

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

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

May 20, 2020

**VIA HAND DELIVERY**

Ms. Tina Garver, Director  
Community Development Department  
City of Powder Springs  
4488 Pineview Dr.  
Powder Springs, GA 30127

RE: Text amendment application

Dear Ms. Garver:

As you know, Saige Enterprises, Inc., owns property on Hill Road in the city of Powder Springs. The property is zoned HI and is used as part of the owner's business as a grading contractor. Saige Enterprises would like to use a portion of the property for the storage of boats and recreational vehicles. Tim McTyre, the owner of Saige Enterprises, Inc. is an avid fisherman and he understands the need for himself and his friends to store boats and other recreational vehicles. This use is very compatible with the HI category and would fill a need in the community while allowing for a new business in the city. Unfortunately, The city Unified Development Code only allows the storage of boats and recreational vehicles as part of a self-storage facilities and it is specifically not allowed in HI. Therefore, Saige Enterprises, Inc. proposes to amend the UDC to create the category for the storage of boats and recreational vehicles in HI. The proposed ordinance proposes fencing and buffering requirements so that the use is attractive from adjacent properties and public roadways. Saige Enterprises, Inc. is open to a dialogue about any other provisions that the city staff believes should be part of the proposed ordinance. The proposed use will only provide an HI property owner the right to start a new business and provide a service to area residents that does not have any negative impact on the surrounding community. This is being submitted pursuant to the Powder Springs Unified Development Code (UDC), Article 13, Zoning Amendments and Procedures and proposes to amend the text of the UDC by adding the following language:



(PROPOSED) Sec. 4-264 Recreational vehicle and boat storage

**Boat and RV storage**

Such storage shall be established in a district zoned under Heavy Industrial (HI) zoning district(s).

The entire facility shall be surrounded by a wall or fence 6 (six) to 8 (eight) feet high.

A landscape strip shall be 20 (twenty) feet in width from the street frontage to the wall or fence and landscape and screening shall be natural vegetation

The entire facility's parking area shall be surfaced with concrete, asphaltic concrete, asphalt or other dust-free surface.

RV and boat storage area(s) shall include covered and uncovered areas with or without side walls.

Boats must be stored on wheeled trailers.

All RV's must be unoccupied;

There shall be no repair or fabrication of RV's or boats.

Lighting for premises security shall comply with lighting ordinances consistent with HI zoned districts.

I look forward to working with you and I encourage you to feel free to call me at any time with any questions or concerns that you may have regarding this application.

Sincerely,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Parks F. Huff".

Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

**Sec. 4-264. Boat and Recreational Vehicle Storage.**

Minimum standards for the use, site development, construction, and placement of a boat and recreational vehicle storage facilities shall be as follows:

**(a) General regulations.**

1. No wholesale or retail sales shall be permitted. A boat and recreational vehicle storage facility included within HI zoned property shall have a minimum of 1 acre devoted for such use.
2. Except as otherwise specifically provided in this section, all property stored on site shall be on a hardened surface.

**(b) Access.** A boat and recreational vehicle storage facility shall be located on a lot that gains access to a local non-residential, major collector, or arterial street as determined by the community development director based on review of applicable plans.

**(c) Outside storage.** Open storage of recreational vehicles and dry storage of pleasure boats of the type customarily maintained by private individuals for their personal use shall be permitted within property zoned HI, provided the following requirements are met.

1. Such storage shall take place only within a designated area. The area so designated shall be clearly delineated upon the site plan submitted for approval.
2. The storage area shall be entirely screened from view from adjacent residential and office areas and public streets by buildings, fencing or by the installation of a 6-foot-high privacy fence. If existing vegetation, replanted buffers or topography provides the required screening, then this fence requirement may be eliminated.
3. Such storage area shall not be located between property lines and minimum required building setbacks.
4. No vehicle repair shall be permitted on site. Boats stored on site shall be stored upon wheeled trailers. No dry stacking of boats shall be permitted on site.

**(d) Development regulations.**

1. **Perimeter fence.** The self-service storage facility shall be enclosed by a minimum 6-foot-high fence. Said fence shall be constructed of either wood or chain link material. Said fence shall be set back a minimum of 20 feet from the side and rear property lines if adjacent to a residentially zoned property. Fences and walls in the front yard shall adhere to the required front yard setback.

2. **Maximum building height.** The maximum height of a building or structure for the storage of recreational vehicles or boats shall be 1 story and 20 feet unless additional height is approved by the Mayor and City Council.
3. **Parking requirements.** Designated customer parking is not required; however, a minimum of 5 parking spaces shall be provided adjacent to the facility's leasing office, if a leasing office is located on site. Interior parking shall be provided in the form of aisle ways adjacent to parking spaces for vehicles or boats. These aisle ways may be used for both circulation of traffic and user parking while using the storage bays. The minimum width of these aisle ways shall be 24 feet for two-way traffic and 20 feet for one-way traffic. Prior to issuance of a certificate of occupancy, the traffic flow patterns in the aisle ways shall be clearly marked. Marking shall consist at a minimum of the use of standard directional signage and painted lane markings with arrows. In order to assure appropriate access and circulation by emergency vehicles and equipment, the turning radii of the aisle ways shall be approved by the Cobb County Fire Department.

**(e) Landscape requirements.**

1. Landscaping shall be provided in areas between the property lines and the required fencing. Such areas shall be designated as perimeter landscape strips. Landscaping shall be designed, placed, and maintained in such a manner as not to interfere with traffic visibility.
2. A landscape strip of at least 20 feet in width shall be provided along all street frontages.
3. The side and rear yard setbacks shall remain in their natural state or be re-landscaped with vegetation.
4. If the existing vegetation is inadequate to buffer adjoining residential or office and institutional development, an 8-foot-high fence or wall shall be installed along the interior property lines and street setbacks.
5. The following minimum planting requirements shall apply as follows and shall supersede the landscape buffer/screening requirements of the HI zoning districts: A minimum of 1 tree shall be planted for each 20 feet of perimeter landscape strip; immediately upon planting, trees shall be a minimum of 10 feet in height; if a hedge is to be installed in the perimeter landscape strip, the hedge shall be 24 inches in height upon planting, with the material planted every 24 inches on

center; all planting shall be maintained in good condition by the property owner; the community development director or Mayor and City Council may allow existing vegetation, where warranted, to substitute for landscape, buffer, and screening requirements of this subsection.

- (f) **Dumpsters and trash receptacles.** Dumpsters and trash receptacles shall be located where they are not visible from adjacent residentially zoned properties and shall be adequately screened from view from all other adjacent properties and streets.

# APPLICATION FOR TEXT AMENDMENT

(APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL MEETINGS)

**For Office Use Only:**

PZ #: \_\_\_\_\_

Planning Commission Hearing: \_\_\_\_\_ City Council Hearing: \_\_\_\_\_

Withdrawn Date: \_\_\_\_\_ Reason for withdrawal: \_\_\_\_\_

Applicant: Tim McTyre

Email Address: saigeenterprises@att.net  
4818 Hill Rd.

Mailing Address: Powder Springs, GA Zip Code: 30127 Telephone #: 678-567-0109

Section of the Code to be amended: 4 (four)

Applicant's Signature: *Tim McTyre Sr.*

Section 13-12 Unified Development Code

An application to amend the text of this development code may be initiated by:

- (a) The governing body
- (b) The planning commission
- (c) The community development director
- (d) The director of public works, in the case of text amendments pertaining to article 21 of this development code.
- (e) The building inspector, in the case of text amendments pertaining to article 24 of this development code.
- (f) Any person, firm, corporation or agency, provided said individual, firm, corporation or agency is the owner or owner's agent of the property for which an amendment is sought, and further provided that the applicant has attended a pre-application meeting with the Community Development Director.

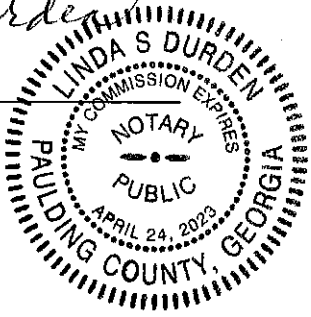
**REQUIRED INFORMATION**

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

**Check the boxes for all of the items that you have attached:**

- 1.  Application
- 2.  Notice of Intent - (see attached)
- 3.  Proposed Text Amendment
- 4.  Application Fee. City initiated request may be waived.

SUBSCRIBED AND SWORN BEFORE  
ME ON March 11, 2020  
*Linda S Durden*  
Signature of Notary  
My Commission Expires: \_\_\_\_\_



## **NOTICE OF INTENT**

**Part 1.**

**Please indicate the purpose of the application:**

The purpose of this application is to add a category to define recreational vehicle (RV) and boat storage as permitted under HI.

**Part 2**

**Other Pertinent Information (List or attach additional information if needed):**

Please see the attached proposed language.

**APPLICANT'S WRITTEN ANALYSIS** – *In details please address these Text Amendment Criteria*

(a) Is the proposed amendment consistent with the purpose and intent of this development code;  
Yes; the current language of the Code does not address RV and/or boat storage; the attached proposed text amendment will clarify under Section 4 of the Uniform Development Code

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(b) Does the proposed amendment further the purpose and intent of the comprehensive plan, or is it needed to properly implement the comprehensive plan;  
The proposed amendment is consistent with the comprehensive plan as it is located in a Heavy Industrial district will provide for a revitalization of a commercial area, and improves the balance between industrial/commercial

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(c) Is the proposed amendment needed to address new or changing conditions;  
Yes; with increased ownership of recreational vehicles and pleasure boats and the proximity to camping and lake areas, there is a need for more storage facilities

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(d) Does the proposed amendment reasonably promote the public health, safety, morality or general welfare;  
RV and boat storage facilities will attract affluent consumers to the Powder Springs area, provide jobs and are an attractive use of HI zones properties

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## CAMPAIGN CONTRIBUTION DISCLOSURE

**Applicant:** Saige Enterprises, Inc.

Applicant's Address: 4818 Hill Rd., Powder Springs, GA 30127

Applicant's Attorney: Parks F. Huff, Esq.

Attorney's Address: Sams, Larkin & Huff, LLP 376 Powder Springs St. 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 ventures party to ownership of the property that is the subject of the attached application are listed below:

<u>Saige Enterprises, Inc.</u>	

**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>-0-</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>-0-</u>	