



## SPECIAL USE APPLICATION PACKET

### Instructions for Applicant:

Complete this form and the appropriate attachments in order to apply for a Special Use on a property. Refer to Article 13 of the Unified Development Code for more detail.

Fill in the top boxes and have your signature notarized. Deliver the original of the application and all attachments to the Community Development Department at 4488 Pineview Drive, Powder Springs 30127. You can reach the Planning & Zoning Department at 770-943-1666 during normal working hours to discuss your application or if you have any questions.

**NOTE: If your application qualifies as a "Development of Regional Impact" (see Article 13 of the Code) then you must follow additional procedures BEFORE your application can be considered. The Community Development Department will assist you with the DRI process, which is mandated by State and GRITA requirements.**

- Fill in your name, address, telephone number, the property's location and Land Lot in which the property is located.
- If you do not personally own a majority interest in the property, have the owner(s) prepare an Owner's Authorization giving you permission to file the application, and attach it to the application (see the Owner's Authorization Form that is in this application package).
- Indicate the current zoning district of the property, and the zoning district you are requesting.

**NOTE: File a separate application for each Rezoning request naming a different zoning district. A Special Use request, Variance request can be filed concurrently with a Rezoning request on the same property by separate application.**

The following information will be required (checklist attached):

1. Application (attached)
2. Notice of Intent - A detailed written description of the proposed development (attached)
3. Applicant's Written Analysis (attached)
4. Campaign Contribution Disclosure (attached)
5. If applicable, owners authorization (attached)
6. Legal Description and Survey Plat of the property
7. Application Fee (summary of fees attached)
8. Copy of the Deed that reflects the current owners name
9. Vicinity Map outlining the parcel/s to be rezoned in relation to the surrounding area
10. Site plan, plat or survey prepared by an architect, engineer
11. Sketch Plan/ Architectural Rendering
12. Traffic Study required for development with 500,000 square feet of nonresidential floor area or 350 dwelling units or more.

Tim Metyre 404-317-6489  
saigeenterprises@att.net



## COMMUNITY DEVELOPMENT

4488 Pineview Drive

Powder Springs, GA 30127

Phone: 770-943-1666 email: [commdev@cityofpowdersprings.org](mailto:commdev@cityofpowdersprings.org)

### **Applicant's Public Notice Requirements:**

The Code requires public notice of your Rezoning request, Special Use and Variance requests. The Community Development Department will tell you when and where the Planning and Zoning Commission and the Mayor and Council meetings will be held.

**Newspaper:** The City will publish a legal notice in the newspaper regarding your application and announcing the time and place of the public hearing. At least 15 days before the Mayor and Council but no more than 45 days prior to the date of the public hearing.

**Sign Posting:** The applicant shall be required to post and maintain signs supplied by the City on or near the right-of-way of the nearest public street, so as to be visible from the street for at least 15 days and not more than 45 days immediately preceding the date for the governing body's public hearing on the rezoning or special use application. It is your responsibility to post the signs and to maintain the signs during the posting period. Failure to post and maintain the signs continuously may prohibit consideration of the application at any scheduled public hearing. In the event the signs are not posted continuously, the City, in its sole discretion, may require the reposting and re-advertising prior to any future public hearing, for which the applicant shall pay an additional re-advertising fee. The City may also in its sole discretion, continue, hold, approve, or dismiss the application. Any dismissal under the provisions of this paragraph shall be with prejudice unless specifically noted as being without prejudice by the City.

**Public Hearing Notice –Surrounding Property Owners:** At least 15 days before the Planning & Zoning Commission's public hearing, you are to mail a notice to all persons owning property within 200 feet of the property that is the subject matter of the zoning change. The notice is to state the time, place and purpose of the hearings, and include a page size copy of the sketch plan submitted with the application.

**Affidavit:** Prior to the public hearing you must also submit an affidavit with a copy of the notice to the Community Development Director listing the property owners and certifying the date that the notices were mailed.

### **City Actions:**

The Community Development Department will date your application when it is received. The Community Development Department has five (5) working days in which to determine that your application is complete or to return it to you for additional information. The application will not be scheduled for public hearing until it is complete.

The Planning Commission's public hearing will be held at the time advertised. At the public hearing, you will be allowed to speak first in order to present the application. Others in support of the application may then speak, followed by those in opposition to the application. You may then be allowed time for rebuttal if adequate time remains. Rebuttal must be limited to points or issues raised by opponents to the application at the hearing.

After the Planning Commission has made their recommendation, the Mayor and City Council will consider approval or denial of the application for rezoning, special use or variance at their own public hearing. You or a representative thereof with authority to make binding commitments to the City with respect to any stipulations that may be offered in connection with such application shall attend the meetings, and make a presentation following the same procedure as the Planning Commission hearing.

The final action taken by the Mayor and City Council will be indicated on the application form, along with any stipulations that they impose on the property if approved, and a copy will be given to you as official notice of their final action.

# APPLICATION FOR SPECIAL USE

(OWNER/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: \_\_\_\_\_

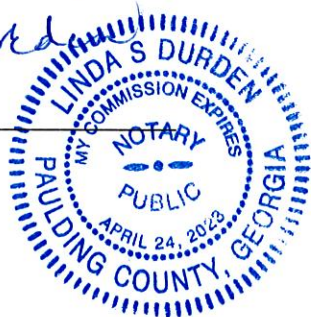
Owners' Name: Saige Enterprises, Inc  
 Email Address: saigeenterprises@att.net  
 Mailing Address: 4818 Hill Rd. Powder Spgs Zip Code: 30127 Telephone #: 678-567-0109

**COMPLETE ONLY IF APPLICANT IS NOT OWNER**  
 Applicant: \_\_\_\_\_ Email Address: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_

Address of property requesting Special Use: 4818 Hill Road, Powder Springs, GA 30127  
 Lot #/Parcel ID: 19-089900010 Acreage: 8 acres  
 Present Zoning Classification: Heavy Ind. Special Use Request: Dirt (mud) Dumping  
 Source of Water Supply: Cobb County Water Source of Sanitary Sewage Disposal: Septic Tank  
 Peak Hour Trips Generated: \_\_\_\_\_ Source of Information: \_\_\_\_\_

**If applicable, Available School Capacity:**  
 Name of Elementary School and Available School Capacity: \_\_\_\_\_  
 Name of Middle School and Available School Capacity: \_\_\_\_\_  
 Name of High School and Available School Capacity: \_\_\_\_\_

SUBSCRIBED AND SWORN BEFORE  
 ME ON 09/23/2019  
*Linda S Durden*  
 Signature of Notary  
 My Commission Expires: \_\_\_\_\_



*J. J. [Signature]* 9/23/2019  
 Signature of Applicant Date

**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 - A detailed written description of the proposed development
3.  Applicant's Written Analysis (attached)
4.  Campaign Contribution Disclosures (attached)
5.  If applicable, owners authorization (attached)
6.  Legal Description and Survey Plat of the property
7.  Application Fee
8.  Copy of the Deed that reflects the current owners name
9.  Vicinity Map outlining the parcel/s requesting special use in relation to the surrounding area
10.  Site plan, plat or survey prepared by an architect, engineer

The following information must be included:

- Specific use or uses proposed for the site
- Acreage, bearing and distances, other dimensions, and location of the tract(s)
- Locations, sizes and setbacks of proposed structures, including the number of stories and total floor area, height, for residential number of units, Square footage of heated floor area.
- Detention/retention areas, and utility easements. Location of dumpsters
- Public or private street(s) - right of way and roadway widths, approximate grades
- Location and size of parking area with proposed ingress and egress
- Specific types and dimensions of protective measures, such as buffers
- Landscaping
- Wetlands, stream buffers, and 100 year floodplain

11.  Sketch Plan/ Architectural Rendering
12.  Traffic Study required for development with 500,000 square feet of non-residential floor area or 350 dwelling units or more.

Please list additional attachments:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

**NOTICE OF INTENT**

**Part 1.**

Please indicate the purpose of the application:

*Dirt dumping (non contaminated) Mud.*

**Part 2. If applicable, please list all requested variances:**

**Part 3. Existing use of subject property:**

*Dirt dumping*

**Part 4. Proposed use of subject property:**

*Dirt/mud dumping*

**Part 5.**

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

**APPLICANT'S WRITTEN ANALYSIS** – In details please address these Special Use Criteria

(a) Whether the proposed special use is consistent with the stated purpose of the zoning district in which it will be located.

yes.

(b) Whether the establishment of the special use will impede the normal and orderly development of surrounding property for uses predominate in the area.

Will  
Saige Enterprises, Inc maintains all dumping,  
no mud leaves premises -  
It is spread, dried and sold.

(c) Whether the location and character of the proposed special use are consistent with a desirable pattern of development in general.

(d) Whether the type of street providing access to the use is or will be adequate to serve the proposed special use.

Hill Rd - Paved Road.

(e) Whether access into and out of the property is or will be adequate to provide for traffic and pedestrian safety, the anticipated volume of traffic flow, and access by emergency vehicles.

yes.

(f) Whether public facilities such as schools, water or sewer utilities, and police or fire protection are or will be adequate to serve the special use.

yes

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

yes.

(h) Whether the hours and manner of operation of the special use will have adverse effects on other properties in the area.

yes.

- (i) Whether the height, size or location of the buildings or other structures on the property are or will be compatible with the height, size or location of buildings or other structures on neighboring properties.

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*yes*

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## CAMPAIGN CONTRIBUTION DISCLOSURE

Applicant: Saige Enterprises, Inc  
 Applicant's Address: 4818 Hill Rd, Powder Springs, GA 30127

Applicant's Attorney: \_\_\_\_\_

Attorney's Address: \_\_\_\_\_

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:

Tiffany Tidwell, Pres. \_\_\_\_\_  
Tim McTyre, Sr. Gen. Mgr. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**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>Ø</u> _____	_____ <u>Ø</u> _____	_____ <u>Ø</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>Ø</u> _____	_____ <u>Ø</u> _____	_____ <u>Ø</u> _____



**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 names as "applicant" below, acting on behalf of the owner, to file for and pursue a request for approval of the following:

Check each box that applies

- Rezoning
- Special Use
- Hardship Variance
- Special Exception
- Flood Protection Variance
- Appeal from Administrative Decision

Applicant:           Saige Enterprises, Inc          

Applicant's Address:           4818 Hill Rd, Powder Springs, GA 30129          

Date this Authorization becomes null and void: \_\_\_\_\_, 20\_\_\_\_. ( Not applicable)

          John D. Durden            
Signature of Owner

(Notarized)           Linda S. Durden          

\_\_\_\_\_  
Signature of Owner

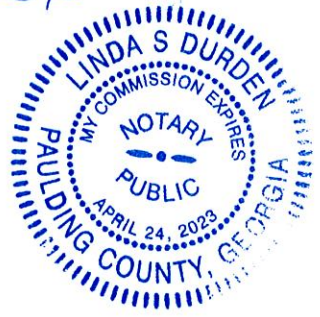
(Notarized)

\_\_\_\_\_  
Signature of Owner

(Notarized)

\_\_\_\_\_  
Signature of Owner

(Notarized)



## Affidavit of Public Notification Requirements

Per Article 13 and 14 of the City of Powder Springs Unified Development Code, I certify that I have met the advertising requirements of Article 13 and Article 14 for a Special Use, Variance or Rezoning Application.

Notices were mailed to all persons owning property located in whole or in part within 200 feet of any portion of the property that is the subject of the rezoning, special use or variance application. The written notice was mailed to the property owners as such names and addresses appear on the County's current ad valorem tax records on \_\_\_\_\_. Said notices were mailed at least 15 days prior to the first hearing date.

\*Notice, addresses and picture of sign posted on property must be attached to this affidavit.

Signs were placed on the subject property advertising said hearing on \_\_\_\_\_. One sign was placed at each road frontage at least 15 days prior to the first hearing date. Picture was taken and provided to staff of posted sign on property.

Tiffany Tidwell  
Signature of Applicant

9/24/2019  
Date

Tiffany Tidwell  
Printed Name  
President

SUBSCRIBED AND SWORN BEFORE  
ME ON 09/24/2019

Linda S. Durden  
Signature of Notary  
My Commission Expires: \_\_\_\_\_

