

## **MINUTES OF THE CARTERSVILLE PLANNING COMMISSION**

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, September 7, 2021 at 5:30 p.m. in the City Hall Council Chambers.

Present: Lamar Pendley, Jeffery Ross, Greg Culverhouse, Harrison Dean, and Steven Smith  
Absent: Travis Popham  
Staff Members: Randy Mannino, Julia Drake, David Hardegree

### **CALL TO ORDER: 5:30 PM**

### **ROLL CALL**

Board Member 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.

### **APPROVAL OF MINUTES**

#### **1. August 10, 2021 Meeting Minutes**

Board Member Pendley called for a motion on the August 10, 2021 meeting minutes.

Board Member Ross made a request to correct the minutes from item SU21-05 stating that the applicant did not purchase property but purchased a business. Amendment was noted.

Keith Lovell, Assistant City Attorney, stated in item # 7, Appointment of Chair and Vice-Chair, the word 'carried' was misspelled. Amendment was noted.

Board Member Culverhouse made a motion to approve the amended minutes as proposed. Board Member Ross seconded the motion. Motion carried unanimously. Vote: 4-0

The City Clerk will make the recommended changes and will present the amended minutes to Chairman Pendley for approval at the next Planning Commission Meeting scheduled for October 13, 2021.

### **OLD BUSINESS**

#### **2. AZ21-06: 1405 and 1413 Hwy 113**

David Hardegree, City Planner, gave an update on AZ21-06 stating that it was recommended by Planning Commission and was approved by Council.

### **3. SU21-05: 323 N. Tennessee St.**

Mr. Hardegree gave an update on SU21-05 stating that it was recommended by Planning Commission and was approved by Council.

## **TEXT AMENDMENT**

### **4. T21-03: Use of Animal Hospital/Kennel in M-U District**

Mr. Hardegree gave an overview of the Text Amendment Application stating that this was a part of the Special Use Application that would be discussed later. Applicant wants to open a high-end veterinary office. Current zoning, Multi-Use, does not allow this. This text amendment would further allow kennel and veterinary hospitals to be allowed with a Special Use Permit in the M-U district.

Public Hearing opened.

Thomas Thompson, 3940 Paces Manor, Atlanta, came forward to answer any questions from the board.

Mr. Lovell clarified that if this text amendment is approved, a special use permit would still be required for any and all kennels or veterinarians prior to allowance.

Board Member Culverhouse and Board Member Ross express concerns of exotic animals being allowed.

Mr. Lovell explained the definition of kennel stating '...establishment for dogs or other domesticated animals...' and explained that exotic animals that are prohibited by the State of Georgia will also be prohibited in this case.

With no one else to come forward, the public hearing was closed.

Board Member Culverhouse made a motion to approve with the condition of 'indoor kennel only'. Board Member Smith seconded the motion. Vote: 3-1 Board Member Ross opposed.

## **SPECIAL USE PERMIT**

### **5. SU21-06: 314 E. Main St.**

**Applicant: Thomas Thompson**

Mr. Hardegree gave an overview of the application and stated that all adjacent property owners had been notified and it had been property posted and advertised. Mr. Hardegree also stated that Water Department had comments requesting the plumbing system be separated from the other tenants.

Public hearing was opened.

Mr. Hardegree stated that Mr. Buddy Fitzgerald, 301 E. Cherokee St., had submitted two separate letters of concern dated August 30, 2021 (Exhibit A) and September 1, 2021 (Exhibit B) to which Mr. Fitzgerald wanted read aloud at the meeting in his absence.

Mr. Hardegree proceeded to read both letters and asked that the letters become an official part of the minutes.

Mr. Thompson returned to the podium to answer any questions from the board.

Board Member Smith inquired if the building would be owned or leased, what the interior design plans would encompass, and how many people were expected daily.

Mr. Thompson stated that he would own the building and would later own the ATM location as well. The plans for the interior would be a full renovation.

Kayla Day, 100 Nectar Place, Dallas, GA, came forward and stated she is the office manager and did not expect more than 30 customers a day to start. In closing, she stated at full capacity, max 80 animals.

Board Member Ross asked where the dog walking area would be. Mr. Thompson replied with along Main Street in an enclosed fence area. The dog walking area would not be near the existing residence.

Board Member Smith asked Randy Mannino, Planning and Development Director, if there would be any issue with the fence along Main Street. Mr. Mannino corresponded with no issue but limited in four foot in height. If a higher fence is desired, a variance would need to be applied for and granted prior to installation.

With no one else to come forward, the public hearing was closed.

Board Member Smith made a motion to approve SU21-06. Board Member Culverhouse seconded the motion. Vote: 3-1. Board Member Ross opposed.

**6. SU21-07: 402 MLK Jr. Dr. Applicant: Nelcy Montoya**  
**Applicant wishes to obtain a Special use Permit to allow the building to be used as a church**

Mr. Hardegree stated that all adjacent property owners had been notified and it had been properly posted and advertised and proceeded with giving an overview of the application. The legal address of the property is 402 MLK Jr. Dr., however, the Tax Assessor reads the primary address is 406 MLK Jr Dr. Furthermore, Mr. Hardegree stated this would be for a small start up church. There were no comments from departments or the public and ample parking spaces are available.

Public hearing was opened.

Nelcy Montoya, 4681 Logan Way, Acworth, came forward to answer questions from the board.

With no one else to come forward, the public hearing was closed.

Board Member Culverhouse asked for clarification on which building would be used since there were several buildings on lot. Mr. Hardegree stated only the small building located in the southwest corner of the property.

Board Member Ross made a motion to approve SU21-07. Board Member Culverhouse seconded the motion. Motion carried unanimously. Vote: 4-0

A motion was made to adjourn the meeting at 6:29 P.M. by Board Member Culverhouse and seconded by Board Member Smith. Motion carried unanimously. Vote: 4-0

Date Approved: October 12, 2021

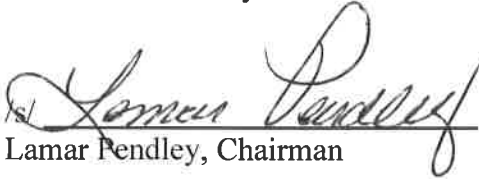
  
Lamar Pendley, Chairman

EXHIBIT A

The City of Cartersville Planning Commission

August 30, 2021

I strongly oppose approving the application requesting a Special Use permit to allow an "Animal Clinic or Hospital" and "Kennel" to be located at 314 E Main Street. One of the best things going for Cartersville is the downtown; Cartersville is becoming known for its quaint downtown and draws many visitors to our city. All planning and development should be done in light of maintaining a prosperous downtown. In the coming months and years, the downtown area will have to expand to make room for more merchants and special events; in light of that, the 300 block of East Main and Cherokee is vital for such expansion; that area is the logical area for future development. As you know, businesses are currently in

the process of moving in that direction-just a half a block away from the BBT bank building. In my opinion, allowing an animal clinic or hospital and kennel in such a prime and critical location would be a great detriment to future enhancement of downtown Cartersville. I have been advised that the kennel would be an inside kennel, but that does not change the fact there would be an animal hospital on what is prime property for the future growth and expansion. Visitors come to downtown Cartersville to shop, to dine out, to be entertained and to enjoy a quaint downtown; an animal hospital is not in keeping with that reality. There is certainly a need for quality animal care, but locating it in the downtown area is not the place. I encourage you to think long term for the future development of the downtown area. I personally can envision the BBT bank building as a wonderful place for multiple shops and restaurants-and I'm sure that at some point, you will have developers wanting to do just that.

Sincerely,

HJ Fitzgerald  
Cartersville, Ga.

: If my research is correct, Mr. Thomas Thompson owns the Butler Creek Animal Hospital in Acworth, Ga. The following is in no way meant to be critical of Mr. Thompson; ~~additional he provides~~ a good service to his clients. In reviewing the website for the Butler Creek location, I found the following information that we should take note of. I will quote some comments I read. "Each guest is walked individually in our fenced yard twice a day. Additional playtime can be added to your pet's stay. Choose from extra walks, individual playtime, or Playcare." "We also provide boarding services for your exotic pets! We welcome reptiles, pocket pigs, birds, pigs, goats, and many more."

Even though it may be considered an inside kennel, it's clear that there will often be pets on the outside, and if I know dogs, that means barking. As good as a service this is, it is not suited for the Cartersville downtown area.

## EXHIBIT B

September 1, 2021

To: City of Cartersville Planning Commission

Reference Case #SU21-06 314 E. Main

I own the house at 301 E. Cherokee, which is directly behind the BBT Bank building; the property line is approx. 100 feet from the bank building itself and the house itself is approx. 75 yards from the bank building. Having a 'veterinarian hospital, clinic and kennel' adjoining this property would certainly be detrimental and would lower the value of the house and property, especially if they take the pets out at least twice day for walks, as we assume they will do, as that is what their other locations advertise-even though is advertised as an 'inside kennel.' The main grassy area of the bank property is right beside the house that I own, and I assume they would use this area to walk the pets. I hope that this Special Use permit would not be approved, but if it was, it would be specified that the grassy part of the property next to the house could not be used to walk the pets. This house at 310 E Cherokee is a classic house, built in the 1940's, and is a unique reminder of simpler times of the past. The house has been renovated inside and out.

Walking pets outside twice a day is great for the pets, but is not in the best interest for the merchants and business surrounding the bank. Using this prime 2.35 acres for anything other than an enhancement to downtown Cartersville would not be a good decision in my opinion.

Thank you for your consideration in this important matter.

HJ Fitzgerald