

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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ADAM J. ROZEN

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SLHB-LAW.COM

June 14, 2018

## (STIPULATION LETTER & REVISED SITE PLAN)

### 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, Inc. to Rezone a 7.73 ± Acre Tract from CRC – Conditional to CRC Conditional (No. PZ 18-019)

Application of Shamrock Building Systems, Inc. for a Special Use Permit to allow a Climate Controlled Self-Service Storage Facility (No. PZ 18-020)

Dear Ms. Garver:

This firm represents Shamrock Building Systems, Inc. (“Shamrock”) concerning the above-captioned Applications for Rezoning and Special Use Permit (“Applications”). The Applications are scheduled to be heard and considered by the City of Powder Springs Planning Commission on June 25, 2018 and, thereafter, the Applications are scheduled to be heard and considered for final action by the Mayor and City Council on July 2, 2018.

The subject property at issue consists of a 7.73 acre tract of land which is located on the north side of Richard D. Sailors Parkway, west of the Home Depot. Enclosed is an aerial photograph depicting same. Shamrock proposes the utilization of the subject property for the construction and use of a Climate Controlled Self-Service Storage Facility (“CCSSSF”) and a Hotel, both of which are compatible with the purpose and intent of the existing Conditional CRC zoning and compatible with the City’s Comprehensive Plan. The subject property is located within the confines of a Community Activity Center (CAC”) as shown on the City’s Future Land Use Map (“FLUM”) and is contiguous to other properties which are zoned CRC.

During the pendency of these Applications, we have established a dialogue with the City’s staff, representatives from the Powder Springs Development Authority, area business and property owners and others. With respect to that input and the discussions generated thereby, this letter will serve as Shamrock’s expression of agreement with the following stipulations which shall become conditions and a part of the grant of approval of the Applications and binding upon the subject property thereafter:

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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 which are in the process of being finalized and which will be submitted under separate cover. Said renderings/elevations shall depict exterior materials on all four (4) sides of the buildings consisting primarily of brick, stone, EFIS and other cementitious-type components.
3. The rezoning of the subject property shall be from Conditional CRC to Conditional CRC for the purposes of the development of a 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.
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 building shall provide access after the customary check-in process by way of keycard 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.

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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.<sup>1</sup>
9. The submission of a Landscape Plan during the Plan Review Process which shall be subject to final review and approval by the City's Arborist.
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.
11. The commencement of development regarding the subject property shall occur within one (1) year from the date of approval of the Applications by the Mayor and City Council or, in the absence thereof, Shamrock and/or its successors in interest (if any) shall be required to submit applications requesting the issuance of a new Land Disturbance Permit.

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<sup>1</sup> The subject property was rezoned to conditional CRC on July 21, 2008 (PZ-08-039). Thereafter, Reciprocal Easement Agreements ("REAs") between the subject property and the Home Depot tract were put into place in order to address intra-parcel/inter-parcel access; parking ratios; cross-utilization of parking spaces; internal turning movements and maneuverability; and, other issues ensuring perpetual vehicular and pedestrian access and ingress/egress for the benefit of the property owners and for their tenants, employees, guests, licensees, customers, agents and invitees.

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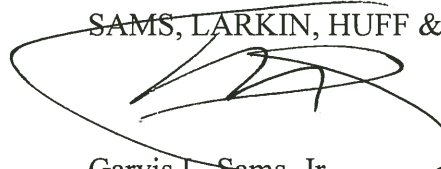
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12. Shamrock intends to construct an opaque fence approximately six feet (6') in height in order to screen activity behind the existing shopping center which fronts on Sailors Parkway in order to enhance aesthetics for both the CCSSSF and the Hotel.
13. The Community Development Director shall have the authority to approve minor modifications to the site plan, the architecture and these stipulations/conditions during the Plan Review Process and thereafter as long as said minor modifications are in substantial conformity to the intent of these Applications.

The subject property is located within the confines of a robust commercial district along this section of the Sailors Parkway Corridor and is uniquely positioned to provide the services (CCSSSF & Hotel) which are needed within this sub-area of the City. Please do not hesitate to contact me should you or the City's staff require any further information or documentation prior to these Applications being heard and considered by the Planning Commission and the Mayor and City Council. With kind regards, I am

Very truly yours.

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS, Jr./klk  
Enclosures/Attachments

cc: Listed on next page

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## **VIA HAND DELIVERY & EMAIL:**

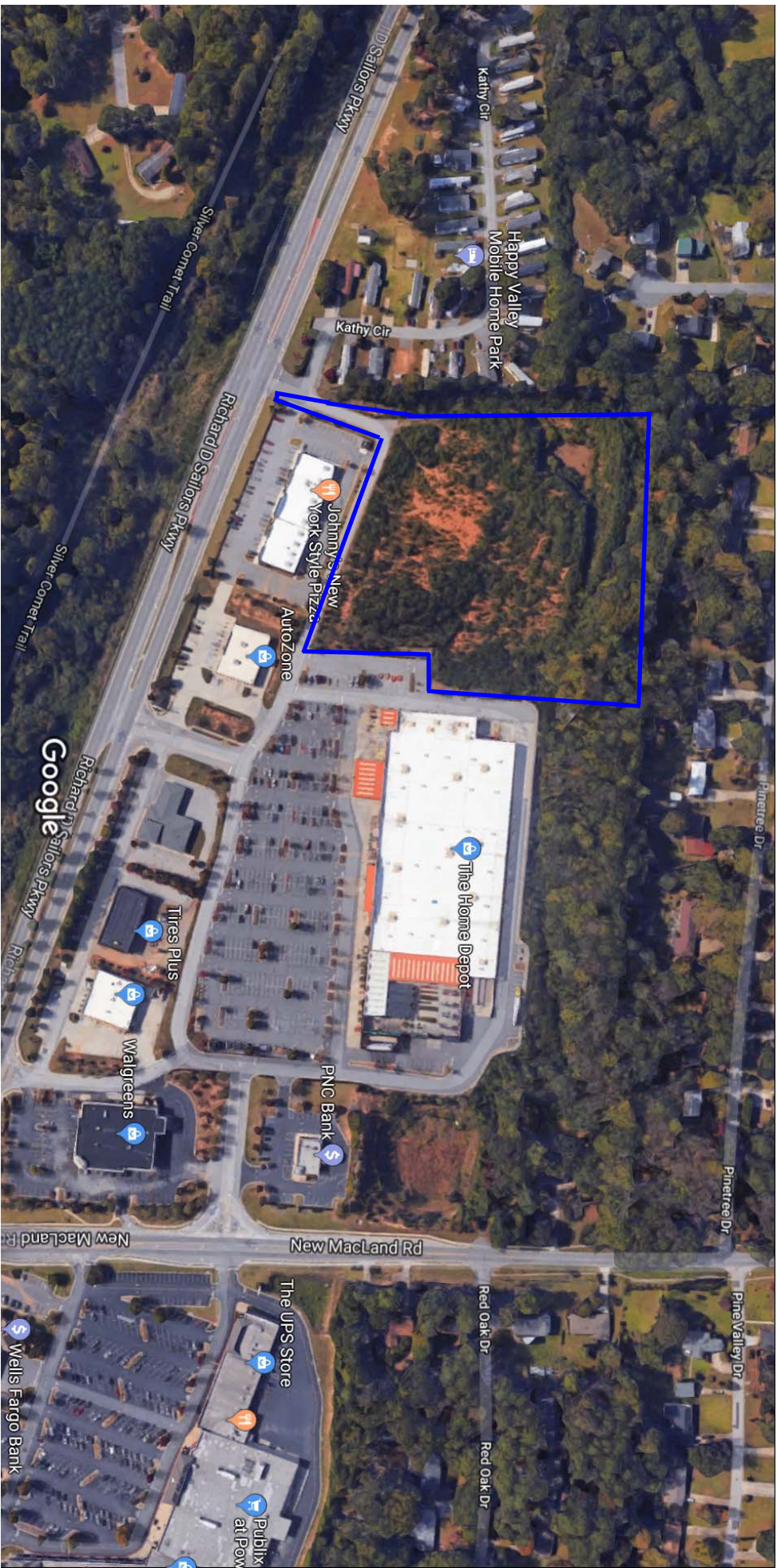
Ms. Tina Garver, AICP  
Community Development Director  
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cc: Honorable Al Thurman, Mayor (via email w/attachments)  
Members, Powder Springs City Council (via email w/attachments)  
Members, Powder Springs Planning Commission (via email w/attachments)  
Ms. Pam Conner, City Manager (via email w/attachments)  
Mr. Phillip "Murray" Homan, Chairman, Powder Springs Development Authority (via email w/attachments)  
Richard W. Calhoun, Esq., City Attorney (via email w/attachments)  
Ms. Kelly Axt, CMC, City Clerk (via email w/attachments)  
Mr. Alex Almodóvar, MPA, Permitting & Development Coordinator (via email w/attachments)  
J. Michael Dugan, Esq. (via email w/attachments)  
Mr. Seamus Burke, Shamrock Building Systems, Inc. (via email w/attachments)  
Mr. Joseph Burke, Shamrock Building Systems, Inc. (via email w/attachments)



# Shamrock Building Systems



Imagery ©2018 Google, Map data ©2018 Google

200 ft



LINE #	DIRECTION	LENGTH
L1	N67°49'32"W	18.54'
L2	N07°59'08"E	3.88'
L3	N27°14'51"E	90.88'
L4	N68°59'12"W	35.96'
L5	N87°04'32"W	37.28'
L6	N44°19'24"W	16.82'
L7	S79°43'31"W	14.19'

~ N/F ~  
THOMAS ANTON  
P.L. 108280010  
DB: 2366 / PG: 501  
ZONED: R15

~ N/F ~  
MACLAND MEADOWS  
PB: 107 / PG: 2  
ZONED: R20

~ N/F ~  
MACLAND WOODS  
PB: 19 / PG: 71  
ZONED: R20

~ N/F ~  
PWREI POWDER SPRINGS LLC  
P.D. 1908290010  
DB: 15291 / PG: 4436  
ZONED: CRC

~ N/F ~  
DEVIAZ LLC  
P.D. 19082900160  
DB: 14187 / PG: 2291  
ZONED: CRC

~ N/F ~  
HD DEVELOPMENT OF MARYLAND INC.  
DB: 14850 / PG: 5137  
ZONED: CRC

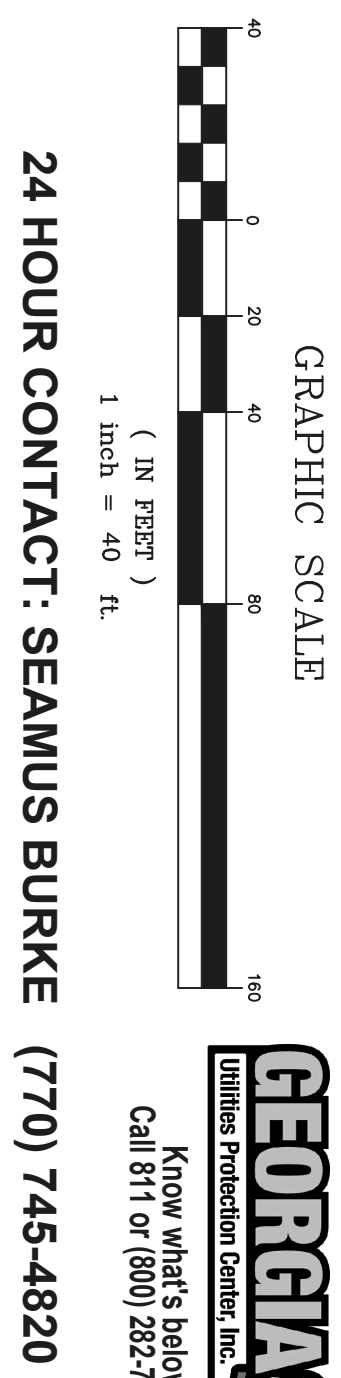
TOP OF #4 REBAR FOUND  
ELEV. = 980.47  
NAVD 88

REPRODUCTION AGREEMENT  
DB: 14676 PG: 60.27

REPRODUCTION AGREEMENT  
DB: 14676 PG: 60.27

(APPROXIMATE  
SLOPE EASEMENT  
DB: 14283 PG: 99.41

RICHARD D SAILORS PARKWAY  
(PUBLIC R/W VARIES)



24 HOUR CONTACT: SEAMUS BURKE (770) 745-4820



GRAPHIC SCALE

1" = 40'

Know what's below  
Call 811 or (800) 882-4111



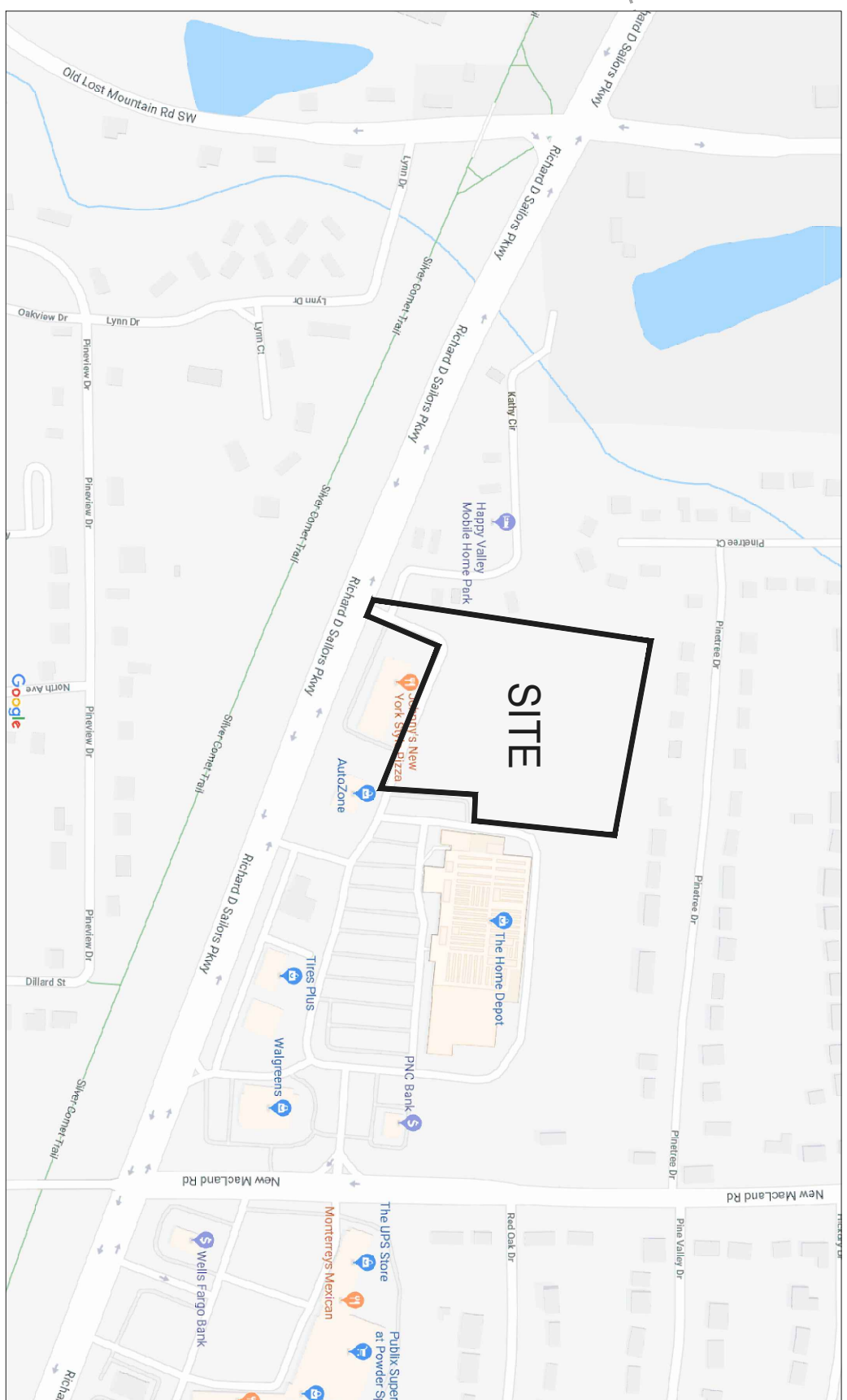
**\*\*\*CAUTION\*\*\***  
THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONFORMANCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATION, SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO LOCATE UTILITIES WITHIN THE SITES OF THE WORK. ALL SHOWN ARE THE SURE RESPONSIBILITY OF THE CONTRACTOR.

LEGEND
↑ PROPOSED MOVEMENT
✕ PROPOSED LIGHT POLE
— PROPERTY LINE
— MODULAR BLOCK WALL
— POURED CONCRETE WALL
— EXISTING CURB & GUTTER
— PROPOSED CURB & GUTTER

**NOTES**

- THIS INFORMATION WAS TAKEN FROM THE ALTA SURVEY BY THE HARDY SURVEY GROUP, DATED MARCH 21, 2018.
- WATER SERVICE PROVIDED BY THE CITY OF POWDER SPRINGS.
- SANITARY SEWER SERVICE PROVIDED BY THE CITY OF POWDER SPRINGS.

SITE DATA	
ADDRESS:	RICHARD D SAILORS PARKWAY
SITE AREA:	7.73 AC (336,814 SF)
ZONING:	CRC (COMMUNITY RETAIL COMMERCIAL)
USE:	CLIMATE CONTROLLED SELF STORAGE 3 STORES WITH BASEMENT
TRACT 1	4.18 AC (181,967 SF)
SITE AREA:	CLIMATE CONTROLLED SELF STORAGE
BUILDING:	3 STORES, 103,300 SF
TRACT 2	3.55 AC (154,846 SF)
SITE AREA:	HOTEL
USE:	4 STORES, 101 ROOMS
BUILDING:	4 STORES, 101 ROOMS
FRONT SETBACK:	50' (From Richard Sailors Pkwy)
SIDE SETBACK:	10'
REAR SETBACK:	10'



LOCATION MAP

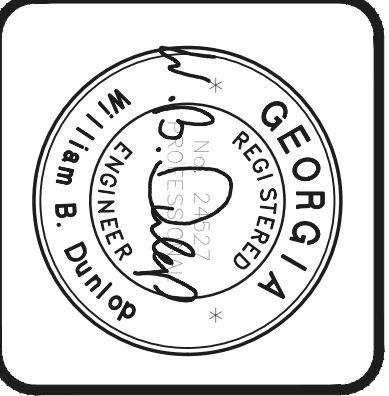
**ZONING SITE PLAN**  
Powder Springs Storage & Hotel  
RICHARD D SAILORS PARKWAY  
LAND LOT 800 & 829, DISTRICT 19, 2ND SECTION  
POWDER SPRINGS, COBB COUNTY, GEORGIA

**SHAMROCK BUILDING SYSTEMS**  
5825 GORE PLACE  
AUSTELL, GEORGIA 30106  
OFFICE: 770-745-4820

No	Revision	Date

Project No. P-1703  
Design By: WBD  
Drawn By: JJO  
Checked By: WBD  
Date: 6/13/18  
Scale: 1" = 40'

**paradigm**  
Engineering Services, Inc.  
Seven Dunwoody Park  
Suite 115  
Atlanta, GA 30038  
(770) 605-6030  
www.Paradigmeng.net



Drawing No.  
**Z1**