

Plat Book 278 Page 338
Rebecca Keaton
Clerk of Superior Court

CLERK OF THE SUPERIOR COURT
RECORDING BOX

CITY COUNCIL MEETING MINUTES

EASEMENTS/COVENANTS AFFECTING PROPERTY

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, LLC, 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.

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.

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.

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.

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.

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.

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.

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.

Declaration of Joint and Reciprocal Easements and Covenants to Share Costs, dated April 24, 2019 and filed for record on April 30, 2019 in Deed Book 15624 page 287 of Cobb County Records.

LEGAL DESCRIPTION: TRACT 1

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 AND DESIGNATED BY HARDY SURVEYING GROUP AND HAS THE FOLLOWING METES AND BOUNDS TO WIT.

BEGINNING AT AN AXLE FOUND AT THE COMMON CORNER TO LAND LOTS 800, 801, 828, AND 829, SAID AXLE 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 LOT 10, SOUTH 84 DEGREES 44 MINUTES 05 SECONDS EAST (S84°44'05"E) FOR A DISTANCE OF 83.79 FEET TO A POINT; THENCE LEAVING THE LINE TO N/F MACLAND WOODS SUBDIVISION AND CONTINUING SOUTH 22 DEGREES 17 MINUTES 02 SECONDS WEST (S22°17'02"W) FOR A DISTANCE OF 609.98' TO A POINT AT THE COMMON LINE TO PIREX POWDER SPRINGS LLC; THENCE TURNING AND CONTINUING ALONG THE COMMON LINE TO PIREX POWDER SPRINGS LLC (DB:15291/PG:4439) NORTH 67 DEGREES 43 MINUTES 02 SECONDS WEST (N67°43'02"W) FOR A DISTANCE OF 101.28 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 SAULS PARKWAY (R/DW AREAS); THENCE TURNING AND CONTINUING ALONG THE NORTH-EASTERLY RIGHT-OF-WAY TO RICHARD D SAULS 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 09 SECONDS EAST (N00°35'09"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 AXLE FOUND AT THE COMMON CORNER TO LAND LOTS 800, 801, 828 AND 829, SAID AXLE BEING THE TRUE POINT-OF-BEGINNING (P.O.B.)

City Council Meeting Minutes - Final July 16, 2018

PZ 18--019 Rezoning - Shamrock Building Systems
Change in stipulations of Approval
Richard D. Sailors Pkwy, LL 800 & 829

PZ 18-019 and PZ 18-020 were addressed to Mayor and Council in combination of information.

Applicant present (Joseph Burke) - Applicant Attorney Joel Larkin for Garvis Sams presented to Mayor and Council. Community Development Director Tina Garver was present for the hearing.

Mr. Larkin addressed the history of the zoning; the tax benefit to the City; filling a need with quality products and potentially creating a halo effect in the area; buffer depths; site work logistics and timing; and the potential hotel occupancy types, lengths of stay and number of rooms per occupancy type and length of stay.

Mr. Burke stated the site work for both projects would happen at the same time. Going vertical with the hotel would not happen until brand and details finalized. Mr. Burke stated he has spoken with the community about the project. Letters were sent out to the surrounding area. Buffer will be about 300 feet.

Community Development Director Garver addressed the length of stay as it is addressed by the Code. Staff recommends six rooms available for an "extended stay" as a staff suggested stipulation. Applicant requests consideration for 34-35 rooms with a maximum stay of thirty days. Mr. Garver stated the applicant has stated to staff that is not an extended stay branded hotel.

City Manager Conner suggested that rezoning action the number of rooms and length of stay be addressed as a develop agreement as a separate matter. City Attorney Calhoun stated as long as no action was taken on the special use approval - if tabled.

Recommendation - If there is a vote on the rezoning - lot of conditions - number of rooms and length of stay may need to be applied for differently - should table the entirety of the vote. The number of rooms and the length of stay is a variance request not included as part of this rezoning.

Mr. Larkin stated they do not believe this is a variance but rather a reluctance to have an extended stay that brought this issue forward. The stipulation no more than 1/3 of the rooms and no more than a 30 day stay prohibit the product being an extended stay brand. Mr. Larkin believes the interruption of their application is driving the variance need. He believes the code application should be for a hotel/motel - not a single room occupancy. He believes with a hotel/motel designation there is no restriction on the number of days.

Ms. Garver clarified the hotel definition to be a single entry door with interior entrances and the length of stay limit is 15 days. She did state it is not clear if this applies to 100% as the principal permitted use. In this case, a percentage does comply but they are requesting a portion be allowed that does not comply.

Ms. Garver further stated the three code classification as clarity per Mr. Calhoun's question.

Mr. Larkin stated if this request is for a mix of the defined uses (single occupancy, hotel, motel) and if the council can provision for six rooms they should be able to provision for 1/3.

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City Council Meeting Minutes - Final July 16, 2018

11. The hotel, subject of this application, shall have entry to individual guest rooms through a central lobby and all stays be limited to less than 15 days, except that 6 rooms may have stays in excess of 15 days. PROVISIO FOR ALLOWANCE OF ADDITIONAL ROOMS IN EXCESS OF 15 DAY STAY AT FUTURE DATE AFTER REVIEW BY MAYOR AND COUNCIL AND WITH THE AGREEMENT OF APPLICANT. BOTH THE NUMBER OF ROOMS AND THE LENGTH OF STAY.

The motion carried by the following vote:

Yes: 4 - Dawkins, Wisdom, Bordenon, and Lust

No: 1 - Farmer

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Council Member Bordenon asked if action could be taken to allow the six room with longer stays and allow the Mayor and Council to further evaluate the code for revision action at a later date.

Mr. Calhoun stated that could be done.

Mr. Larkin questioned if that would require a full rezoning action. Mr. Calhoun stated it would not as a provision would be made for future reconsideration - it could be streamlined. Additional room quantities can be addressed as part of a site plan review, potentially.

No other speakers for or against.

A motion was made by Bordenon, seconded by Dawkins, that this Rezoning PZ 18-019 was approved with the following conditions PER STAFF MEMO DATED JULY 16, 2018 WITH 11 CONDITIONS:

A motion to approve with conditions.

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned applications.

2. The architectural style, composition and design of the proposed buildings shall be in substantial conformity to architectural renderings/elevations dated June 19, 2018. Said renderings/elevations shall depict exterior materials on all four (4) sides of the buildings consisting primarily of brick, stone, and other cementitious-type components approved by the Community Development Director. Renderings/elevations may contain up to 40% EIFS which will be permitted through design review as approved by the Community Development Director. PROVISIO TO REFLECT THE ACCESS WOULD BE PER THE SITE PLAN DATED 05/24/18 BUT ACCESS TO THE ACTUAL STORAGE UNIT THEMSELVES FROM THE INTERIOR ONLY.

3. The rezoning of the subject property shall be from Conditional CRC to Conditional CRC for the purposes of the development of a Climate Control Self-Service Storage Facility (CCSSSF) which includes a request for a Special Use Permit ("SUP") for the development of a Hotel in substantial conformity to the Revised Site Plan prepared by Paradigm Engineering Services, Inc., which is being submitted concurrently herewith and is dated May 24, 2018.

4. The hours of operation for the CCSSSF offices shall be from 8:00 a.m. until 7:00 p.m. (Monday-Saturday) and from 1:00 p.m. until 6:00 p.m. on Sundays. There shall be no access to the proposed building from midnight until 6:00 a.m. Access to the CCSSSF building shall be facilitated with entry being via keycards and/or punch code pads. Activity within strategic locations throughout the facility shall be monitored by meaningfully positioned video security systems. The proposed Hotel

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City Council Meeting Minutes - Final July 16, 2018

11. The hotel, subject of this application, shall have entry to individual guest rooms through a central lobby and all stays be limited to less than 15 days, except that 6 rooms may have stays in excess of 15 days. PROVISIO FOR ALLOWANCE OF ADDITIONAL ROOMS IN EXCESS OF 15 DAY STAY AT FUTURE DATE AFTER REVIEW BY MAYOR AND COUNCIL AND WITH THE AGREEMENT OF APPLICANT. BOTH THE NUMBER OF ROOMS AND THE LENGTH OF STAY.

The motion carried by the following vote:

Yes: 4 - Dawkins, Wisdom, Bordenon, and Lust

No: 1 - Farmer

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building shall provide access after the customary check-in process by way of keypad entry.

5. Utilization of low-intensity, environmental-type lighting which shall be subject to review and approval by staff. All exterior lighting shall be shielded and direct illumination shall be confined within the perimeter of the subject property. During the Plan Review Process, Shamrock shall submit a specific Photometric Plan which will also reflect (to the extent security is not compromised) the positioning and specifics regarding security protocols.

6. The positioning of stormwater management, detention and water quality are in place and were previously constructed on the subject property. Shamrock's Civil Engineers are presently studying the configuration of detention and have preliminarily concluded that stormwater/detention components have been built in accordance with calculations which take into consideration the amount of proposed impervious surfaces as the result of the construction of both the CCSSSF and the Hotel. Updated Hydrology study must be provided during Plan review process to confirm site meets current regulations.

7. Compliance with recommendations from the Cobb County Fire Department regarding Life-Safety and Fire Prevention Issues, including the following:

a. Compliance with regulations requiring a minimum of 150 "hose pull" concerning fire protection and fire suppression for the proposed buildings.

b. The installation of automatic sprinkler systems within the buildings.

c. Compliance with International Fire Code ("IFC") Section 510 regarding Emergency Notification to accommodate public safety and life safety regulations.

8. Compliance with the City's Engineering and Public Works Staff regarding traffic and transportation issues to the extent not in conflict with existing publicly recorded documentation to the contrary.

9. The submission of a Landscape Plan during the Plan Review Process which shall be subject to final review and approval by the staff. Additionally, existing planted buffer will be maintained within 30 days of this approval.

10. Signage for the proposed development (including the CCSSSF and the Hotel), shall include ground-based, monument style signage located on or adjacent to the subject property's frontage on Sailors Parkway or at such other locations as may be determined during the Plan Review Process and consist of building identification signage. The ground-based signage shall be incorporated into the Landscape Plan, lighted in accordance with City requirements and irrigated as such landscaping requires. This signage shall include shared signage space for the tenants located in the retail space located directly to the south of the site.

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City Council Meeting Minutes - Final August 20, 2018

ORD 18-021

AN ORDINANCE TO AMEND THE BUDGET FOR FISCAL YEAR 2019 TO ROLL FORWARD THE FISCAL YEAR 2018 BUDGET APPROPRIATIONS ALLOCATED TO OUTSTANDING PRIOR YEAR ENCUMBRANCES AND FOR EXPENDITURES OF CERTAIN FUNDS; TO ALLOCATE THE SOURCE OF REVENUE FOR SAID FUNDS; TO AMEND THE GENERAL FUND TO ALLOCATE EQUITABLE SHARING PROGRAM FUNDS FOR THE PURCHASE OF A POLICE VEHICLE AND EQUIPMENT; TO ESTABLISH AN EFFECTIVE DATE; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

1st Reading - 8/20/18 2nd Reading - 9/17/18
1st Reading Only

PZ 18--019

Rezoning - Shamrock Building Systems
Change in stipulations of Approval
Richard D. Sailors Pkwy, LL 800 & 829

Action by Mayor and Council to amend with a change in conditions at September 20, 2018
City Council Meeting to include stipulation clarification on traffic signal and timing

A motion was made by Lust, seconded by Dawkins, to make no changes to prior stipulations of July 16, 2018 for PZ 18-019 and PZ 18-020. The motion carried by the following vote:

Yes: 4 - Dawkins, Wisdom, Lust, and Farmer

PZ 18--020

Special Use - Shamrock Building Systems
LL 800, 829 Richard D Sailors Parkway

A motion was made by Lust, seconded by Dawkins, to make no changes to prior stipulations of July 16, 2018 for PZ 18-019 and PZ 18-020. The motion carried by the following vote:

Yes: 4 - Dawkins, Wisdom, Lust, and Farmer

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POWDER SPRINGS STORAGE LLC
5825 GORE PLACE
AUSTELL, GA 30106
PHONE: 770 490 7449

OWNER

Date

Revision

No

18-006

Surveyed By: C.A.H.

Drawn By: B.J.B.

Checked By: S.M.H.

Date: 5/13/19

Scale: 1" = 40'

FINAL PLAT

POWDER SPRINGS STORAGE

LAND LOTS 800 AND 829 - 19th LAND DISTRICT - 2nd SECTION

COBB COUNTY, GEORGIA

CITY OF POWDER SPRINGS

18-006-SUB.dwg

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SHEET 2 OF 2