

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

May 25, 2018

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, 30127

Re: Application of Shamrock Building Systems to Rezone a 7.73 ± Acre Tract from
CRC – Conditional to CRC Conditional, Land Lots 800 & 829, 19th District,
Powder Springs, Georgia

Application of Shamrock Building Systems for a Special Use Permit to allow a
Self-Service Storage Facility, Climate-Controlled, Land Lots 800 & 829, 19th
District, Powder Springs, Georgia

Dear Ms. Garver:

This firm represents Shamrock Building Systems (“Applicant”) concerning the Applications referenced above. Messrs. Seamus and Joseph Burke previously met with City staff concerning this property and Shamrock’s proposal. By meeting the May 29th deadline, it is my understanding that the Applications will proceed on parallel and concurrent tracks with each application being heard and considered by the Planning & Zoning Board on June 25, 2018 and by the Mayor and City Council on July 2, 2018.

Enclosed are the original Applications and checks made payable to the City of Powder Springs in the sum of \$1,750.00. It is my understanding that, in addition to the public hearing dates mentioned above, there will be an Agenda Meeting with the Planning & Zoning Commission on June 14, 2018 and an Agenda Meeting with the Mayor and City Council on June 27, 2018.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

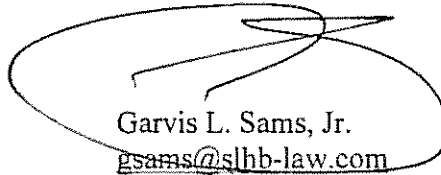
Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
May 25, 2018
Page 2

We will ensure that the notification signage provided by the City is appropriately placed upon the subject property in a timely fashion. In that regard, we will take a time/date stamped photographs of the notification signage and forward it to your office. Additionally, we will ensure that notification letters, as provided under the City's regulations, shall be sent to property owners within 200 feet of the subject property.

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Attachments/Enclosures

cc: Ms. Pam Conner, City Manager (via hand delivery w/enclosures)
Mr. Seamus Burke, Shamrock Building Systems, Inc. (via email w/attachments)
Mr. Joseph Burke, Shamrock Building Systems, Inc. (via email w/attachments)

EXHIBIT "A"

Legal Description

ALL THAT CERTAIN PIECE, PARCEL OR LOT OF LAND LYING AND BEING LOCATED WITHIN LAND LOTS 800 AND 829 OF THE 19th LAND DISTRICT, COBB COUNTY, GEORGIA AND BEING MORE FULLY SHOWN AS 7.732 ACRES (336,814 SQ. FT.) AND DESIGNATED ON ALTA/NSPS LAND TITLE SURVEY FOR PARADIGM ENGINEERING INC., DATED MARCH 21, 2018 PREPARED BY HARDY SURVEYING GROUP AND HAS THE FOLLOWING METES AND BOUNDS TO WIT.

BEGINNING AT AN AXEL FOUND AT THE COMMON CORNER TO LAND LOTS 800, 801, 828, AND 829, SAID AXEL BEING THE TRUE POINT-OF-BEGINNING (P.O.B.) THENCE CONTINUING ALONG THE COMMON LINE TO N/F MACLAND MEADOWS SUBDIVISION (PB:107/PG:2) AND ALONG THE COMMON LINE TO LAND LOTS 800 AND 801 NORTH 00 DEGREES 25 MINUTES 44 SECONDS EAST (N00°25'44"E) FOR A DISTANCE OF 219.06 FEET TO A #4 REBAR FOUND AT THE COMMON CORNER TO MACLAND MEADOWS SUBDIVISION AND N/F MACLAND WOODS SUBDIVISION (PB:19/PG:71); THENCE TURNING AND LEAVING THE COMMON LAND LOT LINE AND CONTINUING ALONG THE LINE OF LOT 13 OF N/F MACLAND WOODS SUBDIVISION SOUTH 84 DEGREES 48 MINUTES 28 SECONDS EAST (S84°48'28"E) FOR A DISTANCE OF 138.43 FEET TO A 1 INCH CRIMPED TOP PIPE FOUND; THENCE CONTINUING ALONG THE LINE OF LOT 12 SOUTH 84 DEGREES 59 MINUTES 44 SECONDS EAST (S84°59'44"E) FOR A DISTANCE OF 100.08 FEET TO A 1 INCH CRIMPED TOP PIPE FOUND; THENCE CONTINUING ALONG THE LINE OF LOT 11 SOUTH 84 DEGREES 51 MINUTES 53 SECONDS EAST (S84°51'53"E) FOR A DISTANCE OF 99.96 FEET TO A 1 INCH OPEN TOP PIPE FOUND; THENCE CONTINUING ALONG THE LINE OF LOTS 8, 9, AND 10, SOUTH 84 DEGREES 44 MINUTES 05 SECONDS EAST (S84°44'05"E) FOR A DISTANCE OF 257.10 FEET TO A #4 REBAR FOUND; THENCE LEAVING THE LINE TO N/F MACLAND WOODS SUBDIVISION AND CONTINUING ALONG THE COMMON LINE TO N/F HD DEVELOPMENT OF MARYLAND INC. (DB:14550/PG:5137) SOUTH 05 DEGREES 15 MINUTES 23 SECONDS WEST (S05°15'23"W) FOR A DISTANCE OF 401.58 FEET TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE NORTH 84 DEGREES 42 MINUTES 04 SECONDS WEST (S84°42'04"W) FOR A DISTANCE OF 71.56 FEET TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 05 DEGREES 14 MINUTES 57 SECONDS WEST (S05°14'57"W) FOR A DISTANCE OF 264.58 FEET TO A #4 REBAR FOUND AT THE COMMON CORNER TO N/F DEVAZ LLC; THENCE TURNING AND CONTINUING ALONG THE COMMON LINE TO N/F DEVAZ LLC (DB:14187 PG:225) NORTH 69 DEGREES 04 MINUTES 22 SECONDS WEST (N69°04'22"W) FOR A DISTANCE OF 37.29 FEET TO A #4 REBAR FOUND; THENCE CONTINUING ALONG THE LINE OF N/F DEVAZ LLC NORTH 74 DEGREES 47 MINUTES 52 SECONDS WEST (N74°47'52"W) FOR A DISTANCE OF 15.92 FEET TO A #4 REBAR FOUND AT THE COMMON CORNER TO PWREI POWDER SPRINGS LLC; THENCE TURNING AND CONTINUING ALONG THE COMMON LINE TO PWREI POWDER SPRINGS LLC (DB:15291/PO:4436) NORTH 67 DEGREES 43 MINUTES 02 SECONDS WEST (N67°43'02"W) FOR A DISTANCE OF 340.57 FEET TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING SOUTH 79 DEGREES 43 MINUTES 51 SECONDS WEST (S79°43'51"W) FOR A DISTANCE OF 14.19 FEET TO A #4 REBAR FOUND; THENCE TURNING AND CONTINUING ALONG SAID LINE SOUTH 22 DEGREES 18 MINUTES 49 SECONDS WEST (S22°18'49"W) FOR A DISTANCE OF 195.87 FEET TO A #4 REBAR FOUND AT THE NORTH-EASTERLY RIGHT-OF-WAY TO RICHARD D SAILORS PARKWAY (R/W VARIES); THENCE TURNING AND CONTINUING ALONG THE NORTH-EASTERLY RIGHT-OF-WAY TO RICHARD D SAILORS PARKWAY NORTH 67 DEGREES 48 MINUTES 32 SECONDS WEST (N67°48'32"W) FOR A DISTANCE OF 19.34 FEET TO A NAIL FOUND IN PAVEMENT AT THE COMMON LINE TO LAND LOTS 828 AND 829; THENCE TURNING AND CONTINUING ALONG THE COMMON LINE TO LAND LOTS 828 AND 829 NORTH 00 DEGREES 35 MINUTES 08 SECONDS EAST (N00°35'08"E) FOR A DISTANCE OF 3.98 FEET TO A NAIL FOUND IN THE PAVEMENT; THENCE TURNING AND CONTINUING NORTH 22 DEGREES 14 MINUTES 53 SECONDS EAST (N22°14'53"E) FOR A DISTANCE OF 90.66 FEET TO A POINT; THENCE TURNING AND CONTINUING NORTH 66 DEGREES 59 MINUTES 12 SECONDS WEST (N66°59'12"W) FOR A DISTANCE OF 35.56 FEET TO A POINT AT THE COMMON CORNER TO THOMAS CANNON AND THE COMMON LINE TO LAND LOTS 828 AND 829; THENCE TURNING AND CONTINUING ALONG THE COMMON LINE TO N/F THOMAS CANNON (DB:2356/PG:501) AND THE COMMON LINE TO LAND LOTS 828 AND 829 NORTH 01 DEGREES 00 MINUTES 38 SECONDS EAST (N01°00'38"E) FOR A DISTANCE OF 419.57 FEET TO AN AXEL FOUND AT THE COMMON CORNER TO LAND LOTS 800, 801, 828 AND 829, SAID AXEL BEING THE TRUE POINT-OF-BEGINNING (P.O.B.)

Exhibit "B"
Permitted Exceptions

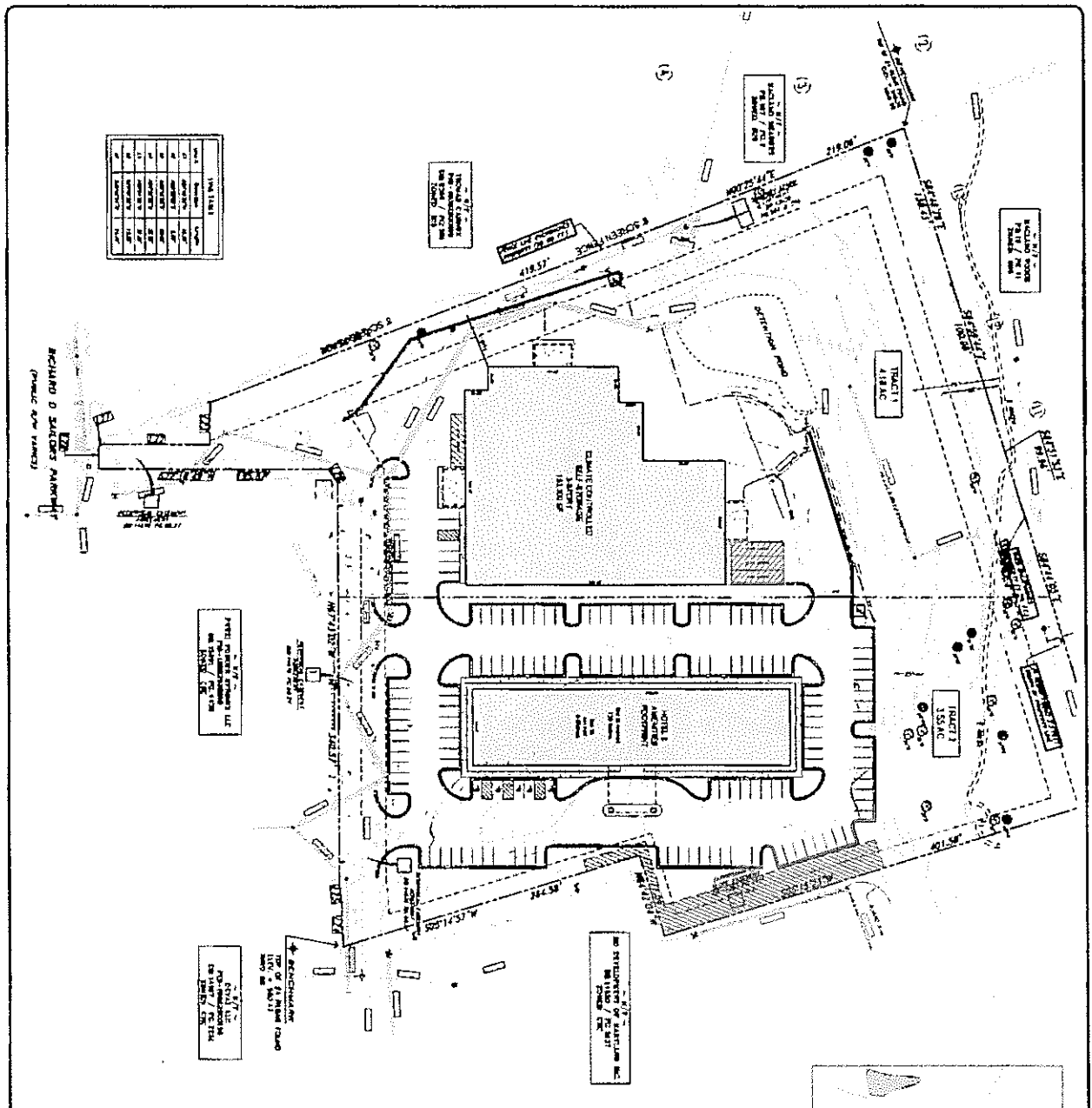
1. All taxes for the year 2018 and subsequent years.
2. The engineering calculations in computing the exact amount of acreage contained therein.
3. Reciprocal Easement Agreement with Covenants, Conditions and Restrictions by and between Sembler Family Partnership #19, Ltd., a Florida limited partnership and Fog Georgia Twelve, LLC, a Georgia limited liability company, dated April 20, 2000, filed for record April 24, 2000, recorded in Deed Book 13257, Page 2616, aforesaid Records; as amended by that certain First Amendment to Reciprocal Easement with Covenants, Conditions and Restrictions by and between Sembler Family Partnership #19, Ltd., a Florida limited partnership and Fog Georgia Twelve, LW, a Georgia limited liability company, dated May 1, 2001, filed for record May 23, 2001, recorded in Deed Book 13368, Page 1351, aforesaid Records; as re-recorded November 1, 2001, recorded in Deed Book 13437, Page 3607, aforesaid Records; as further amended by that certain Second Amendment to Reciprocal Easement Agreement with Covenants, Conditions and Restrictions by Sembler Family Partnership #19, Ltd., a Florida limited partnership, dated January 26, 2006, filed for record February 1, 2006, recorded in Deed Book 14283, Page 5885, aforesaid Records.
4. Easement from Sembler Family Partnership #19, LTD to City of Powder Springs, a political subdivision of the State of Georgia, dated May 30, 2001, filed for record February 11, 2004, recorded in Deed Book 13928, Page 564, Records of Cobb County, Georgia.
5. Easement from Sembler Family Partnership #19, LTD to City of Powder Springs, a political subdivision of the State of Georgia, dated May 30, 2001, filed for record February 11, 2004, recorded in Deed Book 13928, Page 566, aforesaid Records.
6. Declaration of Restrictive Covenants by Sembler Family Partnership #19, Ltd., a Florida limited partnership, dated January 26, 2006, filed for record February 1, 2006, recorded in Deed Book 14283, Page 5911, aforesaid Records.
7. Sign Easement Agreement by and between Devaz, LLC, a North Carolina limited liability company, Home Depot U.S.A., Inc., a Delaware corporation, and Sembler Family Partnership #19, Ltd., a Florida limited partnership, dated January 26, 2006, filed for record February 1, 2006, recorded in Deed Book 14283, Page 5919, aforesaid Records; as assigned by that certain Assignment and Assumption of Sign Easement Agreement by and between Sembler Family Partnership #19, Ltd., a Florida limited partnership and Powder Springs Retail Investors, LLC, a Georgia limited liability company, dated June 2, 2006, filed for record June 29, 2006, recorded in Deed Book 14350, Page 1630, aforesaid Records.
8. Temporary Construction Easement and Slope Easement Agreement by and between Home Depot U.S.A., Inc., a Delaware corporation, and Sembler Family Partnership #19, Ltd., a Florida limited partnership, dated January 26, 2006, filed for record February 1, 2006, recorded in Deed Book 14283, Page 5941, aforesaid Records.
9. Reciprocal Easement Agreement by and between Powder Springs Retail Investors, LLC and HD Development of Maryland, Inc., dated January 23, 2009, filed for record March 24, 2009, recorded in Deed Book 14676, Page 6027, aforesaid Records.
10. Reciprocal Easement Agreement by and between Powder Springs Retail Investors, LLC and Devaz, LLC, undated, filed for record September 8, 2009, recorded in Deed Book 14723, Page 60, aforesaid Records.

LEGAL DESCRIPTION:

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TABLE

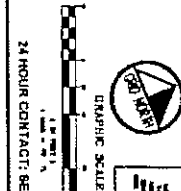
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| 10 | | | |

RICHARD D. SAILORS PARKWAY
(PUBLIC USE RAMP)

POWER SPRINGS STORAGE & HOTEL
LOT 800 & 825

TRACT 1 135 AC
TRACT 2 135 AC
TRACT 3 135 AC

LOT 800 & 825
TRACT 1 135 AC



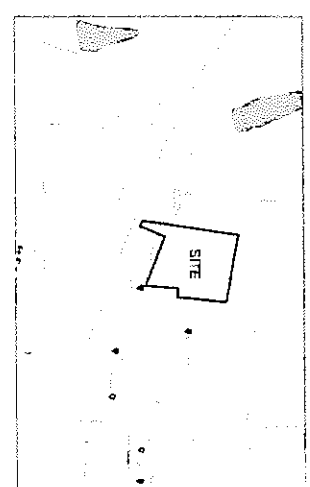
21

- LEGEND**
- PROPERTY BOUNDARY
 - FUTURE DEVELOPMENT
 - EXISTING ROADWAY
 - EXISTING UTILITY LINES
 - EXISTING BUILDING FOOTPRINT
 - EXISTING PAVEMENT
 - EXISTING DRIVEWAYS
 - EXISTING DRIVEWAYS

- NOTES**
- ALL DIMENSIONS ARE TO FACE UNLESS SPECIFIED OTHERWISE.
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SITE DATA

| | |
|----------------------|--------------------------------|
| PROJECT: | POWDER SPRINGS STORAGE & HOTEL |
| CLIENT: | SHAMROCK SYSTEMS, INC. |
| DATE: | 12/15/16 |
| SCALE: | AS SHOWN |
| TRACT 1: | 135 AC (100%) |
| TRACT 2: | 135 AC (100%) |
| TRACT 3: | 135 AC (100%) |
| TOTAL SITE AREA: | 405 AC (100%) |
| TOTAL BUILDING AREA: | 200,000 SQ. FT. |
| TOTAL PAVEMENT AREA: | 150,000 SQ. FT. |
| TOTAL DRIVEWAY AREA: | 50,000 SQ. FT. |
| TOTAL UTILITY AREA: | 10,000 SQ. FT. |



ZONING SITE PLAN
Powder Springs Storage & Hotel
RICHARD D. SAILORS PARKWAY
LAND LOT 800 & 825, DISTRICT 19, 2ND SECTION
POWDER SPRINGS, COBB COUNTY, GEORGIA

SHAMROCK BUILDING SYSTEMS
800 800 PLACE
NORFOLK, VIRGINIA 23510
OFFICE 757-636-9000

| No. | Revisions | Date |
|-----|-----------|------|
| | | |
| | | |
| | | |
| | | |

paradigm
Engineering Services, Inc.
200 West Peachtree Street
Atlanta, Georgia 30308
770-488-8000



Powder Springs Application Form


REZONING

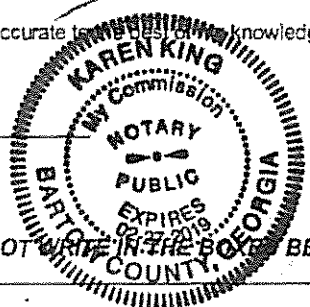
Applicant: Shamrock Building Systems Telephone No.: 770-745-4820
 Applicant's Address: 5825 Gore Place, Austell, GA 30106
 Property Location: On the northern side of Richard D. Sailors Parkway, east of Old Lost Mnt. Road Land Lot No.: 800 & 829
 Applicant is: Property Owner Other: Attorney for Property Owner (Attach Owner's Authorization)
 Other Representative of the Owner (Attach Owner's Authorization)

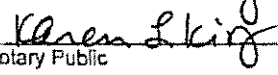
Current Zoning: CRC - Conditional
Type of Application
 Rezoning to: CRC - Conditional
 Change in Stipulations of Approval

Attachments
 Application Fee Review Checklist
 Boundary Description Other:
 Sketch Plan (Not Required) Statement of proposed site improvements.
 Impact Studies (Not Required) Analysis of zoning standards in support
 Campaign Contribution Form of the Rezoning Application.

I attest that this Application and its attachments are accurate to the best of my knowledge.


 Signature of Applicant (to be notarized)
 Garvis L. Sams, Attorney for Applicant



Sworn to and subscribed before me this
21 day of May, 2018

 Notary Public

***** DO NOT WRITE IN THE BOXES BELOW *****

DRI Forms filed with ARC/DCA/GRTA on: _____ Final determination received on: _____

Application Received Date: _____
 Scheduled for Public Hearing on:
 Planning Commission Date: _____
 Mayor & City Council Date: _____
 Signs Provided Date: _____
 Newspaper Ad Date: _____
 Affidavit Received Date: _____
 Notes:

Planning Commission
 Public Hearing: Date: _____
 Tabled Until: Date: _____
Recommendation
 Approval
 Approval with Stipulations
 Denial
 No Recommendation

Mayor & Council
 Public Hearing: Date: _____
 Tabled Until: Date: _____
 Returned to P.C. Date: _____
Final Action
 Approved
 Approved with Stipulations
 Denied
 Stipulations Attached



Application Withdrawn
 By Planning Director
 By P.C. or Mayor & Council
 Date: _____
 Without time restriction
 Restriction: Cannot be refiled for _____ months

Applicant: Shamrock Building Systems Current Zoning: Conditional Proposed Zoning: Conditional

Property Location: On the northern side of Richard D. Sailors Parkway, east of Old Lost Mnt. Road Land Lot No. 800 & 829

Standards for rezoning consideration

The Planning Commission and the Mayor and City Council shall consider the following standards in considering any rezoning proposal, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

| Standard | YES | NO | Comments |
|---|-------------------------------------|--------------------------|---------------|
| a. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| b. Is the proposed use consistent with the stated purpose of the zoning district that is being requested? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| c. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| d. Will the existing use or usability of adjacent or nearby property not be adversely affected by the proposed use? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| e. Are there substantial reasons why the property cannot or should not be used as currently zoned? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |

Prepared... Date: May 25, 20 18 for Shamrock Building Systems Applicant
 Date: _____, 20 ____ by _____ Powder Springs Staff
 Date: May 25, 20 18 by Other: Garvis L. Sams, Jr.
 Attorney for Applicant

Powder Springs

OWNER'S AUTHORIZATION

This is to certify that (I am we are I am the Corporate Secretary of a Corporation that is) the owner of a majority interest in the property that is the subject of the attached application.

By execution of this form, this is to authorize the person named as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

(Check each that applies and cross out each that does not apply)

- Rezoning (CRC conditional to CRC conditional) Special Exception
- Special Use (Separate Application Submitted) Hardship Variance (Variances will be determined)
- Appeal from Administrative Decision Flood Protection Variance

Applicant: Shamrock Building Systems

Applicant's Address: 5825 Gore Place, Austell, Georgia 30106

Date this Authorization becomes null and void: _____, 20 ____, (Not applicable)

[Signature]
Signature of Owner

[Signature]
Signature of Owner

Signature of Owner

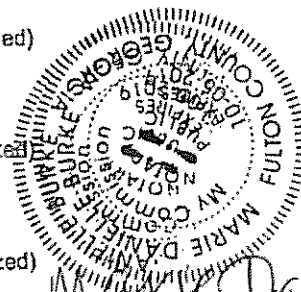
Signature of Owner

(Notarized)

(Notarized)

(Notarized)

(Notarized)



Marie Danielle Behr

Attach additional sheets as needed

Corporations – attach copy of corporate resolution approving authorization

Authorizing Resolution of:

Atlantic Development Partners, LLC

We, the undersigned, being all the members of this company, consent and agree that the following binding resolution was made

On May 22, 2018

At 1:30pm

At 5825 Gore Place, Austell, GA 30106

We do hereby consent to the adoption of the following as if it was adopted at a regularly called meeting of the members of this company. In accordance with the State law and the Operating Agreement of this limited liability company, by unanimous consent, the members decided that:

The property located at 1050 Richard D Sailors Parkway, Powder Springs, GA 30127 shall be submitted for rezoning by Garvis Soms for the development of Self Storage and Hotel

Therefore, it is resolved, that the company shall:

Duefully assist in any necessary help required by the company for this rezoning

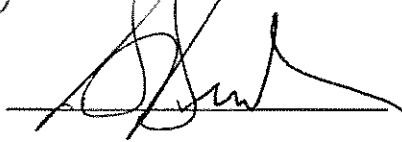
The members of this company are authorized to perform the acts to carry out this resolution.



Managing Member

S. Joseph Burke
Printed Name

5/22/18
Date



Member

JAMES BURKE
Printed Name

5/22/18
Date

Powder Springs

CAMPAIGN CONTRIBUTION DISCLOSURE

Applicant: Shamrock Building Systems

Applicant's Address: 5825 Gore Place, Austell, Georgia 30106

Applicant's Attorney: Garvis L. Sams, Jr. (Sams, Larkin, Huff & Balli, LLP)

Attorney's Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

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 venturers party to ownership of the property that is the subject of the attached application are listed below:

S. Joseph Burke
James Burke

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:

Table with 3 columns: Name of Official, Amount of Contribution or Gift, Date of Contribution or Gift. Row 1: N/A, N/A, N/A. Row 2: Applicant & Property Owner

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:

Table with 3 columns: Name of Official, Amount of Contribution or Gift, Date of Contribution or Gift. Row 1: N/A, N/A, N/A. Row 2: Garvis L. Sams, Jr., Sams, Larkin, Huff & Balli, LLP

Attach additional sheets as needed

Applicant: Shamrock Building Systems Current Zoning: ^{CRC}(conditional) Proposed Zoning: ^{CRC}(conditional)
 Property Location: On the northern side of Richard D. Sailors Parkway, east of Old Lost Mnt. Road Land Lot No. 800 & 829

A sketch plan is required to accompany a rezoning application for an MDR or MXU Development, or a multifamily or nonresidential use or project, if any new construction alteration of the site is proposed.

The sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

The sketch plan must be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

The sketch plan must show the following:

- Name and address of the property owner.
- Name, address, and telephone number of the applicant (if different than the owner).
- If drawn on a boundary survey: date of survey and source of datum,
- Date of plan drawing, and revision dates, as appropriate.
- North point and approximate scale of the drawing.
- Location (Land District and Land Lot) and size of the property in acres (or in square feet if less than an acre).
- Location sketch of the property in relation to the surrounding area with regard to well known landmarks such as arterial streets or railroads. Sketches may be drawn in freehand and at a scale sufficient to show clearly the information required, but not less than 1 inch equal to 2,000 feet. US. Geological Survey maps may be used as a reference guide for the location sketch.
- Zoning district classification of the subject property and all adjacent properties, and current zoning district boundaries if they cross the property.
- Man-made features within and adjacent to the property, including existing streets and names, city limit lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- Proposed use of the property, including a statistical summary of development factors such as density, nonresidential floor area, number of lots or dwelling units, and minimum unit sizes, as may be pertinent to the type of project.

The proposed project layout including:

- For office or industrial parks and residential subdivisions included within an MDR or MXU development, approximate lot lines and street right-of-way lines, along with the front building setback line on each lot.
- For multi-family and nonresidential development projects, the approximate outline and location of all principal buildings, and the location of all minimum building setback lines, trash receptacle locations, outdoor storage areas, buffers, parking and loading areas, and driveways.
- A statement as to the source of domestic water supply.
- A statement as to the provision for sanitary sewage disposal.
- The approximate location of proposed storm water detention facilities.
- Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

* In addition to the foregoing sketch plan requirements, also submitted concurrently herewith is a Statement of Proposed Site Improvements; an Analysis of Zoning Standards in support of the Application, and, other related documentation and information.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

May 25, 2018

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, 30127

Re: Application of Shamrock Building Systems to Rezone a 7.73 ± Acre Tract from CRC – Conditional to CRC Conditional, Land Lots 800 & 829, 19th District, Powder Springs, Georgia

Application of Shamrock Building Systems for a Special Use Permit to allow a Self-Service Storage Facility, Climate-Controlled, Land Lots 800 & 829, 19th District, Powder Springs, Georgia

Dear Ms. Garver:

This firm represents Shamrock Building Systems (“Applicant”). In that regard, the Unified Development Code (“UDC”) requires that the Mayor and City Council consider certain guidelines and standards as contained in the Review Checklist and/or Standards for Rezoning when deciding whether to grant or deny a Rezoning Application.

ANALYSIS OF ZONING STANDARDS IN SUPPORT OF THE APPLICATION FOR REZONING

a. Is the proposed use compatible with the purpose and intent of the Comprehensive Plan?

Yes, the proposed use of the subject property for the construction and use of a Climate Controlled Self Service Storage Facility (“CCSSSF”) and a Hotel are compatible with the purpose and intent of the Comprehensive Plan. Moreover, the subject property is located within the confines of a Community Activity Center (“CAC”) and is contiguous to property which is zoned CRC. Accordingly, the City’s approval of this Application for Rezoning will further goals of the City’s Comprehensive Plan.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
May 25, 2018
Page 2

- b. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?**

Yes, the proposed CCSSSF is a permitted use (with a Special Use Permit) under the CRC zoning district. The proposed Hotel Facility is a permitted use under CRC without the requirement of a Special Use Permit.

- c. Is the proposed use suitable in view of the zoning and development of adjacent and nearby property?**

As mentioned above, the subject property is within the confines of a CAC and is contiguous to property which is also zoned in the CRC zoning district. The City's decision to grant a Rezoning and the SUP Application will ensure that the overall character of the area will remain intact. The proposed uses will be located on commercially zoned property and otherwise compatible with the area. In that regard, the Rezoning of the subject property or the establishment of a Special Use will not impede the normal and orderly development of surrounding property for uses predominate within this sub-area of the City.

- d. Will the existing use or usability of adjacent or nearby property not be adversely affected by the proposed use?**

The Rezoning and SUP proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties,

- e. Are there substantial reasons why the property cannot or should not be used as currently zoned?**

The property is currently zoned site plan specific and partially developed by a failed developer. Development under the current zoning circumstances would constitute a more intense use than the proposed development.

- f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the proposed use?**

Yes, public facilities and infrastructure are adequate to serve the proposed use. Access to the subject property will be via Richard D. Sailors Parkway and cross-access easements through adjoining commercial properties.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
May 25, 2018
Page 3

- g. Is the proposed use supported by new or changing conditions not anticipated by the Comprehensive Plan or reflected in the existing zoning on the property or surrounding properties?**

The proposed use is supported by the Powder Springs/LCI Plan Update of 2016 which provides that larger "big-box" retail uses are located along this Corridor. This proposed development will provide a mixed-use component to this sub-area of the City.

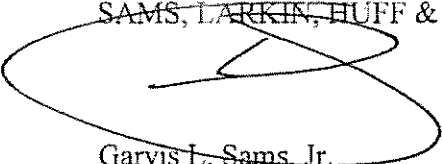
- h. Does the proposed use reflect a reasonable balance between the promotion of the public health, safety, morality, or general welfare and the right to unrestricted use of property?**

The proposed use does reflect a reasonable balance between the promotion of public health, safety, morality and general welfare and the right to unrestricted use of the subject property.

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 Application complies with applicable requirements and is otherwise consistent with the policies reflected and the factors enumerated within the UDC. With regards, I am

Very truly yours,

~~SAMS, LARKIN, HUFF & BALLI, LLP~~



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./klk
Enclosures/Attachments

cc: Ms. Pam Conner, City Manager (via hand delivery w/enclosures)
Mr. Seamus Burke, Shamrock Building Systems, Inc. (via email w/attachments)
Mr. Joseph Burke, Shamrock Building Systems, Inc. (via email w/attachments)

TO THE CITY OF POWDER SPRINGS
COBB COUNTY, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, SHAMROCK BUILDING SYSTEMS, 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 Zoning of the property seeks a rezoning from the existing category of Conditional Community Retail Commercial ("CRC"), as established by the governing authority of Powder Springs, Cobb County, Georgia to the zoning category of Conditional Community Retail Commercial ("CRC") as proposed with a Special Use Permit.

3.

The current Conditional CRC zoning classification of the property and all intervening classifications between same and Conditional CRC as proposed with a Special Use Permit 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 Conditional CRC and all intervening classifications between same and Conditional CRC as proposed with a Special Use Permit 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 24 day of May, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP



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

SAMS, LARKIN, HUFF
& BALLI, LLP
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770.422.7016

Powder Springs Application Form

SPECIAL USE

Applicant: Shamrock Building Systems Telephone No.: 770-745-4820

Applicant's Address: 5825 Gore Place, Austell, GA 30106

Property Location: On the northern side of Richard D. Sailors Parkway, east of Old Lost Mountain Road Land Lot No.: 800 & 829

Applicant is: Property Owner Other: Attorney for Applicant (Attach Owner's Authorization)
 Other Representative of the Owner (Attach Owner's Authorization)

Current Zoning: CRC


Type of Application

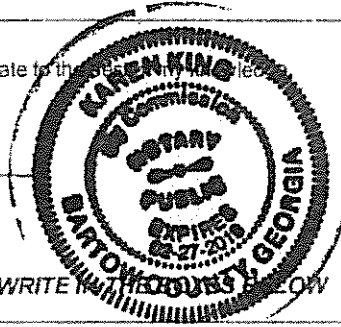
- Special Use:
Self-Service Storage Facility, Climate Controlled
- Change in Stipulations of Approval

Attachments

- Application Fee
- Boundary Description
- Sketch Plan (Not Required)
- Impact Studies (Not Required)
- Campaign Contribution Form
- Review Checklist
- Other:
Statement of proposed site improvements.
Analysis of zoning standards in support of the Special Use Application.

I attest that this Application and its attachments are accurate to the best of my knowledge.


 Signature of Applicant (to be notarized)
 Garvis L. Sams, Jr., Attorney for Applicant



Sworn to and subscribed before me this
25 day of May, 2018
Karen L. King
 Notary Public

DO NOT WRITE IN THESE SPACES

DRI Forms filed with ARC/DCA/GRTA on: _____ Final determination received on: _____

Application Received Date: _____

Scheduled for Public Hearing on:
 Planning Commission Date: _____
 Mayor & City Council Date: _____

Signs Provided Date: _____
 Newspaper Ad Date: _____
 Affidavit Received Date: _____

Notes:

Planning Commission
 Public Hearing: Date: _____
 Tabled Until: Date: _____

Recommendation
 Approval
 Approval with Stipulations
 Denial
 No Recommendation

Mayor & Council
 Public Hearing: Date: _____
 Tabled Until: Date: _____
 Returned to P.C. Date: _____

Final Action
 Approved
 Approved with Stipulations
 Denied
 Stipulations Attached



Application Withdrawn
 By Planning Director
 By P.C. or Mayor & Council

Date: _____
 Without time restriction
 Restriction: Cannot be refiled for _____ months

Powder Springs

Review Checklist

SPECIAL USE

Applicant: Shamrock Building Systems Current Zoning: CRC Proposed Sp. Use: CCSSSF

Property Location: On the northern side of Richard D. Sailors Parkway, east of Old Lost Mnt. Rd. Land Lot No. 800 & 829 19th District

Standards for special use consideration

A special use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria. Emphasis may be placed on those criteria most applicable to the specific use proposed:

| Standard | YES | NO | Comments |
|---|-------------------------------------|--------------------------|---------------|
| a. Will the proposed special use be consistent with the stated purpose of the zoning district in which it will be located? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| b. Will the establishment of the special use not impede the normal and orderly development of surrounding property for uses predominate in the area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| c. Is the location and character of the proposed special use consistent with a desirable pattern of development in general? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| d. Is or will the type of street providing access to the use be adequate to serve the proposed special use? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| e. Is or will access into and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the special use? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| g. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| h. Will the hours and manner of operation of the special use have no adverse effects on other properties in the area? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |
| i. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties? | <input checked="" type="checkbox"/> | <input type="checkbox"/> | See attached. |

Prepared...Date: May 25, _____, 20 18 for Shamrock Building Systems Applicant
 Date: _____, 20 _____ by _____ Powder Springs Staff
 Date: May 25, _____, 20 18 by Other: Garvis L. Sams, Jr.
 Attorney for Applicant

Powder Springs

OWNER'S AUTHORIZATION

This is to certify that (I am we are I am the Corporate Secretary of a Corporation that is) _____ of a majority interest in the property that is the subject of the attached application.

By execution of this form, this is to authorize the person named as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

(Check each that applies and cross out each that does not apply)

- Rezoning
- Special Use
- Appeal from Administrative Decision
- Special Exception
- Hardship Variance (a separate Application will be filed, if required)
- Flood Protection Variance

Applicant: Shamrock Building Systems

Applicant's Address: 5825 Gore Place, Austell, Georgia 30106

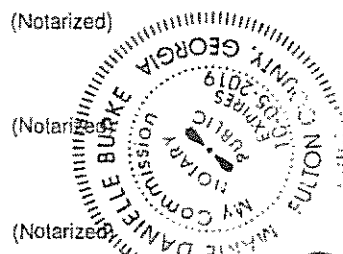
Date this Authorization becomes null and void: _____, 20____. (Not applicable)

[Signature]
Signature of Owner

[Signature]
Signature of Owner

Signature of Owner

Signature of Owner



Marie Danielle Burke
(Notarized)

Attach additional sheets as needed
Corporations – attach copy of corporate resolution approving authorization

Applicant: Shamrock Building Systems

Applicant's Address: 5825 Gore Place, Austell, Georgia 30106

Applicant's Attorney: Garvis L. Sams, Jr. (Sams, Larkin, Huff & Balli, LLP)

Attorney's Address: 376 Powder Springs Street, Suite 100, Marietta, Georgia 30064

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 venturers party to ownership of the property that is the subject of the attached application are listed below:

S. Joseph Burke

James Burke

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 |
|-------------------------------------|--------------------------------|------------------------------|
| <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Applicant and Property Owner</u> | _____ | _____ |

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 |
|---------------------------------------|--------------------------------|------------------------------|
| <u>N/A</u> | <u>N/A</u> | <u>N/A</u> |
| <u>Garvis L. Sams, Jr.</u> | _____ | _____ |
| <u>Sams, Larkin, Huff & Balli</u> | _____ | _____ |
| <u>LLP</u> | _____ | _____ |

Applicant: Shamrock Building Systems Current Zoning: CRC Proposed Sp. Use: CCSSSF

Property Location: On the northern side of Richard D. Sailors Parkway, east of Old Lost Mountain Rd. Land Lot No. 800 & 829, 19th

A sketch plan must accompany any application for special use approval if any new construction or alteration of the site is proposed.

The sketch plan may be prepared by the applicant, a professional engineer, a registered land surveyor, a landscape architect, a land planner or any other person familiar with land development activities.

The sketch plan must be drawn to approximate scale on a boundary survey of the tract or on a property map showing the approximate location of the boundaries and dimensions of the tract.

The sketch plan must show the following:

- Name and address of the property owner.
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- Zoning district classification of the subject property and all adjacent properties, and current zoning district boundaries if they cross the property.
- Man-made features within and adjacent to the property, including existing streets and names, city limit lines, and other significant information such as location of bridges, utility lines, existing buildings to remain, and other features as appropriate to the nature of the request.
- Proposed use of the property, including such pertinent operating characteristics as hours of operation, outdoor activities and lighting.
- The proposed project layout, including the approximate outline and location of all buildings, and the location of all minimum building setback lines, outdoor storage areas, buffers, parking areas and driveways.
- A statement as to the source of domestic water supply.
- A statement as to the provision for sanitary sewage disposal.
- The approximate location of proposed storm water detention facilities.
- Such additional information as may be useful to permit an understanding of the proposed use and development of the property.

*In addition to the foregoing sketch plan requirements, also submitted concurrently herewith is a Statement of Proposed Site Improvements; an Analysis of Zoning Standards in Support of the Application; and, other related documentation and information.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
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May 25, 2018

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
4488 Pineview Drive
Powder Springs, 30127

Re: Application for a Special Use Permit (Climate Controlled Self-Service Storage Facility ["CCSSSF"])
Applicant: Shamrock Building Systems
Property: Land Lots 800 & 829, 19th District, City of Powder Springs, Cobb County, GA

Dear Ms. Garver:

This firm represents Shamrock Building Systems ("Applicant") for Special Use Permit. In that regard, the Unified Development Code ("UDC") requires that the Mayor and City Council consider certain guidelines and standards as contained in the Review Checklist and/or Standards for Special Use Consideration when deciding whether to grant or deny a SUP Application. Applying the Review Checklist and Standards for Special Use Considerations show that the City should grant this Application.

ANALYSIS OF STANDARDS FOR SPECIAL USE CONSIDERATION AND UDC STANDARDS IN SUPPORT OF SHAMROCK BUILDING SYSTEMS' SUP APPLICATION

- a. Will the proposed Special Use be consistent with the stated purposes of the zoning district in which it will be located?

The subject property is presently zoned in the CRC zoning classification and is undeveloped (except for partial infrastructure installed by previously failed developer). The City's Future Land Use Map ("FLUM") designates the subject property as being located within the confines of a Community Activity Center ("CAC"). The subject property shall be developed for a CCSSSF building and a Hotel (which is a permitted use without SUP requirements within the CRC zoning classification).

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
May 25, 2018
Page 2

- b. Will the establishment of the Special Use not impede the normal and orderly development of surrounding property for uses predominate in the area?**

As described in the response to "a." above, the City's decision to grant the SUP Application will ensure that the overall character of the area will remain intact. The proposed Facility will be located on commercially zoned property and is otherwise compatible with other development within this sub-area of the City. Therefore, the establishment of the Special Use will not impede the normal and orderly development of surrounding property for uses predominant within this section of the City.

- c. Is the location and character of the proposed Special Use consistent with a desirable pattern of development in general?**

The CRC zoning district contemplates and permits the proposed Special Use for a CCSSSF, and the proposed Hotel is a permitted use without the necessity for a SUP.

- d. Is or will the type of street providing access to the use be adequate to serve the proposed Special Use?**

Richard D. Sailors Parkway is classified as an Arterial and, in that regard, said right-of-way will provide access to the CCSSSF Special Use and the Hotel. More specifically, there are recorded cross-access easements with adjoining properties which will provide more than adequate access and parking to serve the subject property.

- e. Is or will access in to and out of the property be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles?**

The CCSSSF will create a very small amount of traffic and will have electronic gated access. The proposed Hotel will not impede a.m./p.m. peak hour traffic and will, in fact, generate less traffic than the current zoning would generate.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
May 25, 2018
Page 3

- f. Are or will public facilities such as schools, water or sewer utilities, and police or fire protection be adequate to serve the Special Use?**

Available public facilities are more than adequate to serve the CCSSSF Special Use and the Proposed Hotel.

- g. Are or will refuse, service, parking and loading areas on the property be located or screened to protect other properties in the area from such adverse effects as noise, light, glare or odor?**

The proposed loading/unloading area of the Storage Facility will be located to the rear of the structure as will be the dumpsters for the Hotel Facility (which will be screened from view or within the CCSSSF building). Additionally, the Applicant will be submitting a landscape plan for property adjacent to residential uses.

- h. Will the hours and manner of operation of the Special Use have no adverse effects on other properties in the area?**

A CCSSSF will have little (if any) effect upon residential use or values of other properties in view of the fact the proposed use is compatible and complementary in nature.

- i. Will the height, size or location of the buildings or other structures on the property be compatible with the height, size or location of buildings or other structures on neighboring properties?**

There will be a minor height differential; however, the use of the subject property with these users will be positive.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

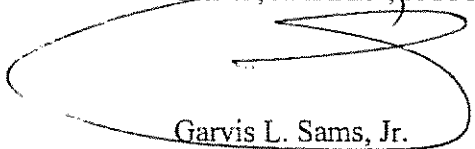
VIA HAND DELIVERY & EMAIL

Ms. Tina Garver, AICP
Community Development Director
City of Powder Springs
May 25, 2018
Page 4

Based upon all of these factors, the Applicant has produced sufficient information to allow the City to fully consider all relevant factors and to demonstrate that the Application complies with all applicable requirements and is otherwise consistent with the policies reflected and the factors enumerated within the UDC. In that regard, the City should approve the Special Use Application as submitted. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./kk
Enclosures/Attachments

cc: Ms. Pam Conner, City Manager (via hand delivery w/enclosures)
Mr. Seamus Burke, Shamrock Building Systems, Inc. (via email w/attachments)
Mr. Joseph Burke, Shamrock Building Systems, Inc. (via email w/attachments)