ZONING & DE-ANNEXATION SYNOPSIS

Petition Number(s): AZ22-02

REQUEST SUMMARY:

The applicant is requesting to de-annex property identified as Parcel No. <u>C108-0002-014</u> containing 3.23 acres into Bartow County to support a mixed-use residential development planned on parcel, 0078-0101-001, and zoned R-3CU (Bartow County).

<u>APPLICANT INFORMATION AND PROPERTY DESCRIPTION</u>

Property Address: <u>Hwy 20 @ 175 (C108-0002-014)</u>

Applicant:CAE, LLC.Representative:Karl LutjensTotal Acreage:3.23 acres

LAND USE INFORMATION

Current Zoning: R-10 Single Family Residential (w/ conditions)

Proposed Zoning: NA

Proposed Use: Multi-family development in Uninc. Bartow County

Current Zoning of Adjacent Property:

 North:
 County C-1

 South:
 City R-20

 East:
 City R-10

West: County R-3CU; County M-1

Tract:

District: 4th Section: 3rd

Land Lots: 102

Ward: 1 Council Member: Kari Hodge

The Future Development Plan designates the subject properties as: Suburban Living

The Future Land Use Map designates adjacent or nearby city properties as: <u>Low and Medium Density Residential</u>

ANALYSIS

This de-annexation request is to accommodate a residential planned development for the adjacent western property identified as County Parcel No. 0078-0101-001. The concept plan shows a driveway and several residential units on the city tract, C108-0002-014. Both tracts have the same owner, CAE, LLC. Both tracts are undeveloped. The city tract is landlocked.

In 2004, zoning case Z04-14, showed that this city tract was included with the overall Etowah Preserve property. See Hart & Rozier survey dated 2-11-03. The Etowah Preserve Phase 1 Preliminary Plat, approved by the Planning Commission on 2-11-06, shows this city tract had been subdivided from the overall Etowah Preserve property. Because the city tract was included with Etowah Preserve at the time of the 2004 rezoning, all zoning conditions were also applied to the city tract. Only three of the eight conditions affected this tract (C108-0002-014):

- 5. No development to occur above the 1100 ft elevation prior to approval and consent of the Water Department of an approved plan to be able to provide service above this elevation.
- 6. A buffer or open space must be provided between the development and both sides of Center Rd, subject to the review and approval of the Planning and Development Department and a 50 ft setback must be provided between the development and the R/W for Interstate 75.
- 7. Developer to provide necessary easements for gas lines on the property.

The City will urge the County to consider leaving item 7 as a condition of zoning so that a natural gas line can be installed to connect the existing gas main on Center Road to the gas main on Hwy 20. Ideally, a utility easement will be recorded prior to a decision on the de-annexation by city council.

City Departments Reviews

Electric: Takes No Exception

Fibercom: No comments received

Fire: No comments received

Gas: Requires that a utility easement be recorded to accommodate zoning condition #7 of Z04-14.

Public Works: Takes No Exception

Water and Sewer: No comments received

Cartersville School District: Not applicable.

Bartow County Administrator: No comments received as of 5-4-22.

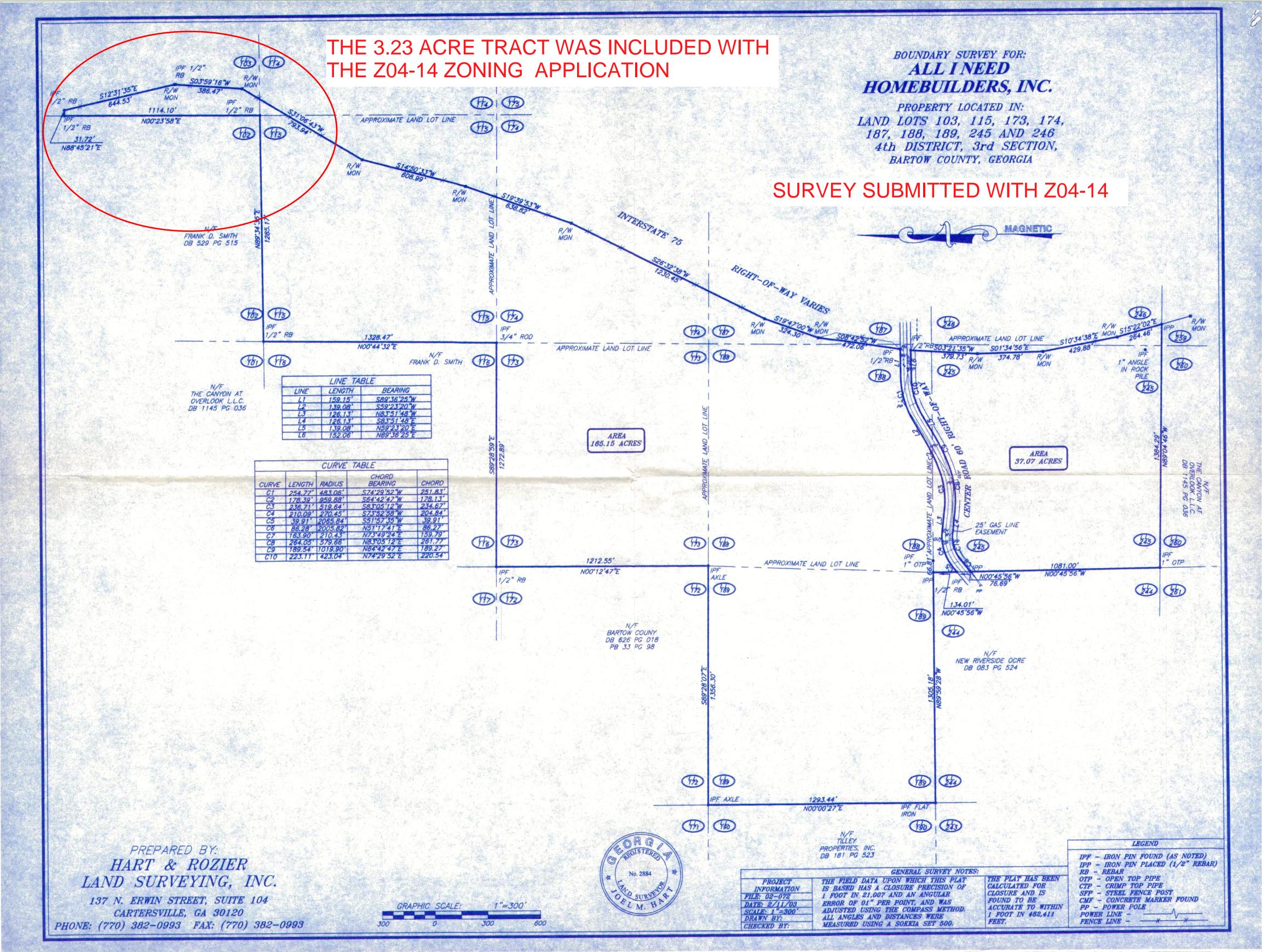
Public comments: No comments received as of 5-4-22.

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 request is not expected to change the proposed residential use of the property.
- 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 county zoning should not adversely affect the use of adjacent property.
- D. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - The property has a limited economic use as zoned.
- 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.
 - No change in use or burden to the infrastructure is expected. If so, the County or GDOT will address.
- F. Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.
 - The de-annexation and county zoning should conform to the 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 has no objection to the de-annexation request. An executed utility easement to accommodate a future natural gas main extension would be preferred prior to city council's decision on the de-annexation.



Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 02-05

Petition No. Z04-14

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, that all that certain tract of land owned by All I Need Homebuilders, Inc. (Mike Garrett). Property is located on the north and south side of Center Road, adjacent to the west side of I-75. Said property contains 202 acres located in the 4th District, 3rd Section, Land Lots 103, 115, 173-174, 187-189, and 245-246 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-20 (Residential) to R-10 (Residential) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. Maximum of 360 lots total (both sides of Center Rd) provided that no more than 290 lots shall be built below the 1100 feet elevation level.
- 2. Minimum 1,750 square feet of heated floor area per home.
- 3. Development must include swimming pool, tennis court(s), and clubhouse as part of the amenity package.
- 4. Along the entire frontage of Center Road where the proposed development (both sides of road) is adjacent, widen Center Rd out to Minor Collector standards (this includes the donation of required R/W to go from 50 ft to 60 ft or more where necessary for project related improvements). Construct the accel/decal lanes required by the Development Regulations for the proposed development and also add right and left turn storage lanes in the widened portion of Center Rd for access to said development.
- 5. No development to occur above the 1100 ft elevation prior to approval and consent of the Water Department of an approved plan to be able to provide service above this elevation.
- 6. A buffer or open space must be provided between the development and both sides of Center Rd, subject to the review and approval of the Planning and Development Department and a 50 ft setback must be provided between the development and the R/W for Interstate 75.
- 7. Developer to provide necessary easements for gas lines on the property.
- 8. A minimum of 40 acres of green space.

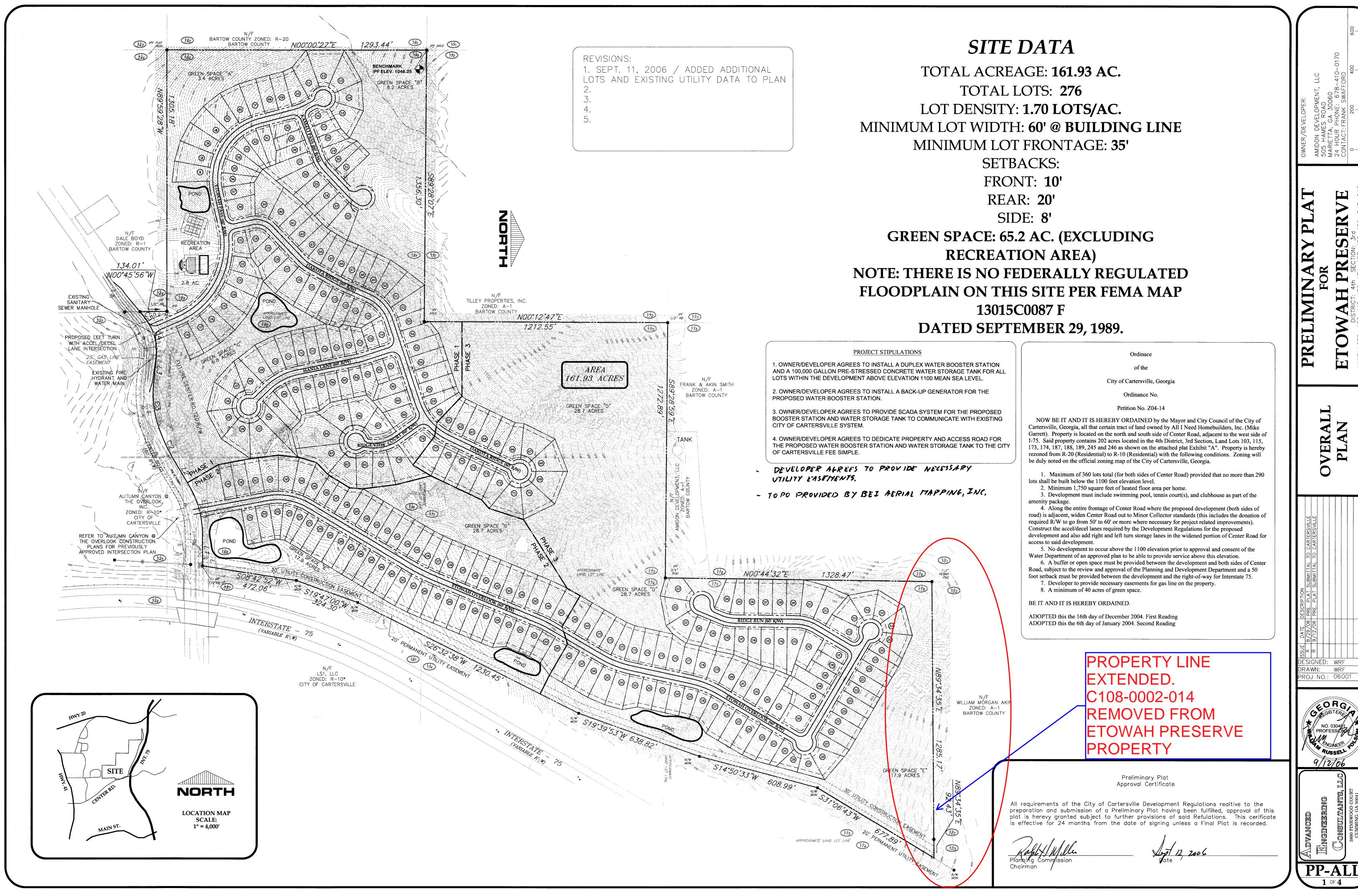
BE IT AND IT IS HEREBY ORDAINED.

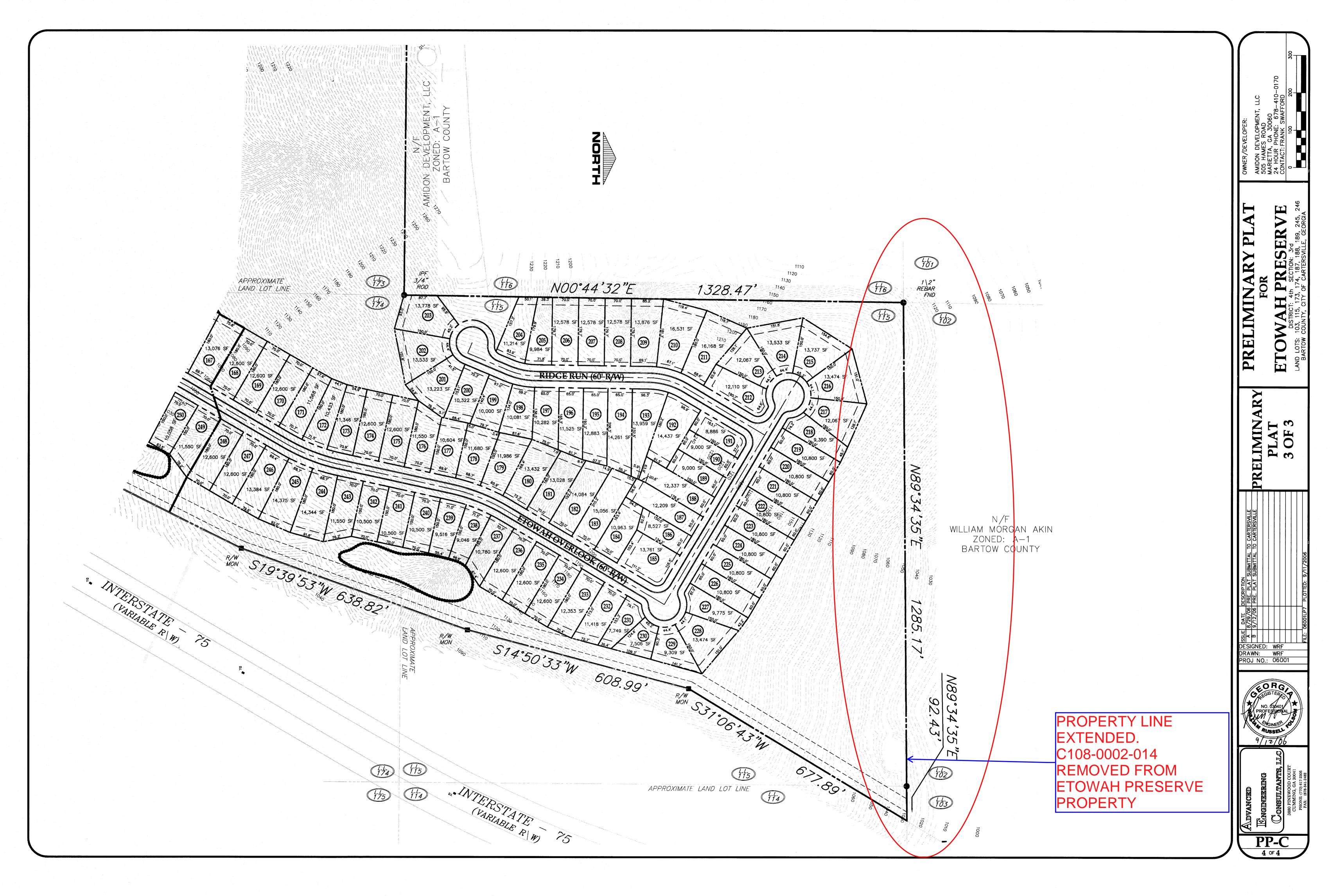
First Reading this the 16^{th} day of December 2004. ADOPTED this the 6^{th} day of January 2005. Second Reading.

/s/ MICHAEL FIELDS
Michael G. Fields
Mayor

ATTEST:

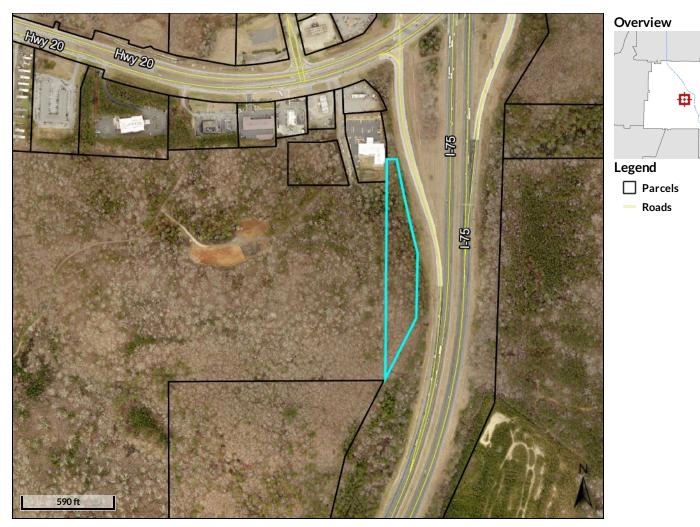
/s/ SANDRA CLINE Sandra E. Cline City Clerk





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QPublic.net Bartow County, GA



Alternate ID 40424

Residential

3.23

Class

Acreage

Parcel ID C108-0002-014 Sec/Twp/Rng Property Address HWY 20

Cartersville

Brief Tax Description

District

LL 102 D 4 3RD SEC. CITY PORTION TRACT 6 (Note: Not to be used on legal documents)

Owner Address CAELLC PO BOX 1312 CARTERSVILLE, GA 30120

Date created: 4/29/2022 Last Data Uploaded: 4/29/2022 9:16:13 AM



Application for Annexation/Zoning City of Cartersville Date Received: ____ **Public Hearing Dates:** 5 10 22 1st City Council 5/4 **Planning Commission** 2nd City Council Office Phone Mobile/ Other Phone city CARTERSVIIL state GA zip 30120 Email tommy S.O. Raintpel, propertus. com punted name (if other than applicant) Email (Rep) Karl CSouthlandergineers.com Applicant Signature Representative Signature Signed, sealed and delivered in presences My commission expires: 01-23-2025 * Titleholder AE, LLC (titleholder's printed name) Address POBOX 1312 CORTUSVIILO GA 30120 Email tommy C Raintrew propertus Signed, sealed, delivered in presence of My commission expires: 01-23-2025 Notary Public C108-0002-014 Requested Zoning NA Present Zoning District R-10 _ Land Lot(s)102Location of Property: HWW

Reason for Rezoning Request: De-annexation to combine with parcel already

(street address, nearest intersections, etc.)

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: Aそ ひして

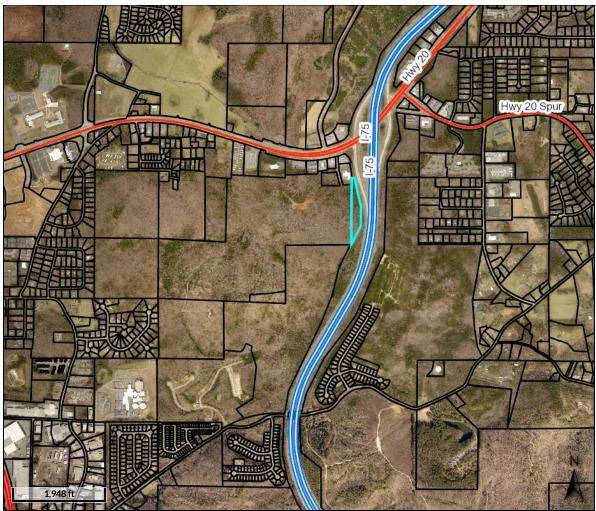
Tax Map Parcel(s) # <u>C 108 - 000</u>	2-014 Voting Ward	d(s)	l	(Hodge					
Current Land Use Subvehen LI Proposed Land Use N/A									
Number of Dwelling Units 14	Number of Occupants								
Owner Occupied? Yes No Number of School-aged Children Grade Level(s) of School-aged Children School(s) to be attended:									
Current Utility Service Providers (Check Service provider or list if Other)									
Water: City									
Sewer: City	County Septic/ Other								
Natural Gas: City	Other (List)								
Electricity: City	GA Power Greystone								
5	Other (List)								

CAMPAIGN DISCLOSURE REPORT FOR REZONING ACTIONS

Pursu disclo	eant to O.C.G.A. 36-67A-3 any and all sures:	l applicants to a	rezoning actio	n must make the followi	ng
	Date of Application: 04-04-2	072			
	Date Two Years Prior to Applicatio	on: <u>04-04-</u>	2020	_	
	Date Five Years Prior to Applicatio	n: <u>01-01-</u>	2017	_	
1. campa	Has the applicant within the five (5 aign contributions aggregating \$250	5) years precedi .00 or more to a	ng the filing of any of the follo	the rezoning action wing:	made
			YES	NO	
	Mayor: Matt Santini			V	
	Council Member:				
	Ward 1- Kari Hodge				
	Ward 2- Jayce Stepp			$\overline{}$	
	Ward 3- Cary Roth				
	Ward 4- Calvin Cooley				
	Ward 5- Gary Fox				
	Ward 6- Taff Wren				
	Planning Commission				
	Greg Culverhouse			\/	
	Harrison Dean				
	Lamar Pendley				
	Open		-		
	Travis Popham			\checkmark	
	Jeffery Ross			$\overline{\mathcal{J}_{I}}$	
	Stephen Smith				
2.	If the answer to any of the above is amount, date, and description of expears.	s <u>Yes</u> , please ind ach campaign co	icate below to ontribution, du	whom, the dollar ring the past five (5)	
		une b	29.		
		3		= M/1/55	
		Signature		Date 4/4/22	
		(Village)	00		7
		10000	13 7 6	FRICK I SEIN	a

Print Name

QPublic.net Bartow County, GA



Alternate ID 40424

Residential

3.23

Owner Address CAELLC
PO BOX 1312

CARTERSVILLE, GA 30120

Overview

Legend
Parcels
Roads

Parcel ID C108-0002-014 Sec/Twp/Rng n/a Property Address HWY 20

District

Cartersville

Brief Tax Description LL 102 D 4 3RD SEC. CITY PORTION TRACT 6

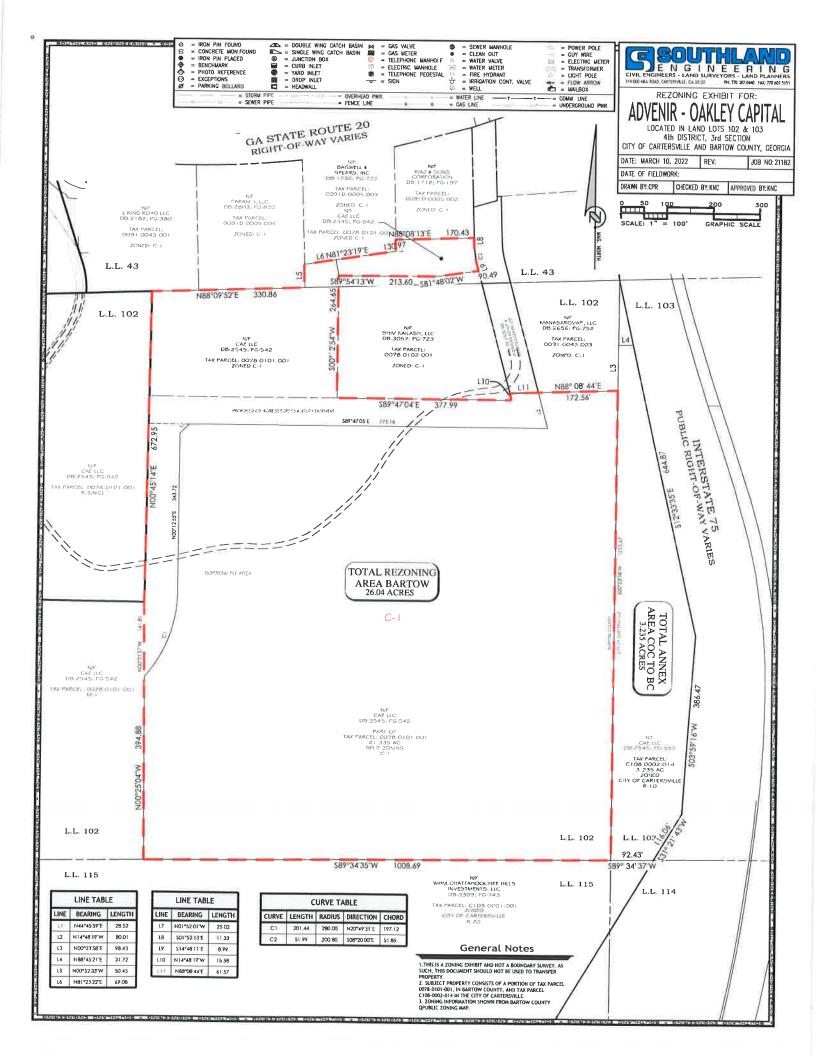
(Note: Not to be used on legal documents)

Class

Acreage

Date created: 4/4/2022 Last Data Uploaded: 4/1/2022 9:48:27 PM





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.

04-04-2022 Date

Georgia Registered Land Survey

ZONING ADMINISTRATOR:

. Case Number:	A722-02
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2. Yes _____ No _____ N/A

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?

4|4|22 Date

Zoning Administrator

LIST OF ADJACENT PROPERTY OWNERS (Not required if City mails public notices)

The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the property sought to be rezoned:

NAME **ADDRESS** Manasarovar, LLC. 35 Hobson Way, Rome, GA 30161 1. WHM Chattahoocher Huis Investments, LLC. 800 Capps Ferry, Duylaville, GA 2. Hybrass Properties, LLC. 988 East Freeway bring Stea, Copyers, GA 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14.

Attach additional names if necessary.

15.

(Indicate property owned by the above persons on plat accompanying this application.)

