

ZONING SYNOPSIS

Petition Number(s): Z24-06

REQUEST SUMMARY:

Muhammad Chishti, applicant, requests a change in zoning from O-C (Office Commercial) to General Commercial (G-C) to operate a liquor store in a tenant space on the property. The property is currently a service station with two (2) unused tenant spaces.

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Muhammad Chishti
Representative: None
Location: 165 Cassville Rd. (Tax ID No. C013-0001-003)
Total Acreage: .92 +/- Acres

LAND USE INFORMATION

Current Zoning: O-C (Office Commercial)
Proposed Zoning: General Commercial (G-C)
Proposed Use: Convenience Store/ Liquor Store

Current Zoning of Adjacent Property:

North: P-I (Public/Institutional)
South: L-I (Light Industrial)
East: G-C (General Commercial)
West: County A-1 (Agricultural)

For All Tracts:

District: 4th **Section:** 3rd **LL(S):** 380
Ward: 4 **Council Member:** Calvin Cooley

The Future Development Map designates adjacent properties as: Community Parks, Recreation, and Conservation and Transitional Use Area.

The Future Land Use Map designates adjacent or nearby city properties as: Commercial, Public/Institutional, and Industrial.

ANALYSIS

City Departments Reviews

Electric: Takes no exception

Fibercom: Takes no exception.

Fire: Takes no exception

Gas: Takes no exception

Planning and Development: Takes no exception.

Public Works: No Comments Received.

Water and Sewer: Takes no exception.

Cartersville School District: No objections.

Bartow County: NA

Public comments: None received as of 6-17-2024.

STAFF SUMMARY:

Applicant requests to rezone .92 acres (+/-) located at 165 Cassville Road (Tax ID C013-0001-003). The property is owned by Muhammad Chishti and the property is currently used as a gas station and convenience store. The existing building also has two (2) vacant suites. The owner wishes to have more available uses for the vacant suites than the O-C zoning ordinance allows, particularly the retail package store (liquor) use.

G-C, General Commercial, zoning is requested for the parcel. The existing zoning is O-C.

The property is within the FEMA floodplain. The current and proposed use are not expected to affect the floodplain unless expansion of the building footprint occurs.

STANDARDS FOR EXERCISE OF ZONING POWERS.

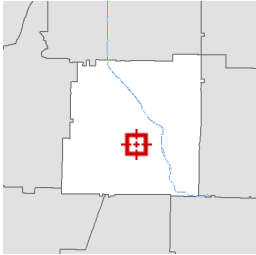
- A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.*
The zoning proposal will not change use of adjacent properties.

- 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 or usability of adjacent property.
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*
The property does have a reasonable economic use as currently zoned (O-C).
- 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 proposed 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.
- 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 does not oppose the General Commercial (G-C) zoning.



Overview

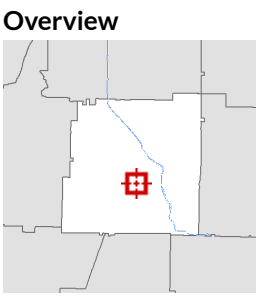
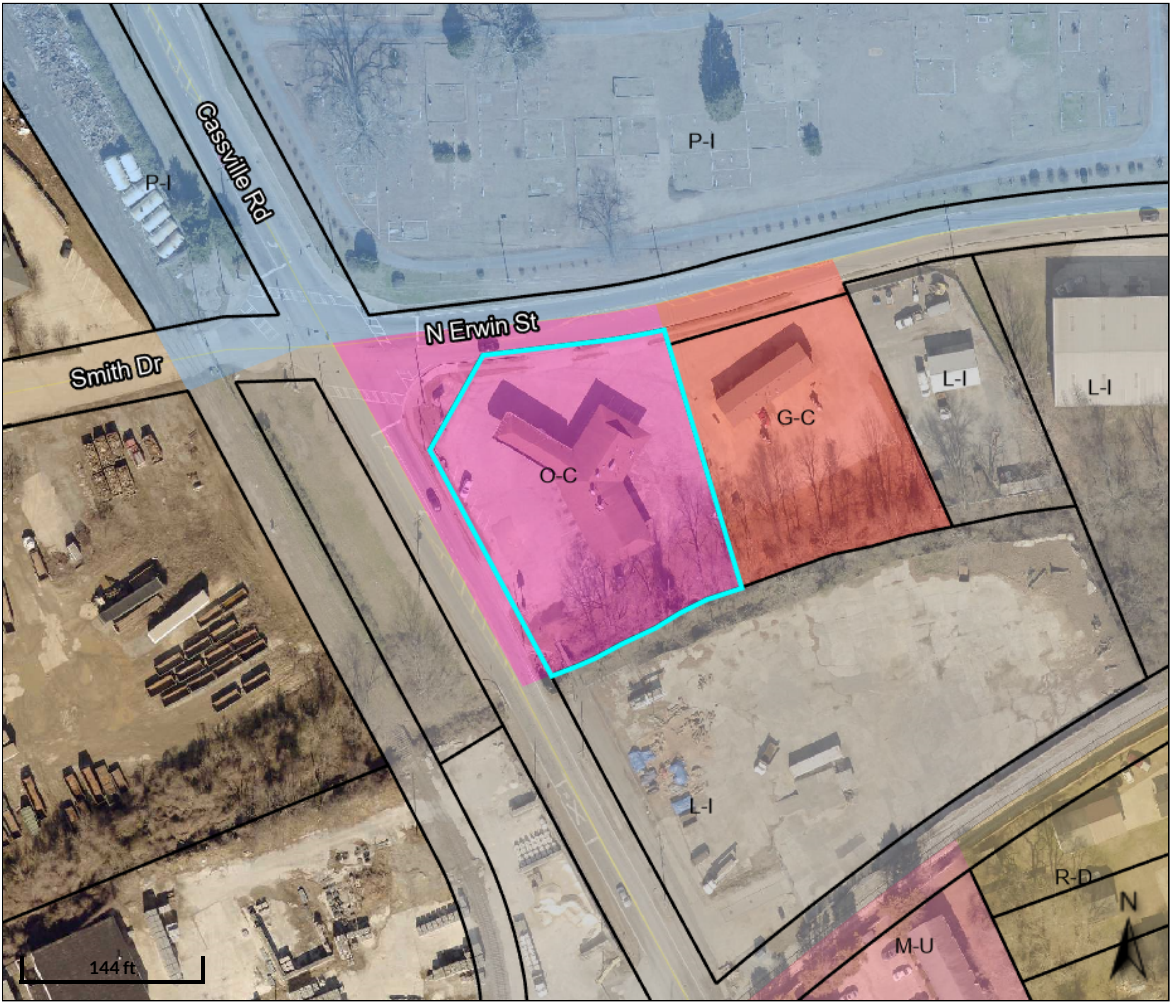


Legend

- Parcels
- Roads

Parcel ID	C013-0001-003	Alternate ID	33526	Owner Address	HDA PROPERTIES AND HOMES LLC
Sec/Twp/Rng	n/a	Class	Commercial		5352 SAVILLE DR
Property Address	165 CASSVILLE RD	Acreage	0.92		ACWORTH, GA 30101
District	Cartersville				
Brief Tax Description	LL 380 D 4 Short Trip Citgo				
	<i>(Note: Not to be used on legal documents)</i>				

Date created: 5/13/2024
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- 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 C013-0001-003
 Sec/Twp/Rng n/a
 Property Address 165 CASSVILLE RD

Alternate ID 33526
 Class Commercial
 Acreage 0.92

Owner Address HDA PROPERTIES AND HOMES LLC
 5352 SAVILLE DR
 ACWORTH, GA 30101

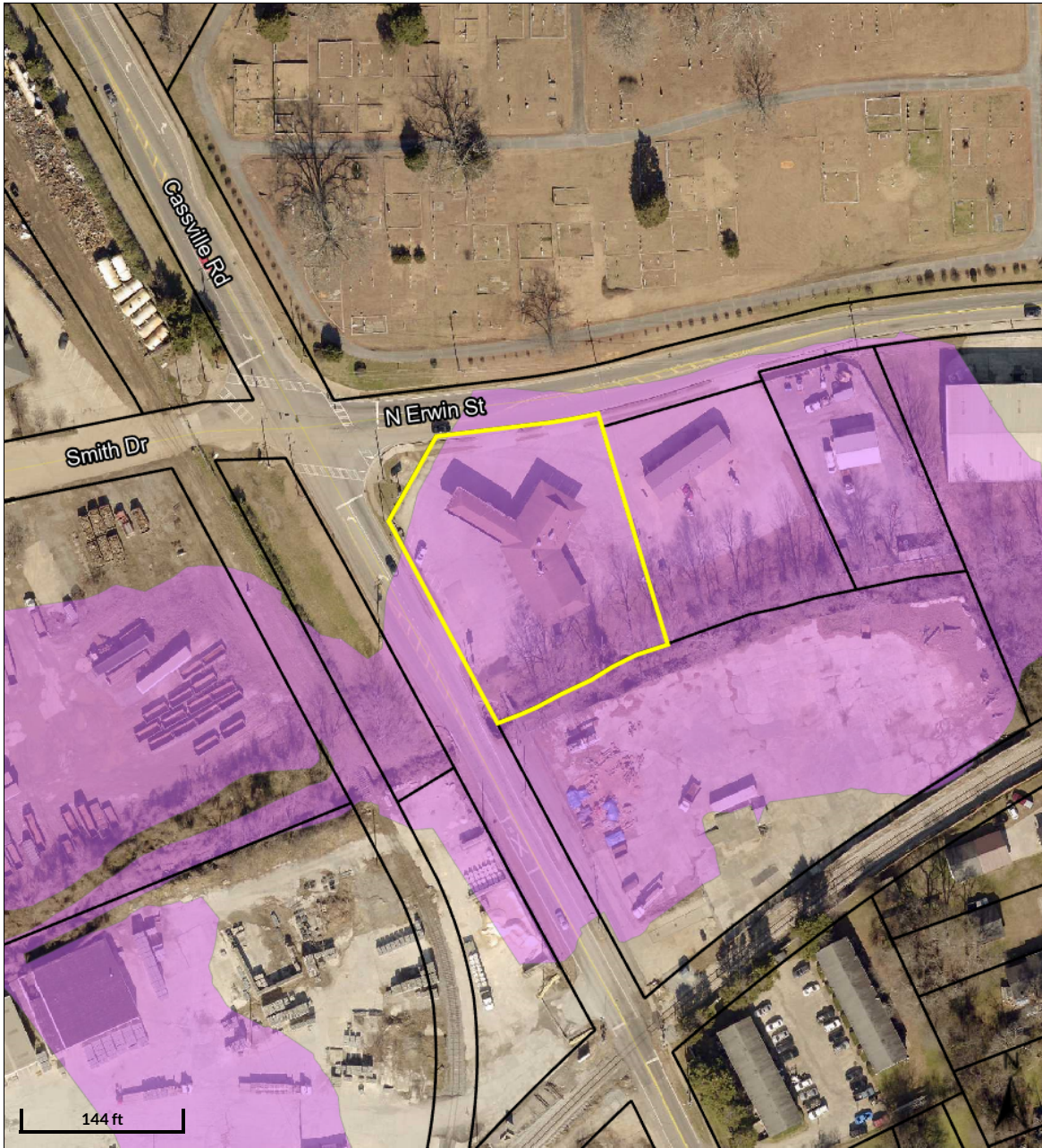
District
Brief Tax Description

Cartersville
LL 380 D 4 Short Trip Citgo
(Note: Not to be used on legal documents)

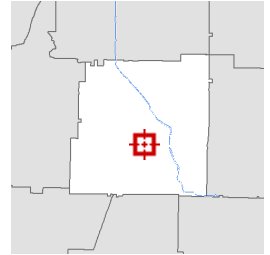
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Developed by  **Schneider**
GEOSPATIAL



Overview



Legend

-  Parcels
-  Roads
- Flood Hazard Area**
 -  Bartow Regulatory
 -  FEMA

Date created: 6/17/2024
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Developed by  **Schneider**
GEOSPATIAL

Application for Rezoning

City of Cartersville

Case Number: 224-06

Date Received: 4/17/24

Public Hearing Dates:

Planning Commission July 9 5:30pm 1st City Council July 18 7:00pm 2nd City Council Aug 1 7:00pm

Applicant MUHAMMAD S CHISHTI (printed name) Office Phone 678-770-0287
 Address 165 CASSVILLE RD Mobile/ Other Phone 678-770-0287
 City CARTERSVILLE State GA Zip 30120 Email SUMAIL CHISHTI @GMAIL.COM
 Representative's printed name (if other than applicant) _____ Phone (Rep) _____
 _____ Email (Rep) _____
 Representative Signature _____ Applicant Signature [Signature]
 Signed, sealed and delivered in presence of _____ My commission expires: 11/29/26
 Notary Public [Signature]



* Titleholder Muhammad S Chishty (titleholder's printed name) Phone 678-770-0287
 Address 165 CASSVILLE RD Email SUMAIL CHISHTI @GMAIL.COM
 Signature [Signature]
 Signed, sealed, delivered in presence of _____ My commission expires: 11/29/26
 Notary Public [Signature]



Present Zoning District OC Requested Zoning GC
 Acreage _____ Land Lot(s) _____ District(s) _____ Section(s) _____
 Location of Property: 165 CASSVILLE RD CARTERSVILLE, GA Parcel ID No. C013001003
 (street address, nearest intersections, etc.)
 Reason for Rezoning Request: IN ORDER TO OPEN UP A DIFFERT BUSINESS WHICH FALLS UNDER GC ZONING.
 (attach additional statement as necessary)

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

CAMPAIGN DISCLOSURE REPORT
FOR REZONING ACTIONS

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

Date of Application: 4-17-24

Date Two Years Prior to Application: _____

Date Five Years Prior to Application: _____

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>X</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		
Lamar Pendley, Chair	_____	<u>X</u>
Anissa Cooley	_____	<u>X</u>
Fritz Dent	_____	<u>X</u>
Greg Culverhouse	_____	<u>X</u>
Jeffery Ross	_____	<u>X</u>
Stephen Smith	_____	<u>X</u>
Travis Popham	_____	<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.

Muhammad S. Church 4/17/24
 Signature Date
Muhammad S. Church
 Print Name

EXHIBIT "A"

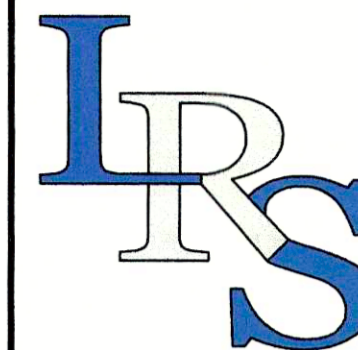
LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in land lot 380, 4th District, 3rd Section, City of Cartersville, Bartow County, Georgia and being more particularly described as follows:

BEGINNING at the intersection of the easterly right of way line of Cassville Road (a 60 foot right of way) and the southerly right of way line of North Erwin Street (a 40 foot right of way), thence running along the southerly right of way line of North Erwin Street North 20 degrees 13 minutes 51 seconds East a distance of 47.27 feet to a point; thence continuing along the southerly right of way line of North Erwin Street North 81 degrees 10 minutes 13 seconds East a distance of 175.61 feet to a point; run thence South 15 degrees 09 minutes 17 seconds East a distance of 201.75 feet to a point; run thence South 68 degrees 03 minutes 02 seconds West a distance of 51.28 feet to a point; run thence South 60 degrees 49 minutes 25 seconds West a distance of 99.02 feet to a point located on the easterly right of way line of Cassville Road; thence North 29 degrees, 38 seconds, 17 seconds West along the easterly right of way line of Cassville Road a distance of 219.59 feet to the POINT OF BEGINNING.

The above courses and distances are taken from that certain survey for Dabbs Properties, Inc. and Robert Dabbs dated October 31, 1995, prepared by Johnny R. Knight, Georgia Registered Land Surveyor number 1917.

165 Cassville Rd
Cartersville, GA 30120



LRS Surveying LLC

25 Maple Ridge Dr. Suite A
Cartersville, GA. 30121
Tel: (770) 235-3610

email: LShelton@LRSsurveying.com
GA Land Survey Firm # LSF001008

Client

Suhail Chishti

REVISIONS

No	Revision	Date
1		
2		
3		
4		
5		
6		
7		
8		

© Copyright 2024 LRS Surveying LLC
This drawing is the property of LRS Surveying and is intended only for the client named above.

Retracement Survey
165 Cassville Road
Cartersville, Ga. 30120

Tax Parcel
C013-0001-003

Land Lot 380
4th District, 3rd Section
Bartow County, Georgia

Date: 5/9/24
Scale: 1" = 30'
Surveyed By: S.S.
Drawn By: L.R.S./D.S.
Checked By: L.R.S.
Project No. 24-048
DWG. No. 24-048
FBK. No. N.A.

GRID NORTH
GPS OBSERVATION

RESERVED FOR THE CLERK OF THE SUPERIOR COURTS

NOTES

- THE UTILITIES SHOWN HEREON HAVE BEEN LOCATED FROM ABOVE GROUND, VISIBLE EVIDENCE. THE SURVEYOR MAKES NO GUARANTEE THAT THE UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.
- THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, RESERVATIONS, RIGHTS OF WAY OR RESTRICTIONS WHICH ARE NOT RECORDED OR WOULD BE DISCLOSED BY AN ACCURATE AND CURRENT TITLE SEARCH, OR OTHERWISE KNOWN TO THE SURVEYOR; THEREFORE EXCEPTION IS TAKEN TO ANY SUCH ITEMS.
- THE PURPOSE OF THIS SURVEY IS TO RETRACE THE PROPERTY DESCRIBED IN DEED BOOK 3514 PAGE 31 BARTOW COUNTY RECORDS.
- BASED ON MAPS PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) AVAILABLE ONLINE AT WWW.MSC.FEMA.GOV, AND BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED WITHIN A HIGH RISK AREA AS PER FEMA FLOOD INSURANCE RATE MAP OF BARTOW COUNTY, GEORGIA AS SHOWN ON COMMUNITY PANEL NO. 13015C0266H DATED 10/5/2018.

ABBREVIATIONS

DB DEED BOOK P/L PROPERTY LINE
PG. PAGE PB PLAT BOOK
R/W RIGHT OF WAY N/F NOW OR FORMERLY
B.S.L. BUILDING SETBACK LINE

PROPERTY CORNERS

#4 R.S. ● #4 REBAR SET
#4 R.F. ○ #4 REBAR FOUND
N.F. △ NAIL FOUND
C.M.F. ⊠ CONC. MONUMENT FOUND

SYMBOLS

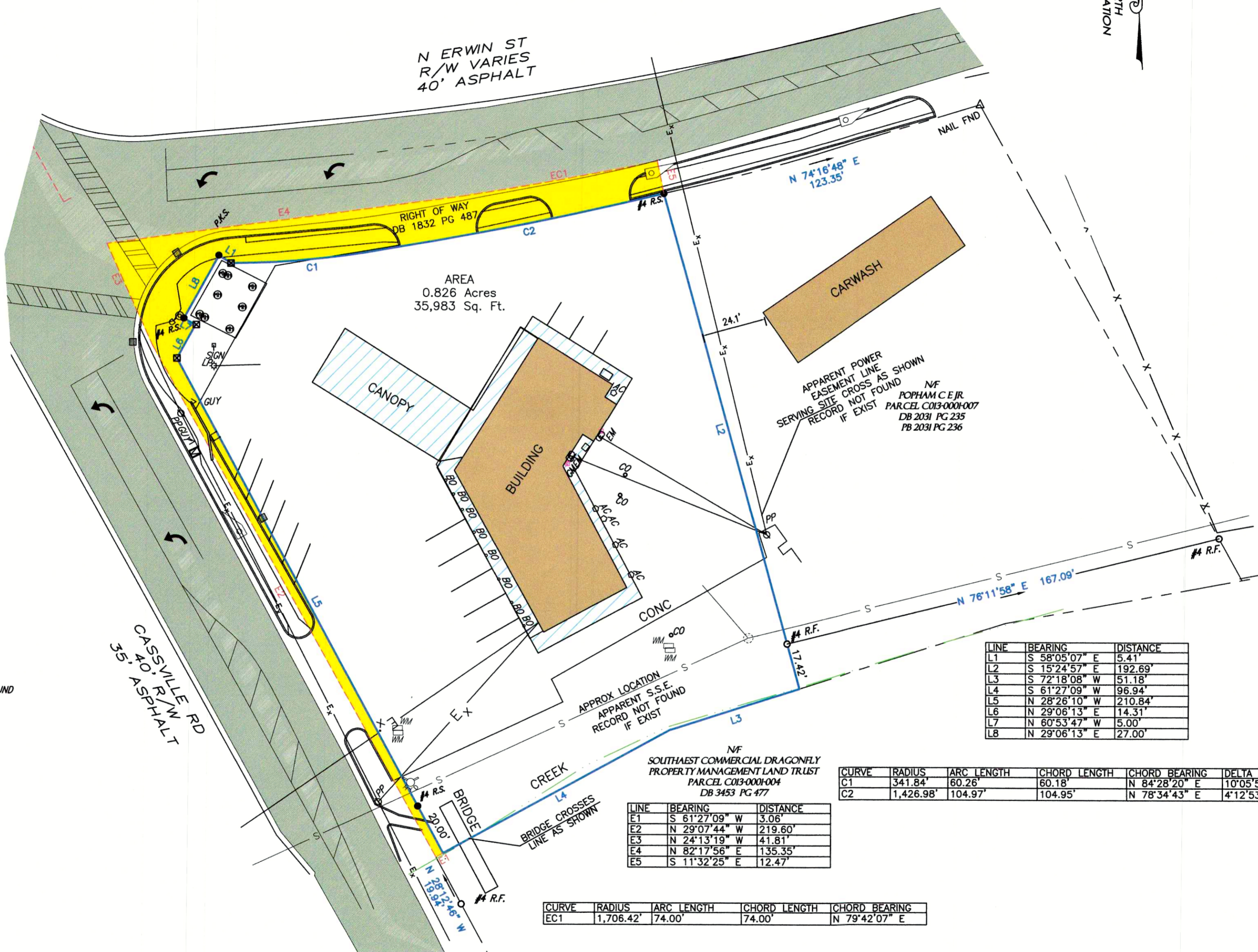
- CLEANOUT (CO)
- ⊗ FIRE HYDRANT (FH)
- ⊕ WATER VALVE (WV)
- ⊕ WATER METER (WM)
- ⊕ GAS METER (GM)
- ⊕ TELEPHONE BOX (TELB)
- ⊕ POWER POLE (PP)
- ⊕ LIGHT POLE (LP)
- ⊕ POWER BOX (PB)
- ⊕ ELECTRIC METER (EM)
- > GUY WIRE (GUY)
- ⊕ SINGLE WING CATCH BASIN (SWCB)

LINE TYPES

- SUBJECT PROPERTY LINE
- - - ADJACENT PROPERTY LINE
- _{EX} OVERHEAD ELECTRIC LINE
- _{UG} UNDERGROUND GAS LINE
- _{UE} UNDERGROUND ELECTRIC
- _X FENCE LINE
- _S SEWAGE
- _{SD} STORM DRAIN
- _{OC} OVERHEAD COMMUNICATION
- _{UC} UNDERGROUND COMMUNICATION
- LAND LOT LINE
- WATER LINE

TECHNICAL DATA

DATE OF FIELD SURVEY: 4-10-24 & 5/8/24
EQUIPMENT USED: CARLSON BRx7 (BASE & ROVER, RTK)
CARLSON CR2 ROBOTIC TOTAL STATION
PRECISION: BASED ON REDUNDANT MEASUREMENTS FIELD DATA
AS A PRECISION OF (±0.04)
PLAT CLOSURE: 1:144,128

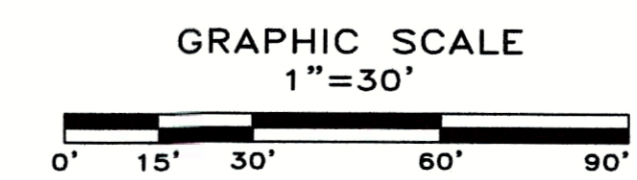


LINE	BEARING	DISTANCE
L1	S 58°05'07" E	5.41'
L2	S 15°24'57" E	192.69'
L3	S 72°18'08" W	51.18'
L4	S 61°27'09" W	96.94'
L5	N 28°26'10" W	210.84'
L6	N 29°06'13" E	14.31'
L7	N 60°53'47" W	5.00'
L8	N 29°06'13" E	27.00'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	341.84'	60.26'	60.18'	N 84°28'20" E	10°05'59"
C2	1,426.98'	104.97'	104.95'	N 78°34'43" E	4°12'53"

LINE	BEARING	DISTANCE
E1	S 61°27'09" W	3.06'
E2	N 29°07'44" W	219.60'
E3	N 24°13'19" W	41.81'
E4	N 82°17'56" E	135.35'
E5	S 11°32'25" E	12.47'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
EC1	1,706.42'	74.00'	74.00'	N 79°42'07" E



SURVEYOR'S CERTIFICATE



Lewis R. Shelton 5/13/24
LEWIS R. SHELTON
GEORGIA REGISTERED LAND SURVEYOR NO. 2971

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-8-67.

Jun 14, 2024 at 11:41:35
165 Cassville Rd
Cartersville GA 30120
United States



Jun 14, 2024 at 11:41:17
165 Cassville Rd
Cartersville GA 30120
United States



Jun 14, 2024 at 11:40:56
165 Cassville Rd
Cartersville GA 30120
United States




Jun 14, 2024 at 11:40:36
165 Cassville Rd
Cartersville GA 30120
United States



Jun 17, 2024 at 12:25:38
165 Cassville Rd
Cartersville GA 30120
United States




ZONING NOTICE
CASE NO. **224-06**
APPLICATION HAS BEEN MADE FOR
REZONING OF THIS PROPERTY
FROM **O-C** TO **G-C**
PLANNING COMMISSION MEETING
AT 5:30 P.M. ON **7-9-2024**
CITY COUNCIL FIRST READING
AT 7:00 P.M. ON **7-18-2024**
CITY COUNCIL SECOND READING
AT **7:00 PM** ON **8-1-2024**
HEARINGS TO BE HELD AT CITY HALL
10 NORTH PUBLIC SQUARE
FOR ADDITIONAL INFORMATION
CONTACT PLANNING AND DEVELOPMENT
DEPT. AT 770-387-5600