



# CARTERSVILLE PLANNING COMMISSION MEETING

Council Chambers, Third Floor of City Hall  
Tuesday, July 09, 2024 at 5:30 PM

## AGENDA

### COMMISSIONERS:

Lamar Pendley – Chairman  
Greg Culverhouse  
Anissa Cooley  
John Clayton  
Jay Milam  
Fritz Dent  
Matt Womack

### CITY CLERK:

Julia Drake

### PLANNING DIRECTOR:

Randy Mannino

### CITY PLANNER:

David Hardegree

### CITY ATTORNEY:

Keith Lovell

### CALL TO ORDER

### ROLL CALL

### APPROVAL OF MINUTES

1. June 11, 2024, Meeting Minutes

### ZONINGS

2. Z24-05. 681/683 Henderson Dr. Applicant: Lehmann Smith
3. Z24-06. 165 Cassville Rd. Applicant: Muhammad Chishti

### TEXT AMENDMENT

4. T24-03. Applicant: Flournoy Holdings, LLC

### STAFF OR COMMITTEE COMMENTS

### ADJOURNMENT

**\* City Council 1st Reading: July 18th. 7:00PM. Council Chambers. 3rd fl City Hall.**

**\*\* City Council 2nd Reading (Final Action): August 1st. 7:00PM. Council Chambers. 3rd fl City Hall.**

The next meeting of the Planning Commission will be August 6th. 5:30PM.

*Persons with disabilities needing assistance to participate in any of these proceedings should contact the human resources office, ADA coordinator, 48 hours in advance of the meeting at 770-387-5616.*

**P.O Box 1390 – 10 N. Public Square – Cartersville, Georgia 30120**  
**Telephone: 770-387-5616 – Fax 770-386-5841 – [www.cityofcartersville.org](http://www.cityofcartersville.org)**



## PLANNING COMMISSION ITEM SUMMARY

|   |  |
|---|--|
| <b>MEETING DATE:</b>                      | January 1, 2024  |
| <b>SUBCATEGORY:</b>                       | Minutes  |
| <b>DEPARTMENT NAME:</b>                   | Planning and Development   |
| <b>AGENDA ITEM TITLE:</b>                 | June 11, 2024, Meeting Minutes   |
| <b>DEPARTMENT SUMMARY RECOMMENDATION:</b> | The minutes from the June 11, 2024, Planning Commission Meeting have been uploaded for your review and approval. |
| <b>LEGAL:</b>                             | N/A  |

## MINUTES OF THE CARTERSVILLE PLANNING COMMISSION

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, June 11, 2024, at 5:30 p.m. in the City Hall Council Chambers.

### CALL TO ORDER: 5:30 PM

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 the City Council for consideration. Furthermore, the cases would be heard before the Council June 20, 2024, and July 2, 2024, at the City Council Meeting.

### ROLL CALL

Present: Lamar Pendley, Jay Milam, Fritz Dent, Matt Womack, Anissa Cooley and John Clayton  
 Absent: Greg Culverhouse  
 Staff Members: Randy Mannino, Julia Drake, David Hardegree, Zack Arnold

### APPROVAL OF MINUTES

#### 1. May 7, 2024, Meeting Minutes

Board Member Clayton stated that the presented minutes showed that he was present for the May 7, 2024, meeting when he was absent and that this needed to be reflected correctly. Additionally, Anissa Cooley stated that she was reflected as being present when she, too, was absent.

Julia Drake, City Clerk, apologized for the mistake and stated that the correction would be made to the minutes.

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

### ANNEXATIONS

#### 2. AZ24-03: 1440 Hwy 113

**Applicant: Cercasbest North America LLC**

David Hardegree, Planning and Development Assistant Director, stated that all adjacent property owners had been notified and the property had properly been posted and advertised. Continuing, he gave an overview of the application stating the applicant requests the annexation and zoning of two (2) tracts totaling 0.90 acres (+/-) located at 1440 Hwy 113 and identified as Tax Parcels 0055-0873-005 and 0055-0873-006. The properties are owned by Cercasbest North America LLC, and they are currently undeveloped.



H-I, Heavy Industrial, zoning is requested for the tracts to match the existing 3.5-acre H-I tract to the north. The 3.5-acre tract is owned by the same owner. The existing zoning is County A-1 (Agriculture).

If the zoning is approved, the owner intends to combine all three tracts together to form a 4.4 acre +/- tract for future development. Currently, no projects are proposed.

Chairman Pendley opened the public hearing for the zoning portion of the application.

Karl Lutjens, 114 Old Mill Rd., came forward to represent the application and to answer any questions from the Board.

With no questions from the Board Members, Chairman Pendley closed the public hearing for the zoning portion and opened the public hearing for the zoning portion of the application.

Keith Lovell, City Attorney, stated that all comments be incorporated for the annexation portion as well.

Chairman Pendley closed the public hearing for the zoning portion of the case.

Board Member Womack made a motion to approve the annexation portion of the application. Board Member Clayton seconded the motion. Motion carried unanimously. Vote 5-0.

Board Member Clayton made a motion to approve the zoning portion of the application. Board Member Dent seconded the motion. Motion carried unanimously. Vote 5-0.

## DE-ANNEXATIONS

### 3. AZ24-03: 1440 Hwy 113

**Applicant: Cercasbest North America LLC**

Mr. Hardegree stated that all adjacent property owners had been notified and the property had properly been posted and advertised. Continuing, he gave an overview of the application stating the applicant requests the de-annexation of a portion of the property on Walnut Grove Road at Cummings Road identified as Tax Parcel C074-0002-001 containing a total of 1.00 +/- acres. The subdivided tract to be de-annexed contains 0.29 acres +/- . This parcel is in Land Lot 735 of the 4th District, 3rd Section and is zoned P-I, Public Institutional.

If approved, the de-annexed tract will be combined with the larger development tract, Parcel ID 0073-0735-001.

The subdivision and sale of the tract to be de-annexed occurred in February of this year. De-annexing this tract is just the next step in the sale of the property.

Chairman Pendley opened the public hearing.

Mr. Lutjens returned to the podium to answer any questions from the Board.

With no questions from the Board Members, Chairman Pendley closed the public hearing.

Board Member Womack made a motion to approve AZ-24-03. Board Member Dent seconded the motion. Motion carried unanimously. Vote 5-0.

**STAFF OR COMMITTEE COMMENTS**

Mr. Hardegree gave an update on AZ24-02 stating that the City Council approved the application at the June 11, 2024, 9:00AM Council Meeting.

With no further business to discuss, Board Member Dent made a motion to adjourn the meeting.

The meeting adjourned at 5:50 PM.

Date Approved: July 9, 2024.

/s/ \_\_\_\_\_  
Lamar Pendley, Chairman



## PLANNING COMMISSION ITEM SUMMARY

|   |   |
|---|---|
| <b>MEETING DATE:</b>                      | July 9, 2024  |
| <b>SUBCATEGORY:</b>                       | Zoning  |
| <b>DEPARTMENT NAME:</b>                   | Planning and Development  |
| <b>AGENDA ITEM TITLE:</b>                 | Z24-05. 681/683 Henderson Dr. Applicant: Lehmann Smith  |
| <b>DEPARTMENT SUMMARY RECOMMENDATION:</b> | <p>The applicant is proposing the rezoning of the 1.286 acre property located at 681/683 Henderson Drive. The original structure was constructed c. 1996 and was designed for an office/warehouse use.</p> <p>Staff does not oppose the rezoning if the following condition is included with an approval:</p> <p>All G-C uses except “ Construction Contractors” and “Offices, General” are prohibited.</p> |
| <b>LEGAL:</b>                             | N/A   |

**ZONING SYNOPSIS**

Petition Number(s): **Z24-05**

**APPLICANT INFORMATION AND PROPERTY DESCRIPTION**

Applicant: **Lehmann Smith**

Representative: **Mark Harris**

Property Owner: **Lehmann Smith**

Property Location: **681/683 Henderson Drive Tax ID C022-0004-019**

Access to the Property: **Henderson Drive**

**Site Characteristics:**

Tract Size: Acres: **1.286** District: **4<sup>th</sup>** Section: **3<sup>rd</sup>** LL(S): **594**  
Ward: **2** Council Member: **Jayce Stepp**

**LAND USE INFORMATION**

Current Zoning: **O-C (Office Commercial)**  
Proposed Zoning: **G-C (General Commercial)**  
Proposed Use: **Construction Contracting Services**

Current Zoning of Adjacent Property:

North: **O-C**  
South: **O-C (The Rock Fitness)**  
East: **O-C (Rollins Child Care)**  
West: **G-C**

The Future Development Plan designates the subject property as: **Highway Commercial**

The Future Land Use Map designates the subject property as: **Commercial**

Z24-05

## **ZONING ANALYSIS**

### **Project Summary:**

The applicant is proposing the rezoning of the 1.286 acre property located at 681/683 Henderson Drive. The original structure was constructed c. 1996 and was designed for an office/warehouse use.

The property was home to a construction company for many years. In recent years, the building has been divided to support additional occupations. Based on historic imagery, the rear of the lot has been used as a storage lot for building material. This has likely occurred for the life of the structure (c. 1996). Planning and Development is not aware of complaints from any of the neighbors regarding the business activity being conducted on the site.

The applicant proposes to rezone the property to allow outdoor storage on the lot. Currently there are (2) storage containers on the lot, as well as various other materials. Code Enforcement notified the property owner that storage containers, as well as outdoor storage is not allowed in the O-C (Office Commercial) zoning district, thus leading to this request. This request is the first step in resolution of the storage container/outdoor storage issue on the property. The applicant is also applying for a text amendment that would allow use of storage containers on lots that allow outdoor storage, provided they are screened from all rights-of way and a special use permit is approved. The text amendment and the applicants special use permit request will be before the Planning Commission on August 6<sup>th</sup>, 2024, and City Council on August 15<sup>th</sup>, 2024.

### **City Department Comments**

**Electric:** Takes no exception.

**Fibercom:** Takes no exception.

**Fire:** Takes no exception.

**Gas:** Takes no exception.

**Public Works:** No comments received.

**Water and Sewer:** The proposed fence around the gravel area should not be constructed over the sanitary sewer easement on the side of the lot.

**City of Cartersville School District:** N/A.

**Public Comments:**

None Received

**STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**The adjacent properties are zoned and used for commercial applications. The rezoning of this property is not likely to have any effect on these properties.**
2. *The suitability of the subject property for the zoned purposes.*  
**The property is suitable for the zoned purposes.**
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*  
**The public gain would be minimal. Rezoning would allow the business to continue operation.**
4. *Whether the subject property has a reasonable economic use as currently zoned.*  
**The property has a reasonable economic use as currently zoned.**
5. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*  
**The zoning proposal would permit a use that is suitable in view of the use of the adjacent residential and commercial use properties.**
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*  
**The zoning proposal should not have an adverse effect on adjacent commercial property.**
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*  
**The zoning proposal does conform to the Future Development Map, and the Future Land Use Map.**
8. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*

Z24-05

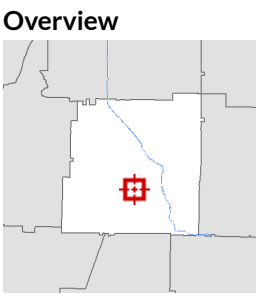
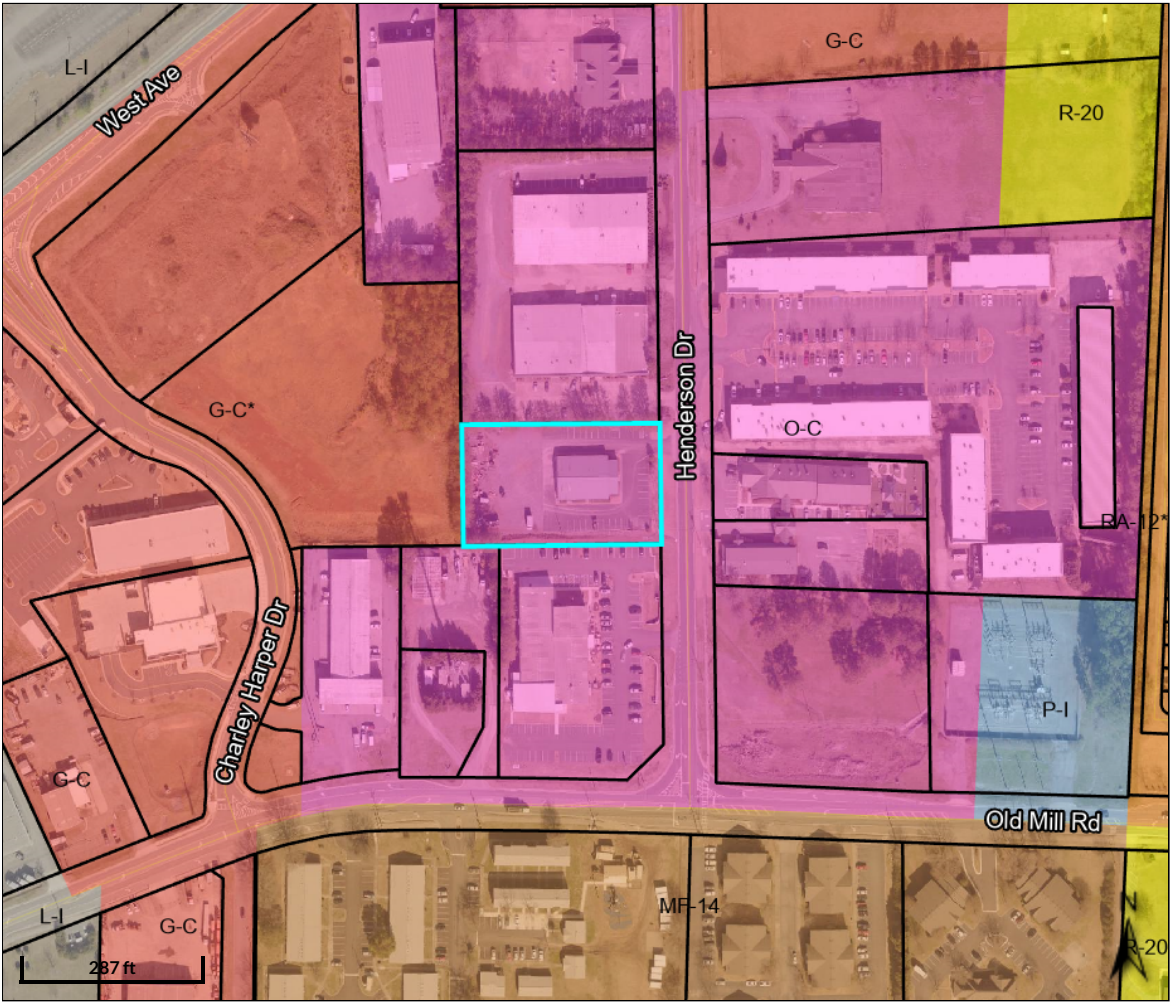
**No adverse environmental impact is anticipated with rezoning or re-use of the site.**

9. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*  
**The proposed zoning use should not increase the burden to streets, transportation, or utilities.**
  
10. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*  
**There are no known conditions.**

**STAFF RECOMMENDATION:**

Staff does not oppose the rezoning if the following condition is included with an approval:

1. All G-C uses except "Construction Contractors" and "Offices, General" are prohibited.



- Legend**
- Parcels
  - Roads
- Cartersville Zoning**
- AG
  - DBD
  - G-C
  - G-C\*
  - H-I
  - H-I\*
  - L-I
  - L-I\*
  - M-U
  - M-U\*
  - MF-14
  - MF-14\*
  - MN
  - O-C
  - O-C\*
  - P-D
  - P-D\*
  - P-I
  - P-S
  - P-S\*
  - R-10
  - R-10\*
  - R-15
  - R-15\*
  - R-20
  - R-20\*
  - R-7
  - R-7\*
  - R-D
  - RA-12
  - RA-12\*

Parcel ID C022-0004-019  
 Sec/Twp/Rng n/a  
 Property Address 683 HENDERSON DR

Alternate ID 34896  
 Class Commercial  
 Acreage 1.28

Owner Address SMITH L LEHMANN  
 P.O. BOX 1750  
 CARTERSVILLE, GA 30120



9.6.1. *G-C district scope and intent.* Regulations set forth in this section are the G-C district regulations. The G-C district is intended to provide locations in which community and regionally-oriented retail and service activities can be established so as to best serve the community and traveling public as further described in section 3.1.19 of this chapter.

9.6.2. *Use regulations.* Within the G-C district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Adolescent treatment facilities.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*
- Art galleries.
- Assembly halls.
- Automotive garages.
- Automotive and truck sales or rental.
- Automotive specialty shops.
- Automotive storage yards and wrecker service.
- Barber shops and beauty salons.
- Boat sales and service.
- Bowling alleys.
- Brewpub.
- Building supply companies.
- Bus stations.
- Car washes.
- Catering, carry-out and delivery.
- Check cashing stores.
- Clinics (excludes veterinary clinic).
- Clinic or hospital, animal.
- Clubs or lodges (noncommercial) (SU).\*
- Colleges and universities.



- Construction contractors:
  - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Special trade contractors, including, but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
- Consumer fireworks retail sales facility.
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Distillery (SU).\*
- Distribution centers, (not including processing, fabrication or manufacturing).
- Drive-in theaters.
- Dry cleaners.
- Farm equipment and supplies stores.
- Financial establishments.
- Fortunetellers.
- Funeral homes (crematories may be allowed in conjunction with a funeral home).
- Gymnasiums/health clubs.
- Halfway houses.
- Homeless shelters (SU).\*
- Hospices.
- Hospitals.
- Hotels.
- Indoor firing range.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Kennels.
- Laboratories.
- Landscaping businesses.

- Laundromats.
- Laundry/dry cleaning pick-up stations.
- Libraries.
- Medical offices.
- Manufactured home sales.
- Microbreweries (SU).\*
- Motels.
- Museums.
- Nightclubs.
- Nursing home facilities.
- Offices, general.
- Office parks.
- Outdoor golf driving ranges.
- Other consumer goods and services.
- Parking garages.
- Parking lots.
- Pawn shops and/or title pawn.
- Pet grooming.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Planned shopping developments.
- Plant nurseries.
- Plumbing shops (associated with retail sales).
- Printing establishments.
- Public utility facilities.
- Pubs or taverns.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).\*
- Repair garages, automotive.
- Repair garages, heavy equipment.
- Repair services, heavy (large appliances and similar).



- Research laboratories.
- Restaurants.
- Retail, general.
- Retail package stores (liquor).
- Retirement centers (SU).\*
- Reupholstery and furniture repair shops.
- Schools, private (SU).\*
- Self service storage facilities (mini-warehouses).
- Service establishments.
- Service stations.
- Skating rinks.
- Stadiums.
- Storage, general.
- Taxi stands.
- Theaters.
- Truck stops.
- Wholesale sales office.
- Wholesale trade and distribution.
- Wildlife conservation park (SU).

\* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

### 9.6.3. *Development standards.*

- A. *Height regulations.* Building shall not exceed a height of sixty (60) feet or four (4) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* None.
- F. *Minimum heated floor area per dwelling unit.*
- *3-bedroom:* Nine hundred (900) square feet.
  - *2-bedroom:* Seven hundred fifty (750) square feet.

- *1-bedroom*: Six hundred (600) square feet.
- *Studio/loft (in existing buildings)*: Four hundred fifty (450) square feet.

G. *Minimum buffer requirements.* In addition to required setbacks, a minimum twenty-five-foot wide buffer, ten (10) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

H. *Minimum lot frontage*: One hundred ten (110) feet adjoining a street.

I. *Minimum lot width at the building line*: One hundred (100) feet.

J. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the G-C district, unless finished with a product consisting of brick, stone, or hard-coat stucco, with the following exception:

1. The rear wall of a metal building may be allowed to be finished with a metal panel.

K. *Accessory structure requirements.* See section 4.9 of this chapter.

L. *Other required standards.*

1. All structures associated with a kennel, or veterinary clinic shall be a minimum of one hundred (100) feet from all property lines which abut a residential district.

9.6.4. *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to the G-C district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 11, 1-3-13; Ord. No. 23-15, § 2, 7-2-15; Ord. No. 09-16(Corrected), § 1, 4-7-16; Ord. No. 02-18, § 5, 1-18-18; Ord. No. 34A-18, § 5, 12-6-18)

Application for Rezoning

City of Cartersville

Case Number: 224-05

Item 2.

Date Received: 4-23-24

Public Hearing Dates:

Planning Commission 2/9/24 5:30pm 1<sup>st</sup> City Council 2/18/24 7:00pm 2<sup>nd</sup> City Council 8/1/24 7:00pm

Applicant L. Lehmann Smith Office Phone 770.382.3497  
 (printed name)  
 Address 681 Henderson Drive Mobile/ Other Phone 770.387.7043  
 City Cartersville State GA Zip 30120 Email lehmann@womack  
Mark A. Harris Phone (Rep) 770.314.3145  
 Representative's printed name (if other than applicant) Email (Rep) mark@handhrealty.net  
 Representative Signature Applicant Signature  
 Signed, sealed and delivered in presence of:  
Shirley Brown Notary Public



\* Titleholder L. Lehmann Smith Phone 770.387.7043  
 (titleholder's printed name)  
 Address 681 Henderson Dr. Email lehmann@womacklewis-smith.com  
683 Signature Lehmann Smith  
 Signed, sealed, delivered in presence of:  
Shirley Brown Notary Public



Present Zoning District O-C Requested Zoning G-C  
 Acreage 1.286 Land Lot(s) 594 District(s) 4 Section(s) 3  
 Location of Property 681-683 Henderson Dr (Old Mill) Parcel ID No. 0022-0004-019  
 (street address, nearest intersections, etc.)  
 Reason for Rezoning Request: CONFORM to surrounding zoning and  
land uses  
 (attach additional statement as necessary)

\* Attach additional notarized signatures as needed on separate application pages.

Case No: \_\_\_\_\_

Exhibit to: Rezoning Application for 681-683 Henderson Drive, Cartersville, GA 30120

➤ **Requirements**

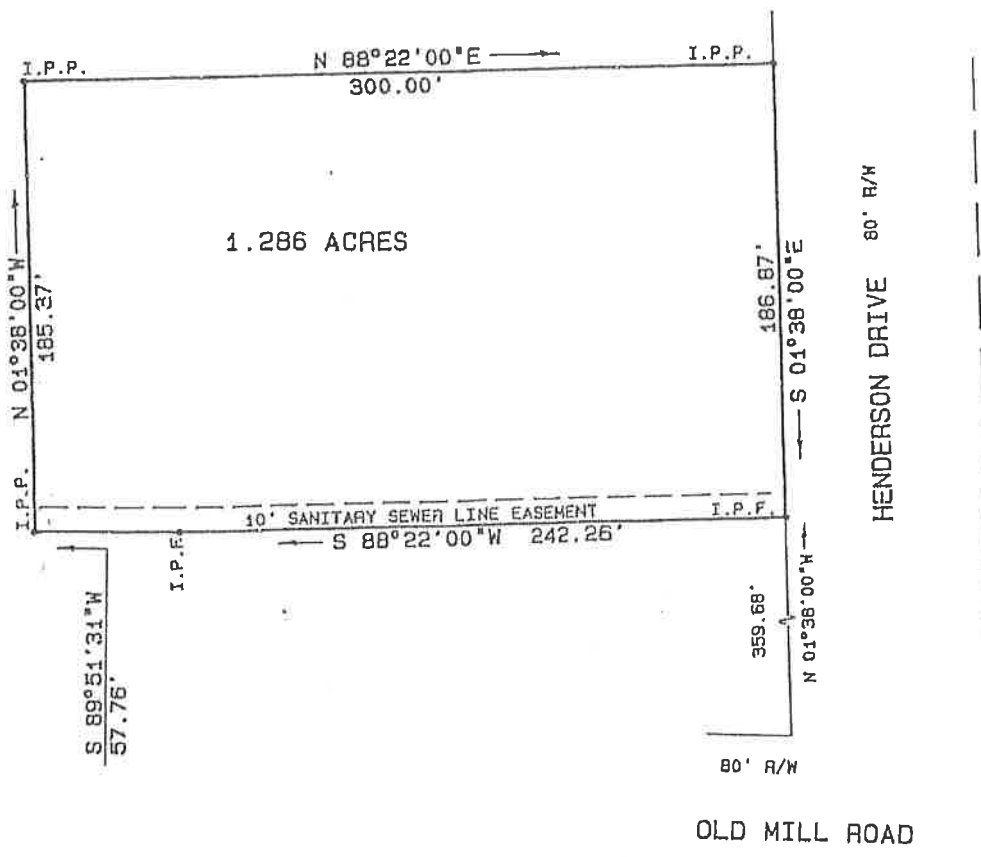
- **Existing conditions:** the property is located along the western right-of-way of Henderson Drive between Old Mill Road and West Avenue. The property is improved with a brick and metal commercial structure containing approximately 5,663 square feet constructed in 1996. This is a two-tenant building, whereby the owner occupies about half of the space and the other half is rented to a plumbing contractor. The site is level and slightly above street grade, and the building is set back approximately 60' from the right-of-way. The site immediately surrounding the building is asphalt paved with 34 striped parking spaces and site to the rear of the building is gravel with a rear setback of over 140'.
- **Proposed conditions or project:** no significant changes to the site or building are planned, other than fencing and gating the gravel area to the rear of the building.
- **Confirmation of availability of utilities:** The building is connected to all public (City of Cartersville) utilities.
- **Project meets the proposed zoning district development standards:** The property meets or exceeds the minimum zoning requirements and is similar the surrounding projects.
- **Project meets the access requirements of the City's development regulations:** The existing project is served by one curb cut entrance to Henderson Drive and there is adequate space to drive around the entire building. Front setback is about 60', the side setback is about 50' and the rear setback is about 140', all of which meet or exceed minimum standards. Insofar as we are aware the site and improvements meet or exceed the City of Cartersville's development requirements.

31P. 173

SURVEY FOR  
JAMES WOMACK  
PROPERTY IN THE CITY OF CARTERSVILLE  
IN LAND LOT 594,  
4th DISTRICT, 3rd SECTION,  
BARTOW COUNTY, GEORGIA

Item 2.

GEORGIA, BARTOW COUNTY  
CLERK'S OFFICE SUPERIOR COURT  
Filed for record this 8 day of  
April 1988 at 11:30 A.M.  
Recorded in Plat record No. 31  
Page 123 this 11 day of April 1988  
GRADY JEFFERSON, Clrd.



FIELD TRAVERSE:  
CLOSURE; ONE FOOT IN 12,000 FEET  
USING A GTS-2 TOPCON.  
ANGULAR ERROR: 0°00'04" PER ANGLE  
POINT USING A GTS-2 TOPCON.  
ADJUSTED; USING THE COMPASS RULE.

A, c2657-2, p2567-4, n957.7, s928.2.  
NOTE: IRON PINS ARE (1/2" RE-BAR)  
EXCEPT AS SHOWN.

FLOOD HAZARD BOUNDARY MAP 0005 E  
DATED JUNE 1, 1984 SHOWS THIS  
PROPERTY IS NOT IN A FLOOD ZONE.

SMITH & SMITH LAND SURVEYORS, P.C.  
2 SOUTH AVENUE, CARTERSVILLE, GA.  
ZIP 30120 PHONE 404-382-0457

PLAT CLOSURE;  
ONE FOOT IN  
250,000 FEET.  
AUGUST 19, 1987

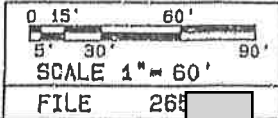
MAG. NORTH

*A. Lee Smith*

REGISTERED LAND SURVEYOR No. 1309



|        |                 |     |               |
|--------|-----------------|-----|---------------|
| R/W    | RIGHT OF WAY    | R   | RADIUS        |
| I.P.P. | IRON PIN PLACED | X   | FENCE         |
| I.P.F. | IRON PIN FOUND  | --- | LAND LOT LINE |
| C.M.   | CONCRETE MARKER | ⊙   | CENTER LINE   |
| CH.    | CHORD           | --- | POWER LINE    |
| L      | LENGTH OF CURVE |     |               |





681-683 Henderson Drive Zoning Application  
Surrounding Property Owners

Created by: H & H REALTY, LLC



|                       |                  |              |            |               |                        |
|-----------------------|------------------|--------------|------------|---------------|------------------------|
| Parcel ID             | C022-0004-019    | Alternate ID | 34896      | Owner Address | SMITH L LEHMANN        |
| Sec/Twp/Rng           | n/a              | Class        | Commercial |               | P.O. BOX 1750          |
| Property Address      | 683 HENDERSON DR | Acreeage     | 1.28       |               | CARTERSVILLE, GA 30120 |
| District              | Cartersville     |              |            |               |                        |
| Brief Tax Description | LL594 LD4        |              |            |               |                        |

(Note: Not to be used on legal documents)



10/2012

Bedham Meet

Item 2.

Neena's New York Style Pizz

Sixes Tavern

Image from 10/2012

681 Henderson Dr Absolute Plumbing, Water Heaters, and...

Rollins Child D



11/2021

Southern Leaf

Item 2.

Neena's New York Style P...

Image from 11/2021

Sixes Tavern

681 Henderson Dr. Absolute Plumbing, Water Heaters, and...

Rollins Child

23



6/2022

Item 2.

Image from 6/2022

681 Henderson Absolute Plumbing, Water Heaters, and...

Norco's New York Style Pizzeria

Sixes Tavern

Rollins Child



Jun 14, 2024 at 12:26:23  
681 Henderson Dr  
Cartersville GA 30120  
United States





Jun 14, 2024 at 12:26:43  
681 Henderson Dr  
Cartersville GA 30120  
United States





Jun 14, 2024 at 12:27:00  
681 Henderson Dr  
Cartersville GA 30120  
United States





Jun 14, 2024 at 12:27:30  
681 Henderson Dr  
Cartersville GA 30120  
United States









## PLANNING COMMISSION ITEM SUMMARY

|   |   |
|---|---|
| <b>MEETING DATE:</b>                      | July 9, 2024  |
| <b>SUBCATEGORY:</b>                       | Zoning  |
| <b>DEPARTMENT NAME:</b>                   | Planning and Development  |
| <b>AGENDA ITEM TITLE:</b>                 | Z24-06. 165 Cassville Rd. Applicant: Muhammad Chishti   |
| <b>DEPARTMENT SUMMARY RECOMMENDATION:</b> | <p>The applicant requests a change in zoning from O-C (Office Commercial) to General Commercial (G-C) to operate a liquor store in a tenant space on the property. The property is currently a service station with two (2) unused tenant spaces.</p> <p>Staff does not oppose the General Commercial (G-C) zoning.</p> |
| <b>LEGAL:</b>                             | N/A   |

**ZONING SYNOPSIS**

**Petition Number(s): Z24-06**

**REQUEST SUMMARY:**

Muhammad Chishti, applicant, requests a change in zoning from O-C (Office Commercial) to General Commercial (G-C) to operate a liquor store in a tenant space on the property. The property is currently a service station with two (2) unused tenant spaces.

***APPLICANT INFORMATION AND PROPERTY DESCRIPTION***

**Applicant:** Muhammad Chishti  
**Representative:** None  
**Location:** 165 Cassville Rd. (Tax ID No. C013-0001-003)  
**Total Acreage:** .92 +/- Acres

***LAND USE INFORMATION***

**Current Zoning:** O-C (Office Commercial)  
**Proposed Zoning:** General Commercial (G-C)  
**Proposed Use:** Convenience Store/ Liquor Store

**Current Zoning of Adjacent Property:**

**North:** P-I (Public/Institutional)  
**South:** L-I (Light Industrial)  
**East:** G-C (General Commercial)  
**West:** County A-1 (Agricultural)

**For All Tracts:**

**District:** 4<sup>th</sup> **Section:** 3<sup>rd</sup> **LL(S):** 380  
**Ward:** 4 **Council Member:** Calvin Cooley

**The Future Development Map designates adjacent properties as:** Community Parks, Recreation, and Conservation and Transitional Use Area.

**The Future Land Use Map designates adjacent or nearby city properties as:** Commercial, Public/Institutional, and Industrial.

## ANALYSIS

### **City Departments Reviews**

**Electric:** Takes no exception

**Fibercom:** Takes no exception.

**Fire:** Takes no exception

**Gas:** Takes no exception

**Planning and Development:** Takes no exception.

**Public Works:** No Comments Received.

**Water and Sewer:** Takes no exception.

**Cartersville School District:** No objections.

**Bartow County:** NA

**Public comments:** None received as of 6-17-2024.

### **STAFF SUMMARY:**

Applicant requests to rezone .92 acres (+/-) located at 165 Cassville Road (Tax ID C013-0001-003). The property is owned by Muhammad Chishti and the property is currently used as a gas station and convenience store. The existing building also has two (2) vacant suites. The owner wishes to have more available uses for the vacant suites than the O-C zoning ordinance allows, particularly the retail package store (liquor) use.

G-C, General Commercial, zoning is requested for the parcel. The existing zoning is O-C.

The property is within the FEMA floodplain. The current and proposed use are not expected to affect the floodplain unless expansion of the building footprint occurs.

### **STANDARDS FOR EXERCISE OF ZONING POWERS.**

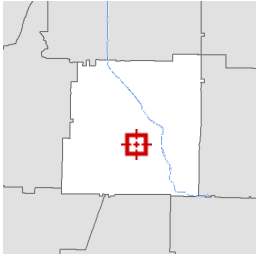
- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*  
**The zoning proposal will not change use of adjacent properties.**

- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*  
**The proposed application will not create an isolated district.**
- C. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.*  
**The proposed zoning should not adversely affect the existing use or usability of adjacent property.**
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*  
**The property does have a reasonable economic use as currently zoned (O-C).**
- E. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.*  
**The zoning proposal should not result in a use that will have an excessive or burdensome use of streets, transportation facilities, utilities or schools.**
- F. *Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.*  
**The proposed zoning would conform to the city's land use plan for the area.**
- G. *Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.*  
**The zoning proposal should not have an adverse environmental effect.**
- H. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.*  
**No additional conditions are known.**

**RECOMMENDATION:** Staff does not oppose the General Commercial (G-C) zoning.



**Overview**



**Legend**

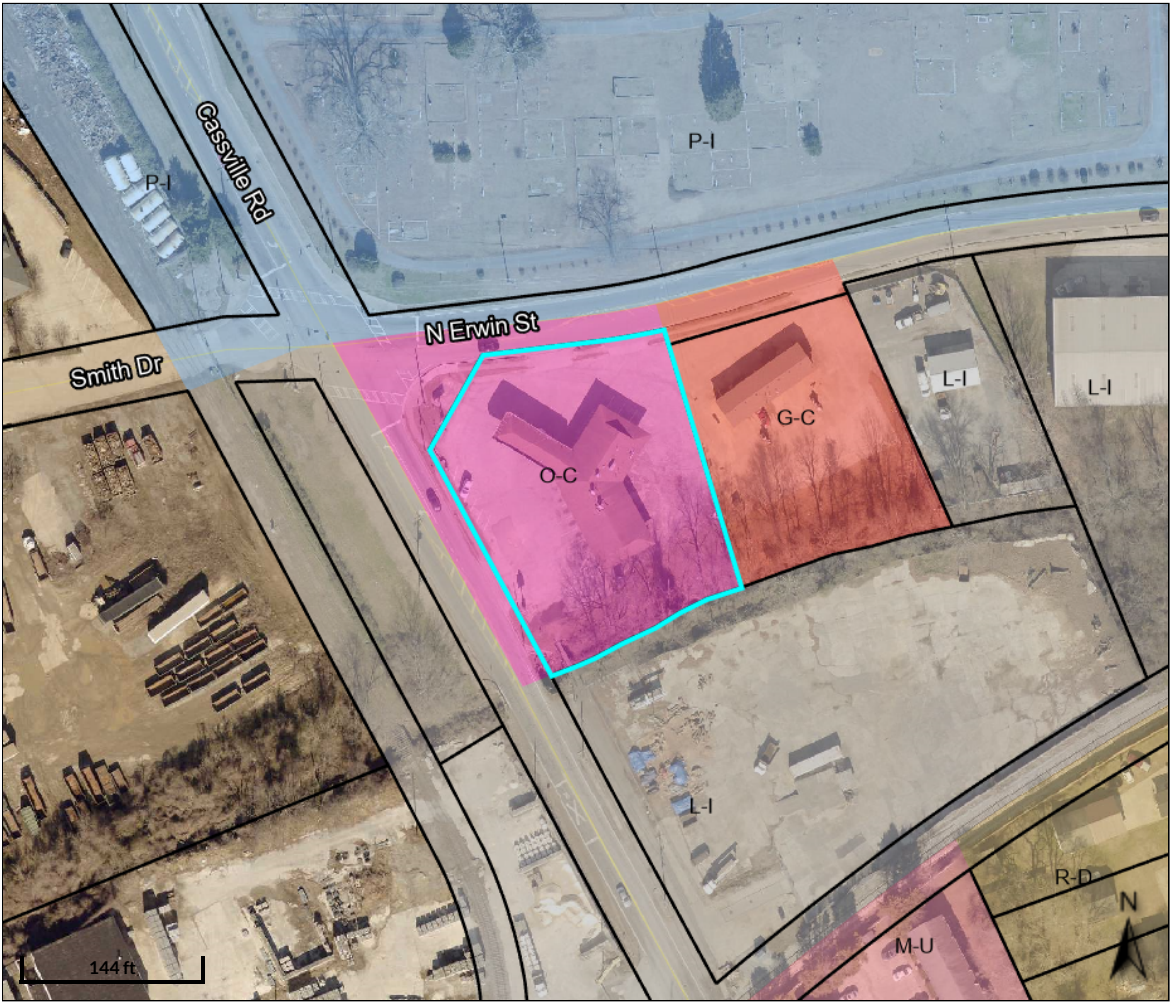
- Parcels
- Roads

|                              |  |                     |            |                      |                              |
|------------------------------|--|---------------------|------------|----------------------|------------------------------|
| <b>Parcel ID</b>             | C013-0001-003                                    | <b>Alternate ID</b> | 33526      | <b>Owner Address</b> | HDA PROPERTIES AND HOMES LLC |
| <b>Sec/Twp/Rng</b>           | n/a  | <b>Class</b>        | Commercial |                      | 5352 SAVILLE DR              |
| <b>Property Address</b>      | 165 CASSVILLE RD                                 | <b>Acreage</b>      | 0.92       |                      | ACWORTH, GA 30101            |
| <b>District</b>              | Cartersville                                     |                     |            |                      |                              |
| <b>Brief Tax Description</b> | LL 380 D 4 Short Trip Citgo                      |                     |            |                      |                              |
|                              | <i>(Note: Not to be used on legal documents)</i> |                     |            |                      |                              |

Date created: 5/13/2024  
 Last Data Uploaded: 5/10/2024 11:07:36 PM

Developed by Schneider  
 GEOSPATIAL





- Legend**
- Parcels
  - Roads
- Cartersville Zoning**
- AG
  - DBD
  - G-C
  - G-C\*
  - H-I
  - H-I\*
  - L-I
  - L-I\*
  - M-U
  - M-U\*
  - MF-14
  - MF-14\*
  - MN
  - O-C
  - O-C\*
  - P-D
  - P-D\*
  - P-I
  - P-S
  - P-S\*
  - R-10
  - R-10\*
  - R-15
  - R-15\*
  - R-20
  - R-20\*
  - R-7
  - R-7\*
  - R-D
  - RA-12
  - RA-12\*

Parcel ID C013-0001-003  
 Sec/Twp/Rng n/a  
 Property Address 165 CASSVILLE RD

Alternate ID 33526  
 Class Commercial  
 Acreage 0.92

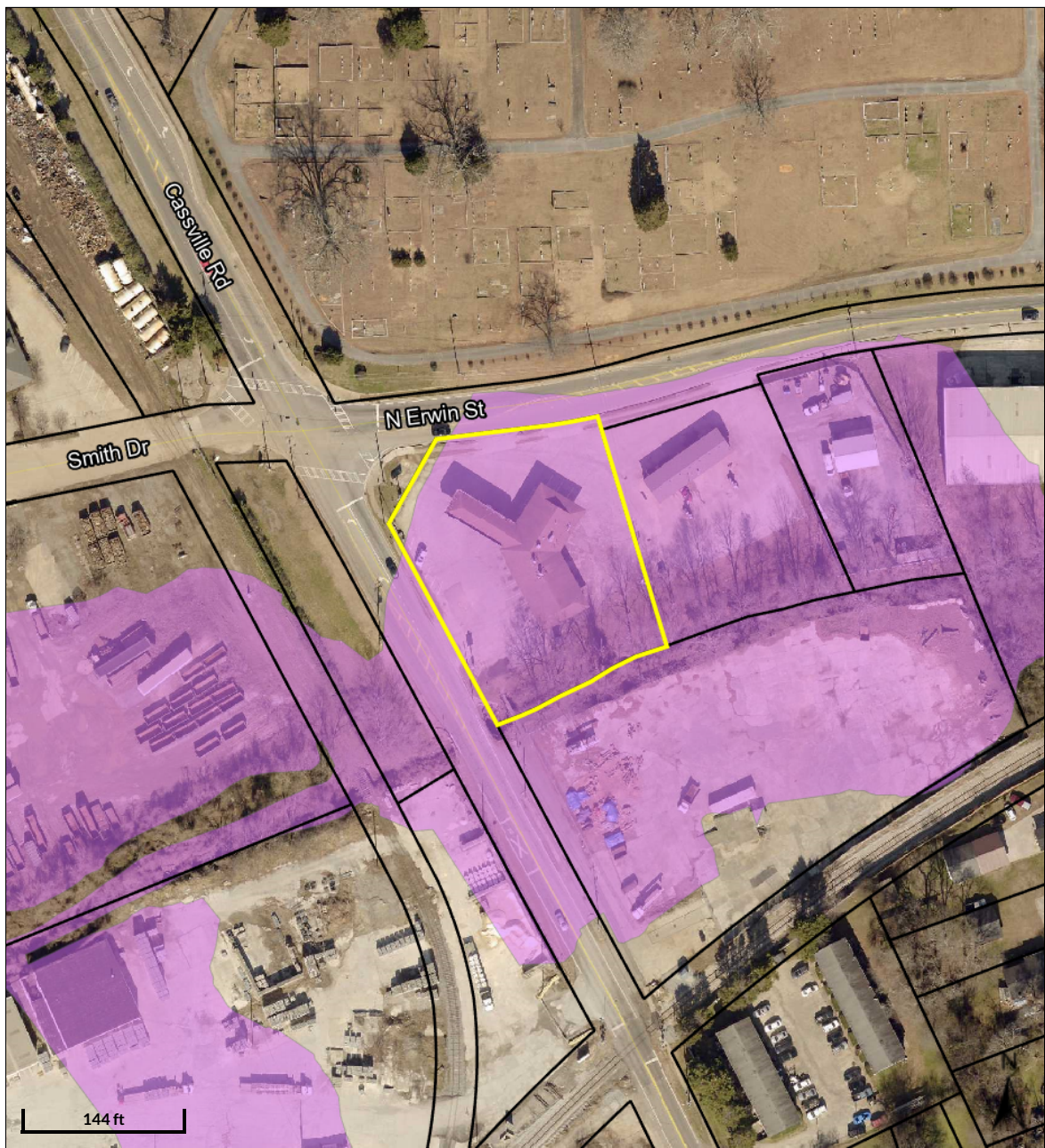
Owner Address HDA PROPERTIES AND HOMES LLC  
 5352 SAVILLE DR  
 ACWORTH, GA 30101

**District** Cartersville  
**Brief Tax Description** LL 380 D 4 Short Trip Citgo  
*(Note: Not to be used on legal documents)*

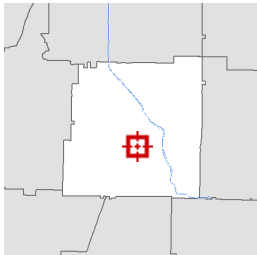
Date created: 6/20/2024  
Last Data Uploaded: 6/19/2024 10:38:29 PM

Developed by  **Schneider**  
GEOSPATIAL









Overview



Legend

-  Parcels
-  Roads
- Flood Hazard Area**
  -  Bartow Regulatory
  -  FEMA

Date created: 6/17/2024  
Last Data Uploaded: 6/14/2024 10:32:05 PM

Developed by  **Schneider**  
GEO SPATIAL

# Application for Rezoning

City of Cartersville

Case Number: 224-06

Date Received: 4/17/24

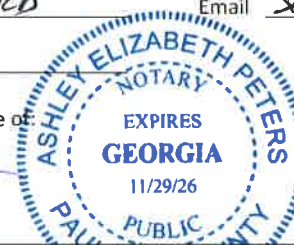
## Public Hearing Dates:

Planning Commission July 9 5:30pm    1<sup>st</sup> City Council July 18 7:00pm    2<sup>nd</sup> City Council Aug 1 7:00pm

Applicant MUHAMMAD S CHISHTI (printed name)    Office Phone 678-770-0287  
 Address 165 CASSVILLE RD    Mobile/ Other Phone 678-770-0287  
 City CARTERSVILLE State GA Zip 30120 Email SUMAIL CHISHTI @ GMAIL . COM  
 Representative's printed name (if other than applicant) \_\_\_\_\_ Phone (Rep) \_\_\_\_\_  
 Representative Signature \_\_\_\_\_ Applicant Signature [Signature] Email (Rep) \_\_\_\_\_  
 Signed, sealed and delivered in presence of \_\_\_\_\_ My commission expires: 11/29/26  
 Notary Public [Signature]



\* Titleholder Muhammad S Chishty (titleholder's printed name)    Phone 678-770-0287  
 Address 165 CASSVILLE RD    Email SUMAIL CHISHTI @ GMAIL . COM  
 Signature [Signature]  
 Signed, sealed, delivered in presence of \_\_\_\_\_ My commission expires: 11/29/26  
 Notary Public [Signature]



Present Zoning District OC    Requested Zoning GC  
 Acreage \_\_\_\_\_ Land Lot(s) \_\_\_\_\_ District(s) \_\_\_\_\_ Section(s) \_\_\_\_\_  
 Location of Property: 165 CASSVILLE RD CARTERSVILLE, GA Parcel ID No. C013001003  
 (street address, nearest intersections, etc.)  
 Reason for Rezoning Request: IN ORDER TO OPEN UP A DIFFERENT BUSINESS WHICH FALLS UNDER GC ZONING.  
 (attach additional statement as necessary)

\* Attach additional notarized signatures as needed on separate application pages.

**CAMPAIGN DISCLOSURE REPORT**  
**FOR REZONING ACTIONS**

Pursuant to O.C.G.A. 36-67A-3 any and all applicants to a rezoning action must make the following disclosures:

Date of Application: 4-17-24

Date Two Years Prior to Application: \_\_\_\_\_


Date Five Years Prior to Application: \_\_\_\_\_


1. Has the applicant within the five (5) years preceding the filing of the rezoning action made campaign contributions aggregating \$250.00 or more to any of the following:

|                       | YES   | NO       |
|-----------------------|-------|----------|
| Mayor: Matt Santini   | _____ | <u>X</u> |
| Council Member:       |       |          |
| Ward 1- Kari Hodge    | _____ | <u>X</u> |
| Ward 2- Jayce Stepp   | _____ | <u>X</u> |
| Ward 3- Cary Roth     | _____ | <u>X</u> |
| Ward 4- Calvin Cooley | _____ | <u>X</u> |
| Ward 5- Gary Fox      | _____ | <u>X</u> |
| Ward 6- Taff Wren     | _____ | <u>X</u> |
| Planning Commission   |       |          |
| Lamar Pendley, Chair  | _____ | <u>X</u> |
| Anissa Cooley         | _____ | <u>X</u> |
| Fritz Dent            | _____ | <u>X</u> |
| Greg Culverhouse      | _____ | <u>X</u> |
| Jeffery Ross          | _____ | <u>X</u> |
| Stephen Smith         | _____ | <u>X</u> |
| Travis Popham         | _____ | <u>X</u> |

2. If the answer to any of the above is **Yes**, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.

---


4/17/24  
 \_\_\_\_\_  
 Signature Date

  
 \_\_\_\_\_  
 Print Name

BK:3514 PG:31

EXHIBIT "A"

## LEGAL DESCRIPTION

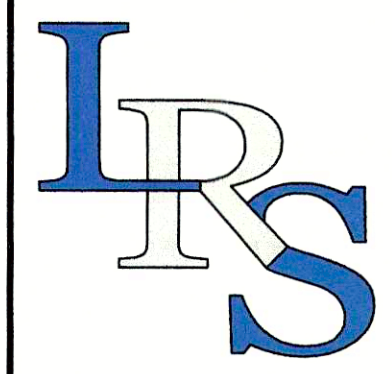
ALL THAT TRACT OR PARCEL OF LAND lying and being in land lot 380, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the easterly right of way line of Cassville Road (a 60 foot right of way) and the southerly right of way line of North Erwin Street (a 40 foot right of way), thence running along the southerly right of way line of North Erwin Street North 20 degrees 13 minutes 51 seconds East a distance of 47.27 feet to a point; thence continuing along the southerly right of way line of North Erwin Street North 81 degrees 10 minutes 13 seconds East a distance of 175.61 feet to a point; run thence South 15 degrees 09 minutes 17 seconds East a distance of 201.75 feet to a point; run thence South 68 degrees 03 minutes 02 seconds West a distance of 51.28 feet to a point; run thence South 60 degrees 49 minutes 25 seconds West a distance of 99.02 feet to a point located on the easterly right of way line of Cassville Road; thence North 29 degrees, 38 seconds, 17 seconds West along the easterly right of way line of Cassville Road a distance of 219.59 feet to the POINT OF BEGINNING.

The above courses and distances are taken from that certain survey for Dabbs Properties, Inc. and Robert Dabbs dated October 31, 1995, prepared by Johnny R. Knight, Georgia Registered Land Surveyor number 1917.

165 Cassville Rd  
 Cartersville, GA 30120





**LRS Surveying LLC**  
 25 Maple Ridge Dr. Suite A  
 Cartersville, GA. 30121  
 Tel: (770) 235-3610  
 email: LShelton@LRSsurveying.com  
 GA Land Survey Firm # LSF001008

Client

Suhail Chishti

REVISIONS

| No | Revision | Date |
|----|----------|------|
| 1  |          |      |
| 2  |          |      |
| 3  |          |      |
| 4  |          |      |
| 5  |          |      |
| 6  |          |      |
| 7  |          |      |
| 8  |          |      |

© Copyright 2024 LRS Surveying LLC  
 This drawing is the property of LRS Surveying and is intended only for the client named above.

Retracement Survey  
**165 Cassville Road**  
**Cartersville, Ga. 30120**

Tax Parcel  
**C013-0001-003**

Land Lot 380  
 4th District, 3rd Section  
 Bartow County, Georgia

Date: 5/9/24  
 Scale: 1" = 30'  
 Surveyed By: S.S.  
 Drawn By: L.R.S./D.S.  
 Checked By: L.R.S.  
 Project No. 24-048  
 DWG. No. 24-048  
 FBK. No. N.A.



RESERVED FOR THE CLERK OF THE SUPERIOR COURTS

**NOTES**

- THE UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM ABOVE GROUND, VISIBLE EVIDENCE. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY OR RESTRICTIONS WHICH ARE NOT RECORDED OR WOULD BE DISCLOSED BY AN ACCURATE AND CURRENT TITLE SEARCH, OR OTHERWISE KNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
- THE PURPOSE OF THIS SURVEY IS TO RETRACE THE PROPERTY DESCRIBED IN DEED BOOK 3514 PAGE 31 BARTOW COUNTY RECORDS.
- BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AVAILABLE ONLINE AT WWW.MSC.FEMA.GOV, AND BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED WITHIN A HIGH RISK AREA AS PER FEMA FLOOD INSURANCE RATE MAP OF BARTOW COUNTY, GEORGIA AS SHOWN ON COMMUNITY PANEL NO. 13015C0266H DATED 10/5/2018.

**ABBREVIATIONS**

DB DEED BOOK P/L PROPERTY LINE  
 PG. PAGE PB PLAT BOOK  
 R/W RIGHT OF WAY N/F NOW OR FORMERLY  
 B.S.L. BUILDING SETBACK LINE

**PROPERTY CORNERS**

#4 R.S. ● #4 REBAR SET  
 #4 R.F. ○ #4 REBAR FOUND  
 N.F. △ NAIL FOUND  
 C.M.F. ⊠ CONC. MONUMENT FOUND

**SYMBOLS**

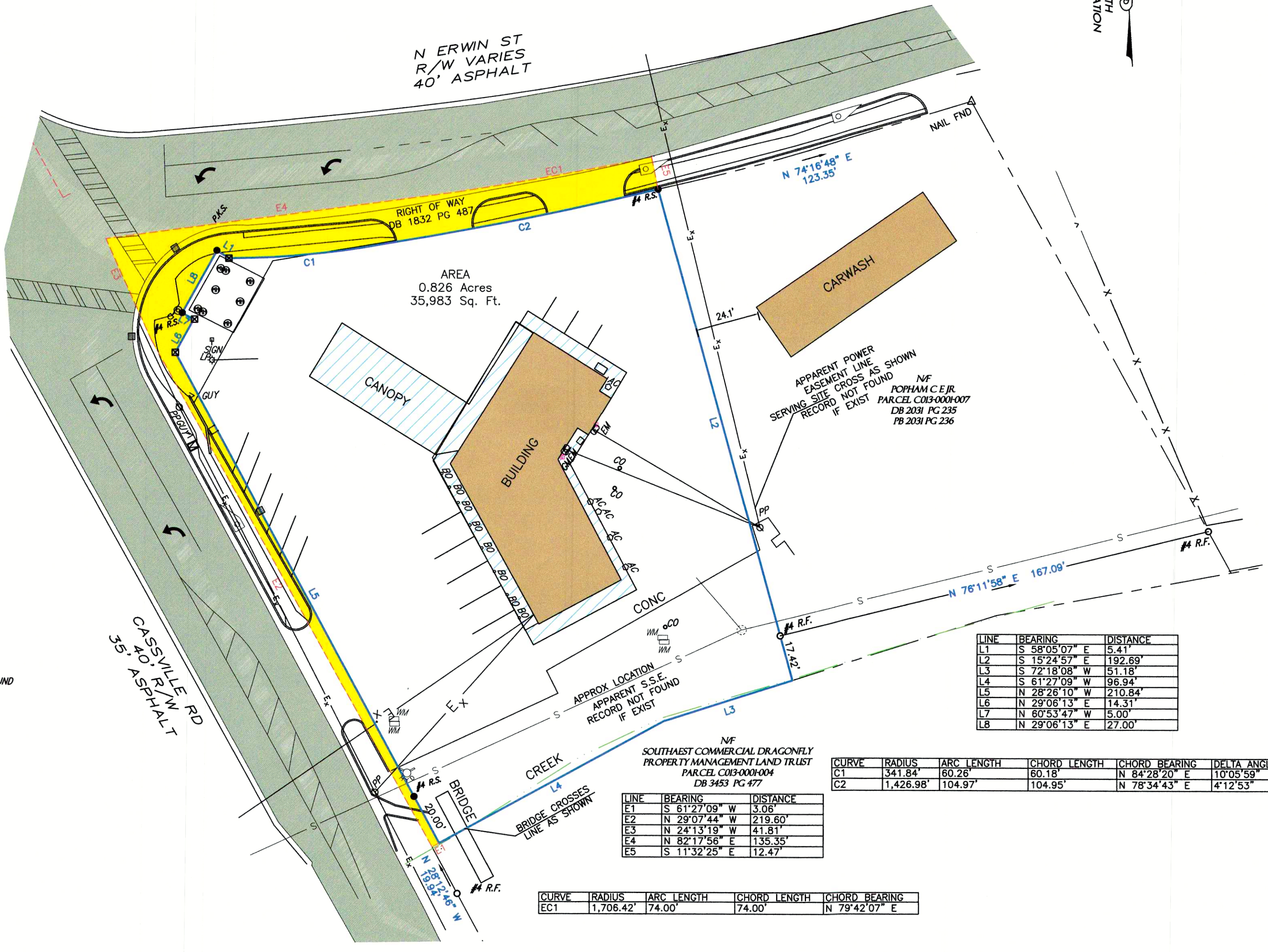
- CLEANOUT (CO)
- ⊗ FIRE HYDRANT (FH)
- ⊕ WATER VALVE (WV)
- ⊕ WATER METER (WM)
- ⊕ GAS METER (GM)
- ☎ TELEPHONE BOX (TELB)
- ⊕ POWER POLE (PP)
- ⊕ LIGHT POLE (LP)
- ⊕ POWER BOX (PB)
- ⊕ ELECTRIC METER (EM)
- > GUY WIRE (GUY)
- ⊕ SINGLE WING CATCH BASIN (SWCB)

**LINE TYPES**

- SUBJECT PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- <sub>EX</sub> OVERHEAD ELECTRIC LINE
- <sub>UG</sub> UNDERGROUND GAS LINE
- <sub>UE</sub> UNDERGROUND ELECTRIC
- <sub>X</sub> FENCE LINE
- <sub>S</sub> SEWAGE
- <sub>SD</sub> STORM DRAIN
- <sub>OC</sub> OVERHEAD COMMUNICATION
- <sub>UC</sub> UNDERGROUND COMMUNICATION
- LAND LOT LINE
- WATER LINE

**TECHNICAL DATA**

DATE OF FIELD SURVEY: 4-10-24 & 5/8/24  
 EQUIPMENT USED: CARLSON BRx7 (BASE & ROVER, RTK)  
 CARLSON CR2 ROBOTIC TOTAL STATION  
 PRECISION: BASED ON REDUNDANT MEASUREMENTS FIELD DATA  
 AS A PRECISION OF (±0.04)  
 PLAT CLOSURE: 1:144,128

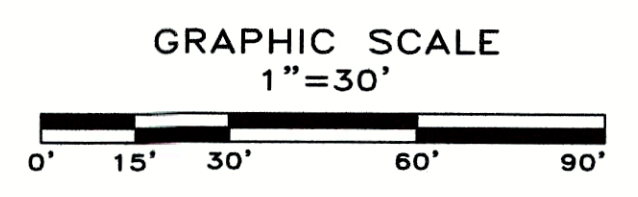


| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 58°05'07" E | 5.41'    |
| L2   | S 15°24'57" E | 192.69'  |
| L3   | S 72°18'08" W | 51.18'   |
| L4   | S 61°27'09" W | 96.94'   |
| L5   | N 28°26'10" W | 210.84'  |
| L6   | N 29°06'13" E | 14.31'   |
| L7   | N 60°53'47" W | 5.00'    |
| L8   | N 29°06'13" E | 27.00'   |

| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING | DELTA ANGLE |
|-------|-----------|------------|--------------|---------------|-------------|
| C1    | 341.84'   | 60.26'     | 60.18'       | N 84°28'20" E | 10°05'59"   |
| C2    | 1,426.98' | 104.97'    | 104.95'      | N 78°34'43" E | 4°12'53"    |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| E1   | S 61°27'09" W | 3.06'    |
| E2   | N 29°07'44" W | 219.60'  |
| E3   | N 24°13'19" W | 41.81'   |
| E4   | N 82°17'56" E | 135.35'  |
| E5   | S 11°32'25" E | 12.47'   |

| CURVE | RADIUS    | ARC LENGTH | CHORD LENGTH | CHORD BEARING |
|-------|-----------|------------|--------------|---------------|
| EC1   | 1,706.42' | 74.00'     | 74.00'       | N 79°42'07" E |



**SURVEYOR'S CERTIFICATE**



Lewis R. Shelton 5/13/24  
 LEWIS R. SHELTON  
 GEORGIA REGISTERED LAND SURVEYOR NO. 2971

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-8-67.



Jun 14, 2024 at 11:41:55  
165 Cassville Rd  
Cartersville GA 30120  
United States





Jun 14, 2024 at 11:41:17  
165 Cassville Rd  
Cartersville GA 30120  
United States





Jun 14, 2024 at 11:40:50  
165 Cassville Rd  
Cartersville GA 30120  
United States





Jun 14, 2024 at 11:40:50  
165 Cassville Rd  
Cartersville GA 30120  
United States





Jun 17, 2024 at 12:25:38  
165 Cassville Rd  
Cartersville GA 30120  
United States



**CITY OF CARTERSVILLE**  
**ZONING NOTICE**  
CASE NO. **224-06**  
APPLICATION HAS BEEN MADE FOR  
REZONING OF THIS PROPERTY  
FROM **O-C** TO **G-C**  
PLANNING COMMISSION MEETING  
AT 5:30 P.M. ON **7-9-2024**  
CITY COUNCIL FIRST READING  
AT 7:00 P.M. ON **7-18-2024**  
CITY COUNCIL SECOND READING  
AT **7:00 PM** ON **8-1-2024**  
HEARINGS TO BE HELD AT CITY HALL  
10 NORTH PUBLIC SQUARE  
FOR ADDITIONAL INFORMATION  
CONTACT PLANNING AND DEVELOPMENT  
DEPT. AT 770-387-5600





## PLANNING COMMISSION ITEM SUMMARY

|   |   |
|---|---|
| <b>MEETING DATE:</b>                      | July 9, 2024  |
| <b>SUBCATEGORY:</b>                       | Text Amendment  |
| <b>DEPARTMENT NAME:</b>                   | Planning and Development  |
| <b>AGENDA ITEM TITLE:</b>                 | T24-03. Applicant: Flournoy Holdings, LLC   |
| <b>DEPARTMENT SUMMARY RECOMMENDATION:</b> | <p>Text Amendment to Chapter 20, Signs and Outdoor advertising, Article II, Sign Ordinance, Sec. 20-29 (b) (1)(f), Billboards, to amend the text from:</p> <p>(f): Shall not be visible from or located along Interstate Highway 75</p> <p>To:</p> <p>(f) Shall be setback at least six hundred sixty-one (661) feet from right-of-way of Interstate 75.</p> <p>Staff is/is not opposed to the amendment.</p> |
| <b>LEGAL:</b>                             | N/A   |

# MEMO

To: Planning Commission, Mayor Santini & City Council

From: Randy Mannino, David Hardegree, and Zack Arnold

Date: June 17, 2024

Re: *Text Amendment T24-03. Amendment to Chapter 20, Signs and Outdoor advertising, Article II, Sign Ordinance, Sec. 20-29, Billboards*

Text Amendment to Chapter 20, Signs and Outdoor advertising, Article II, Sign Ordinance, Sec. 20-29 (b)(1)(f), Billboards, to add:

“(f). Shall be set back at least six hundred and sixty one (661) feet from the right-of-way of Interstate Highway 75.”

This amendment would permit the applicant to install static billboard at 2337 Hwy 411.

The closest billboards to this proposed area are at 2197 Hwy 411 (Christian Fellowship Church) which is approximately 2,600 feet to the south, and at 2471 Hwy 411 (Sunoco Gas Station) which is approximately 2,760 feet to the north. Both are static billboards. The billboard at 2471 Hwy 411 (Sunoco Gas Station) is visible from Interstate Highway 75, but pre-dates the zoning ordinance, therefore it is in a “legal non-conforming” status.

Staff is not opposed to the amendment.

**Application for Text Amendment(s)  
To Zoning Ordinance  
City of Cartersville**

Case Number: T24-03  
Date Received: 5-24-23

**Public Hearing Dates:**

Planning Commission July 7th 5:30pm 1<sup>st</sup> City Council July 18th 7:00pm 2<sup>nd</sup> City Council Aug 1, 2024 7:00pm

**APPLICANT INFORMATION**

Applicant Rich Flournoy Office Phone \_\_\_\_\_  
 (printed name)  
 Address 175 Pine Grove Rd - Suite 125 Mobile/ Other Phone 770-815-8599  
 City Cartersville State GA Zip 30120 Email Richard@flournoyholdings.com  
Jack Howard Phone (Rep) 719-323-7467  
 Representative's printed name (if other than applicant) Email (Rep) Jack@flournoyholdings.com  
 Representative Signature \_\_\_\_\_ Applicant Signature \_\_\_\_\_  
 Signed, sealed and delivered in presence of \_\_\_\_\_ My commission expires: 11/14/2026  
 Notary Public \_\_\_\_\_



**1. Existing Text to be Amended:**

Article II, Section 20-29, Subsection (b)(1)(f)

Existing Text Reads as Follows: "Shall not be visible from or located along Interstate Highway 75"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**2. Proposed Text:**

Proposed Text Reads as Follows: "Shall be set back at least six hundred and sixty one (661) feet from right-of-way of Interstate Highway 75"

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Continue on additional sheets as needed)

**3. Reason(s) for the Amendment Request:** The existing section 20-29 (b)(1)(f) was implemented over twenty years ago and the reasoning behind the verbiage was to preserve the veiwscope of the city. However, the current verbiage of "visible from or located along" presents a subjective and arbitrary criterion that creates a grey area within the city ordinance. There currently is not a clear definition for "along" or "visible" form I-75. Regarding being "visible" from I-75, does that mean the billboard face/advertisement cannot be read or visible from I-75 or does it refer to any part of the

(Continue on additional sheets as needed)

**REQUIREMENTS FOR FILING  
AN APPLICATION FOR TEXT AMENDMENT(S)  
CITY OF CARTERSVILLE, GA**

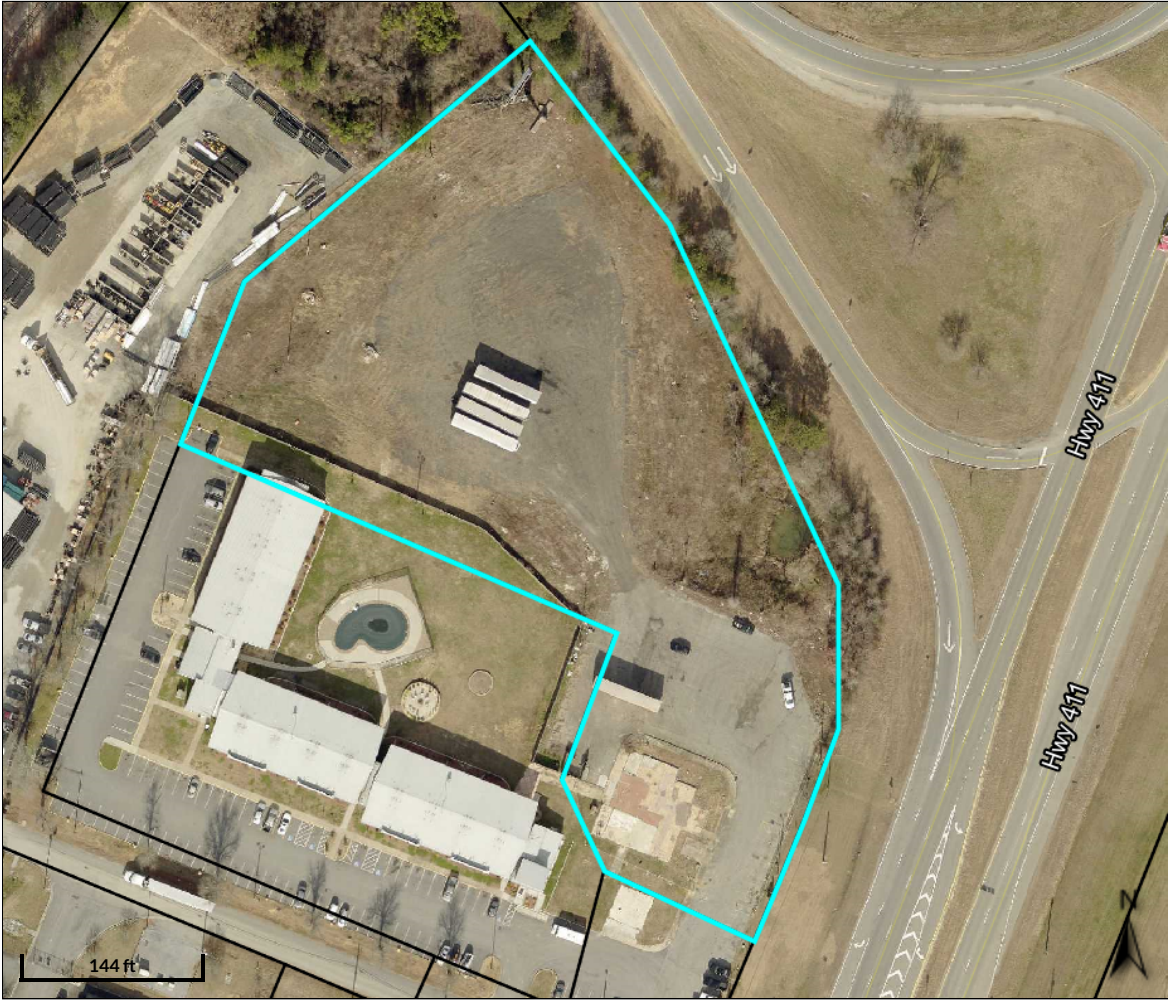
Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2<sup>nd</sup> Floor. Cartersville, GA 30120.

**Requirements**

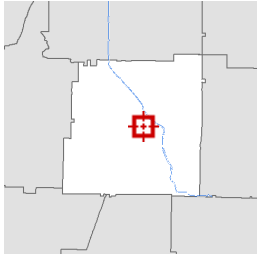
- 1. Completed Application:** Include all signatures. Complete items 1, 2 and 3.
- 2. Filing Fee:** A non-refundable filing fee of \$400.00 must accompany the completed application.
- 3. Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **Requirement 4** below. If this option is requested, there is an additional, non-refundable fee of \$50.00 which covers the cost of the newspaper ad and Publication affidavit.
- 4. Public Notification:** The applicant is responsible for the following **public notification** process unless the applicant has requested that staff manage this process as outlined in **item 4** above:
  - a. Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing being the final action by the City Council and not less than ten (10) days prior to the Planning Commission meeting, a **notice of public hearing** shall be published in the legal notice section of the Daily Tribune newspaper within the City of Cartersville. Such notice shall state the application file number, and shall contain the location of the property, its area, owner, current zoning classification, and the proposed zoning classification. Such notice shall include both the Planning Commission and the City Council meeting dates. (See attached Notice of Public Hearing).

**Text Amendment – Section 3 Continued**

billboard structure itself. Additionally, by not defining the terms “along” and “visible”, it is currently not possible to apply for a variance. The Georgia Outdoor Advertising Control Act 32-6-72/73 uses a distance of six hundred sixty (660) feet from the nearest right-of-way as a delineating criteria for billboards along Interstate Highway 75. This distance was established based off a study that was performed by the DOT that determined the distance at which the human eye could read a six hundred (600) square foot billboard face while traveling along the highway. By amending the text to “shall be set back at least six hundred and sixty one (661) feet from right-of-way of Interstate Highway 75,” the city is now equipped with a structured criteria to enforce. Furthermore, the original intent of preserving the view scape of the city will still be met when you couple in the additional ordinances of height and billboard face square footage restrictions.



Overview



Legend

- Parcels
- Roads

|                              |  |                     |            |                      |                        |
|------------------------------|--|---------------------|------------|----------------------|------------------------|
| <b>Parcel ID</b>             | C049-0004-007                                    | <b>Alternate ID</b> | 36461      | <b>Owner Address</b> | FLOURNOY HOLDINGS LLC  |
| <b>Sec/Twp/Rng</b>           | n/a  | <b>Class</b>        | Commercial |                      | PO BOX 2737            |
| <b>Property Address</b>      | 2337 HWY 411                                     | <b>Acreage</b>      | 3.75       |                      | CARTERSVILLE, GA 30121 |
| <b>District</b>              | Cartersville                                     |                     |            |                      |                        |
| <b>Brief Tax Description</b> | LL 238 239 D5 TR 1 PLAT 59-283                   |                     |            |                      |                        |
|                              | <i>(Note: Not to be used on legal documents)</i> |                     |            |                      |                        |

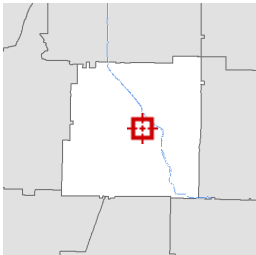
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Overview



Legend

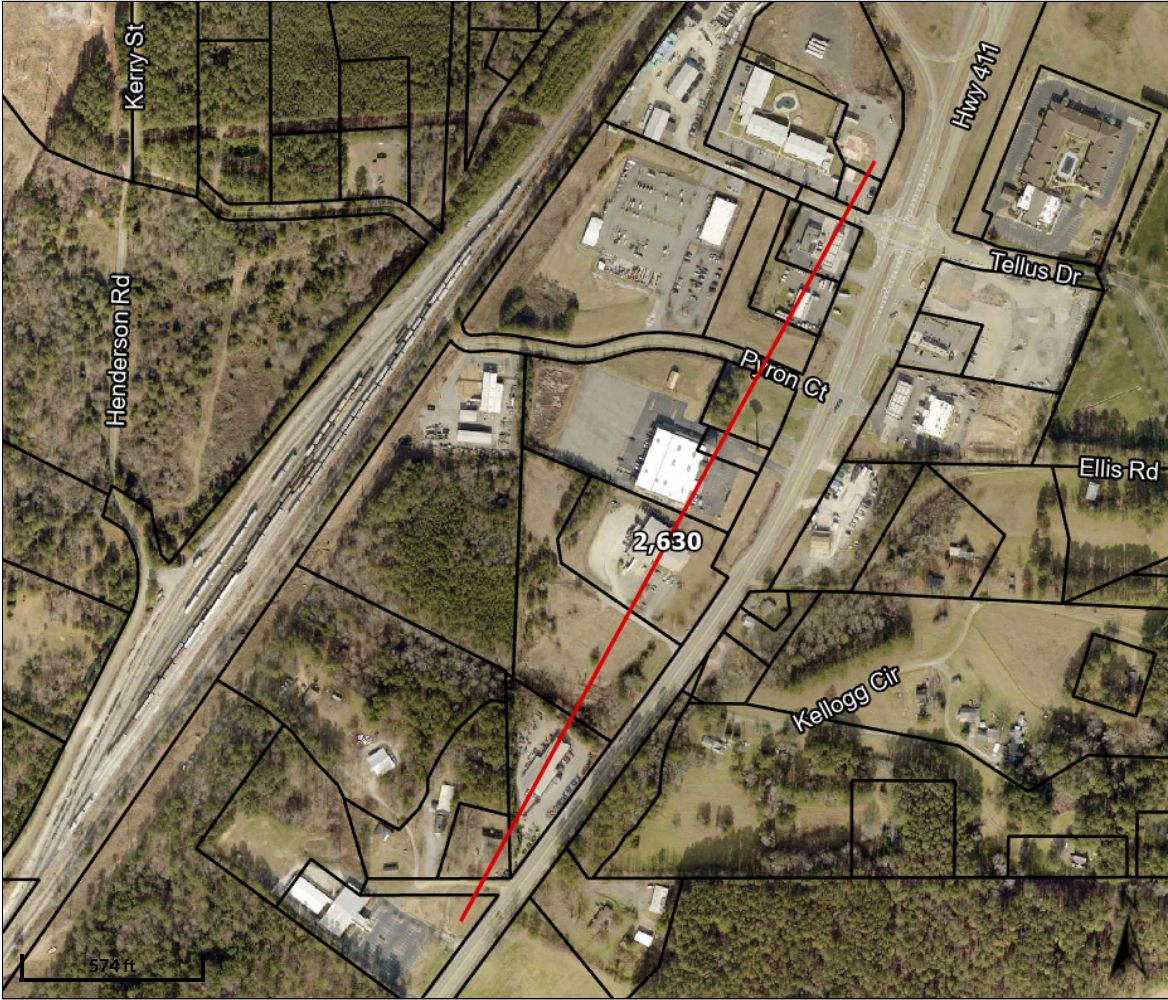
- Parcels
- Roads

|                       |   |              |            |               |                        |
|-----------------------|---|--------------|------------|---------------|------------------------|
| Parcel ID             | C052-0002-002                             | Alternate ID | 36471      | Owner Address | US 411 LLC             |
| Sec/Twp/Rng           | n/a                                       | Class        | Commercial |               | 11 WOODLAND DRIVE      |
| Property Address      | 2471 HWY 411                              | Acreage      | 0.85       |               | CARTERSVILLE, GA 30120 |
| District              | Cartersville                              |              |            |               |                        |
| Brief Tax Description | LL266 D5 S3 Sunoco                        |              |            |               |                        |
|                       | (Note: Not to be used on legal documents) |              |            |               |                        |

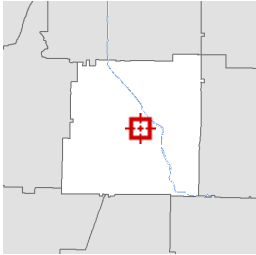
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Overview



Legend

- Parcels
- Roads

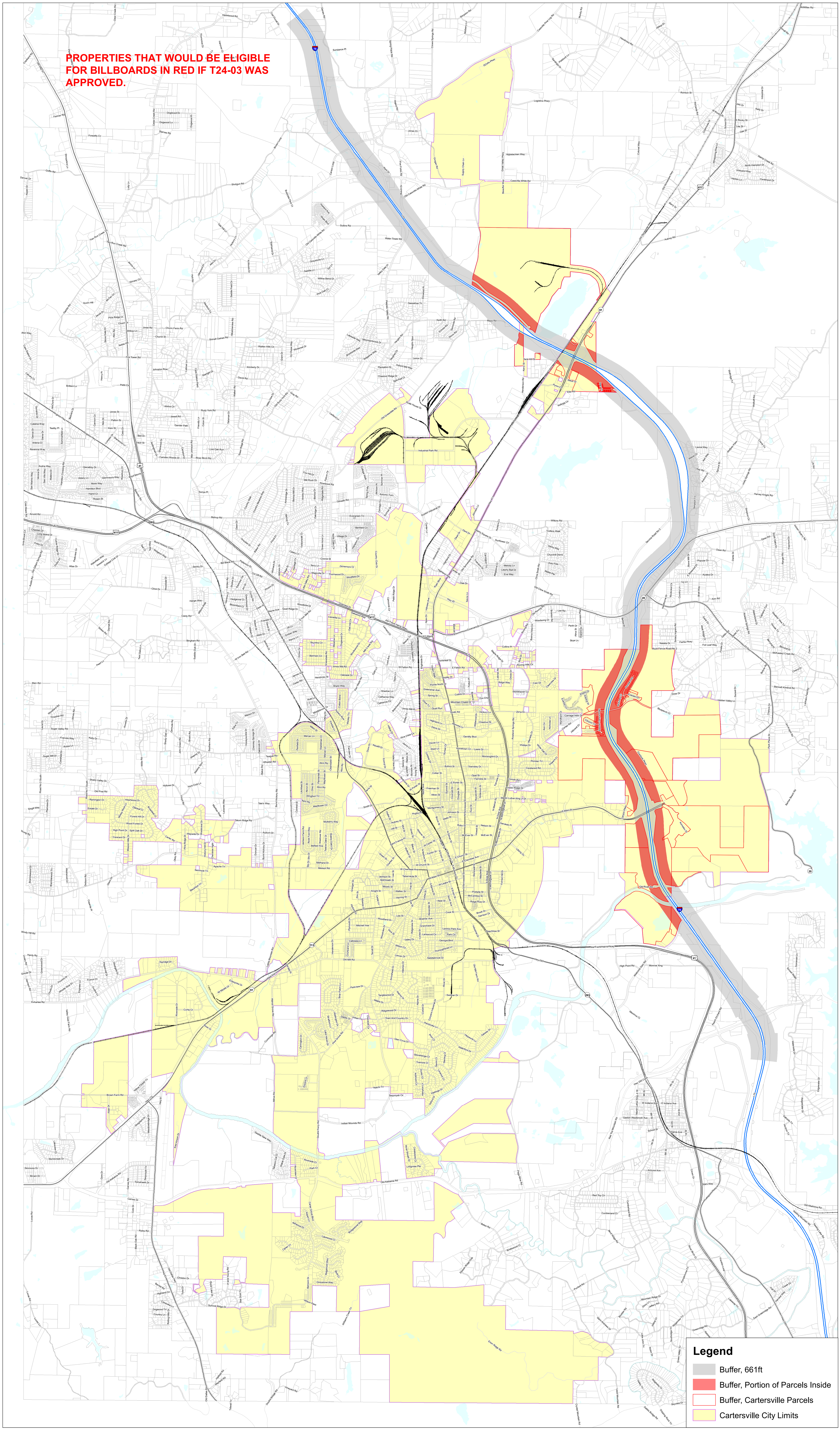
|                              |   |                     |            |                      |                        |
|------------------------------|---|---------------------|------------|----------------------|------------------------|
| <b>Parcel ID</b>             | C052-0002-002                             | <b>Alternate ID</b> | 36471      | <b>Owner Address</b> | US 411 LLC             |
| <b>Sec/Twp/Rng</b>           | n/a                                       | <b>Class</b>        | Commercial |                      | 11 WOODLAND DRIVE      |
| <b>Property Address</b>      | 2471 HWY 411                              | <b>Acres</b>        | 0.85       |                      | CARTERSVILLE, GA 30120 |
| <b>District</b>              | Cartersville                              |                     |            |                      |                        |
| <b>Brief Tax Description</b> | LL266 D5 S3 Sunoco                        |                     |            |                      |                        |
|                              | (Note: Not to be used on legal documents) |                     |            |                      |                        |

Date created: 6/18/2024  
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**PROPERTIES THAT WOULD BE ELIGIBLE FOR BILLBOARDS IN RED IF T24-03 WAS APPROVED.**



**Legend**

- Buffer, 661ft
- Buffer, Portion of Parcels Inside
- Buffer, Cartersville Parcels
- Cartersville City Limits



**Sec. 20-29. Billboards.**

- (a) Billboards shall be allowed, in addition to freestanding signs, on nonresidential use properties adjacent to only the following roads:
- (1) State Route 20.
  - (2) U.S. 41 and corresponding frontage roads.
  - (3) U.S. 411 and corresponding frontage roads.
  - (4) West Ave. (beginning at, and including, the intersection with Henderson Dr. and running southwest).
  - (5) State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the GA Hwy. 113 centerline and continuing west a distance of two thousand seven hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).
- (b) Billboards require a permit to be erected, and shall comply with the following regulations:
- (1) *General standards.*
    - a. Shall be allowed a maximum sign area of three hundred (300) square feet.
    - b. Shall not exceed a height of thirty (30) feet. Height shall be measured from the nearest road grade elevation.
    - c. Shall be set back at least fifty (50) feet from the right-of-way of a public street or highway and twenty-five (25) feet from all property lines and buildings on the site.
    - d. Shall be a minimum of five hundred (500) feet from a residential zoning district.
    - e. Shall be a minimum of one thousand five hundred (1,500) feet from all other billboards. Distance shall be measured from one (1) billboard to another on the same road.
    - f. ~~Shall not be visible from or located along Interstate Highway 75.~~
    - f. Shall be set back at least six hundred and sixty-one (661) feet from the right-of-way of Interstate Highway 75.
    - g. Shall not be attached to or painted directly on any building or any other natural or manmade structure or object other than the supporting structure specifically built for said sign.
  - (2) *Electronic billboards.*
    - a. Billboards which are directly illuminated, exhibit animation, blink, change copy, display moving pictures or images, flash, contain light emitting diode (LED), and/or contain liquid crystal display (LCD) shall be prohibited except when located adjacent to one (1) of the following roads:
      1. State Route 20.
      2. U.S. 41 and corresponding frontage roads.
      3. U.S. 411 and corresponding frontage roads.
      4. West Avenue (beginning at, and including, the intersection with Henderson Drive and running southwest).
      5. State Route 113 (beginning at the centerline of the I-75 right-of-way intersection with the Georgia Highway 113 centerline and continuing west a distance of two thousand seven

hundred (2,700) feet radially; provided however, that this section shall supersede any conditions placed on billboards in this geographic location).

6. Old Mill Road (beginning at the centerline of the Old Mill Road right-of-way intersection with the Erwin Street center line and continuing west a distance of one thousand (1,000) feet. Applicable to billboard signs existing as of July 26, 2022).
  - b. Shall be a minimum of five thousand (5,000) feet from all other electronic billboards and a minimum of one thousand five hundred (1,500) feet from nonelectronic billboards.
  - c. Any permit for an electronic billboard shall include a maximum number of displays per cycle for the structure. No more than six (6) displays per minute shall be allowed, and each display shall not change more frequently than once every ten (10) seconds.
  - d. Such displays shall contain static messages only, changed instantaneously, through dissolve or fade transitions, or other subtle transitions that do not have the appearance of moving text or images. In any event, such billboards may not have movement, or the appearance of or illusion of movement, of any part of the sign structure, design, or pictorial segment of the sign, including the movement of any illumination or the flashing, scintillating, or varying of light intensity.
  - e. All such billboards shall be programmed to automatically freeze in a single display in the event of a malfunction or computer/system error.
  - f. The planning and development department shall be provided with an on-call contact person and phone number for each permitted electronic billboard. The contact person must have the ability and authority to make immediate modifications to the displays and lighting levels should the need arise. In the event the contact person is unobtainable or unresponsive, the permit holder grants to the planning and development department the authority to access and disable the sign in cases of emergency or when the sign poses a threat to public safety.
- (3) *Nonconforming billboards.* Billboard signs legally existing on the date of adoption of this article may be continued even though such signs do not conform to this provision. Such nonconforming signs shall not be expanded, relocated or replaced by another nonconforming sign, except that the substitution of interchangeable poster panels, painted boards or demountable material on nonconforming signs shall be allowed. No such nonconforming sign shall continue after the discontinuance of the nonconforming use for a period of six (6) months.

(Ord. No. 26-12, 5-3-12; Ord. No. 29-18, § 1, 11-1-18; Ord. No. 20-22, § 1, 10-6-22)