



Rezoning Request Application Checklist

Applicant Information

Name *Traton, LLC

Phone [REDACTED]

Mailing Address 720 Kennesaw Avenue, Marietta, GA 30060

Email [REDACTED]

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: 2023 Cobb County Property Tax Receipt; Constitutional Challenge

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 *Traton, LLC	Phone [REDACTED]
Mailing Address 720 Kennesaw Avenue, Marietta, GA 30060	Email [REDACTED]

Rezoning Request Property Information

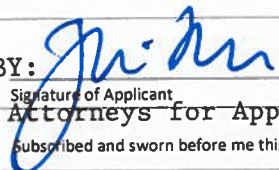

Address 5500 Elliott Road	Parcel ID / Lot# 19066000060	Acreage 29.60675+/-
Present Zoning R-30 (Cobb County)	Proposed Zoning PUD-R (City of Powder Springs)	
Source of Water Supply Cobb County Water	Source of Sewage Disposal Cobb County Water & Sewer	
Proposed Use Peak Hour Trips Generated	Source	


Additional Information, If Applicable

Elementary School and School's Capacity Varnier Elementary - 214 under	Middle School and School's Capacity Tapp Middle - 252 under
High School and School's Capacity McEachern High - 150 under	

Notary Attestation

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

BY: 	J. Kevin Moore	April 23, 2024
Signature of Applicant	Printed Name	Date
Attorneys for Applicant and Property Owners		
Subscribed and sworn before me this <u>23rd</u> day of <u>April</u> , 20 <u>24</u>		
	Carolyn E. Cook	January 10, 2027
Signature of Notary Public	Name of Notary Public	My Commission Expires



*See Exhibit "A" for Contact Information for Applicant, Property Owners, and Representative.

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 *Traton, LLC	Phone [REDACTED]
Mailing Address 720 Kennesaw Avenue, Marietta, GA 30060	Email [REDACTED]

Notice of Intent

PART I. Please indicate the purpose of this application :

The purpose of this Application for Rezoning is to rezone and develop the Property into a single-family residential community.

PART II. Please list all requested variances:

See attached List of Variances.

Part III. Existing use of subject property:

The Property is undeveloped; excepting only one single residence.


Part IV. Proposed use of subject property:

Single-family residential community containing a maximum of thirty-eight (38) residences, active and passive recreation areas, and open space areas.

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

Several creeks traverse the Property and a portion of the Property is located within a flood zone, both of which decrease the developable area of the Property. The proposed zoning category and layout sought by Applicant takes these features into consideration to allow for a quality community which preserves the uniqueness of the Property.

Applicant Signature

BY: 	*Traton, LLC/J. Kevin Moore	April 23, 2024
Signature of Applicant	Printed Name	Date
Attorneys for Applicant and Property Owners		

*See Exhibit "A" for Contact Information for Applicant, Property Owners, and Representative.



city of powder springs

Rezoning Request

Applicant's Written Analysis

Applicant Information

Name ***Traton, LLC**

Phone [REDACTED]

Mailing Address **720 Kennesaw Avenue, Marietta, GA 30060**

Email [REDACTED]

Written Analysis In details please address these Rezoning Criteria:

a. Whether the proposed zoning district and uses within that district are compatible with the purpose and intent of the comprehensive plan. The future development map and the future land use plan map of the city's comprehensive plan shall be used in decision making relative to amendments to the official zoning map.

The 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.

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 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. Adjacent and surrounding properties are primarily residential uses. The proposed community would be a quality development consistent with surrounding neighborhoods.

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.

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.

d. 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.

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.

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

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 existing R-30 zoning does not reflect changing conditions of the surrounding area. If the Property were developed pursuant to the existing R-30 (Cobb) classification, the surrounding communities may be adversely impacted.

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.

The proposed PUD-R zoning classification, together with the quality single-family 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

BY: *[Signature]* ***Traton, LLC/J. Kevin Moore** April 23, 2024
Signature of Applicant GA Bar No. 519728 Printed Name Date

Attorneys for Applicant and Property Owners

Form Version: 06152020

*See Exhibit "A" for Contact Information for Applicant, Property Owners, and Representative.



city of powder springs

Rezoning Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name *Traton, LLC

Applicant's Address 720 Kennesaw Avenue, 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:

- 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:

Joseph Charles Shipp

Glenda T. Shipp

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
Not Applicable	Not Applicable	Not applicable



city of powder springs

Rezoning Request

Owner's Authorization Form

Owner's Authorization

Applicant Name *Traton, LLC	Applicant's Address 720 Kennesaw Avenue, Marietta, GA 30060
Property Address 5500 Elliott Road Powder Springs, GA	Property PIN 19066000060

This is to certify that ~~XXXXXX~~ We are ~~XXXXXX~~ 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)

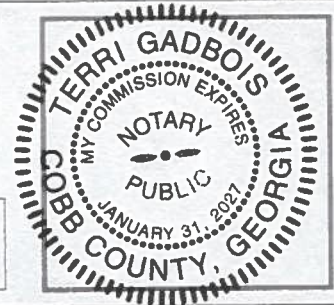
<u>Joseph C. Shipp</u> Signature of Owner	Joseph Charles Shipp Printed Name	April, 2024 Date
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State of GA, County of Cobb.

This instrument was acknowledged before me this 19th day of April, month.

20 24, by Joseph Charles Shipp Identification Presented: _____

<u>Terril Adlow</u> Signature of Notary Public	TERRI GADBOIS Name of Notary Public	<u>1/31/27</u> My Commission Expires
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<u>Glenda T. Shipp</u> Signature of Owner	Glenda T. Shipp Printed Name	April, 2024 Date
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State of GA, County of Cobb.

This instrument was acknowledged before me this 19th day of April, month.

20 24, by Glenda T. Shipp Identification Presented: _____

<u>Terril Adlow</u> Signature of Notary Public	TERRI GADBOIS Name of Notary Public	<u>1/31/27</u> My Commission Expires
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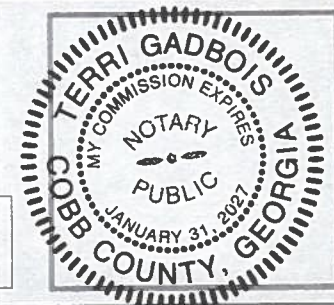


EXHIBIT "A" – ATTACHMENT TO REZONING APPLICATION REQUEST

Application No.: _____
Planning Commission Hearing: May 28, 2024
City Council Hearing: June 3, 2024

Applicant: Traton, LLC
Titleholders: Joseph Charles Shipp and
Glenda T. Shipp

Applicant: Traton, LLC
720 Kennesaw Avenue
Marietta, Georgia 30060
[REDACTED]
Attention: Clif Poston
Richard Parvey
E-mail: [REDACTED]

Property Owners: Joseph Charles Shipp
Glenda T. Shipp
5500 Elliott Road
Powder Springs, Georgia 30127
E-mail: [REDACTED]

**Applicant's and
Owners' Representative:** J. Kevin Moore, Esq.
Moore Ingram Johnson & Steele, LLP
Attorneys at Law
Emerson Overlook – Suite 100
326 Roswell Street
Marietta, Georgia 30060
[REDACTED]
E-mail: [REDACTED]

ATTACHMENT TO REZONING APPLICATION REQUEST

Application No.: _____
Planning Commission Hearing: May 28, 2024
City Council Hearing: June 3, 2024

Applicant: Traton, LLC
Titleholders: Joseph Charles Shipp and
Glenda T. Shipp

NOTICE OF INTENT

Part II. Please list all requested variances:

- (1) Waiver to allow more than fifty (50) percent of flood plain to count towards required Open Space (*see* UDC § 1-35);
- (2) Waiver to allow dead end roads per submitted Zoning Plan;
- (3) Waiver to allow minimum lot size of 3,500 square feet (*see* UDC § 2-15);
- (4) Waiver of requirement to maintain seventy-five (75) percent of existing tree canopy (*see* UDC § 12-13);
- (5) Waiver to allow a minimum horizontal road centerline radius of seventy-five (75) feet; and
- (6) Waiver to allow more than eight (8) acres to be cleared at one time (*see* UDC § 12-13).

LEGAL DESCRIPTION
(AS-SURVEYED)

ALL OF THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 660 & 661 OF THE 19TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A POINT LOCATED AT THE INTERSECTION FORMED BY THE SOUTHWESTERLY RIGHT OF WAY LINE OF QUARTERS WAY (50 FOOT RIGHT OF WAY) WITH THE NORTHWESTERLY RIGHT OF WAY OF ELLIOT ROAD (60 FOOT RIGHT OF WAY) AND THENCE PROCEEDING ALONG THE SAID NORTHWESTERLY RIGHT OF WAY OF ELLIOT ROAD SOUTH 60°26'27" WEST, A DISTANCE OF 216.90 FEET TO A POINT; THENCE SOUTH 80°49'23" EAST FOR A DISTANCE OF 7.88 FEET TO AN IRON PIN PLACED (1/2 REBAR W/CAP) AT THE CENTERLINE OF A DITCH ON THE NORTHWESTERLY RIGHT OF WAY OF ELLIOT ROAD (60 FOOT RIGHT OF WAY) AND **THE POINT OF BEGINNING.**

FROM **THE POINT OF BEGINNING** THUS ESTABLISHED; PROCEEDING ALONG THE AFOREMENTIONED NORTHWESTERLY RIGHT OF WAY OF ELLIOT ROAD (60 FOOT RIGHT OF WAY) THE FOLLOWING COURSES AND DISTANCES:

1. SOUTH 56°24'17" WEST, A DISTANCE OF 122.76 FEET TO A POINT;
2. 147.99 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1260.56 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 53°02'29" WEST, 147.91 FEET TO A POINT;
3. 55.48 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1550.31 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 48°39'10" WEST, 55.48 FEET TO A POINT;
4. SOUTH 47°37'39" WEST FOR A DISTANCE OF 27.55 FEET TO A POINT;
5. 130.52 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 1090.48 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 44°11'55" WEST, 130.45 FEET TO A POINT;
6. 37.79 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 335.98 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 37°32'50" WEST, 37.77 FEET TO A POINT;
7. SOUTH 34°19'30" WEST FOR A DISTANCE OF 99.77 FEET TO A POINT;
8. 66.93 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 984.08 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 36°16'24" WEST, 66.91 FEET TO A POINT;
9. 139.50 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 380.00 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 48°44'19" WEST, 138.72 FEET TO A POINT;

10. 72.68 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 774.97 FEET AND BEING SUBTENDED BY A CHORD OF SOUTH 61°56'33" WEST, 72.65 FEET TO A POINT;
11. SOUTH 64°37'45" WEST FOR A DISTANCE OF 133.74 FEET TO A POINT LOCATED AT THE INTERSECTION OF SAID NORTHWESTERLY RIGHT OF WAY OF ELLIOT ROAD (50 FOOT RIGHT OF WAY) WITH THE CENTERLINE OF POWDER SPRINGS CREEK;

THENCE DEPARTING SAID NORTHWESTERLY RIGHT OF WAY OF ELLIOT ROAD (50 FOOT RIGHT OF WAY) AND PROCEEDING THENCE ALONG THE CENTERLINE OF SAID POWDER SPRINGS CREEK THE FOLLOWING COURSES AND DISTANCES:

1. NORTH 33°02'25" WEST FOR A DISTANCE OF 97.15 FEET TO A POINT;
2. NORTH 32°29'49" WEST FOR A DISTANCE OF 56.00 FEET TO A POINT;
3. NORTH 34°33'59" WEST FOR A DISTANCE OF 125.67 FEET TO A POINT;
4. NORTH 38°00'42" WEST FOR A DISTANCE OF 83.67 FEET TO A POINT;
5. NORTH 52°11'10" WEST FOR A DISTANCE OF 94.18 FEET TO A POINT;
6. NORTH 53°47'59" WEST FOR A DISTANCE OF 141.45 FEET TO A POINT;
7. NORTH 51°46'16" WEST FOR A DISTANCE OF 141.80 FEET TO A POINT;
8. NORTH 57°10'48" WEST FOR A DISTANCE OF 117.84 FEET TO A POINT;
9. NORTH 50°14'03" WEST FOR A DISTANCE OF 146.16 FEET TO A POINT;
10. NORTH 54°50'50" WEST FOR A DISTANCE OF 289.95 FEET TO A POINT;
11. NORTH 58°02'53" WEST FOR A DISTANCE OF 158.84 FEET TO A POINT;
12. NORTH 48°47'15" WEST FOR A DISTANCE OF 109.78 FEET TO A POINT;
13. NORTH 53°54'43" WEST FOR A DISTANCE OF 168.06 FEET TO A POINT;
14. NORTH 46°19'30" WEST FOR A DISTANCE OF 112.27 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE CENTERLINE OF POWDER SPRINGS CREEK WITH THE NORTHERLY LINE OF LAND LOT 661 (SAID LAND LOT LINE BEING THE COMMON WITH LAND LOTS 598 AND 661);

THENCE DEPARTING THE CENTERLINE OF POWDER SPRINGS CREEK AND PROCEED ALONG SAID NORTHERLY LINE OF LAND LOT 661 SOUTH 86°58'56" EAST FOR A DISTANCE OF 75.77 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE PROCEED ALONG THE NORTHERLY LINE OF LAND LOT 661 (SAID LAND LOT LINE BEING THE COMMON WITH LAND LOTS 598 AND 661) AND CONTINUING ALONG THE NORTHERLY LINE OF LAND LOT 660 (SAID LAND LOT LINE BEING THE COMMON WITH LAND LOTS 599 AND 660) SOUTH 86°58'56" EAST FOR A DISTANCE OF 2205.05 FEET TO A POINT AT THE

INTERSECTION OF THE NORTHERLY LINE OF LAND LOT 660 (SAID LAND LOT LINE BEING THE COMMON WITH LAND LOTS 599 AND 660) AND THE CENTERLINE OF AN UNNAMED CREEK; THENCE PROCEEDING ALONG THE CENTERLINE OF SAID UNNAMED CREEK FOR THE FOLLOWING COURSES AND DISTANCES:

1. SOUTH 24°42'50" WEST FOR A DISTANCE OF 43.42 FEET TO A POINT;
2. SOUTH 17°12'42" WEST FOR A DISTANCE OF 80.78 FEET TO A POINT;
3. SOUTH 53°07'11" WEST FOR A DISTANCE OF 27.44 FEET TO A POINT;
4. SOUTH 12°21'44" WEST FOR A DISTANCE OF 45.51 FEET TO A POINT;
5. SOUTH 38°11'33" WEST FOR A DISTANCE OF 30.77 FEET TO A POINT;
6. SOUTH 74°21'35" WEST FOR A DISTANCE OF 26.80 FEET TO A POINT;
7. SOUTH 51°49'50" WEST FOR A DISTANCE OF 25.75 FEET TO A POINT;
8. SOUTH 38°31'39" WEST FOR A DISTANCE OF 23.89 FEET TO A POINT;
9. SOUTH 52°43'14" WEST FOR A DISTANCE OF 16.91 FEET TO A POINT;
10. NORTH 87°09'18" WEST FOR A DISTANCE OF 18.67 FEET TO A POINT;
11. SOUTH 09°48'24" WEST FOR A DISTANCE OF 24.51 FEET TO A POINT;
12. SOUTH 74°47'09" WEST FOR A DISTANCE OF 16.98 FEET TO A POINT;
13. SOUTH 23°51'33" WEST FOR A DISTANCE OF 11.12 FEET TO A POINT;
14. SOUTH 35°28'39" WEST FOR A DISTANCE OF 25.10 FEET TO A POINT;
15. SOUTH 71°52'40" WEST FOR A DISTANCE OF 28.00 FEET TO A POINT;
16. SOUTH 25°52'31" WEST FOR A DISTANCE OF 27.25 FEET TO A POINT;
17. NORTH 85°37'15" WEST FOR A DISTANCE OF 15.44 FEET TO A POINT;
18. SOUTH 67°16'14" WEST FOR A DISTANCE OF 13.59 FEET TO A POINT;
19. SOUTH 28°44'37" WEST FOR A DISTANCE OF 14.89 FEET TO A POINT;
20. SOUTH 41°16'24" WEST FOR A DISTANCE OF 13.25 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE CENTERLINE OF SAID UNNAMED CREEK AND THE CENTERLINE OF A DITCH;

THENCE DEPARTING SAID CENTERLINE OF UNNAMED CREEK AND PROCEEDING THENCE ALONG THE CENTERLINE OF SAID DITCH SOUTH 75°38'54" EAST FOR A DISTANCE OF 65.29 FEET TO A POINT; THENCE SOUTH 82°15'14" EAST FOR A DISTANCE

OF 50.46 FEET TO A POINT; THENCE SOUTH 80°49'23" EAST FOR A DISTANCE OF 88.08 FEET TO **THE POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINING 29.60675 ACRES, MORE OR LESS, OR 1,289,670 SQUARE FEET, MORE OR LESS, TO THE CENTERLINE OF POWDER SPRINGS CREEK, TO THE CENTERLINE OF THE UNNAMED CREEK, AND TO THE CENTERLINE OF THE DITCH.

7.0

303047M

WARRANTY DEED

STATE OF GEORGIA COUNTY OF COBB

THIS INDENTURE, Made the 27th day of November, in the year one thousand nine hundred Eighty Nine, between

JOSEPH CHARLES SHIPP

of the County of Cobb, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

GLENDIA T. SHIPP

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS (10.00) DOLLARS in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, an undivided one-half interest in and to: ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 660 OF THE 19TH DISTRICT, 2ND SECTION OF COBB COUNTY AND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT A WHICH IS ATTACHED HERETO AND INCORPORATED HEREIN.

Cobb County, Georgia Real Estate Transfer Tax
Paid None
Date 11-30-89
Jay C. Stephenson
Clerk of Superior Court

None

FILED
NOV 30 AM 11:02
COBB SUPERIOR COURT CLERK
Jay C. Stephenson

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

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

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

Signed, sealed and delivered in presence of:

Charles R. White (Seal)
Joseph Charles Shipp (Seal)
Glendia T. Shipp (Seal)
None (Seal)

" EXHIBIT A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 660 OF THE 19TH DISTRICT, 2ND SECTION OF COBB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT A POINT FORMED BY THE INTERSECTION OF THE COMMON CORNERS OF LAND LOTS 598, 599, 660 AND 661; FROM SAID POINT RUN THENCE NORTH 89° 30' 03" EAST ALONG THE NORTH LINE OF LAND LOT 660 1367.85 FEET TO A POINT; RUN THENCE SOUTH 33° 03' 00" WEST 14.63 FEET TO A POINT; RUN THENCE SOUTH 22° 48' 42" WEST 123.32 FEET TO A POINT; RUN THENCE SOUTH 39° 36' 53" WEST 268.97 FEET TO A POINT; RUN THENCE SOUTH 49° 10' 25" WEST 97.97 FEET TO A POINT AND THE TRUE POINT OF BEGINNING; FROM SAID POINT THUS ESTABLISHED RUN THENCE SOUTH 85° 22' 19" EAST 255.74 FEET TO A POINT LOCATED AT THE CENTERLINE OF ELLIOTT ROAD (50 FOOT RIGHT OF WAY); RUN THENCE SOUTH 53° 27' 06" WEST ALONG SAID CENTERLINE 173.49 FEET TO A POINT; RUN THENCE SOUTH 51° 05' 59" WEST ALONG SAID CENTERLINE 100.48 FEET TO A POINT; RUN THENCE SOUTH 41° 12' 24" WEST ALONG SAID CENTERLINE 234.07 FEET TO A POINT; RUN THENCE NORTH 42° 10' 35" WEST 513.96 FEET TO A POINT; RUN THENCE NORTH 58° 43' 46" EAST 380.63 FEET TO A POINT; RUN THENCE SOUTH 32° 23' 37" EAST 255.0 FEET TO A POINT AND THE TRUE POINT OF BEGINNING, AS PER PLAT OF SURVEY FOR GEORGIA FEDERAL BANK, FSB, DATED NOVEMBER 9, 1989, BY DAVID W. LYNNAH, REGISTERED LAND SURVEYOR, SHOWN AS PROPERTY OF JOSEPH CHARLES SHIPP AND GLENDA T. SHIPP.

LESS AND EXCEPT THAT PORTION OF SAID PROPERTY WHICH LIES IN ELLIOTT ROAD, A PUBLIC ROAD WHICH HAS A 50 FOOT RIGHT OF WAY.

WARRANTY DEED

Max D. Kaley, — Attorney At Law
260 Washington Ave., — Marietta, Georgia, 30060



STATE OF GEORGIA

250
54

Cobb

COUNTY

THIS INDENTURE, made this 20 day of March
in the year of our Lord One Thousand Nine Hundred and Seventy Eight

Between Irma G. Parker
of the State of Georgia and County of Cobb of the first part
and Joseph Charles Shipp
of the State of Georgia and County of Cobb of the second part

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS (\$10.00) DOLLARS

in hand paid at and before the sealing delivery of these presents, the receipt whereof is hereby acknowledged
has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto
the said part Y of the second part, his heirs and assigns, all that tract or parcel of
land lying and being in Land Lots 660 and 661, 19th District, 2nd Section, Cobb
County, Georgia, as shown on plat of survey for Irma G. Parker, dated
November 21, 1977, by G. W. Crusselle, L.S., surveyor, and being more
particularly described as follows:

BEGINNING at the point of the intersection of the center line of Powder
Creek with the center line of Elliott Road; run thence northeasterly
along the center line of Elliott Road for a distance of 1089.30 feet to
a point and corner; run thence north 85 degrees 22 minutes 19 seconds
west for a distance of 255.74 feet to a point and corner; run thence
north 49 degrees 10 minutes 25 seconds east for a distance of 97.97 feet
to a point; run thence north 39 degrees 36 minutes 53 seconds east for
a distance of 268.97 feet to a point; run thence north 22 degrees 48
minutes 42 seconds east for a distance of 137.95 feet to a point; run
thence north 33 degrees 03 minutes 00 seconds east for a distance of
14.63 feet to a point located on the north land lot line of land lot
660; run thence west along the north land lot line of land lot 660 and
661 for a distance of 2300 feet to the point of intersection of the
north land lot line of land lot 661 with the center line of Powder Creek;
run thence southeasterly along the center line of Powder Creek and fol-
lowing the meanderings thereof for a distance of 1,930 feet to the point
of beginning.

The foregoing is shown on plat of survey prepared for IRMA G. PARKER by G. W.
CRUSSELLE, Surveyor, dated November 21, 1977, a copy of which is recorded in
Plat Book 70, Page 110, Cobb County Records.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and
appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and
behalf of himself the said part Y of the second part, his heirs and assigns, forever, IN FEE SIMPLE.

And the said part Y of the first part, for herself and her heirs, executors and administrators
will warrant and forever defend the right and title to the above described property unto the said part Y of the
second part, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part Y of the first part in a hereunto set her hand
and affixed her seal, the day and year above written.

Signed, sealed and delivered in the presence of

Burt Oate
WITNESS

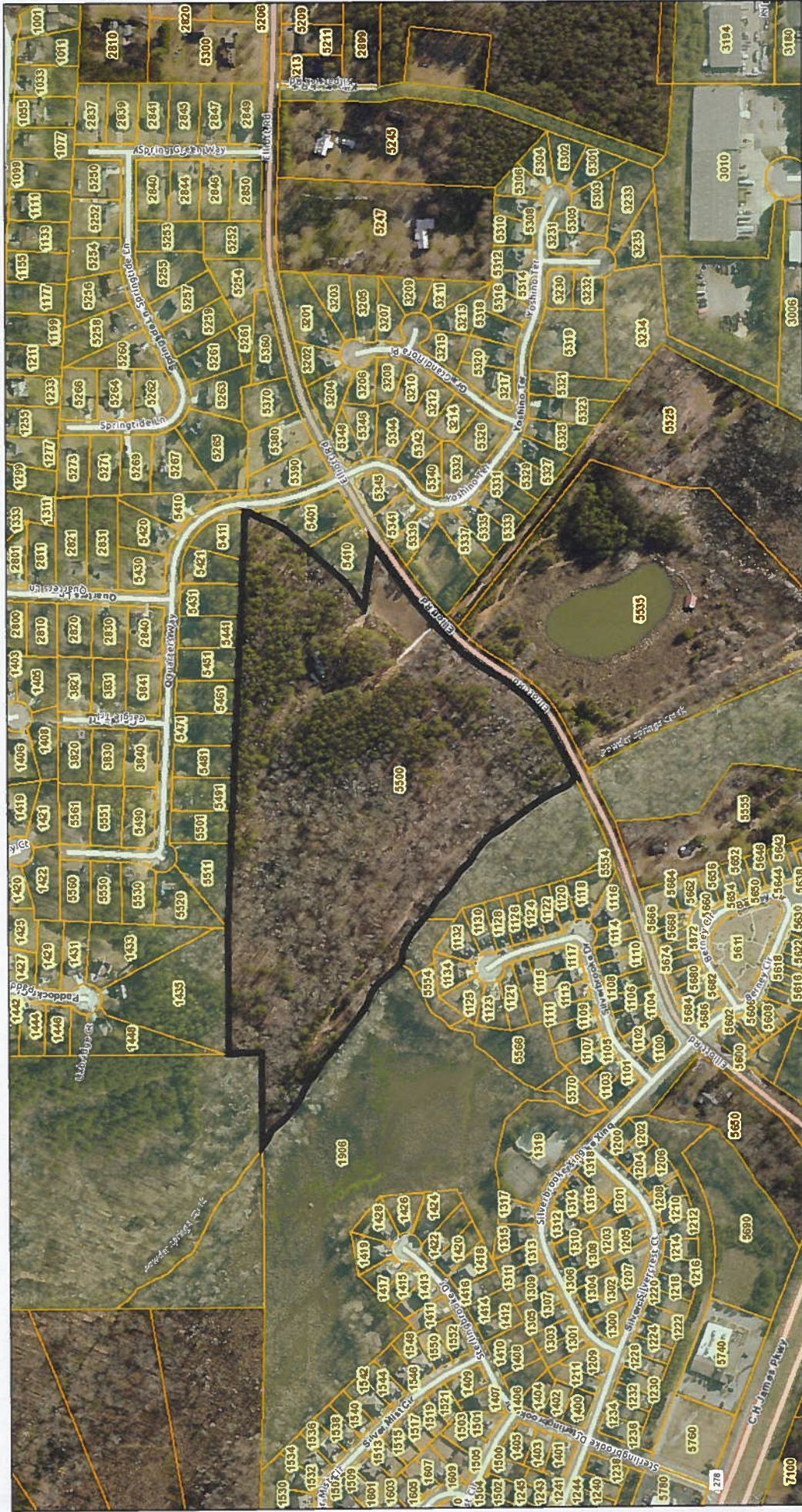
Irma G. Parker (Seal)
Irma G. Parker

Paul Kelly
Notary Public

Notary Public, State of Georgia
19 U. S. Statutes, Chapter Dec. 23, 1975

Joseph Charles Shipp (Seal)
DP (Seal)
78 APR 19 P 3 38
FILED IN RECORDS
BOOK 121 PAGE 531
Cobb County Clerk

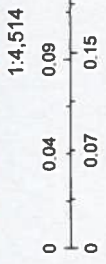
5500 Elliott Road



4/19/2024, 10:46:05 AM

- Cities
- Powder Springs Cobb Roads
- Cobb Parcels
- Main rail line
- Arterials
- Major Collectors
- Minor Collectors
- Interstates
- Local
- Local-Private
- Ramps

- ORTHOS**
- Red: Band_1
- Green: Band_2
- Blue: Band_3



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Cobb County GIS



Printed: 3/18/2024

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:
Glenda Shipp

SHIPP JOSEPH CHARLES

Payment Date: 10/16/2023

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2023	19066000060	10/15/2023	Pay:	N/A	or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1,600.46	\$0.00



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

ATTACHMENT TO APPLICATION FOR REZONING

Application No.: _____
Hearing Dates: **May 28, 2024**
June 3, 2024

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

**CONSTITUTIONAL CHALLENGE
ATTACHMENT TO APPLICATION FOR REZONING**

COME NOW, Applicant, TRATON, LLC (hereinafter referred to as “Applicant”), and Property Owners, JOSEPH CHARLES SHIPP and GLENDA T. SHIPP (hereinafter collectively referred to as “Owners” or “Property Owners”), and assert the following:

1.

By Application for Rezoning dated and filed April 23, 2024, Applicant and Property Owners 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 Planned Unit Development – Residential (“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 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 Powder Springs (collectively the "Ordinances"), are unconstitutional as applied to the Property in that said Ordinances deprive Applicant and Property Owners 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 Owners' 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 Owners.

4.

To the extent The Unified Development Code of Powder Springs 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 Owners' 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 Unified Development Code 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 23rd day of April, 2024.

MOORE INGRAM JOHNSON & STEELE, LLP

BY:



J. KEVINMOORE

Georgia Bar No. 519728

Attorneys for Applicant and Property Owners