



# CARTERSVILLE PLANNING COMMISSION MEETING

Council Chambers, Third Floor of City Hall  
Tuesday, July 12, 2022 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 Hardegee

### ASSISTANT CITY ATTORNEY:

Keith Lovell

### CALL TO ORDER

### ROLL CALL

### APPROVAL OF MINUTES

1. May 10, 2022

### ZONINGS

2. Z22-02. 6 Smith Rd Applicant: Jenny Smith

### SPECIAL USE PERMIT

3. SU22-02. 40 Curtis Ct. Applicant: Andrew Schultz

### STAFF OR COMMITTEE COMMENTS

### ADJOURNMENT

**\* City Council 1st Reading: July 21, 2022 Council Chambers. 3rd fl City Hall.**

**\*\* City Council 2nd Reading (Final Action): August 4, 2022 Council Chambers. 3rd fl City Hall.**

The next meeting of the Planning Commission will be August 9, 2022

*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>	June 14, 2022
<b>SUBCATEGORY:</b>	Minutes
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	May 10, 2022
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	The minutes from the May 10, 2022 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, May 10, 2022, at 5:30 p.m. in the City Hall Council Chambers.

Present: Lamar Pendley, Jeffery Ross, Greg Culverhouse, Steven Smith, Travis Popham, and Fritz Dent  
 Absent: Harrison Dean  
 Staff Members: Randy Mannino, Samantha Fincher, David Hardegree, Zack Arnold, and David Archer

### CALL TO ORDER: 5:30 PM

### ROLL CALL

Chairman Pendley stated to the audience that the Planning Commission is a recommending body only and that for all cases heard, recommendations would be forwarded to City Council for consideration.

### APPROVAL OF MINUTES

#### 1. April 12, 2022, Meeting Minutes

Chairman Pendley called for a motion on the April 12, 2022 meeting minutes.

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

### PREVIOUS ZONING CASE UPDATE- ZMA22-01

David Hardegree, Planning and Development Assistant Director, stated that the Annual Zoning Map Amendment ZMA22-01 was approved by City Council on May 5, 2022.

### DE-ANNEXATION

#### 2. AZ22-02. De-annex 3.23 acres. Zoning is R-10 with conditions. Applicant: CAE, LLC

Mr. Hardegree stated the applicant is requesting to de-annex property identified as Parcel No. C108-0002-014 which contains 3.23 acres into Bartow County to support a mixed-use residential development planned on parcel, 0078-0101-001, and zoned R-3CU (Bartow County). It has been properly posted and advertised. City staff does not object to the de-annexation request. The Gas Department has requested an executed utility easement to accommodate a future natural gas main extension prior to City Council's decision on the de-annexation.

Chairman Pendley opened the public hearing.

Karl Lutjens, Engineer, 114 Old Mill Road, came forward and stated the developer does not object to providing a necessary easement for the gas line on the property but would like to reserve the right to choose the location of the easement.

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

Board Member Smith made a motion to approve the de-annexation of 3.23 acres. Location of easement subject to the developer. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 5-0.

Board Member Culverhouse made a motion to amend the motion to include that the easement is no wider than 20 feet. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 5-0.

## ZONINGS

### 3. **Z22-01. Rezone 103.85 acres from R-20 to RA-12. Applicant: Prime Engineering, Inc.**

Mr. Hardegree stated the applicant is requesting the rezoning of Parcel No. C108-0001-001 which contains 103.85 acres from R-20 (Single Family Residential) to RA-12 (Single Family Residential, Attached) for the development of 199 townhomes. It has been properly posted and advertised. The number of bedrooms is unknown, which could be a concern for the School Board. Public Works does not support this project. Due to water service restrictions above the 1100 ft. elevation, development is limited to the southern half of the property. Conditions have been proposed by staff.

Chairman Pendley opened the public hearing.

Justin Parker, Prime Engineering, 3715 Forsyth Ave, Macon, Georgia came forward to present a slide show and answer questions from the Board. He proposed to develop 35 of the 103.85 acres. The development would include 7 units per acre, a minimum 2,000 square foot lot, 34 buildings, and 199 units.

Harrison Merrill, Jr., owner/developer, 8000 Capps Ferry Rd, Douglasville, Georgia came forward to answer questions from the Board. He stated the number of bedrooms per unit is undecided at this time but estimated it would be 50/50 2-3 bedrooms. The development would include a pool, clubhouse, and sports lawn.

Robert Walker, Representative for Tilley Properties, 15 S. Public Square, came forward to request that the owner/developer is required to leave in place the unnamed county service road on property identified as Tax Parcel C108-0001-001 and access to Center Road from adjoining properties, identified as Tax Parcel ID Nos. 0078-0172-001 and 0078-0101-001, or to provide an alternative solution for access to Center Road for said adjoining properties.

Sherry Rys, 22 Canyon Trail, came forward to oppose, concerned about traffic and safety.

Ann Byrne, 15 Everest Drive, came forward to oppose, concerned about traffic and safety.





## PLANNING COMMISSION ITEM SUMMARY

<b>MEETING DATE:</b>	July 12th, 2022
<b>SUBCATEGORY:</b>	Rezoning
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	Z22-02. 6 Smith Rd Applicant: Jenny Smith
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	Applicant requests rezoning of 5.53 acres from R-7 & R-15 (Single Family Residential) to MU (Multiple Use).
<b>LEGAL:</b>	N/A

**ZONING SYNOPSIS**

Petition Number(s): **Z22-02**

**APPLICANT INFORMATION AND PROPERTY DESCRIPTION**

Applicant: **Jenny Smith**

Representative: **Same**

Property Owner: **Jenny Smith**

Property Location: **6 Smith Rd.**

Access to the Property: **N. Tennessee St.**

**Site Characteristics:**

Tract Size: Acres: **5.53** District: **4<sup>th</sup>** Section: **3<sup>rd</sup>** LL(S): **194**

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

**LAND USE INFORMATION**

Current Zoning: **R-7 & R-15 (Single Family Residential);**

Proposed Zoning: **M-U (Multiple Use)**

Proposed Use: **Primary use to remain residential. Subdivide and use one structure as an office/retail space.**

Current Zoning of Adjacent Property:

North: **M-U and R-15**

South: **R-15 and O-C (Office Commercial)**

East: **R-7 and R-15**

West: **O-C and P-S (Professional Services)**

The Future Development Plan designates the subject property as: **Tennessee Street Corridor and Transitional Use.**

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

## **ZONING ANALYSIS**

### **Project Summary:**

The applicant is requesting the rezoning of property located at 6 Smith Rd from R-7 and R-15 (Single Family Residential) to M-U (Multiple-Use) in order to provide a professional office space. There are two residential structures on site identified as 6 and 7 Smith Rd. The structure at 6 Smith Rd will continue to serve as a residence. The structure at 7 Smith Rd will be renovated and converted to a professional office space. A floor plan, scope of work and cost estimate are included with the application.

Smith Rd is a private street on an access and utility easement providing access to the property from Tennessee St.

The professional office lot will likely need to be subdivided from the residential lot per zoning ordinance requirements. (Sec. 4.3). Variances could be needed for the subdivision.

### **Sec. 4.3. Every use must be upon a lot.**

*No building or structure may be erected or use established unless upon a lot as defined by this chapter unless otherwise noted.*

### **City Department Comments**

**Electric:** The Electric System takes no exception to this rezoning case #Z22-02. Any requested upgrades to the electrical service can be address with the contractor during construction. If a meter base location change is desired, we would need to determine the new location ASAP.

**Fibercom:** Takes no exception.

**Fire:** CFD takes no exceptions to the rezoning request for 6 Smith Rd. to MU zoning provided all city adopted codes and ordinances are followed.

**Gas:** Takes no exception.

**Public Works:** No comments for rezoning purposes. However, they may have some issues when they have to permit it in regards to access.

**Water and Sewer:** See attachment dated 6-2-22

### **Public Comments:**

6/22: Michael Willerson. Adjacent property owner at 216 Wildwood Dr. General Inquiry. Concerns about future development. Invited to attend meeting.



6/24: Jessica Withrow with the law office of Ms. Leslie Simmons requested a copy of the zoning application. It was forwarded via email. Ms. Simmons is the adjacent property owner at 1103 N. Tennessee St.

**STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**Due to the unusual shape of the subject property, the property abuts other properties ranging from residential to office to commercial. The office/ commercial properties and uses front Tennessee St. Any new office use on the subject property may require planted buffers adjacent to residential properties or uses.**
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 provides land use options for the owner.**
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 office/commercial use properties as long as the proposed use does not generate a burdensome number of vehicular trips or increase the residential unit density.**
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 owners or property use. The narrow access easement for Smith Rd may complicate access to an office use if a high traffic count is generated by the office use.**
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 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.*  
**Development resulting from an approved zoning proposal would be required to meet all local, state, and federal environmental and development regulations. A subdivision plat and site plan approval may be required for an office and/ or retail use.**
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 use should not burden existing streets, transportation facilities 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. The following zoning conditions should be considered:**

Land uses should be limited to single family residential, office or retail.

Office and/ or retail uses should be limited to 7 Smith Rd or a new building not to exceed the area or height of the building at 7 Smith Rd.

The rezoning may be conditioned to the proposed floor plan, scope of work and associated cost estimate for 7 Smith Rd. included with the application.

### **PLANNING COMMISSION RECOMMENDATION:**

Date: June 2, 2022

## WATER DEPARTMENT ANNEXATION/ZONING REVIEW COMMENTS

Zoning Petition Number: Z22-02      Applicant: Jenny Smith

Location: 6 Smith Road

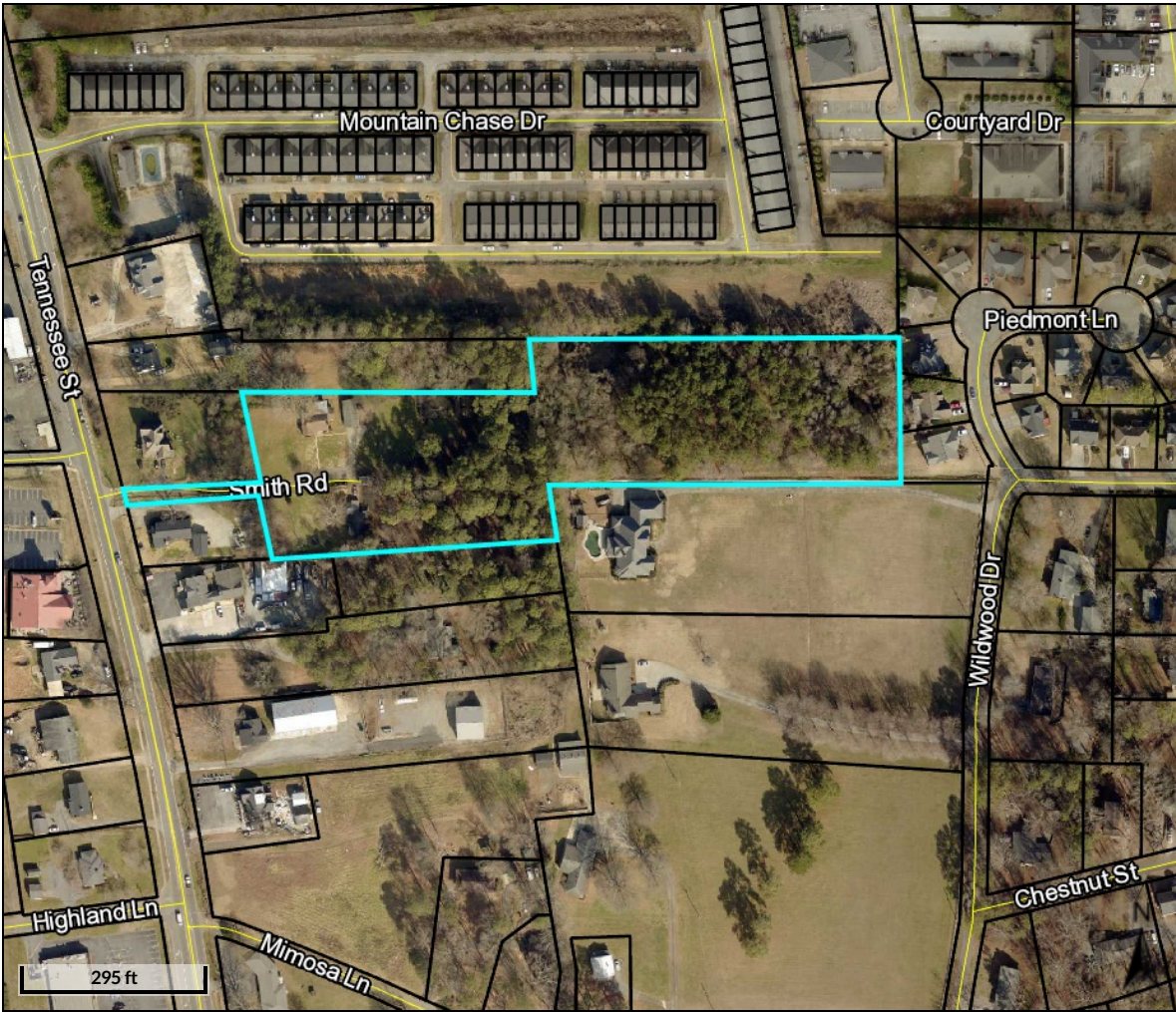
Acreage: 5.53

### WATER SERVICE COMMENTS:

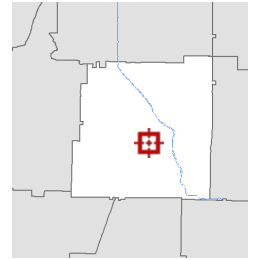
This property is located in the City of Cartersville Water Department's water service area. Any additional meters for service to any new structures on the site will require a water line extension. If existing builds are to be subdivided, any new units created will require a separate water meter. The Owner/Developer will be responsible for all costs for water system improvements and water line extensions necessary to serve the proposed development.

### SEWER SERVICE COMMENTS:

This property is located in the City of Cartersville Water Department's sewer service area. Currently sewer service to the lot does not exist. If the owner desires sewer service they will be responsible for determining if gravity sewer can be extended to the site from the nearest sewer. Gravity sewer service may not be available. The Owner/Developer will be responsible for all costs for extending sewer to the site if it is desired. They will also be responsible for obtaining any necessary easements.



Overview



Legend

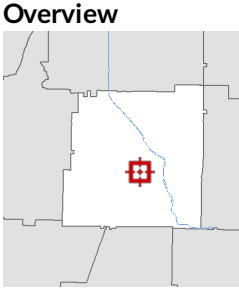
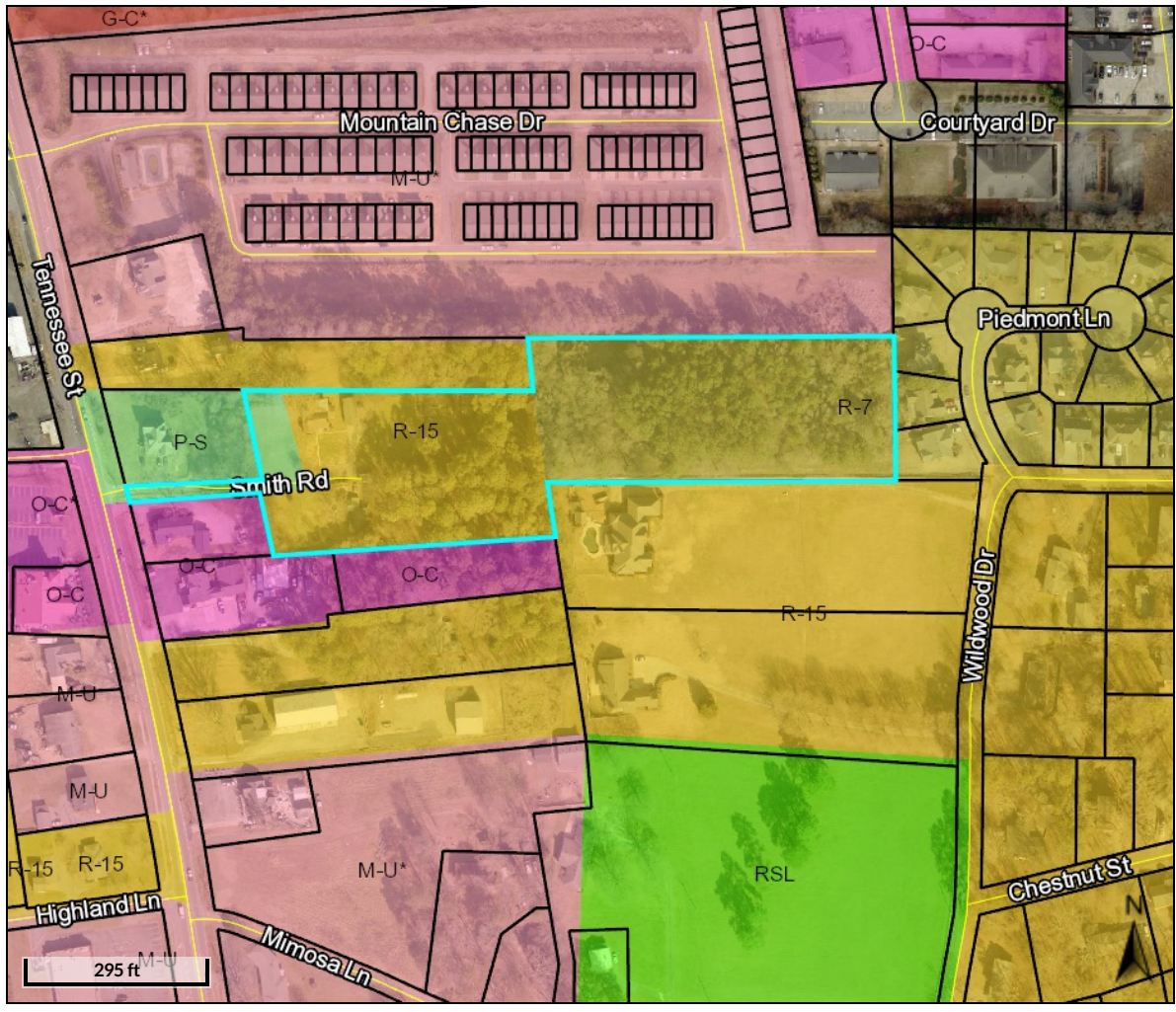
- Parcels
- Roads
- Cartersville Overlay Districts**
- Business Park Overlay District
- Cherokee-Cassvill Historic District
- DBD Historic Distr
- Granger Hill Histor District
- Main Street Overla District
- Olde Town Historic District
- West End Historic District

<b>Parcel ID</b>	C029-0011-002	<b>Alternate ID</b>	35588	<b>Owner Address</b>	SMITH WEBB ALEXANDER
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		6 SMITH RD
<b>Property Address</b>	6 SMITH RD	<b>Acreage</b>	5.47		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL194,239 LD4				

(Note: Not to be used on legal documents)

Date created: 5/25/2022  
 Last Data Uploaded: 5/24/2022 9:38:30 PM

Developed by Schneider  
 GEOSPATIAL



**Application for Rezoning**

City of Cartersville


Case Number: 222-02 Item 2.

Date Received: 5-13-2022

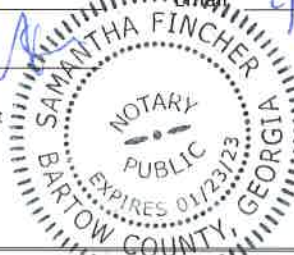
**Public Hearing Dates:**

Planning Commission 7-12-2022 1<sup>st</sup> City Council 7-21-2022 2<sup>nd</sup> City Council 8-4-2022  
5:30pm 7:00pm 7:00pm

Applicant Jenny Smith Office Phone \_\_\_\_\_  
 (printed name)  
 Address 6 Smith Rd. Mobile/ Other Phone 770-402-7984  
 City Cartersville State GA Zip 30120 Email genericjenny@gmail.com  
 Phone (Rep) \_\_\_\_\_  
 Representative's printed name (if other than applicant) \_\_\_\_\_  
 Email (Rep) \_\_\_\_\_  
 Representative Signature \_\_\_\_\_ Applicant Signature Jenny Smith  
 Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: 1/23/23  
Stinner Notary Public



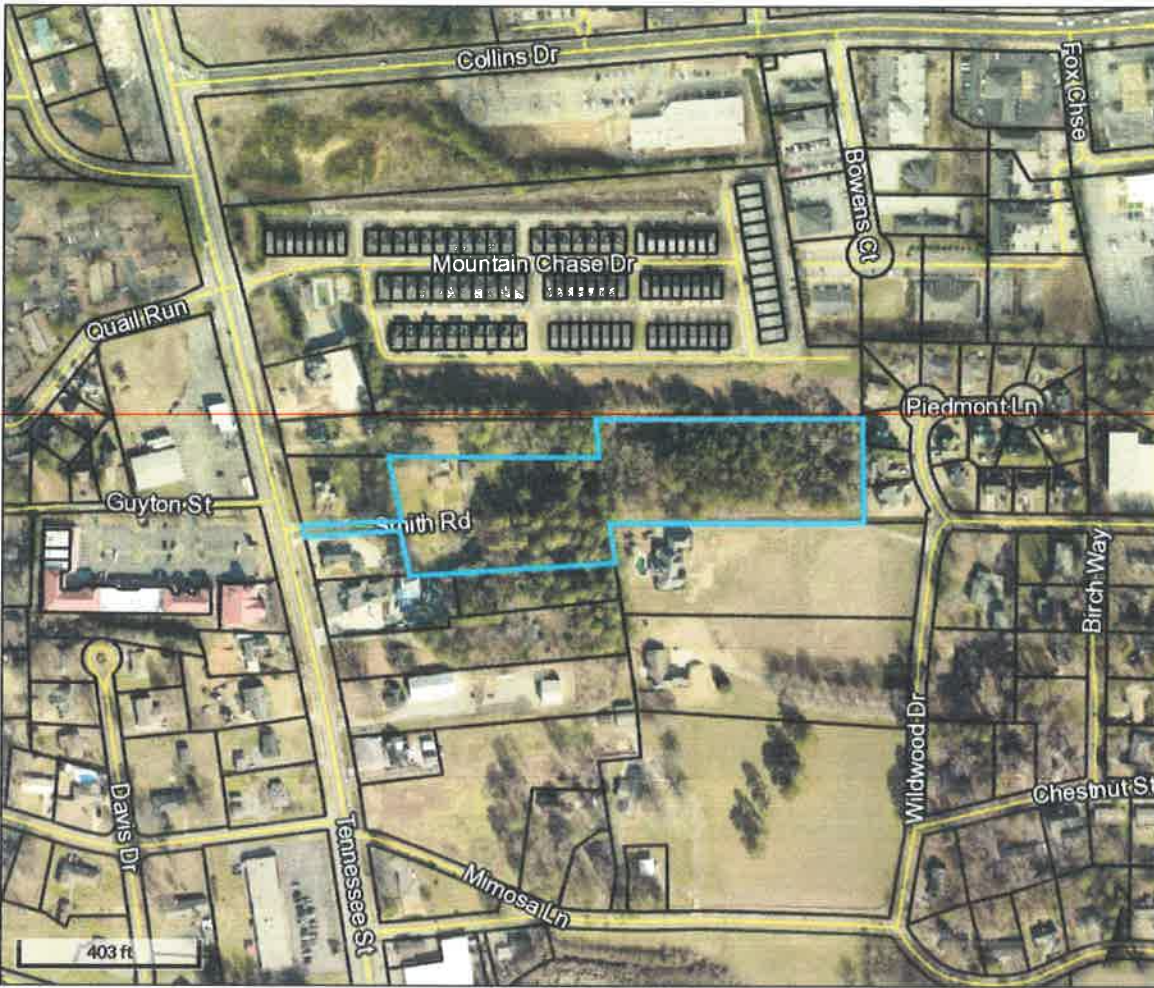
\* Titleholder Jenny Smith Phone 770-402-7984  
 (titleholder's printed name)  
 Address 6 Smith Rd. Email genericjenny@gmail.com  
 Signature Jenny Smith  
 Signed, sealed, delivered in presence of: \_\_\_\_\_ My commission expires: 1/23/23  
Stinner Notary Public



Present Zoning District R15 + R7 Requested Zoning MU  
 Acreage 5.53 Land Lot(s) 194 District(s) 4 Section(s) 3  
 Location of Property: Intersection of Smith Rd. + Tennessee St.  
 (street address, nearest intersections, etc.)  
 Reason for Rezoning Request: We have such a convenient location - we'd love to offer a small house on our property  
 (attach additional statement as necessary)

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





**Legend**  
 □ Parcels  
 — Roads

<b>Parcel ID</b>	C029-0011-002	<b>Alternate ID</b>	35588	<b>Owner Address</b>	SMITH WEBB ALEXANDER
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		6 SMITH RD
<b>Property Address</b>	6 SMITH RD	<b>Acreage</b>	5.47		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL194,239 LD4				

(Note: Not to be used on legal documents)

Date created: 5/16/2022  
 Last Data Uploaded: 5/13/2022 9:52:46 PM

Developed by Schneider  
 GEOSPATIAL





**Legend**  
 □ Parcels  
 — Roads

<b>Parcel ID</b>	C029-0011-002	<b>Alternate ID</b>	35588	<b>Owner Address</b>	SMITH WEBB ALEXANDER
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Residential		6 SMITH RD
<b>Property Address</b>	6 SMITH RD	<b>Acreage</b>	5.47		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL194,239 LD4				

(Note: Not to be used on legal documents)

Date created: 5/16/2022  
 Last Data Uploaded: 5/13/2022 9:52:46 PM

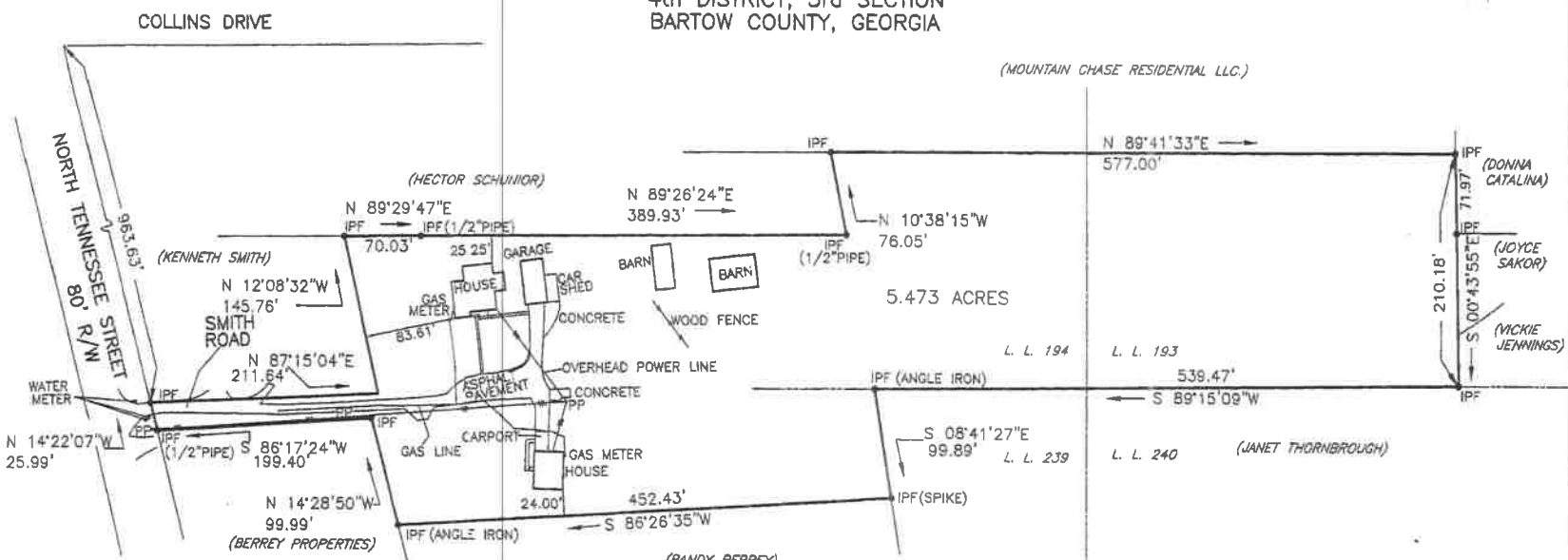
Developed by Schneider  
 GEOSPATIAL

Property #1 **PLAT BOOK 69 PAGE 170**

DEED Book 2330 Page 761  
On 11/20/2008

SURVEY FOR  
THE ESTATE OF  
MARGARET B. SMITH  
PROPERTY IN THE CITY OF CARTERSVILLE  
PROPERTY IN LAND LOTS 193, 194 & 239  
4th DISTRICT, 3rd SECTION  
BARTOW COUNTY, GEORGIA

(MOUNTAIN CHASE RESIDENTIAL LLC.)



5.473 ACRES

FIELD TRAVERSE:  
CLOSURE; ONE FOOT IN 34,460 FEET  
USING A LIETZ SET 3.  
ANGULAR ERROR; 0'00'03\"/>

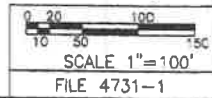
SMITH & SMITH LAND SURVEYORS, P.C.  
2 SOUTH AVENUE, CARTERSVILLE, GA. 30120  
PHONE 770-382-0457  
REGISTERED LAND SURVEYOR No. 1803

GEORGIA, BARTOW COUNTY  
CLERK'S OFFICE SUPERIOR COURT  
Filed for record this 20 day of  
NOV. 20 2008 at 3:23 o'clock P.M.  
Platting in that record No. 109  
Page 170 this 20 day of  
November 20 2008  
GARY BELL, Clerk

4894.CRD 4731-1.DWG  
FLOOD INSURANCE RATE MAP 1301500258 G  
DATED SEPT.28,2007 SHOWS THIS PROPERTY  
IS NOT IN THE 100 YEAR FLOOD ZONE.



NOTE: IRON PINS ARE (1/2\"/>



MAG. NORTH

- |                          |                            |
|--------------------------|----------------------------|
| R/W — RIGHT OF WAY       | R — RADIUS LP — LIGHT POLE |
| IPP — IRON PIN PLACED    | -X-X- FENCE                |
| IPF — IRON PIN FOUND     | — LAND LOT LINE            |
| CM — CONCRETE MARKER     | E — CENTER LINE            |
| CH — CHORD               | — POWER LINE               |
| L OR A — LENGTH OF CURVE | PP — POWER POLE            |



View of 7 Smith Rd. on Aug. 31<sup>st</sup>, 2021  
• newly vacant after tenants left  
• photo taken after start of demo (1 week in)



7 Smith Rd.

photo taken: 4/28/22

Garbage removed, a few trees cleared,  
ground leveled — ready for reno!!

# CONSTRUCTION CONTRACT

**THIS CONSTRUCTION CONTRACT (the "Contract") is dated this 27th day of April, 2022.**

## CLIENT

Jenny Smith  
6 Smith Rd. Cartersville, GA 30120

(the "Client")

## CONTRACTOR

WSM Renovations  
1490 Hwy.411 Cartersville, GA 30120

(the "Contractor")

## BACKGROUND

- A. The Client is of the opinion that the Contractor has the necessary qualifications, experience and abilities to provide services to the Client.
- B. The Contractor is agreeable to providing such services to the Client on the terms and conditions set out in this Contract.

**IN CONSIDERATION OF** the matters described above and of the mutual benefits and obligations set forth in this Contract, the receipt and sufficiency of which consideration is hereby acknowledged, the Client and the Contractor (individually the "Party" and collectively the "Parties" to this Contract) agree as follows:

## \* SERVICES PROVIDED

1. The Client hereby agrees to engage the Contractor to provide the Client with the following services (the "Services"):
  - Renovate existing structure located at 6 Smith Rd. Cartersville, GA 30120.
2. The Services will also include any other tasks which the Parties may agree on. The Contractor hereby agrees to provide such Services to the Client.

## \* TERM OF CONTRACT

3. The term of this Contract (the "Term") will begin on the date of this Contract and will remain in full force and effect until the completion of the Services, subject to earlier termination as provided in this Contract. The Term may be extended with the written consent of the Parties.

## \* PERFORMANCE

4. The Parties agree to do everything necessary to ensure that the terms of this Contract take effect.

# ESTIMATE

**WSM Renovations, LLC**

11 Briar Chase Ct  
White, GA 30184

wsm.renovations@gmail.com

+1 4705121018

Smith, Jenny

**Bill to**

Smith, Jenny  
6 Smith Rd  
Cartersville, Georgia 30120

**Ship to**

Jenny Smith  
6 Smith Rd  
Cartersville, Georgia 30120

**Estimate details**

Estimate no. : 1021  
Estimate date : 04/18/2022  
Expiration date : 04/30/2022

**1. Office Renovations**

\$54,789.28

The following estimate will be for a turn key project. The following breakdown will be a scope of work to be performed:

1. Install a petition wall in the center of big room seperating into 2 units. Opening a 5 foot door from front to rear area.
2. Opening a center walk and mud room with a rear entrance.
- 3 Remove existing bathroom and installing 2 individual baths, one for each unit. Each bath will meet all handicap codes.
4. Removing existing hot water heater and replacing with a tankless water heater.
5. Install all new windows with all necessary modifications as needed.
6. Install new exterior doors.
7. Install a large insulated glass window for each unit. Each window will be retrofit to approximately 4x5. These openings could be adjusted with both parties agreeing on exact size.
8. Upgrading existing electrical to a 200 Amp Service or 2 150 Amp services per code. This would include new fixtures to enhance lighting.
9. A new HVAC system will be installed with all trunk lines inspected and upgraded as needed.
10. Rear gravel parking area for employees with a gravel drive from existing paved road. Also, handicap parking spaces to meet code. Demo existing covered carport.
11. Spread existing dirt at property to create a proper drainage away from structure.
12. All efforts to preserve the existing hardwood floors will be performed. If any areas need replacing, LVP or a form of tile will be installed with agreement from both parties.
13. Build a covered porch 4x4 for all 3 entrance doors.
14. A small break area with cabinet space, countertop and sink in both units.
15. All plumbing for one unit to be used for hair salon. Maximum of three drainage and water supplies.
16. Paint interior with customer supplied colors.
17. Paint exterior brick and trim with customer supplied colors.

The total estimate for all above work \$54,789.28

Please be aware any structural damage not visible could lead to additional cost.

A deposit will be required on the start date of project. This will be discussed upon approval of quote.

**Total**

**\$54,789.28**

Expiry date

04/30/2022



IMAGES TAKEN 6-22-22







View East from midpoint of driveway. 6 Smith Rd is on the left. 7 Smith Rd is on the right ( Under renovation)



House at 6 Smith Rd. Applicant intends to use house as primary residence.



7 Smith Rd.  
Applicant proposes  
use as a  
commercial office.



7 Smith Rd.  
Applicant proposes  
use as a  
commercial office.



View West from midpoint of Smith Rd. towards Tennessee St.



Intersection of Smith Rd at Tennessee St.



## PLANNING COMMISSION ITEM SUMMARY

<b>MEETING DATE:</b>	July 12th, 2022
<b>SUBCATEGORY:</b>	Special Use Permit
<b>DEPARTMENT NAME:</b>	Planning and Development
<b>AGENDA ITEM TITLE:</b>	SU22-02. 40 Curtis Ct. Applicant: Andrew Schultz
<b>DEPARTMENT SUMMARY RECOMMENDATION:</b>	Applicant requests a Special Use Permit to allow Cheerleading/gymnastics facilities and indoor athletic training facilities in the H-I (Heavy Industrial) zoning district.
<b>LEGAL:</b>	N/A

## **SPECIAL USE APPLICATION SYNOPSIS**

Petition Number(s):            **SU22-02**

### **APPLICANT INFORMATION AND PROPERTY DESCRIPTION**

Applicant:                        **Andrew Schultz**

Representative:                **Same**  
Property Owner:                 **Timm Development**  
Property Location:              **40 Curtis Ct. (C046-0001-029)**

Access to the Property:        **Curtis Ct**

#### **Site Characteristics:**

Tract Size: Acres: **1.02**    District: **4<sup>th</sup>** Section: **3rd** LL(S): **660**

Ward: **2**    Council Member: **Jayce Stepp**

### **1.    LAND USE INFORMATION**

Current Zoning:                 **H-I (Heavy Industrial)**

Proposed Zoning:               **H-I w/ SU**

Proposed Use:                  **Cheerleading/gymnastics facilities and indoor athletic training facilities**

Current Zoning of Adjacent Property:

North:                            **H-I (Heavy Industrial)**  
South:                             **H-I (Heavy Industrial)**  
East:                              **H-I (Heavy Industrial)**  
West:                              **H-I (Heavy Industrial)**

The Future Development Map designates the subject property as: **Workplace Center.**

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

## **2. City Department Comments:**

**Electric:** Takes no exception. Not in service area.

**Fibercom:** Cartersville FiberCom has no comment regarding the Special Use Permit request for 40 Curtis Court.

**Fire:** CFD takes no exceptions to the special use request for 40 Curtis Ct. to allow a gymnastics gym provided all city adopted codes and ordinances are met.

**Gas:** Takes no exception.

**Public Works:** No comments received.

**Water and Sewer:** This property is located in the Bartow County Water Department's water service area. Sewer service is provided by septic tank.

**3. Public Comments:** No comments received by Planning and Development as of 6-30-22

## **4. Special Use Review**

The applicant wishes to operate a gymnastics and indoor athletic facility within an existing warehouse building at 40 Curtis Ct. Because of the indoor space requirements, re-use of old industrial/warehouse space can be an ideal conversion for athletic training types of uses that require large, open areas. Similar applications for a pole vault and baseball training facility at 55 Zena Dr, SU 20-03 and SU20-04, were approved 1-7-21. The City allows this use by right in the Light Industrial (L-I) district.

Hours of operation will generally be 4pm-8pm with occasional classes 10am-12pm per the application. Minimal conflicts with hours of operations with adjacent businesses is anticipated.

### **Parking analysis**

Parking will be on site and per shared parking agreements with adjacent businesses. Per off-street parking requirement Sec. 17.6.17 :

*Indoor and outdoor recreational areas (commercial) YMCA, and similar uses. One (1) space for each one hundred fifty (150) square feet of gross floor, building, ground area, or combination devoted to such use.*

Parking requirements for a warehouse operation are 1 space/ 1000sf. per Sec. 17.6.18. Ten (10) spaces were required. Eleven (11) spaces were provided per the 2016 Phase IIB Timm Development site plans.

Existing warehouse sf= 10,000sf. Parking spaces required by Sec 17.6.17: 1/150sf or 67 spaces. Spaces identified on site:

30 Curtis Ct: 33  
40 Curtis Ct: 11  
44 Curtis Ct: 12  
Total: 57.

Remaining required parking can be at loading dock spaces or along curbs. The applicant notes that twenty-four (24) spaces are available at the 40 Curtis Ct. loading dock.

## **5. Zoning Ordinance Findings**

*Please review the following findings, as stated in the Zoning Ordinance, which are to be utilized in determining justification for approval or denial of special use request(s).*

### **B) Article XVI. Special Uses**

#### **Sec. 16.1. Scope and intent.**

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.
- B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

#### **Sec. 16.2. Application of regulations and approval.**

Uses allowable with a Special use and the minimum standards for such uses are listed in section 16.4 of this article.

Uses in the districts enumerated herein may be authorized by Special use only. The regulations contained in this article shall not apply to any permitted use as a matter of right in any zoning district.

Any use which may be authorized by Special use shall be approved by the Mayor and Council in accordance with section 16.1, scope and intent, provided:

- A. The standards for the Special use as specified herein can be met;
- B. Recommendations have been received from the planning and development staff and other appropriate City departments.
- C. A public hearing has been held in relation to the Special use before the Planning Commission in conformance with the advertising standards outlined in article XXIV of this chapter. The Planning Commission shall make recommendations to the Mayor and Council regarding the application for a Special use; and
- D. A public hearing has been held in relation to the Special use before the Mayor and Council in conformance with the advertising standards outlined in article XXIV of this chapter.

### Sec. 16.3. Additional restrictions.

- A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special Use permit:
1. The effect of the proposed activity on traffic flow along adjoining streets;
  2. The availability, number and location of off-street parking;
  3. Protective screening;
  4. Hours and manner of operation of the proposed use;
  5. Outdoor lighting;
  6. Ingress and egress to the property; and
  7. Compatibility with surrounding land use.
- B. Any use which may be authorized by special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

### **6. How General Standards Are Met (Staff Comments below).**

***Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.***

**How Standard #1 has / will be met:** No negative effect to traffic along adjoining streets is expected due to hours of operation. Access will be from Curtis Ct.

***Standard #2: The availability, location, and number of off-street parking.***

**How Standard #2 has / will be met:** Off-street parking is provided. Shared parking agreements are needed.

***Standard #3: Protective screening.***

**How Standard #3 has / will be met:** Not required.

***Standard #4: Hours and manner of operation:***

**How Standard #4 has / will be met:** The applicant has noted they only operate 10am-12pm and 4:00-8:00pm.

***Standard #5: Outdoor lighting***



How Standard #5 has / will be met: None required.

**Standard #6:** Ingress and egress to the property.

How Standard #6 has / will be met: Via Curtis Ct.

**Standard #7:** Compatibility with surrounding land use.

How Standard #7 has / will be met: There is no indication that this will be a shared occupancy scenario within the building footprint unlike the special use cases at 55 Zena Dr. Adjacent uses currently appear to be office and warehouse type operations. Manufacturing operations involving hazardous materials adjacent to the subject property was not identified by the Fire Dept.

**7. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:**

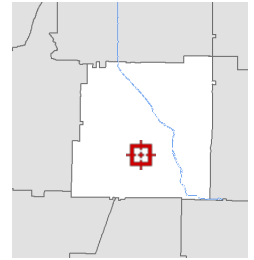
N/A

**8. Staff Recommendation:** No objection to the special use request. All fire and building code requirements need to be met.

**9. Planning Commission Recommendation:**



Overview



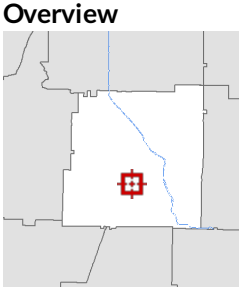
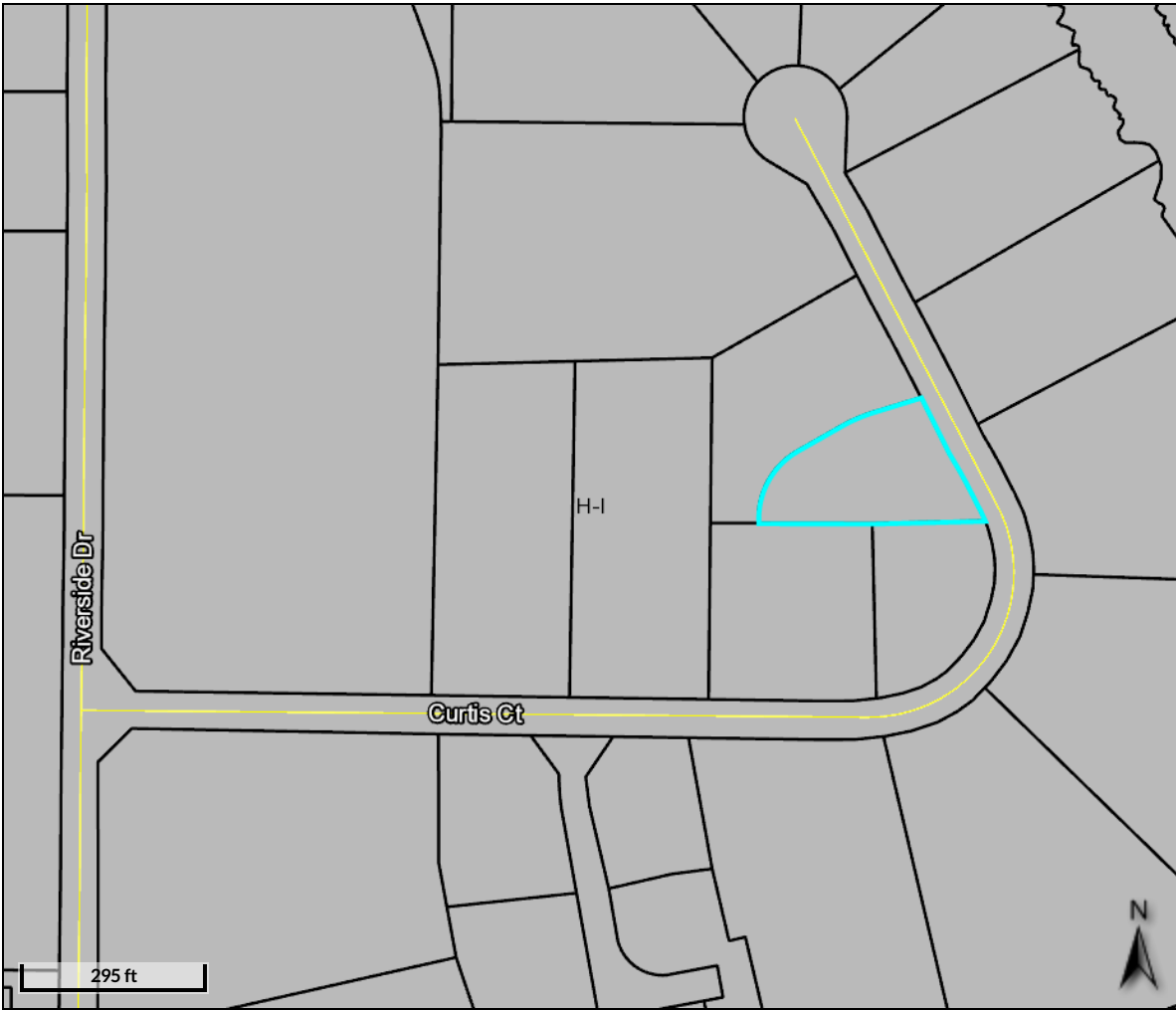
Legend

- Parcels
- Roads

<b>Parcel ID</b>	C046-0001-029	<b>Alternate ID</b>	44344	<b>Owner Address</b>	TIMM DEVELOPMENT LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Industrial		PO BOX 200455
<b>Property Address</b>	40 CURTIS CT	<b>Acres</b>	1.02		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 660 661 708 709 D 4 TRACT 2				
	(Note: Not to be used on legal documents)				

Date created: 7/1/2022  
 Last Data Uploaded: 6/30/2022 10:15:18 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\*
  - RSL

Parcel ID C046-0001-029  
 Sec/Twp/Rng n/a

Alternate ID 44344  
 Class Industrial

Owner Address TIMM DEVELOPMENT LLC  
 PO BOX 200455



**Application for Special Use**  
City of Cartersville

Case Number: SU22-02  
Date Received: 5-13-2022

Item 3.

**Public Hearing Dates:**

Planning Commission 7-12-2022 5:30pm 1<sup>st</sup> City Council 7-21-2022 7:00pm 2<sup>nd</sup> City Council 8-4-2022 7:00pm


Applicant Andrew Schultz Office Phone 770-607-0750  
(printed name)  
 Address 199 Hickory LN Mobile/ Other Phone 404-414-6800  
 City Cartersville State GA Zip 30120 Email andy@stingrayallstars.com

Representative's printed name (if other than applicant) \_\_\_\_\_  
 Phone (Rep) \_\_\_\_\_  
 Email (Rep) \_\_\_\_\_

Representative Signature \_\_\_\_\_ Applicant Signature \_\_\_\_\_

Signed, sealed and delivered in presence of \_\_\_\_\_ My commission expires: 1-27-25

Notary Public \_\_\_\_\_



\* Titleholder Timmy Development Phone 404-392-3684  
(titleholder's printed name)  
 Address 70 Justice Rd Adairsville Email Kevin@premierusa.com  
 Signature \_\_\_\_\_

Signed, sealed, delivered in presence of \_\_\_\_\_ My commission expires: 1-27-25

Notary Public \_\_\_\_\_



Present Zoning District HE Parcel C0460001029  
 Acreage 1.02 Land Lot(s) 660 District(s) 4 Section(s) 3  
 Location of Property: 40 Curtis Ct. Cartersville, GA 30120  
(street address, nearest intersections, etc.)

Reason for Special Use Request: cheerleading/gymnastics facility and indoor athletic training.

(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: 5-13-22

Date Two Years Prior to Application: 5-13-20

Date Five Years Prior to Application: 5-13-17

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:

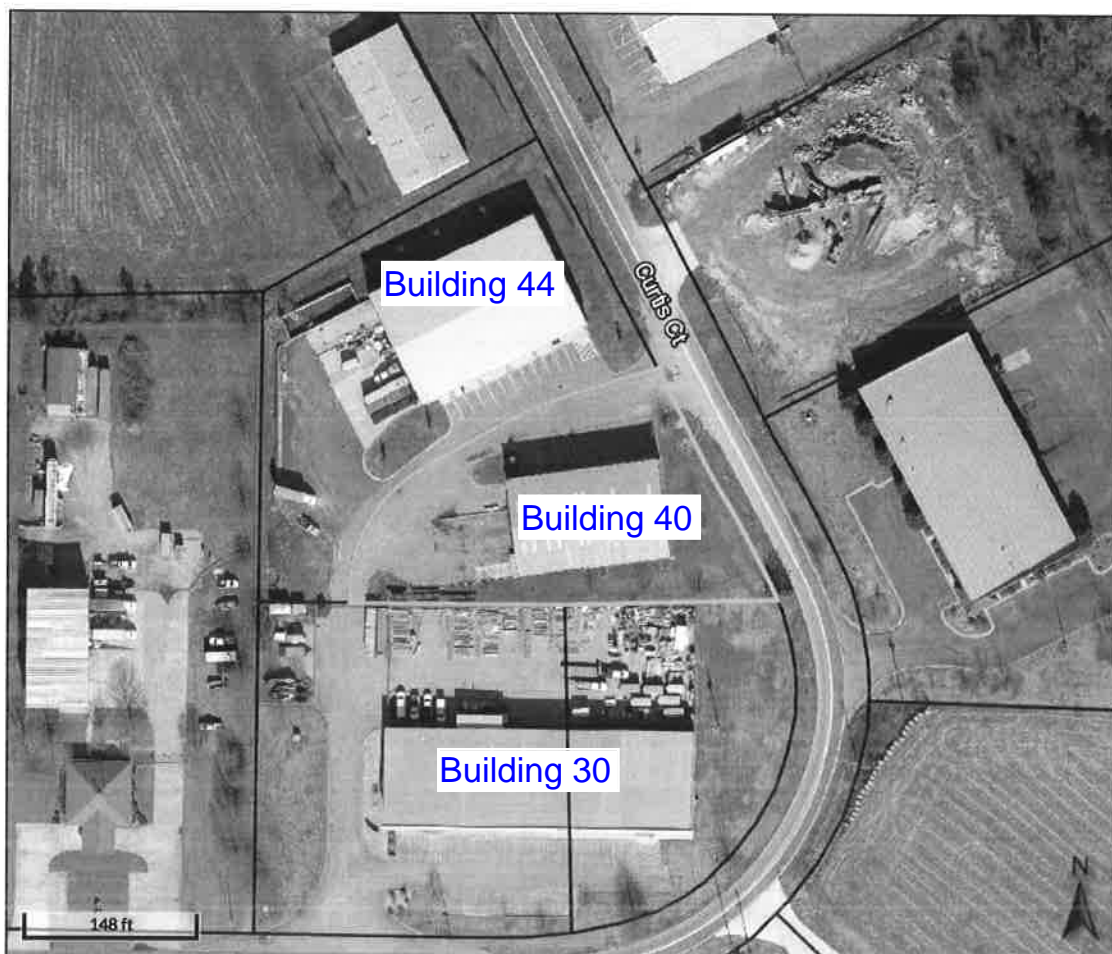
	YES	NO
Mayor: Matt Santini	_____	_____ ✓
Council Member:		
Ward 1- Kari Hodge	_____	_____ ✓
Ward 2- Jayce Stepp	_____	_____ ✓
Ward 3- Cary Roth	_____	_____ ✓
Ward 4- Calvin Cooley	_____	_____ ✓
Ward 5- Gary Fox	_____	_____ ✓
Ward 6- Taff Wren	_____	_____ ✓
Planning Commission		
Greg Culverhouse	_____	_____ ✓
Harrison Dean	_____	_____ ✓
Lamar Pendley	_____	_____ ✓
Open	_____	_____ ✓
Travis Popham	_____	_____ ✓
Jeffery Ross	_____	_____ ✓
Stephen Smith	_____	_____ ✓

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 Date 5-12-22

Andrew Schultz  
Print Name



**Legend**  
□ Parcels  
— Roads

<b>Parcel ID</b>	C046-0001-029	<b>Alternate ID</b>	44344	<b>Owner Address</b>	TIMM DEVELOPMENT LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Industrial		PO BOX 200455
<b>Property Address</b>	40 CURTIS CT	<b>Acreage</b>	1.02		CARTERSVILLE, GA 30120
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL 660 661 708 709 D 4 TRACT 2 (Note: Not to be used on legal documents)				

Date created: 5/11/2022  
Last Data Uploaded: 5/10/2022 9:53:00 PM

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GEOSPATIAL

# SPECIAL USE JUSTIFICATION

The Mayor and City Council, upon review, may authorize a Special Use which is not classified as a permitted use by right in a zoning district.

Zoning Ordinance section 16.3.A

In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:

1. The effect of the proposed activity on traffic flow along adjoining streets;
2. The availability, number and location of off-street parking;
3. Protective screening;
4. Hours and manner of operation of the proposed use;
5. Outdoor lighting;
6. Ingress and egress to the property; and
7. Compatibility with surrounding land use.

Zoning Ordinance section 16.4 states standards for specific uses – if the use you are applying for has additional standards, these must also be addressed below.

Use applied for:

Gymnastics

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met:

Our main business hours are the opposite of "normal" business hours so our traffic flow should not effect adjoining streets.

Standard #2: The availability, number, and location of off-street parking.

How Standard #2 has / will be met:

We will not be using the dock/roll up doors on a regular basis so we will stripe those areas for parking which is 24 spots. There are 10 across the front and 44 Curtis Ct. we can use their 11/12 with handicap after 5:00 pm and the spots at 30 Ct. Ct. → 40 spaces.

Standard #3: Protective screening.

How Standard #3 has / will be met:

Not applicable



5/13/22

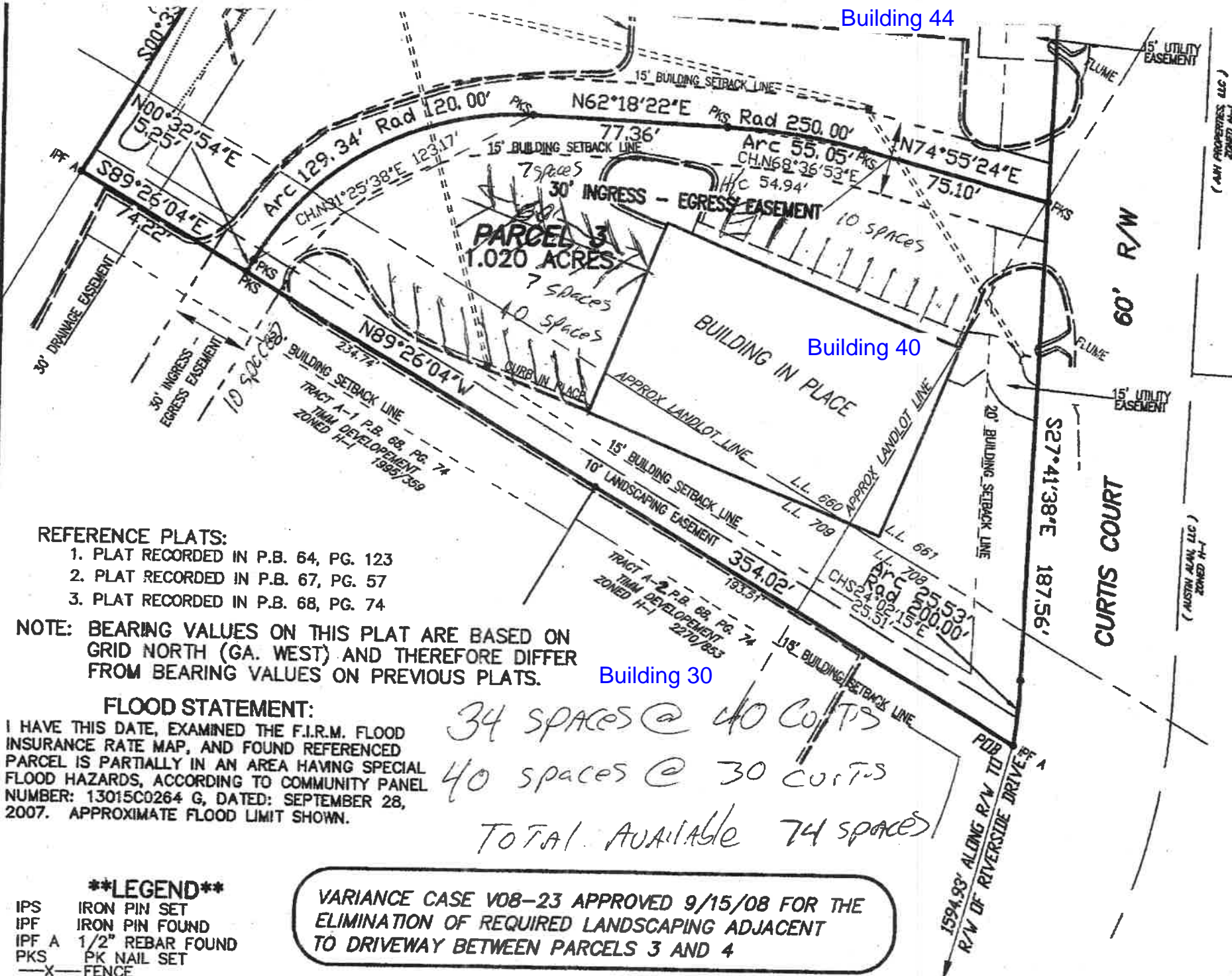
To whom it may concern,

Stingray Gymnastics is filing for an application for Special Use of 40 Curtis Ct. Cartersville, GA 30120. It is zoned for Heavy Industrial use and has been used as a warehouse in the past. Stingray Gymnastics would like to use it as a gymnastics and indoor athletic training facility as listed in section 10.2.2 under Heavy Industrial use regulations. Timm Development and Stingrays Gymnastics are working with the Cartersville City Fire Marshall to follow all City Permits and Regulations.

The building is already set up for all available public utilities. City gas, water and internet and Ga Power for power.

Andy Schultz  
Stingray Gymnastics Owner





REFERENCE PLATS:

- 1. PLAT RECORDED IN P.B. 64, PG. 123
- 2. PLAT RECORDED IN P.B. 67, PG. 57
- 3. PLAT RECORDED IN P.B. 68, PG. 74

NOTE: BEARING VALUES ON THIS PLAT ARE BASED ON GRID NORTH (GA. WEST) AND THEREFORE DIFFER FROM BEARING VALUES ON PREVIOUS PLATS.

FLOOD STATEMENT:

I HAVE THIS DATE, EXAMINED THE F.I.R.M. FLOOD INSURANCE RATE MAP, AND FOUND REFERENCED PARCEL IS PARTIALLY IN AN AREA HAVING SPECIAL FLOOD HAZARDS, ACCORDING TO COMMUNITY PANEL NUMBER: 13015C0264 G, DATED: SEPTEMBER 28, 2007. APPROXIMATE FLOOD LIMIT SHOWN.

\*\*LEGEND\*\*

- IPS IRON PIN SET
- IPF IRON PIN FOUND
- IPF A 1/2" REBAR FOUND
- PKS PK NAIL SET
- X- FENCE
- LL LAND LCT
- CL CENTERLINE

VARIANCE CASE V08-23 APPROVED 9/15/08 FOR THE ELIMINATION OF REQUIRED LANDSCAPING ADJACENT TO DRIVEWAY BETWEEN PARCELS 3 AND 4

May 11, 2022

To Whom it May Concern:

Timm Development LLC., Owner of 30 and 44 Curtis Court will allow Stingrays Gymnastics to park on these properties at any time.

If you have any question, please call me.

Very truly yours,

Timm Development



Kevin Timm  
Owner/CEO  
404-392-3684

**Assessment Notice 2021**

2021 Assessment Notice (PDF)

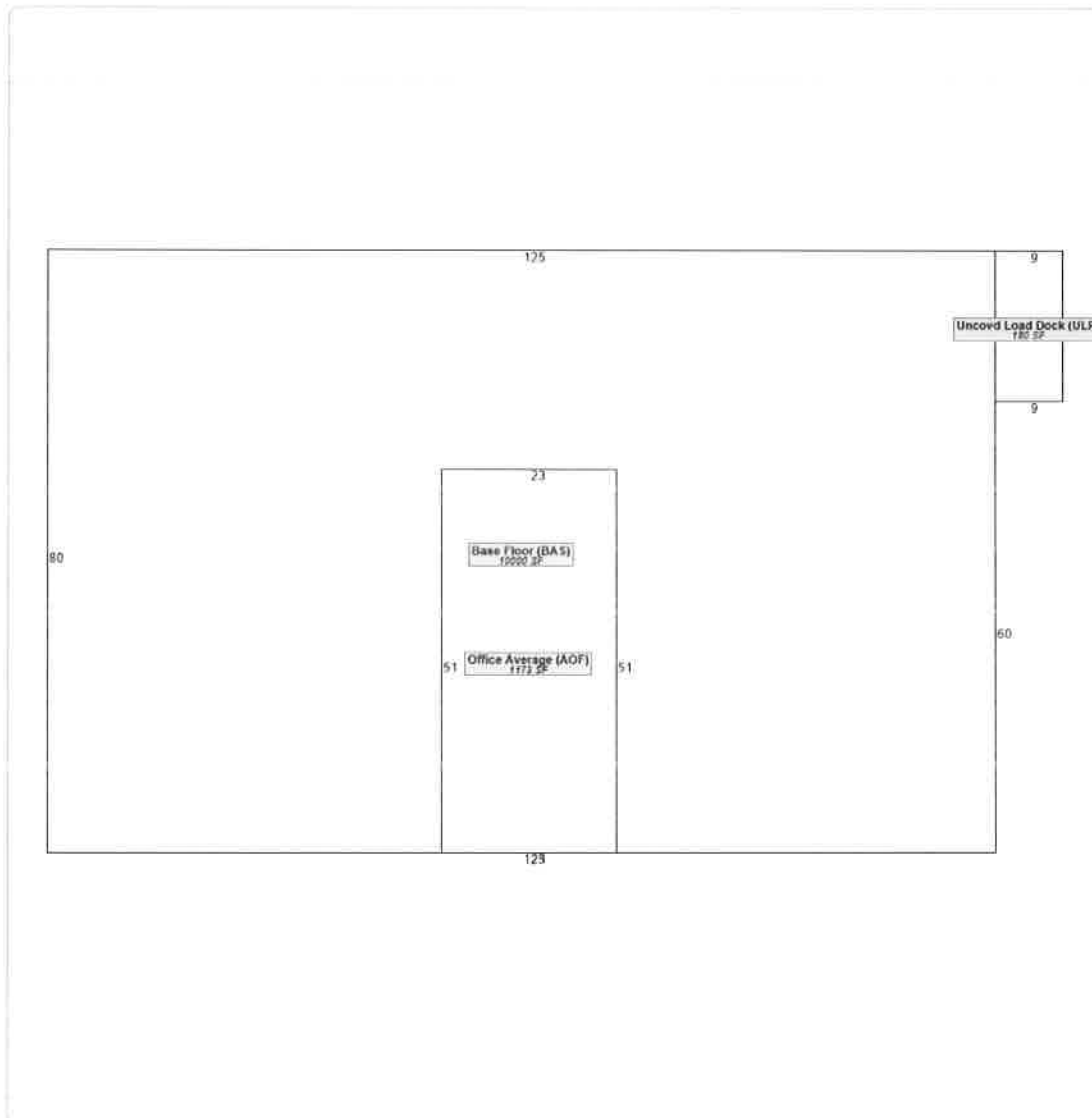
**Assessment Notice 2020**

2020 Assessment Notice (PDF)

**Assessment Notice 2019**

Assessment Notice 2019 (PDF)

**Sketches**



**Photos**

### Summary

**Parcel Number** C046-0001-029  
**Location Address** 40 CURTIS CT  
**Legal Description** LL 660 661 708 709 D 4 TRACT 2  
 (Note: Not to be used on legal documents)  
**Class** I4-Industrial  
 (Note: This is for tax purposes only. Not to be used for zoning.)  
**Tax District** Cartersville (District 01)  
**Millage Rate** 29.65  
**Acres** 1.02  
**Neighborhood** 4001 - Industrial A Market (004001)  
**Account Number** 44344  
**Homestead Exemption** No (S0)  
**Landlot/District** 660 / 4

[View Map](#)



### Owner

TIMM DEVELOPMENT LLC  
 PO BOX 200455  
 CARTERSVILLE, GA 30120

### Land

Type	Description	Calculation Method	Square Footage	Frontage	Depth	Acres	Lots
Industrial	4001 - Industrial Lot	Lot	44,431	0	0	1.02	1

### Commercial Improvement Information

**Description** WH- Office/Warehouse  
**Actual Year Built** 2008  
**Effective Year Built**  
**Square Feet** 10000  
**Wall Height** 12  
**Wall Frames**  
**Exterior Wall** Prefab Metal  
**Roof Cover** Metal  
**Interior Walls** Masonry or Minimum  
**Floor Construction**  
**Floor Finish** Concrete Finished  
**Ceiling Finish**  
**Lighting**  
**Heating** Space Heaters  
**Number of Buildings** 1

### Accessory Information

Description	Year Built	Dimensions/Units	Identical Units	Value
Paving - asphalt	2009	98x108 / 0	1	\$8,996
Paving - asphalt	2009	133x113 / 0	1	\$12,775

### Permits

Permit Date	Permit Number	Type	Description
01/18/2017	BP17-16	New Commercial Const	NEW SPEC BUILDING
	BP09-79	commercial tenant fi	CARD NO: 1 SEQ NO: 1

### Valuation

	2021	2020
Fair Market Land Value	\$350,000	\$350,000
+ Fair Market Improvement Value	\$225,922	\$225,922
+ Fair Market Accessory Value	\$21,771	\$21,771
= Fair Market Value	<b>\$597,693</b>	<b>\$597,693</b>
Assessed Land Value	\$140,000	\$140,000
+ Assessed Improvement Value	\$90,369	\$90,369
+ Assessed Accessory Value	\$8,708	\$8,708
= Assessed Value (40% FMV)	<b>\$239,077</b>	<b>\$239,077</b>



### Comp Search (Commercial)

Start Comp Search

**No data available for the following modules: Rural Land, Conservation Use Rural Land, Residential Improvement Information, Mobile Homes, Prebill Mobile Homes, Sales, Comp Search (Residential), Comp Search (Vacant).**

The Barlow County Board of Assessors makes every effort to produce the most accurate information possible. No warranties, expressed or implied are provided for the data herein, its use or interpretation. The assessment information is from the last certified tax roll. All other data is subject to change.

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[GDPR Privacy Notice](#)

Last Data Upload: 5/10/2022, 9:53:00 PM

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 Schneider  
GEOSPATIAL

Version 2.3.194





View from  
Curtis Ct to  
Building 40  
parking lot.  
Building 44  
on right  
side.



View to rear of  
Building 40.  
Parking spaces  
can be added to  
loading dock  
area.



Item 2

View from Building 40 parking lot/ drive to rear of Building 44.



View from Curtis Ct along left side of Building 30. Building 44 is in the distance.



Item 3.

View from Curtis  
Ct into Building  
30 parking lot.

