



**CARTERSVILLE
PLANNING COMMISSION**
Council Chambers, Third Floor of City Hall
Tuesday, May 11, 2021 at 5:30 PM

AGENDA

COMMISSIONERS:

Lamar Pendley – Chairman
Linda Brunt
John Clayton
J.B. Hudson
Kevin McElwee
Malcom Cooley
Patrick Murphy

CITY CLERK:

Julia Drake

PLANNING DIRECTOR:

Randy Mannino

CITY PLANNER:

David Hardegree

ASSISTANT CITY ATTORNEY:

Keith Lovell

CALL TO ORDER

ROLL CALL

APPROVAL OF MINUTES

1. April Minutes

STAFF OR COMMITTEE COMMENTS

2. ZMA21-01. Annual Zoning Map Amendment

STAFF OR COMMITTEE COMMENTS

3. AZ21-04. 1412 Hwy 411 and 38 Oak Dr.
4. SU21-03. 780 West Ave.

STAFF OR COMMITTEE COMMENTS

ADJOURNMENT

*** City Council 1st Reading: May 20th at 7:00p.m. Council Chambers. 3rd fl City Hall.**

**** City Council 2nd Reading (Final Action): June 3rd. Council Chambers. 3rd fl City Hall.**

***** Next Meeting of Planning Commission: Tuesday, June 8th. 5:30 PM.**

Council Chambers. 3rd fl City Hall.

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

P.O Box 1390 – 10 N. Public Square – Cartersville, Georgia 30120
Telephone: 770-387-5616 – Fax 770-386-5841 – www.cityofcartersville.org



PLANNING COMMISSION ITEM SUMMARY

MEETING DATE:	May 11 th , 2021
SUBCATEGORY:	
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	April Minutes
DEPARTMENT SUMMARY RECOMMENDATION:	Approval of Minutes
LEGAL:	N/A

**MINUTES OF THE
CARTERSVILLE PLANNING COMMISSION**

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, April 6, 2021 at 5:30 p.m. in the City Hall Council Chambers.

Present: Lamar Pinson - Chairman, Greg Culverhouse, Lamar Pendley, Jeffery Ross and Steven Smith
Absent: Harrison Dean and Travis Popham
Staff Members: Randy Mannino, Julia Drake, Meredith Ulmer,

1. **Call to Order at 5:30 PM**
2. **Roll Call**
3. **Approval of Minutes from March 9, 2021 Meeting**

Chairman Pinson called for a motion on the March 9, 2021 meeting minutes. Board Member Pendley made a motion to approve the minutes as presented. The motion was seconded by Board Member Culverhouse and carried unanimously. Vote: 4-0.

4. **Staff Updates**

- A. **AZ21-03: Annexation for 112 Euharlee**

Randy Mannino, Planning and Development Director, gave an update on AZ21-03 stating that it was recommended by Planning Commission and was approved by Council at the April 1, 2021 meeting.

- B. **SU21-01: Special Use Application for a church at 807 West Ave. Ste D**

Mr. Mannino gave an overview stating that it was recommended by Planning Commission and was approved by Council at the April 1, 2021 meeting.

- C. **SU21-02. Special Use Application for an accessory apartment at 215 West Ave.**

Mr. Mannino gave an overview stating that it was recommended by Planning Commission and was approved by Council at the April 1, 2021 meeting.

- D. **T21-01. Text Amendment to zoning ordinance for fences and walls.**

Mr. Mannino gave an overview stating that it was recommended by Planning Commission and was approved by Council at the April 1, 2021 meeting.

5. **Old Business - None**

6. New Business

A. ZMA21-01: Annual Zoning Map Amendment. Applicant: City of Cartersville.

Mr. Mannino gave an overview of the item and stated that this is done annually. The Zoning Map had been updated to reflect all changes from the previous year.

Chairman Pinson opened the public hearing. With no one to come forward, the public hearing was closed.

Motion to approve the annual zoning map amendment was made by Board Member Pendley and seconded by Board Member WSmith. Motion carried unanimously. Vote: 4-0

B. Preliminary Plat revision. Add Lot to 3 Lot Split. Parcel ID C120-0001-002. Bates Rd. 46 +/- acres. Applicant: Bob Terrell

Mr. Mannino stated the plat was approved in September 2020 and Mr. Terrell was requesting to add a lot to the three-lot split.

A motion was made to authorize the Chairman to sign the Preliminary Plat revision by Board Member Culverhouse and seconded by Board Member Ross. Motion carried unanimously. Vote: 4-0

7. Staff or Commission Comments:

In regards to the Felton Walk Update from the March 9, 2021 Planning Commission Meeting, Board Member Culverhouse read an article from the Atlanta Journal Constitution regarding a project in Dunwoody that changed its projection after approval.

Board Members discussed options available to eliminate this from happening.

Mr. Mannino reminded all Board Members of the upcoming training available in April/May 2021 and to please reach out to Meredith Umer, Assistant City Planner, if they are interested in participating in the training.

8. Adjourn

A motion was made to adjourn the meeting at 6:20 PM by Board Member Pendley and seconded by Board Member Smith. Motion carried unanimously. Vote: 4-0

Date Approved:

/s/ _____
Lamar Pinson, Chairman



PLANNING COMMISSION ITEM SUMMARY

MEETING DATE:	May 11 th , 2021
SUBCATEGORY:	Staff Update
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	ZMA21-01. Annual Zoning Map Amendment
DEPARTMENT SUMMARY RECOMMENDATION:	
LEGAL:	N/A



PLANNING COMMISSION ITEM SUMMARY

MEETING DATE:	May 11 th , 2021
SUBCATEGORY:	Annexation/Zoning
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	AZ21-04. 1412 Hwy 411 and 38 Oak Dr.
DEPARTMENT SUMMARY RECOMMENDATION:	Request to annex property located at 1412 Hwy 411 and 38 Oak Drive for additional space and use by the Savoy Automobile Museum. An approval of this application will conclude the zoning steps needed to complete the current development plans for the Museum.
LEGAL:	N/A

ZONING & ANNEXATION SYNOPSIS

Petition Number(s): AZ21-04

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Highlands Development Associates, LLC
Representative: Dale Baumann

Location: 1412 Hwy 411 (0079B-0003-012) & 38 Oak Drive (0079B-0002-001)

District: 4th **Section:** 3rd **LL(S):** 23

Total Acreage: Approx. 1.38 Acres

LAND USE INFORMATION

Current Zoning: County C-1 (Commercial) and County A-1 (Agriculture)
Proposed Zoning: G-C (General Commercial)
Proposed Use: Savoy Auto Museum

Current Zoning of Adjacent Property:

1412 Hwy 411
North: County R-2 (Residential)
South: G-C (General Commercial)
East: G-C (General Commercial)
West: G-C (General Commercial)

38 Oak Drive
North: County A-1 (Agriculture)
South: G-C (General Commercial)
East: County A-1 (Agriculture)
West: G-C (General Commercial)

For All Tracts:

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

The Future Development Map designates the subject property as: Highlands

The Future Land Use Map designates adjacent or nearby city properties as: Commercial

ANALYSIS

City Departments Reviews

Electric: Takes no exception

Fibercom: Takes no exception

Fire: Takes no exception

Gas: Takes no exception

Public Works: *No comments received*

Water and Sewer: *No comments received*

Cartersville School District: Takes no exception

Bartow County: Takes no Exception

Public comments: No comments received

REQUEST SUMMARY:

The request is to annex property located at 1412 Hwy 411 and 38 Oak Drive. The applicant requests the property to be annexed for additional space and use by the Savoy Automobile Museum. The applicant has submitted two other annexation applications, AZ17-03 and AZ18-03, for zoning and development of the Savoy Museum. These applications were approved. An approval of this application is expected to conclude the zoning steps needed to complete the current development plans for the Museum.

G-C (General Commercial) zoning is requested for the two (2) parcels in order to be consistent with the current museum property. The existing zoning is County C-1 (County) and A-1 (Agriculture).

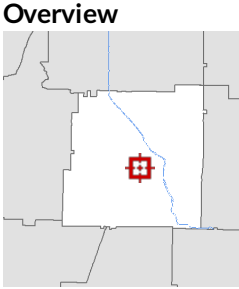
STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The G-C zoning district is appropriate for the museum.


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

RECOMMENDATION: Staff recommends approval

PLANNING COMMISSION RECOMMENDATION:



Legend

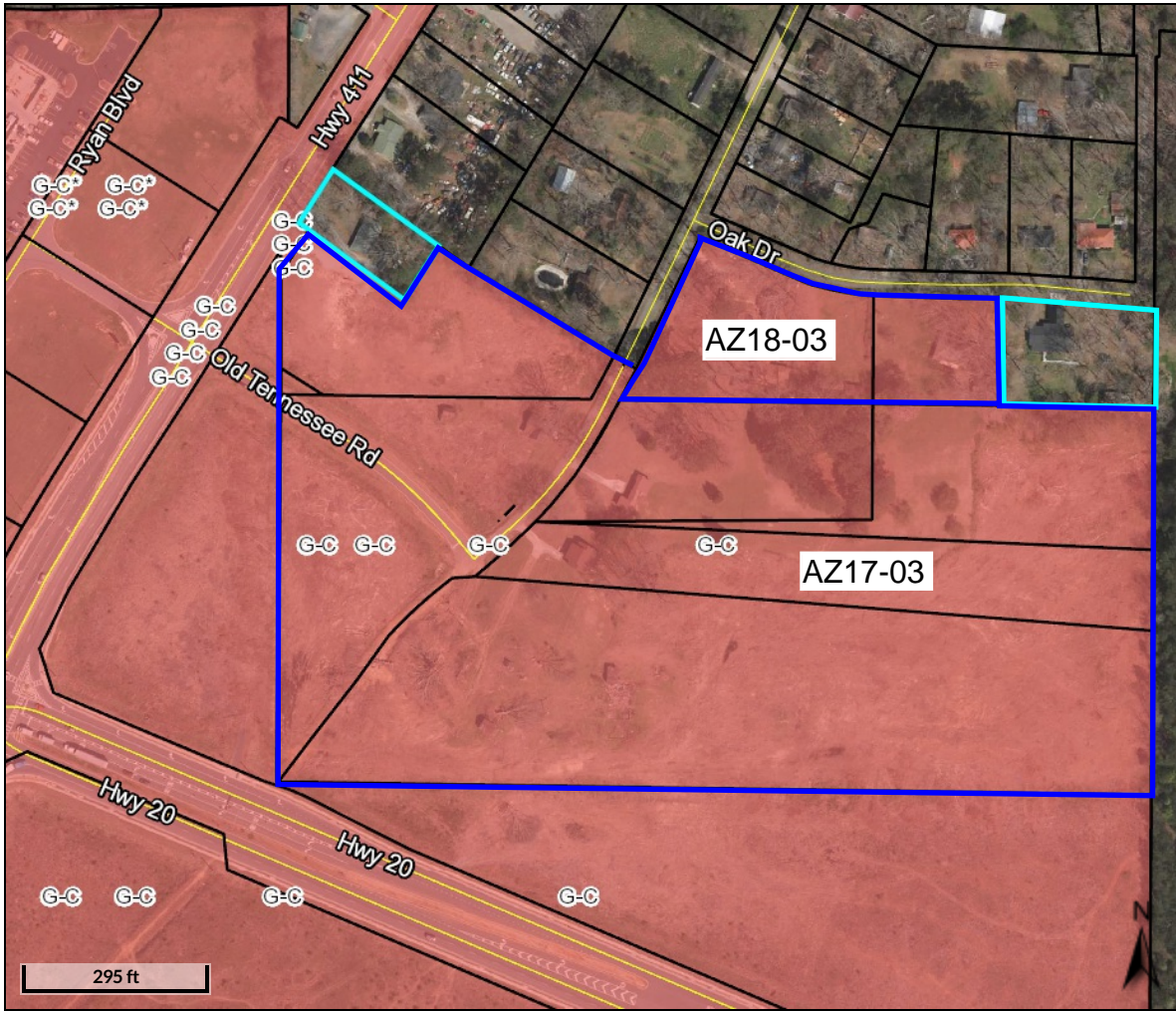
-  Parcels
-  Roads

38 Oak Dr.
0079B-0002-001

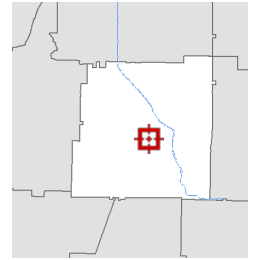
Parcel ID	0079B-0003-012	Alternate ID	20230	Owner Address	HIGHLANDS DEVELOPMENT ASSOCIATES LLC
Sec/Twp/Rng	n/a	Class	Residential		PO BOX 3248
Property Address	1412 HWY 411	Acreage	0.46		CARTERSVILLE, GA 30120
District	Bartow County				
Brief Tax Description	OAKLAND HGTS				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 4/22/2021
Last Data Uploaded: 4/21/2021 10:21:18 PM

Developed by 



Overview



Legend

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

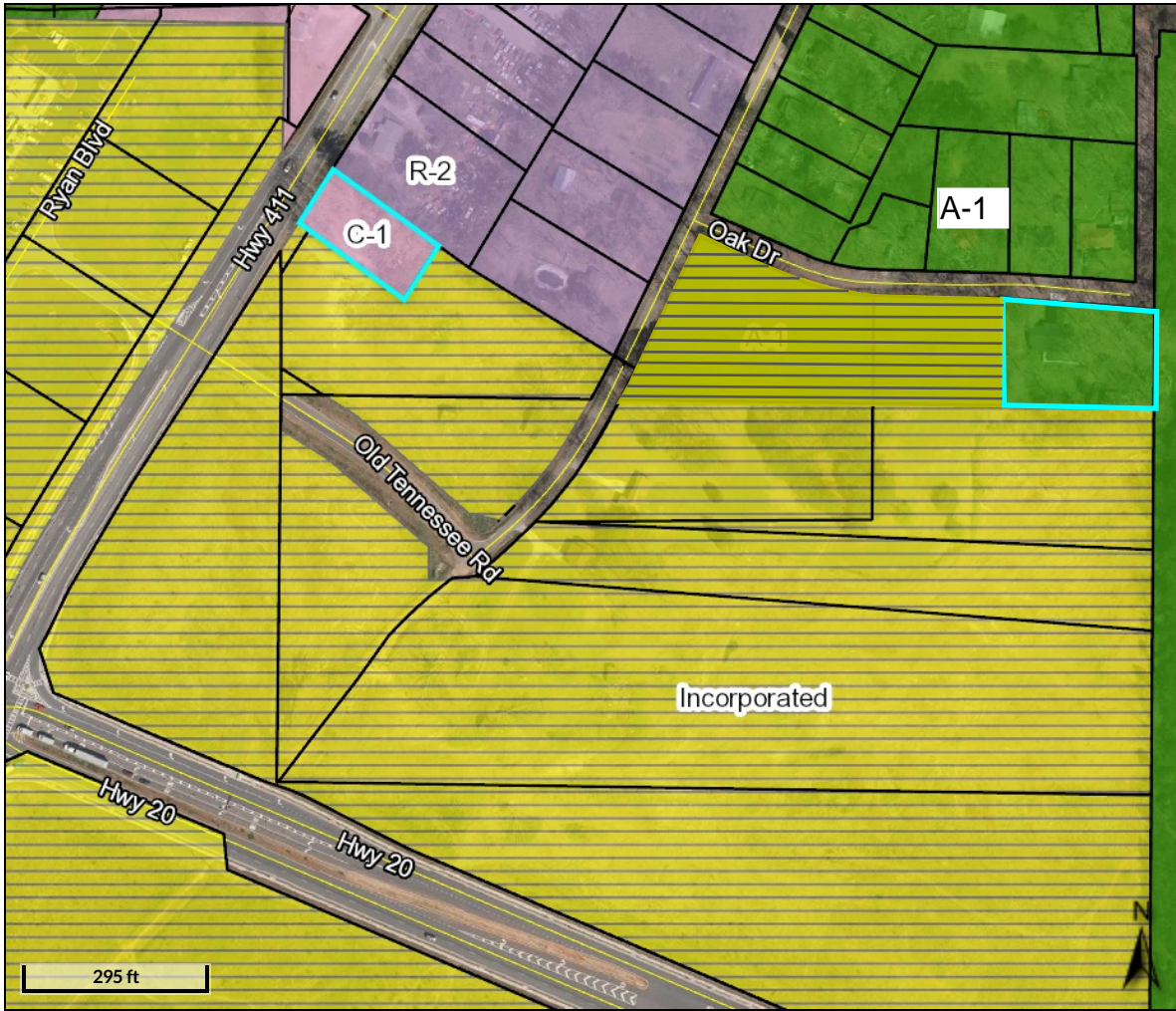
Brief Tax Description OAKLAND HGTS
(Note: Not to be used on legal documents)

Date created: 4/22/2021
Last Data Uploaded: 4/21/2021 10:21:18 PM

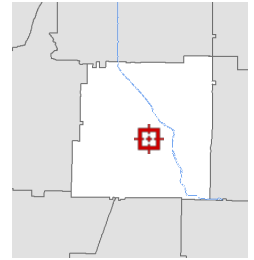
Developed by Schneider GEOSPATIAL

Parcel ID 0079B-0003-012 Alternate ID 20230
 Sec/Twp/Rng n/a Class Residential
 Property Address 1412 HWY 411 Acreage 0.46
 District Bartow County





Owner Address HIGHLANDS DEVELOPMENT ASSOCIATES LLC
 PO BOX 3248
 CARTERSVILLE, GA 30120



Overview



Legend

-  Parcels
-  Roads
- Bartow County Zoning**
-  A-1
-  A1(wC)
-  A1CU
-  BPD
-  BPD(wC)
-  C-1
-  C1(wC)
-  C1CU
-  CN
-  CN(wC)
-  CNCU
-  I-1
-  I-2
-  I1(wC)
-  I1CU
-  I2(wC)
-  I2CU
-  Incorporated
-  M-1
-  M1(wC)
-  M1CU
-  O/I
-  OI(wC)
-  OICU
-  PUD
-  PUD(wC)
-  PUDCU
-  R-1
-  R-2
-  R-3
-  R-4
-  R-7
-  R-8
-  R-8w/c
- B1(w/c)

Parcel ID	0079B-0003-012	Alternate ID	20230	Owner Address	HIGHLANDS DEVELOPMENT ASSOCIATES LLC
Sec/Twp/Rng	n/a	Class	Residential	PO BOX 3248	
Property Address	1412 HWY 411	Acres	0.46	CARTERSVILLE, GA 30120	
District	Bartow County				
Brief Tax Description	OAKLAND HGTS				

(Note: Not to be used on legal documents)

Date created: 4/22/2021
 Last Data Uploaded: 4/21/2021 10:21:18 PM

Developed by  Schneider GEOSPATIAL

Application for Annexation/ Zoning
City of Cartersville

Case Number: AZ 21-04
Date Received: 3-23-21

Item 3.

Public Hearing Dates:

Planning Commission May 11, 2021 5:30pm 1st City Council 5/20/21 7:00pm 2nd City Council 6/13/21 7:00pm

Applicant Highlands Development Associates, LLC Office Phone 678-721-3285
 (printed name) Associates, LLC
 Address P.O. Box 3248 Mobile/ Other Phone 404-717-3219
 City Cartersville State GA Zip 30120 Email dbaumann@reicon.org
Dale R. Baumann Phone (Rep) 404-717-3219
 Representative's printed name (if other than applicant) Email (Rep) dbaumann@reicon.org

Dale R. Baumann Representative Signature [Signature] Applicant Signature
 Signed, sealed and delivered in presence of: My commission expires: April 27, 2021
[Signature] Notary Public

* Titleholder Highlands Development Associates, LLC Phone 404-717-3219
 (titleholder's printed name)
 Address P.O. Box 3248 Email dbaumann@reicon.org
Cartersville, GA 30120
 Signature [Signature]

Signed, sealed, delivered in presence of: My commission expires: April 27, 2021
[Signature] Notary Public

Present Zoning District ① Bartow County A-1 Requested Zoning Cartersville GC
② Bartow County C-1
 Acreage ① .916 Land Lot(s) 23 ① ② District(s) District ② Section(s) 3rd District ②
② .46
 Location of Property: ① 38 Oak Drive, Cartersville, GA 30120
 (street address, nearest intersections, etc.).
② 1412 Hwy 411, Cartersville, GA 30120
 Reason for Rezoning Request: AWW property not door. Annexing land into
city and changing zoning to be consistent with other property
 (attach additional statement as necessary)

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

Zoning Analysis for Annexation/ Zoning

Specifics of Proposed Use

Case Number: AZU-04

Tax Map Parcel(s) # ① 0079B-0002-001 Voting Ward(s) 6
② 0079B-0003-012

Current Land Use ① i ② Land - Savoy Museum Property Current Zoning County ① A-1 ② C-1

Proposed Land Use same Proposed Zoning ① City G.C ② City G.C

Number of Dwelling Units 0/0 Number of Occupants 0/0

Owner Occupied? Yes _____ No NIA

Number of School-aged Children NIA Grade Level(s) of School-aged Children NIA

School(s) to be attended: NIA

Current Utility Service Providers (Check Service provider or list if Other)

Water: _____ City County _____ Well/ Other (NIA)

Sewer: _____ City County _____ Septic/ Other

Natural Gas: _____ City _____ Other (List) _____

Electricity: _____ City GA Power _____ Greystone
 _____ Other (List) _____

**CAMPAIGN DISCLOSURE REPORT
FOR REZONING ACTIONS**

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

Date of Application: 3/23/21

Date Two Years Prior to Application: 3/23/19

Date Five Years Prior to Application: 3/23/16

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

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

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

N/A

MAS 3/23/21

Signature Date

Marty Sorenshine

Print Name

SURVEYOR'S CERTIFICATE

That the undersigned, a Georgia Registered Land Surveyor, on behalf of the above Annexation/ zoning applicant do certify the following:

- 1) That the attached survey contains no fewer than four surveyed map regulation points and recorded with the Georgia Coordinate System of 1985.
- 2) That the attached survey shows the boundaries of the area being annexed and the existing boundaries of the area being annexed and the existing boundaries of the annexing municipality between the points at which these boundaries close, if applicable.
- 3) That the attached survey meets the requirements of O.C.G.A. 15-6-67 and Section 180-7-01 Technical Standards for Property Survey, Rules and Regulations of the State of Georgia.
- 4) That the map demarcation of the map registration points are well distributed along, within, or near the boundary of the annexed area.
- 5) That at least one-eighth of the aggregate external boundary or fifty (50) feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by other lands owned by the municipal corporation, by lands owned by this State, or by the definite width of any street or street right of way; any creek or river; any right of way of a railroad or other public service corporation, which divides the municipal boundary from any area proposed to be annexed.

3-17-2021
Date



Georgia Registered Land Surveyor
WILLIAM C. SMITH (Seal)

ZONING ADMINISTRATOR:

- 1. Case Number: AZ 21-04
- 2. Yes No

The above property complies with the City of Cartersville minimum size requirements to construct a building or structure occupiable by persons or property under the policies, ordinance, or regulations of the City of Cartersville.

3. Survey attached? Y.
3-23-21
Date



Zoning Administrator

SPACE FOR CLERK OF SUPERIOR COURT

STATE PLANE COORDINATE TABLE

Point	Northing	Eastng
A"	1531855.930	2107234.006
B"	1531858.879	2107000.597
C"	1532030.267	2107001.003
D"	1532025.928	2107235.239

**SURVEY FOR
ANNEXATION TO THE CITY OF CARTERSVILLE**
PROPERTY OF
HIGHLANDS DEVELOPMENT ASSOCIATES, LLC
LOTS 14 & 15, BLOCK 1
OAKLAND HEIGHTS
IN LAND LOT 23
4th DISTRICT, 3rd SECTION
BARTOW COUNTY, GEORGIA
TOTAL AREA = 2.373 ACRES

AS REQUIRED BY SUBSECTION (d) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENT BODIES BY ANY PURCHASER OR USER APPROVAL IS OF THIS PLAT AS TO INTENDED USE OF THE PARCEL.

SPACE FOR GOVERNMENT BODY APPROVAL

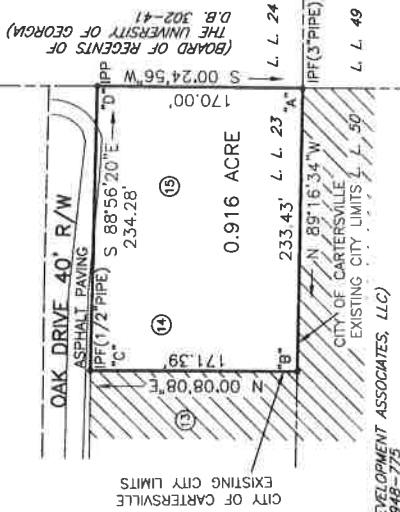
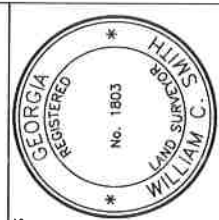
NOTE:
THIS PLAT DOES NOT REQUIRE APPROVAL OF THE MUNICIPAL OR COUNTY PLANNING COMMISSION OR GOVERNING AUTHORITY.

FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

SIGNATURES ABOVE WERE NOT IN PLACE WHEN THIS SURVEY WAS ISSUED, AND ARE TO BE OBTAINED PRIOR TO RECORDING.

William C. Smith
WILLIAM C. SMITH, GEORGIA REGISTERED LAND SURVEYOR No. 1803
DATE: 3-18-2021

DATE OF LAST FIELD SURVEY WORK: 9-03-2019



FIELD TRAVERSE:
CLOSURE: ONE FOOT IN 20,000 FEET USING A LIETZ SET 3.
ANGULAR ERROR: 0'00'06" PER ANGLE POINT USING A LIETZ SET 3.
ADJUSTED; USING THE COMPASS RULE.

SMITH & SMITH LAND SURVEYORS, P.C.
LAND SURVEYOR FIRM No. LSF1000133
2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
PHONE 770-382-0457

REGISTERED LAND SURVEYOR No. 1803

- R — RIGHT OF WAY
- LP — LIGHT POLE
- X — FENCE
- IP — IRON PIN PLACED
- IPF — IRON PIN FOUND
- CM — CONCRETE MARKER
- CH — CHORD
- L OR A — LENGTH OF CURVE
- PP — POWER POLE

D.B. — DEED BOOK & PAGE
SP — SERVICE POLE
LP — LIGHT POLE

6647.CRD 6647-12.DWG
FLOOD INSURANCE RATE MAP 13015C025B H
DATED OCT. 5, 2018 SHOWS THIS PROPERTY
IS NOT IN THE 100 YEAR FLOOD ZONE.
NOTE: IRON PINS ARE (1/2" RE-BAR)
EXCEPT AS SHOWN.

PLAT CLOSURE:
ONE FOOT IN
174,000 FEET.

SEPTEMBER 3, 2019
REVISED 3-18-2021



SURVEYOR'S CERTIFICATE

That the undersigned, a Georgia Registered Land Surveyor, on behalf of the above Annexation/ zoning applicant do certify the following:

- 1) That the attached survey contains no fewer than four surveyed map regulation points and recorded with the Georgia Coordinate System of 1985.
- 2) That the attached survey shows the boundaries of the area being annexed and the existing boundaries of the area being annexed and the existing boundaries of the annexing municipality between the points at which these boundaries close, if applicable.
- 3) That the attached survey meets the requirements of O.C.G.A. 15-6-67 and Section 180-7-01 Technical Standards for Property Survey, Rules and Regulations of the State of Georgia.
- 4) That the map demarcation of the map registration points are well distributed along, within, or near the boundary of the annexed area.
- 5) That at least one-eighth of the aggregate external boundary or fifty (50) feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by other lands owned by the municipal corporation, by lands owned by this State, or by the definite width of any street or street right of way; any creek or river; any right of way of a railroad or other public service corporation, which divides the municipal boundary from any area proposed to be annexed.

3-17-21
Date



Georgia Registered Land Surveyor
WILLIAM C. SMITH (Seal)


ZONING ADMINISTRATOR:

1. Case Number: AZ 21-04

2. Yes No

The above property complies with the City of Cartersville minimum size requirements to construct a building or structure occupiable by persons or property under the policies, ordinance, or regulations of the City of Cartersville.

3. Survey attached? Y
3-23-21
Date



Zoning Administrator

1412 Hwy 411 as of 4-21-21



1412 Hwy 411 as of 5-5-21. Sign repositioned.



1412 Hwy 411 as of 5-5-21.



1412 Hwy 411 as of 5-5-21.
Original structure razed.





38 Oak Dr. as of 5-5-21.
Sign repositioned.



Front of 38 Oak Dr. View to East. As of 5-5-21.



Middle/ Rear View of 38 Oak Dr. View to West. As of 5-5-21.
Original structure razed.



PLANNING COMMISSION ITEM SUMMARY

MEETING DATE:	May 11 th , 2021
SUBCATEGORY:	Special Use Permit
DEPARTMENT NAME:	Planning and Development
AGENDA ITEM TITLE:	SU21-03. 780 West Ave.
DEPARTMENT SUMMARY RECOMMENDATION:	Applicant requests a Special Use permit to allow automotive and truck sales or rental use at 780 West Ave. The property is zoned O-C (Office Commercial).
LEGAL:	N/A

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU21-03**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Christopher Barron**

Representative: **Christopher Barron**

Property Owner: **Jeffery Marlow**

Property Location: **780 West Ave** **C015-0008-018**

Access to the Property: **West Ave**

Site Characteristics:

Tract Size: Acres: **1.25** District: **4th** Section: **3rd** LL: **523**

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

1. LAND USE INFORMATION

Current Zoning: **OC Office Commercial**

Proposed Zoning: **OC Office Commercial**

Proposed Use: **Automotive and Truck Sales or Rental**

Current Zoning of Adjacent Property:

North: **OC Office Commercial**

South: **R20 Residential**

East: **OC Office Commercial**

West: **OC Office Commercial**

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

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

2. City Department Comments:

Electric: Takes no exception.

Fibercom: Takes no exception.

Fire: Takes no exception.

Gas: Takes no exception.

Public Works: No comments received.

Water and Sewer: No comments received.

3. Public Comments:

No public comments received by Planning and Development as of 5-4-21.

4. Special Use Review

Applicant wishes to have an auto and truck sales or rental use at this property. A special use permit is required by ordinance. This use may be compatible with other commercial uses along the West Ave corridor. The site has been used previously for used automotive sales, most recently in 2018, for Daniel Imports.

There are no other special use permits on file for Daniel Imports or other automotive sales or rental facilities at this location.

5. Zoning Ordinance Findings

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

A. Article XVI. Special Uses

Sec. 16.1. Scope and intent.

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

Sec. 16.2. Application of regulations and approval.

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

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

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

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

Sec. 16.3. Additional restrictions.

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

B. How General Standards Are Met (Staff analysis)

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

How Standard #1 has / will be met: No impact.

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

How Standard #2 has / will be met: No impact. Parking is existing off-street.

Standard #3: Protective screening.

How Standard #3 has / will be met: There is a privacy fence along the southern (rear) property line adjacent to residential property. This fence or a 15ft buffer must be maintained.

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: 8am to 8pm: Monday through Saturday.

Standard #5: Outdoor lighting

How Standard #5 has / will be met: Standard commercial lighting available by City Electric.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Existing driveway connected to West Ave.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: Majority of surrounding land uses are also commercial and zoned OC , with one (1) parcel to the South being R20 Residential. The has been used previously as an automobile sales or rental facility.

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

There are no additional special use standards for automotive sales or rental.

6. Staff Recommendation: *No objection to special use request. State and local occupational tax certificates will be required.*

7. Planning Commission Recommendation:

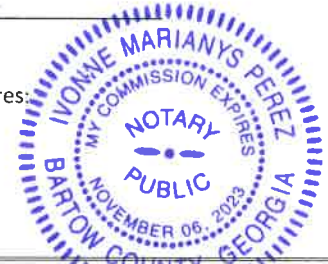
Application for Special Use
City of Cartersville

Case Number: SU21-03
Date Received: ~~3-12-21~~
3-12-21

Public Hearing Dates:

Planning Commission May 11th 5:30pm 1st City Council May 20th 7:00pm 2nd City Council June 3rd 7:00pm

Applicant Christopher Barran Office Phone 678-719-8490
(printed name)
 Address 780 West Avenue Mobile/ Other Phone _____
 City Cartersville State Ga Zip 30120 Email cbarran@best-auto-sales-experience.com
 Representative's printed name (if other than applicant) Chris Barran Phone (Rep) 404-486-3909
 Representative Signature [Signature] Applicant Signature [Signature] Email (Rep) cbarran@bestexperience.com
 Signed, sealed and delivered in presence of: _____ My commission expires: _____
 Notary Public [Signature]



* Titleholder Jeffery L Marlow Phone 404-372-0928
(titleholder's printed name)
 Address 2978 Edinburgway Email JSMARLOW3461@aol.com
 Signature [Signature]
 Signed, sealed, delivered in presence of: _____ My commission expires: _____
 Notary Public [Signature]



Present Zoning District O-C Office Commercial C015-0008-018
 Acreage 1.25 Land Lot(s) 523 District(s) 4 Section(s) 3rd
 Location of Property: East of Plymouth Dr
(street address, nearest intersections, etc.)
 Reason for Special Use Request: Auto sales

 (attach additional statement as necessary)

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



Overview



Legend

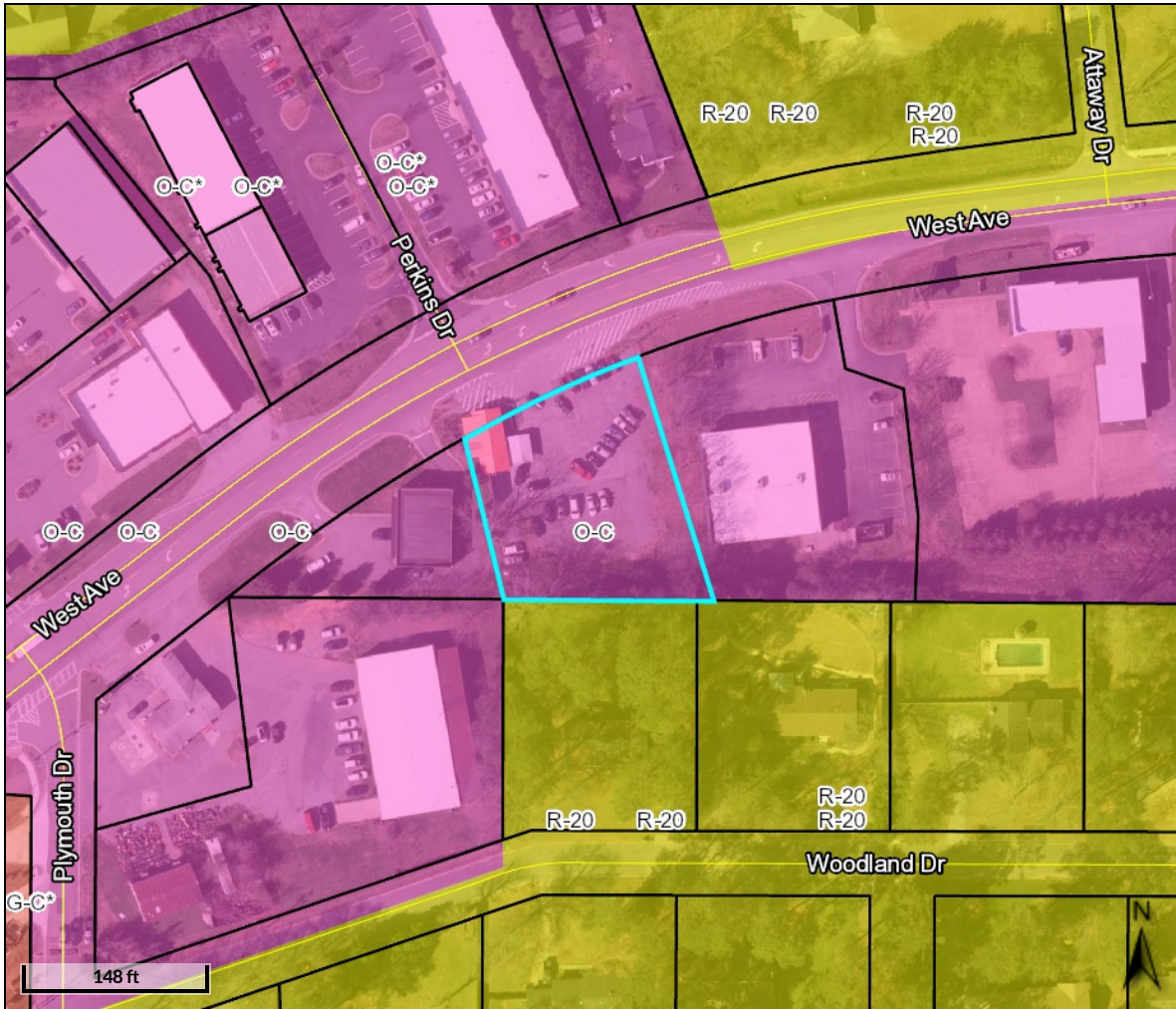
-  Parcels
-  Roads

Parcel ID	C015-0008-018	Alternate ID	33861	Owner Address	2300 BURNTWOOD LLC
Sec/Twp/Rng	n/a	Class	Commercial		2300 BURNTWOOD DR
Property Address	780 WEST AVE	Acreage	1.25		KENNESAW, GA 30152
District	Cartersville				
Brief Tax Description	LOT & STORE				

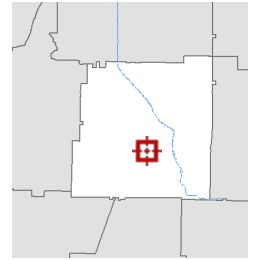
(Note: Not to be used on legal documents)

Date created: 3/5/2021
 Last Data Uploaded: 3/4/2021 9:56:05 PM

Developed by  Schneider
 GEOSPATIAL



Overview



Legend

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

Parcel ID C015-0008-018
 Sec/Twp/Rng n/a
 Property Address 780 WEST AVE
 District Cartersville

Alternate ID 33861
 Class Commercial
 Acreage 1.25

Owner Address 2300 BURNTWOOD LLC
 2300 BURNTWOOD DR
 KENNESAW, GA 30152

**CAMPAIGN DISCLOSURE REPORT
FOR REZONING ACTIONS**

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

Date of Application: 3/2/2021

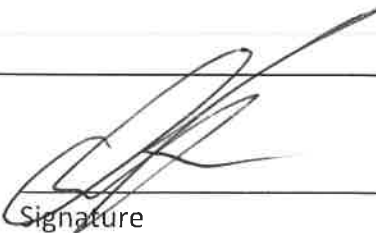
Date Two Years Prior to Application: 3/2/2019

Date Five Years Prior to Application: 3/2/2016

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

	YES	NO
Mayor: Matt Santini	_____	<u>0</u>
Council Member:		
Ward 1- Kari Hodge	_____	<u>X</u>
Ward 2- Jayce Stepp	_____	<u>X</u>
Ward 3- Cary Roth	_____	<u>X</u>
Ward 4- Calvin Cooley	_____	<u>X</u>
Ward 5- Gary Fox	_____	<u>X</u>
Ward 6- Taff Wren	_____	<u>X</u>
Planning Commission		
Greg Culverhouse	_____	<u>X</u>
Harrison Dean	_____	<u>X</u>
Lamar Pendley	_____	<u>X</u>
Lamar Pinson	_____	<u>X</u>
Travis Popham	_____	<u>X</u>
Jeffery Ross	_____	<u>X</u>
Stephen Smith	_____	<u>X</u>

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


 Signature 3/2/2021
 Date
Chris Barron
 Print Name

SPECIAL USE JUSTIFICATION

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

Zoning Ordinance section 16.3.A

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

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

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

Use applied for:

Auto Sales

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

How Standard #1 has / will be met:

None will be affected

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

How Standard #2 has / will be met:

None will be affected

Standard #3: Protective screening.

How Standard #3 has / will be met:

Fence + Gate

Standard #4: Hours and manner of operation of the proposed use.

How Standard #4 has / will be met:

8am - 8pm Mon - Saturday For Auto Sales

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

Yes, provided by City of Caterville

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:


All good.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

Very Compatible

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

Signed, 
Applicant or Representative
Date 3/1/2021

NOTICE OF PUBLIC HEARING

May 11th

The City of Cartersville Planning Commission will hold a public meeting on ~~March 9th~~ at 5:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia.

The Planning Commission will review an application by _____

requesting a Special Use for property located at 780 West Avenue in

Land Lot(s) 523 of the 4th District, 3rd Section, in the

O-C zoning district. Said property contains .601 acres.

The Cartersville City Council will hold the first reading on May 20th at 7:00 p.m. in the City Hall Council Chambers to consider the recommendation of the Planning Commission on the above mentioned application. The Cartersville City Council will have a second reading and final action on said application on Jun 3rd at 7:00 p.m. in the City Hall Council Chambers.

Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing thereof.

If you have interest in the proposed rezoning as stated above, you are encouraged to attend the meetings as stated herein.

CITY OF CARTERSVILLE

Case # _____



CITY OF CARTERSVILLE

SPECIAL USE NOTICE

CASE NO. SU21-03

APPLICATION HAS BEEN MADE TO THE CITY OF CARTERSVILLE FOR A SPECIAL USE ON THIS PROPERTY

PLANNING COMMISSION MEETING
AT 5:30 P.M. ON 5/11/21

CITY COUNCIL FIRST READING
AT 7PM ON 5/20/21

CITY COUNCIL SECOND READING
AT 7:00 P.M. ON 6/3/21

HEARINGS TO BE HELD AT CITY HALL
10 NORTH PUBLIC SQUARE.

FOR ADDITIONAL INFORMATION CONTACT
THE PLANNING AND DEVELOPMENT DEPT.
AT 770-387-5600.

SECURED BY
OWEN
SECURITY SOLUTIONS
706.829.7396

SECURED BY
OWEN
SECURITY SOLUTIONS
706.829.7396



CITY OF CARTERSVILLE
SPECIAL USE NOTICE
CASE NO. SU21-03
APPLICATION HAS BEEN MADE TO THE CITY OF CARTERSVILLE FOR A SPECIAL USE ON THIS PROPERTY
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CITY COUNCIL FIRST READING AT 7 PM ON 5/20/21
CITY COUNCIL SECOND READING AT 7:00 P.M. ON 6/3/21
HEARINGS TO BE HELD AT CITY HALL 10 NORTH PUBLIC SQUARE.
FOR ADDITIONAL INFORMATION CONTACT THE PLANNING AND DEVELOPMENT DEPT. AT 770-387-5600

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