

CARTERSVILLE PLANNING COMMISSION MEETING

Council Chambers, Third Floor of City Hall Tuesday, November 07, 2023 at 5:30 PM

AGENDA

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
CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. Meeting Minutes from 10.10.23

ZONINGS

- 2. Z23-04. Mimosa Lane Residential Senior Living. Applicant: Windsong Properties
- 3. Z23-06. Merrill's Ridge Townhomes. Center Rd at I-75. Applicant: Merrill Trust

* City Council 1st Reading: November 16, 2023 at 7:00 PM Council Chambers. 3rd fl City Hall.

** City Council 2nd Reading (Final Action): December 7, 2023 at 9:00 AM Council Chambers. 3rd fl City Hall.

The next meeting of the Planning Commission will be December 12, 5:30PM.

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 – <u>www.cityofcartersville.org</u>

MINUTES OF THE CARTERSVILLE PLANNING COMMISSION

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, October 10, 2023, at 5:30 p.m. in the City Hall Council Chambers.

Present: Travis Popham, Jeffery Ross, Greg Culverhouse, Steven Smith, Anissa Cooley,

and Fritz Dent

Absent: Lamar Pendley

Staff Members: Randy Mannino, Ashley Peters, David Hardegree, Zack Arnold

CALL TO ORDER: 5:31 PM

ROLL CALL

Board Member Greg Culverhouse 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 Council at the October 19, 2023, and November 2, 2023, Council Meeting.

APPROVAL OF MINUTES

1. August 8, 2023, Meeting Minutes

Board Member Popham made a motion to approve the minutes. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 6-0.

TEXT AMENDMENT

2. T23-04. Amendments to the Zoning ordinance APPLICANT: SWITCH, LTD

SUMMARY: Text Amendment to Chapter 26, of the City's Zoning Ordinance, to create a new zoning district, Technology (T) Zoning District. This district would allow date centers and associated uses.

The purpose of the requested text amendment is to create a new Technology zoning district in the Cartersville Zoning Ordinance. In order to accomplish that goal, the following text changes to the Zoning Ordinance are requested.

- 1. A new section 3.1.28 of the zoning ordinance will be adopted and state as follows:
 - i. 3.1.28. T Technology: The purpose of this district is to provide an area to encourage the siting of new technologies, computer systems, data infrastructure and date hosting.
- 2. A new section, 9.7, will be adopted.

Section 9.7 Technology (T) District.

9.75- Noise Ordinance

3. Section 4.29. – Standards for communication towers shall be amended to address the new Technology district.

David Hardegree, Planning and Development Assistant Director came forward to state that the text amendment does not have a staff announcement associated with it. This amendment is being submitted by the applicant Switch.

Continuing, he stated there are two parts of the text amendment, the first being the actual text agreement which creates the (T) Technology District and the uses and what can be on a data center site and a noise/sound ordinance within the Technology District.

Mr. Hardegree also reviewed the public comments which included concerns regarding the amount of noise that would be created around the neighboring residences to which Mr. Hardegree explained the proposal would clearly state operations shall not exceed sound 65 decimals from 8am-6pm during daylight hours and no more than 55 decimals from 6pm-8am.

Frank Jenkins, with Jenkins, Bowen, and Walker Law Firm, representative for Switch in both proposals. Mr. Jenkins stated that it is exciting that the city is being given the opportunity to adopt a technology ordinance. With the projected growth that is expected, an ordinance like this would be fitting. Technology uses are far different from commercial/industrial uses that would bring additional pollution instead we are bring a technology approach that brings in more of a clean industry. The client has built in many features that we think would help protect the city as well as the surrounding property owners.

Board Member Culverhouse opened the public hearing.

Chris Jackson, 111 Bridgepoint Plaza Rome, Lawyer from McCray, Smith, and Peake in Rome, came forward as a representative for the Humphries located on Bates Rd. He stated his client wanted to get more information before passing full judgement on what is being proposed. The ordinance that is being proposed does have some good protection but would like to have more protection that protects more of the homeowners whose properties back up to this site.

Mr. Lovell provided everyone with a copy of the noise ordinance that had been provided.

Greg Blaylock, 426 Washington Blvd Dallas, Paulding County, came forward in opposition of the text amendment due to the noise level that would affect his residence.

Board Member Smith inquired what the standard decibel count was for heavy industrial. Mr. Mannino provided the information about a location off Cook St that has a 70 decimal sound ordinance due to it being near residential.

Board Member Culverhouse inquired if there was any other city that this can be compared to. Keith Lovell, City Attorney, looked up some several other city ordinances but didn't see many other areas that have a technology district in their ordinances.

Stephen Roberts, Vice President of Development for Switch, stated other municipalities that they operate in go by the DBA decibel rating. Furthermore, they have not had any issues, nor any regulations imposed regarding frequencies on the equipment itself.

Mr. Mannino stated that for the first six months there would be a sound study completed to determine whether they are in violation or not. After six months it will be tested again to make sure the items have been fully brought in to make sure the company is still not in violation.

Discussion commenced regarding the noise ordinance and the proposed fines that would ensue if the noise ordinance was violated.

Mr. Mannino stated that he will get with their team and make sure that a rewrite will be completed if the revision is approved by the board.

Natalie Stewart, Senior VP of Government Public Affairs for Switch, stated they would be willing to put the extra wording into the ordinance regarding the concerns for the noise violations and penalties.

Jason Conley, 537 Old Alabama Rd, and stated he believes there needs to be further studies completed by the city of what low frequency noise can affect people as well as a larger buffer zone.

Alton Landrum, 6730 Cartersville Hwy, stated he is concerned about the noise level for those not located within the city limits and outside of the county (Paulding County).

Karl Lutjens, 114 Old Mill Road, trying to put in an ordinance and is open to any change that the city sees fit. He found that the only sound that was heard was located inside the facility and was the air conditioning units. If there are other items that need to be put in to add more "teeth" to the ordinance the applicant is willing to work with the city.

Mr. Mannino stated that if a heavy industrial district is next to a residential area, there is only a 50ft buffer, so this is offering more of a buffer across the board.

Board Member Culverhouse stated his main concern is the 75' buildings near a residential area. However, Mr. Lutjens responded stating that the buildings proposed would be less than 50'.

Board Member Ross asked what specifically the applicant would be willing to put into the noise ordinance that allows a stiffer punishment for any violations. Ms. Stewart stated that since they were under the understanding of the local ordinance being enforced at \$1000 per day and eventually taking it to the legal system if it did not come into compliance. The applicant is willing to make the adjustment to where it is clearly stated.

Mr. Mannino stated that Mr. Lovell and himself will work to create an ordinance that adds extra verbiage to the ordinances. Mr. Jenkins offered to help them finalize the wording as well.

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

Board Member Smith made a motion to approve the text amendment portion and make the changes to the noise ordinance to fit the city standards by adding the fine/penalty clause. In turn this will

create a new Technology Zoning District. Member Fritz seconded the motion. Motion carried unanimously. Vote: 6-0.

Text amendment is accompanied by zoning case Z23-03 that seeks to rezone approx. 1,946 acres remaining to be developed in the Carter Grove Planned Development.

ZONINGS:

3. Z23-03 REZONING APPLICATION APPLICANT: SWITCH, LTD

SUMMARY- Rezoning of (7) tracts in the Carter Grove Planned Development (P-D) from P-D to T (Technology) District for construction of data center campus.

Amendment also adds the technology district to the appropriate zoning sections of the ordinance that addresses Communication Towers., Sec. 4. 29.

Switch, LTD, is proposing the rezoning of approximately 1,946 acres across eight (8) parcels that are undeveloped and currently are included in the Carter Grove Community residential planned development (zoning is P-D). Carter Grove was master- planned and approved in 2005 for seven phases containing approximately 3,000 lots. Currently, phase one is approaching full build out of its' 428 lots. Three hundred thirty (330) lots are approved through zoning for Phase 2B along Belmont Dr. If this proposed zoning is approved, the maximum number of lots to be developed in Carter Grove would be capped at 758.

The rezoning of the 1.946 acres is a significant shift from the established plan for the properties. Switch is proposing to construct several data storage centers in multiple phases. Full buildout is anticipated to take approx. 20-25 years. Phase 1 is being presented in the zoning application and is located closest to Old Alabama Rd. Future phases would occur west of Phase 1 towards Carter Grove and South to the Paulding County Line.

Currently, only one access point is proposed, and it is located on Old Alabama Road approximately 700 ft. west of Bates Road. Carter Grove Blvd could be an access point to the development.

Areas of concern that are reflected in the public comments to date include:

- Environmental impacts to soil, water, air, historic, and archaeological resources.
- Transportation (Traffic)
- Noise and Light pollution
- School Impacts.
- Buffers, screening, setbacks from adjacent residential properties; and,
- Building and communication tower height

Many of these concerns are addressed through zoning regulations, development regulations that incorporate local and state requirements, and local ordinances.

Staff does not oppose the rezoning if the following minimum conditions are included with an approval:

- 1. All minimum zoning development standards for the "T" zoning district are followed per Text Amendment, T23-04
- 2. A minimum 100ft natural landscape buffer for the purposes of visual screening remains in place along all adjacent residential use or zoned properties. The 100ft buffer may include the building setbacks.
- 3. If the minimum 100ft natural landscape buffer is disturbed, then the buffer is to be planted with landscape material appropriate to re-establish the buffer and visual screen.
- 4. Access is limited to Old Alabama Rd and/or Carter Grove Blvd.
- 5. No Access from Bates Rd.
- 6. Modification to the Carter Grove Development Agreement reflecting a change in use the future phases as result of zoning approval.
- 7. Access to landlocked properties is to be negotiated between Switch LTD and affected property owners, as requested by the property owner.
- 8. Access to the NRCS or their representative, as required.
- 9. All site plans for future development phases after Phase 1 are to be shared with the Paulding County Community Development office.

Mr. Hardegree added that a traffic study has been added for review. There wasn't time to go through this prior to the meeting. An email has also been added regarding additional setbacks for the location near the residential properties. As far as Carter Grove, the neighborhood or Carter Grove Blvd will not be extended. The fire department is requesting a second entrance off Bates Road during construction to have secondary fire access during that time. There is only one access point off Old Alabama. Have sent this through all the city departments and the only department that added anything is Fibercom. They stated that any new infrastructure associated with the Switch development would benefit Fibercom. They currently have equipment in downtown Atlanta that they would be able to relocate back to Cartersville and would have a positive impact on their speed of service. A lot of public comments have been received. The primary concerns were noise and buffers, which will be additionally addressed.

Board Member Culverhouse opened the public hearing.

Mr. Jenkins stated that the total rezoning would be 1,946 acres, which otherwise would have added over 2,000 homes. At this time, it is believed that it will significantly cut the traffic. It will also cut the possibility of new students coming into the overpopulated schools. There will be one access point on Old Alabama Rd. and a possible at Bates Rd. where the fire department is asking for an additional access point.

Ms. Stewart came forward to give an overview of Switch, Ltd. And explain their business model.

Mr. Lutjens stated Phase 1 is 126 acres. Further phases have not been created due to the terrain of the property. Security is extremely important at these locations. Storm Water will have several ponds and the client wants to double the amount of detention ponds on the premises to help protect the natural land at this site. The generators are encased and only run one hour once a month to test the system. The traffic will be minimal since it does not employ a lot and the roads will be maintained by the company which will save the city resources and money.

Ms. Stewart was called to discuss more of the business model. At full build out, the full-time employee number will be 40-75 people and they will be mainly security. The buildings and gear that go into them are a large financial investment and worth millions of dollars which refreshes every three to four

years. Project is projecting less density and less strain on infrastructure. Spoke with the Cartersville School Superintendent and stated that they really like the idea of only having one high school. The new elementary school built in the community tops out at 1900 students and has already hit over 1400 students. If adding more homes, there would be a need for more schools to help carry the burden of the additional 2,000 homes that are currently projected in that area. At full build out Switch is projected to be a 50-billion-dollar investment into the community.

Board Member Dent asked if there would be any tax abatement deals provided to the company for coming here. Ms. Stewart stated there would be no tax abatement deals and would not seek any other economic development agreements for this facility.

Mr. Lovell asked about electric usage and if they would need to add additional sub stations to the area. Ms. Stewart stated there would need to be an additional substation and would not need to be added in the first few months.

Chris Easterwood, 121 White Spruce Ct, is the owner of the property. He stated it would help the school system and fire station that were both provided. Continuing, he stated if the addition 2,200 homes were built, the traffic plan would be circulating from Cartersville and Paulding and will be heavily populated. The Switch development would take that away and lessen the traffic.

Randy Thompson, 219 Bates Road, has lived there 27 years. Thanks, the board, for what they do for the community. Additionally, he stated he is in favor of the project as Switch will pay a large amount of taxes a year and would leave a lot of undeveloped land.

Paul Wilson, 96 Bates Road, came forward and stated he was in favor of the Switch project over the additional 2,200 homes.

Laura Humphries, 80 Bates Rd, will be affected in a lot of ways with this development or any other development and is opposition of the project.

Mr. Blaylock returned to the podium in opposition and stated Paulding County gets the butt end of the project with no benefit.

Mr. Jackson returned to the podium and stated he is concerned about the variances. Variance requests can be given which could potentially push back buffers or setbacks. Additionally, he would like to see the commission add to the rezoning that there could not be a variance off the ordinance. Next issue would be about the access off Bates Rd. He would like some clarification due to his parents having an easement off Bates Rd that will go into the actual site at Phase 1. Phase 1 will sit on top of the easement. Furthermore, he has spoken with the Switch team, and they are trying to work together to get it fixed but concerned about where the easement will be there. He would like a condition or an agreeable condition for this easement for them to not use it as access.

Board Member Culverhouse laid out that the emergency easement would be the only easement that would come through Bates Rd. Mr. Jackson would like to make sure the private easement will remain.

Mr. Smith asked how many of the 1946 acres are located within the city to which Mr. Hardegree stated that the entire area is within the city limits.

Lori Blaylock, 426 Washington Blvd., had the opportunity to visit the Douglasville Switch Facility. The buildings are massive, and they make a low-grade hum. She is worried about the constant hum

and being able to see the large buildings. She would like to ask two things from Switch: a larger buffer and that they do not paint the air handlers red.

Jonathan Higgins, 68 Point Vista Circle, came forward with concerns on the impact of the springs and the lake.

Board Member Culverhouse inquired about the light pollution.

Ms. Stewart stated the company abides by dark sky ordinances that are in a lot of jurisdictions they are located in. They will operate the same way. The lighting that is used is shield and downcast which is completely opposite of what is present at Lakepoint. Regarding the staff concerns that were listed in the zoning ordinance, they can approve all of them but want to address numbers three (3) and five (5). Number three (3), the applicant has been talking a lot with the neighbors on the easement road on Bates Road and stated the company will not cut off the access road and that it will come into the 100ft buffer line.

Clarification was made that the access road would, indeed, encroach into the 100ft buffer.

Mr. Mannino confirmed that roads inside a buffer would be allowed.

Ms. Stewart continues regarding the second point, which was number five (5) of the staff recommendations: Public access of Bates Road. The only stipulation to number five (5) is that emergency vehicles and construction access will only be on Bates Road.

Mr. Smith asked if there would be no residential access to any areas. It was confirmed.

Anita Sharis,78 Bates Rd, is concerned about the access from the easement road. She wanedt to clarify, regarding the new drawings, that they have taken it from a 20 ft easement to a 12ft easement. She was concerned they would not be able to get contractors or materials delivered.

Chairman Culverhouse states that no one can take the easement and it needed to be negotiated.

Board Member Culverhouse is asking for both parties to work together to make everyone happy.

Board Member Culverhouse has closed the public hearing.

Board Member Smith made a motion to take the new staff recommendations and to approve the rezoning application of the Carter Grove Planned Development (P-D) to Technology District for construction of a data center. Member Popham seconded the motion. Motion carried unanimously. Vote: 6-0

With no other business to discuss, Board Member Culverhouse adjourned the meeting.

The meeting adjourned at 8:29 PM.

Date Approved: November 7, 2023

Lamar Pendley, Chairman



PLANNING COMMISSION ITEM SUMMARY

MEETING DATE:	November 7, 2023
SUBCATEGORY:	Zoning
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Z23-04. Rezoning Application. Applicant: Windsong Properties Representative: Brandon Bowen, Esq.
DEPARTMENT SUMMARY RECOMMENDATION:	Rezoning of approx. 3.2 acres from M-U (Multiple Use) to RSL (Residential Senior Living) for the development of an age restricted community. This proposed RSL acreage would be combined with the existing 6.06 +/- acres previously rezoned to RSL on Z18-05. STAFF RECOMMENDATION: Based on review by city departments, staff does not oppose the proposed zoning for Residential Senior Living (RSL). The remaining 0.69 acres on Lot1 and zoned M-U should maintain the 8 units/ac condition for multi-family developments.
LEGAL:	N/A

ZONING SYNOPSIS

Petition Number(s): <u>Z23-04</u>

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Windsong Properties

Representative: <u>Brandon Bowen</u>

Property Owner: <u>Cartersville Land Holdings, LLC</u>

Property Location: <u>1001 N. Tennessee St. &</u>

8 and 10 Mimosa Lane

Access to the Property: <u>Tennessee St and Mimosa La.</u>

Site Characteristics:

Property Size: Acres: Lot 1: 2.16 +/- District: 4th Section: 3rd LL(S): 239

 Lot 2: 0.72 +/ District: 4th
 Section: 3rd
 LL(S): 239

 Lot 3: 0.39 +/ District: 4th
 Section: 3rd
 LL(S): 239

 Lot 4: 5.77 +/ District: 4th
 Section: 3rd
 LL(S): 239/240

 Lot 5: 0.29 +/ District: 4th
 Section: 3rd
 LL(S): 239/240

Total: 9.33 +/- (Application states 9.4 ac)

Ward: 1 Council Member: Kari Hodge

LAND USE INFORMATION

Current Zoning: Lot 1: M-U* (Multiple-Use w/ conditions) & RSL (Residential

Senior Living)

Lot 2: M-U (Multiple Use)

Lot 3: M-U

Lot 4: MU / RSL. Approx. 0.20 of 5.77ac is in the MU district Lot 5: MU/ RSL. Approx. 0.03 of 0.29ac is in the MU district

All Tracts Proposed Zoning: RSL (Residential Senior Living)

Proposed Use: Single Family attached, 55+ age restricted community

Remaining 0.69 acres of Lot 1 to maintain current zoning- M-U with conditions.

Current Zoning of Adjacent Property:

North: R-15 (Single Family Residential) & M-U (Multiple Use)

South: M-U

East: $\underline{\text{M-U \& RSL}}$ West: $\underline{\text{R-15 and M-U}}$

The Future Development Plan designates the subject property as: <u>Transitional Use Area & Tennessee St. Corridor.</u>

The Future Land Use Map designates the subject property as: <u>Low-Medium Density</u> <u>Residential & Commercial, Mixed-Use.</u>

ZONING ANALYSIS

Project Summary:

The applicant proposes to rezone three properties totaling approx. 3.5 acres from Multiple Use (M-U) to Residential Senior Living (RSL) for the development of a single family attached, 55+ age restricted community. The M-U portion (approx. 0.20 of 6.0ac) of two additional properties is also proposed to rezone from M-U to RSL. The 3.5 acres would be combined with the existing 5.8+/- acres to the east already zoned RSL to create a 9.4 +/- acre development (Site survey shows 9.33 acres). The existing 5.8 acre tract was rezoned to RSL per Z18-05.

Z18-05 also changed the lone zoning condition for the property identified as 1001 N. Tennessee St. by increasing the multi-family unit density from six (6) units/ ac to eight (8) units/ac. No changes to this condition are proposed on this application. If apartments were to be developed on this remaining 0.69 acre tract, the total number of units allowed would be limited to four (4) units under the current zoning condition.

Survey plats and a concept plan have been submitted with the application. The following are proposed:

- 73 units grouped in blocks containing 4 to 8 units.
- Proposed unit dimensions are approx. 28' x 50' (1,400sf)
- Single car garages.
- Clubhouse/ amenities area.
- Green space.
- One entry point on Wildwood Dr.
- An Owners Association will be required.

The original concept site plan from Z18-05 is included for reference.

Zoning Ordinance. Article VI- Single Family Dwelling District Regulations Sec. 6.8. - RSL Residential Senior Living District Requirements

6.8.4	Parking Utility Location Setback Design	Allowed all be submitted with the application for not be limited to:	These items not concept, but spa	addressed on ace does exist to ems and other review
6.8.4	Parking Utility Location Setback Design	not be limited to:	These items not concept, but spa	addressed on ace does exist to ems and other review
	Parking Utility Location Setback Design		concept, but spa address these ite	ace does exist to ems and other review
	Setback Design			g plan review.
	Reflective of development regulations			T
6.8.5				+
A	Height Regulations	SF attached-35ft or 2.5 stories; SF Attached- 45ft or 3.5 stories.	Concept elevation meets requirement.	
В	Min. lot per dwelling unit	SF Detached- 3,000sf; SF Attached- 1,600sf.	N/A	
С	Maximum Density	SF Detached- (6) un/gross ac; SF Attached- (10) un/ gross ac.	73 proposed (7.3 un/ac). 93 allowed (9.33 ac x 10 un)	
D	Min. Lot Frontage	SF Detached- 35ft, except cul-desacs. Cul de sacs-20ft. SF Attached (Other)-20ft.	NA	
E	Min. Lot Width	SF Detached- 35ft, except cul-desacs. Cul de sacs- 20ft. SF Attached (Other)- 20ft.	NA	
F	Min. Lot Depth	80 ft.	NA	
G	Min. Dev. Area	5 Acres	9.33	+ 4.33
Н	Min. Heated Floor Area	1,000 sf.	1,200sf (estimated)	
I	Setbacks			
1	Front Yard	10 ft.	Per plan	
2	Side Yard	SF Detached- 2.5ft from any portion of the building including overhang. SF Attached- 10ft as measured from the end of each row.	Per plan	

Sub- section	General Standard	Allowed	Proposed	Difference
3	Rear Yard	20 ft.	Per Plan	Difference
J	Landscape Buffer	10ft buffer around all property	Per Plati	
		lines defining common space.		
		Provide screen as needed per Sec.		
		4.17.	Per Plan.	
K	Accessory Use,	Per Sec. 4.9		
	Buildings and			
_	Structures			
L	Other Standards			
1	A mandatory	Declaration of CCRs, rules and		
	Owners	regulations required.	To Do Drovidod	
2	Association Principal	50% exterior finish to include	To Be Provided	
2	Structures	bricks, stone, stucco, fiber cement		
	Structures	siding	Plan Review	
3	Metal Panel	Not allowed on buildings exceeding	Tidii Keview	
_	Finish	150sf.	Plan Review	
4	Max. Attached	A Max. of (6) units side by side	4 to 6 unit	
	Units	(2,1222,122	groupings	
			proposed	
5	Buffers	May be included within required		
		setbacks; If required buffer is		
		greater than setback, adhere to		
		buffer dimension.	Per Plan	
6	Min. Dwelling	A min. of (3) dwelling units in a		
	Units	row.	OK	
7	Parking	(2) spaces required per dwelling.		
		Driveway parking counts as (1)	Space appears	
		space.	available	
8	Frontage, Roads	Lots must front a private or		
	and Driveways.	common driveway or public ROW;		
		Common driveways may serve only		
		(4) lots or (6) units; Common driveways must be a min 24 ft.	New street is	
		wide	proposed	
9	Open Space	Min. 10% of overall property.	Space appears	
	, , , , , , , ,	15 - 15 7	available	

<u>City Departments Reviews</u>- A concept plan review with city departments was held on Sept. 26th.

Electric: Takes No Exception

Fibercom: No comments received

Fire: No comments received.

Gas: Takes No Exception

Public Works: Takes No Exception

Water and Sewer: Takes No Exception

City School District: No comments received

Public Comments:

None received as of 10-31-23.

STANDARDS FOR EXERCISE OF ZONING POWERS.

The existing land uses and zoning of nearby property.
 The zoning and land use of adjacent properties is generally a low impact commercial use in the M-U zoning or a residential use in the R-15 or M-U districts.

- 2. The suitability of the subject property for the zoned purposes.

 The 8 and 10 Mimosa Lane properties contain older homes used as residences. The 1001 N Tennessee St. property is undeveloped and appears to have been an agricultural field. A house was demolished between 1993 and 2000. As zoned the properties are suitable for the current use and many other uses under the M-U zoning.
- 3. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.Senior living communities seem to be in high demand. This will provide another
 - Senior living communities seem to be in high demand. This will provide another housing option within the city limits.
- 4. Whether the subject property has a reasonable economic use as currently zoned.

 Though underutilized, the existing properties do have a reasonable use under the current M-U zoning.

- 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 may permit a use that is suitable in view of the use of the adjacent residential and light-use commercial properties.
- 6. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.
 - The proposed zoning and use is not expected to negatively impact the adjacent properties. Six (6) of the 9.33 acres are already zoned RSL, per Z18-05.
- 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.
 - No adverse effects are anticipated. Development resulting from an approved zoning proposal would be required to meet all local, state, and federal environmental regulations.
- 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.

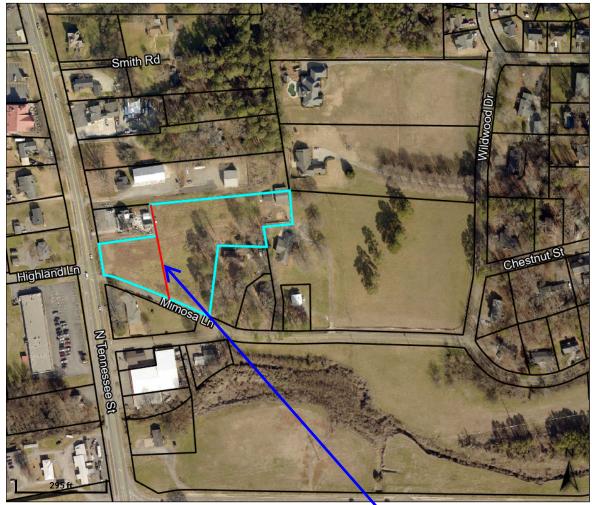
 The zoning proposal is not expected to create a burden on public facilities or utilities.
- 10. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
 - There are no other known conditions affecting the use or development of the property.

STAFF RECOMMENDATION:

Based on review by city departments, staff does not oppose the proposed zoning for Residential Senior Living (RSL). The remaining 0.69 acres on Lot 1 and zoned M-U should maintain the 8 units/ ac condition for multi-family developments.

@qPublic.net[™] Bartow County, GA

LOCATION MAP



Alternate ID 49310

Residential

2.85

Overview



Legend

Parcels Roads

Parcel ID C029-0011-011 Sec/Twp/Rng

Property Address 1001 N TENNESSEE ST District

Brief Tax Description

LL 239 LD 4 3RD SEC Tract 5 Plat 2021-108

(Note: Not to be used on legal documents)

Class

Acreage

Owner Address CARTERSVILLE LAND HOLDINGS LLC PO BOX 262

CARTERSVILLE, GA 30120

Proposed subdivision line

Date created: 11/1/2023

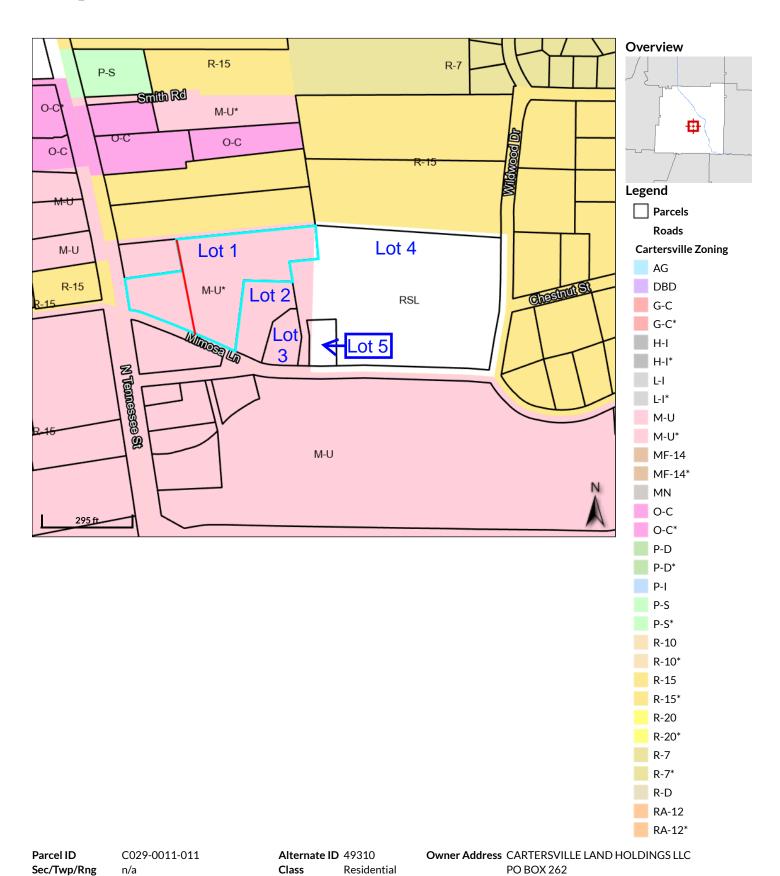
Last Data Uploaded: 10/31/2023 9:05:19 PM



Property Address 1001 N TENNESSEE ST

Acreage

2.85



18

CARTERSVILLE, GA 30120

Item 2.

JENKINS, BOWEN & WALKER, P.C.

ATTORNEYS AT LAW

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September 20, 2023

Mr. David Hardegree City Planner City of Cartersville, Georgia

Re: Windsong Properties, rezoning application

Letter of Intent

Greetings David,

I am pleased to submit this Letter of Intent in association with the proposed rezoning application submitted contemporaneously on behalf of Windsong Properties. We are pleased to propose the development of an active adult residential community along the northern side of Mimosa Lane.

The properties involved are currently zoned either RSL or M-U. We would like for the entirety of the parcels shown on the attached site plan to be rezoned RSL to allow for the development of a premium fee-simple active adult community. This will be a 9.327-acre development of 73 single-family attached homes, age-targeted for 55 and over.

This application excludes a portion of parcel C029-0011-011, which will be a .691-acre tract at the corner of Mimosa Lane and N Tennessee Street, which will retain its M-U zoning. We will plan to subdivide this property promptly upon the successful conclusion of the rezoning.

Please let me know if you need anything further.

Very truly yours,

JENKINS, BOWEN & WALKER, P.C.

Brandon L. Bowen

Enclosures

Application for Rezoning City of Cartersville	Case Number: $\frac{2304}{12(23)}$
Public Hearing Dates: Planning Commission	11/10/23 2 nd City Council 12/7/23 200pm 9Am
Applicant Windsong Proposites Office Address 120 Colong Drue 300 Mobil	Phone 770-516-3409 le/ Other Phone 470-540-3772
City Woods took State GA Zip 301. The Town of The Tow	Phone (Rep) 770 387-1321 Email (Rep) b bowen ejbupe com
Signed, sealed and delivered in presence of: Bonnie J. Ellis Notary Public	My commission expires: BONNIE J ELLIS Notary Public, Georgia Bartow County My Commission Expires January 03, 2026
Address Barring Signature Signed sealed, delivered in presence of: BRIAN Notary II	Mx commission expires: NNA ELLIS Public, Georgia
My Com Apr	ow County mission Expires il 23, 2027
Present Zoning District Reason for Rezoning Request: RSL/M-M* RACTERIST RESERVED TO DISTRICT(S) ROSA La No (street address, nearest intersections, etc.)	Parcel ID No. C079 -0011 -011 C079 -0011 -009 (030 - 0006 -001
active adult community	ent as necessary)

^{*} Attach additional notarized signatures as needed on separate application pages.

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: 9/20/23

Date Two Years Prior to Application: 9/20/21

Date Five Years Prior to Application: 9/20/19

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:		Y
Ward 1- Kari Hodge	<u> </u>	
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		· 4
Fritz Dent	-	2.
Greg Culverhouse	-	·
Jeffery Ross	====	3-4
Stephen Smith		7
Travis Popham		

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

ignature Date

Ron Goss

Print Name

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: 9/	20/23
Date Two Years Prior to Application:	9/20/21
Date Five Years Prior to Application:	9/20/18

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		1
Council Member:		
Ward 1- Kari Hodge		1
Ward 2- Jayce Stepp		
Ward 3- Cary Roth		
Ward 4- Calvin Cooley		
Ward 5- Gary Fox		
Ward 6- Taff Wren		
ward 6- Tan wren		
Planning Commission		
Lamar Pendley, Chair		1
Anissa Cooley	-	
Fritz Dent	1000	
Greg Culverhouse		
_		
Jeffery Ross		
Stephen Smith		
Travis Popham		
		1)

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

> 9/18/33 Signature Date

Caleb

1

Print Name

Pape Freis

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:

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Date Two Years Prior to Appli	cation: _	9/20/	21
Date Five Years Prior to Appli	cation:	9/20/	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		1
Council Member:	=	
Ward 1- Kari Hodge		l.
Ward 2- Jayce Stepp		
Ward 3- Cary Roth		
Ward 4- Calvin Cooley		
Ward 5- Gary Fox	 (;	
•		
Ward 6- Taff Wren	4	
Planning Commission		
Lamar Pendley, Chair		
Anissa Cooley		
Fritz Dent		· ·
Greg Culverhouse		-
Jeffery Ross	2	· ·
Stephen Smith	<u></u>	7
•		×
Travis Popham		

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

Signature

Date

Print Name

Tract 1

All that certain piece, parcel or lot of land lying and being in Land Lots 239 & 240 of the 4th District 3rd Section Bartow County, Georgia and being more fully shown having the following metes and bounds to wit.

Commencing at a #4 rebar found the intersection of the eastern right of way of North Tennessee Street (80' R/W) and the northern right of way of Mimosa Lane 40' R/W), thence S 68°58'35" E a distance of 216.11' to a #4 rebar set, being the point of beginning.

thence N 11°08'24" W a distance of 217.65' to a #4 rebar found; thence along the line of N/F Cartersville Holdings LLC (DB 3319 PG 319) N 11°08'24" W a distance of 101.43' to a #4 rebar found; thence along the line of N/F Bartow County (DB 2705 PG 631) N 84°51'55" E a distance of 446.48' to a #4 rebar found; thence along the line of N/F Holloway (DB 3216 PG 225) S 85°39'19" E a distance of 573.10' to a #4 rebar found on the western right of way of Mimosa Lane 40' R/W; thence along said right of way the following courses and distances:

S 00°54'58" W a distance of 232.83' to a point;

thence S 09°20'02" W a distance of 162.53' to a point #4 rebar set;

thence S 53°58'14" W a distance of 40.21' to a #4 rebar set:

thence N 87°38'39" W a distance of 307.73' to a point;

thence S 86°48'22" W a distance of 117.89' to a #4 rebar found;

thence N 87°42'35" W a distance of 22.96' to a #4 rebar found:

thence N 88°02'46" W a distance of 86.14' to a #4 rebar found;

thence N 87°20'39" W a distance of 14.78' to a point;

thence S 88°09'33" W a distance of 21.26' to a #4 rebar found;

thence S 87°38'25" W a distance of 10.02' to a point;

thence N 84°49'33" W a distance of 104.24' to a #4 rebar found:

thence N 63°56'55" W a distance of 89.69' to a #4 rebar found:

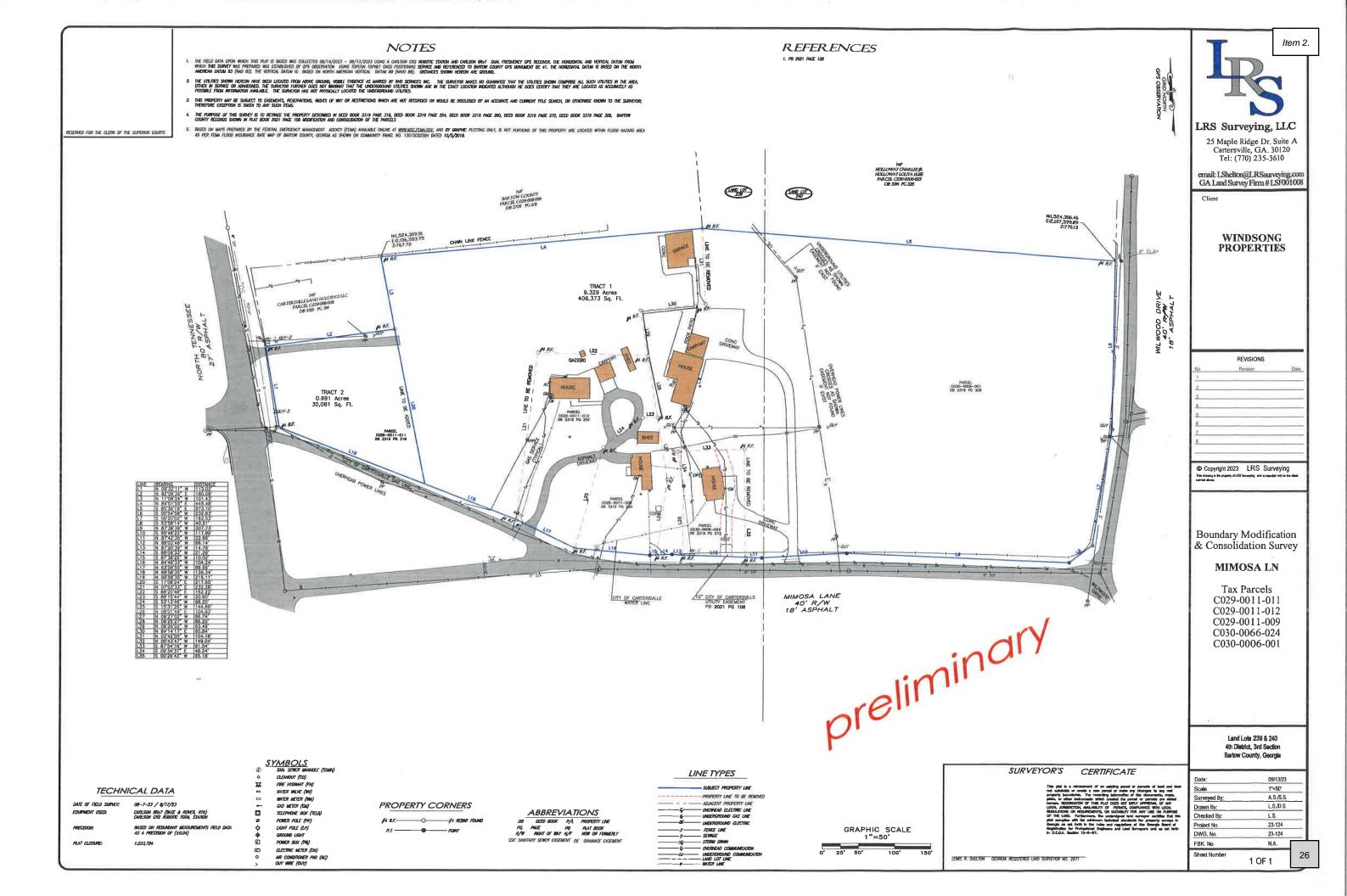
thence N 68°58'35" W a distance of 136.34' to the point of beginning and

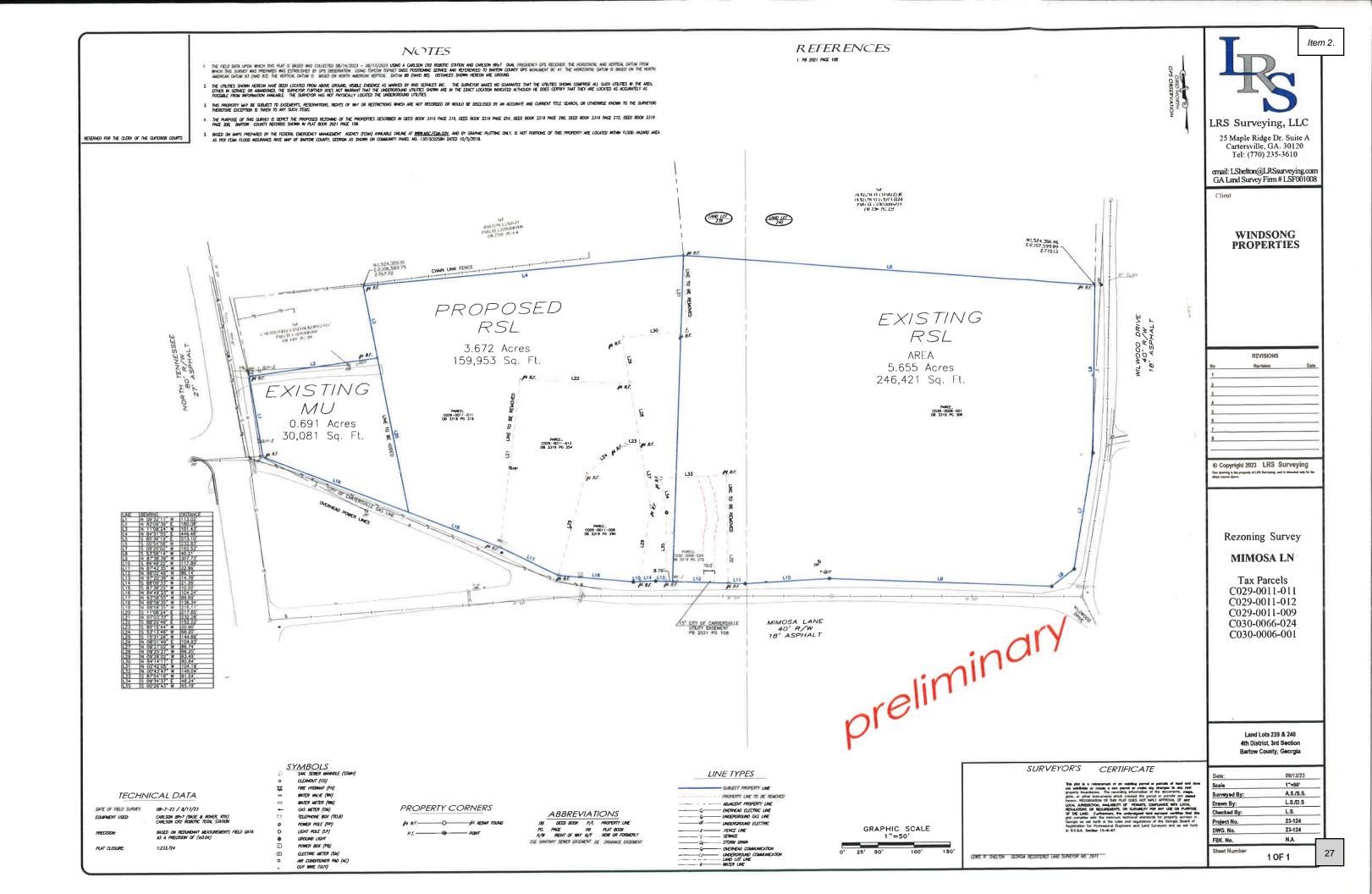
having an area of 9.329 acres (406,373 square feet)

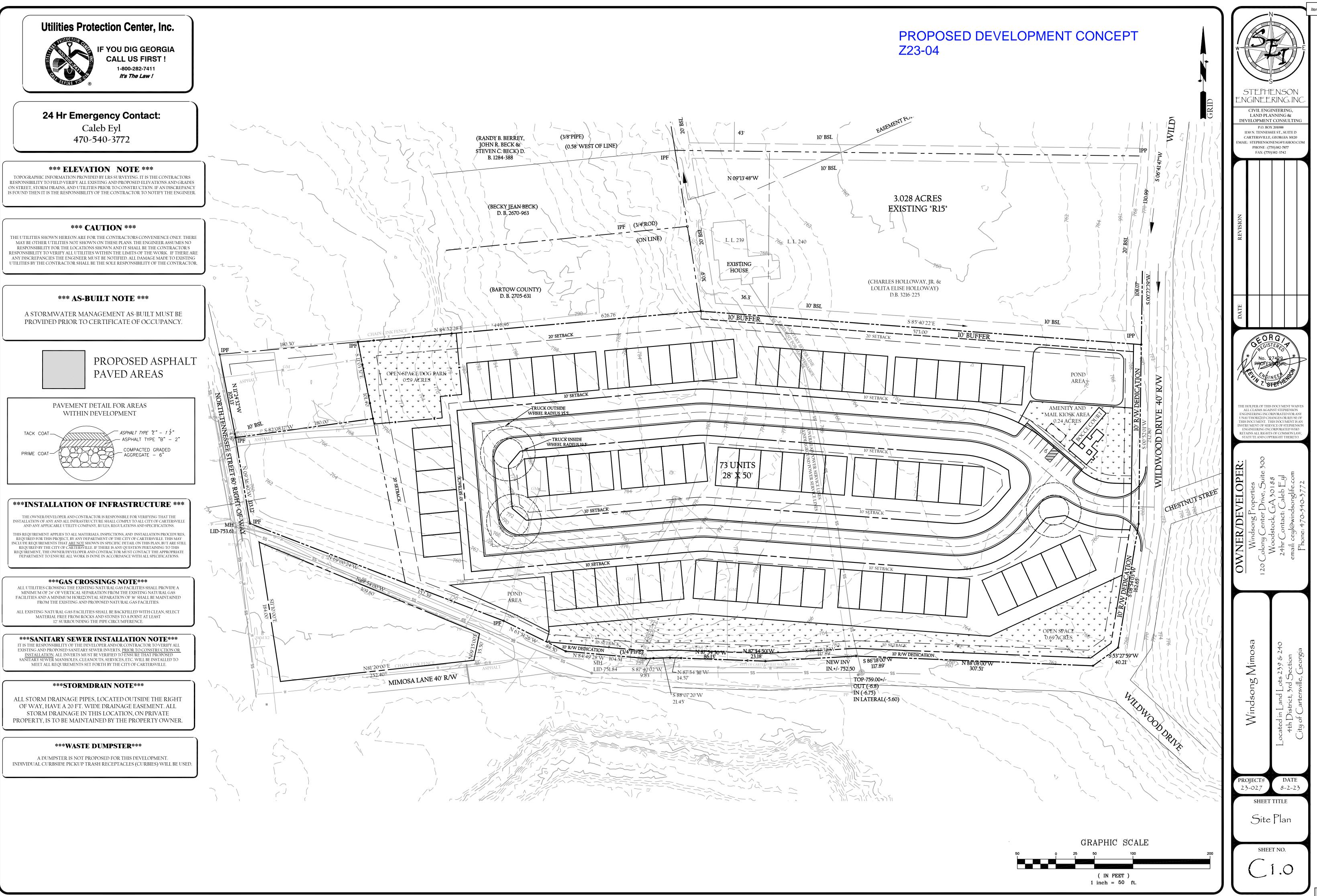
Tract 2

All that certain piece, parcel or lot of land lying and being in Land Lots 239 & 240 of the 4th District 3rd Section Bartow County, Georgia and being more fully shown having the following metes and bounds to wit.

Beginning at a #4 rebar found the intersection of the eastern right of way of North Tennessee Street (80' R/W) and the northern right of way of Mimosa Lane 40' R/W), thence the eastern right of way of North Tennessee Street (80' R/W) N 09°32'11" W a distance of 113.02' to a #4 rebar found; thence N/F Cartersville Holdings LLC (DB 3319 PG 319) N 82°09'39" E a distance of 180.08' to a #4 rebar found; thence S 11°08'24" E a distance of 217.65' to a #4 rebar set; Thence N 68°58'35" W a distance of 216.11' to a the point of beginning and having an area of 0.691 acres (30081 square feet)









Images Taken 10-20-23















PLANNING COMMISSION ITEM SUMMARY

MEETING DATE:	November 7, 2023
SUBCATEGORY:	Zoning
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	Z23-06. Rezoning Application. Applicant: Merrill Trust
DEPARTMENT SUMMARY RECOMMENDATION:	 Rezoning of approx. 103.85 acres from R-20 (Single Family Residential) to RA-12 (Residential Attached) for the development of approximately 199 Townhouse units on Center Rd adjacent to I-75. Staff does not oppose the rezoning and recommends the following conditions if the zoning is approved: No more than 199 lots/units shall be built in Etowah Preserve Phase 2 as presented in this application and on the concept plan. No development or Finished Floor Elevation (FFE) is to occur above the 1050 ft elevation without the review and approval of
	 the Water Department. A 50ft. buffer must be provided between the development and the Proposed Center Road Re-alignment. A 50ft. buffer must be provided between the development and the Right-of-Way for Interstate 75. Developer to provide necessary easements for a natural gas line extension on the property from Center Rd to Hwy 20. As referenced in the letter from Commissioner Steve Taylor, 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. Incorporate the A&R Engineering, Inc traffic study recommendations dated April 20, ,2023.
LEGAL:	N/A

ZONING SYNOPSIS Petition Number(s): Z23-06

REQUEST SUMMARY:

The applicant is requesting the rezoning of Parcel No. <u>C108-0001-001</u> containing 103.85 acres from R-20 (Single Family Residential) to RA-12 (Single Family Residential, Attached) for development of 199 townhomes.

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Merrill Trust

Representative: Karl Lutjens

Property Owner: WHM Chattahoochee Hills Investments LLC (Harrison

Merrill, Jr.)

Property Location: <u>Center Rd & I75 (C108-0001-001)</u>

Access to the Property: Center Rd

Site Characteristics:

Tract Size: Acres: 103.85 District: 4th Section: 3rd LL(S): 245

Ward: 6 Council Member: **Taff Wren**

LAND USE INFORMATION

Current Zoning: R-20 Single-Family Residential

Proposed Zoning: RA-12 Residential Attached, 12 units/ ac.

Proposed Use: Townhouse Development

Current Zoning of Adjacent Property:

North: County R-3CU (Multi-Family Conditional Use); County M-

1 (Mining)

South: R-10 (Single Family Residential)
East: R-10 (Single Family Residential)

West: RA-12 (Single family Residential); County M-1 (Mining)

The Future Development Plan designates the subject property as: Suburban Living

The Future Land Use Map designates the subject property as: <u>Low & Medium Density</u> <u>Residential</u>

ZONING ANALYSIS

Site History:

2004: Z04-14. Approximately 202 acres were rezoned from R-20 to R-10 with conditions for two tracts of land north and south of Center Road west of and adjacent to I-75. Tract 1 was north of Center Road and named the Etowah Preserve subdivision. Tract 2 was south of Center Road and encompassed what is now the Autumn Canyon subdivision. 360 lots were approved with this zoning application.

2018: Z18-03. Zoning proposal to develop Etowah Preserve in 2 phases. Phase 1, now known as Everton Estates, would improve all existing infrastructure components and construct 182 townhome units and one amenity lot on the 50 +/- acres. Phase I requested rezoning from R-10 with conditions to RA-12. Phase 2 development on the remaining 111 +/- acres would occur at a future date and requested rezoning from R-10 with conditions to R-20 with conditions.

The Z18-03 rezoning request for Phases 1 and 2 was approved with conditions by City Council on April 19, 2018. The conditions are:

- 1. Maximum of 281 lots/units provided. No more than 199 lots/units shall be built in Phase 1 and 82 lots/units in Phase 2. ((360) lots approved Z04-14 (79) lots Autumn Canyon = 281).
- 2. No development or Finished Floor Elevation (FFE) is to occur above the 1100 ft elevation without the review and approval of the Water Department.
- 3. Widen Center Rd out to Minor Collector standards (this includes the donation of required R/W to go from 50 ft to 60 ft or more where necessary for project related improvements)
- 4. A 50ft. buffer must be provided between the development and the Proposed Center Road Re-alignment.
- 5. A 50ft. buffer must be provided between the development and the Right-of-Way for Interstate 75.
- 6. Provide/maintain a minimum of 36 acres of green space.
- 7. Owner/developer is required to re-plat the property prior to development.
- 8. As referenced in the letter from Commissioner Steve Taylor, 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.

2019: Z19-02. Zoning proposal for 111 +/- acres currently zoned R-20 with conditions be rezoned to MF-14 for the construction of 300 apartment units. Application withdrawn.

2022: Z22-01. Zoning proposal for 108.35 +/- acres currently zoned R-20 with conditions be rezoned to MF-14 for the construction of 199 townhouse units. Application denied.

Z23-06 Zoning Summary:

Zoning application, Z23-06, requests that 103.85 +/- acres, currently zoned R-20 with conditions, be rezoned to RA-12 for the construction of a max. 199 townhouse units with an amenity area. The site is located directly west and adjacent to I-75 on the north side of Center Road.

In 2022 the same applicant presented zoning application, Z22-01, requesting the same zoning and a similar project concept plan and scope of work. That application was denied by council. Since the denial, the applicant has met with Councilman Wren to address his concerns which primarily were traffic and development quality. A traffic study was provided and Councilman Wren visited Foxhall Resort in Douglasville, a development by the applicant, Merrill Trust.

The project is now represented by Karl Lutjens, Southland Engineering.

A conceptual site plan is provided; however, no additional information has been provided regarding architectural elevations, material lists, floor plans, bedroom configurations, etc.

Misc. Noteworthy Items:

In 2004, the original zoning case, Z04-14, approved a maximum of 360 lots for both sides of Center Rd. Currently, Autumn Canyon contains 79 lots/units and Everton Estates will have 183 units- a total of 262 leaving (98) lots/units available for development. This application for Etowah Preserve Phase 2 is proposing (199) lots/units for a total of 461 lots/units. This exceeds the 2004 zoning plans by 101 lots or units.

Per the proposed zoning conditions under staff recommendation, Lots 204-220 per the concept plan will be affected by Item 3 requiring a 50ft buffer along the Center Rd realignment area.

Due to water service restrictions above the 1050 ft. elevation, development is limited to the southern half of the property. Upper elevations are intended to remain as green space due to this constraint. The city-wide water service elevation restriction has been increased from the 1,100 ft. elevation to the 1,050 elevation since the Z22-01 application was reviewed.

A comparison of the proposed project to the townhome requirements in Chapter 26 of the Zoning ordinance, Section 6.7, RA-12 Single Family Dwelling District, is provided. Several items have been identified as requiring a variance in order to construct the project. These items are highlighted. Variances would be addressed during the plan development phase.

In 2021, Everton Estates and Tilley Properties, Inc. executed and recorded an access agreement that would provide access from Tilley property, Tax ID. 0078-0172-001, east and south on the Everton Estates property and terminating at the property line of Etowah Preserve Phase 2. This easement is per the Z18-03 zoning condition No. 8, but was done without knowledge of future development that would occur on Etowah Phase 2. The easement access point is in conflict with the proposed amenity area at the southern end of Road B. This conflict will have to be resolved to implement the zoning condition. Continued access across the Phase 2 property to Center Road is required.

The Future Development Map identifies the area as Suburban Living which promotes single family detached homes as the primary land use; however, language in the description for Suburban Living encourages housing choices and internal connectivity to recreation and green space which this proposed development would provide.

The Future Land Use Map identifies this area as Low & Medium Density Residential. The proposed development achieves this metric. Refer to the table below for a comparison of development densities for past and current proposals and nearby developments.

Etowah Preserve Density Comparison

Zoning Case/ Name of Development	Lots or Units (P=Proposed; UC= Under Construction; C= Constructed)	Acreage (+/-)	Density (Lots or Units/ Acre)	Allowed Density by Zoning Cat. (Units or Lots/Acre)
Z23-06, Etowah Preserve Phase 2, RA- 12 (Townhomes), Proposed	Max. 199 (P)	*103.85	1.9	12
Z22-01, Etowah Preserve Phase 2, RA- 12 (Townhomes), Proposed	199 (X)- Application denied	*103.85	1.9	12
Z18-03, Etowah Preserve Phase 1. Everton Estates. RA- 12 (Townhomes)	183 (UC)	58	3.3	12
Z04-14 (Etowah Preserve Original Plan, All Phases)	281	162	1.7	
Autumn Canyon Subd. (Z04-14)	79 (C)	37	2.1	4.3
Hamilton Township Subd.	87 (C)	38	2.3	4.3
Estates at Ponders Mountain Subd. Phase 1 (Max. allowed all phases= 315)	75 (C)	29	2.6	4.3
Estates at Ponders Mountain Subd Phase 2	118 (UC) Phase 2 plans approved 7-11-23.	187	1.7 (based on 315 lots)	
Estates at Ponders Mountain Subd Phase 3	122 lots remaining.	187	1.7 (based on 315 lots)	

^{*} Approximately (7) seven acres were removed from the Phase 2 tract and added to the Everton Estates tract thereby reducing the original 111 acres to the 103.85 acres.

City Department Comments

Electric: Takes no exception.

Fibercom: No Comment provided

<u>Fire:</u> This project will require another entrance due to number of lots.

• CFD notes that the concept plan shows over 199 lots. Per the applicants' representative, the number of townhouses will be limited to 199 units which is under the threshold for a 2nd entrance..

Gas: Takes No Exception

<u>Public Works</u>: Public Works does not support front loading townhomes and would not support this being a public drive if the townhomes are loaded from the front.

[T. Sanders, form. Dir. Public Works, Z22-01] Just to put some official numbers to supplement our conversation, per GDOT Center Road near the location of the proposed development has 3,530 vehicles per day. The Highway Capacity Manual shows a typical two lane rural road can handle 2650 vehicles per hour. The Trip Gen rate for this type of development is 7.32 trips per unit which comes out to 1456 trips per day, this means about 750 in and 750 out. Therefore, there should be plenty of remaining capacity for Center Road to handle this development and others in the future.

<u>Water and Sewer:</u> Please refer to Water Availability letter sent on 9/21 (included on page 3 of the application) for site specific water comments.

<u>Cartersville School District</u>: Comments pending submittal of bedroom configurations.

Public Comments:

10/23: Sherri Rys, resident, Autumn Canyon Subdiv. General Inquiry.

STANDARDS FOR EXERCISE OF ZONING POWERS.

- 1. The existing land uses and zoning of nearby property.

 Except for the M-1, Mining district, all other adjacent properties are zoned for residential (R-10 & RA-12) and multi-family residential (R3CU).
- 2. The suitability of the subject property for the zoned purposes.

 The topography, soils and water pressure issues will challenge any proposed development. The site is suitable for development below the 1050ft. contour elevation.
- 3. The relative gain to the public, as compared to the hardship imposed upon the individual property owner.
 The proposed development would provide a housing product that, currently, seems to be in demand. Attached housing units may be the better option for development given the topography and surrounding land uses. There is limited hardship to the property owner as the topographic and water delivery challenges existed prior to purchase of the property.
- 4. Whether the subject property has a reasonable economic use as currently zoned. The property has a reasonable economic use as currently zoned; however, any development will be challenging.
- 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 may permit a use that is suitable in view of the use of the adjacent residential properties. The proposed density is compatible with adjacent developments.
- 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. Concerns regarding traffic increases will likely be raised. Former Public Works director, Tommy Sanders, provided comments for Z2-01 that Center Road can accommodate significant traffic count increases. The zoning condition that provides access from the Tilley Properties, Inc. property to Center Road remains in effect. A modification to the 2021 recorded easement may be required.
- 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 generally conforms with the Future Development Plan and Comprehensive Land Use Plan for Suburban Living and Low to Medium density requirements. At 12 units per acre, mathematically, 1246 units could be constructed which would be a high density development for

the City; however, the proposed 199 units would comply with the low-medium density requirement.

- 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 regulations.
- 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 could be burdensome on the school district if there is a high number of 3-bedroom units. Center Road would experience an increase in traffic, but not a burdensome increase. No burden is expected on city utilities. Water service is not available above the 1050 ft. elevation.
- 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:

If approved, the following zoning conditions should be adopted:

- 1. No more than 199 lots/units shall be built in Etowah Preserve Phase 2 as presented in this application and on the concept plan.
- 2. No development or Finished Floor Elevation (FFE) is to occur above the 1050 ft elevation without the review and approval of the Water Department.
- 3. A 50ft. buffer must be provided between the development and the Proposed Center Road Re-alignment.
- 4. A 50ft. buffer must be provided between the development and the Right-of-Way for Interstate 75.
- 5. Developer to provide necessary easements for a natural gas line extension on the property from Center Rd to Hwy 20.
- 6. As referenced in the letter from Commissioner Steve Taylor, 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.
- 7. Incorporate the A&R Engineering, Inc traffic study recommendations dated April 20, 2023.

6.7 RA-12 Single-family dwelling district.

Z23-06 P&D Analysis. Etowah Preserve Phase 2

Center Rd @I-75

Code	Description and/ or Requirements	Required	Proposed	Notes
Section				
6.7.1	RA-12 district scope and intent. Regulations set forth in this section		Fee Simple	
	are the RA-12 district regulations. The RA-12 district is intended to		Implied	
	provide land areas devoted to high density uses consisting of single-			
	family dwellings as further described in section 3.1.8 of this chapter.			
	Land areas zoned RA-12 are also intended to provide a transition			
	between medium density single-family residential areas and higher			
	density multifamily residential areas or between medium density			
	residential areas and nonresidential areas. The RA-12 district is			
	intended to encourage home ownership.			
		<u> </u>		
6.7.2	Use Regulation			
6.7.3	Development Standards			
A.	Height regulations. Buildings shall not exceed a height of thirty-five	Υ	No data	
	(35) feet or two and one-half (2½) stories, whichever is higher.		provided	
B.	Minimum lot area per dwelling unit: Two thousand (2,000) square	Υ	2000sf	
	feet.			
C.	Maximum density: Twelve (12) units per gross acre.	Υ	1.92 un/ac	5.95 un/ disturbed acre
D.	Minimum lot width: Twenty (20) feet.	Υ	No data	
			provided	
E.	Minimum lot frontage:			
1	Single-family detached units: Thirty-five (35) feet.		NA	
2	All other uses: Twenty (20) feet.	Υ	ОК	Shown as note on concept plan
F.	Minimum lot depth: One hundred (100) feet.	Υ	No data	
			provided	
G.	Minimum development area: One-half (0.5) acres.	Υ	103.85	
H.	Minimum heated floor area: One thousand (1,000) square feet.	Υ	No data	Addressed during site plan review.
			provided	
l.	Setbacks:	T		

Code Section	Description and/ or Requirements	Required	Proposed	Notes
1	Front yard: Ten (10) feet.	Υ	No data provided	Addressed during site plan review.
2	Side yard: Ten (10) feet (each end of row).	Υ	No data provided	Addressed during site plan review.
3	Rear yard: Twenty (20) feet.	Υ	No data provided	Addressed during site plan review.
J.	[Gable or hip roofs.] Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.	Υ	No data provided	Addressed during building plan review.
K.	Accessory use, building and structure requirements. See section 4.9 of this chapter.			
L.	Minimum buffer requirements. In addition to required setbacks, a fifteen-foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.	Υ		Buffer required along Everton Estates development. Potential natural buffer. Addressed during site plan review.
M.	Other required standards.			
1	No fewer than three (3) dwelling units in a row shall be allowed.	Υ	No data provided	Townhouse blocks will not be continuous as shown on the concept plan per site engineer.
2	Alley or private drive access required.	Υ	None shown	Potential Variance item.
3	Required parking shall be allowed in the rear yard only.	Υ	None shown	Potential Variance item.
4	Principal buildings shall front a private drive or public right-of-way.	Υ		Public Works will require private streets if front parking and access is desired.
5	Principal structures on lots within the RA-12 district shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.	Υ	No data provided	Addressed during building plan review.

Code	Description and/ or Requirements	Required	Proposed	Notes
Section				
6	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 RA-12 district.		NA	

Ordinance Source:

https://library.municode.com/ga/cartersville/codes/code_of_ordinances?nodeId=COOR_CH26ZO_ARTVISIMIDWDIRE_S6.7RASIMIDWDI

8572387763 7067927936 PARTICIPANT ID

BK:3368 PG:734-743 D2021016029

AFTER RECORDING, RETURN TO:

Jenkins, Bowen & Walker, P.C. 15 South Public Square Cartersville, Georgia 30120 Attn: Robert L. Walker, Esq. FILED IN OFFICE CLERK OF COURT 08/26/2021 12:08 PM MELBA SCOGGINS, CLERK SUPERIOR COURT BARTOW COUNTY, GA

STATE OF GEORGIA COUNTY OF BARTOW



EASEMENT AND RIGHT OF WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, Etowah Venture Partners I LLC, a Georgia limited liability company ("Grantor", whether one or more), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto Tilley Properties, Inc., a Georgia corporation, whose address is 917 N. Tennessee Street, Cartersville, Georgia 30120, and its successors-in-title ("Grantee") for the benefit of that certain real property owned by the Grantee described as Bartow County Tax Parcel ID No. 0078-0172-001 (the "Grantee Property") the non-exclusive easements described in this Agreement (collectively, the "Easements") through and across the portions of the Grantor Property identified in this Agreement, which entire Grantor Property is described in "Exhibit B" attached hereto and made a part hereof, subject to the terms of this Agreement.

Grantor grants to Grantee for the benefit of the Grantee Property a perpetual, non-exclusive easement for vehicular ingress and egress through and across the portion of the Grantor Property being a strip of land identified as "Permanent Right of Way and Easement", as shown on the drawing marked "Exhibit A" attached hereto and made a part hereof (hereinafter "Permanent Right of Way and Easement").

During the course of construction of any roadway or improvements authorized herein, Grantee shall have the right to enter upon, clear off, and use an additional strip (or strips) of land contiguous to the Permanent Right of Way and Easement (as defined above), such strip (or strips) of land being generally identified on the attached "Exhibit A" as an "Area of Temporary Work Space" (hereinafter "Temporary Work Space"). Grantee agrees that it will restore or repair any property of the Grantor within the Temporary Work Space which is impacted or damaged by any work performed by the Grantee, or on behalf of the Grantee, during the course of construction of any roadway or improvements authorized herein. Grantee's right and easement to use the Temporary Work Space as provided above shall expire upon the earlier of: (i) the completion of construction of the road within the Permanent Right of Way and Easement; (ii) One Hundred Eighty (180) days after Grantee commences construction of such road, unless such construction is delayed by weather, act of God, or non-financial circumstances beyond Grantee's control, in which events such period shall be extended on a day-for-day basis for each day of delay; or (iii) the twenty fifth (25th) annual anniversary of the date of this Agreement. Additionally, after the completion of the initial construction of any roadway within the Permanent Right of Way and Easement, should Grantee thereafter decide to improve said roadway by paving or putting down any other surfacing, or re-pave or otherwise maintain the roadway within the Permanent Right of Way and Easement, the Grantor will provide a temporary construction easement to permit Grantee to complete such additional work or maintenance that shall expire upon the earlier of: (i) the completion of the upgrades to the road within the Permanent Right of Way Easement; or (ii) One Hundred Twenty (120) days after the Grantee commences such additional construction of such road, unless such construction is delayed by weather, act of God, or non-financial circumstances beyond Grantee's control, in which events such period shall be extended on a day-for-day basis for each day of the delay. Moreover, Grantor hereby grants to Grantee a slope or grade easement on the property immediately adjacent to the Permanent Right of Way and Easement, that has been approved by Grantor, which approval shall not be unreasonably withheld, conditioned, or delayed and for such reasonable periods of time as necessary for Grantee to maintain the elevation and slope of the Permanent Right of Way and Easement (the "Slope Easement").

The Grantee shall have the right, from time to time as it may find convenient, to cut or remove all trees, undergrowth and other obstructions from the Permanent Right of Way and Easement and to install and maintain utilities, or to grant easements to the appropriate utility providers to install and maintain utilities, under the Permanent Right of Way and Easement (the "Ancillary Easement"). The Grantee shall also have the rights and benefits necessary to maintain the Easements, at its sole expense.

Grantor shall have the right to enter and use the land within the Permanent Right of Way and Easement if and to the extent such entry and use does not interfere with and is not inconsistent with Grantee's rights herein, and except that the Grantor will not build any permanent structures on the Permanent Right of Way and Easement or any part thereof, will not change the grade of the Permanent Right of Way and Easement, or any part thereof without the express written permission of the Grantee, which permission shall not be unreasonably withheld, conditioned, or delayed, will not plant trees on the Permanent Right of Way and Easement, or any part thereof, will not change

or alter any slopes or other supporting facilities, including but not limited to stormwater detention areas, or use the Permanent Right of Way and Easement or any part thereof in such a way as to interfere with Grantee's immediate and unimpeded access to the Permanent Right of Way and Easement, or otherwise interfere with Grantee's lawful exercise of any of the rights herein granted without first having obtained Grantee's approval in writing, which approval shall not be unreasonably withheld, conditioned, or delayed; and Grantor will not authorize others to do any of said acts without first having obtained Grantee's approval in writing, which approval shall not be unreasonably withheld, conditioned, or delayed. Grantor's right to enter and use the land within the Permanent Right of Way and Easement is limited to entering and using only that part of the Permanent Right of Way and Easement contained on the Grantor Property. No forbearance by Grantee to cut and remove any trees, undergrowth or other obstructions from the Permanent Right of Way and Easement or to exercise any other right provided by Grantee hereunder for any period of time shall constitute a waiver of such right or limit Grantee's ability to exercise such right as it may find convenient. Notwithstanding the foregoing, Grantee may construct paved or unpaved roadways within the Permanent Right of Way and Easement. Should Grantee elect to construct any paved or unpaved roadways within the Permanent Right of Way and Easement, any and all technical specifications of the roadway, including but not limited to width, type of surfacing or paving, or similar specifications, shall be determined by the Grantee, without further approval from the Grantor. Prior to constructing any road within the Permanent Right of Way and Easement, Grantee shall provide thirty (30) days written notice thereof to Grantor of the location and dimensions of such road within the Permanent Right of Way and Easement at the following address: c/o Atlantic Realty Partners, Inc., 3500 Lenox Road, Suite 1250, Atlanta, Georgia 30326, and notwithstanding the terms of the immediately preceding sentence, such specifications shall be subject to Grantor's approval, which approval shall not be unreasonably withheld, conditioned, or delayed. Grantor agrees that nothing contained in this Agreement shall require Grantee to pave any roadway constructed by Grantee within the Permanent Right of Way and Easement unless Grantee decides that such paving is necessary for its use and enjoyment of the same, or unless required by applicable governmental laws or regulations in effect from time to time.

This Easement and Right of Way Agreement and any and all rights of Grantee hereunder shall run with the land that is the Grantor Parcel and the Grantee Parcel (collectively, the "Property"), and shall create equitable servitudes in favor of the Property, and shall bind every person having any fee, leasehold or other interest in the Property, and shall inure to the benefit of the respective parties and their successors-in-title. Upon the conveyance of any portion of the Property, the owner and transferor of such portion of the Property at the time of the transfer shall be relieved of all obligations arising hereunder after the time of such conveyance, and such transferee is deemed to have assumed all such obligations during the time that such assignee owns such portion of the Property.

Nothing herein, nor in the use of the Easements made under this Easement and Right of Way Agreement shall constitute a dedication by Grantor of the Permanent Right of Way and Easement as a public right of way, and the rights and Easements herein created shall not be for the benefit of the general public, whether as a third party beneficiary or otherwise.

TO HAVE AND TO HOLD said right of way and Easements unto said Grantee, and its successors-in-title, immediately upon the execution of this Agreement and so long thereafter until the Grantee releases or otherwise relinquishes said right of way and Easements in writing; and the undersigned hereby bind themselves, their heirs, executors and administrators (and successors and assigns) to warrant and forever defend all and singular said premises unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor.

Grantee and Grantor, by the acceptance hereof, further covenant and agree:

- (a) Grantee will reimburse the Grantor for any physical damages which Grantor, on any of the Grantor Property outside of the Permanent Right of Way and Easement, may suffer as a consequence of the laying, constructing, altering, repairing, removing, changing the size of, or replacing any roadway or improvements, in the exercise of its rights granted.
- (b) Grantor shall reimburse Grantee for any and all repair and replacement costs to any utility lines, pavements, or other improvements on the Permanent Right of Way and Easement resulting from any damage caused by any person acting on behalf or with Grantor's permission using the easement rights granted to Grantee hereunder.
- (c) Grantor shall have the right, at its choosing to connect to any portion of the Permanent Right of Way and Easement that is located on the Grantor Property. Notwithstanding the foregoing, Grantor shall provide thirty (30) days written notice thereof to Grantee of its plans to connect to the Permanent Right of Way and Easement at the following address: Tilley Properties, Inc., 917 N. Tennessee Street, Cartersville, Georgia 30120. Moreover, Grantor's rights to connect, enter and use the land within the Permanent Right of Way and Easement is limited to connecting, entering and using only that part of the Permanent Right of Way and Easement contained on the Grantor Property and shall not extend to any adjacent property owned by the Grantee. Notwithstanding the foregoing or any other provision of this Agreement to the contrary: (i) in the event that Grantee or an affiliate of Grantee ever acquires fee simple title to all or a portion of Lot 3 ("Lot 3") identified in the attached "Exhibit A" (which acquired land is hereinafter referred to as the "Future Property"), Grantee for itself and on behalf of its affiliate, as applicable, does hereby grant, bargain, sell and convey, and shall be deemed contemporaneously with the acquisition of the Future Property to have granted, bargained, sold and conveyed, unto Grantor and its successors-in-title for the benefit of the Grantor Property a perpetual, nonexclusive easement for vehicular ingress and egress through and across all driveways and roadways, that are now or hereafter located upon the Future Property that connects the Permanent Right of Way and Easement to Center Road "(the "Future Property Easement"). Although the Future Property

Easement is self-executing, upon the request of Grantor following such acquisition of the Future Property, Grantee or its affiliate, as applicable, shall execute and deliver to Grantor for recordation in the Bartow County real estate records a Future Property Easement in form and substance that is reasonably acceptable to such parties; or (ii) in the event that an access easement is ever granted over all or a portion of Lot 3 for the benefit of all or a portion of the Grantee Property that connects the Permanent Right of Way and Easement to Center Road (the "Future Access Easement"), Grantee covenants and agrees for the benefit of Grantor and the Grantor Property that such Future Access Easement will also benefit the Grantor Property and the Adjacent Land (as said term is hereinafter defined), to the extent agreed upon by the grantor of the Future Access Easement. Grantee covenants and agrees to make a commercially reasonable effort to obtain such agreement from such grantor of the Future Access Easement. Grantor may authorize any affiliate of Grantor that acquires fee simple title to any land that is adjacent to the Grantor Property (the "Adjacent Land") to use on a non-exclusive basis the rights and easements granted to Grantor in this Section (c) for the benefit of such Adjacent Land, and in the event that Grantor provides such authorization, such affiliate and its successors-in-title to such Adjacent Land shall become a third party beneficiary of such rights and easements for the benefit of such Adjacent Land, and such rights and easements shall run with the title to such Adjacent Land in perpetuity. For purposes hereof, an affiliate of Grantor is deemed to be an entity directly or indirectly owned in whole or in part by Grantor or by a principal of Grantor, and an affiliate of Grantee is deemed to be an entity directly or indirectly owned in whole or in part by Grantee or by a principal of Grantee.

- (d) In the event that any paved or unpaved roadway is constructed by the Grantee within the Permanent Right of Way and Easement area, Grantee agrees that it shall be responsible for any stormwater management that may be required by any state or local government regulations existing at the time of said improvements.
- (e) At its sole cost and expense, Grantee shall maintain and repair for its intended purpose each of the improvements made by or on behalf of Grantee pursuant to the terms of this Agreement, including the road within the Permanent Right of Way and Easement (collectively, the "Improvements"). All such Improvements and all modifications, alterations, and enhancements of such Improvements shall be constructed at Grantee's expense in accordance with applicable governmental laws and regulations, and subject to plans and specifications that have been approved by Grantor, which approval shall not be unreasonably withheld, conditioned, or delayed, and if after an Improvement has been constructed it must be modified or changed to comply with governmental laws or regulations then in effect, Grantee shall promptly take the required action at its expense. Notwithstanding the terms of the immediately preceding sentence, Grantor

agrees that nothing contained in this Agreement shall require Grantee to pave any roadway constructed by Grantee within the Permanent Right of Way and Easement unless Grantee decides that such paving is necessary for its use and enjoyment of the same, or unless required by applicable governmental laws or regulations in effect from time to time. In its use of the Easements, Grantee shall make a commercially reasonable effort to minimize interference with the use and occupancy of the Grantor Property, and shall promptly restore and repair any damage that it causes to the Grantor Property. Grantee shall indemnify and save Grantor harmless from and against all claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of or relating to the use or exercise of any of the rights or Easements herein granted to Grantee or its agents, employees, tenants, invitees, licensees, contractors, or subcontractors. The Grantor agrees that the Grantee shall not have any obligation to indemnify or hold harmless the Grantor from any claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of injuries to any trespasser on the Grantor Property or Grantee Property, nor arising out of injuries to any person using the Grantor Property or Grantee Property without the express permission of the Grantee. Similarly, Grantor shall indemnify and save Grantee harmless from an against all claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of or relating to the use or exercise of any of the rights or Easements herein granted to Grantor or its agents, employees, tenants, invitees, licensees, contractors or subcontractors. The Grantee agrees that that Grantor shall not have any obligation to indemnify or hold harmless the Grantee from any claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of injuries to any trespasser on the Grantor Property or Grantee Property, nor arising out of injuries to any person using the Grantor Property or Grantee Property without the express permission of the Grantor.

(f) Grantor agrees to cooperate with Grantee by providing any information or documentation necessary for Grantee to obtain suitable title insurance, at the Grantee's sole expense, insuring that the Grantor has the legal authority to provide and convey the rights given in this Easement and Right of Way Agreement.

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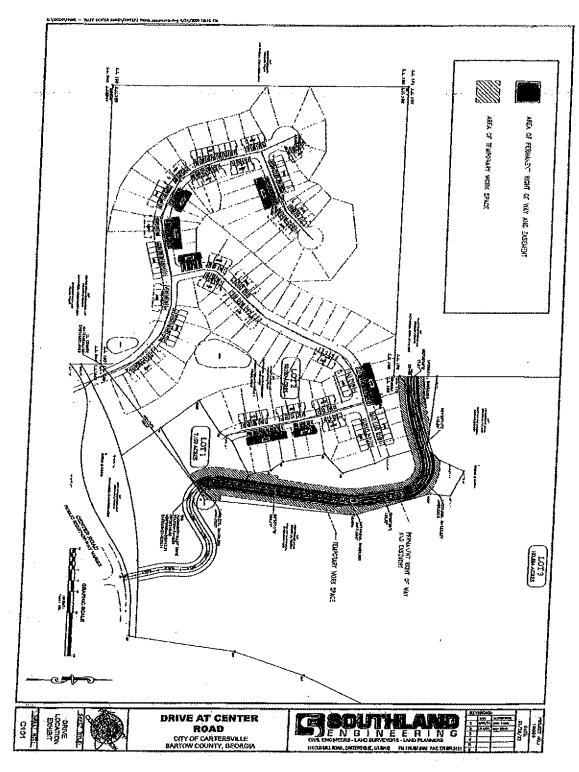
Item 3.

This Agreement may not be modified or amended, except in writing, signed by all parties hereto. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia. This Agreement shall be binding upon the heirs, executors, administrators, and successors-in-title of the parties hereto. In the event of the breach of any party's obligations under this Agreement, the breaching party shall be liable for all costs and expenses occasioned by such breach, including but not limited to court costs and attorneys' fees.

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IN TESTIMONY AND WITNESS V	/HEREOF, Grantor and Grantee have hereunto set
their hands and seals this 25 day of A	MANTOR:
	ETOWAH VENTURE PARTNERS I LLC, A Georgia limited liability company
	Thereto morney company
4	By: Frut an
	Name: Richard D. Aaronson Title: Manager
Signed, sealed and delivered in the presence of:	
Witness	
3 Maddox	
Notary Public	
[NOTARIAL SEAL]	GRANTEE:
Z Maddox	
NOTARY PUBLIC	TILLEY PROPERTIES, INC., a Georgia corporation
DeKalb County, GEORGIA	12000
My Commission Expires 04/08/2025	By: Stilley
/	Name: Beth Tilley Title: CEO, Tilley Properties, Inc.
Signed, sealed and delivered in	
the presence of: When the presence of: When the presence of:	
Witness	
Mancy B. Kollock	
Notary Public [NOTARIAL SEAL]	
4825-8172-51681 Aaronson/Cartersville/Titley Easement Agreement access expinent agreem	au 30_21

EXHIBIT "A"



BK:3368 PG:743

Item 3.

EXHIBIT "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN LAND LOTS 173, 188, 189, AND 245, OF THE 4TH DISTRICT, 3RD SECTION IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (CAR AXLE) AT THE COMMON LAND LOT CORNER OF LAND LOTS 172, 173, 188, AND 189; THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 173 WITH A BEARING OF N 00°12'47" E A DISTANCE OF 27.09 FEET TO AN IRON PIN FOUND (#4 REBAR); THENCE CONTINUING ALONG SAID LAND LOT LINE WITH A BEARING OF N 00°12'47" E A DISTANCE OF 160.81 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE WITH A BEARING OF S 85°11'54" E A DISTANCE OF 325.04 FEET TO AN IRON PIN FOUND (#4 REBAR); THENCE WITH A BEARING OF N 67°53'47" E A DISTANCE OF 32.28 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 35°59'04" E A DISTANCE OF 24.16 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 51°24'37" E A DISTANCE OF 24.16 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 25°33'04" E A DISTANCE OF 61.63 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 25°26'59" E A DISTANCE OF 70.00 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 64°33'01" E A DISTANCE OF 128.50 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 06°07'07" W A DISTANCE OF 89.34 FEET TO AN IRON PIN FOUND (#4 REBAR -CAPPED); THENCE WITH A BEARING OF S 17°01'05" E A DISTANCE OF 343.18 FEET TO AN IRON PIN FOUND (#4 REBAR - CAPPED #796); THENCE WITH A BEARING OF S 06°08'33" W A DISTANCE OF 656.50 FEET TO A TREE LOCATED 18.5 FEET NORTHEAST OF AN IRON PIN FOUND (#4 REBAR); THENCE WITH A BEARING OF \$ 57°56'20" W A DISTANCE OF 394.22 FEET TO AN IRON PIN FOUND (#4 REBAR); THENCE WITH A BEARING OF S 38°18'37" E A DISTANCE OF 211.47 FEET TO AN IRON PIN FOUND (#4 REBAR) ALONG THE NORTHERN RIGHT OF WAY (R/W) OF CENTER ROAD (VARIABLE PUBLIC R/W); THENCE ALONG SAID R/W IN A SOUTHWESTERLY DIRECTION WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 2060.11 FEET, HAVING A CHORD BEARING OF S 65°43'28" W, A CHORD DISTANCE OF 469.55 FEET AND AN ARC LENGTH OF 470.58 FEET TO AN IRON PIN PLACED (#4 REBAR) AT THE INTERSECTION OF SAID R/W AND THE WESTERN LAND LOT LINE OF LAND LOT 245; THENCE ALONG SAID LOT LINE WITH A BEARING OF N 00°45'50" W A DISTANCE OF 85.85 FEET TO AN IRON PIN PLACED (#4 REBAR) AT THE COMMON LAND LOT CORNER OF LAND LOTS 188, 189, 244, AND 245; THENCE ALONG THE SOUTHERN LAND LOT LINE OF LAND LOT 189 WITH A BEARING OF N 89°59'28" W A DISTANCE OF 1305.18 FEET TO AN IRON PIN FOUND (#4 REBAR - FLAT IRON) AT THE COMMON LAND LOT CORNER OF LAND LOTS 189, 190, 243, AND 244; THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 189 WITH A BEARING OF N 00°00'27" E A DISTANCE OF 1293.44 FEET TO AN IRON PIN FOUND (#4 REBAR) AT THE COMMON LAND LOT CORNER OF LAND LOTS 171, 172, 189, AND 190; THENCE ALONG THE NORTHER LAND LOT LINE OF LAND LOT 189 WITH A BEARING OF S 89°28'07" E A DISTANCE OF 1356.30 FEET TO AN IRON PIN FOUND (CAR AXLE) AT THE COMMON LAND LOT CORNER OF LAND LOTS 172, 173, 188, AND 189 AND THE POINT OF BEGINNING.

TRAFFIC IMPACT STUDY FOR PROPOSED RESIDENTIAL DEVELOPMENT NORTHWEST OF CENTER ROAD AND I-75, CITY OF CARTERSVILLE, GEORGIA



Prepared for:

Prime Engineering 3715 Northside Parkway NW, Building 300, Suite 200 Atlanta, GA 30327

Prepared By:



A&R Engineering Inc.

2160 Kingston Court, Suite O Marietta, GA 30067 Tel: (770) 690-9255 Fax: (770) 690-9210 www.areng.com

> April 20, 2023 A & R Project # 23-045

TABLE OF CONTENTS

ltem		Page
	ntroduction	
2.0 E	existing Facilities / Conditions	3
2.1	Roadway Facilities	3
2.1.1	US 41 (Joe Frank Harris Parkway)	3
2.1.2	Center Road	3
2.1.3	Rowland Springs Road	3
2.1.4	Smiley Ingram Road	3
2.1.5	Mockingbird Drive	3
3.0 S	Study Methodology	4
3.1	Unsignalized Intersections	4
3.2	Signalized Intersections	5
4.0 E	Existing 2023 Traffic Analysis	6
4.1	Existing Traffic Volumes	6
4.2	Existing Traffic Operations	9
5.0 P	Proposed Development	10
5.1	Trip Generation	12
5.2	Trip Distribution	12
5.2.1	Nearby Planned Residential Development – Project #23-048	12
6.0 F	Future 2025 Traffic Analysis	15
6.1	Future "No-Build" Conditions	15
6.1.1	Annual Traffic Growth	15
6.2	Future "Build" Conditions	15
6.3	Auxiliary Lane Analysis	18
6.3.1	Left Turn Lane Analysis	18
6.3.2	Deceleration Turn Lane Analysis	18
6.4	Future "Build" Traffic Operations	19
7.0 C	Conclusions and Recommendations	21
7.1	Recommendations for Site Access Configuration	21
Appendi	ix	

Not included with zoning report due to file size

LIST OF TABLES

ltem	Page
Table 1 – Level-of-service Criteria for Unsignalized Intersections	4
Table 2 – Level-of-service Criteria for Signalized Intersections	5
Table 3 – Existing Intersection Operations	9
Table 4A – Trip Generation (Proposed Site)	12
Table 4B – Trip Generation (Adjacent Site)	12
Table 5 – GDOT Requirements for Left Turn Lanes	18
Table 6 – GDOT Requirements for Deceleration Lanes	18
Table 7 – Future Intersection Operations	19
LIST OF FIGURES	
ltem	Page
Figure 1 – Location Map	2
Figure 2 – Existing Weekday Peak Hour Volumes	7
Figure 3 – Existing Traffic Control and Lane Geometry	8
Figure 4 – Site Plan	11
Figure 5 – Trip Distribution and New Site Generated Peak Hour Volumes	13
Figure 6 – Trip Distribution and Site Generated Peak Hour Volumes (Adjacent Site)	14
Figure 7 – Future (No-Build) Peak Hour Volumes	16
Figure 8 – Future (Build) Peak Hour Volumes	17
Figure Q. Future Traffic Control and Lane Geometry	20

1.0 INTRODUCTION

The purpose of this study is to determine the traffic impact from the proposed residential development that will be located northwest of the crossing of Center Road and I-75 in the City of Cartersville, Georgia. The traffic analysis includes evaluation of the current operations and future conditions with the traffic generated by the development. The proposed development will consist of 199 townhome units.

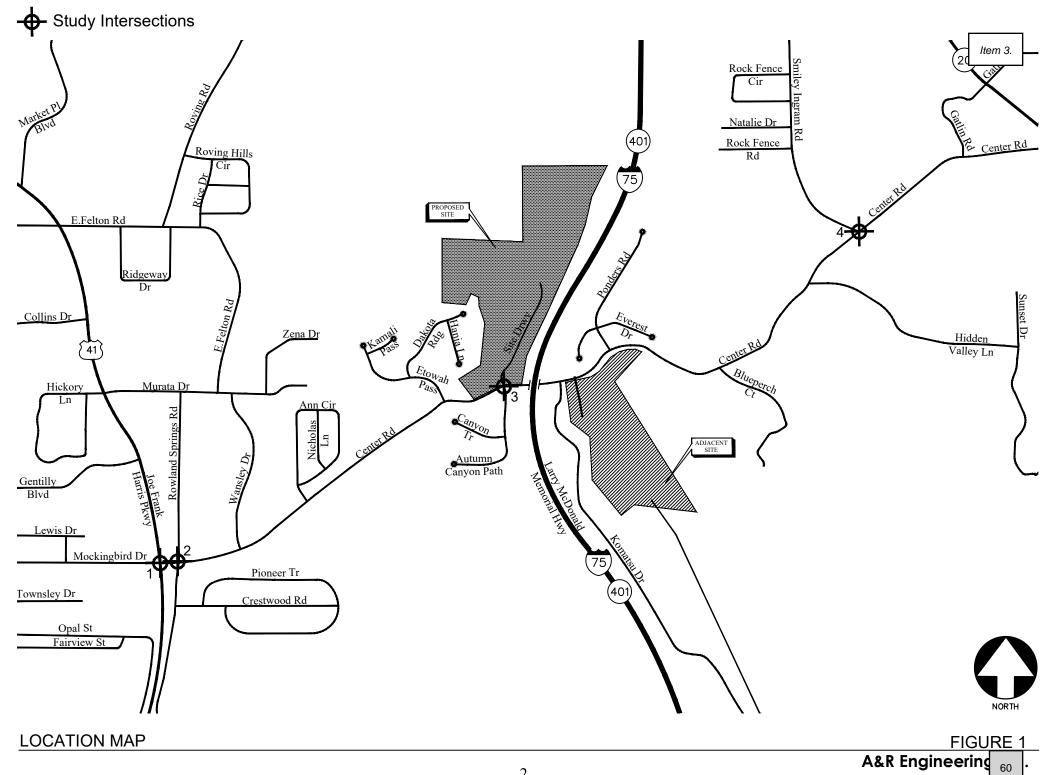


The development proposes one full access driveway on Center Road aligned with Autumn Canyon Path.

The AM and PM peak hours have been analyzed in this study. In addition to the site access point, this study includes the evaluation of traffic operations at the intersections of:

- Center Road at US 41 (Joe Frank Harris Parkway)
- Center Road at Rowland Springs Road
- Center Road at Autumn Canyon Path
- Center Road at Smiley Ingram Road

Recommendations to improve traffic operations have been identified as appropriate and are discussed in detail in the following sections of the report. The location of the development and the surrounding roadway network are shown in Figure 1.



2.0 EXISTING FACILITIES / CONDITIONS

2.1 Roadway Facilities

The following is a brief description of each of the roadway facilities located in proximity to the site:

2.1.1 US 41 (Joe Frank Harris Parkway)

US 41 (Joe Frank Harris Parkway) is a north-south, four-lane, median-divided roadway with a posted speed limit of 45 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0114) indicate that the daily traffic volume on US 41 (Joe Frank Harris Parkway) in 2021 was 34,700 vehicles per day south of Center Road. GDOT classifies US 41 (Joe Frank Harris Parkway) as an urban principal arterial roadway.

2.1.2 Center Road

Center Road is an east-west, two-lane, undivided roadway with a posted speed limit of 35 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0358) indicate that the daily traffic volume on Center Road in 2021 was 3,750 vehicles per day east of Wansley Drive. GDOT classifies Center Road as an urban major collector roadway.

2.1.3 Rowland Springs Road

Rowland Springs Road is a north-south, two lane, undivided roadway with a posted speed limit of 30 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0354) indicate that the daily traffic volume on Rowland Springs Road in 2021 was 1,690 vehicles per day north of Center Road. GDOT classifies Rowland Springs Road as an urban major collector roadway.

2.1.4 Smiley Ingram Road

Smiley Ingram Road is a two lane, undivided roadway with a posted speed limit of 35 mph in the vicinity of the site.

2.1.5 Mockingbird Drive

Mockingbird Drive is an east-west, two-lane, undivided roadway with a posted speed limit of 25 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0504) indicate that the daily traffic volume on Mockingbird Drive in 2021 was 1,570 vehicles per day east of North Tennessee Street. GDOT classifies Mockingbird Drive as an urban minor collector roadway.

3.0 STUDY METHODOLOGY

In this study, the methodology used for evaluating traffic operations at each of the subject intersections is based on the criteria set forth in the Transportation Research Board's Highway Capacity Manual, 6th edition (HCM 6). Synchro software, which utilizes the HCM methodology, was used for the analysis. The following is a description of the methodology employed for the analysis of unsignalized and signalized intersections.

3.1 Unsignalized Intersections

For unsignalized intersections controlled by a stop sign on minor streets, the level-of-service (LOS) for motor vehicles with controlled movements is determined by the computed control delay according to the thresholds stated in Table 1 below. LOS is determined for each minor street movement (or shared movement), as well as major street left turns. LOS is not defined for the intersection as a whole or for major street approaches. The LOS of any controlled movement which experiences a volume to capacity ratio greater than 1 is designated as "F" regardless of the control delay.

Control delay for unsignalized intersections includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Several factors affect the control delay for unsignalized intersections, such as the availability and distribution of gaps in the conflicting traffic stream, critical gaps, and follow-up time for a vehicle in the queue.

Level-of-service is assigned a letter designation from "A" through "F". Level-of-service "A" indicates excellent operations with little delay to motorists, while level-of-service "F" exists when there are insufficient gaps of acceptable size to allow vehicles on the side street to cross the main road without experiencing long delays.

Table 1 — Level-of-service Criteria for Unsignalized Intersections					
Control Dolay (see (yehicle)	LOS by Volume-to-Capacity Ratio*				
Control Delay (sec/vehicle)	v/c ≤ 1.0	v/c > 1.0			
≤ 10	А	F			
> 10 and ≤ 15	В	F			
> 15 and ≤ 25	С	F			
> 25 and ≤ 35	D	F			
> 35 and ≤ 50	E	F			
> 50	F	F			

^{*}The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection.

Source: Highway Capacity Manual, 6th edition, Exhibit 20-2 LOS Criteria: Motorized Vehicle Mode

3.2 Signalized Intersections

According to HCM procedures, LOS can be calculated for the entire intersection, each intersection approach, and each lane group. HCM uses control delay alone to characterize LOS for the entire intersection or an approach. Control delay per vehicle is composed of initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Both control delay and volume-to-capacity ratio are used to characterize LOS for a lane group. A volume-to-capacity ratio of 1.0 or more for a lane group indicates failure from capacity perspective. Therefore, such a lane group is assigned LOS F regardless of the amount of control delay.

Table 2 below summarizes the LOS criteria from HCM for motorized vehicles at signalized intersection.

Table 2 — Level-of-service Criteria for Signalized Intersections					
Control Delay (sec/vehicle) *	LOS for Lane Group by Ratio				
	v/c ≤ 1.0	v/c > 1.0			
≤ 10	Α	F			
> 10 and ≤ 20	В	F			
> 20 and ≤ 35	С	F			
> 35 and ≤ 55	D	F			
> 55 and ≤ 80	E	F			
> 80	F	F			

^{*}For approach-based and intersection wide assessments, LOS is defined solely by control delay

Source: Highway Capacity Manual, 6th edition, Exhibit 19-8 LOS Criteria: Motorized Vehicle Mode

LOS A is typically assigned when the volume-to-capacity (v/c) ratio is low and either progression is exceptionally favorable, or the cycle length is very short. LOS B is typically assigned when the v/c ratio is low and either progression is highly favorable, or the cycle length is short. However, more vehicles are stopped than with LOS A. LOS C is typically assigned when progression is favorable, or the cycle length is moderate. Individual *cycle failures* (one or more queued vehicles are not able to depart because of insufficient capacity during the cycle) may begin to appear at this level. Many vehicles still pass through the intersection without stopping, but the number of vehicles stopping is significant. LOS D is typically assigned when the v/c ratio is high and either progression is ineffective, or the cycle length is long. There are many vehicle-stops and individual cycle failures are noticeable. LOS E is typically assigned when the v/c ratio is high, progression is very poor, the cycle length is long, and individual cycle failures are frequent. LOS F is typically assigned when the v/c ratio is very high, progression is very poor, the cycle length is long, and most cycles fail to clear the queue.

4.0 Existing 2023 Traffic Analysis

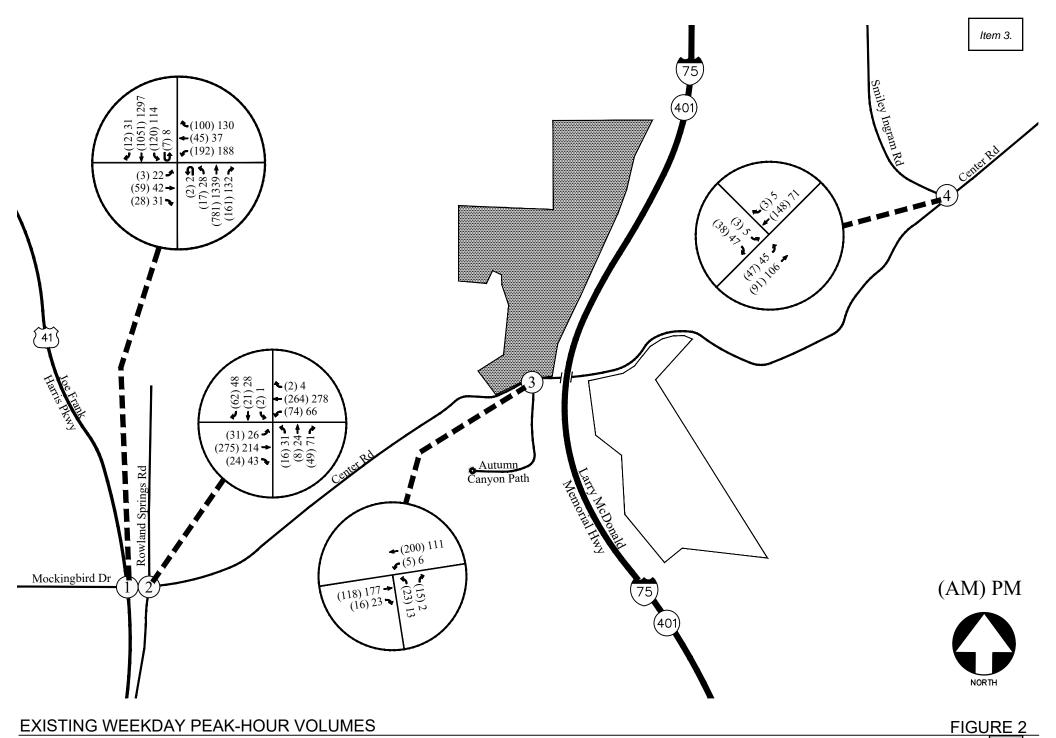
4.1 Existing Traffic Volumes

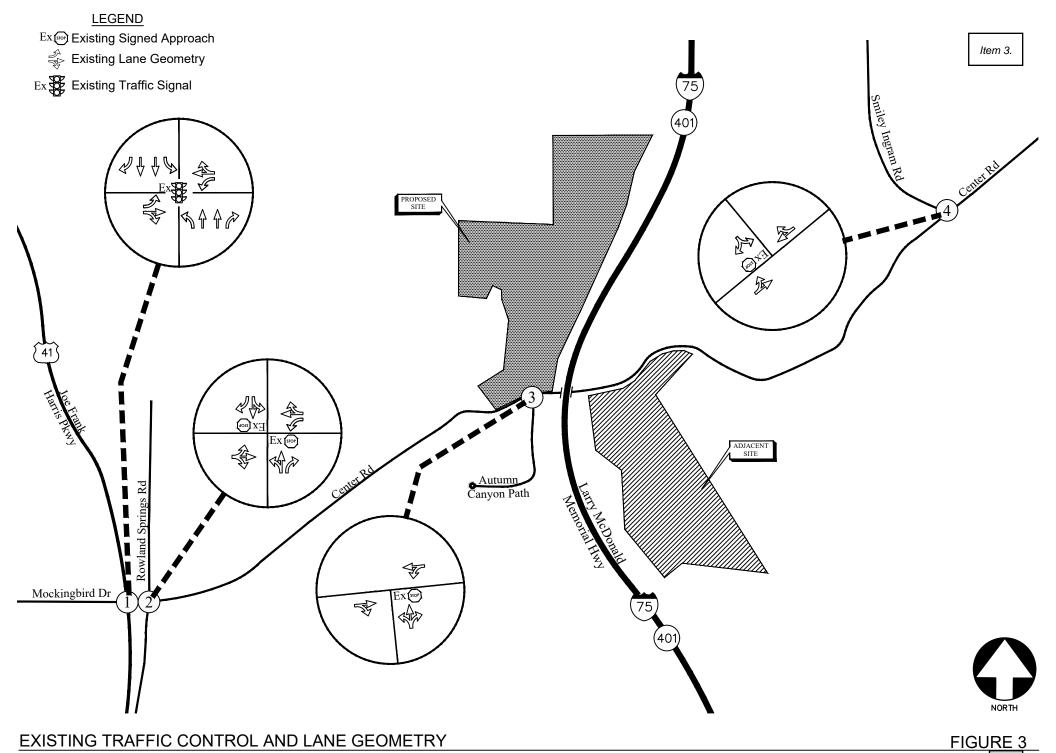
Existing traffic counts were obtained at the following study intersections:

- Center Road at US 41 (Joe Frank Harris Parkway)
- Center Road at Rowland Springs Road
- Center Road at Autumn Canyon Path
- Center Road at Smiley Ingram Road

Turning movement counts were collected on Tuesday, March 28, 2023. All turning movement counts were recorded during the AM and PM peak hours between 7:00 am to 9:00 am and 4:00 pm to 6:00 pm, respectively. The four consecutive 15-minute interval volumes that summed to produce the highest volume at the intersections were then determined. These volumes make up the peak hour traffic volumes for the intersections counted and are shown in Figure 2.

The existing traffic control and lane geometry for the intersections are shown in Figure 3.





4.2 Existing Traffic Operations

Existing 2023 traffic operations were analyzed at the study intersections in accordance with the HCM methodology. The results of the analyses are shown in Table 3.

	Table 3 — Existing Intersection Operations						
	Intersection	Traffic Control	LOS (Delay)				
	intersection	Trainic Control	AM Peak Hour	PM Peak Hour			
	Center Road / Mockingbird Drive @ US 41		<u>B (19.7)</u>	<u>C (22.0)</u>			
	-Eastbound Approach		E (62.2)	E (60.2)			
1	-Westbound Approach	Signalized	D (47.6)	D (50.4)			
	-Northbound Approach		B (14.6)	B (19.5)			
	-Southbound Approach		B (14.3)	B (17.4)			
	Center Road @ Rowland Springs Road						
	-Eastbound Left	Stop Controlled on	A (8.0)	A (8.0)			
2	-Westbound Left	NB and SB	A (8.2)	A (8.0)			
	-Northbound Approach	Approaches	C (15.6)	C (16.2)			
	-Southbound Approach		B (13.8)	B (13.9)			
	Center Road @ Autumn Canyon Path	Stop Controlled on					
3	-Westbound Left	NB Approach	A (7.6)	A (7.6)			
	-Northbound Approach	по Арргоасп	B (10.6)	B (10.3)			
	Center Road @ Smiley Ingram Road	Stop Controlled on					
4	-Eastbound Left	SB Approach	A (7.7)	A (7.4)			
	-Southbound Approach	эь Арргоасп	A (9.7)	A (9.1)			

The results of existing traffic operations analysis indicate that the stop-controlled side street approaches at the unsignalized study intersections are operating at level of service "C" or better in both the AM and PM peak hours. The signalized study intersection (Center Road / Mockingbird Drive at US 41) is operating at an overall level of service "C" during the AM and PM peak hours.

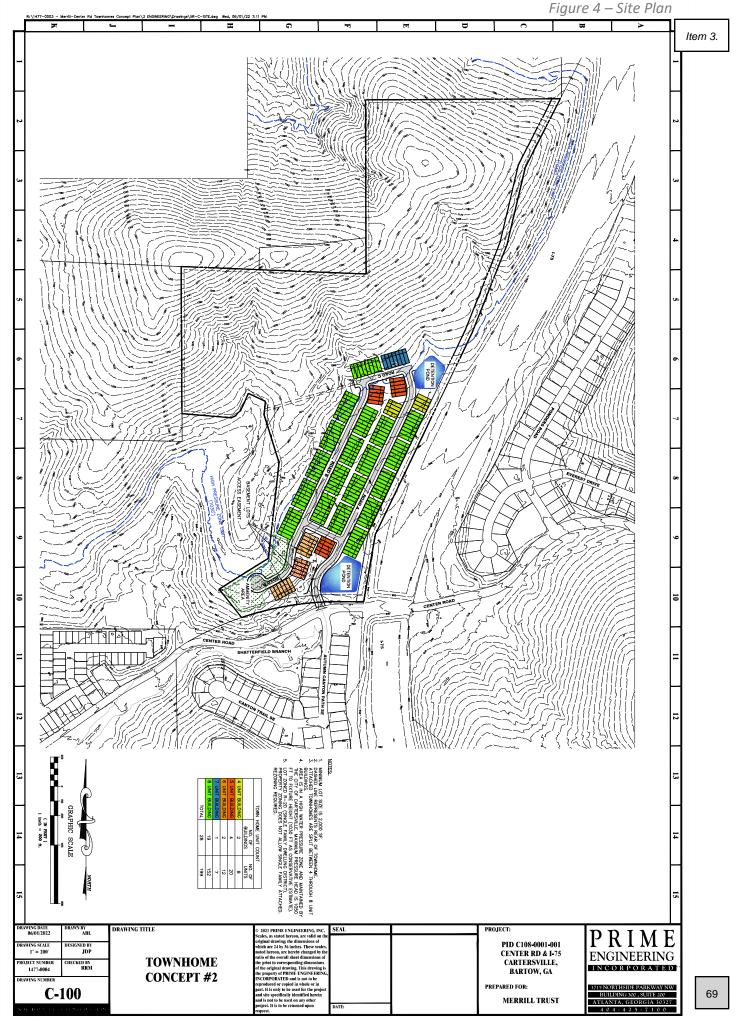
5.0 PROPOSED DEVELOPMENT

The proposed development will consist of 199 townhomes.



The development proposes one full access driveway on Center Road aligned with Autumn Canyon Path.

A site plan is shown in Figure 4.



5.1 Trip Generation

Trip generation estimates for the project were based on the rates and equations published in the 11th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the ITE Land Use 215 – Single-Family Attached Housing. The calculated total trip generation for the proposed development is shown in Table 4A.

Table 4A — Trip Generation (Proposed Site)								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-Way
ITE 215 – Single-Family Attached Housing	199 Units	24	74	98	68	47	115	1,466

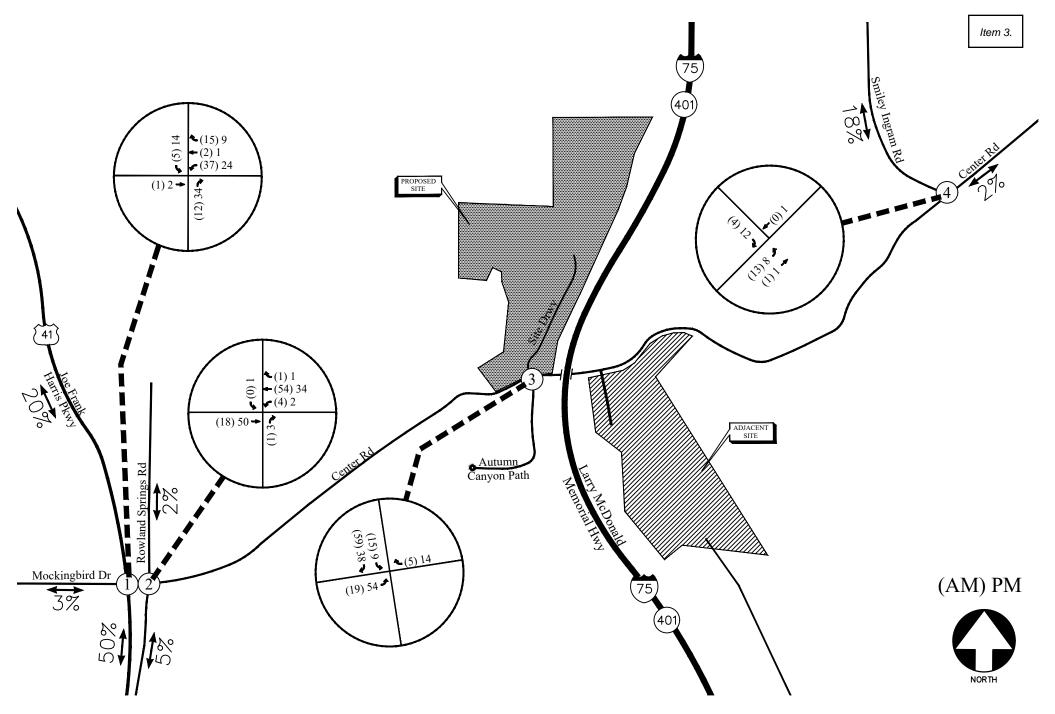
5.2 Trip Distribution

The trip distribution describes how traffic arrives and departs from the site. An overall trip distribution was developed for the site based on a review of the existing travel patterns in the area and the locations of major roadways and highways that will serve the development. The site-generated peak hour traffic volumes, shown in Table 4, were assigned to the study area intersections based on this distribution. The outer-leg distribution and AM and PM peak hour new traffic generated by the site are shown in Figure 5.

5.2.1 Nearby Planned Residential Development – Project #23-048

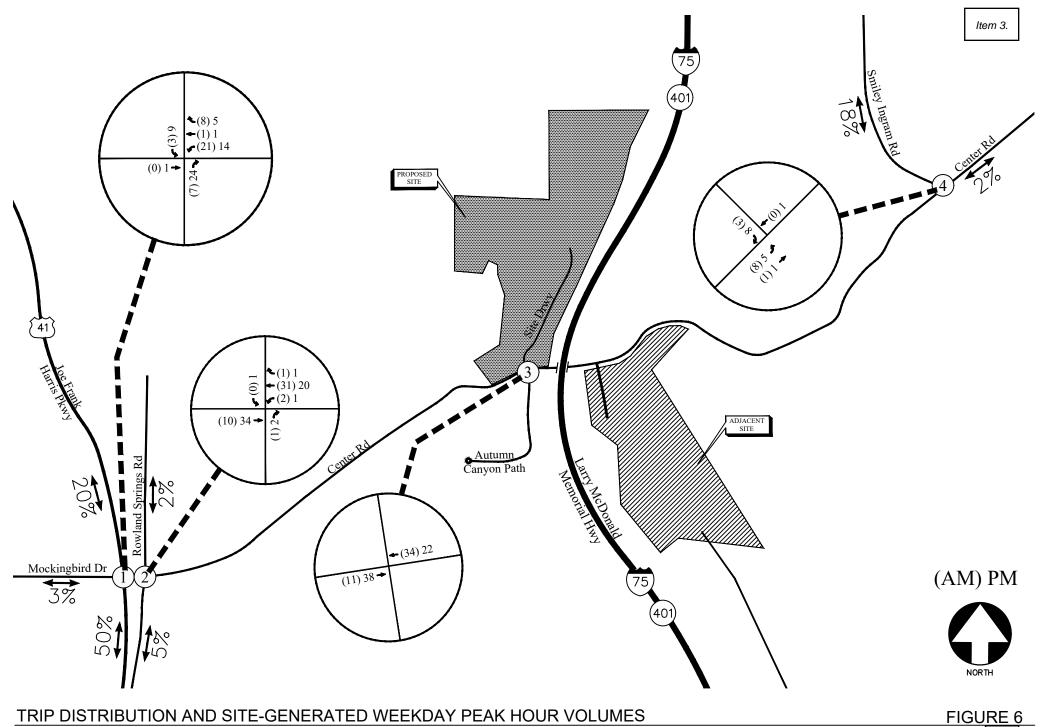
A separate nearby residential development is currently being planned to be built in the southeast corner of the crossing of I-75 and Center Road. The development will consist of two unconnected sections: The north section will consist of 73 single-family detached homes with a full access driveway on Center Road, while the southern section will consist of 168 townhome units and will have access by a driveway connection with Overlook Parkway to the south. Because this project is estimated to be completed by 2025, its impact on the study area was considered in both the "No-Build" and "Build" future conditions analyses. However, as the site-generated traffic from the southern section of the development will not affect operations at the study intersections for this project, only traffic from the northern section with access to Center Road was included in the future conditions analysis. These traffic volumes are shown in Figure 6, while the calculated total trip generation for the adjacent development is shown in Table 4B below.

Table 4B — Trip Generation (Adjacent Site)								
Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
Land Ose	Size	Enter	Exit	Total	Enter	Exit	Total	Two-Way
ITE 210 – Single-Family Detached	73 Units	14	42	56	47	27	74	755
Housing	75 511165				.,		, ,	, 33



TRIP DISTRIBUTION AND SITE-GENERATED WEEKDAY PEAK HOUR VOLUMES

FIGURE 5



TRIP DISTRIBUTION AND SITE-GENERATED WEEKDAY PEAK HOUR VOLUMES (ADJACENT SITE)

A&R Engineering

6.0 FUTURE 2025 TRAFFIC ANALYSIS

The future 2025 traffic operations are analysed for the "Build" and "No-Build" conditions.

6.1 Future "No-Build" Conditions

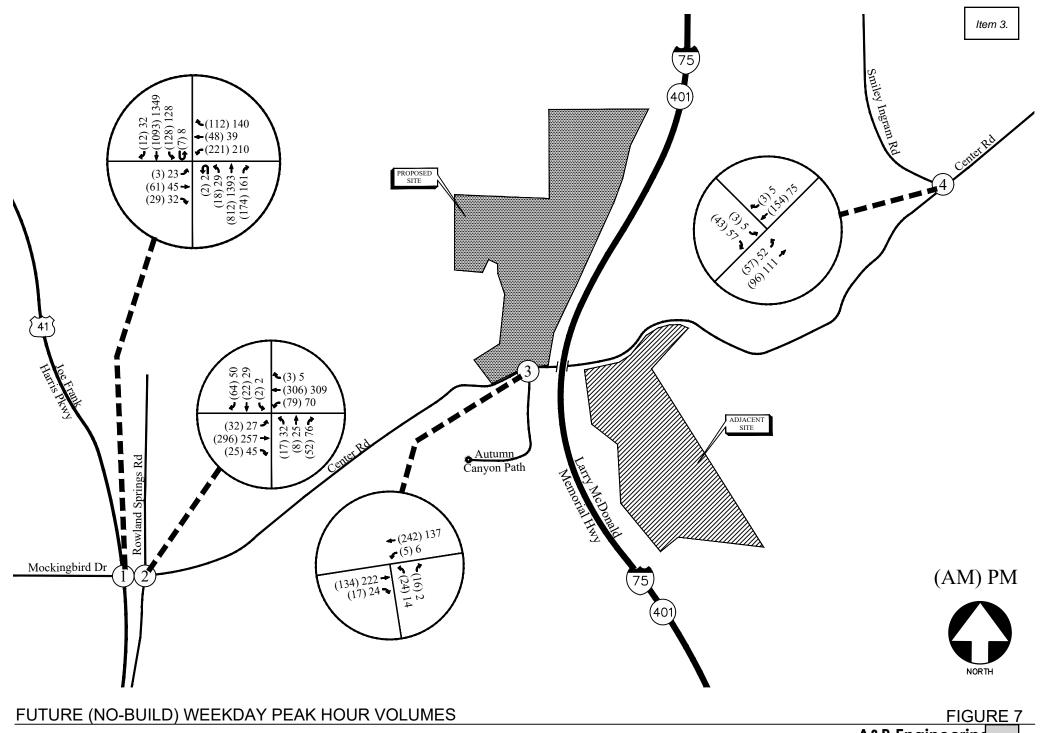
The "No-Build" (or background) conditions provide an assessment of how traffic will operate in the study horizon year without the study site being developed as proposed, with projected increases in through traffic volumes due to normal annual growth. The Future "No-Build" volumes consist of the existing traffic volumes (Figure 2) and adjacent site trips (Figure 6) plus increases for annual growth of through traffic.

6.1.1 Annual Traffic Growth

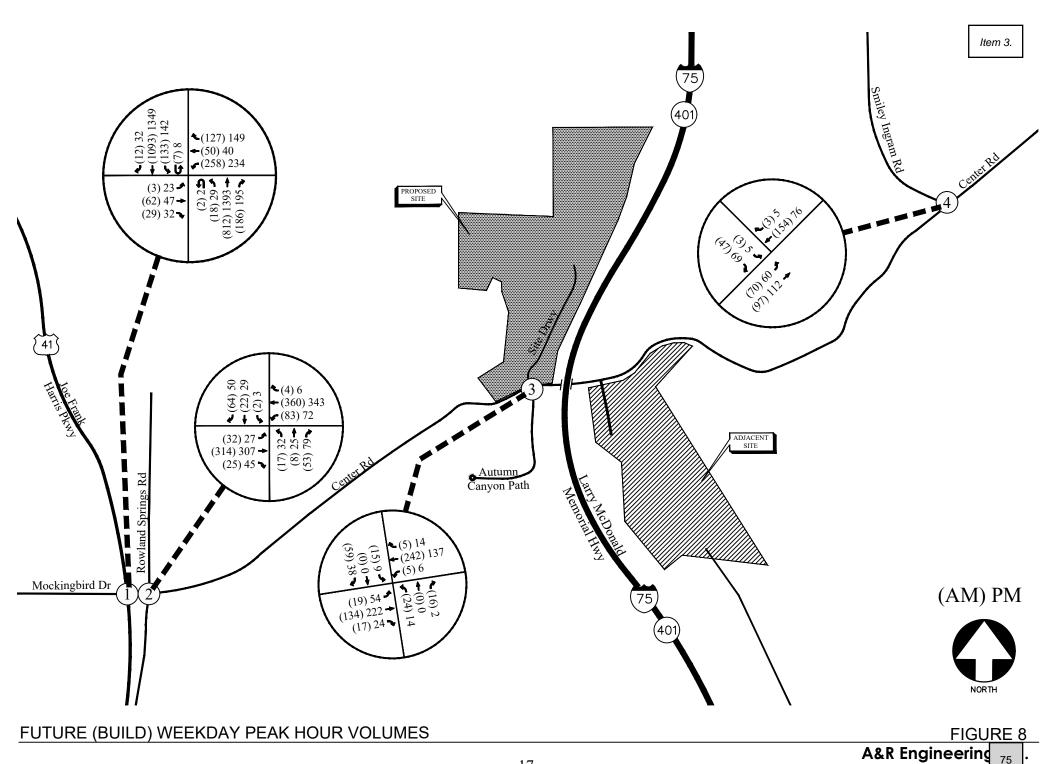
To evaluate future traffic operations in this area, a projection of normal traffic growth was applied to the existing volumes. The Georgia Department of Transportation recorded average daily traffic volumes at several locations in the vicinity of the site. Reviewing the growth over the last three years revealed growth of approximately 2% in the area. This growth factor was applied to the existing traffic volumes between collector and arterial roadways to estimate the future year traffic volumes prior to the addition of site-generated traffic. The resulting Future "No-Build" volumes on the roadway are shown in Figure 7.

6.2 Future "Build" Conditions

The "Build" or development conditions include the estimated background traffic from the "No-Build" conditions plus the added traffic from the proposed development. To evaluate future traffic operations in this area, the additional traffic volumes from the site (Figure 5) were added to base traffic volumes (Figure 7) to calculate the future traffic volumes after the construction of the development. These total future "Build" traffic volumes are shown in Figure 8.



(AM) PM



6.3 Auxiliary Lane Analysis

Included below are analyses for a left turn lane and a right turn lane at the site driveway per GDOT standards. The analyses below are based off the trip distribution included in Section 5.2. According to the trip distribution, the 24-hour two-way volume entering and exiting of the site is 1,466 vehicles.

6.3.1 Left Turn Lane Analysis

For two lane roadways with AADT's less than 6,000 vehicles and a posted speed limit of 35 mph, the daily site generated traffic left turn movements threshold to warrant a turn lane is 300 left-turning vehicles a day. The projected left turn volumes per day for the site driveway is included in Table 5.

Table 5 — GDOT REQUIREMENTS FOR LEFT TURN LANES					
Intersection	Left Turn Traffic (% total entering)	Left Turn Volume (vehicles/day)	Roadway Speed / # Lanes / ADT	GDOT Threshold (vehicles/day)	Warrants Met?
Center Road @ Site Driveway	80% Eastbound	586 (Total Trips) $\div 2 \times 0.8 =$ (1,466) $\div 2 \times 0.8 = 586$	35 mph / 2-Lane / < 6,000	300	Yes

A left turn lane is warranted at the site driveway per GDOT standards.

6.3.2 Deceleration Turn Lane Analysis

For two lane roadways with AADT's less than 6,000 vehicles and a posted speed limit of 35 mph, the daily site generated traffic right turn movements threshold to warrant a deceleration lane is 200 right-turning vehicles a day. The projected right-turn volumes per day for the site driveway is included in Table 6.

Table 6 — GDOT REQUIREMENTS FOR DECELERATION LANES					
Intersection	Right Turn Traffic (% total entering)	Right Turn Volume (vehicles/day)	Roadway Speed / # Lanes / ADT	GDOT Threshold (vehicles/day)	Warrants Met?
Center Road @ Site Driveway	20% Westbound	147 (Total Trips) ÷ 2 × 0.2 = (1,466) ÷ 2 × 0.2 = 147	35 mph / 2-Lane / < 6,000	200	No

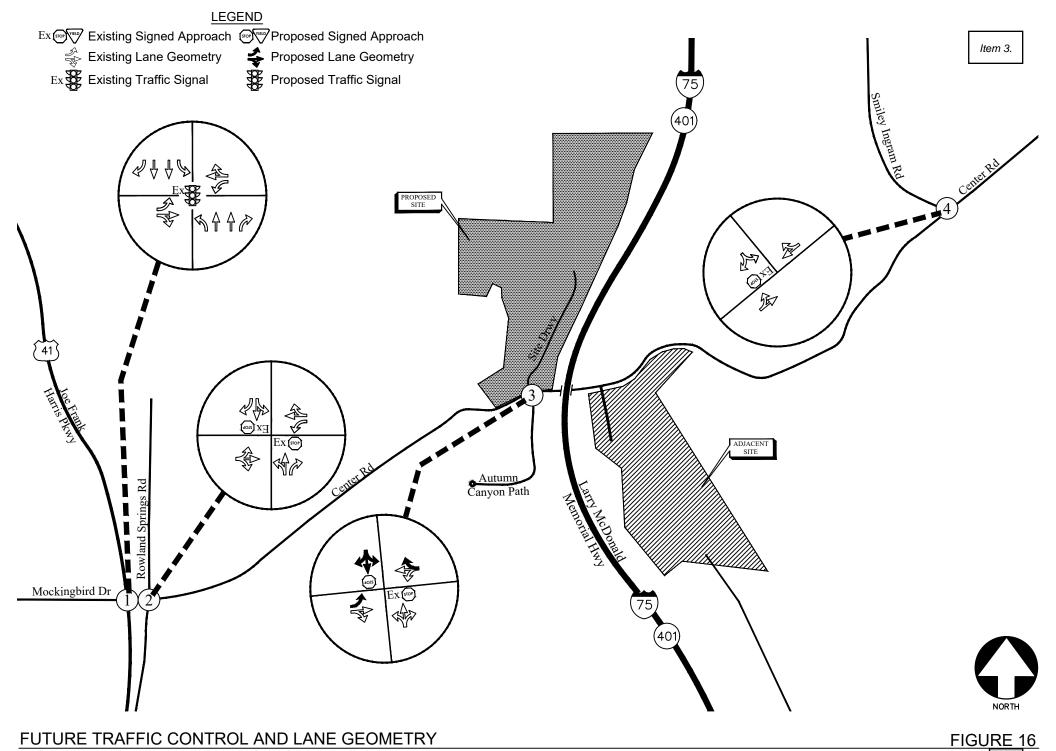
A right turn lane is not warranted at the site driveway per GDOT standards.

6.4 Future "Build" Traffic Operations

The future "No-Build" and "Build" traffic operations were analysed using the volumes in Figure 7 and Figure 8, respectively. Recommendations for future traffic control and lane geometry is shown in Figure 9. The results of the future traffic operations analysis are shown below in Table 7.

Table 7 – Future Intersection Operations						
Intersection		Future Condition: LOS (Delay)				
		NO-BUILD		BUILD-OUT (2025)		
		AM Peak	PM Peak	AM Peak	PM Peak	
	Center Road @ US 41	<u>C (21.3)</u>	<u>C (24.2)</u>	<u>C (23.1)</u>	<u>C (26.0)</u>	
1	-Eastbound Approach	E (62.0)	E (59.9)	E (62.0)	E (59.9)	
	-Westbound Approach	D (50.0)	D (53.6)	D (51.7)	E (57.1)	
	-Northbound Approach	B (15.9)	C (21.7)	B (17.4)	C (23.3)	
	-Southbound Approach	B (15.6)	B (19.2)	B (16.9)	C (20.6)	
	Center Road @ Rowland Springs Road					
	-Eastbound Left	A (8.1)	A (8.1)	A (8.3)	A (8.2)	
2	-Westbound Left	A (8.3)	A (8.2)	A (8.4)	A (8.4)	
	-Northbound Approach	C (17.4)	C (18.6)	C (19.5)	C (21.6)	
	-Southbound Approach	B (15.0)	C (15.4)	C (16.5)	C (17.3)	
	Center Road @ Autumn Canyon Path /					
	Proposed Site Driveway					
3	-Eastbound Left	-	-	A (7.9)	A (7.6)	
3	-Westbound left	A (7.6)	A (7.8)	A (7.6)	A (7.8)	
	-Northbound Approach	B (11.1)	B (10.9)	B (12.9)	B (13.3)	
	-Southbound Approach	-	-	B (11.4)	B (10.1)	
	Center Road @ Smiley Ingram Road					
4	-Eastbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)	
	-Southbound Approach	A (9.8)	A (9.1)	A (9.8)	A (9.2)	

The results of the future traffic operations analysis indicate that the stop-controlled side street approaches at the unsignalized study intersections will continue to operate at a level of service "C" or better in both the AM and PM peak hours. The signalized study intersection (Center Road / Mockingbird Drive at US 41) will continue to operate at an overall level of service "C" during the AM and PM peak hours. Recommendations on traffic control and lane geometry are shown in Figure 8.



20

7.0 CONCLUSIONS AND RECOMMENDATIONS

Traffic impacts were evaluated for the proposed residential development that will be located northwest of the crossing of Center Road and I-75 in the City of Cartersville, Georgia. The development will consist of 199 townhome units and proposes one full access driveway on Center Road aligned with Autumn Canyon Path.

Existing and future operations after completion of the project were analysed at the intersections of:

- Center Road at US 41 (Joe Frank Harris Parkway)
- Center Road at Rowland Springs Road
- Center Road at Autumn Canyon Path / Site Driveway
- Center Road at Smiley Ingram Road

The analysis included the evaluation of Future operations for "No-Build" and "Build" conditions, with the differences between "No-Build" and "Build" accounting for an increase in traffic due to the proposed development. The results of the future traffic operations analysis indicate that the stop-controlled side street approaches at the unsignalized study intersections will continue to operate at a level of service "C" or better in both the AM and PM peak hours. The signalized study intersection (Center Road / Mockingbird Drive at US 41) will continue to operate at an overall level of service "C" during the AM and PM peak hours. Based on the analysis, the proposed development will have minimal impact on traffic operations in the study network.

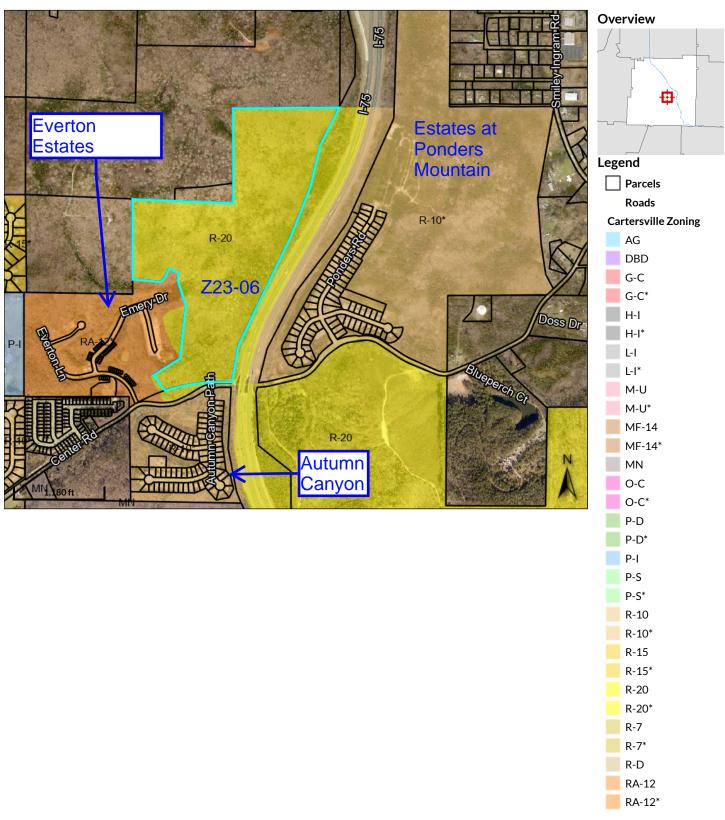
7.1 Recommendations for Site Access Configuration

The following configuration is recommended at the site driveway intersection:

- Site Driveway: Full access driveway on Center Road
 - One entering lane and one exiting lane
 - Stop-sign controlled on the driveway approach with Center Road remaining free flow
 - A left turn lane for entering traffic
 - o Provide adequate sight distance per AASHTO standards



LOCATION & ZONING MAP



Parcel ID C108-0001-001 Sec/Twp/Rng n/a Property Address CENTER RD Alternate ID 38131
Class Agricultural
Acreage 103.85

Owner Address WHM CHATTAHOOCHEE HILLS INVESTMENTS LLC 8000 CAPPS FERRY DOUGLASVILLE, GA 30135

Item 3.

District Brief Tax Description Cartersville

LL245 D4 Etowah preserve Ph 2

(Note: Not to be used on legal documents)

Date created: 10/23/2023

Last Data Uploaded: 10/20/2023 9:03:28 PM

Developed by Schneider GEOSPATIAL

Application for Rezoning City of Cartersville	Case Number: $\frac{723}{200}$
Public Hearing Dates: Planning Commission 5:30pm 1** City	Council 11 16 23 2 nd City Council 17 7/23 7:00pm 9 Am
Applicant Merrill Trust (printed name) Address State Capps Ferry A. City Douglasville State Chapps State Chapps State Chapps Ferry A. Southland Engineering, INC. Representative's printed name (if other than applicant) Representative Signature Signed, sealed and delivered in presence of: Notary Public	Office Phone
* Titleholder WHM Chattahoochee Hills Investments, LLC (titleholder's printed name) Address 8000 Capps Ferry Douglasville, GA 30135 Signature Signet, sealed delivered in presence of:	Phone 404.495.9577 Made Cearce Querri (Hrust.com Massissi UBLIC 9487.22.155 OUNT
Present Zoning District RA-720 Acreage 103.85 Land Lot(s) 115,173,174,187,188 Locatio of Property: Center Road (street address, nearest intersect address) (street address and the second street address) (street address) (str	
(attach addit	ional 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: 9.19-20	123
Date Two Years Prior to Application:	9.19.2021
Date Five Years Prior to Application:	9.19.2018

 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		1
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		
		The state of the s

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

Signature

Date

Print Name

September 21, 2023

Karl Lutjens, P.E. 114 Old Mill Road Cartersville, GA 30120

RE: Water Availability Center Road Townhomes (220 residential units)
Parcel C108-0001-001

Mr. Lutjens,

This letter provides confirmation that water and sewer service is available for the referenced property at Center Road west of I-75. An existing 16-inch diameter water main along the frontage of the property on Center Road is available. An existing 18-inch diameter sewer main along Center Road across from the property is also available. The maximum water service elevation allowed for this area is 1050 feet MSL (top floor level).

The developer of the property will be responsible for all service capacity fees in effect at the time of service application. Additionally, the developer will be responsible for verifying elevations for gravity sewer service.

Fire protection flow rates for hydrants and fire suppression sprinkler systems are determined by the governing fire department. The Project Developer is responsible for coordinating with the fire department to determine fire flow requirements.

This determination is valid for a period of one year beginning on the date of this letter. You are encouraged to develop approved plans for this development within this one year time frame. Adequate capacity based on anticipated design flows from the development must be confirmed and approved at the time of plan submission. An extension of this availability approval may not be possible due to other developments in this area.

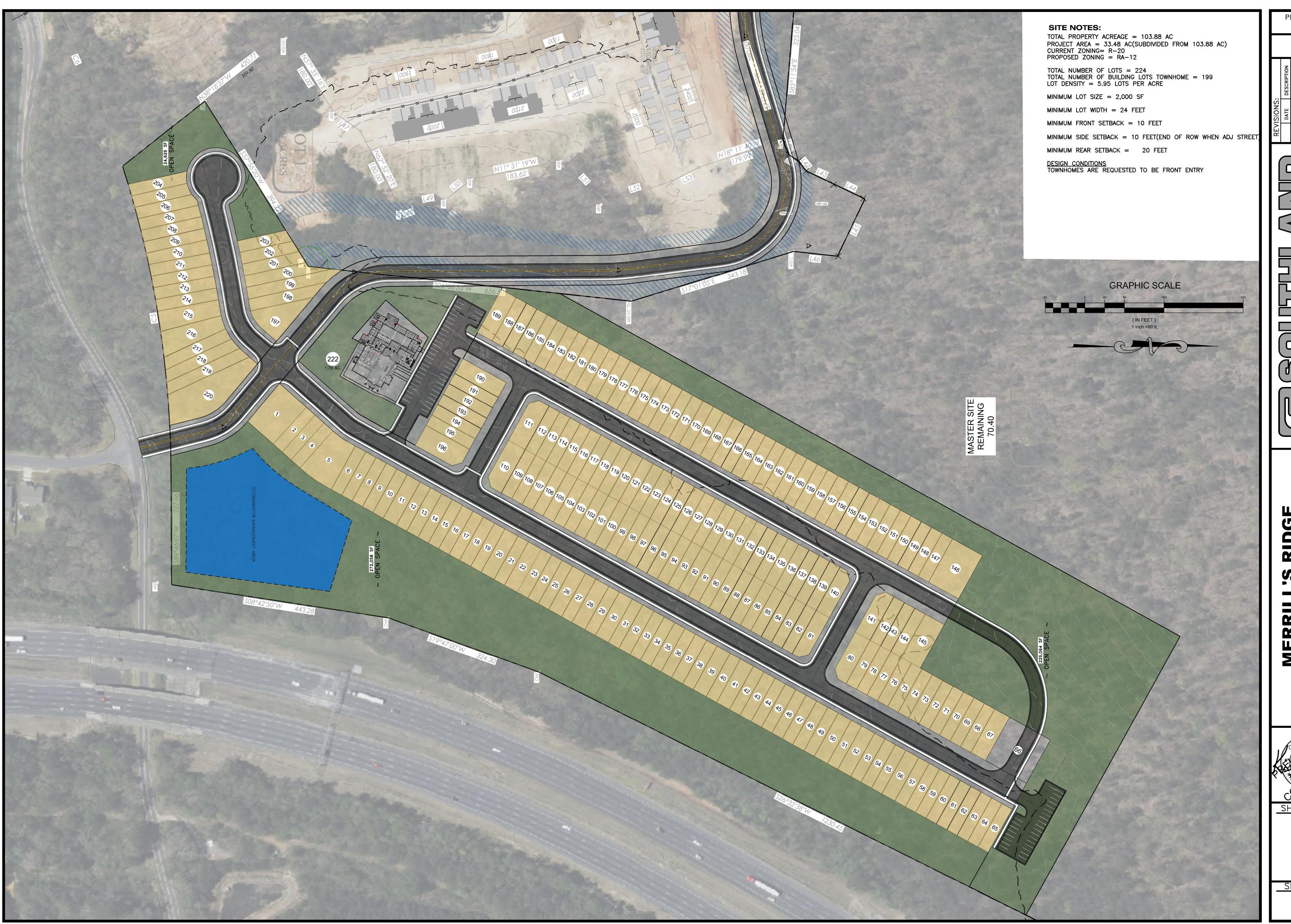
Sincerely.

Michael De Leon, P.E.

Water System Engineer – Cartersville Water Dept.







PROJECT NO...
23123

DATE:
09/22/23

Signature of the state of the sta

ENGINEERS - LAND SURVEYORS - LAND PLANNERS

ERRILL'S RIDGE TOWNHOMES

TO THE STATE OF TH

SITF

SITE PLAN

SHEET NO.: **C201**

SITE NOTES:

TOTAL PROPERTY ACREAGE = 103.88 AC
PROJECT AREA = 33.48 AC(SUBDIVIDED FROM 103.88 AC)
CURRENT ZONING= R-20
PROPOSED ZONING = RA-12

TOTAL NUMBER OF LOTS = 224
TOTAL NUMBER OF BUILDING LOTS TOWNHOME = 199
LOT DENSITY = 5.95 LOTS PER ACRE

MINIMUM LOT SIZE = 2,000 SF

MINIMUM LOT WIDTH = 24 FEET

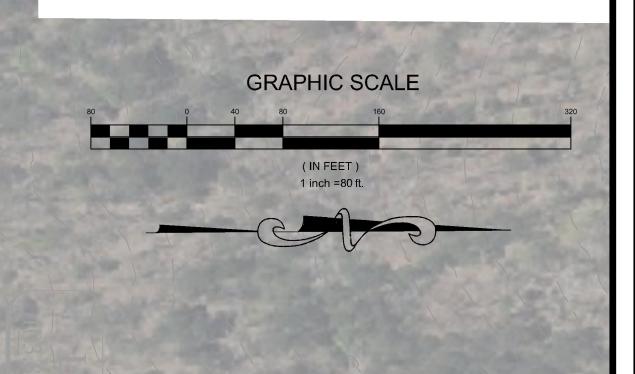
MINIMUM FRONT SETBACK = 10 FEET

MINIMUM SIDE SETBACK = 10 FEET(END OF ROW WHEN ADJ STREET)

MINIMUM REAR SETBACK = 20 FEET

DESIGN CONDITIONS

TOWNHOMES ARE REQUESTED TO BE FRONT ENTRY

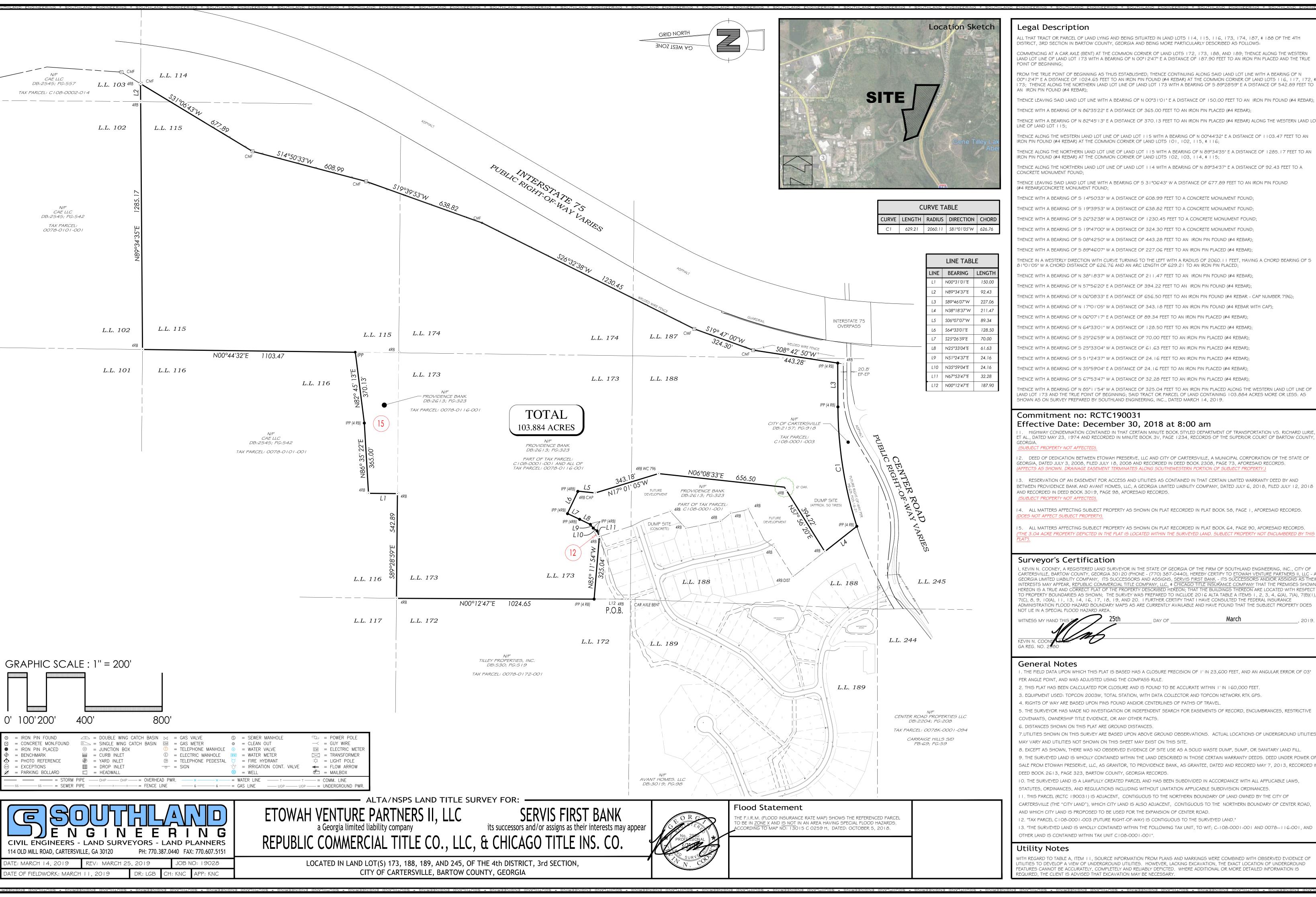


PROJECT NO. 23123

DATE: 09/22/23

PATE: 09/22/23

114 OLD MILL ROAD., CARTERSVILLE, GA 30120 **CIVIL ENGINEERS - LAND SU**



ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN LAND LOTS 114, 115, 116, 173, 174, 187, \$ 188 OF THE 4TH DISTRICT, 3RD SECTION IN BARTOW COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CAR AXLE (BENT) AT THE COMMON CORNER OF LAND LOTS 172, 173, 188, AND 189; THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 173 WITH A BEARING OF N 00°12'47" E A DISTANCE OF 187.90 FEET TO AN IRON PIN PLACED AND THE TRUE

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED; THENCE CONTINUING ALONG SAID LAND LOT LINE WITH A BEARING OF N 00°12'47" E A DISTANCE OF 1024.65 FEET TO AN IRON PIN FOUND (#4 REBAR) AT THE COMMON CORNER OF LAND LOTS 116, 117, 172, \$ 173; THENCE ALONG THE NORTHERN LAND LOT LINE OF LAND LOT 173 WITH A BEARING OF S 89°28'59" E A DISTANCE OF 542.89 FEET TO

THENCE LEAVING SAID LAND LOT LINE WITH A BEARING OF N 00°3 I 'O I " E A DISTANCE OF 150.00 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE WITH A BEARING OF N 82°45′ I 3" E A DISTANCE OF 370. I 3 FEET TO AN IRON PIN PLACED (#4 REBAR) ALONG THE WESTERN LAND LOT

THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 115 WITH A BEARING OF N 00°44'32" E A DISTANCE OF 1103.47 FEET TO AN IRON PIN FOUND (#4 REBAR) AT THE COMMON CORNER OF LAND LOTS 101, 102, 115, \$ 116;

THENCE ALONG THE NORTHERN LAND LOT LINE OF LAND LOT 115 WITH A BEARING OF N 89°34'35" E A DISTANCE OF 1285.17 FEET TO AN

THENCE ALONG THE NORTHERN LAND LOT LINE OF LAND LOT 114 WITH A BEARING OF N 89°34'37" E A DISTANCE OF 92.43 FEET TO A

THENCE LEAVING SAID LAND LOT LINE WITH A BEARING OF S 3 I °OG'43" W A DISTANCE OF 677.89 FEET TO AN IRON PIN FOUND

THENCE WITH A BEARING OF S | 4°50'33" W A DISTANCE OF 608.99 FEET TO A CONCRETE MONUMENT FOUND:

THENCE WITH A BEARING OF 5 19°39'53" W A DISTANCE OF 638.82 FEET TO A CONCRETE MONUMENT FOUND;

THENCE WITH A BEARING OF 5 | 9°47'00" W A DISTANCE OF 324.30 FEET TO A CONCRETE MONUMENT FOUND;

THENCE WITH A BEARING OF S 08°42'50" W A DISTANCE OF 443.28 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE IN A WESTERLY DIRECTION WITH CURVE TURNING TO THE LEFT WITH A RADIUS OF 2060. I I FEET, HAVING A CHORD BEARING OF S

THENCE WITH A BEARING OF N 38°18'37" W A DISTANCE OF 211.47 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE WITH A BEARING OF N 57°56'20" E A DISTANCE OF 394.22 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE WITH A BEARING OF N 17 $^{\circ}$ 01 $^{\circ}$ 05 $^{\circ}$ W A DISTANCE OF 343.18 FEET TO AN IRON PIN FOUND (#4 REBAR WITH CAP);

THENCE WITH A BEARING OF S 25°26'59" W A DISTANCE OF 70.00 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF S 25°33'04" W A DISTANCE OF 61.63 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF N 35°59'04" E A DISTANCE OF 24.16 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF S 67°53'47" W A DISTANCE OF 32.28 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF N 85°I I'54" W A DISTANCE OF 325.04 FEET TO AN IRON PIN PLACED ALONG THE WESTERN LAND LOT LINE OF AND LOT 173 AND THE TRUE POINT OF BEGINNING; SAID TRACT OR PARCEL OF LAND CONTAINING 103.884 ACRES MORE OR LESS. AS SHOWN AS ON SURVEY PREPARED BY SOUTHLAND ENGINEERING, INC., DATED MARCH 14, 2019.

Effective Date: December 30, 2018 at 8:00 am

T AL., DATED MAY 23, 1974 AND RECORDED IN MINUTE BOOK 3V, PAGE 1234, RECORDS OF THE SUPERIOR COURT OF BARTOW COUNTY,

2. DEED OF DEDICATION BETWEEN ETOWAH PRESERVE, LLC AND CITY OF CARTERSVILLE, A MUNICIPAL CORPORATION OF THE STATE OF GEORGIA, DATED JULY 3, 2008, FILED JULY 18, 2008 AND RECORDED IN DEED BOOK 2308, PAGE 73, AFORESAID RECORDS.

3. RESERVATION OF AN EASEMENT FOR ACCESS AND UTILITIES AS CONTAINED IN THAT CERTAIN LIMITED WARRANTY DEED BY AND BETWEEN PROVIDENCE BANK AND AVANT HOMES, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED JULY 6, 2018, FILED JULY 12, 2018 AND RECORDED IN DEED BOOK 3019, PAGE 98, AFORESAID RECORDS.

4. ALL MATTERS AFFECTING SUBJECT PROPERTY AS SHOWN ON PLAT RECORDED IN PLAT BOOK 58, PAGE 1, AFORESAID RECORDS.

5. ALL MATTERS AFFECTING SUBJECT PROPERTY AS SHOWN ON PLAT RECORDED IN PLAT BOOK 64, PAGE 90, AFORESAID RECORDS. HE 3.04 ACRE PROPERTY DEPICTED IN THE PLAT IS LOCATED WITHIN THE SURVEYED LAND. SUBJECT PROPERTY NOT ENCUMBERED BY THIS

, KEVIN N. COONEY, A REGISTERED LAND SURVEYOR IN THE STATE OF GEORGIA OF THE FIRM OF SOUTHLAND ENGINEERING, INC., CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA 30 | 20 (PHONE - (770) 387-0440), HEREBY CERTIFY TO ETOWAH VENTURE PARTNERS II, LLC GEORGIA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, SERVIS FIRST BANK - ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR, REPUBLIC COMMERCIAL TITLE COMPANY, LLC, \$ CHICAGO TITLE INSURANCE COMPANY THAT THE PREMISES SHOWN HEREON IS A TRUE AND CORRECT PLAT OF THE PROPERTY DESCRIBED HEREON; THAT THE BUILDINGS THEREON ARE LOCATED WITH RESPECT TO PROPERTY BOUNDARIES AS SHOWN; THE SURVEY WAS PREPARED TO INCLUDE 2016 ALTA TABLE A ITEMS 1, 2, 3, 4, G(A), 7(A), 7(B)(1) 7(C), 8, 9, 10(A), 11, 13, 14, 16, 17, 18, 19, AND 20. I FURTHER CERTIFY THAT I HAVE CONSULTED THE FEDÉRAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AS ARE CURRENTLY AVAILABLE AND HAVE FOUND THAT THE SUBJECT PROPERTY DOES

I. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF I'IN 23,600 FEET, AND AN ANGULAR ERROR OF 03"

2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN I'IN 160,000 FEET.

3. EQUIPMENT USED: TOPCON 2003W, TOTAL STATION, WITH DATA COLLECTOR AND TOPCON NETWORK RTK GPS.

4. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.

5. THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE

6. DISTANCES SHOWN ON THIS PLAT ARE GROUND DISTANCES.

7.UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON ABOVE GROUND OBSERVATIONS. ACTUAL LOCATIONS OF UNDERGROUND UTILITIES

9. THE SURVEYED LAND IS WHOLLY CONTAINED WITHIN THE LAND DESCRIBED IN THOSE CERTAIN WARRANTY DEEDS. DEED UNDER POWER OF SALE FROM ETOWAH PRESERVE, LLC, AS GRANTOR, TO PROVIDENCE BANK, AS GRANTEE, DATED AND RECORED MAY 7, 2013, RECORDED IN

IO. THE SURVEYED LAND IS A LAWFULLY CREATED PARCEL AND HAS BEEN SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE LAWS,

STATUTES, ORDINANCES, AND REGULATIONS INCLUDING WITHOUT LIMITATION APPLICABLE SUBDIVISION ORDINANCES.

I. THIS PARCEL (RCTC 190031) IS ADJACENT, CONTIGUOUS TO THE NORTHERN BOUNDARY OF LAND OWNED BY THE CITY OF CARTERSVILLE (THE "CITY LAND"), WHICH CITY LAND IS ALSO ADJACENT, CONTIGUOUS TO THE NORTHERN BOUNDARY OF CENTER ROAD,

AND WHICH CITY LAND IS PROPOSED TO BE USED FOR THE EXPANSION OF CENTER ROAD.

12. "TAX PARCEL C 1 08-000 1-003 (FUTURE RIGHT-OF-WAY) IS CONTIGUOUS TO THE SURVEYED LAND."

13. "THE SURVEYED LAND IS WHOLLY CONTAINED WITHIN THE FOLLOWING TAX UNIT, TO WIT; C-108-0001-001 AND 0078--116-001, AND OTHER LAND IS CONTAINED WITHIN TAX UNIT C | 08-000 | -00 | ".

WITH REGARD TO TABLE A, ITEM 11, SOURCE INFORMATION FROM PLANS AND MARKINGS WERE COMBINED WITH OBSERVED EVIDENCE OF TILITIES TO DEVELOP A VIEW OF UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS







