

MINUTES OF THE CARTERSVILLE PLANNING COMMISSION

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, September 6, 2022 at 5:30 p.m. in the City Hall Council Chambers.

Present: Lamar Pendley, Jeffery Ross, Greg Culverhouse, Steven Smith, Travis Popham, and Fritz Dent
Absent: Anissa Cooley*
Staff Members: Randy Mannino, Julia Drake, David Hardegree, Zack Arnold, and David Archer

CALL TO ORDER: 5:30 PM

ROLL CALL

Chairman Lamar Pendley stated to the audience that the Planning Commission is a recommending body only and that for all cases heard, recommendations would be forwarded to City Council for consideration. Furthermore, the case heard would be heard before Council at the September 15, 2022 and October 6, 2022 Council Meeting.

APPROVAL OF MINUTES

1. August 9, 2022 Meeting Minutes

Chairman Pendley called for a motion on the May 12, 2022 meeting minutes. Board Member Culverhouse stated under 'Zoning' his name was misspelled.

Julia Drake, City Clerk, stated it would be corrected.

Board Member Popham made a motion to approve the minutes. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 5-0.

SPECIAL USE PERMIT

2. SU22-03: 315 Industrial Park Rd.

Applicant: Cash Environmental

David Hardegree, Planning and Development Assistant Director, stated that the property had been properly posted and advertised and gave an overview of the application stating the applicant, Cash Environmental Resources LLC, is requesting a Special Use permit for property identified as 315 Industrial Park Rd (315) in compliance with the zoning requirements for a Waste Transfer Station in the H-I (Heavy Industrial) zoning district. The applicant is proposing a municipal and construction/ demolition waste transfer facility.

In 2019, the applicant in partnership with Regulated Services, LLC, received a special use permit to operate a municipal waste, construction waste and pharmaceutical waste processing and transfer station on the adjacent property at 375 Industrial Park Rd (375). After the permit approval and in consideration of their business needs, the parties agreed that more space should be given to the municipal waste and construction debris operations. The applicant is planning to

relocate the municipal and construction waste operations approved with SU19-07 from the 375 site to the 315 site.

Currently, the site is undeveloped and wooded. There is floodplain present on the southern half of the property and the flood ordinance requirements will have to be met. Per the conceptual site plan, two new structures, 9,600sf. each, are proposed. No encroachment of the floodplain on the southern half of the property is expected. Site development will be addressed during plan review.

GA EPD also has regulatory oversight over this type of operation.

There are no additional Special Use Standards for a Waste Transfer Station beyond the basic standards addressed in the application.

The operation seems appropriate for the H-I zoning district and location.

In addition, Mr. Hardegree stated that he had received one piece of correspondence in opposition from Mrs. Goolsby and would be added to the file. See Exhibit A.

Board Member Cooley joined the meeting at 5:34 PM.

Staff takes no exception.

Chairman Pendley opened the public hearing.

Board Member Popham recused himself from the case.

Brandon Bowen, 15 S. Public Sq., came forward to represent the applicant, provide an overview of the proposed site plan, and answer any questions from the Board Members.

Kevin Cash, 558 Faith St., business owner, came forward to address the issues ongoing in Pickens County.

Board Member Smith expressed concerns with trash coming from other counties to Bartow landfill and allowed Mr. Cash to address. Mr Cash stated that this proposed facility would be a transfer station only and they would be moving out what comes in within 24 hours.

Discussion commenced among Board Members.

Chairman Pendley asked questions of Mr. Cash regarding hours of operation, amount of trash coming in, traffic flow, security, etc.

Justin Rice, 73 Guyton Industrial Dr., came forward to speak against the application and also stated that records show that on August 26, 2022, Cash Environmental filed for bankruptcy.

Board Member Smith asked David Archer, City Attorney, who would clean up the mess if this company has filed for bankruptcy to which Mr. Archer stated that the applicant would need to address that question.

Jimmy Crane, 374 Peoples Valley Rd., came forward to speak against the application.

Together, Mr. Bowen and Mr. Cash addressed the bankruptcy filing and stated that it was a Chapter 11 filing and was done to restructure with no losses and would have no impact on the ability to operate the business.

With no one else to come forward to speak for or against the Special Use Permit Application, the public hearing was closed.

Board Member Smith made a motion to table the item in order to receive more information on the violations in Pickens County. With no second, motion fails.

Howard Smith, 150 Cherokee Cir., property owner, came forward to address the neighbors concerns.

With no further motion, the case was closed.

TEXT AMENDMENT

3. T22-02: Mt. Zion Mission Baptist Church Sign Amendment

Mr. Hardegree stated that the property had been properly posted and gave an overview of the request stating Mt. Zion Mission Baptist Church, 167 Jones St., proposes a revision to the Sign Ordinance, *Section 20-25(2)(b), Electronic Freestanding Signs*, to add “Jones St. (within 320ft. of the intersection with Aubrey St.)” as an allowed street for electronic freestanding signs on non-residential use properties. The proposed distance is the approximate distance from Aubrey St. to the southern-most property line. The approx. distance from Aubrey St. to the existing sign is 229ft.

Mt. Zion Mission Baptist Church is proposing this change in order to allow for an updated and more visible sign for their property. The church intends to utilize the existing sign footprint to house the electronic sign. The electronic sign dimensions are proposed at 2ft. x 4ft.

The current sign requirements for a non-residential sign on Jones St. are: a maximum height of 10ft, a maximum total sign area of 32 sq. ft., and a maximum electronic sign area of 50% of the total sign area.

The proposed electronic sign is also required to be at least 100ft. from a residential dwelling. The distance from the existing sign to the closest house on Jones St. is approx. 105 ft.

Chairman Pendley opened the public hearing.

John Lampley, 148 Jones St., and Erin Lazaro, 3175 US 411, White, Ga., came forward to speak for the text amendment and to answer any questions from the Board Members. In addition, Mr. Lampley stated that the sign was only for church use and no advertising would be done.

Chairman Pendley inquired about the brightness of the sign to which Ms. Lazaro stated that the brightness could be adjusted automatically with a sensor as well as manually.

With no one else to come forward to speak for or against the text amendment, the public hearing was closed.

Board Member Culverhouse made a motion to approve T22-03. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 6-0

4. T22-03: Electronic Billboard Amendment

Applicant: Tilley Holdings, LLC

Mr. Hardegree stated that the property had been properly posted and gave an overview of the request stating Tilley Properties, Inc. (Applicant), 917 N. Tennessee St, this text amendment is requested Tilley Holdings, LLC owns and operates an existing, two-sided, static billboard on property identified as 124 Old Mill Rd. This billboard and the associated property is approx. 700ft. from the intersection of Old Mill Rd and S. Erwin St. The billboard was erected prior to adoption of the sign ordinance (2012) and is considered legal, non-conforming. Variance, V06-22, approved 7/17/06, allowed the billboard to be installed with reduced setbacks.

There is also an existing two-sided, double stacked, static billboard on the Cody Js restaurant site located at 675 S. Erwin St. This billboard is legal, non-conforming, located adjacent to Old Mill Rd and approx. 300 ft. from the intersection of Old Mill Rd and S. Erwin St. The separation distance between the Tilley Holdings, LLC billboard and the Cody Js billboards is approx. 500ft.

Tilley Holdings, LLC, proposes an amendment to the Sign Ordinance, Section 20-29, Billboards, (b)(2), Electronic Billboards, to add the following as an allowed street for electronic billboard signs:

“Old Mill Rd. (beginning at the centerline of the Old Mill Rd right-of-way intersection with the Erwin St. center line and continuing west a distance of 1000 ft. Applicable to billboards signs existing as of July 26, 2022).”

Currently, electronic billboards are only allowed along state highways and must be 5,000 ft. from other electronic billboards.

The existing billboard is more than the required 500ft. separation distance from residential zoning districts. The billboard is generally surrounded by Industrial zoning and uses.

Chairman Pendley opened the public hearing.

Bobby Walker, 15 Public Sq., came forward to represent the applicant and to share a photo presentation of the proposed.

Board Member Dent inquired about the brightness of the sign.

Beth Tilley, 49 Cassville Rd., came forward and stated that the brightness could be adjusted both automatically and manually.

With no one else to come forward to speak for or against the text amendment, the public hearing was closed.

Board Member Ross made a motion to approve T22-03. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 5-0-1 with Board Member Culverhouse abstaining from voting.

ZONINGS

5. Z22-03: Carter Grove Blvd.

Applicant: The Wasserman Group, LLC

Chairman Pendley began by stating to everyone that he did not want repeated comments and that each individual who wished to speak regarding Z22-03 would be given five (5) minutes. This limit was provided so that each individual would have an opportunity to speak.

Mr. Hardegree stated that the property had been properly posted and advertised and all adjacent property owners had been notified. Continuing, Mr. Hardegree gave an overview of the case stating the Zoning application by The Wasserman Group was to rezone, 48.124 +/- acres from Carter Grove P-D (Planned Development) to a new P-D (Planned-Development) for the construction of a senior age targeted, rental community. The community will be a condominium. The rezoning removes the Carter Grove P-D zoning conditions and implements zoning conditions specific to the proposed development.

The proposed development would construct (167) duplex and triplex homes with two and three bedroom configurations. Single home units and one (1) bedroom options are proposed due to the topographic challenges of the site, but are not reflected on the concept site plan. An amenities package will be included. No commercial lots or units are proposed.

The residential units are planned to be rental units under the condominium regulations (verbal confirmation only).

All streets will be private.

In 2006, zoning case Z06-07, approved 5-4-06, introduced a mixed-use planned development concept for the site that proposed as many as 220 residential units to include townhomes-over-retail and traditional townhomes. Seven (7) commercial outlots were proposed along the northern and western boundaries. Currently, the location of Outlots 1-3 on the 2006 plan have been encroached upon by the Old Alabama widening project and slope easements for the road project. These outlots are likely no longer developable as well as a portion of the townhomes-over-retail location.

The 2006 zoning conditions required fee simple ownership of the townhome units under the condominium regulations.

The unit density of this proposal is 3.42 un/ ac. The density of the 2006 zoning was 2.8 un/ac (145 units) up to 4.57 un/ac (220 units).

Chairman Pendley opened the public hearing.

Steve Wasserman, 4770 S. Atlanta Rd., came forward to represent the application and to answer any questions from the board.

Several questions were proposed from the board in regards to water run off, traffic problems, etc to which Mr. Wasserman addressed and proceeded to state the Condo Association would be created immediately and would be ran by property owner, not the tenants in the units.

Chairman Pendley inquired about the dynamics of the units to which Mr. Wasserman replied that there would be proposed (140) 2 bedroom/1 story units that would have approximately 1400 square foot and (20) 3 bedroom/1.5 story units that would have approximately 1800 square foot of heated space and all units would have adequate parking available. The propose price point would be \$2,000-\$2,500 monthly rent.

Chris Easterwood, 121 White Spruce Ct., came forward to speak for Z22-03.

Rick Early, 13 Greystone Way, came forward to speak against Z22-03.

Harry Vernon, 17 Greywood Ln., came forward to speak against Z22-03.

David Peyton, 7 Greywood Ln., came forward to speak against Z22-03.

Nicole Breton, 5 Greywood Ln., came forward to speak against Z22-03.

Beverly Peyton, 7 Greywood Ln., came forward to speak against Z22-03.

Mr. Wasserman came forward to address the comments made and stated this would be a gated community with high end condominiums, not apartments.

With no one else to come forward to speak for or against the case, the public hearing was closed.

After the public hearing was closed, another resident wanted to come forward to speak. Chairman Pendley re-opened the pubic hearing.

Edwin Hamilton, 6 Autumn Wood Dr., came forward to speak against Z22-03.

Public hearing was re-closed.

Board Member Smith made a motion to deny Z22-03. Board Member Popham seconded the motion. Vote: 5-1 with Board Member Culverhouse in opposition of the denial.

6. Z22-04: Bates Rd

Applicant: Highlands Park of GA, LLC

Mr. Hardegree stated that the property had been properly posted and advertised and all adjacent property owners had been notified. Continuing, Mr. Hardegree gave an overview of the case stating the applicant is requesting the rezoning of four (4) properties located on Bates Rd near Greenridge Rd from P-D (Carter Grove Planned Development) to R-20 (Single Family Residential) in order to remove the Carter Grove P-D development conditions and insure limited access to Bates Rd. This was a request from the Planning and Development staff in order to subdivide the property for the construction of large estate lots.

The development intent of the zoning application is to subdivide the largest remaining parcel, 33.71 acres, into nine (9) lots. The (9) lots will share one private street connection to Bates Rd per the "Bartow County letter". Three tracts of the 50 acre tract were previously subdivided and sold- C120-0001-007(Berry), C120-0001-008(Arveson) and C120-0001-009(Kent)

The (3) remaining lots with P-D zoning will be addressed at a later date.

Access to Bates Rd was approved with conditions by the County Commissioner, Steve Taylor, in 2019 and in conjunction with the 2020 de-annexation of 50+/- acres of the 100 acre Al Meek property (AZ20-02). The driveway cuts specified in the Letter applied to the entire 100ac. tract regardless if any portion of the 100 acres is de-annexed or subdivided. See attached "Bartow County Letter" and AZ20-02 approval letter. The remaining 50 +/- acre tract that was not de-annexed was sold to the applicant for development.

Per the Carter Grove Development Agreement, Bates Rd access from Carter Grove required City and County approval. No access points were ever identified. The rezoning and the Bartow County letter help insure that no access will occur to Carter Grove.

Per the Carter Grove Development Agreement, item 1(c):

- (c) The Developer agrees not to utilize Bates Road as an access point to the Project without prior approval of the City and Bartow County.

The private street serving the proposed nine (9) lot subdivision, the (3) driveways planned for the de-annexed Meek property, and the (3) driveways serving or planned to serve properties C120-0001-007(Berry), C120-0001-008(Arveson) and C120-0001-009(Kent) will exhaust all but one driveway cut allowed per the Bartow County Letter.

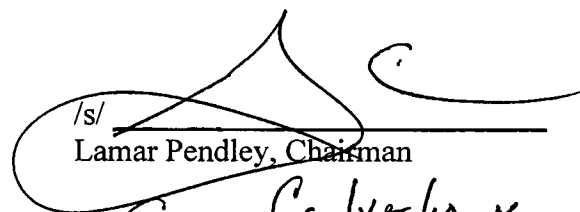
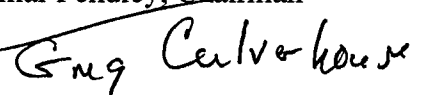
Bill Byrnes wuth Byrne Design Group, came forward and stated the minimum lot size would be 3 acres with a price point of \$1 million - \$1.2 million.

Board Member Cooley made a motion to approve Z22-04. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 6-0

Board Member Ross made a motion to adjourn.

The meeting adjourned at 8:03 PM.

Date Approved: October 11, 2022

/s/ 
Lamar Pendley, Chairman

Vice Chairman