clubhouse, swimming pool with pavilion, courtyard/greenspace, and dog park. The proposed community will offer unique and meaningfully positioned pedestrian connectivity and pocket parks.

The existing shopping center was originally developed in 1995. There is only one (1) long-term commitment for existing tenants. The proposed mixed-use development will revive the existing shopping center and the proposed future commercial out-parcel development will provide this sub-area with new shopping and dining opportunities.

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

The Applicant and Owner of the Subject Property is Selig Enterprises ("Selig"). Selig is a real estate operating company and its portfolio includes retail, industrial, office, multi-use flexes, and restaurant properties. Selig Enterprises Inc. was formerly known as CMS Realty Company and changed its name to Selig Enterprises Inc. in January 1968. The company was founded in 1918 and is based in Atlanta, Georgia.

Selig intends to develop the Subject Property with highly amenitized, luxury apartments and will repurpose the future and existing buildings with retail concepts for shoppers and dining patrons such as new brick-and-mortar retail to complement online offerings which have modified pre-existing consumer habits.

Based upon the foregoing reasons, the Applicant respectfully requests that the Application for Rezoning be approved with the Applicant 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 this Rezoning Application.

Respectfully submitted, this the 23rd day of March, 2021.

SAMS, LARKIN, & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Georgia Bar No. 623950

376 Powder Springs Street, Suite 100
Marietta, GA 30064
(770) 422-7016



Rezoning Request

Applicant's Written Analysis

Applicant Information

Selig Enterprises Inc. by Garvis L. Sams, Jr., Applicant's	
Name Attorney (SAMS, LARKIN & HUFF, LLP)	Phone 770-422-7016
376 Powder Springs Street, Suite 100	
Mailing Address Marietta, GA 30064	Email gsams@samslarkinhuff.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. **See Attached Consolidated Notice of Intent**
- 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. **See Attached Consolidated Notice of Intent**
- 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. **See Attached Consolidated Notice of Intent**
- d. Whether there are substantial reasons why the property cannot or should not be used as currently zoned; **See Attached Consolidated Notice of Intent**
- 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. **See Attached Consolidated Notice of Intent**
- 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. **See Attached Consolidated Notice of Intent**
- 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. **See Attached Consolidated Notice of Intent**

Applicant Signature

Signature of Applicant

Garvis L. Sams, Jr., Applicant's Attorney
Printed Name

march 23, 2021
Date

**STATE OF GEORGIA
CITY OF POWDER SPRINGS**

ZONING ANALYSIS

Selig Enterprises Inc.

- 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 proposed MXU zoning district and the proposed uses contained and embodied within the rezoning application are compatible with the purpose and intent of the Comprehensive Plan Designation of Mixed-Use and Community Activity Center ("CAC") which recommends commercial, office/professional, retail and residential along with civic, public and church uses.

- 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 the Brownsville Road and CH James Parkway Corridors, respectively.

- 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 commercially and mid-high residentially zoned and utilized. Those parcels located on Brownsville Road and Oglesby Road lie directly across Brownsville Road from a large commercial shopping center which proposed residential component will support and sustain.

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 zoning 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 owner of the Subject Property is suffering a significant economic detriment by virtue of the continuation of the present CRC zoning classification. Additionally, the repurposing of the Subject Property for a mixed-use development will represent a self-sufficient, sustainable neighborhood.

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, transportation facilities, utilities or schools. Additionally, proposed transportation and operational improvements are planned for the intersections of Brownsville Road and Oglesby Road and for Brownsville Road at CH James Parkway.

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.

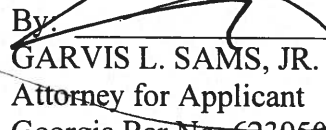
The proposed Mixed-Use Development will occupy a quadrant of a major signalized intersection and the proposed development will have ingress and egress from two arterials (CH James Parkway & Brownsville Road); will provide for one-destination living, shopping and service locations to serve the community; and, will minimize traffic congestion.

- g. Whether the proposed zoning district of MXU 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.**

There is no substantial relationship between the proposed zoning classification and uses of the subject property and the proposed uses' impact to the public's health, safety and general welfare.

Respectfully submitted, this the 23rd day of March, 2021.

SAMS, LARKIN, & HUFF, LLP


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

376 Powder Springs Street, Suite 100
Marietta, GA 30064
(770) 422-7016



Rezoning Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name Selig Enterprises Inc. **Applicant's Address** 1100 Spring Street NW, Ste. 550
Atlanta, GA 30309

Applicant's Attorney Garvis L. Sams, Jr.
Sams, Larkin & Huff, LLP **Attorney's Address** 376 Powder Springs Street, Ste. 100
Marietta, GA 30064

Campaign Contribution Disclosure

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

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

Individual(s) Corporation Partnership Limited Partnership Joint Venture

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

N/A

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		

Garvis L. Sams, Jr., Applicant's Attorney



Rezoning Request Owner's Authorization Form

Owner's Authorization

Applicant Name Selig Enterprises, Inc.	Applicant's Address 1100 Spring Street NW Ste. 550 Atlanta, GA 30309
Property Address 4493, 4391, 4327 Brownsville 0 Oglesby Road Powder Springs, GA	Property PIN 19102600080, 19102600010, 19101600070, 19104700310

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)

	Gregory Lewis	3/6/21
Signature of Owner	Printed Name	Date

State of GA, County of Fulton

This instrument was acknowledged before me this 6th day of MARCH month.

20 21, by Gregory Lewis. Identification Presented: self.

	Jennifer Marglous	1-18-2022
Signature of Notary Public	Name of Notary Public	My Commission Expires



Signature of Owner	Printed Name	Date
State of _____, County of _____.	This instrument was acknowledged before me this _____ day of _____ month.	
20 _____, by _____ name of signer.	Identification Presented: _____.	
Signature of Notary Public	Name of Notary Public	My Commission Expires



Affidavit of Public Notification

Public Notification Requirements

Per Article 13 and 14 of the City of Powder Springs Unified Development Code, I certify that I have met the advertising requirements of Article 13 and Article 14 for a Special Use, Variance or Rezoning application for subject property located at 4493, 4391 & 4327 Brownsville Road & 0 Oglesby Road Tract

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

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

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

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

Notary Attestation

Executed in _____ (City), _____ (State).

Signature of Applicant _____ Printed Name Garvis L. Sams, Jr.,
Applicant's Attorney Date _____

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

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

To be submitted after notification letters have been mailed out and signs posted on subject site.



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

15.00
PR

mail C. Robin Wyatt
Ste D-4100
1140 Hammond Drive
Atlanta, Ga. 30328

STATE OF GEORGIA
COUNTY OF FULTON

Cobb County, Georgia Real Estate Tax
Paid 2,280.00
Date 5-5-95
Jay C. Stephenson
Clerk of Superior Court

LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED (this "Deed"), made and entered into effective the 21st day of April, 1995, by and between VF POWDER SPRINGS ASSOCIATES, L.P., a Georgia limited partnership (the "Grantor") and SELIG ENTERPRISES INC., a Georgia corporation (the "Grantee"), the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits.

Jay C. Stephenson
CLERK SUPERIOR COURT

FILED AND RECORDED
1995 MAY -5 AM 11:01

W I T N E S S E T H:

FOR AND IN CONSIDERATION OF exchange of properties, and other good and valuable consideration, the receipt, adequacy and sufficiency of which is hereby acknowledged, Grantor has granted, bargained, sold, aliened, conveyed and confirmed, and does by these presents grant, bargain, sell, alien, convey and confirm unto Grantee, and the heirs, successors, legal representatives and assigns of Grantee, all that tract or parcel of land lying and being in Land Lot 1025, 1026, 1027 and 1047 of the 19th District, Second Section, of Cobb County, Georgia, being more particularly described in Exhibit "A" annexed hereto.

2,280.00

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

THIS DEED AND THE WARRANTY of title contained herein are subject only to those matters set forth on Exhibit "B" annexed hereto (the "Permitted Title Exceptions").

SUBJECT ONLY TO the Permitted Title Exceptions, Grantor shall warrant and forever defend the right and title to said tract or parcel of land unto Grantee and the heirs, successors, legal representatives and assigns of Grantee from and against any and all claims of any and all parties whomsoever holding, owning or claiming by, through or under Grantor, but not otherwise.

IN WITNESS WHEREOF, the duly authorized officers of Grantor have signed, sealed and delivered this Deed, and

caused its corporate seal to be affixed hereto, the day and year first above written.

Signed, sealed and delivered in the presence of:

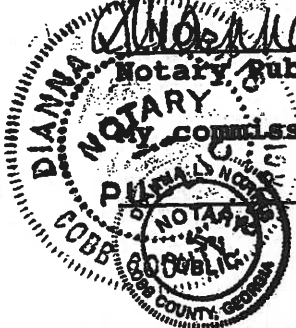
VF POWDER SPRINGS ASSOCIATES, L.P., a Georgia limited partnership, "Grantor"

[Signature]
Unofficial Witness

By: **The Vlass-Fotos Group, Ltd. a Georgia corporation, its sole general partner**

[Signature]
Notary Public

By: *[Signature]*
**Mark A. Parker
Vice President**



My commission expires:

**DIANNA L. NORRIS
Notary Public, Cobb County, Georgia
My Commission Expires Nov. 14, 1999**

(NOTARY SEAL)



(CORPORATE SEAL)



Exhibit "A"

All that tract or parcel of land lying and being in Land Lots 1025, 1026, 1027 and 1047 of the 19th District, 2nd Section, Cobb County, Georgia, being known as Parcel 3, Parcel 4, Parcel 5 and Parcel 6, as shown on that certain Plat of Survey prepared for Selig Enterprises, Inc. and Old Republic National Title Insurance Company dated February 24, 1995, by David A. Burre Engineers & Surveyors, and being more particularly described as follows:

Beginning at an iron pin found located on the southeasterly right of way of Brownsville Road (having a 60 foot right of way) 245.00 feet southwesterly from the intersection formed by the southeasterly right of way of Brownsville Road and the northerly line of Land Lot 1026; thence south 48 degrees 15 minutes 44 seconds east 197.88 feet to an iron pin found; thence south 41 degrees 44 minutes 16 seconds west 142.50 feet to an iron pin found; thence south 48 degrees 15 minutes 44 seconds east 351.12 feet to an iron pin found; thence north 41 degrees 44 minutes 16 seconds east 72.50 feet to an iron pin found; thence south 48 degrees 15 minutes 44 seconds east 181.20 feet to an iron pin found; thence south 41 degrees 44 minutes 16 seconds west 40.50 feet to an iron pin found; thence south 48 degrees 15 minutes 44 seconds east 195.63 feet to an iron pin found; thence south 48 degrees 02 minutes 07 seconds west 143.21 feet to an iron pin found; thence south 03 degrees 57 minutes 19 seconds west 145.05 feet to an iron pin found; thence south 03 degrees 57 minutes 09 seconds west 171.79 feet to an iron pin found located at the common intersection formed by Land Lots 1025, 1026, 1047 and 1048; thence south 00 degrees 38 minutes 53 seconds west 294.25 feet to an iron pin found located on the northerly right of way of Oglesby Road (having a 50 foot right of way); thence following the northerly right of way of Oglesby Road the following courses and distances: north 86 degrees 41 minutes 03 seconds west 184.65 feet to a point; thence north 89 degrees 34 minutes 38 seconds west 200 feet to a point; thence running in a northwesterly direction along the arc of a curve to the left, said curve having a radius of 1344.64 feet, said arc being subtended by a chord line having a magnetic bearing of north 73 degrees 07 minutes 59 seconds west and a chord length of 761.18 feet, and arc distance of 771.73 feet to a point; thence north 56 degrees 36 minutes 37 seconds west 274.43 feet to an iron pin located on the southeasterly right of way of Brownsville Road; thence following the southeasterly right of way of Brownsville Road the following courses and distances: north 33 degrees 02 minutes 33 seconds east 136.71 feet to a point; thence running in a northeasterly direction along the arc of a curve, said curve having a radius of 2086.65 feet, said arc being subtended by a chord line having a magnetic bearing of north 38 degrees 00 minutes 29 seconds east and a chord length of 306.98 feet and an arc distance of 307.26 feet to a point; thence north 41 degrees 43 minutes 42 seconds east 58.86 feet to a point; thence north 41 degrees 44 minutes 16 seconds east 831.46 feet to an iron pin found to the point of beginning.

CONTINUED

BK 8849PG0127

EXHIBIT A, CONTINUED

Together with perpetual, nonexclusive easements as set forth in (i) that certain Grant of Easement from Jack Thompson and James H. Pruitt to The Vlass-Fotos Group, Ltd. ("VFG") dated November 30, 1988, recorded in Deed Book 5162, page 13, Cobb County, Georgia records; and (ii) that certain Grant of Easement from Jack Thompson Properties, Inc. to VFG, dated November 30, 1988, recorded in Deed Book 5162, page 9, aforesaid records.

Together with perpetual, exclusive easements as set forth in (i) that certain Road Easement Agreement among V. C. Rainwater and Margie Beatrice Rainwater and VFG, dated January 7, 1991, recorded in Deed Book 5988, page 500, aforesaid records; and (ii) that certain Road Easement Agreement among Branson E. Wood, Edith Wood Reid and Lorene Wood Rowe and VFG, dated January 7, 1991, recorded in Deed Book 5988, page 11, aforesaid records.

Further together with a perpetual non-exclusive easement as set forth in that certain Reciprocal Easement Agreement among VF Powder Springs Associates, L.P. and Sunbelt-Dix, Inc. dated November 25, 1992, filed December 9, 1992, recorded in Deed Book 7028, page 462, aforesaid records.

AND

All that tract or parcel of land lying and being in Land Lots 1025, 1026, of the 19th District, 2nd Section, Cobb County, Georgia, being known as Parcel 1, as shown on that certain Plat of Survey prepared for Selig Enterprises, Inc. and Old Republic National Title Insurance Company dated February 24, 1995, by David A. Burre Engineers & Surveyors, and being more particularly described as follows:

Beginning at an iron pin found located on the southeasterly right of way of Brownsville Road (having a 60 foot right of way) and the northerly line of Land Lot 1026; thence south 88 degrees 41 minutes 00 seconds east 334.15 feet to an iron pin found; thence south 41 degrees 47 minutes 28 seconds east 730.15 feet to an iron pin found; thence south 48 degrees 02 minutes 07 seconds west 170.40 feet to an iron pin found; thence north 48 degrees 15 minutes 44 seconds west 65.31 feet to an iron pin found; thence north 19 degrees 18 minutes 39 seconds west 103.29 feet to a point; thence north 48 degrees 15 minutes 44 seconds west 75.50 feet to an iron pin found; thence south 41 degrees 44 minutes 16 seconds west 50 feet to an iron pin found; thence north 48 degrees 15 minutes 44 seconds west 433.95 feet to an iron pin found; thence south 81 degrees 39 minutes 31 seconds west 143.43 feet to an iron pin found; thence south 48 degrees 15 minutes 44 seconds west 204.01 feet to an iron pin located on the southeasterly right of way of Brownsville Road; thence following said right of way north 41 degrees 44 minutes 16 seconds east 145.00 feet to an iron pin found to the point of beginning.

TOGETHER WITH THE FOLLOWING EASEMENTS:

BK8849PG0128

EXHIBIT A, CONTINUED

Together with perpetual, nonexclusive easements as set forth in (i) that certain Grant of Easement from Jack Thompson and James H. Pruitt to The Vlass-Fotos Group, Ltd. ("VFG") dated November 30, 1988, recorded in Deed Book 5162, page 13, Cobb County, Georgia records; and (ii) that certain Grant of Easement from Jack Thompson Properties, Inc. to VFG, dated November 30, 1988, recorded in Deed Book 5162, page 9, aforesaid records.

Together with perpetual, exclusive easements as set forth in (i) that certain Road Easement Agreement among V. C. Rainwater and Margie Beatrice Rainwater and VFG, dated January 7, 1991, recorded in Deed Book 5988, page 500, aforesaid records; and (ii) that certain Road Easement Agreement among Branson E. Wood, Edith Wood Reid and Lorene Wood Rowe and VFG, dated January 7, 1991, recorded in Deed Book 5988, page 11, aforesaid records.

Further together with a perpetual non-exclusive easement as set forth in that certain Reciprocal Easement Agreement among VF Powder Springs Associates, L.P. and Sunbelt-Dix, Inc. dated November 25, 1992, filed December 9, 1992, recorded in Deed Book 7028, page 462, aforesaid records.

EXHIBIT B

PERMITTED TITLE EXCEPTIONS

1. All taxes subsequent to the year 1994.
2. License Agreement contained in Agreement of Purchase and Sale by and between Marcia L. Shell ("Seller") and The Vlass-Fotos Group, Ltd. ("Purchaser") dated March 6, 1995 for Seller and March 3, 1995 for Purchaser.
3. Deed to Secure Debt from VF Powder Springs Associates, L.P. to V.C. Rainwater, Jr. and Margie Beatrice Rainwater dated December 18, 1992, recorded in Deed Book 7051, page 467, Cobb County, Georgia records.
4. Second Priority Deed to Secure Debt from VF Powder Springs Associates, L.P. to Charles G. Economy dated December 18, 1992, recorded in Deed Book 7051, page 472, aforesaid records, as transferred and assigned to Edward J. Levin, I.R.A. (Individual Retirement Account) by Assignment dated May 26, 1993, recorded in Deed Book 7541, page 321, aforesaid records.
5. Reciprocal Easement and Restrictive Covenant Agreement between VF Powder Springs Associates, L.P. and Sunbelt-Dix, Inc. dated November 25, 1992, recorded at Deed Book 7028, page 465, aforesaid records.
6. Access Easement Agreement between VF Powder Springs Associates, L.P. and Jack Thompson and Tommy A. Whitener dated December 9, 1992, recorded in Deed Book 7032, page 98, aforesaid records.
7. Easement from VF Powder Springs Associates, L.P. to Bell South Telecommunications dated September 7, 1993, recorded in Deed Book 7750, page 235, aforesaid records.
8. Easement to Colonial Pipeline Company as evidenced by the following documents, as modified by that certain Partial Release of Pipeline Easement Rights from Colonial Pipeline Company dated November 30, 1987, recorded in Deed Book 4739, page 175, aforesaid records:
 - a. Right of Way Easement from Roberta Murray to Colonial Pipeline Company dated July 16, 1962, recorded in Deed Book 675, page 212, aforesaid records;
 - b. Gate Valve Contract from Roberta Murray to Colonial Pipeline Company dated November 30, 1971, recorded in Deed Book 1281, page 660, aforesaid records;
 - c. Gate Valve Contract from Roberta Murray to Colonial Pipeline Company dated June 14, 1972, recorded in Deed Book 1327, page 253, aforesaid records;
 - d. Gate Valve Easement from Thomas L. Turner, Louise Turner Collett and Robert M. Turner to Colonial Pipeline Company dated October 24, 1983, recorded in Deed Book 2935, page 468, aforesaid records.
9. Department of Transportation Right of Way Deed (Limited Access) from Thomas L. Turner, Robert M. Turner and Louise Turner Collett dated October 4, 1982, recorded in Deed Book 2602, page 509, aforesaid records.
10. Matters shown on survey prepared for Selig Enterprises, Inc. and Old Republic National Title Insurance Company by David A. Burre Engineers & Surveyors, Inc., David A. Burre, Georgia Registered Land Surveyor No. 1965, dated February 24, 1995, Project No. 91-1551.

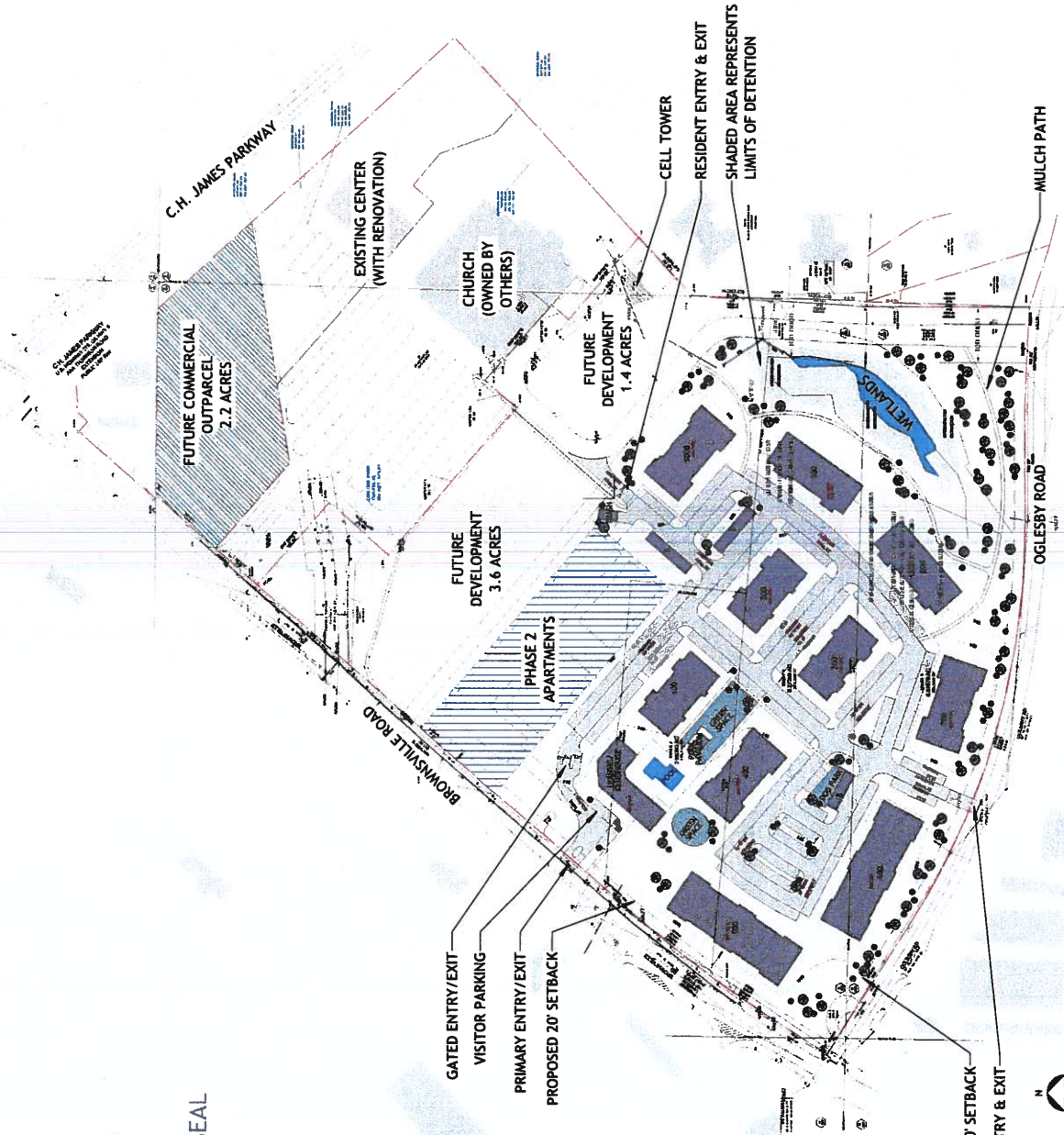
BK 884 9PG0130

SITE PLAN 4B

BROWNSVILLE ROAD



PROFESSIONAL SEAL



DEVELOPMENT SUMMARY- PHASE 1:

MULTI-FAMILY APARTMENTS	
LEASING/CLUBHOUSE & POOL PAVILION (+/- 9,000 SF)	
10 RESIDENTIAL BUILDINGS (3-STORY AND 3/4 SPLIT)	
+/- 300 UNITS	
962 SF AVG	
(48% 1-BR, 46% 2-BR, 6% 3-BR)	
CONCEPTUAL AREAS	
HEATED FLOOR AREA	316,000 SF
TOTAL FLOOR AREA	390,000 SF
PARKING	
REQ. MULTI-FAMILY PARKING:	1.65 * 300= 495 SPACES
(PER ZONING: 1-BR @ 1.6, 2-BR @ 1.6, 3-BR @ 2.2)	
PROVIDED PARKING:	
SURFACE PARKING:	+/- 474 SPACES
GARAGE PARKING:	+/- 21 SPACES
TOTAL:	+/- 495 SPACES

DEVELOPMENT SUMMARY- PHASE 2:

MULTI-FAMILY APARTMENTS	
2 RESIDENTIAL BUILDINGS (3-STORY)	
+/- 48 UNITS	
CONCEPTUAL AREAS	
HEATED FLOOR AREA	52,000 SF
TOTAL FLOOR AREA	63,000 SF
PARKING	
REQ. MULTI-FAMILY PARKING:	1.65 * 48= 80 SPACES
PROVIDED PARKING:	
TOTAL:	+/- 80 SPACES

PHASE 1 + PHASE 2	
PHASE 1 + PHASE 2 =	22.3 ACRES
PROPOSED DENSITY =	348 UNITS/ 22.3 ACRES = 15.61 UNITS/ACRE

FUTURE DEVELOPMENT	
COMMERCIAL OR TOWNHOMES	

COMMERCIAL SHOPPING CENTER	
12,000 SF RETAIL WITH PROPOSED FACADE AND SITE RENOVATION	



A-4

SILVERSTUDIO

SELIG ENTERPRISES | 03/19/21



Printed: 1/25/2021

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SELIG ENTERPRISES INC

SELIG ENTERPRISES INC

Payment Date: 8/31/2020

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2020	19102600080	10/15/2020	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$3,046.05	\$0.00



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Parcel Id:	19-102600080	Tax Account Id:	6270
Property Location:	4391 BROWNSVILLE RD	Zoning Code:	
Owner Name/ Address:	SELIG ENTERPRISES INC 1100 SPRINGS ST SUITE 550 ATLANTA GA 30309-2827	Land Value:	0
		Improvement Value:	100,364
		Exempt Value:	0.00
		Total Assessed Value:	100,364.00
		Deductions:	None

Make a Payment		View Current Bill				
11/15/2020	Tax	953.46	0.00	0.00	0.00	PAID
11/29/2019	Tax	953.46	0.00	0.00	0.00	PAID
Last Payment: 10/27/20						

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Printed: 1/25/2021

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SELIG ENTERPRISES INC

SELIG ENTERPRISES INC

Payment Date: 8/31/2020

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2020	19102600010	10/15/2020	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$12,807.70	\$0.00



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 mobile phone to view
 this bill!



Parcel Id:	19-102600010	Tax Account Id:	6267
Property Location:	4327 BROWNSVILLE RD SW	Zoning Code:	
Owner Name/Address:	SELIG ENTERPRISES INC 1100 SPRINGS ST SUITE 550 ATLANTA GA 30309-2827	Land Value:	0
		Improvement Value:	422,000
		Exempt Value:	0.00
		Total Assessed Value:	422,000.00
		Deductions:	None

Make a Payment		View Current Bill				
11/15/2020	Tax	5,722.60	0.00	0.00	0.00	PAID
11/29/2019	Tax	5,722.60	0.00	0.00	0.00	PAID
Last Payment: 10/27/20						

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Printed: 1/25/2021

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SELIG ENTERPRISES INC

SELIG ENTERPRISES INC

Payment Date: 8/31/2020

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2020	19102600070	10/15/2020	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$5,421.84	\$0.00



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Parcel Id:	19-102600070	Tax Account Id:	6269
Property Location:	4493 BROWNSVILLE RD	Zoning Code:	
Owner Name/Address:	SELIG ENTERPRISES INC 1100 SPRINGS ST SUITE 550 ATLANTA GA 30309-2827	Land Value:	0
		Improvement Value:	178,644
		Exempt Value:	0.00
		Total Assessed Value:	178,644.00
		Deductions:	None

Make a Payment		View Current Bill				
11/15/2020	Tax	1,793.12	0.00	0.00	0.00	PAID
11/29/2019	Tax	1,793.12	0.00	0.00	0.00	PAID
Last Payment: 10/27/20						

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Printed: 1/25/2021

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:
SELIG ENTERPRISES INC

SELIG ENTERPRISES INC

Payment Date: 8/31/2020

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2020	19104700310	10/15/2020	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$6,518.45	\$0.00



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mobile phone to view
this bill!



Parcel Id:	19-104700310	Tax Account Id:	6275
Property Location:	OGLESBY RD	Zoning Code:	
Owner Name/Address:	SELIG ENTERPRISES INC 1100 SPRINGS ST SUITE 550 ATLANTA GA 30309-2827	Land Value:	0
		Improvement Value:	214,776
		Exempt Value:	0.00
		Total Assessed Value:	214,776.00
		Deductions:	None

Make a Payment		View Current Bill				
11/15/2020	Tax	2,213.17	0.00	0.00	0.00	PAID
11/29/2019	Tax	2,213.17	0.00	0.00	0.00	PAID
Last Payment: 10/27/20						

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Selig - Vicinity Map



Map Notes:



1: 4,514

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



WGS_1984_Web_Mercator_Auxiliary_Sphere
 © Cobb County Georgia

PRECISION OF SURVEY
 THE STATION DATA FROM WHICH THIS PLAN IS BASED WERE OBTAINED BY THE METHOD OF TRIANGULATION AND THE DISTANCES WERE MEASURED BY THE METHOD OF STATIONING ALONG THE HIGHWAY. THE DISTANCES WERE MEASURED BY THE METHOD OF STATIONING ALONG THE HIGHWAY. THE DISTANCES WERE MEASURED BY THE METHOD OF STATIONING ALONG THE HIGHWAY.

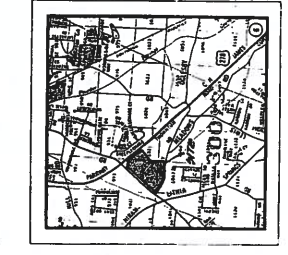
FLOOD HAZARD NOTE
 THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971. THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971. THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971. THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971.

AREA SUMMARY

PARCEL #1	309,077.43 SF	6.7989 AC.
PARCEL #2	282,964.50 SF	6.5268 AC.
PARCEL #3	486,231.30 SF	11.1823 AC.
PARCEL #4	130,410.62 SF	2.9940 AC.
PARCEL #5	273,542.72 SF	6.2737 AC.
PARCEL #6	299,428.08 SF	6.8739 AC.
TOTAL	1,681,665.65 SF	38.1465 AC.

ADDITIONAL NOTES
 1. THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971. THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971. THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971. THE SURVEY WAS MADE ON THE 15TH DAY OF FEBRUARY, 1971.

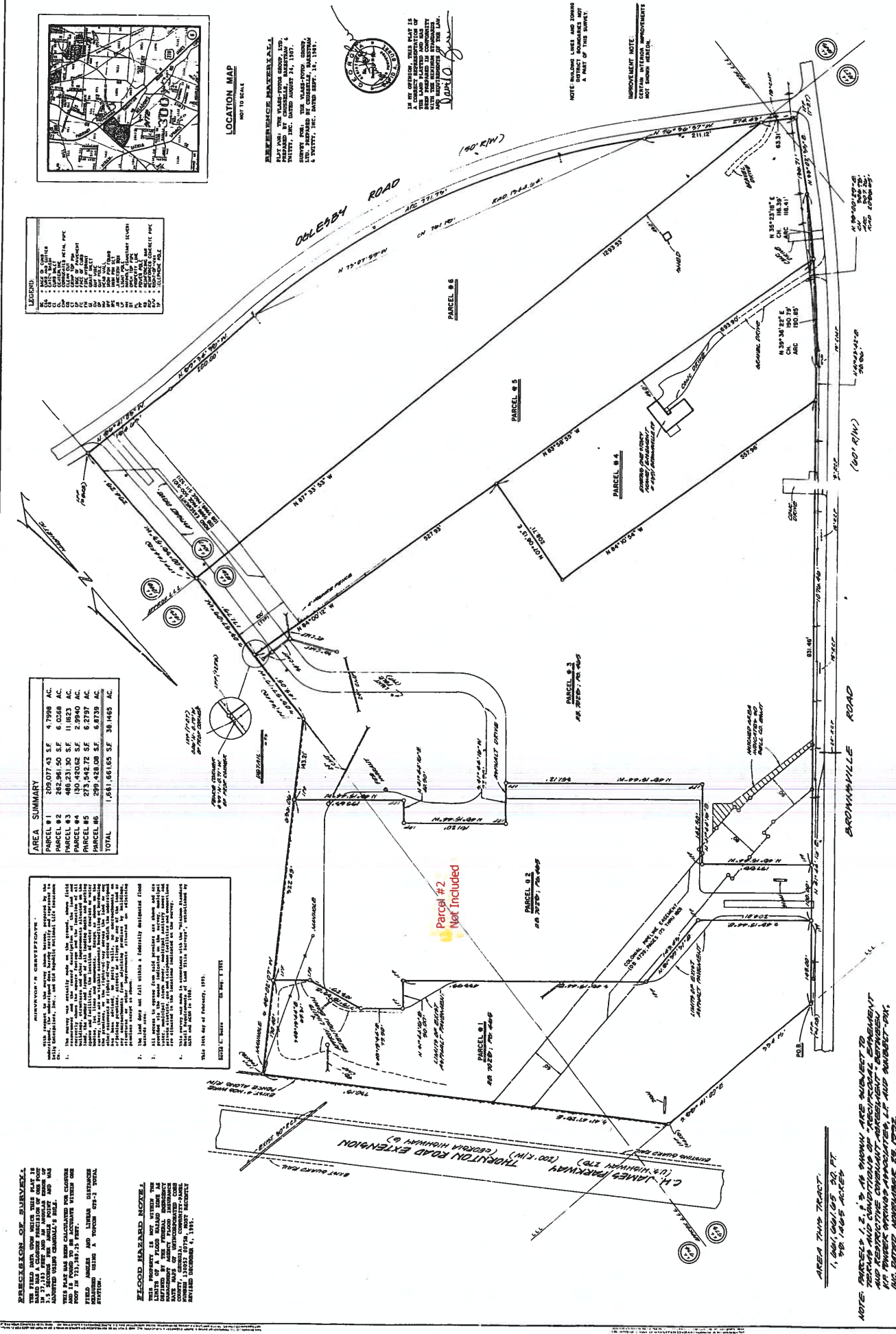
NOTE: PARCELS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



REFERENCE MATERIALS
 PLAN AND THE SURVEY DATA WERE OBTAINED FROM THE RECORDS OF THE SURVEYING DEPARTMENT OF THE STATE OF MISSISSIPPI, DATED AUGUST 24, 1971. THE SURVEY WAS MADE BY DAVID BERRY, INC. DATED SEPTEMBER 13, 1971.



NOTE: BUILDING LINES AND ZONING DISTRICT BOUNDARIES ARE NOT SHOWN HEREON.



David A. Burre Engineers & Surveyors, Inc.
 Consulting - Land Planning
 1168 Appleton Way, Suite 103, Biloxi, MS 39266 (601) 434-0300

PROJECT INFORMATION

DATE	2-27-72
PROJECT	DAVID BERRY, INC.
SHEET	1 OF 1

AC. AND SURFACE CO. CABES COUNTY MISSISSIPPI

BOUNDARY SURVEY FOR DAVID BERRY, INC. PROJECT 2-2-72

OLD REPUBLIC NATIONAL TITLE

THE CITY OF PUMPER SPRING

DAVID BERRY, INC. PROJECT 2-2-72

GRAPHIC SCALE

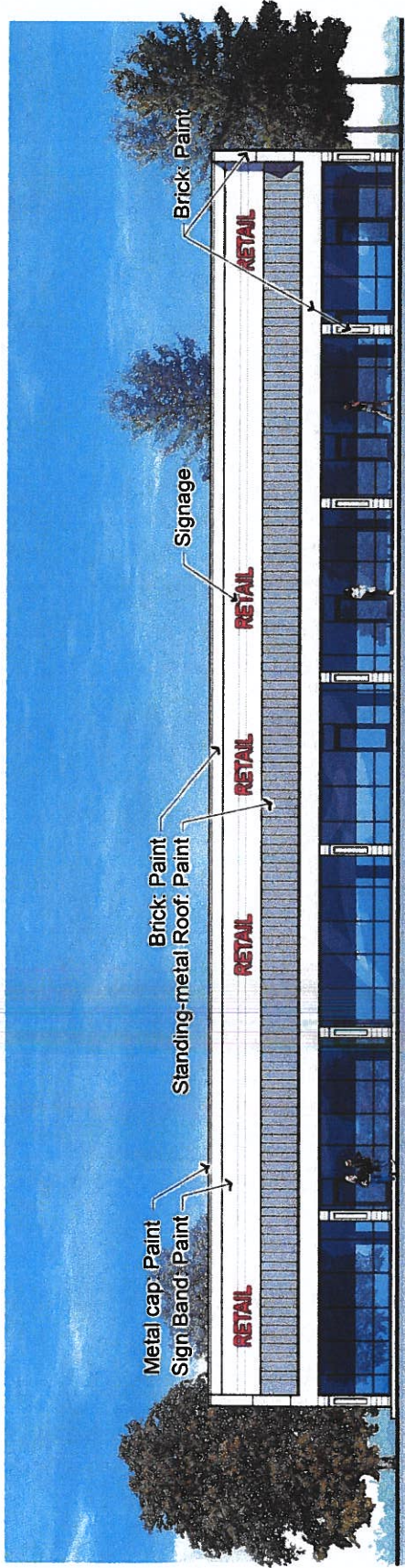
AREA THIS TRACT: 1,681,665.65 SF OR 38.1465 ACRES



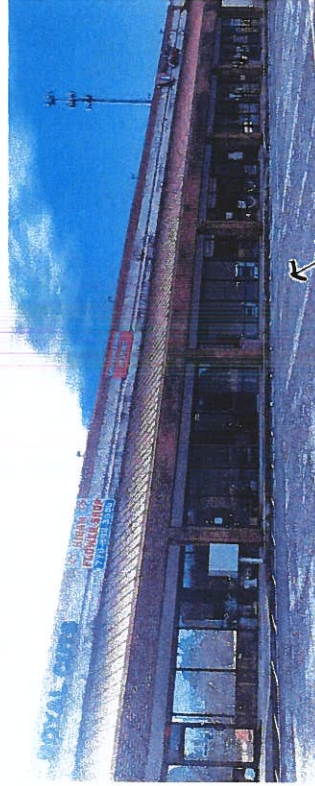
BROWNSVILLE ROAD | RENDERED VIEW

SELIG ENTERPRISES

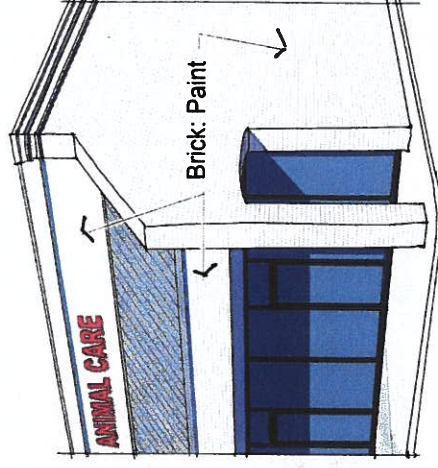
3/19/21



Front Elevation: Color Concept



Existing Retail Storefront



Building Perspective

SELIG RETAIL CENTER | Remodeling Concept

Selig Enterprises

18 March 2021



A&R Engineering Inc.

2160 Kingston Court, Suite O
Marietta, GA 30067
Tel: (770) 690-9255 Fax: (770) 690-9210
www.areng.com



Memorandum

To: Greg Lewis, Selig Enterprises
From: Abdul Amer, PE., A&R Engineering, Inc.
Date: March 22nd, 2021
Subject: Trip Generation Memorandum for Proposed Multifamily Residential Development on Brownsville Road in Powder Springs, Georgia | A&R 21-045

The purpose of this memorandum is to estimate the trip generation for the proposed multifamily residential development in the City of Powder Springs, Georgia. The site will be located at the northeast corner of Brownsville Rd and Oglesby Rd along with the southeast corner of Brownsville Rd and SR 6/C.H. Parkway. The proposed development will include 300 units of multifamily apartments. The development proposes four full-access driveways: two on Brownsville Rd and two on Oglesby Road. The proposed development is shown below.



Figure 1 – Site Plan

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 10th edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual (10th edition). This reference contains traffic volume count data collected at similar facilities nationwide.

TRIP GENERATION FOR PROPOSED DEVELOPMENT

The trip generation referenced is based on the following ITE Land Use: *221 – Multifamily Housing (Mid-rise)*.
Land Use: 221 – Multifamily Housing (Mid-rise): *Mid-rise multifamily housing includes apartments, townhouses, and condominiums located within the same building with at least three other dwelling units and that have between three and 10 levels (floors).*

The results of the analysis for the proposed development are shown in Table 1, below.

Land Use	Independent Variable	A.M. Peak Hour			P.M. Peak Hour			24-Hour	
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
221 – Multifamily Housing (Mid-Rise)	300 Units	26	74	100	77	50	127	816	817

The ITE Manual of Transportation Engineering Studies includes guidance for the preparation of traffic impact studies for new developments. ITE recommends that traffic studies be performed when a development generates 100 or more trips during an hour.

TO THE CITY OF POWDER SPRINGS
COBB COUNTY, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, SELIG ENTERPRISES INC., hereinafter referred to as the "Applicant", and asserts the following, to wit:

1.

By application to which this exhibit relates, the Applicant has applied for a Rezoning of certain real property lying and being within the City of Powder Springs, Cobb County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Rezoning of the property seeks a rezoning from the existing category of CRC, as established by the governing authority of Powder Springs, Cobb County, Georgia to the zoning category of MXU.

3.

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

5.

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

Respectfully submitted, this the 23rd day of March, 2021.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.

Attorney for Applicant

Ga. Bar No. 623950



Variance Request Application Form

COPY

Applicant Information

Name **Selig Enterprises Inc.**

Phone **404-876-5511**

Mailing Address **1100 Spring Street, NW, Ste 550
Atlanta, GA 30064**

Email **glewis@seligenterprises.com**

Variance Request Property Information

Address **4493, 4391 & 4327 Brownsville Rd.; Oglesby Rd.**

Parcel ID / Lot# **191026000080, 19102600010, 19102600070 & 19104700310**

Acreage **32.11 (total tract for Rezoning to MXU)**

Present Zoning **CRC (concurrent Rezoning Application to MXU)**

Variance Request **To waive the density from 12 dwelling units per acre to 15.61 dwelling units per acre.**

Source of Water Supply **Cobb County**

Source of Sewage Disposal **Cobb County**

Additional Information, If Applicable

Elementary School and School's Capacity **Powder Springs (900)**

Middle School and School's Capacity **Cooper Ms (1162)**

High School and School's Capacity **McEachern (2450)**

Peak Hours Trips Generated **Trip Generation Analysis to be provided under separate cover**

Notary Attestation

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

Garvis L. Sams, Jr.
Printed Name

March 23, 2021
Date

Subscribed and sworn before me this **23** day of **March**, 20**21**.

Karen L. King
Name of Notary Public

2-28-2023
My Commission Expires



For Official Use Only

PZ #

Planning Commission Hearing

City Council Hearing

Withdrawal Date

Reason for Withdrawal



Variance Request Notice of Intent

COPY

Applicant Information

Name Selig Enterprises Inc.

Phone 404-876-5511

Mailing Address 1100 Spring Street, NW, Ste 550
Atlanta, GA 30064

Email glewis@seligenterprises.com

Notice of Intent

PART I. Please indicate the purpose of this application :

The Applicant is proposing the development of Class "A", highly-amenitized luxury apartments and retail commercial.

PART II. Please list all requested variances:

To waive the density from 12 dwelling units per acre to 15.61 dwelling units per acre.

Part III. Existing use of subject property:

Commercial along CH James Parkway and undeveloped parcels along Brownsville Road and Oglesby Road.

Part IV. Proposed use of subject property:

Mixed Use Development including multi-family apartments.

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

Selig Enterprises, Inc. is a real estate operating company and its portfolio includes retail, industrial, office, multi-use flexes. The subject property will be developed for luxury apartments; repurposed existing commercial on site and construction of new brick-and-mortar retail.

Applicant Signature

Signature of Applicant

Garvis L. Sams, Jr.
Printed Name

March 23, 2021
Date



Variance Request

Applicant's Written Analysis

COPY

Applicant Information

Name **Selig Enterprises Inc.**

Phone **404-876-5511**

Mailing Address **1100 Spring Street, NW, Ste 550
Atlanta, GA 30064**

Email **glewis@seligenterprises.com**

Written Analysis

In details please address these Variance Criteria: **See attached**

- a. Are there extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- b. A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

be able to development the property
- c. Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located
- d. The requested variance will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare.
- e. The special circumstances are not the result of the actions of the applicant.
- f. The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the use district proposed.
- g. The variance shall not permit a use of land, building or structures, which is not permitted by right in the zoning district overlay district involved.

Applicant Signature



Signature of Applicant

Garvis L. Sams, Jr.

Printed Name

March 23, 2021

Date

STATE OF GEORGIA
CITY OF POWDER SPRINGS

VARIANCE ANALYSIS
Selig Enterprises Inc.

COPY

- a) Are there extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district:

This property is limited by its size and shape (encumbered by three [3] separate roadways) and is constrained by its proximity to the Linked In Church. The subject site is surrounded by various zoning districts (CRC, MDR and R-20). There are developed residential zonings located to the east and intensive commercial located to the west.

- b) A literal interpretation of the provisions of this development code would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located:

Other property owners have been able to develop their properties in economically feasible situations. Without the granting of the Variance, the Applicant will not be able to develop the property.

Additionally, the MXU zoning district (sought as part of the contemporaneous filing of this Variance Application) is intended for development of mixed uses and allow the opportunity for an integrated mixture of residential and commercial uses within this sub-area of the City of Powder Springs.

- c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located:

The Applicant has concurrently applied for zoning under the MXU category which is recommended as a permitted use in this area of the City and the Unified Development Code (UDC).

- d) The requested variances will be in harmony with the purpose and intent of this development code and will not be injurious to the neighborhood or to the general welfare:

The subject site is surrounded by various commercial and residential districts and uses and is separated from existing abutting residential by wetlands/flood plain and therefore will not impact those residential uses. Granting of the Variance would not cause substantial detriment to the general welfare or to the intent of the code.

- e) The special circumstances are not the result of the actions of the applicant:

The Applicant has not done anything to create the conditions of a configuration of the site that is constrained by existing developments and wetlands.

- f) The variances requested are the minimum variances that will make possible the proposed use of the land, building, or structures in the use district proposed:

The Applicant has endeavored to create a mixed use project that will compliment this sub-area of the City of Powder Springs.

- g) The variances shall not permit a use of land, buildings or structures, which is not permitted by right in the zoning district or overlay district involved.

Residential uses (including the proposed multi-family apartments) are permitted in the MXU District.