

**ZONING SUMMARY**

Petition Number(s): **Z20-03**

**APPLICANT INFORMATION AND PROPERTY DESCRIPTION**

Applicant: **Cherokee Main Street III, LLC**

Representative: **Robert Ledbetter, Jr.**

Property Owner: **South of Main, LLC**

Property Location: **135-175 Main Street Market Place & Parcel C007-0001-018**

Access to the Property: **Main Street Market Place (from E. Main Street)**

**Site Characteristics:**

Tract Size: Acres: **16.776** District: **4<sup>th</sup>** Section: **3<sup>rd</sup>** LL(S): **405**

Ward: **2** Council Member: **Cary Roth**

**LAND USE INFORMATION**

Current Zoning: **G-C (General Commercial)**

Proposed Zoning: **MF-14 (Multi-Family Residential)**

Proposed Use: **Apartment development**

Current Zoning of Adjacent Property:

North: **G-C (General Commercial)**

South: **County M-1 (Mining)**

East: **G-C and County M-1**

West: **G-C and MN (Mining)**

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

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

## **ZONING ANALYSIS**

### **Site History:**

Generally, site of Kroger and several restaurant/ retail out parcels.

Previous zoning cases:

AZ07-04      Annexation of 7.54ac, County M-1 to G-C. Approved 10-4-07.

Z07-14      Rezoning of 37.79ac MN to G-C. Approved 10-4-07.

AZ14-03      Annexation of 3.68ac, County M-1 to G-C. Approved 8-7-14.

Z14-03      Rezoning of 7.33ac MN to G-C. Approved 8-7-14.

### **Project Summary:**

The applicant requests the rezoning of 16.77 +/- acres from G-C (General Commercial) to MF-14 (Multi-Family Residential) for the purposes of constructing a 200 unit apartment complex. The site is located in the Main Street Overlay District and will be required to comply with the Districts' standards

Five (5) buildings are proposed to house the 200 units. They will be arranged to create an enclosed space for amenities. Parking will be located around the perimeter of the property. Direct access to the apartment development will be via Main Street Market Place and an un-named private street. Both streets provide access to E. Main Street at (4) different intersections.

The proposed apartment site was previously planned as a commercial retail site. The owner wishes to introduce a residential product to the overall development thereby creating a version of a planned -development. The City ordinance for a Planned Development requires a mix of housing products in conjunction with commercial retail uses. Only one housing product is currently being considered.

The only residential use in the immediate area is Avonlea apartments on the north side of E. Main St. and in sight of this proposed development. On July 2<sup>nd</sup>, City Council approved the rezoning for 210 apartment units, 1 and 2 bedroom only, on Overlook Pkwy east of the I-75/ E. Main Street interchange.

The current statistics of the proposed development are as follows.

	<b>UNITS</b>	<b>Proposed Min. (sf)</b>	<b>Required min.(sf)</b>	<b>Required Parking (2sp/per un)</b>	<b>Parking Spaces Provided</b>
Studio	20	707	450	40	---
1 BR	68	756	600	136	---
2 BR	76	1164	750	152	---
3 BR	36	1248	900	72	---
<b>Total</b>	<b>200</b>	---	---	<b>400</b>	<b>424</b>

**Total Acreage:** 18.72 (16.77ac in city. 1.95ac. to be annexed, AZ20-04).

**Total Density:** Proposed- 10.68 un/ac (with annexed tract). Max. allowed 14 un/ac.

**Total Min. Greenspace Required:** Required 20% of Total Acreage or 3.74ac.

**Total Greenspace Provided:** 39% of Total Acreage or 7.3ac.

This rezoning application should be considered in conjunction with Annexation application AZ20-04 that seeks to add 1.95 acres to this property for expansion of the stormwater retention system.

**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.

**Cartersville School District:** ...It appears they do not project many school-aged children living here. My comments for this project are similar to the previous multi-family unit project from a few weeks ago. How does this project align with the other projects that have been previously approved. Is someone watching the overall numbers of units being approved to make sure we have not set ourselves up for rapid growth that could put unintended consequences or possible [constraints] on our services in a short amount of time? I don't need an answer to those questions per se, but share them to make sure they are on the forefront of everyone's mind regardless of the project(s) being presented. We are working on addressing the capacity issues at our schools but it will take time to accomplish our goals. Thanks again for your help and support. I hope you have a good day.

**Public Comments:**

None received as of 8-5-2020

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

1. *The existing land uses and zoning of nearby property.*  
**Adjacent property that is zoned G-C contains commercial retail uses complimentary to the requested rezoning. Adjacent property that is zoned for mining, either MN or M-1, may be compatible with the requested zoning and land use if the current level of mining activity or other activity, like stormwater detention, remains at or below current activity levels.**
2. *The suitability of the subject property for the zoned purposes.*  
**The property is suitable for the zoned purposes.**
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*  
**The proposed development would introduce a residential housing product that may currently be in demand.**
4. *Whether the subject property has a reasonable economic use as currently zoned.*  
**The property has a reasonable economic use as currently zoned.**
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 would generally permit a use that is suitable in view of the use of the adjacent properties, particularly the G-C zoned properties.**
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 or nearby property use or usability.**
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 will conform to the Future Land Use Map and Future Development Plan.**
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 impact is expected. Site and building renovation 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 should not burden existing streets, transportation facilities or utilities. The Cartersville School District recognizes this rezoning may have a low degree of impact directly on the school system, but requests that all involved in the review be aware of that the collective result of the recent zoning approvals for multi-family projects may add additional strain to school resources. The school district is working on solutions to the capacity issues.**

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:**

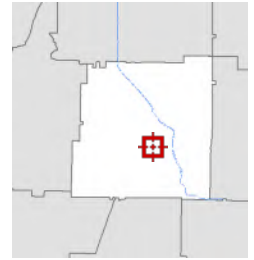
Staff does not oppose the rezoning.

**PLANNING COMMISSION RECOMMENDATION:**







Recommends approval, 4-1.



**Overview**



**Legend**

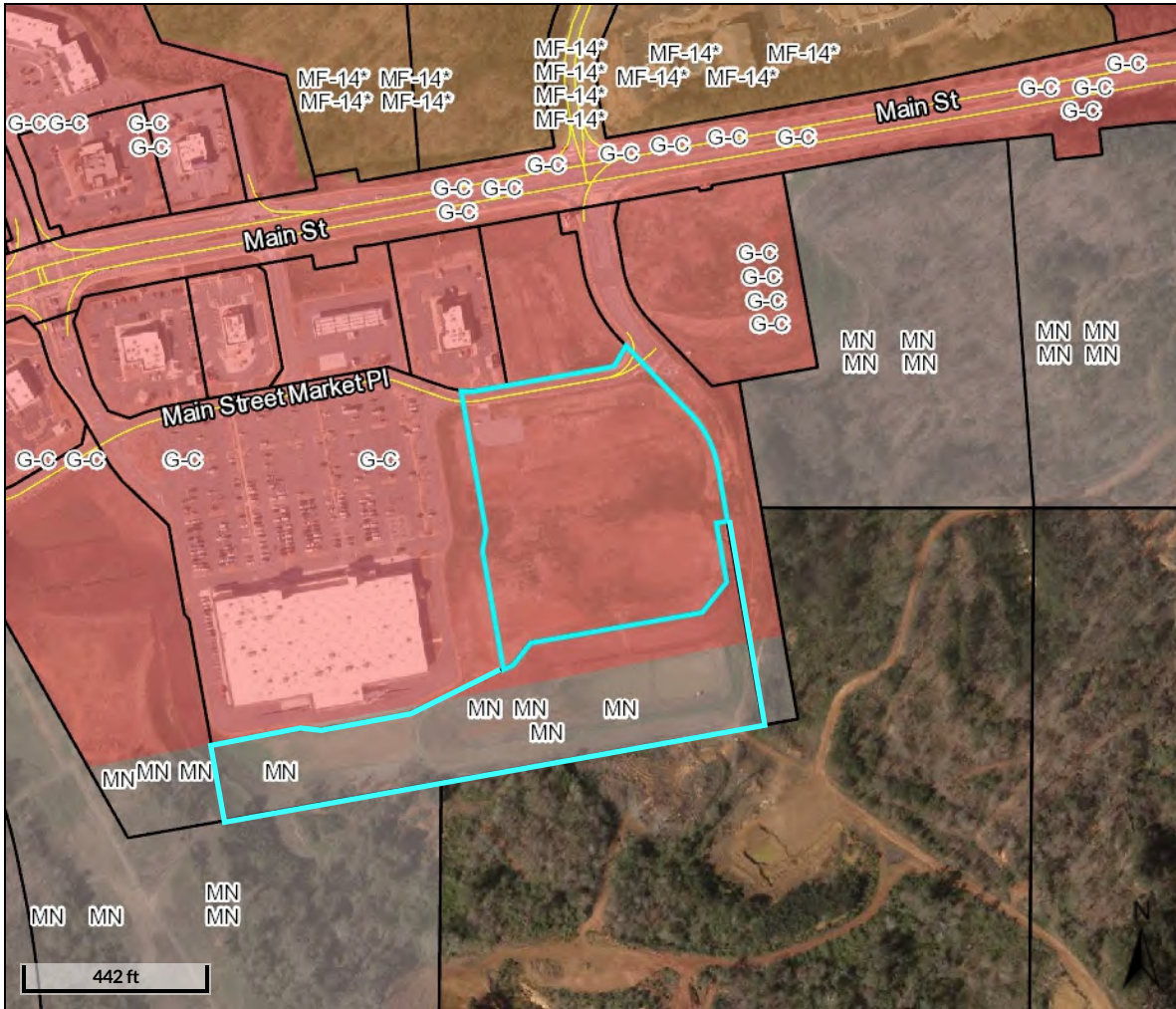
-  Parcels
- Structural Numbers**
-  <all other values>
-  Abandoned or Inactive
-  Active
-  Proposed
-  Roads

<b>Parcel ID</b>	C007-0001-015	<b>Alternate ID</b>	46572	<b>Owner Address</b>	SOUTH OF MAIN LLC
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Commercial		P O BOX 1434
<b>Property Address</b>	135 175 MAIN STREET MARKET PLACE	<b>Acreage</b>	7.33		CARTERSVILLE GA 30120
	E Main Street TAD #1				
<b>District</b>	E Main Street TAD #1				
<b>Brief Tax Description</b>	LL 388, 405 D4				

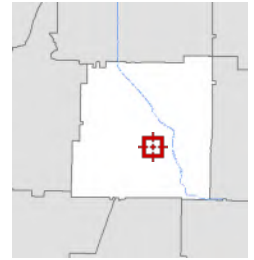
(Note: Not to be used on legal documents)

Date created: 6/1/2020  
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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\*

District: E Main Street TAD #1  
 Brief Tax Description: LL 388, 405 D4  
 (Note: Not to be used on legal documents)

Date created: 6/3/2020  
 Last Data Uploaded: 6/2/2020 11:11:13 PM

Developed by 

Parcel ID: C007-0001-015  
 Sec/Twp/Rng: n/a  
 Property Address: 135 175 MAIN STREET MARKET PLACE  
 E Main Street TAD #1

Alternate ID: 46572  
 Class: Commercial  
 Acreage: 7.33

Owner Address: SOUTH OF MAIN LLC  
 P O BOX 1434  
 CARTERSVILLE GA 30120

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.

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.



Highway 41 commercial and residential areas, Adairsville

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

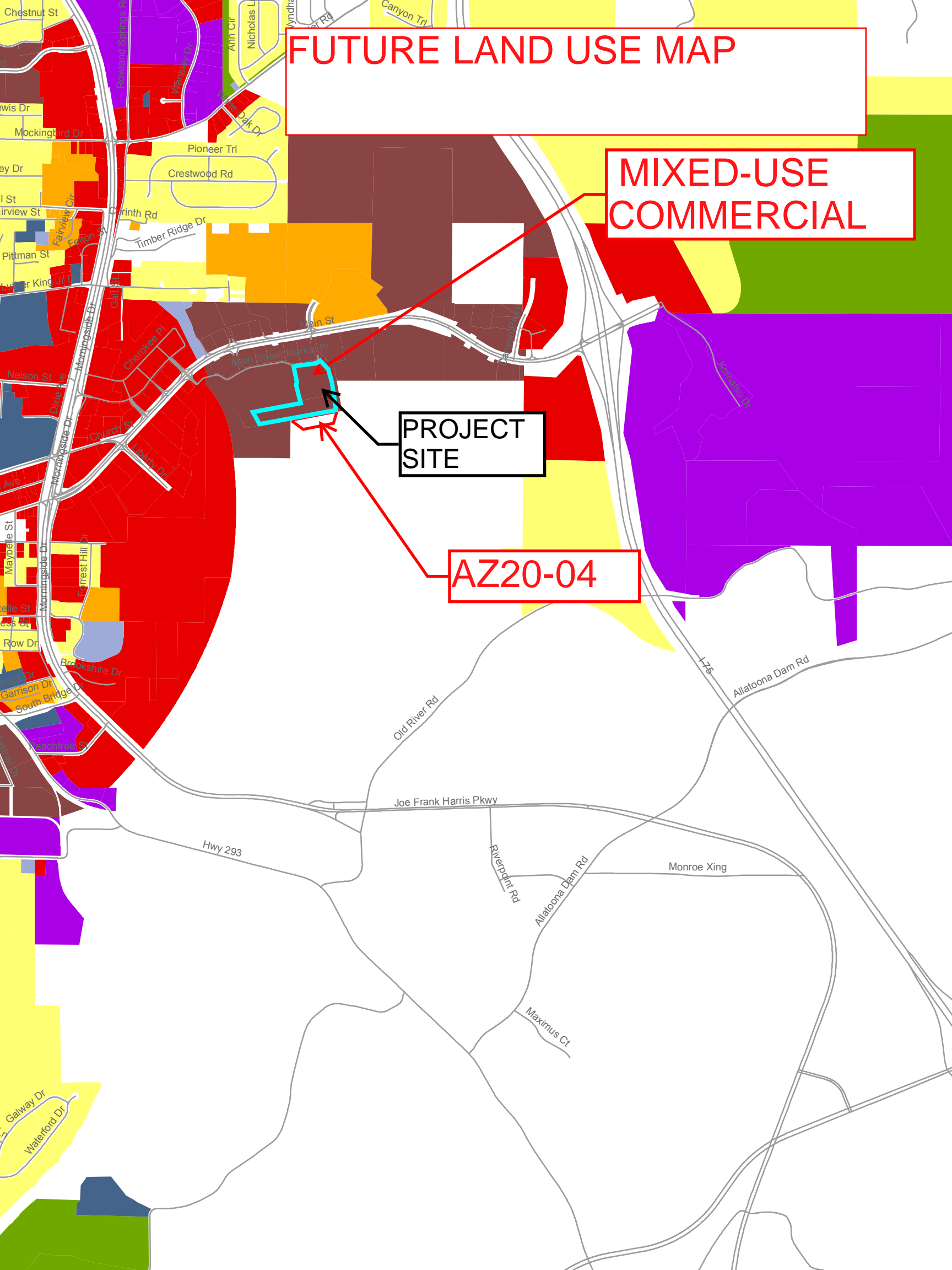


# FUTURE LAND USE MAP

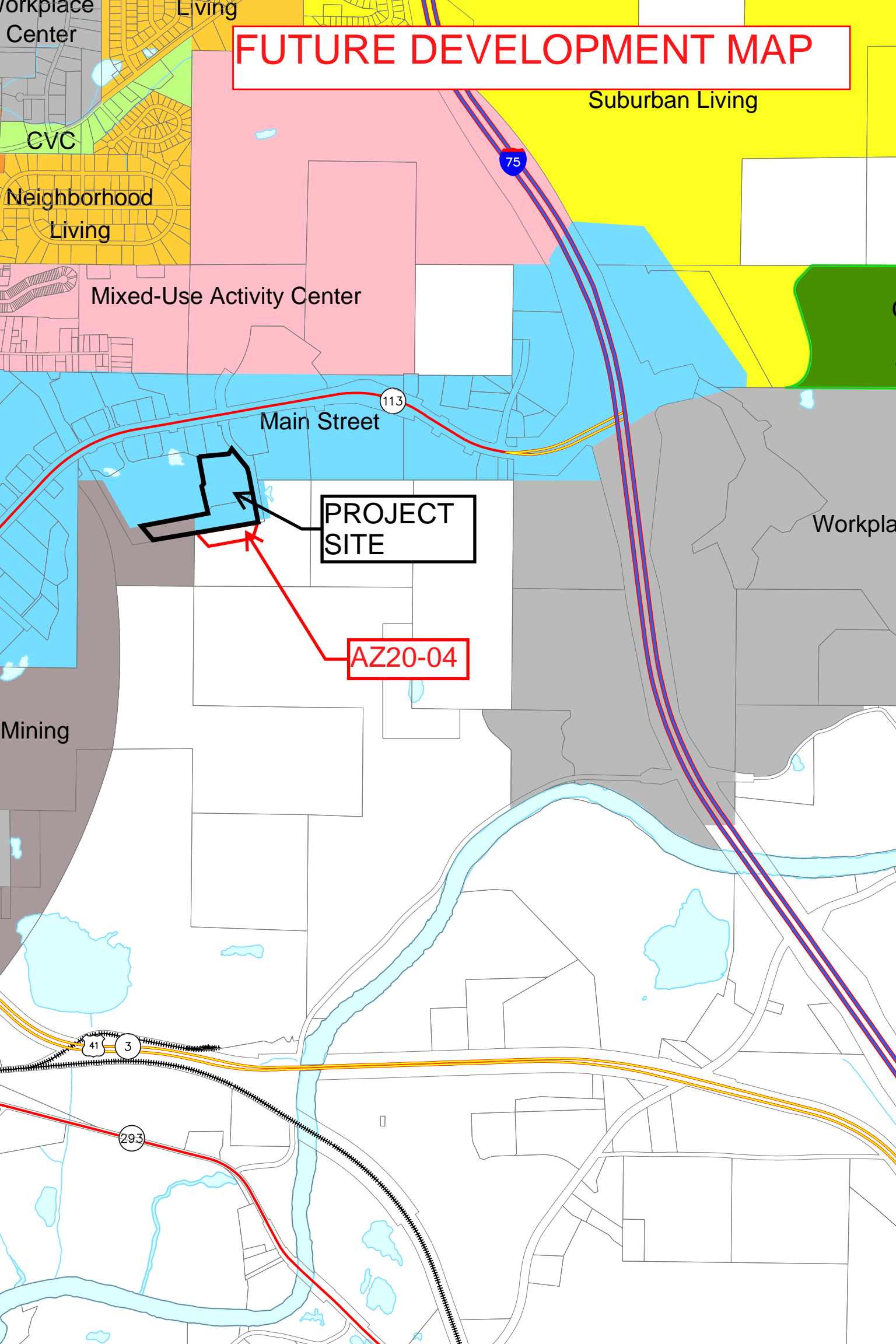
MIXED-USE  
COMMERCIAL

PROJECT  
SITE

AZ20-04



# FUTURE DEVELOPMENT MAP



Suburban Living

CVC

Neighborhood Living

Mixed-Use Activity Center

Main Street

113

PROJECT SITE

AZ20-04

Workplace

Mining

41

3

293

**Application for Rezoning**

City of Cartersville

Case Number: Z 20-03

Date Received: 6-30-2020

**Public Hearing Dates:**

Planning Commission Aug. 11 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

Applicant Cherokee Main Street III, LLC  
By: Etowah Investors, LLC, its Managing Member  
 Robert H. Ledbetter, Jr., its Manager  
 (printed name) Office Phone 706-290-1358

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

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

Phone (Rep) \_\_\_\_\_

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

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

Signed, sealed and delivered in presence of:

 Notary Public



\* Titleholder South of Main, LLC  
By: Dellinger Management Company, Inc., its Manager  
 Kena R. Butler, its President  
 (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



Present Zoning District G-C and M-N Requested Zoning MF-14

Acreage 16.776 Land Lot(s) 405 District(s) 4 Section(s) 3

Location of Property: 175 Main Street Market Place C 007-0001-015  
 (street address, nearest intersections, etc.) C 007-0001-01B

Reason for Rezoning Request: Proposed rezoning to MF-14 to allow for 200 unit apartment development  
 (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: 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	_____	✓

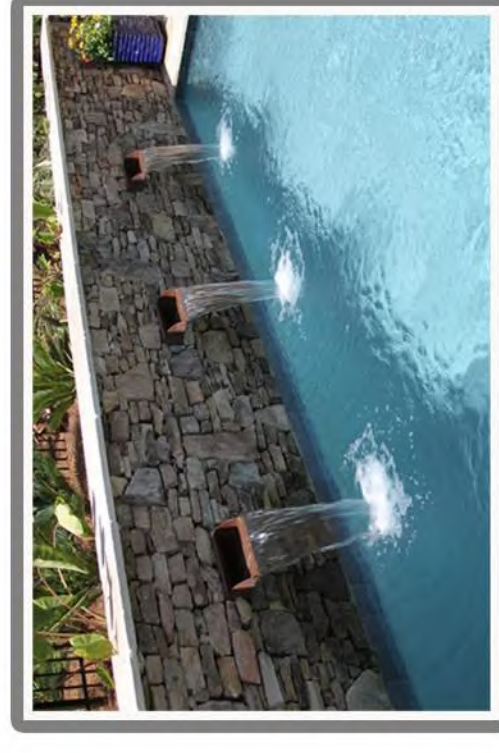
2. If the answer to any of the above is **Yes**, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.

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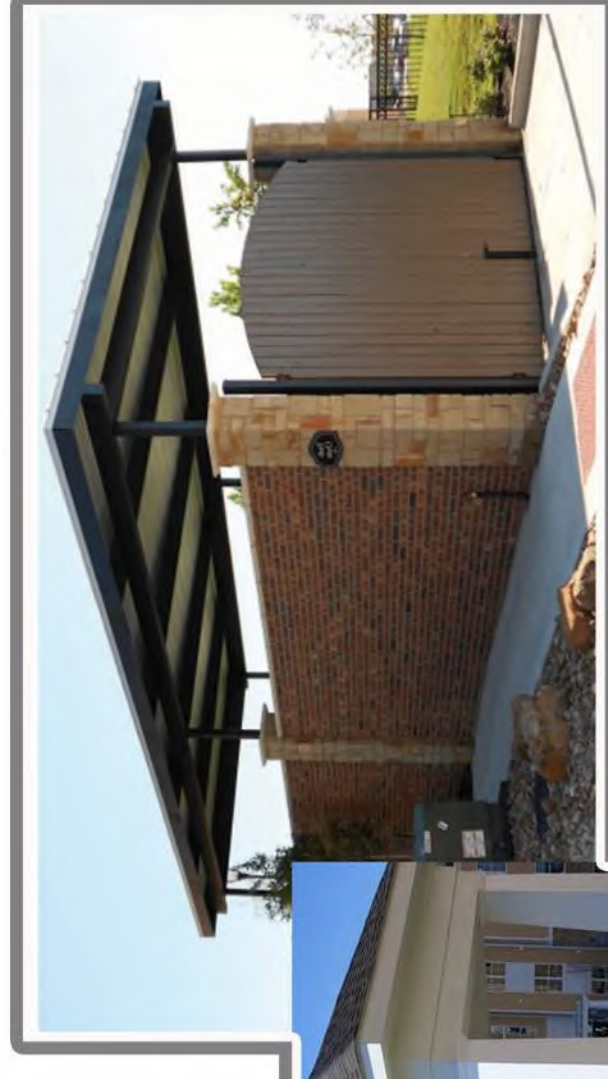
  
 Signature \_\_\_\_\_ Date 6/22/20  
Robert A. Ledbetter, Jr.  
 Print Name \_\_\_\_\_



**Building - Character**  
(Multiple color schemes available)



**Amenity - Character**  
(possible Pool & Features etc.)



**Utility - Character**  
(Mail Kiosk & Waste Enclosure)

**SITE DATA:**  
Main Apartment Tract = +/-8.546 acres  
Southern land tract (combined detention) = +/-1.65 acres

- (5) Apartment Buildings with Motor Court (200) Units
  - (346) Parking Spaces (within gates)
- Proposed Amenities:  
Main Pool area with Clubhouse  
Common Green with Bocce and Grills



175 Main









LINE TABLE with columns: LINE, BEARING, LENGTH, CHORD, BEARING, LENGTH, CHORD. Lists survey points from L1 to L40.

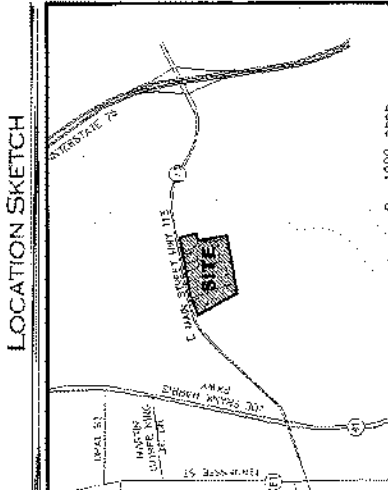
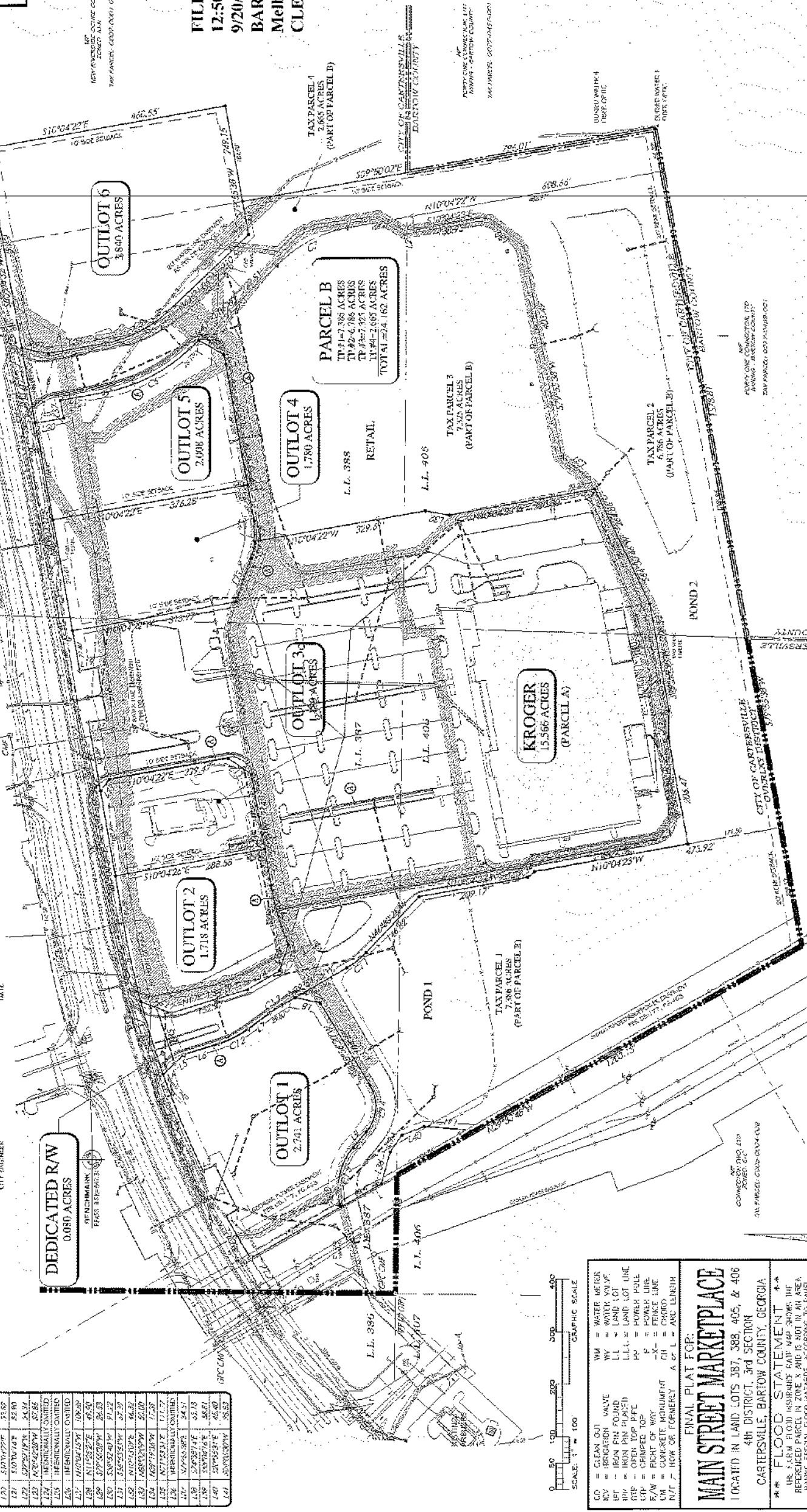
CURVE TABLE with columns: CURVE, LENGTH, RADIUS, DIRECTION, CHORD, BEARING, LENGTH, CHORD. Lists curve data from C1 to C18.

CITY OF CARTERSVILLE CERT. IN ACCORDANCE TO THE CITY OF CARTERSVILLE DEVELOPMENT REGULATIONS...

SURVEYOR'S CERTIFICATE IT IS HEREBY CERTIFIED THAT THIS MAP IS TRUE AND CORRECT...

Signatures and dates for Surveyor and City Engineer.

DEDICATED RAW 0.80 ACRES. OUTLOT 1 (2.741 ACRES), OUTLOT 2 (1.718 ACRES), OUTLOT 3 (1.68 ACRES), OUTLOT 4 (1.750 ACRES), OUTLOT 5 (2.098 ACRES), OUTLOT 6 (3.840 ACRES).



BK 78 PG 37 FILED 12:50 PM 9/20/2016 BARTOW COUNTY SUPERIOR COURT Melba Scoggins CLERK

OWNER/DEVELOPER: CHEROKEE MAIN STREET III, LLC. ZONING NOTES: AVERAGE OF SITE: 53.230 ACRES. ZONED: S-C (REGIONAL COMMERCIAL). TAX PARCEL 1: 2.665 ACRES (PART OF PARCEL D).

SURVEY REFERENCES: 1. PROPOSED COMMERCIAL DEVELOPMENT CONCEPT FOR LETTER PROPERTIES, LLC BY SUPPLEMENTAL DESIGN GROUP, LLC, DATED MAY 13, 2014.

OWNER'S CERTIFICATE: THE OWNER OF THIS LAND HAS REVIEWED THIS MAP AND HEREBY CERTIFIES THAT THIS MAP IS TRUE AND CORRECT...

GENERAL NOTES: 1. THE FIELD DATA UPON WHICH THIS MAP IS BASED HAS A CLOSURE PRECISION OF 1:10,000. 2. THE SURVEYOR HAS MADE NO INVESTIGATION AS TO THE EXISTENCE OF ANY UNRECORDED EASEMENTS...

Graphic scale (0-500 feet), legend (WM = WATER METER, WY = WATER VALVE, etc.), title block (FINAL PLAT FOR MAIN STREET MARKETPLACE, 4th DISTRICT, 3rd SECTION, CARTERSVILLE, BARTOW COUNTY, GEORGIA), and sheet information (DATE: SEPT. 9, 2016; SHEET: 1 of 3).

Pictures Taken 7-24-2020







