

# ZONING & ANNEXATION SUMMARY

Petition Number(s): AZ20-04

## APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Cherokee Main Street III, LLC  
Representative: Robert Ledbetter, Jr  
Location: Adjacent to 175 Main St. Market Place (PIN 0077-0459-001)  
Total Acreage: Approx. 1.95 acres

## *LAND USE INFORMATION*

Current Zoning: County M-1 (Mining)  
Proposed Zoning: MF-14 (Multi-Family Residential)  
Proposed Use: Retention pond for multi-family development

### Current Zoning of Adjacent Property:

North: City MN (Mining)  
South: County M-1 (Mining)  
East: County M-1 (Mining)  
West: City MN (Mining)

### For All Tracts:

District: 4<sup>th</sup> Section: 3<sup>rd</sup> LL(S): 405,406  
Ward: 1 Council Member: Kari Hodge

The Future Development Plan designates the subject property as: Main Street Overlay District

The Future Land Use Map designates adjacent or nearby city properties as: Mixed-Use 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:** No comments received. Comments were received for Z20-03.

**Public Comments:** None as of 8-5-2020

**Bartow County Comments:** None as of 8-5-2020

### **REQUEST SUMMARY:**

The annexation and zoning request is to annex 1.944 acres of PIN 0077-0459-001 located south of 125(Kroger) and 135-175 Main Street Market Place (undev). The proposed tract is adjacent to PIN C007-0001-018 that contains a detention pond for the Kroger development. The applicant wishes to annex the 1.944 acres into the city in order to relocate and expand the detention pond for the proposed multi-family residential project identified in zoning application Z20-03. Plan attached.

The MF-14 zoning request aligns with the zoning request of Z20-03.

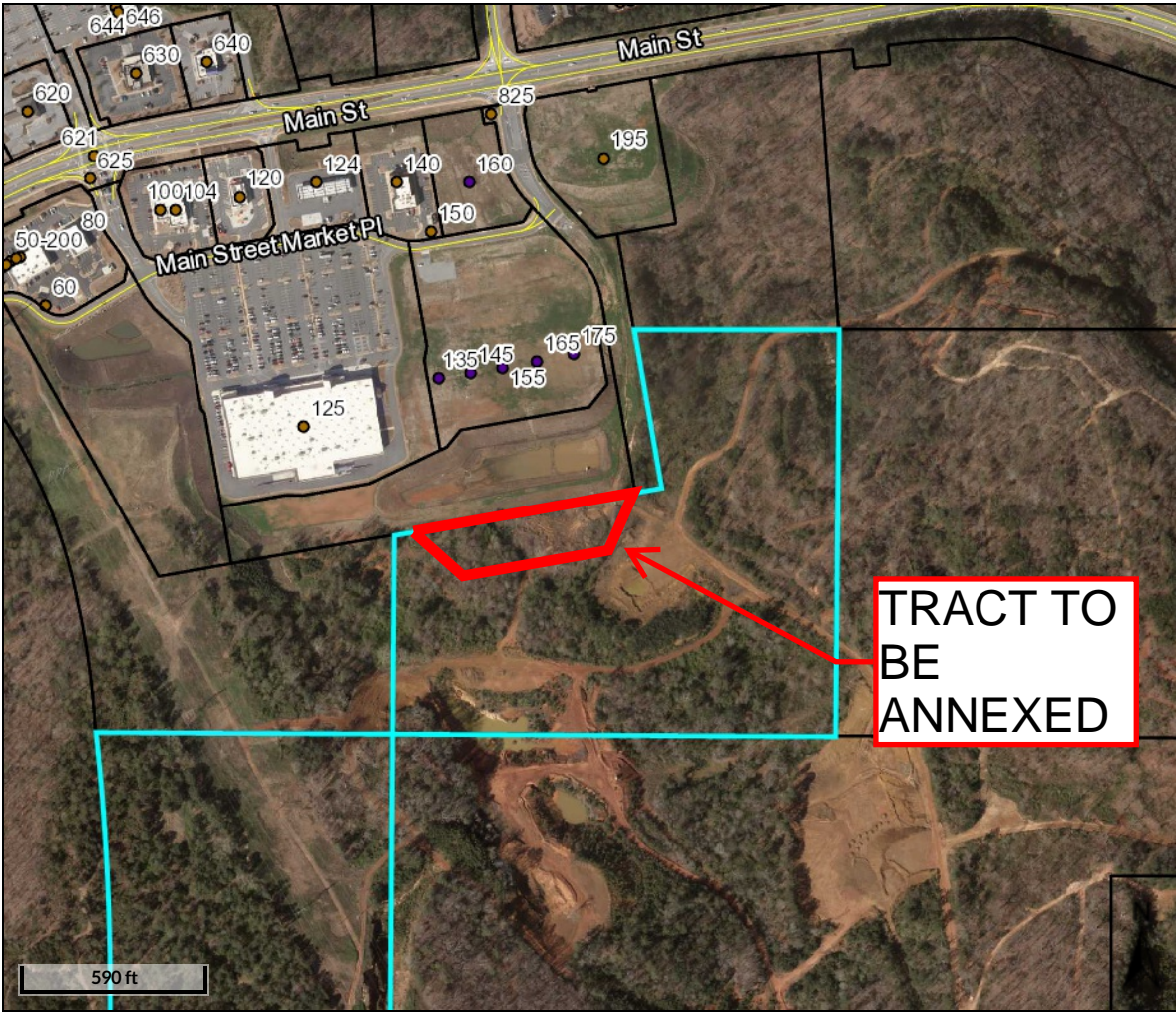
## **STANDARDS FOR EXERCISE OF ZONING POWERS.**

- 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 MF-14 zoning proposal will be an appropriate zoning category if the multi-family project rezoning proposal is approved (Z20-03). Adjacent properties, including the existing detention pond property, are zoned as Mining.**
- B. *Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.*  
**The proposed application will create an isolated residential district. However, an additional MF-14 residential zoning district is located to the north of E. Main Street, Avonlea Apartment Homes.**
- 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.**
- D. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.*  
**As currently zoned for mining (County M-1), the property may have a reasonable economic use.**
- 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. This property would be used for stormwater detention.**
- 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.*  
**This annexation case is associated to zoning case, Z20-03.**

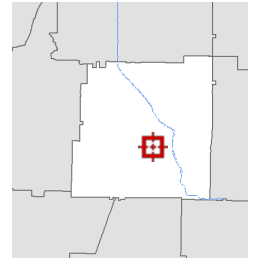
**STAFF RECOMMENDATION:** *Staff recommends approval pending approval of Z20-03*

**PLANNING COMMISSION RECOMMENDATION:**







Recommends approval, 4-1.



**Overview**



**Legend**

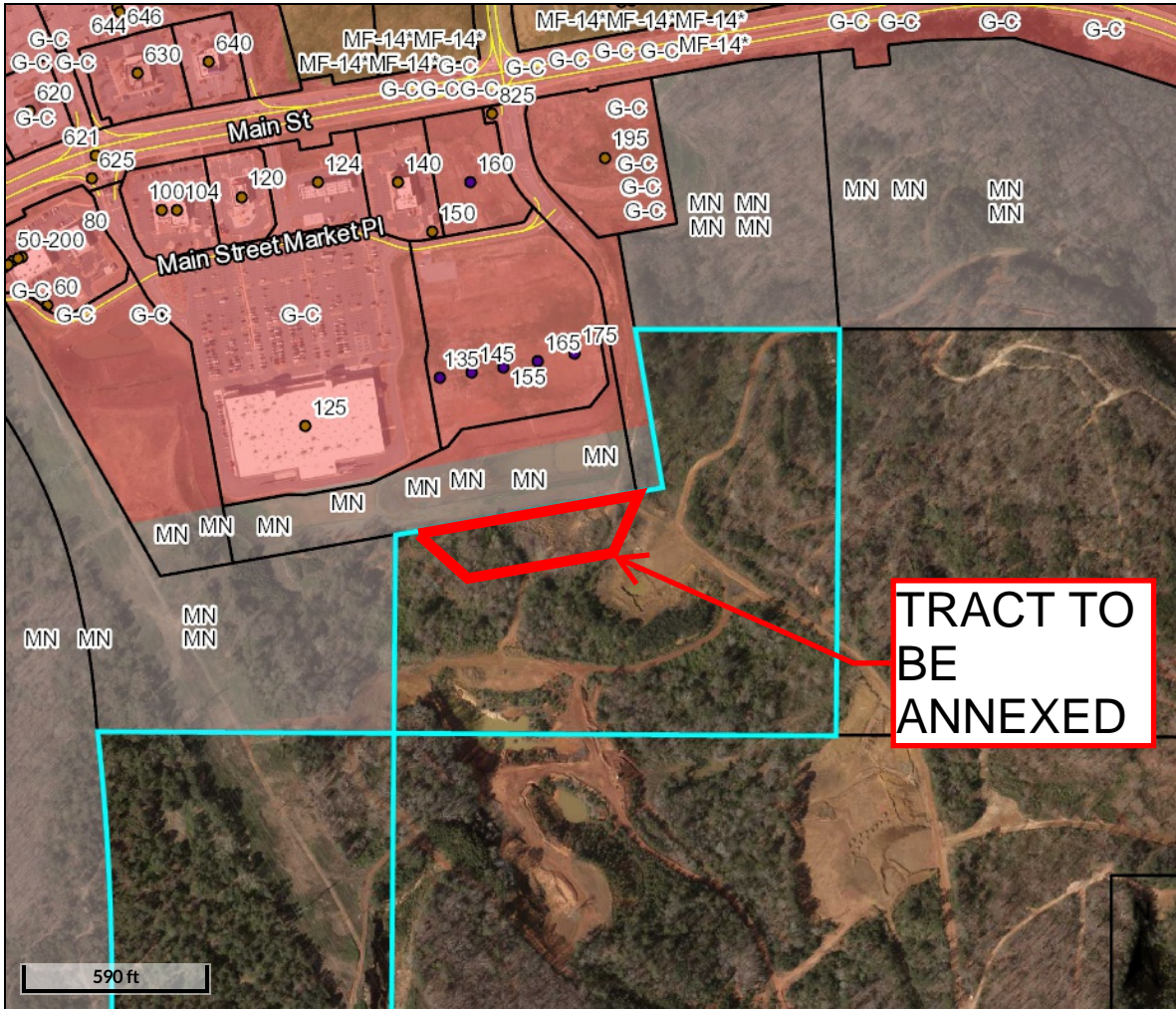
-  Parcels
- Structural Numbers**
-  <all other values>
-  Abandoned or Inactive
-  Active
-  Proposed
-  Roads

**TRACT TO  
BE  
ANNEXED**

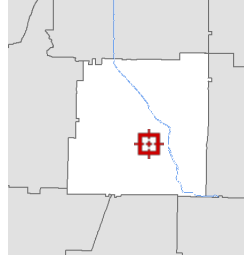
<b>Parcel ID</b>	0077-0459-001	<b>Alternate ID</b>	19414	<b>Owner Address</b>	FORTY ONE CONNECTOR LTD
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Industrial		PO BOX 1708
<b>Property Address</b>	OLD RIVER RD Bartow County	<b>Acreage</b>	128.66		CARTERSVILLE GA 30120
<b>District</b>	Bartow County				
<b>Brief Tax Description</b>	LAND LOTS 405,459,476-478 7.338AC TO C 107-000 <i>(Note: Not to be used on legal documents)</i>				

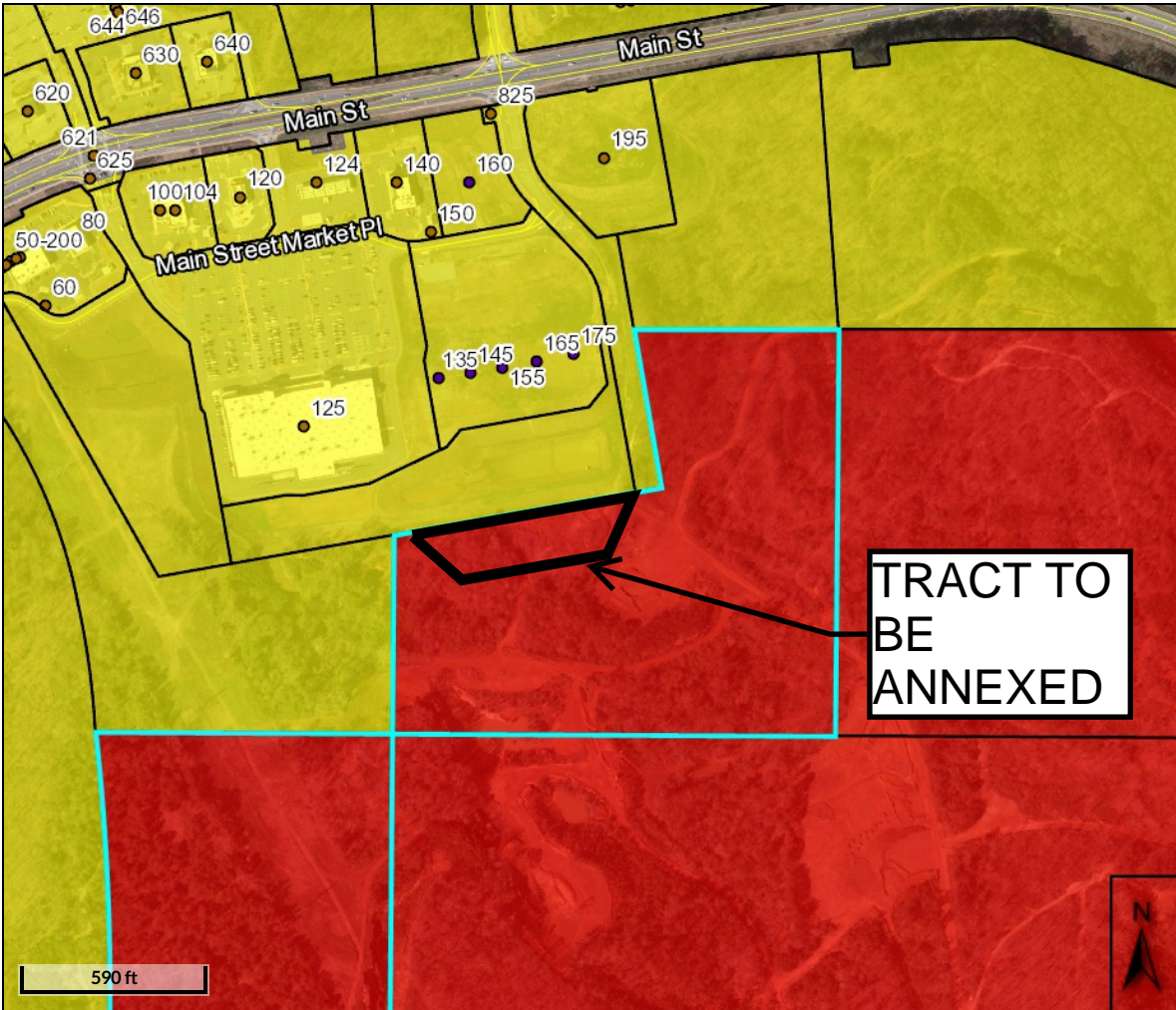
Date created: 7/2/2020  
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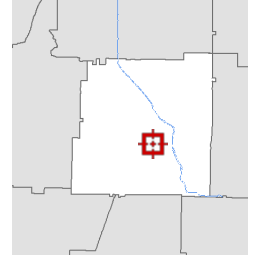


Overview





Overview



Legend

- Parcels
- Structural Numbers**
  - <all other values>
  - Abandoned or Inactive
  - Active
  - Proposed
- Roads
- Bartow County Zoning**
  - <all other values>
  - BPD (wC)
  - Unknown
  - R7 (wC)
  - R-7
  - A-1
  - A1CU
  - A1 (wC)
  - BPD
  - C-1
  - C1CU
  - C1 (wC)
  - CN
  - CNCU
  - CN (wC)
  - Conditional Use
  - I-1
  - I-2
  - I1CU
  - I1 (wC)
  - I2CU
  - I2 (wC)
  - Incorporated
  - M-1
  - M1CU
  - M1 (wC)
  - O/I
  - OICU
  - OI (wC)

Future Land Use Category: Mixed Use Commercial

Found in: Bartow County, Adairsville, Cartersville, Emerson

This includes Zoning Districts predominantly General Commercial, Neighborhood Commercial, or Office/Institutional, while allowing for a range of residential densities. All residential districts are allowed, from single-family conventional, manufactured and industrialized housing, townhomes, multi-family housing ranging from duplexes to apartment buildings, and manufactured home parks (minimum size of 10 acres and only in specific districts as well as all permitted commercial and office uses.



Highway 41 commercial and residential areas, Adairsville

The Commercial/Mixed Use area is used to delineate areas where commercial and residential uses occur side by side. The use allows residential character to remain. However, this is primarily a commercial oriented land use, with overall 60% of the developments being of a commercial or office nature and 40% being residential in nature. Development or redevelopment should be consistent in the overall 60% commercial/ 40% residential balance of uses, even if one development or parcel is predominantly commercial or residential. This is a car-oriented land use category; efforts should be undertaken using Complete Streets policies to increase safe pedestrian access from the home to the store,

office, or school. Land use within the Lake Allatoona-Glade Road Urban Redevelopment Area includes mixed use commercial areas encouraging balanced growth.



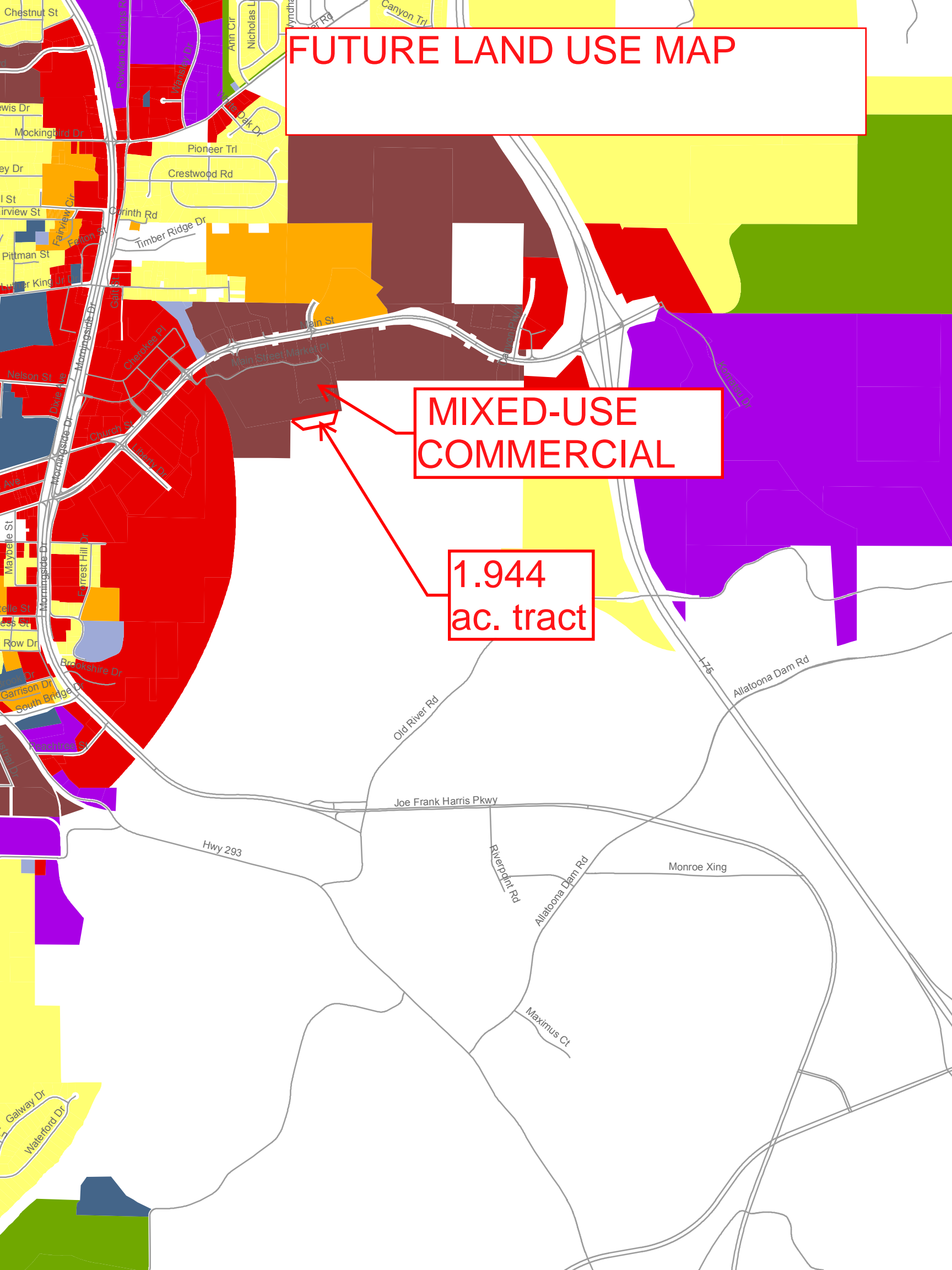
Tennessee St. Mixed Use Corridor, Cartersville



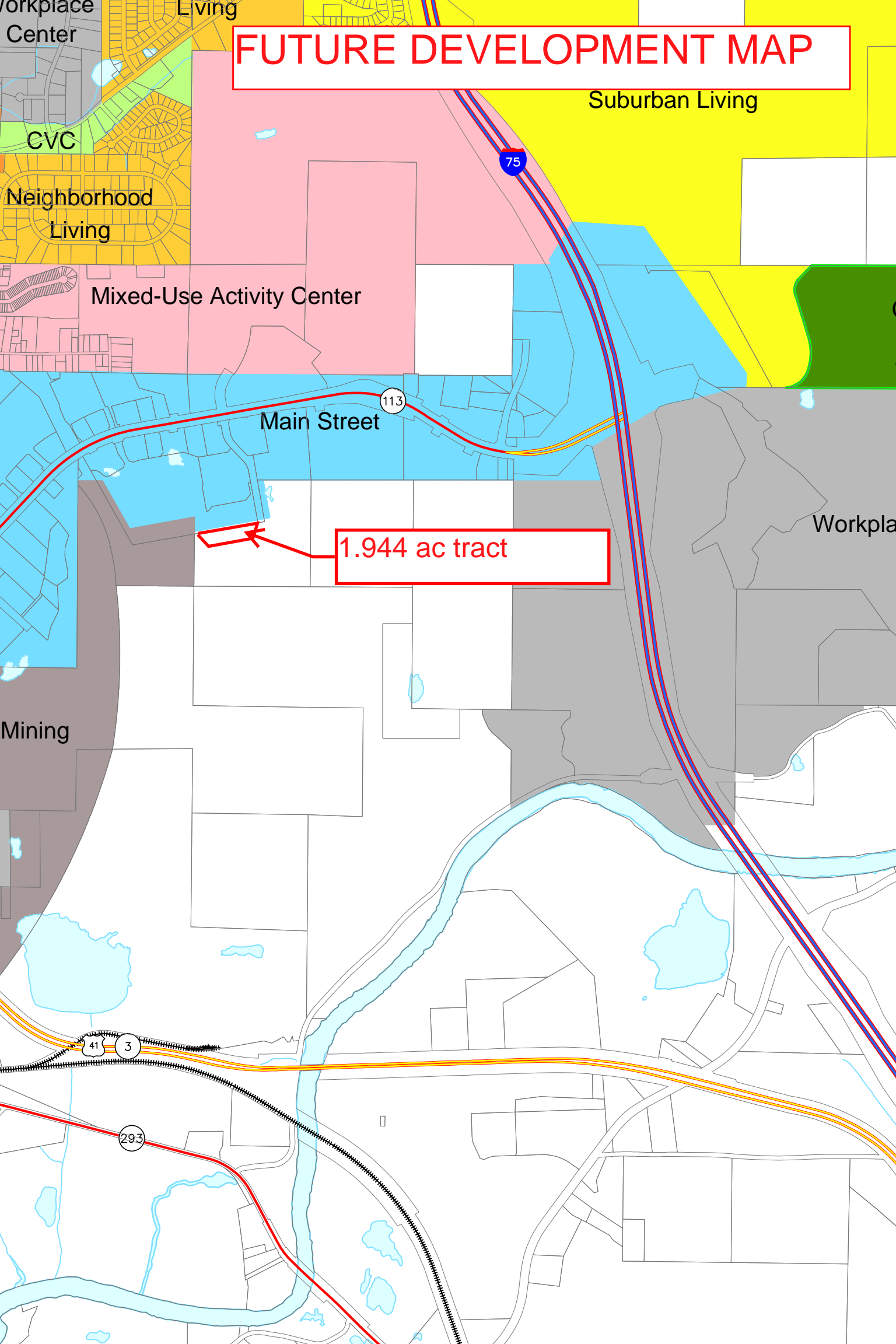
# FUTURE LAND USE MAP

MIXED-USE  
COMMERCIAL

1.944  
ac. tract



# FUTURE DEVELOPMENT MAP



**Application for Annexation/ Zoning**  
City of Cartersville

Case Number: AZ 20-04  
Date Received: 6-30-2020  
See ALSO Z 20-03

**Public Hearing Dates:**

Planning Commission Aug 11<sup>th</sup> 5:30pm    1<sup>st</sup> City Council Aug 20<sup>th</sup> 7:00pm    2<sup>nd</sup> City Council Sept 3<sup>rd</sup> 7:00pm

**Cherokee Main Street III, LLC**  
By: Etowah Investors, LLC, its Managing Member  
Robert H. Ledbetter, Jr., its Manager

Applicant Robert H. Ledbetter, Jr. (printed name) Office Phone 706-290-1358

Address 106 East 8th Avenue Mobile/ Other Phone \_\_\_\_\_

City Rome State GA Zip 30161 Email rledbetterjr@ledbetterproperties.com

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

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

Signed, sealed and delivered in presence of:  
[Signature]  
Notary Public

**Angela Whiteaker Dunagan**  
NOTARY PUBLIC  
Floyd County, Georgia  
My Commission Expires  
April 9, 2023



**South of Main, LLC**  
By: Definger Management Company, Inc., its Manager  
Kena R. Butler, its President

\* Titleholder Kena R. Butler (titleholder's printed name) Phone 770-386-3954

Address PO Box 1434 Email kenarbutler@gmail.com  
Cartersville, GA 30120

Signature Kena R. Butler

Signed, sealed, delivered in presence of:  
Mary E. Keith  
Notary Public

**MARY E KEITH**  
NOTARY PUBLIC  
BARTOW COUNTY, GEORGIA  
APRIL 21, 2021  
My commission expires: \_\_\_\_\_



Present Zoning District Mining (County) Requested Zoning MF-14 0077-0459-001

Acreage 1.945 Land Lot(s) 405 District(s) 4 Section(s) 3

Location of Property: behind (south of) 175 Main Street Market Place  
(street address, nearest intersections, etc.)

Reason for Rezoning Request: proposed annexation and rezoning to MF-14 to allow apartment development  
(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: \_\_\_\_\_

Tax Map Parcel(s) #	<u>0077-0459-001</u>	Voting Ward(s)	<u>1</u>
Current Land Use	<u>Undeveloped</u>	Current Zoning	<u>Mining (County)</u>
Proposed Land Use	<u>Apartments</u>	Proposed Zoning	<u>MF-14</u>
Number of Dwelling Units	<u>200</u>	Number of Occupants	<u>315*</u>
Owner Occupied?	Yes _____ No <u>X</u>		
Number of School-aged Children	<u>20*</u>	Grade Level(s) of School-aged Children	<u>K-8*</u>
School(s) to be attended:	<u>Cartersville, Elementary, Middle, and High School</u>		
<b>* numbers of residents and school-aged children is a projected number based on similar apartment development</b>			
<b>Current Utility Service Providers (Check Service provider or list if Other)</b>			
Water:	<u>X</u> City _____ County _____	_____ Well/ Other	
Sewer:	<u>X</u> City _____ County _____	_____ Septic/ Other	
Natural Gas:	<u>X</u> City _____	Other (List) _____	
Electricity:	<u>X</u> 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: 07/02/20

Date Two Years Prior to Application: 07/02/18

Date Five Years Prior to Application: 07/02/15

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.

\_\_\_\_\_

  
 Signature \_\_\_\_\_ Date 6/27/20  
 Print Name Robert A. Ledbetter, Jr.

**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.

07/15/2020  
Date

\_\_\_\_\_  
Georgia Registered Land Surveyor



**ZONING ADMINISTRATOR:**

1. Case Number: A220-04

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?

7-17-2020  
Date

Daniel Hagan  
Zoning Administrator







Pictures Taken 7-24-2020



