



**city of
powder springs**

Rezoning Request

Application Checklist

Applicant Information

Name ***TR 12 Trillium Powder Springs, LLC**

Phone **(704) 706-7858; *(770) 429-1499**

Mailing Address **26 Milton Avenue; Alpharetta, GA 30009**

Email **matt@trilogyc.com; john@trilogyc.com; *jkm@mij.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: City and County 2021 Paid Tax Receipts

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 *TR 12 Trillium Powder Springs, LLC	Phone (704) 706-7858; *(770) 429-1499
Mailing Address 26 Milton Avenue; Alpharetta, GA 30009	Email matt@trilogyc.com; john@trilogyc.com; *jkm@mijis.com

Rezoning Request Property Information


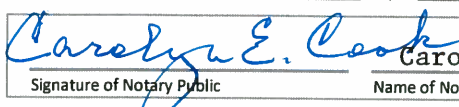
Address 3500 Trillium Drive	Parcel ID / Lot# 19080500080	Acreage 10.999+/-
Present Zoning MXU, with stipulations	Proposed Zoning MXU, with stipulations	
Source of Water Supply Cobb County Water	Source of Sewage Disposal Cobb County Water & Sewer	
Proposed Use Peak Hour Trips Generated	Source	


Additional Information, If Applicable

Elementary School and School's Capacity Powder Springs Elementary - 110 under capacity	Middle School and School's Capacity Cooper Middle School - 115 under capacity
High School and School's Capacity McEachern High School - 93 under capacity	

Notary Attestation

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

BY: 	<u>J. Kevin Moore</u>	<u>January 25, 2022</u>
Signature of Applicant	Printed Name	Date
Attorneys for Applicant and Property Owner		
Subscribed and sworn before me this <u>25th</u> day of <u>January</u> 20 <u>22</u>		
	<u>Carolyn E. Cook</u>	<u>January 10, 2023</u>
Signature of Notary Public	Name of Notary Public	My Commission Expires



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

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



**city of
powder springs**

Rezoning Request

Notice of Intent

Applicant Information

Name	*TR 12 Trillium Powder Springs, LLC	Phone	(704) 706-7858; *(770) 429-1499	
Mailing Address	26 Milton Avenue; Alpharetta, GA 30009		Email	matt@trilogyc.com; john@trilogyc.com; *jkm@mijs.com

Notice of Intent

PART I. Please indicate the purpose of this application :

The purpose of this Application for Rezoning is to seek approval of an amended Site Plan and modifications to previously approved stipulations to allow for development of the Subject Property as reflected on the submitted Site Plan; and to remove an existing zoning which requires concurrency of development for the residential and hotel.

PART II. Please list all requested variances: (See also, Civil Site Plan Submitted with Application)

- (1) Waiver to allow residential density of 14.01 units per acre;
- (2) Waiver of residential unit square footage less than 2,000 square feet; and
- (3) Waiver of required location of office/restaurant parking beyond 300 feet of entrance to the building it serves.

Part III. Existing use of subject property:

The Subject Property is undeveloped at this time.


Part IV. Proposed use of subject property:

Mixed-Use Development consisting of office, restaurant/retail, hotel, and single-family detached and/or attached townhome residential for rent.

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

The Subject Property was part of an originally approved rezoning per the City's Zoning Verification Letter dated January 24, 2022, which included office, retail/restaurant, hotel, and residential. This Application seeks a modification to the approved residential portion of the Mixed-Use Development.

Applicant Signature

BY: 	*TR 12 Trillium Powder Springs, LLC /	January 25, 2022
Signature of Applicant	Printed Name J. Kevin Moore	Date
Attorneys for Applicant and Property Owner		



city of powder springs

Rezoning Request

Applicant's Written Analysis

Applicant Information

Name *TR 12 Trillium Powder Springs, LLC

Phone (704) 706-7858; *(770) 429-1499

Mailing Address 26 Milton Avenue; Alpharetta, GA 30009

Email matt@trilogyc.com; john@trilogyc.com; *jkm@mijs.com

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 zoning modification is compatible with the purpose and intent of the City's Comprehensive Plan. The proposed modification will provide much needed, quality and attainable housing options; and provide a path to development of the hotel, office, and restaurant components.

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 zoning modification is suitable in view of uses of the existing, approved zoning and development of adjacent and nearby properties.

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.

Adjacent and nearby properties will not be adversely or negatively impacted by the proposed zoning modification; but rather enhanced by completion of the intended Mixed-Use Development.

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

The Subject Property, as currently approved, does not provide for a financially viable path for development of the Mixed-Use components.

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 are adequate public facilities and infrastructure in place to sufficiently service the proposed Mixed-Use Development.

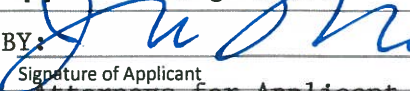
f. Whether the proposed zoning district and uses permitted within that zoning district are supported by new or changing conditions not anticipated by the comprehensive plan or reflected in the existing zoning on the property or surrounding properties.

See Attached.

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 zoning modification is a more reasonable use of the Subject Property and provides a better overall promotion of the public health, safety, morality, and general welfare of area residents and neighborhoods than uses allowed under the existing zoning.

Applicant Signature

BY:  *TR 12 Trillium Powder Springs, LLC / January 25, 2022
Signature of Applicant Printed Name J. Kevin Moore Date
Attorneys for Applicant and Property Owner

ATTACHMENT TO APPLICATION FOR REZONING
(Zoning Modification/Site Plan Approval)

Application No.:	
Planning Commission Hearing:	February 28, 2022
Mayor and City Council Hearing:	March 7, 2022

Applicant:	TR 12 Trillium Powder Springs, LLC
Titleholder:	G W Investments, a Georgia General Partnership

WRITTEN ANALYSIS (continued from page 5 of Application form):

- 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 zoning modification is supported by new and changing conditions in the residential marketplace by providing much-needed, quality, attainable housing; as well as, by providing a much-needed financially viable path for completion of the other non-residential Mixed-Use components.



Rezoning Request

Campaign Contribution Disclosure

Applicant and Attorney Information

Applicant's Name TR 12 Trillium Powder Springs, LLC	Applicant's Address 26 Milton Avenue, Alpharetta, GA 30009
Applicant's Attorney *J. Kevin Moore, Moore Ingram Johnson & Steele, LLP	Attorney's Address Emerson Overlook, Suite 100, 326 Roswell Street, 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:

G W Investments (G. W. Investments)
 Robert Lynn Wilson, General Partner
 Steven G. Greer, General Partner

APPLICANT: Within the two years preceding the date of the attached application, the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
None		

ATTORNEY: Within the two years preceding the date of the attached application, the attorney representing the applicant has made campaign contributions or gifts aggregating \$250 or more to the Mayor, to members of the Powder Springs City Council, or to members of the Planning Commission, as follows:

Name of Official	Amount of Contribution or Gift	Date of Contribution or Gift
None		

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



city of
powder springs
Rezoning Request
Owner's Authorization Form

Owner's Authorization

Applicant Name *TR 12 Trillium Powder Springs, LLC Applicant's Address 26 Milton Avenue, Alpharetta, GA 30009

Property Address 3500 Trillium Drive Powder Springs, GA Property PIN 19080500080

Partnership

This is to certify that I am or We are or I am the Authorized Representative of a ~~Corporation~~ ~~XXXXXX~~ 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"/> (Modification)	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)

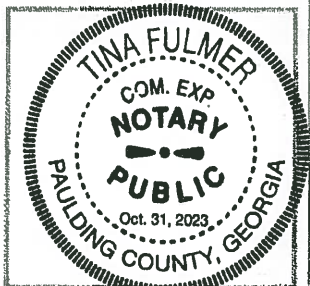
G. W. Investments
BY: [Signature] Robert Lynn Wilson
Signature of Owner General Partner Printed Name
Date January 25, 2022

State of GA, County of Cobb.

This instrument was acknowledged before me this 25 day of January month.

20 21 by Robert Lynn Wilson. Identification Presented: known

[Signature] Tina Fulmer 10/31/2023
Signature of Notary Public Name of Notary Public My Commission Expires



G. W. Investments

BY: [Signature] Steven J. Greer
Signature of Owner General Partner Printed Name
Date _____, 2022

State of _____, County of _____.

This instrument was acknowledged before me this _____ day of _____ month.

20 _____ by _____ Identification Presented: _____

Signature of Notary Public Name of Notary Public My Commission Expires

*See Exhibit "A" for Applicant's and Property Owner's Representative Information 0615 2020

EXHIBIT "A" – ATTACHMENT TO APPLICATION FOR REZONING
(Zoning Modification/Site Plan Approval)

Application No.: _____
Planning Commission Hearing: February 28, 2022
Mayor and City Council Hearing: March 7, 2022

Applicant: TR 12 Trillium Powder Springs, LLC
Titleholder: G W Investments,
a Georgia General Partnership

Applicant's and Property Owner's Representative:

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

LEGAL DESCRIPTION - SURVEY TRACT 1

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 804, 805, 824 and 825, of the 19th District, 2nd Section, City of Powder Springs, Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a found concrete monument at the intersection created by the westerly right of way of U.S. Highway 278 (a.k.a. S.R. 6) (a.k.a. C.H. James Parkway) (variable public right of way) and the northerly right of way of Old U.S. Highway 278 (a.k.a. S.R. 6) (a.k.a. Powder Springs-Dallas Road) (100 foot public right of way), said point being the TRUE POINT OF BEGINNING;

THENCE along said northerly right of way of Old U.S. Highway 278 North 67 degrees 14 minutes 19 seconds West a distance of 585.77 feet to a set 5/8 inch rebar with cap at the intersection of said northerly right of way of Old U.S. Highway 278 and the northeasterly right of way of Florence Road (variable public right of way); thence along said northeasterly right of way of Florence Road the following courses and distances: North 43 degrees 45 minutes 06 seconds West a distance of 236.56 feet to a found iron pin with cap; North 26 degrees 37 minutes 18 seconds West a distance of 280.60 feet to a found iron pin with cap at the intersection of said northeasterly right of way of Florence Road and the southeasterly right of way of Trillium Drive (variable private right of way); thence leaving said northeasterly right of way of Florence Road and proceed North 63 degrees 03 minutes 50 seconds East a distance of 450.83 feet to a found iron pin with cap; thence North 12 degrees 32 minutes 39 seconds East a distance of 47.20 feet to a point; thence North 12 degrees 31 minutes 14 seconds East a distance of 59.76 feet to a set 5/8 inch rebar with cap on the southerly right of way of Richard D. Sailors Parkway (a.k.a. Florence Road Connector) (variable public right of way); thence along said southerly right of way of Richard D. Sailors Parkway the following courses and distances: along a curve turning to the right with an arc length of 17.75 feet, having a radius of 769.05 feet, being subtended by a chord bearing of South 67 degrees 28 minutes 30 seconds East, and a chord length of 17.75 feet to a point; along a curve turning to the right with an arc length of 272.84 feet, having a radius of 868.29 feet, being subtended by a chord bearing of South 56 degrees 31 minutes 05 seconds East, and a chord length of 271.72 feet to a point; along a curve turning to the left with an arc length of 177.07 feet, having a radius of 635.21 feet, being subtended by a chord bearing of South 61 degrees 16 minutes 01 seconds East, and a chord length of 176.50 feet to a set 5/8 inch rebar with cap at the intersection of said southerly right of way of Richard D. Sailors Parkway and said westerly right of way of U.S. Highway 278; thence along said westerly right of way of U.S. Highway 278 the following courses and distances: South 01 degrees 48 minutes 59 seconds West a distance of 195.30 feet to a set 5/8 inch rebar with cap; South 03 degrees 05 minutes 28 seconds East a distance of 330.11 feet to a set 5/8 inch rebar with cap; South 01 degrees 31 minutes 02 seconds West a distance of 190.68 feet to a found right of way monument, said point being the TRUE POINT OF BEGINNING.

Parcel contains 479,135 square feet or 10.999 acres.

J.C. Stephenson
Jay C. Stephenson
Clerk of Superior Court Cobb Cty. Ga.

G. H. Talley
VINSON, TALLEY,
RICHARDSON & CABLE, P.A.
P.O. BOX 197
DALLAS, GA 30132

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF COBB

THIS INDENTURE, made the _____ day of _____, in the year TWO THOUSAND ONE,
between

DONALD D. HAMMETT and JOHN A. WILLIAMS

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

G. W. INVESTMENTS, a Georgia general partnership

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 OTHER VALUABLE CONSIDERATIONS AND TEN AND NO/100 DOLLARS (\$10.00) in hand paid at and before the sealing and delivery of these presents, the receipt 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,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 804, 805, 824, and 825, of the 19th District, 2nd Section, Cobb County, Georgia, and being 12.27 acres as is more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the 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 CLAIMING BY, THROUGH, OR UNDER GRANTOR, BUT NOT OTHERWISE.

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

Signed, sealed and delivered in
the presence of:

[Signature]
Unofficial Witness

[Signature] (Seal)
DONALD D. HAMMETT

Notary Public
MY COMMISSION EXPIRES _____
(NOTARY SEAL)
[Notary Seal: JAMES B. TALLEY, Notary Public, Cobb County, Georgia]

Signed, sealed and delivered in
the presence of:

[Signature]
Unofficial Witness

[Signature] (Seal)
JOHN A. WILLIAMS

Notary Public
MY COMMISSION EXPIRES _____
(NOTARY SEAL)
[Notary Seal: Notary Public, Paulding County, Georgia, Commission Expires Jan. 17, 2004]

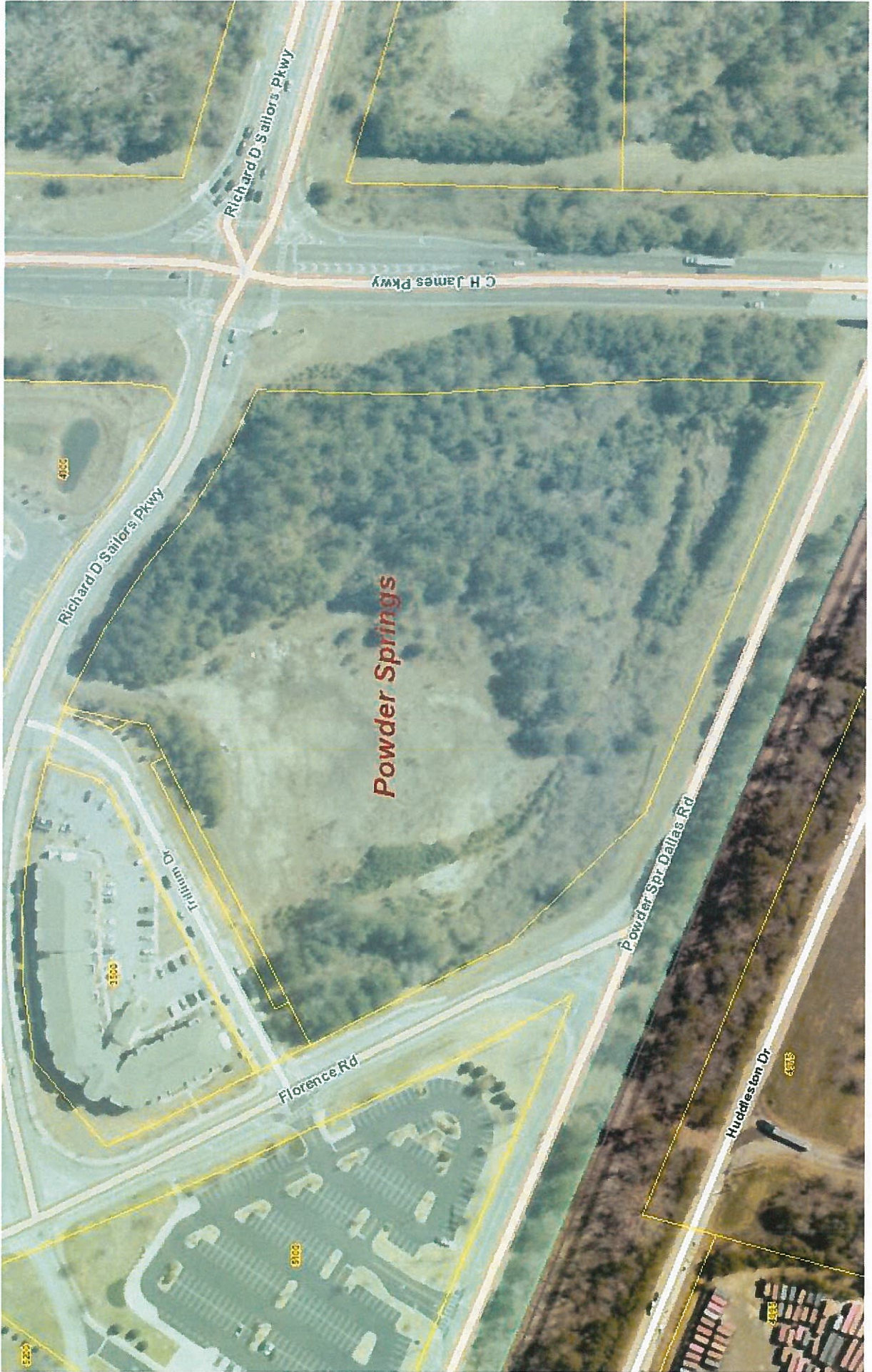
EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 804, 805, 824, and 825, of the 19th District, 2nd Section, Cobb County, Georgia, and being 12.27 acres designated as Tract 3A on that certain boundary survey for Powder Springs Partners, L.P., Independent Bank & Trust Company, and Chicago Title Insurance Company, dated August 28, 1985, last revised November 1, 1995, prepared by Planners and Engineers Collaborative, Robert Lee White, Georgia Registered Land Surveyor No. 2080, and being more particularly described as follows:

BEGINNING at a concrete monument found at the intersection of the westerly right of way of Thornton Rd. Connector (D.O.T. Project TSAP 6[33]) with the northeasterly right of way of U. S. 278, S. R. 6; thence running north $70^{\circ} 11' 01''$ west as measured along the northeasterly right of way of U. S. 278, S. R. 6, for a distance of 585.79 feet to a point located at the intersection of the northeasterly right of way of U. S. 278, S. R. 6, with the northeasterly right of way of Florence Road; thence running in a northwesterly direction as measured along the northeasterly right of way of Florence Road the following courses and distances: north $46^{\circ} 43' 45''$ west for a distance of 236.44 feet to a point and corner; north $29^{\circ} 36' 26''$ west for a distance of 499.45 feet to a concrete monument found at the intersection of the northeasterly right of way of Florence Road with the southeasterly right of way of Thornton Rd. Connector; thence running in a northeasterly, easterly and southeasterly direction as measured along the southeasterly, southerly and southwesterly right of way of Thornton Rd. Connector the following courses and distances: north $47^{\circ} 03' 22''$ east for a distance of 142.85 feet to a concrete monument found and corner; along the arc of a curve, an arc distance of 975.71 feet (said arc being subtended by a chord bearing south $65^{\circ} 40' 53''$ east, a chord distance of 906.34 feet, and having a radius of 738.83 feet) to a point; south $06^{\circ} 02' 37''$ east for a distance of 330.11 feet to a point; south $01^{\circ} 25' 58''$ east for a distance of 190.77 feet to the point of BEGINNING.



3500 Trillium Drive



400.0

0

200.00

400.0 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

1:2,400



Map Notes:



3500 Trillium Drive



752.3

0

376.17

752.3 Feet

1:4,514

Map Notes:



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

REV	DATE	DESCRIPTION	BY
1			
2			
3			
4			
5			

STRUCTURE LEGEND

TABLE 1 - SYMBOLS

CONCRETE
 Concrete Slab
 Concrete Footing
 Concrete Wall
 Concrete Column
 Concrete Beam
 Concrete Deck
 Concrete Stair
 Concrete Foundation
 Concrete Retaining Wall
 Concrete Foundation Wall
 Concrete Foundation Footing
 Concrete Foundation Column
 Concrete Foundation Beam
 Concrete Foundation Deck
 Concrete Foundation Stair
 Concrete Foundation Foundation
 Concrete Foundation Retaining Wall
 Concrete Foundation Foundation Wall
 Concrete Foundation Foundation Footing
 Concrete Foundation Foundation Column
 Concrete Foundation Foundation Beam
 Concrete Foundation Foundation Deck
 Concrete Foundation Foundation Stair
 Concrete Foundation Foundation Foundation
 Concrete Foundation Foundation Retaining Wall
 Concrete Foundation Foundation Foundation Wall
 Concrete Foundation Foundation Foundation Footing
 Concrete Foundation Foundation Foundation Column
 Concrete Foundation Foundation Foundation Beam
 Concrete Foundation Foundation Foundation Deck
 Concrete Foundation Foundation Foundation Stair
 Concrete Foundation Foundation Foundation Foundation

STEEL
 Steel Joist
 Steel Beam
 Steel Column
 Steel Wall
 Steel Deck
 Steel Stair
 Steel Foundation
 Steel Retaining Wall
 Steel Foundation Wall
 Steel Foundation Footing
 Steel Foundation Column
 Steel Foundation Beam
 Steel Foundation Deck
 Steel Foundation Stair
 Steel Foundation Foundation
 Steel Foundation Retaining Wall
 Steel Foundation Foundation Wall
 Steel Foundation Foundation Footing
 Steel Foundation Foundation Column
 Steel Foundation Foundation Beam
 Steel Foundation Foundation Deck
 Steel Foundation Foundation Stair
 Steel Foundation Foundation Foundation

WOOD
 Wood Joist
 Wood Beam
 Wood Column
 Wood Wall
 Wood Deck
 Wood Stair
 Wood Foundation
 Wood Retaining Wall
 Wood Foundation Wall
 Wood Foundation Footing
 Wood Foundation Column
 Wood Foundation Beam
 Wood Foundation Deck
 Wood Foundation Stair
 Wood Foundation Foundation
 Wood Foundation Retaining Wall
 Wood Foundation Foundation Wall
 Wood Foundation Foundation Footing
 Wood Foundation Foundation Column
 Wood Foundation Foundation Beam
 Wood Foundation Foundation Deck
 Wood Foundation Foundation Stair
 Wood Foundation Foundation Foundation

OTHER
 Other Joist
 Other Beam
 Other Column
 Other Wall
 Other Deck
 Other Stair
 Other Foundation
 Other Retaining Wall
 Other Foundation Wall
 Other Foundation Footing
 Other Foundation Column
 Other Foundation Beam
 Other Foundation Deck
 Other Foundation Stair
 Other Foundation Foundation
 Other Foundation Retaining Wall
 Other Foundation Foundation Wall
 Other Foundation Foundation Footing
 Other Foundation Foundation Column
 Other Foundation Foundation Beam
 Other Foundation Foundation Deck
 Other Foundation Foundation Stair
 Other Foundation Foundation Foundation

ABBREVIATIONS

APPROX. = APPROXIMATE
 C/S = CENTERLINE
 D/P = DRAINAGE POINT
 E/L = EXISTING LOT
 F/O = FUTURE ORIGIN
 G/S = GRASS
 H/W = HARDWARE
 I/P = INTERIOR POINT
 L/L = LAND LOT
 M/S = MEASURED
 N/S = NORTH SIDE
 P/S = POWER SPRINGS
 R/S = RIGHT SIDE
 S/S = SOUTH SIDE
 T/S = TRAIL
 U/S = U.S. HIGHWAY

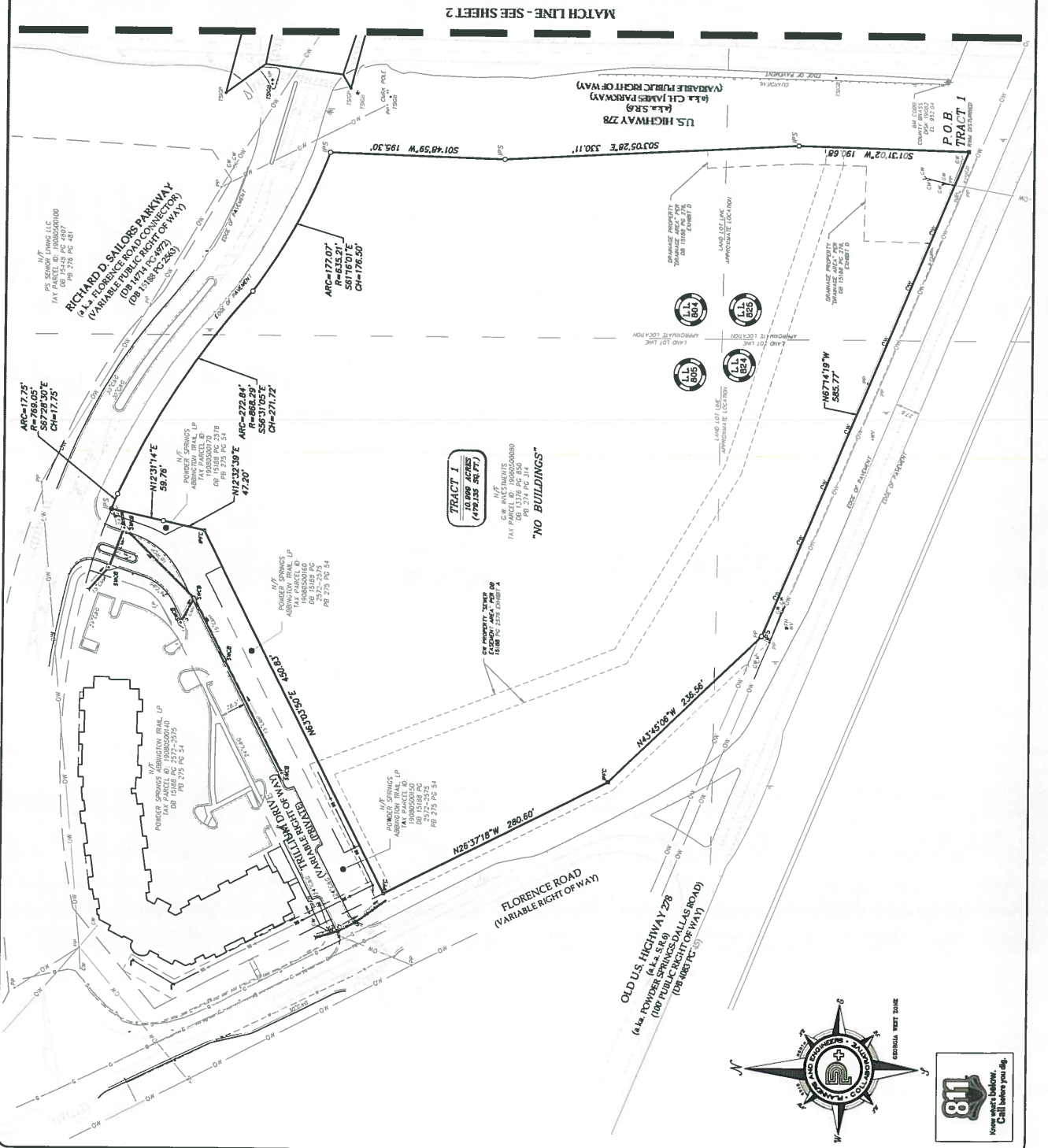
LINETYPES

PROPERTY
 Survey Boundary
 Easement Boundary
 Right of Way Boundary
 Other Property

FENCE LINES
 Existing Fence
 Proposed Fence
 Other Fence

EXISTING UNDERGROUND
 Sewer
 Water
 Gas
 Electric
 Telephone

SET / INDEPENDENT FEATURES
 Survey Point
 Monument
 Other Feature



811
 Know what's below.
 Call before you dig.





Parcel Id:	19-080500080	Tax Account Id:	3810
Property Location:	3500 TRILLIUM DR	Zoning Code:	
Owner Name/Address:	G W INVESTMENTS	Land Value:	0
	4011 LAWLER DR	Improvement Value:	920,092
	POWDER SPRINGS GA 30127	Exempt Value:	0.00
		Total Assessed Value:	920,092.00
		Deductions:	None

Taxes

[Make a Payment](#)

Year	Due Date	Type	Billed	Balance	Interest	Total Due	Status
2021	11/17/2021	Tax	8,740.87	0.00	0.00	0.00	PAID
2020	11/15/2020	Tax	8,740.87	0.00	0.00	0.00	PAID
2019	11/29/2019	Tax	8,740.87	0.00	0.00	0.00	PAID

Last Payment: 10/07/21

[Return to Home](#)



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

Printed: 1/21/2022

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
Robert Lynn Wilson

G W INVESTMENTS

Payment Date: 10/2/2021

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2021	19080500080	10/15/2021	Pay:	N/A or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$27,924.79	\$0.00



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

ATTACHMENT TO APPLICATION FOR REZONING
(Zoning Modification/Site Plan Approval)

Application No.: _____
Planning Commission Hearing: **February 28, 2022**
Mayor and City Council Hearing: **March 7, 2022**

**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, TR 12 TRILLIUM POWDER SPRINGS, LLC (hereinafter referred to as “Applicant”), and Property Owner, G. W. INVESTMENTS (hereinafter referred to as “Owner” or “Property Owner”), and assert the following:

1.

By Application for Rezoning dated and filed January 25, 2022, Applicant and Property Owner applied for modifications of certain approved stipulations and approval of a revised site plan as to certain real property located within incorporated City of Powder Springs, 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 modifications and approvals from the existing zoning category of Mixed-Use Development (“MXU”) to the proposed zoning classification of MXU, as established by the governing authority of the City of Powder Springs, Georgia, under and pursuant to the Unified Development Code of Powder Springs Georgia, as amended, being hereinafter referred to as the “Unified Development Code of the City of Powder Springs.”

3.

With respect to the existing MXU zoning classification, Applicant and Property Owner do contend the Unified Development Code of the City of Powder Springs, Georgia is unconstitutional as applied to the Property in that said Ordinance does not permit the Applicant and Property Owner to utilize and develop the Property as presently zoned without the necessity of further modifications and approvals. However, Applicant and Property Owner do not contend the current zoning category of MXU is unconstitutional, per se, only as applied. Thus, the Ordinance deprives Applicant and Property Owner of their Property under and pursuant to Art. I, § I, ¶¶ I and II of the Georgia Constitution of 1983, and the Equal Protection and Due Process Clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America. This deprivation of Property without due process violates the constitutional prohibition against the taking of private property without just compensation. The existing zoning category of MXU, together with any intervening zoning categories, violate the Applicant's and Property Owner's rights to unfettered use of their Property, as stated above, 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 Ordinance is unconstitutional in that it is arbitrary and unreasonable resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss on the Applicant and Property Owner.

4.

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

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

5.

The Ordinance is 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 25th day of January, 2022.

MOORE INGRAM JOHNSON & STEELE, LLP

BY: 

J. KEVINMOORE

Georgia Bar No. 519728

Attorneys for Applicant and Property Owner

MOORE INGRAM
JOHNSON & STEELE
Limited Liability Partnership
Emerson Overlook
326 Roswell Street
Suite 100
Marietta, GA 30060
(770) 429-1499
FAX (770) 429-8631

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

MOORE INGRAM
JOHNSON & STEELE
Limited Liability Partnership
Emerson Overlook
326 Roswell Street
Suite 100
Marietta, GA 30060
(770) 429-1499
FAX (770) 429-8631