SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): SU23-01

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: <u>Duncan Auto Sales</u>

Representative: Robert Walker, Esq.

Property Owner: Sherrie Cline

Property Location: <u>Tax ID C004-0001-012</u>

Access to the Property: From Tennessee St.

Site Characteristics:

Tract Size: 0.14 +/- ac. District: 4th Section: 3rd LL(S): 384

Ward: 4 Council Member: Calvin Cooley

LAND USE INFORMATION

Current Zoning: M-U (Multiple Use District)

Proposed Zoning: No change

Proposed Use: <u>Auto Sales/Private Garage</u>

Current Zoning of Adjacent Property:

North: M-U (Multiple Use District)
South: M-U (Multiple Use District)
East: M-U (Multiple Use District)
West: M-U (Multiple Use District)

The Future Development Map designates the subject property as: **Tennessee St. Corridor**

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

2. City Department Comments:

Electric: Takes no exception.

Fibercom: No comment received.

<u>Fire:</u> Cartersville Fire takes no exceptions to the special use request at 403 N. Tenn. St. provided that all city adopted codes and ordinances are followed.

Gas: Takes no exception.

Public Works: No comment received.

Water and Sewer: Project will not affect water or sewer service.

3. Public Comments:

No comments as of 3-30-2023

4. Special Use Review

Duncan Auto Sales operates an automotive sales business at 401 N. Tennessee St., zoned Multiple-Use (M-U). Property is identified as Tax ID C004-0001-013. Total property area is approximately 0.14 acres. Automotive sales lot are not allowed on Tennessee St; however, this business is considered a non-conforming use that has been at this location for many years. This special use permit request is for the expansion of a non-conforming use.

Duncan Auto Sales wishes to expand their business to the adjacent property at 403 N. Tennessee St. This parcel is also zoned Multiple-Use (M-U), identified as Tax ID C0004-0001-012. This lot would contain vehicle overflow parking and a private garage for the business. The applicant is not proposing to sell vehicles from this lot.

The 403 N. Tennessee St. lot has been used as a specialty automotive shop or for warehousing for many years. The garage is a 3-bay garage that fronts N. Tennessee St. with a parking area between the building and N. Tennessee St.

In 2018, per SU18-06, the applicant received a special use permit to allow the expansion of a non-conforming use onto the adjacent, eastern property at 306 Johnson St., a 0.12ac. lot (5,227 sf). A house was demolished and the 306 lot was subdivided to accommodate this expansion. The special use permit was approved by City Council on 12/6/18 with a favorable recommendation from the Planning Commission.

Of note, at the planning commission meeting, the owner of 403 N. Tennessee St., Cliff Cline, expressed concerns about stormwater runoff from adjacent properties citing existing drainage issues on his property.

In addition to SU18-06, a similar special use permit was approved for the expansion of a used car lot for 414 N. Tennessee St onto lot 416/420 N. Tennessee St. Applicant was Randy Wimpy. The special use permit was approved by City Council on 9/5/13 with a favorable recommendation from the Planning Commission.

5. Zoning Ordinance Findings

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

B) Article XVI. Special Uses

Sec. 16.1. Scope and intent.

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

Sec. 16.2. Application of regulations and approval.

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

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

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

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

Sec. 16.3. Additional restrictions.

- A.I n 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.A ny use which may be authorized by special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

6. How General Standards Are Met:

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

How Standard #1 has / will be met: No negative effect to traffic along Tennessee St. is anticipated.

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

How Standard #2 has / will be met: No parking plan has been included with the application. No off-street parking is proposed for customers per the application. The parking area is to be used to park, repair and service vehicles to be sold by Duncan Auto Sales. The parking area likely cannot hold more than 10-12 automobiles based on the approx. 45ft x 70ft dimensions. The applicant responded to this standard with 5-10 automobiles maximum on this site.

Standard #3: Protective screening.

How Standard #3 has / will be met: Not required since redevelopment of the site is not proposed. No residential land uses are adjacent site, currently.

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: Information provided by applicant for this standard shows hours of operation will be M-F, 9:30-5:30. Saturday and Sunday will be by appointment only. If the garage is to service only automobiles for Duncan Auto Sales, why are weekend appointments an option?

Standard #5: Outdoor lighting

How Standard #5 has / will be met: It is presumed that existing street lights or building lights are the primary light sources. Applicant states that there are lights on the building.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Access is provided off of Tennessee St.

Standard #7: Compatibility with surrounding land use.

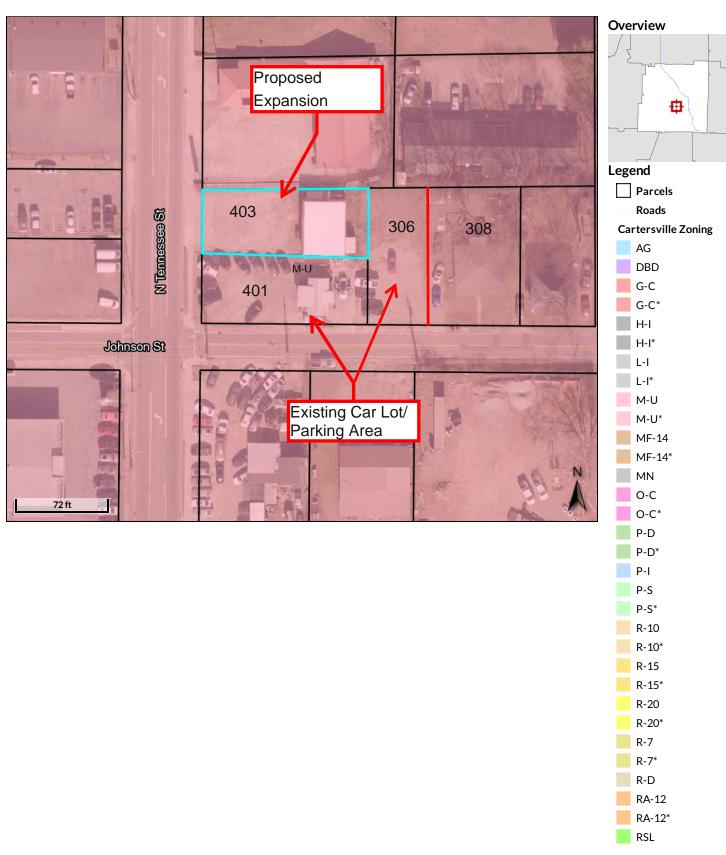
How Standard #7 has / will be met: No compatibility conflicts have been identified.

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

N/A

8. Staff Recommendation: Staff does not oppose the application.

QPublic.net Bartow County, GA





P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

December 6th, 2018

J.C. Waters P.O. Box 1672 Cartersville, GA 30120

RE: SU18-06: 306 Johnson Street Special Use Permit Approval Letter

Mr. Waters,

This letter serves as verification of the outcome of your Special-Use Permit application, SU18-06, to the City Council to:

Extend a nonconforming use (car lot) onto Johnson Street

The application was **APPROVED** by City Council on December 6th, 2018:

No further action is required regarding this Special Use application.

The next steps in the project approval process require building and site plans to be reviewed and approved by the City of Cartersville. Connor Hooper, 770-607-3947 and chooper@cityofcartersville.org, will be the point of contact for the site plan approval process. David Dye, Building Official, will be the point of contact for the building plan review.

Please contact me with any questions.

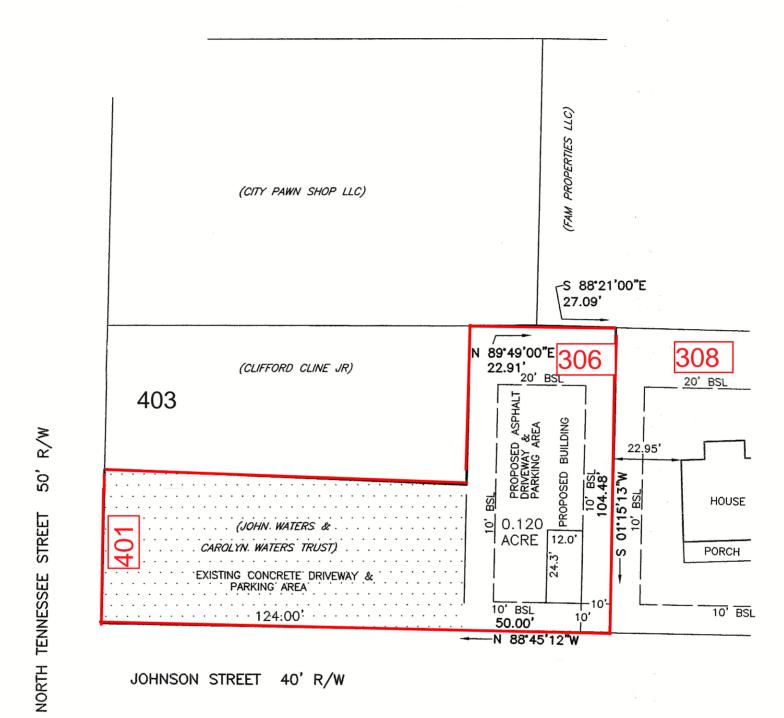
Sincerely,

David Hardegree, AICP City Planner

O. 770-387-5614

dhardegree@cityofcartersville.org

ZONING NOTE
THIS PROPERTY IS ZONED "M-U"
MULTIPLE USE DISTRICT
SET BACKS ARE AS FOLLOWS
FRONT 10 FEET
SIDE 10 FEET
REAR 20 FEET



SURVEY FOR
PROPOSED SITE LAYOUT FOR
JOHN WATERS &
CAROLYN WATERS
PROPERTY IN THE CITY OF CARTERSVILLE
IN LAND LOT 384
4th DISTRICT, 3rd SECTION
BARTOW COUNTY, GEORGIA

1025.CRD 1025-6.DWG
FLOOD INSURANCE RATE MAP 13015C0266 G
DATED SEPT.28, 2007 SHOWS THIS PROPERTY
IS NOT IN THE 100 YEAR FLOOD ZONE.

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.

NOTE: IRON PINS ARE (1/2"RE-BAR) EXCEPT AS SHOWN.

SEORGIA

REGISTERED

No. 1803

*

FIELD TRAVERSE:

PLAT CLOSURE; ONE FOOT IN 288,000 FEET. SEPTEMBER 28, 2018

0 6 30 3 15 45 SCALE 1"=30' FILE 1025-6

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/W — RIGHT OF WAY

IPP — IRON PIN PLACED

IPF — IRON PIN FOUND

CM — CONCRETE MARKER

CH. — CHORD

L OR A—LENGTH OF CURVE

P.O. Box 1390 • 10 North Public Square • Cartersville, Georgia 30120 Telephone: 770-387-5600 • Fax: 770-387-5605 • www.cityofcartersville.org

September 18, 2013

Randy Wimpy 414 N. Tennessee St Cartersville, GA 30120

Dear Mr. Wimpy,

This letter serves as verification of the outcome of your special use application to the City Council regarding property at 416 and 420 N. Tennessee Street in Cartersville, Georgia. The result was the following:

File #SU13-04: Special Use application by Randy Wimpy for property located at 416 and 420 N. Tennessee Street (approximately 0.38 acres) to allow expansion of the adjacent existing auto lot onto this property in the M-U zoning district.

APPROVED

Thank you for your time, and let me know if you have any questions.

Sincerely,

Richard Osborne, AICP

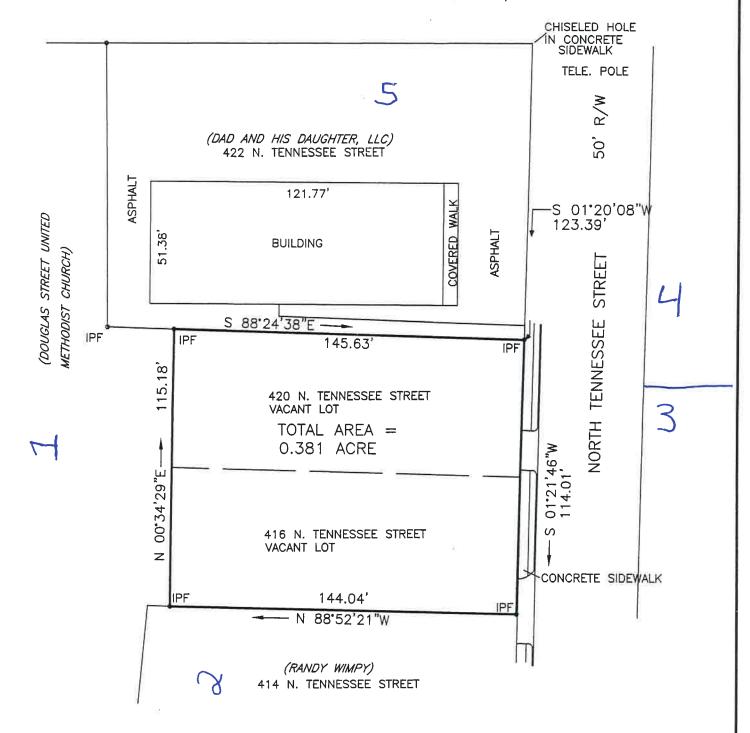
City Planner

SURVEY FOR

DAD AND HIS DAUGHTER, LLC PROPERTY IN THE CITY OF CARTERSVILLE, IN LAND LOT 383, 4th DISTRICT, 3rd SECTION, BARTOW COUNTY, GEORGIA

MARTIN LUTHER KING, JR. DRIVE

, 35' R/W



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. 2 SOUTH AVENUE, CARTERSVILLE, GA. 30120 PHONE 770-382-0457

REGISTERED LAND SURVEYOR No. 1803

RIGHT OF WAY IPP -IRON PIN PLACED IRON PIN FOUND CONCRETE MARKER CHORD L OR A- LENGTH OF CURVE

NORTH

MAG.

R - RADIUS LP- LIGHT POLE -X-X- FENCE
LAND LOT LINE CENTER LINE - POWER LINE PP- POWER POLE

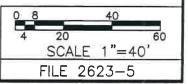
2623-1.CRD 2623-5.DWG FLOOD INSURANCE RATE MAP 13015C0266 G DATED SEPT. 28, 2007 SHOWS THIS PROPERTY IS NOT IN THE 100 YEAR FLOOD ZONE.

NOTE: IRON PINS ARE (1/2"RE-BAR) EXCEPT AS SHOWN.



PLAT CLOSURE; ONE FOOT IN 50,000 FEET.

MAY 30, 2013



Public Hearing Dates: Planning Commission $\frac{4-11-2023}{5:30 \text{pm}}$ 1st City Council $\frac{4-20-2023}{7:00 \text{pm}}$ 2nd City Council $\frac{5-9-2023}{7:00 \text{pm}}$ Applicant Dyncon Auto Soles, Inc. Office Phone (770) 334-8026 Address 401 N. Temessee St. Mobile/ Other Phone city <u>Cortersville</u> State <u>GA</u> zip 30120 Email duncenautosalestean @quail.com . Walker, Esq. Phone (Rep) (770) Email (Rep) rwalker @ 1 bwpc. com Applicant Signature Signed, sealed and delivered in presence of: **BONNIE J ELLIS** Notary Public, Georgia **Bartow County** My Commission Expires January 03, 2026 * Titleholder Shem'c C. Cline (titleholder's printed name) Phone. Address 142 Old Rudy York Rd. Email Signature Signed, sealed, delivered in presence of: BONNIE JELLIS Notary Public, Georgia Bartow County My Commission Expires January 03, 2020 Present Zoning District Parcel ID No. Land Lot(s)__ **384** (street address, nearest intersections, etc.) Reason for Special Use Request: Applicant desires to use the property and service vehicles to by sold by Dunan Auto Sales, In

Application for Special Use

City of Cartersville

Case Number: 5073-01

Date Received: 2-16-2023

(attach additional statement as necessary)

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

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: Parking, Repairing and Servicing vehicles to be sold by Duncan	Auto Sales, Inc.
Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.	

How Standard #1 has / will be met:

Troffic flow will not be adversely effected as virtually all operations involving ingress legress by the public will remain at adjacent property at 401 N. Tennessee St.

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

How Standard #2 has / will be met:

There is adequate forking for 5 to 10 vehicles between the building located on the property and N. Tennessee St.

Standard #3: Protective screening.

How Standard #3 has / will be met:

There is no protective screening on the property. However, the building located on the property has 2 service bays with doors that would allow for vehicles to be pulked in and hidden from view while repairs are being performed.

Standard #4: _Hours and manner of operation of the proposed use.
How Standard #4 has / will be met:
The monner of operation is the parking, repairing and servicing of vehicles to be
Sold by Direct Anto Sales, Ire. Hours are M-F, 9:30 an to 5:30pm, and Standard #5: Outdoor lighting.
How Standard #5 has / will be met:
The only ontdoor lighting is located on the exterior of the building.
Standard #6: Ingress and egress to the property.
How Standard #6 has / will be met:
There is adequate ingress legress from N. Tennessee St. Additionally, much a the time the property will be accessed internally from the adjacent property at 401 N. Tennessee St. Standard #7: Compatibility with surrounding land use.
How Standard #7 has / will be met:
The use is competible with surrounding land uses. In fact, there are identical, larger establishments in the immediate vicinity being used in the some fashion. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:
Not applicable
Signed. Applicant or Representative
Feb. 16, 2023 Date

CAMPAIGN DISCLOSURE REPORT FOR ZONING ACTIONS

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

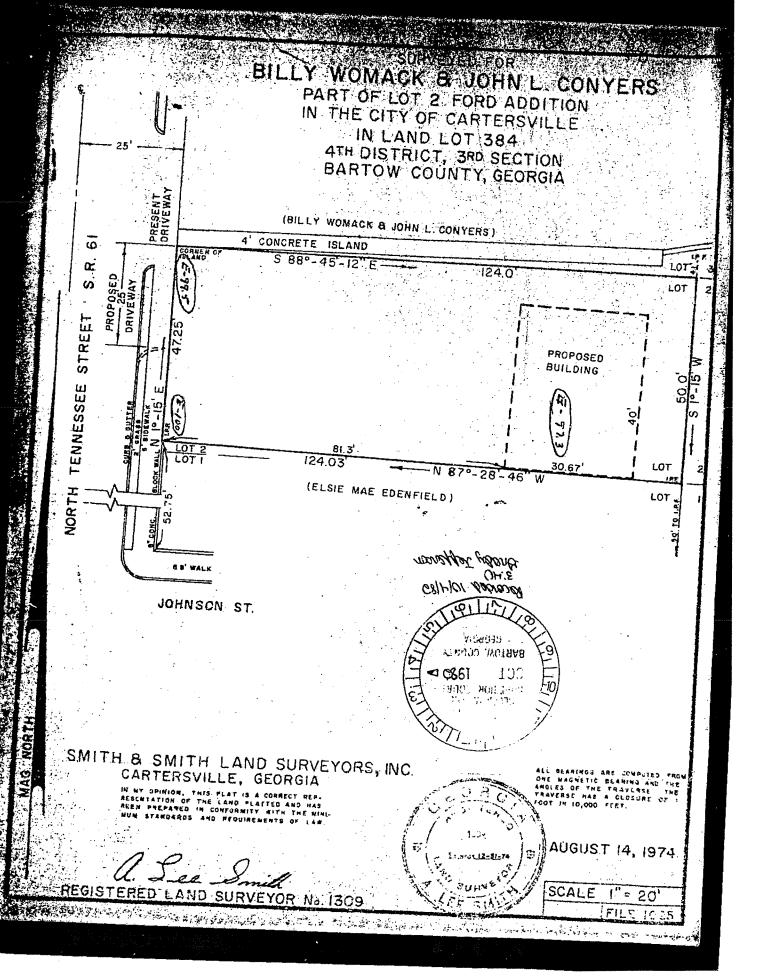
Date Two Years Prior to Application: Feb. 16, 2021

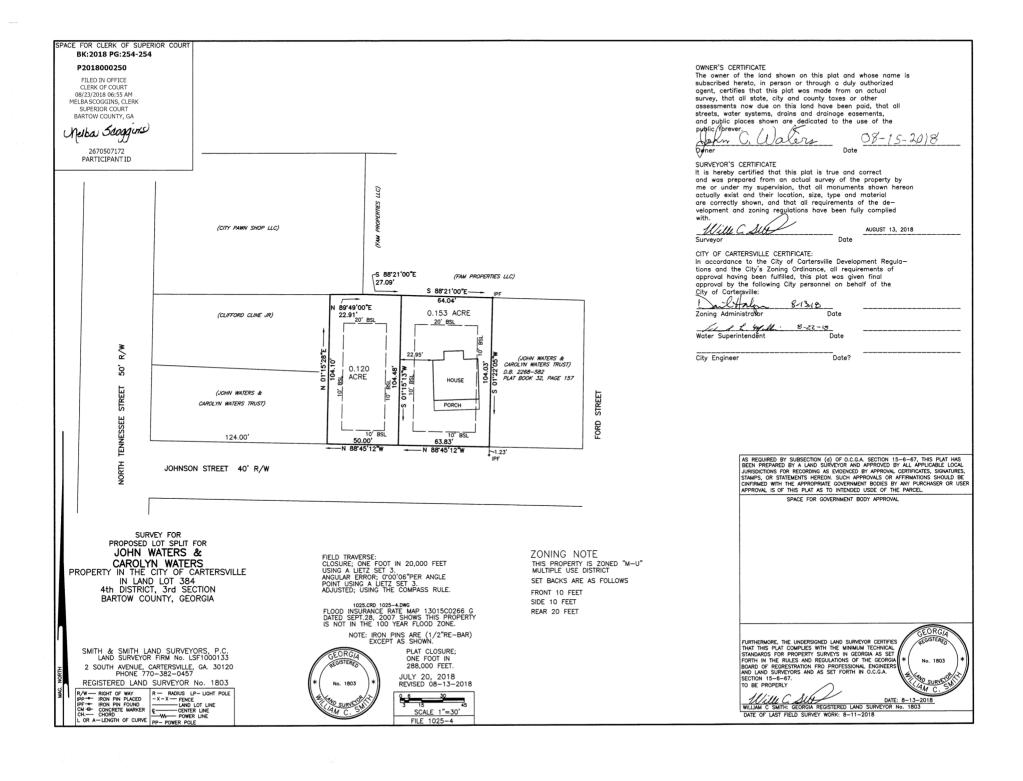
Date of Application: Feb. 16, 2023

Greg Culverhouse Jeffery Ross Stephen Smith **Travis Popham**

Date Five Years Prior to Application:	eb. 16, 2018	-
 Has the applicant within the five (5) year campaign contributions aggregating \$250.00 or 		
	YES	NO
Mayor: Matt Santini Council Member:	-	_ø _
Ward 1- Kari Hodge		
Ward 2- Jayce Stepp	-	Ø
Ward 3- Cary Roth	i 2	<u>ø</u> _
Ward 4- Calvin Cooley		15
Ward 5- Gary Fox		0
Ward 6- Taff Wren		Ø
Planning Commission		
Lamar Pendley, Chair		B
Anissa Cooley		0
Fritz Dent		6

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.





Images taken 3-23-23





Images taken 4-3-23



306 Johnson St



306 Johnson St



401 N. Tennessee St



401 N. Tennessee St



403 N. Tennessee St