



**CARTERSVILLE  
PLANNING COMMISSION**  
Council Chambers, Third Floor of City Hall  
Tuesday, March 07, 2023 at 5:30 PM

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**AGENDA**

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**COMMISSIONERS:**

Lamar Pendley – Chairman  
Greg Culverhouse  
Anissa Cooley  
Jeffery Ross  
Travis Popham  
Steven Smith  
Fritz Dent

**CITY CLERK:**

Julia Drake

**PLANNING DIRECTOR:**

Randy Mannino

**CITY PLANNER:**

David Hardegree

**ASSISTANT CITY ATTORNEY:**

Keith Lovell

**CALL TO ORDER**

**ROLL CALL**

**APPROVAL OF MINUTES**

1. Minutes- January 10, 2023

**ZONINGS**

2. Z23-01. 405-B Old Mill Rd. Applicant: Berrey Properties Inc.
3. Z23-02. 8 Mimosa Terrace. Applicant: William Moore

**STAFF OR COMMITTEE COMMENTS**

**OTHER**

**\* City Council 1st Reading: March 16, 2023 Council Chambers. 3rd fl City Hall.**

**\*\* City Council 2nd Reading (Final Action): April 6, 2023 Public Safety Building. 195 Cassville Rd.**

The next meeting of the Planning Commission will be April 13, 2023.

**ADJOURNMENT**

*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>	March 7, 2023
<b>SUBCATEGORY:</b>	Minutes
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	Minutes- January 10, 2023
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	The minutes from the January 10, 2023 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, January 10, 2023 at 5:30 p.m. in the City Hall Council Chambers.

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

### **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 January 19, 2023 and February 2, 2023 Council Meeting.

### **APPROVAL OF MINUTES**

#### **1. October 11, 2022 Meeting Minutes**

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

### **TEXT AMENDMENT**

#### **2. T23-01 – City of Cartersville**

David Hardegree, Planning and Development Assistant Director, stated that T23-01 was a Text Amendment to Chapter 26, Zoning, Article XIV, Business Park Overlay District, to increase the height of allowed buildings from 50ft to 75ft. and to correct a conflict in the language for required parking lot landscape islands.

Board Member Smith made a motion to approve T23-01. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 5-0

### **STAFF OR COMMITTEE COMMENTS**

#### **3. Comprehensive Plan – Status of 5-yr update**

Mr. Hardegree stated the Northwest Georgia Regional Commission has been tasked with preparing the 5 year update to the County and its' cities Comprehensive Plan. This is a minor update to the Plan. The final draft of the Capital Improvements Element was included for review. City Council is expected to approve the CIE on Jan. 19<sup>th</sup>. The CIE is updated and reviewed annually.

Board Member Culverhouse made a motion to adjourn.

The meeting adjourned at 5:45 PM.

Date Approved: February 7, 2023

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



## PLANNING COMMISSION ITEM SUMMARY

<b>MEETING DATE:</b>	March 7th, 2023
<b>SUBCATEGORY:</b>	Zoning
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	Z23-01. 405-B Old Mill Rd.     Applicant: Berrey Properties Inc.
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	<p>Applicant requests a change in zoning from G-C (General Commercial) to L-1 (Light Industrial) for approximately .86 acres located at 405 B Old Mill Road in Land Lot 632 of the 4th District, 3<sup>rd</sup> Section. Tax ID No. C022-0004-027. The request is to allow the expansion of Steel Materials, Inc. located at 1120 West Ave. adjacent to and north of subject property.</p> <p><b>Staff recommends approval with the existing condition to remain:</b>  <i>A 15-foot utility easement is required along the S.W. property line to access the existing power line.</i></p>
<b>LEGAL:</b>	N/A

**ZONING SYNOPSIS**

Petition Number(s): **Z23-01**

**APPLICANT INFORMATION AND PROPERTY DESCRIPTION**

Applicant: **Berrey Properties, Inc.**

Representative: **Randy Berrey**

Property Owner: **Berrey Properties, Inc.**

Property Location: **405-B Old Mill Rd. Tax ID C022-0004-027**

Access to the Property: **Old Mill Rd**

**Site Characteristics:**

Tract Size: Acres: **0.86** District: **4<sup>th</sup>** Section: **3<sup>rd</sup>** LL(S): **632**  
Ward: **2** Council Member: **Jayce Stepp**

**LAND USE INFORMATION**

Current Zoning: **G-C (General Commercial)**

Proposed Zoning: **L-I (Light Industrial)**

Proposed Use: **Warehouse/ manufacturing for expansion of Steel Materials, Inc.**

Current Zoning of Adjacent Property:

North: **L-I**

South: **O-C (Office Commercial)**

East: **L-I**

West: **O-C (Office Commercial)**

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

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

Z23-01

## **ZONING ANALYSIS**

### **Project Summary:**

The applicant is proposing the rezoning of a 0.86 acre property located at 405-B Old Mill Rd. Located east of the intersection of Old Mill Rd and Douthit Ferry Rd, the property was rezoned in 2002 from L-I to G-C for the construction of a carwash. Case No. Z02-10, approved 8-1-02. The carwash was constructed about 2005. This application proposes to return the zoning to L-I.

Z02-10, ORD 32-02, was approved with a condition that a 15ft. utility easement is required along the SW property line to access the existing power lines. This requirement should carry forward.

The applicant proposes to redevelop the site to allow Steel Materials, Inc. an existing metal fabrication business directly to the north, to expand its' operations onto the site.

### **City Department Comments**

**Electric:** Takes no exception.

**Fibercom:** Takes no exception.

**Fire:** Z23-01- CFD takes no exceptions to the rezoning request for 405 B Old Mill Rd to change from G-C to L-I provided all city adopted codes and ordinances are followed

**Gas:** Takes no exception.

**Public Works:** Takes no exception.

**Water and Sewer:** No comments received.

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

### **Public Comments:**

None received as of 3-1-23

**STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**The surrounding properties are zoned for office-commercial or light industrial uses. Adjacent properties are warehouse uses except for the Shaw medical office southwest of this location.**
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 an existing business to expand.**
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 use properties. The surrounding properties are generally warehouse properties with uses allowed under the L-I zoning category.**
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 property. The expansion of Steel Materials, Inc. should not affect the usability of adjacent properties.**
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 Land Use Map. No description is available for the Highway Commercial character area shown on the Future Development 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.*



Z23-01

**No adverse environmental impact is anticipated with rezoning or redevelopment 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 zoning 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 recommends approval with the existing condition to remain:**

*A 15-foot utility easement is required along the S.W. property line to access the existing power line.*

**Ordinance  
of the  
City of Cartersville, Georgia**

**Ordinance No. 32-02**

**NOW BE IT AND IT IS HEREBY ORDAINED** by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by Danny R. Heilman. Property is located at 405 Old Mill Road. Said property contains 0.861 acres located in the 4<sup>th</sup> District, 3<sup>rd</sup> Section, Land Lot 632 as shown on the attached plat Exhibit "A". Property is hereby rezoned from L-I (Light Industrial) to G-C (General Commercial) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

1. A 15-foot utility easement is required along the S.W. property line to access existing power line.

**BE IT AND IT IS HEREBY ORDAINED.**

**ADOPTED** this the 18<sup>th</sup> day of July 2002. First Reading  
**ADOPTED** this the 1<sup>st</sup> day of August 2002. Second Reading.

/s/ \_\_\_\_\_  
**Michael G. Fields**  
**Mayor**

**ATTEST:**

/s/ \_\_\_\_\_  
**Sandra E. Cline**  
**City Clerk**



15ft. utility easement

**MASSEY SURVEYING INCORPORATED**  
 PROFESSIONAL LAND SURVEYING SERVICES  
 Callahan, Georgia 30703  
 P.O. Box 8822  
 Phone/Fax: 706-699-0545



- GENERAL NOTES:**
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1" IN 20,250 FEET AND AN ANGULAR ERROR OF 03" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
  2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 325,590 FEET.
  3. EQUIPMENT USED: SOKKIA TOTAL STATION WITH DATA COLLECTOR.
  4. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATH OF TRAVEL.
  5. NO ABSTRACT OF TITLE, NOR TITLE COMMITMENT, OR RESULTS OF A TITLE SEARCH WERE FURNISHED TO THE SURVEYOR, ALL DOCUMENTS OF RECORD REVIEWED ARE NOTED HEREON. THERE MAY EXIST OTHER DOCUMENTS OF RECORD THAT MAY AFFECT THIS SURVEYED PARCEL.
  6. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDANT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
  7. ALL PROPERTY CORNERS ARE CAPPED 1/2" REBARS, EXCEPT AS SHOWN.
  8. DATE(S) OF FIELD WORK: APRIL 15, 2013
  9. DATE OF PLAT: APRIL 15, 2013
  10. JOB NO: 1240

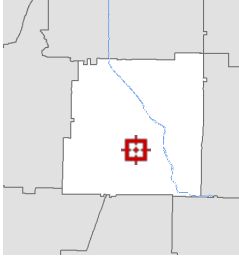
MAGNETIC NORTH  
 REF. PLAT BOOK 56, PAGE 123

LEGEND			
RSF	= REBAR FOUND	R/W	= RIGHT OF WAY
RS	= REBAR SET	PL	= PROPERTY LINE
OTF	= OPEN TOP	CL	= CENTER LINE
CTP	= CRAMPED TOP	BL	= BUILDING LINE
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CHD	= CHORD LENGTH	DI	= DROP INLET
ARC	= ARC LENGTH	JB	= JUNCTION BOX



RETRACEMENT SURVEY FOR:  
**BERREY PROPERTIES, INC.**  
 LOCATED IN LAND LOT 632  
 4th DISTRICT, 3rd SECTION  
 CITY OF CARETERSVILLE  
 BARTOW COUNTY, GEORGIA



Overview



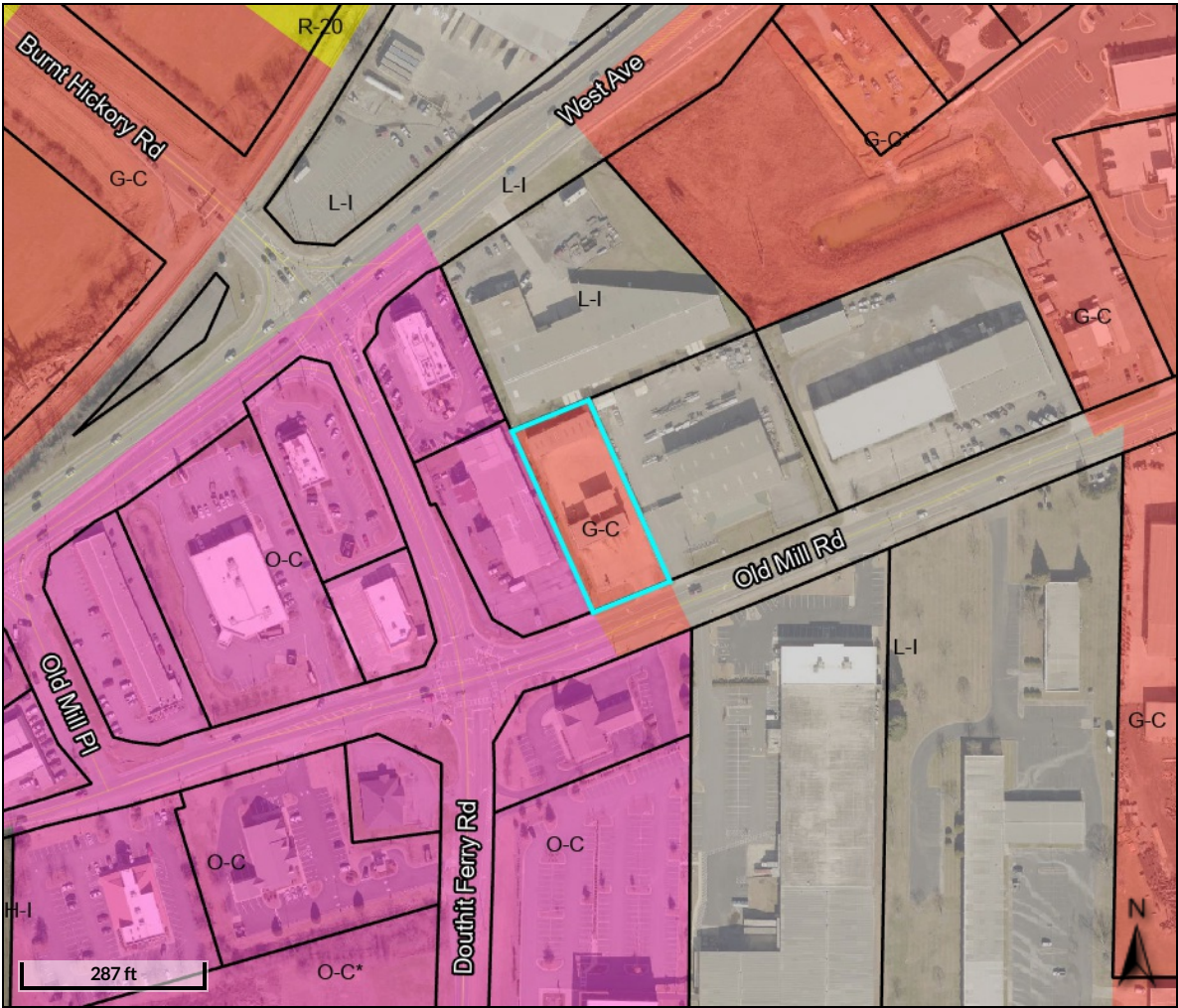
Legend

-  Parcels
-  Roads

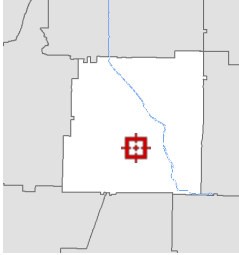
<b>Parcel ID</b>	C022-0004-027	<b>Alternate ID</b>	34904	<b>Owner Address</b>	BERREY PROPERTIES INC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Commercial		650 HENDERSON DR PMB 450
<b>Property Address</b>	405 OLD MILL RD	<b>Acreage</b>	0.86		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 632 D 4 TR 1 carwash and selfstorage				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 1/18/2023  
 Last Data Uploaded: 1/17/2023 10:40:18 PM

Developed by 



**Overview**



**Legend**

- Parcels
- Roads

**Cartersville Zoning**

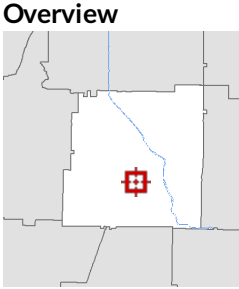
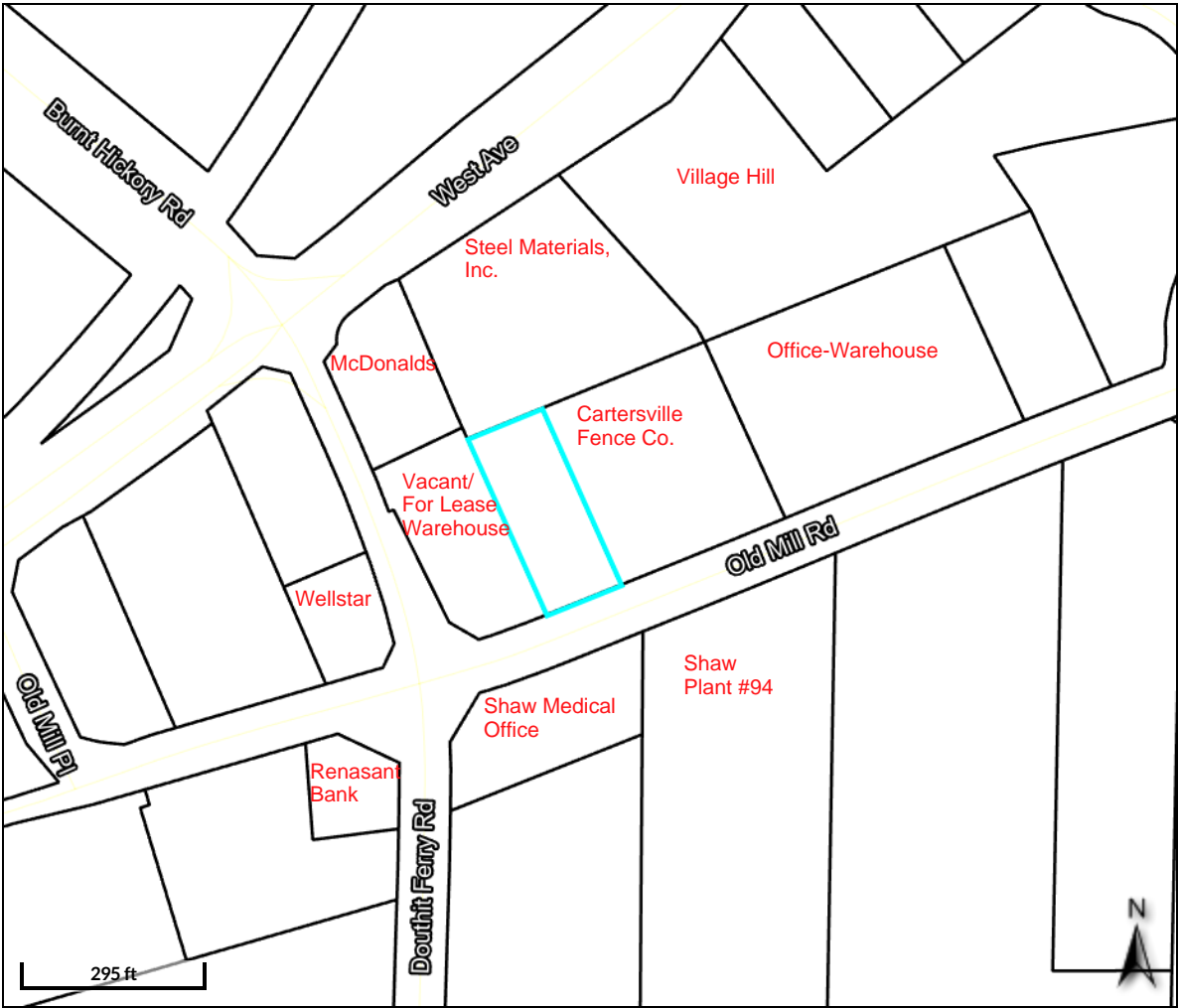
- AG
- DBD
- G-C
- G-C\*
- H-I
- H-I\*
- L-I
- L-I\*
- M-U
- M-U\*
- MF-14
- MF-14\*
- MN
- O-C
- O-C\*
- P-D
- P-D\*
- P-I
- P-S
- P-S\*
- R-10
- R-10\*
- R-15
- R-15\*
- R-20
- R-20\*
- R-7
- R-7\*
- R-D
- RA-12
- RA-12\*
- RSL

Property Address 405 OLD MILL RD      Acreage 0.86      CARTERSVILLE, GA 30120  
 District Cartersville  
 Brief Tax Description LL 632 D 4 TR 1 carwash and selfstorage  
 (Note: Not to be used on legal documents)

Date created: 1/18/2023  
 Last Data Uploaded: 1/17/2023 10:40:18 PM



Parcel ID C022-0004-027      Alternate ID 34904      Owner Address BERREY PROPERTIES INC  
 Sec/Twp/Rng n/a      Class Commercial      650 HENDERSON DR PMB 450



**Legend**  
 □ Parcels  
 — Roads

<b>Parcel ID</b>	C022-0004-027	<b>Alternate ID</b>	34904	<b>Owner Address</b>	BERREY PROPERTIES INC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Commercial		650 HENDERSON DR PMB 450
<b>Property Address</b>	405 OLD MILL RD	<b>Acreage</b>	0.86		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 632 D 4 TR 1 Diamond Carwash (Note: Not to be used on legal documents)				

Date created: 2/20/2023  
 Last Data Uploaded: 2/17/2023 10:36:25 PM

Developed by 

**Application for Rezoning**

City of Cartersville

Case Number: 223-01 Item 2.

Date Received: 1-13-2023

**Public Hearing Dates:**

Planning Commission 3-7-2023 5:30pm    1<sup>st</sup> City Council 3-16-2023 7:00pm    2<sup>nd</sup> City Council 4-2-2023 7:00pm

Applicant Berry Properties Inc. Office Phone 770-542-9982  
(printed name)  
 Address 650 Henderson Dr Ste 40 Mobile/ Other Phone Same.  
 City Cartersville State GA Zip 30120 Email Randy@berryproperties.biz  
Randy Berry Phone (Rep) \_\_\_\_\_  
 Representative's printed name (if other than applicant) Email (Rep) \_\_\_\_\_  
 \_\_\_\_\_  
 Representative Signature [Signature] Applicant's Signature  
 Signed, sealed and delivered in presence of \_\_\_\_\_ My commission expires: 1/23/23  
[Signature]  
 Notary Public

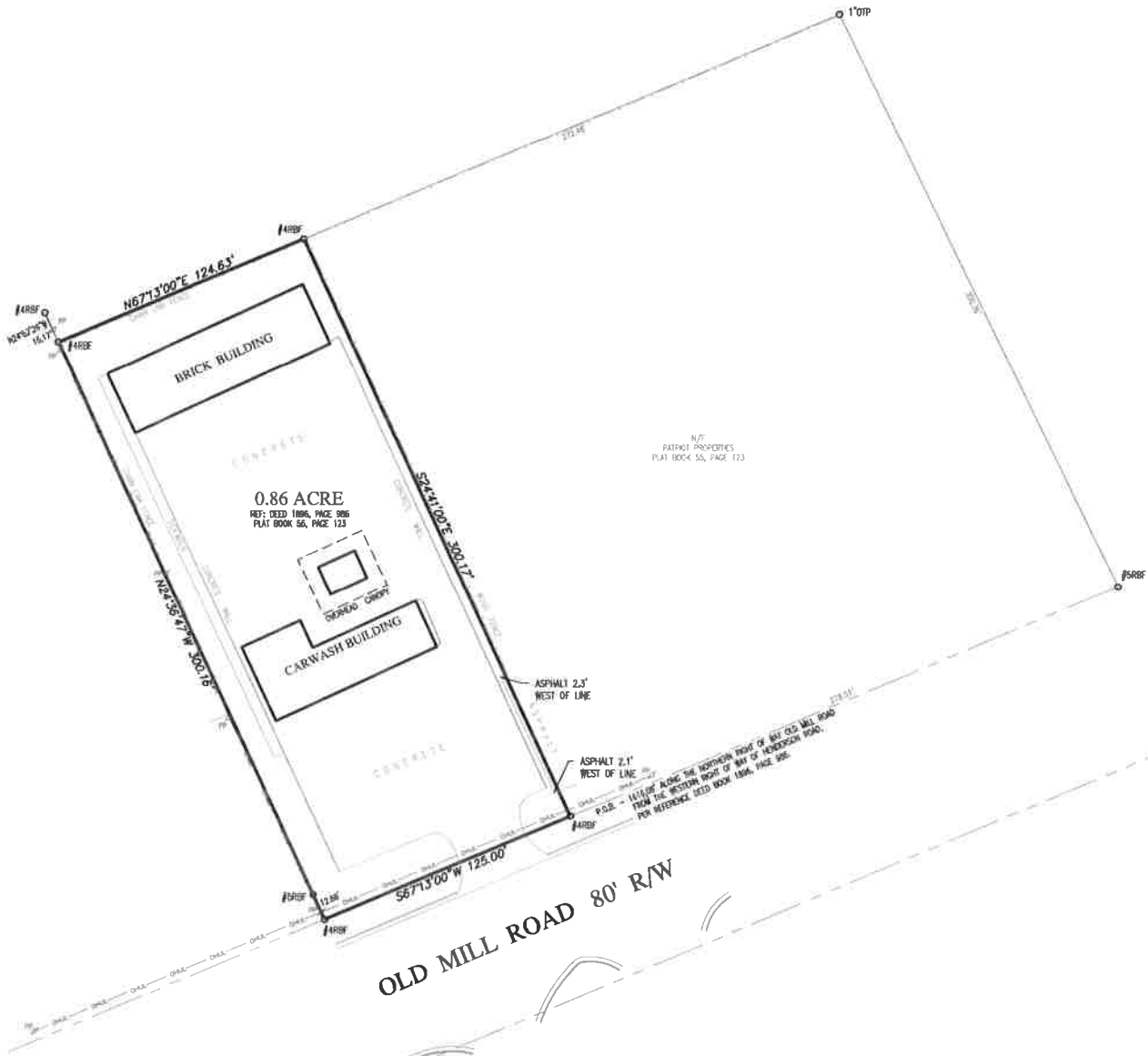


\* Titleholder Berry Properties Inc Phone 770-542-9982  
(titleholder's printed name)  
 Address 405 B Old Mill Rd Email randy@berryproperties.biz  
 Signature [Signature]  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: 1/23/23  
[Signature]  
 Notary Public



Present Zoning District G-c Requested Zoning LI  
 Acreage .86 Land Lot(s) 632 District(s) \_\_\_\_\_ Section(s) \_\_\_\_\_  
 Location of Property: 405 B Old Mill Rd Parcel ID No. C022-0004-027  
(street address, nearest intersections, etc.)  
 Reason for Rezoning Request: Match Adj Properties  
 \_\_\_\_\_  
 (attach additional statement as necessary)

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



**MASSEY SURVEYING INCORPORATED**  
 P.O. Box 8821  
 Columbus, Georgia 31903  
 Phone/Fax: 706-409-0545  
**PROFESSIONAL LAND SURVEYING SERVICES**



**GENERAL NOTES:**

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1" IN 20,250 FEET AND AN ANGULAR ERROR OF 03" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.
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MAGNETIC NORTH  
 REF. PLAT BOOK 55, PAGE 113

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CHD	= CHORD LENGTH	DI	= DROP INLET
ARC	= ARC LENGTH	JB	= JUNCTION BOX

**RETRACEMENT SURVEY FOR:  
 BERREY PROPERTIES, INC.**  
 LOCATED IN LAND LOT 632  
 4th DISTRICT, 3rd SECTION  
 CITY OF CARETERSVILLE  
 BARTOW COUNTY, GEORGIA



**CAMPAIGN DISCLOSURE REPORT**  
**FOR ZONING 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: 1-12-23

Date Two Years Prior to Application: 1-12-21


Date Five Years Prior to Application: 1-12-18

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	_____	_____ ✓
Council Member:		
Ward 1- Kari Hodge	_____	_____ ✓
Ward 2- Jayce Stepp	_____	_____ ✓
Ward 3- Cary Roth	_____	_____ ✓
Ward 4- Calvin Cooley	_____	_____ ✓
Ward 5- Gary Fox	_____	_____ ✓
Ward 6- Taff Wren	_____	_____ ✓
Planning Commission		
Lamar Pendley, Chair	_____	_____ ✓
Anissa Cooley	_____	_____ ✓
Fritz Dent	_____	_____ ✓
Greg Culverhouse	_____	_____ ✓
Jeffery Ross	_____	_____ ✓
Stephen Smith	_____	_____ ✓
Travis Popham	_____	_____ ✓

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.

\_\_\_\_\_

  
 Signature 1-12-23  
Date  
Randy Boney  
 Print Name

\* Meeting Change. The City Council second reading on April 6th at 7pm will be held at the Public Safety Office. 195 Cassville Rd. 30120.





## PLANNING COMMISSION ITEM SUMMARY

<b>MEETING DATE:</b>	March 7th, 2023
<b>SUBCATEGORY:</b>	Zoning
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	Z23-02. 8 Mimosa Terrace. Applicant: William Moore
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	<p>Applicant requests a change in zoning from R-15 (Single Family Residential) to G-C (General Commercial) for approximately 0.5 acres located at 8 Mimosa Terrace in Land Lot 241 of the 4th District, 3<sup>rd</sup> Section. Tax ID No. C030-0007-007. The applicant proposes to open a hair salon studio on the property. Hair salons are not allowed in the R-15 zoning district. Various home occupations have been allowed previously.</p> <p>Staff does not oppose the rezoning if the following conditions are included with an approval:</p> <ol style="list-style-type: none"> <li>1. A natural or planted landscape buffer remain in place along the adjacent residential use properties.</li> <li>2. Hours of operation are limited to reasonable and customary hours.</li> <li>3. All G-C uses except "Offices, General" and "Barber Shops and Beauty Salons" are prohibited.</li> </ol>
<b>LEGAL:</b>	N/A

**ZONING SYNOPSIS**

Petition Number(s): **Z23-02**

**APPLICANT INFORMATION AND PROPERTY DESCRIPTION**

Applicant: **William Donald Moore**

Representative: **Jessica King, Esq. Tilley, Deems and Trotter**

Property Owner: **William Donald Moore**

Property Location: **8 Mimosa Terrace. Tax ID C030-0007-007**

Access to the Property: **Mimosa Terrace**

**Site Characteristics:**

Tract Size: Acres: **0.626** District: **4<sup>th</sup>** Section: **3<sup>rd</sup>** LL(S): **241**

Ward: **1** Council Member: **Kari Hodge**

**LAND USE INFORMATION**

Current Zoning: **R-15 (Single Family Residential)**

Proposed Zoning: **G-C (General Commercial)**

Proposed Use: **Hair Salon**

Current Zoning of Adjacent Property:

North: **R-15**

South: **G-C (General Commercial- Profire and PT Solutions)**

East: **H-I (Heavy Industrial- Shaw Industries)**

West: **R-15**

The Future Development Plan designates the subject property as: **Parkway Corridor**

The Future Land Use Map designates the subject property as: **Low and Medium Density Residential**

## **ZONING ANALYSIS**

### **Project Summary:**

The applicant is proposing the rezoning of the 0.626 acre property located at 8 Mimosa Terrace-corner lot at the intersection of Mimosa Terrace and JFH Pkwy (southbound lanes). The lot and original structure are part of the Arthur Smith development constructed c. 1960. This development is identified in the tax records as the (7) properties between the east side of Pine Forrest Rd to JFH Pkwy.

The house has been used for residential purposes, but in recent years, additional buildings have been added to support home occupations. It is possible that not all home occupations have been licensed. Planning and Development is not aware of complaints for any of the home occupations.

The applicant proposes to open a hair salon in this location. Site plans have been submitted that address parking. No stormwater management facilities are required. Low impact uses for the property such as professional offices or a hair salon may be appropriate. Under the current R-15 zoning hair salons are not allowed. A General Commercial zoning district is located across Mimosa Terrace to the south and is a logical extension for the proposed property as long as land uses are limited to low impact uses that have no adverse impacts on the neighboring residential properties or to Mimosa Terrace.

### **City Department Comments**

**Electric:** Takes no exception.

**Fibercom:** Takes no exception.

**Fire:** No comments received.

**Gas:** Takes no exception.

**Public Works:** Takes no exception.

**Water and Sewer:** No comments received.

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

Z23-02

**Public Comments:**

2/20: General Inquiry.

**STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**The adjacent properties are zoned and used for residential. Across JFH Pkwy to the east is Shaw Industries, zoned H-I. The Profire/ PT Solutions building to the south is zoned G-C. The Profire building is currently used for medical offices and office-warehousing.**
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 a new business.**
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 residential property as long as the existing natural buffer is maintained along the east and northern property lines and customary hours of operation are maintained. All parking must be limited to on-site.**
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 (Commercial), but does not conform to the Future Land Use Map (Residential). This discrepancy is likely due to the unknown timing of the residential properties along Joe Frank Harris Pkwy transitioning to commercial uses.**

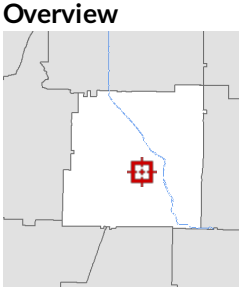
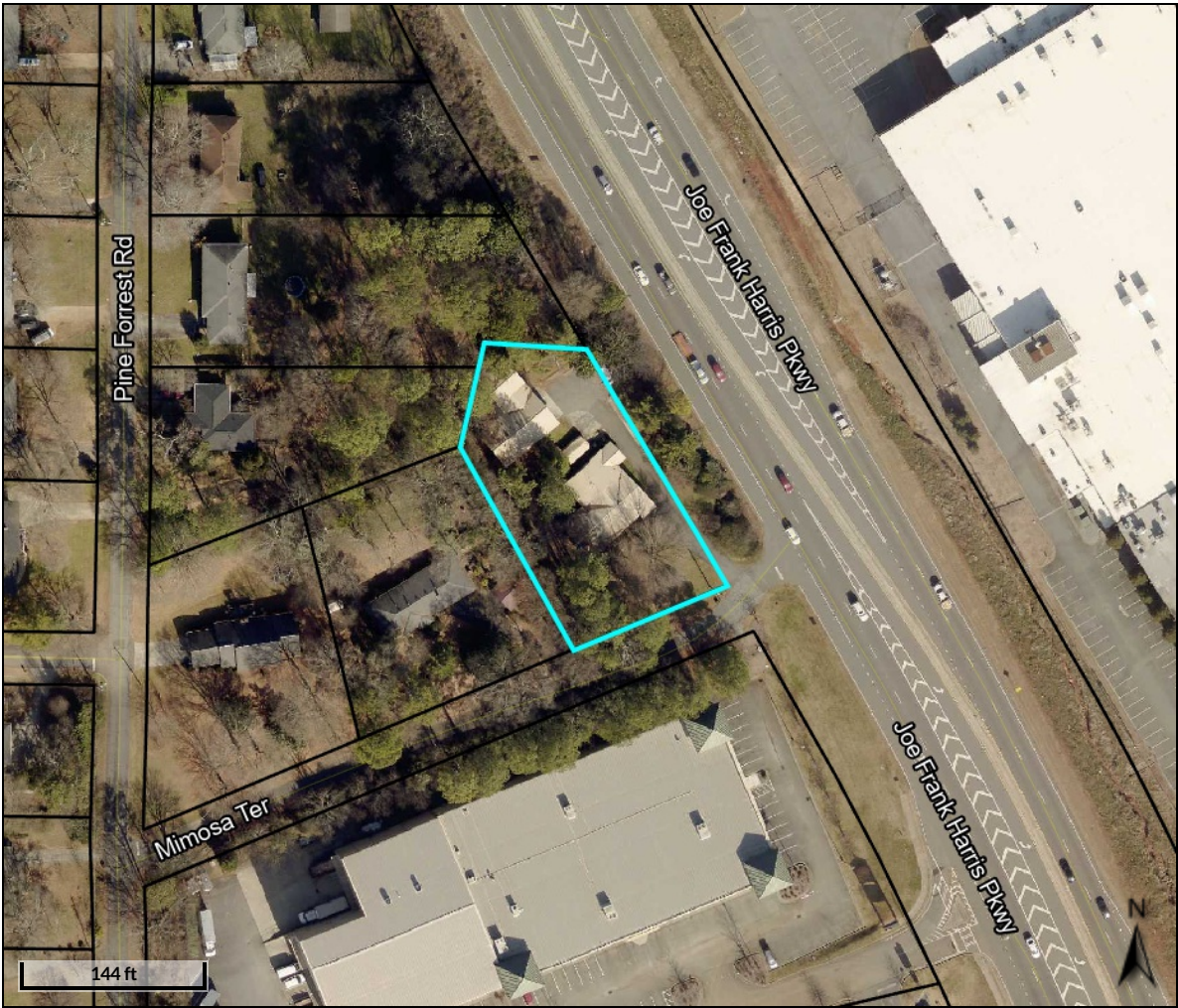
Z23-02

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.*  
**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 conditions are included with an approval:

1. A natural or planted landscape buffer remain in place along the adjacent residential use properties.
2. Hours of operation are limited to reasonable and customary hours.
3. All G-C uses except "Offices, General" and "Barber Shops and Beauty Salons" are prohibited.



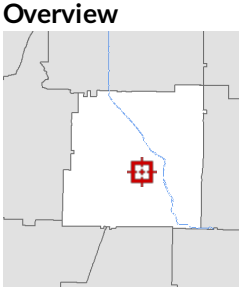
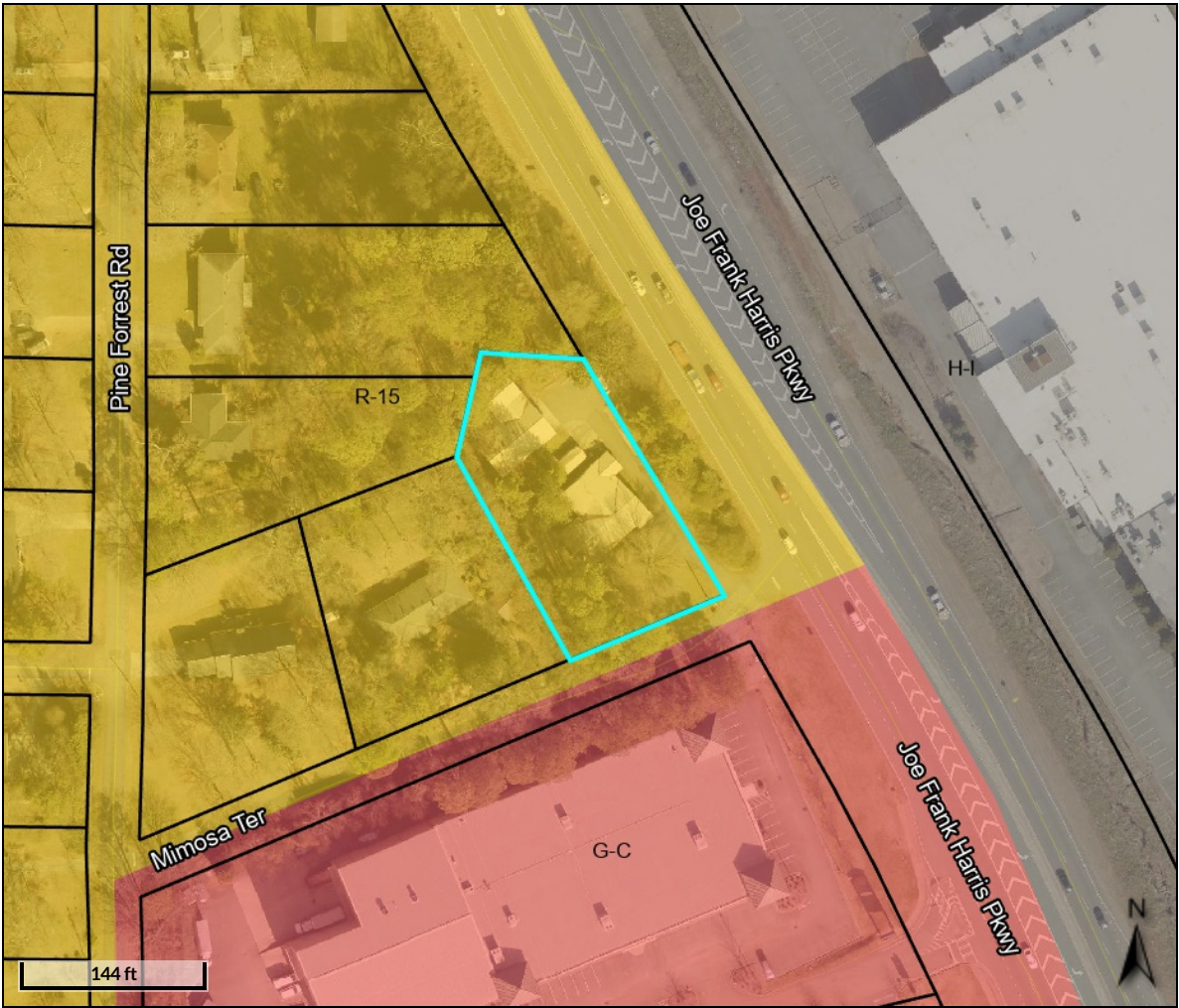
**Legend**  
 Parcels  
 Roads

<b>Parcel ID</b>	C030-0007-007	<b>Alternate ID</b>	35715	<b>Owner Address</b>	HOMES BY T&E LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		1009 N TENNESSEE ST STE B
<b>Property Address</b>	8 MIMOSA TERRACE	<b>Acreage</b>	0.5		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 241 DIST 4 LOT 1 ARTHUR				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 1/30/2023  
 Last Data Uploaded: 1/27/2023 10:10:57 PM

Developed by 





- 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\*
  - RSL

Property Address 8MIMOSA TERRACE Acreage 0.5 CARTERSVILLE, GA 30130  
 District Cartersville  
 Brief Tax Description LL 241 DIST 4 LOT 1 ARTHUR  
 (Note: Not to be used on legal documents)

Date created: 1/20/2023  
 Last Data Updated: 1/27/2023 10:10:57 PM  
 Developed by Schneider GEOSPATIAL

Parcel ID C030-0007-007  
 Sec/Twp/Rng n/a

Alternate ID 35715  
 Class Residential

Owner Address HOMES BY T&E LLC  
 1009 N TENNESSEE ST STE B


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 ~~Annexation~~ Zoning  
City of Cartersville

Case Number: 223-02  
Date Received: 1-20-2023

Public Hearing Dates:

Planning Commission 3-7-2023 5:30pm 1<sup>st</sup> City Council 3-16-2023 7:00pm 2<sup>nd</sup> City Council 4-2-2023 7:00pm

Applicant William Donald Moore Office Phone \_\_\_\_\_  
 (printed name)  
 Address 8 Mimosa Terrace Mobile/ Other Phone 770-979-1038  
 City Cartersville State GA Zip 30120 Email wdmoore1946@yahoo.com  
 Representative's printed name (if other than applicant) Jessica King, Tilley Deems & Trotter Phone (Rep) 770-392-6144  
 Email (Rep) jking@tdhtlaw.com  
 Representative Signature Jessica King Applicant Signature William Donald Moore  
 Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
Cassandra Miller Cassandra Miller  
 Notary Public NOTARY PUBLIC  
 Bartow County  
 State of Georgia  
 My Comm Expires Aug 14, 2023

\* Titleholder William Donald Moore Phone 770-979-1038  
 (titleholder's printed name)  
 Address 125 Simpson Circle NE Email wdmoore1946@yahoo.com  
Cartersville GA 30121  
 Signature William Donald Moore  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: \_\_\_\_\_  
Cassandra Miller Cassandra Miller  
 Notary Public NOTARY PUBLIC  
 Bartow County  
 State of Georgia  
 My Comm Expires Aug 14, 2023

Present Zoning District R-15 Requested Zoning G-C  
 Acreage 0.626 Land Lot(s) 241 District(s) 4 Section(s) 3  
 Location of Property: 8 Mimosa Terrace Parcel ID No. C030-0007-007  
 (street address, nearest intersections, etc.)  
 Reason for Rezoning Request: to convert to business (hair salon)  
 \_\_\_\_\_  
 (attach additional statement as necessary)

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

**CAMPAIGN DISCLOSURE REPORT**  
**FOR ZONING 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: 1/20/2023

Date Two Years Prior to Application: 1/20/2021

Date Five Years Prior to Application: 1/20/2018

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:

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

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.

William Donald Moore      1/20/2023  
 Signature                                      Date  
William Donald Moore  
 Print Name

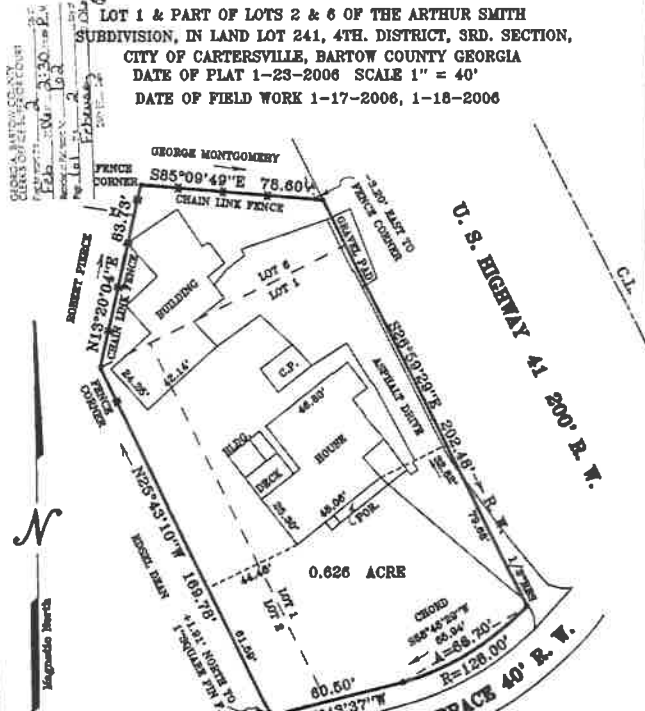


SURVEYED FOR

# JAMES E. REEVES

Item 3.

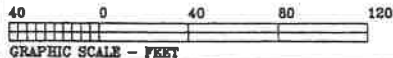
LOT 1 & PART OF LOTS 2 & 6 OF THE ARTHUR SMITH  
 SUBDIVISION, IN LAND LOT 241, 4TH. DISTRICT, 3RD. SECTION,  
 CITY OF CARTERSVILLE, BARTOW COUNTY GEORGIA  
 DATE OF PLAT 1-23-2006 SCALE 1" = 40'  
 DATE OF FIELD WORK 1-17-2006, 1-18-2006



FIELD DATA  
 CLOSURE: 1" IN 24,500'  
 EQUIPMENT: TOPCON GTS-303  
 ANGULAR ERROR 06" PER ANGLE POINT  
 BEARINGS AND MAG. CAL. FROM ANGLES  
 TURNED.  
 ADJUSTED USING LEAST SQUARES  
 PLAT CLOSURE 1" IN 100,000'

"FEMA FLOOD HAZARD MAP" 13015C0067 F  
 DATED SEPTEMBER 29, 1989, SHOWS THIS  
 PROPERTY OUT OF FLOOD ZONE.

NOTE: THIS PLAT IS MADE FOR THE SOLE USE AND  
 BENEFIT OF THE PERSON OR PERSONS NAMED HEREON.  
 THIS FIRM ASSUMES NO LIABILITY TO PERSONS NOT  
 NAMED HEREON AND ANY USE BY UNNAMED PARTIES  
 WILL BE DONE AT THEIR OWN RISK.



0.626 ACRE  
 CROWN  
 S88°48'23"W  
 96.94'  
 Δ=88.720'  
 R=128.00'  
 MIMOSA TERRACE 40' R. W.



*Johnny R. Knight*  
 Johnny R. Knight

KNIGHT & KNIGHT LAND SURVEYORS, LLC  
 116 CENTER ROAD  
 CARTERSVILLE, GEORGIA 30121  
 TELEPHONE (770) 368-7976  
 or (770) 582-6525

# Conformity Statement

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 15-6-67.

*[Signature]*  
 KEVIN COONEY - GA PLS 2980



## REZONING EXHIBIT FOR: DONALD MOORE

LOCATED IN LAND LOT 241  
 4th DISTRICT, 3rd SECTION  
 CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

DATE: FEB. 23, 2023 REV: JOB NO: 23021-4

DATE OF FIELDWORK: FEB. 17, 2023

DRAWN BY: JPC CHECKED BY: KNC APPROVED BY: KNC

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT.



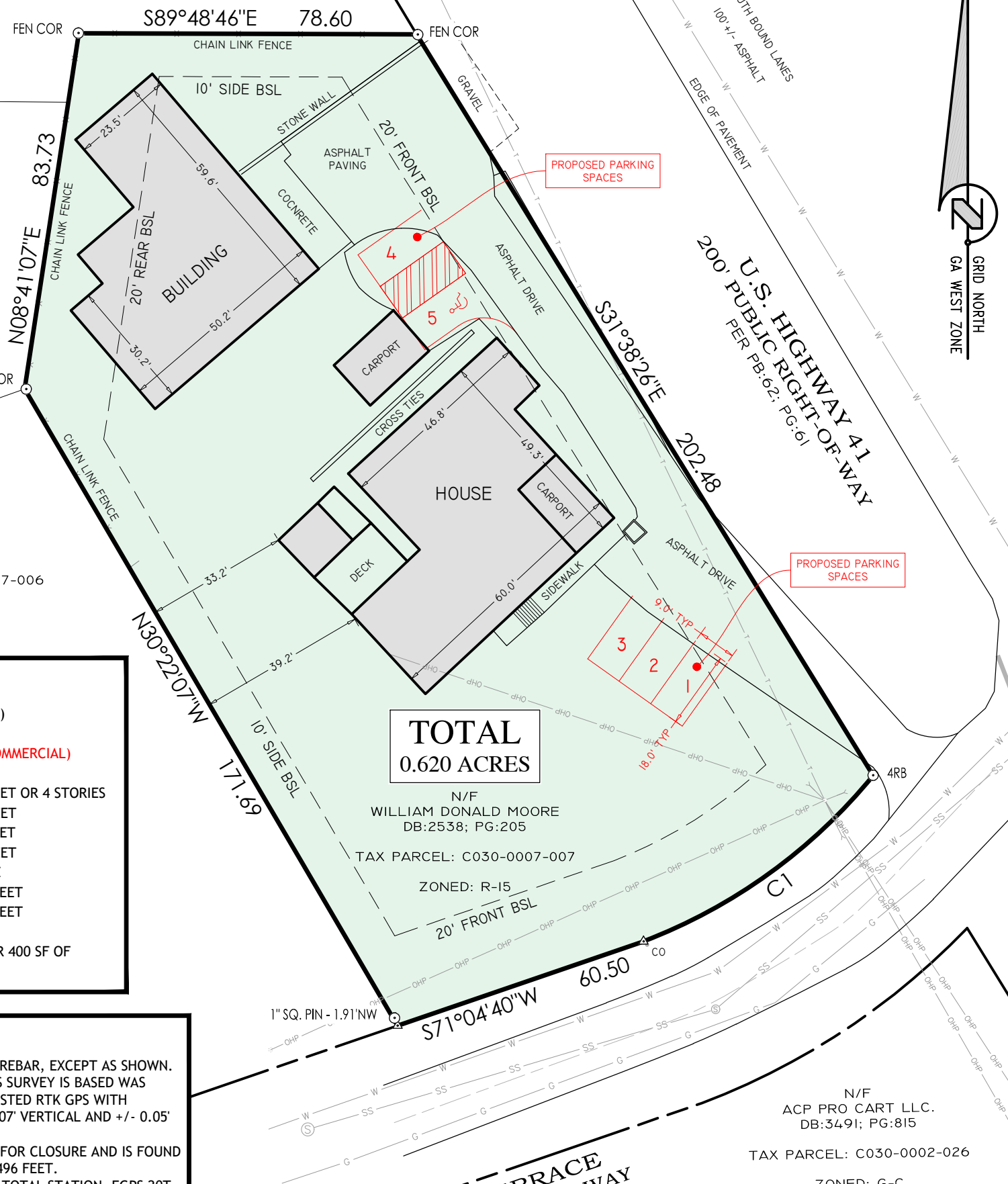
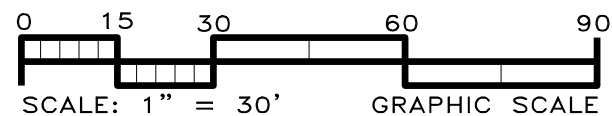
N/F  
 LILIA DE LA CRUZ RAMIREZ  
 DB:2822; PG:443  
 TAX PARCEL: C030-0007-003  
 ZONED: R-15

N/F  
 SUSAN E. PIERCE  
 DB:2958; PG:2  
 TAX PARCEL: C030-0007-004  
 ZONED: R-15

N/F  
 EDESEL W. DEAN  
 DB:106; PG:596  
 TAX PARCEL: C030-0007-006  
 ZONED: R-15

N/F  
 WILLIAM DONALD MOORE  
 DB:2538; PG:205  
 TAX PARCEL: C030-0007-007  
 ZONED: R-15

N/F  
 ACP PRO CART LLC.  
 DB:3491; PG:815  
 TAX PARCEL: C030-0002-026  
 ZONED: G-C



**TOTAL  
 0.620 ACRES**

### Zoning Notes

- CURRENT ZONING: R-15 (RESIDENTIAL)  
 PROPOSED ZONING: G-C (GENERAL COMMERCIAL)
- A. HEIGHT REGULATION: 60 FEET OR 4 STORIES
  - B. FRONT SETBACK: 20 FEET
  - C. SIDE SETBACK: 10 FEET
  - D. REAR SETBACK: 20 FEET
  - E. MIN. LOT AREA: NONE
  - F. MIN. LOT FRONTAGE: 110 FEET
  - G. MIN. LOT WIDTH: 100 FEET

PARKING REQUIREMENTS: 1 SPACE PER 400 SF OF GROSS FLOOR AREA.

### General Notes

- ALL PROPERTY CORNERS ARE 1/2" REBAR, EXCEPT AS SHOWN.
- THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS COLLECTED USING NETWORK ADJUSTED RTK GPS WITH POSITIONAL ACCURACIES OF +/- 0.07' VERTICAL AND +/- 0.05' HORIZONTAL.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 37,496 FEET.
- EQUIPMENT USED: TOPCON 3005W TOTAL STATION, EGPS 20T BASE AND ROVER, WITH DATA COLLECTOR.
- RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.
- THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND IS SUBJECT THERETO. THEREFORE, THERE MAY EXIST ENCUMBRANCES WHICH AFFECT THE PROPERTY NOT SHOWN HEREON.

CURVE TABLE				
CURVE	LENGTH	RADIUS	DIRECTION	CHORD
C1	66.69	128.00	S54°07'32"W	65.94

⊙ = IRON PIN FOUND	⊕ = DOUBLE WING CATCH BASIN	⊗ = GAS VALVE	⊙ = SEWER MANHOLE	⊕ = POWER POLE
⊠ = CONCRETE MONUMENT FOUND	⊕ = SINGLE WING CATCH BASIN	⊕ = GAS METER	⊙ = CLEAN OUT	⊗ = GUY WIRE
● = IRON PIN PLACED	⊙ = JUNCTION BOX	⊕ = TELEPHONE MANHOLE	⊕ = WATER VALVE	⊕ = ELECTRIC METER
△ = BREAK POINT	⊕ = CURB INLET	⊕ = ELECTRIC MANHOLE	⊕ = WATER METER	⊕ = TRANSFORMER
⊕ = PHOTO REFERENCE	⊕ = YARD INLET	⊕ = TELEPHONE PEDESTAL	⊕ = FIRE HYDRANT	⊕ = LIGHT POLE
⊕ = EXCEPTIONS	⊕ = DROP INLET	⊕ = SIGN	⊕ = IRRIGATION CONTROL VALVE	⊕ = FLOW ARROW
⊕ = PARKING BOLLARD	⊕ = HEADWALL	⊕ = BENCHMARK	⊕ = WELL	⊕ = MAILBOX
— = STORM PIPE	— = OVERHEAD POWER	— = WATER LINE	— = COMMUNICATION LINE	
— = SEWER PIPE	— = FENCE LINE	— = GAS LINE	— = UNDERGROUND POWER	

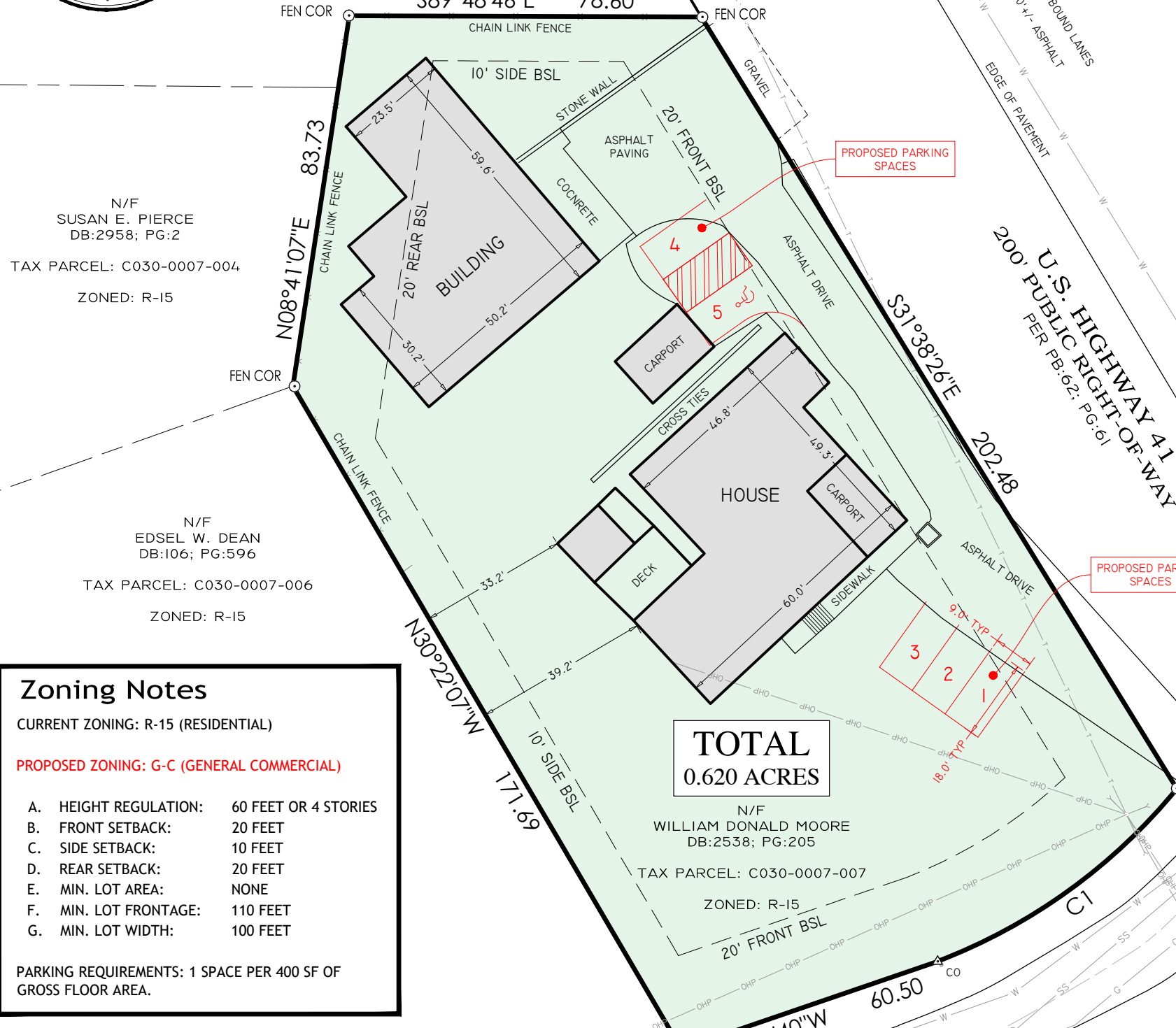


TAX PARCEL: C030-0007-003

ZONED: R-15

SCALE: 1" = 30'

GRAPHIC SCALE



### Zoning Notes

CURRENT ZONING: R-15 (RESIDENTIAL)

**PROPOSED ZONING: G-C (GENERAL COMMERCIAL)**

- A. HEIGHT REGULATION: 60 FEET OR 4 STORIES
- B. FRONT SETBACK: 20 FEET
- C. SIDE SETBACK: 10 FEET
- D. REAR SETBACK: 20 FEET
- E. MIN. LOT AREA: NONE
- F. MIN. LOT FRONTAGE: 110 FEET
- G. MIN. LOT WIDTH: 100 FEET

PARKING REQUIREMENTS: 1 SPACE PER 400 SF OF GROSS FLOOR AREA.

**TOTAL**  
0.620 ACRES

N/F  
WILLIAM DONALD MOORE  
DB:2538; PG:205

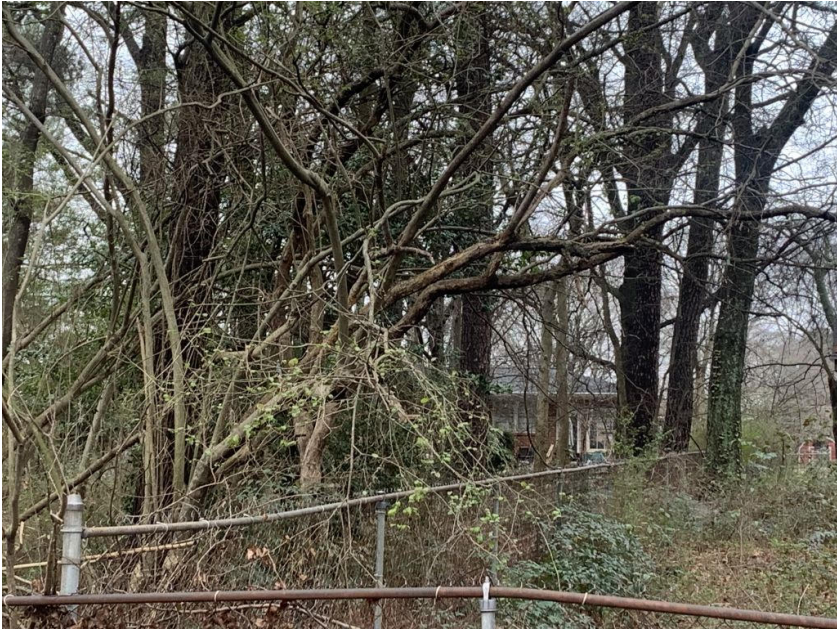
TAX PARCEL: C030-0007-007

ZONED: R-15

### General Notes

1. ALL PROPERTY CORNERS ARE 4/32" REBAR, EXCEPT AS SHOWN











\* Meeting Change. The City Council second reading on April 6th at 7pm will be held at the Public Safety Office. 195 Cassville Rd. 30120.