

ZONING SYNOPSIS
Petition Number(s): Z23-06

REQUEST SUMMARY:

The applicant is requesting the rezoning of Parcel No. C108-0001-001 containing 103.85 acres from R-20 (Single Family Residential) to RA-12 (Single Family Residential, Attached) for development of 199 townhomes.

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Merrill Trust**
Representative: **Karl Lutiens**
Property Owner: **WHM Chattahoochee Hills Investments LLC (Harrison Merrill, Jr.)**
Property Location: **Center Rd & I75 (C108-0001-001)**
Access to the Property: **Center Rd**

Site Characteristics:

Tract Size: Acres: **103.85** District: **4th** Section: **3rd** LL(S): **245**
Ward: **6** Council Member: **Taff Wren**

LAND USE INFORMATION

Current Zoning: **R-20 Single-Family Residential**
Proposed Zoning: **RA-12 Residential Attached, 12 units/ ac.**
Proposed Use: **Townhouse Development**

Current Zoning of Adjacent Property:

North: **County R-3CU (Multi-Family Conditional Use); County M-1 (Mining)**
South: **R-10 (Single Family Residential)**
East: **R-10 (Single Family Residential)**
West: **RA-12 (Single family Residential); County M-1 (Mining)**

The Future Development Plan designates the subject property as: **Suburban Living**

The Future Land Use Map designates the subject property as: **Low & Medium Density Residential**

ZONING ANALYSIS

Site History:

2004: Z04-14. Approximately 202 acres were rezoned from R-20 to R-10 with conditions for two tracts of land north and south of Center Road west of and adjacent to I-75. Tract 1 was north of Center Road and named the Etowah Preserve subdivision. Tract 2 was south of Center Road and encompassed what is now the Autumn Canyon subdivision. 360 lots were approved with this zoning application.

2018: Z18-03. Zoning proposal to develop Etowah Preserve in 2 phases. Phase 1, now known as Everton Estates, would improve all existing infrastructure components and construct 182 townhome units and one amenity lot on the 50 +/- acres. Phase I requested rezoning from R-10 with conditions to RA-12. Phase 2 development on the remaining 111 +/- acres would occur at a future date and requested rezoning from R-10 with conditions to R-20 with conditions.

The Z18-03 rezoning request for Phases 1 and 2 was approved with conditions by City Council on April 19, 2018. The conditions are:

1. Maximum of 281 lots/units provided. No more than 199 lots/units shall be built in Phase 1 and 82 lots/units in Phase 2. ((360) lots approved Z04-14 – (79) lots Autumn Canyon = 281).
2. No development or Finished Floor Elevation (FFE) is to occur above the 1100 ft elevation without the review and approval of the Water Department.
3. 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)
4. A 50ft. buffer must be provided between the development and the Proposed Center Road Re-alignment.
5. A 50ft. buffer must be provided between the development and the Right-of-Way for Interstate 75.
6. Provide/maintain a minimum of 36 acres of green space.
7. Owner/developer is required to re-plat the property prior to development.
8. As referenced in the letter from Commissioner Steve Taylor, the owner/developer is required to leave in place the unnamed county service road on property identified as Tax Parcel C108-0001-001 and access to Center Road from adjoining properties, identified as Tax Parcel ID Nos. 0078-0172-001 and 0078-0101-001, or to provide an alternative solution for access to Center Road for said adjoining properties.

2019: Z19-02. Zoning proposal for 111 +/- acres currently zoned R-20 with conditions be rezoned to MF-14 for the construction of 300 apartment units. Application withdrawn.

2022: Z22-01. Zoning proposal for 108.35 +/- acres currently zoned R-20 with conditions be rezoned to MF-14 for the construction of 199 townhouse units. Application denied.

Z23-06 Zoning Summary:

Zoning application, Z23-06, requests that 103.85 +/- acres, currently zoned R-20 with conditions, be rezoned to RA-12 for the construction of a max. 199 townhouse units with an amenity area. The site is located directly west and adjacent to I-75 on the north side of Center Road.

In 2022 the same applicant presented zoning application, Z22-01, requesting the same zoning and a similar project concept plan and scope of work. That application was denied by council. Since the denial, the applicant has met with Councilman Wren to address his concerns which primarily were traffic and development quality. A traffic study was provided and Councilman Wren visited Foxhall Resort in Douglasville, a development by the applicant, Merrill Trust.

The project is now represented by Karl Lutjens, Southland Engineering.

A conceptual site plan is provided; however, no additional information has been provided regarding architectural elevations, material lists, floor plans, bedroom configurations, etc.

Misc. Noteworthy Items:

In 2004, the original zoning case, Z04-14, approved a maximum of 360 lots for both sides of Center Rd. Currently, Autumn Canyon contains 79 lots/units and Everton Estates will have 183 units- a total of 262 leaving (98) lots/units available for development. This application for Etowah Preserve Phase 2 is proposing (199) lots/units for a total of 461 lots/units. This exceeds the 2004 zoning plans by 101 lots or units.

Per the proposed zoning conditions under staff recommendation, Lots 204-220 per the concept plan will be affected by Item 3 requiring a 50ft buffer along the Center Rd realignment area.

Due to water service restrictions above the 1050 ft. elevation, development is limited to the southern half of the property. Upper elevations are intended to remain as green space due to this constraint. The city-wide water service elevation restriction has been increased from the 1,100 ft. elevation to the 1,050 elevation since the Z22-01 application was reviewed.

A comparison of the proposed project to the townhome requirements in Chapter 26 of the Zoning ordinance, Section 6.7, RA-12 Single Family Dwelling District, is provided. Several items have been identified as requiring a variance in order to construct the project. These items are highlighted. Variances would be addressed during the plan development phase.

In 2021, Everton Estates and Tilley Properties, Inc. executed and recorded an access agreement that would provide access from Tilley property, Tax ID. 0078-0172-001, east and south on the Everton Estates property and terminating at the property line of Etowah Preserve Phase 2. This easement is per the Z18-03 zoning condition No. 8, but was done without knowledge of future development that would occur on Etowah Phase 2. The easement access point is in conflict with the proposed amenity area at the southern end of Road B. This conflict will have to be resolved to implement the zoning condition. Continued access across the Phase 2 property to Center Road is required.

The Future Development Map identifies the area as Suburban Living which promotes single family detached homes as the primary land use; however, language in the description for Suburban Living encourages housing choices and internal connectivity to recreation and green space which this proposed development would provide.

The Future Land Use Map identifies this area as Low & Medium Density Residential. The proposed development achieves this metric. Refer to the table below for a comparison of development densities for past and current proposals and nearby developments.

Etowah Preserve Density Comparison

Zoning Case/ Name of Development	Lots or Units (P=Proposed; UC= Under Construction; C= Constructed)	Acreage (+/-)	Density (Lots or Units/ Acre)	Allowed Density by Zoning Cat. (Units or Lots/Acre)
Z23-06, Etowah Preserve Phase 2, RA-12 (Townhomes), Proposed	Max. 199 (P)	*103.85	1.9	12
Z22-01, Etowah Preserve Phase 2, RA-12 (Townhomes), Proposed	199 (X)- Application denied	*103.85	1.9	12
Z18-03, Etowah Preserve Phase 1. Everton Estates. RA-12 (Townhomes)	183 (UC)	58	3.3	12
Z04-14 (Etowah Preserve Original Plan, All Phases)	281	162	1.7	---
Autumn Canyon Subd. (Z04-14)	79 (C)	37	2.1	4.3
Hamilton Township Subd.	87 (C)	38	2.3	4.3
Estates at Ponders Mountain Subd. Phase 1 (Max. allowed all phases= 315)	75 (C)	29	2.6	4.3
Estates at Ponders Mountain Subd.- Phase 2	118 (UC) Phase 2 plans approved 7-11-23.	187	1.7 (based on 315 lots)	---
Estates at Ponders Mountain Subd.- Phase 3	122 lots remaining.	187	1.7 (based on 315 lots)	---

* Approximately (7) seven acres were removed from the Phase 2 tract and added to the Everton Estates tract thereby reducing the original 111 acres to the 103.85 acres.

City Department Comments

Electric: Takes no exception.

Fibercom: No Comment provided

Fire: This project will require another entrance due to number of lots.

- CFD notes that the concept plan shows over 199 lots. Per the applicants' representative, the number of townhouses will be limited to 199 units which is under the threshold for a 2nd entrance..

Gas: Takes No Exception

Public Works: Public Works does not support front loading townhomes and would not support this being a public drive if the townhomes are loaded from the front.

[T. Sanders, form. Dir. Public Works, Z22-01] Just to put some official numbers to supplement our conversation, per GDOT Center Road near the location of the proposed development has 3,530 vehicles per day. The Highway Capacity Manual shows a typical two lane rural road can handle 2650 vehicles per hour. The Trip Gen rate for this type of development is 7.32 trips per unit which comes out to 1456 trips per day, this means about 750 in and 750 out. Therefore, there should be plenty of remaining capacity for Center Road to handle this development and others in the future.

Water and Sewer: Please refer to Water Availability letter sent on 9/21 (included on page 3 of the application) for site specific water comments.

Cartersville School District: Comments pending submittal of bedroom configurations.

See email from Dr. Marc Feuerbach dated 1-4-24

Public Comments:

10/23: Sherri Rys, resident, Autumn Canyon Subdiv. General Inquiry.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
Except for the M-1, Mining district, all other adjacent properties are zoned for residential (R-10 & RA-12) and multi-family residential (R3CU).
2. *The suitability of the subject property for the zoned purposes.*
The topography, soils and water pressure issues will challenge any proposed development. The site is suitable for development below the 1050ft. contour elevation.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The proposed development would provide a housing product that, currently, seems to be in demand. Attached housing units may be the better option for development given the topography and surrounding land uses. There is limited hardship to the property owner as the topographic and water delivery challenges existed prior to purchase of the property.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned; however, any development will be challenging.
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 may permit a use that is suitable in view of the use of the adjacent residential properties. The proposed density is compatible with adjacent developments.
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 property owners. Concerns regarding traffic increases will likely be raised. Former Public Works director, Tommy Sanders, provided comments for Z2-01 that Center Road can accommodate significant traffic count increases. The zoning condition that provides access from the Tilley Properties, Inc. property to Center Road remains in effect. A modification to the 2021 recorded easement may be required.
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 generally conforms with the Future Development Plan and Comprehensive Land Use Plan for Suburban Living and Low to Medium density requirements. At 12 units per acre, mathematically, 1246 units could be constructed which would be a high density development for

the City; however, the proposed 199 units would comply with the low-medium density requirement.

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.*
Development 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 could be burdensome on the school district if there is a high number of 3-bedroom units. Center Road would experience an increase in traffic, but not a burdensome increase. No burden is expected on city utilities. Water service is not available above the 1050 ft. elevation.

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:

If approved, the following zoning conditions should be adopted:

1. No more than 199 lots/units shall be built in Etowah Preserve Phase 2 as presented in this application and on the concept plan.
2. No development or Finished Floor Elevation (FFE) is to occur above the 1050 ft elevation without the review and approval of the Water Department.
3. A 50ft. buffer must be provided between the development and the Proposed Center Road Re-alignment.
4. A 50ft. buffer must be provided between the development and the Right-of-Way for Interstate 75.
5. Developer to provide necessary easements for a natural gas line extension on the property from Center Rd to Hwy 20.
6. As referenced in the letter from Commissioner Steve Taylor, the owner/developer is required to leave in place the unnamed county service road on property identified as Tax Parcel C108-0001-001 and access to Center Road from adjoining properties, identified as Tax Parcel ID Nos. 0078-0172-001 and 0078-0101-001, or to provide an alternative solution for access to Center Road for said adjoining properties.
7. Incorporate the A&R Engineering, Inc traffic study recommendations dated April 20, 2023 into the approved site plans.

6.7 RA-12 Single-family dwelling district.

Z23-06 P&D Analysis. Etowah Preserve Phase 2
Center Rd @I-75

Code Section	Description and/ or Requirements	Required	Proposed	Notes
6.7.1	RA-12 district scope and intent. Regulations set forth in this section are the RA-12 district regulations. The RA-12 district is intended to provide land areas devoted to high density uses consisting of single-family dwellings as further described in section 3.1.8 of this chapter. Land areas zoned RA-12 are also intended to provide a transition between medium density single-family residential areas and higher density multifamily residential areas or between medium density residential areas and nonresidential areas. The RA-12 district is intended to encourage home ownership.	---	Fee Simple Implied	
6.7.2	Use Regulation	---	---	---
6.7.3	Development Standards	---	---	---
A.	Height regulations. Buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher.	Y	No data provided	
B.	Minimum lot area per dwelling unit: Two thousand (2,000) square feet.	Y	2000sf	
C.	Maximum density: Twelve (12) units per gross acre.	Y	1.92 un/ac	5.95 un/ disturbed acre
D.	Minimum lot width: Twenty (20) feet.	Y	No data provided	
E.	Minimum lot frontage:	---	---	---
1	Single-family detached units: Thirty-five (35) feet.	---	NA	---
2	All other uses: Twenty (20) feet.	Y	OK	Shown as note on concept plan
F.	Minimum lot depth: One hundred (100) feet.	Y	No data provided	
G.	Minimum development area: One-half (0.5) acres.	Y	103.85	
H.	Minimum heated floor area: One thousand (1,000) square feet.	Y	No data provided	Addressed during site plan review.
I.	Setbacks:	---	---	---

Code Section	Description and/ or Requirements	Required	Proposed	Notes
1	Front yard: Ten (10) feet.	Y	No data provided	Addressed during site plan review.
2	Side yard: Ten (10) feet (each end of row).	Y	No data provided	Addressed during site plan review.
3	Rear yard: Twenty (20) feet.	Y	No data provided	Addressed during site plan review.
J.	[Gable or hip roofs.] Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1) foot beyond the building wall.	Y	No data provided	Addressed during building plan review.
K.	Accessory use, building and structure requirements. See section 4.9 of this chapter.	---	---	---
L.	Minimum buffer requirements. In addition to required setbacks, a fifteen-foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.	Y	---	Buffer required along Everton Estates development. Potential natural buffer. Addressed during site plan review.
M.	Other required standards.	---	---	---
1	No fewer than three (3) dwelling units in a row shall be allowed.	Y	No data provided	Townhouse blocks will not be continuous as shown on the concept plan per site engineer.
2	Alley or private drive access required.	Y	None shown	Potential Variance item.
3	Required parking shall be allowed in the rear yard only.	Y	None shown	Potential Variance item.
4	Principal buildings shall front a private drive or public right-of-way.	Y		Public Works will require private streets if front parking and access is desired.
5	Principal structures on lots within the RA-12 district shall have a minimum of fifty (50) percent finish product on the exterior walls of the buildings consisting of brick, stone, hard-coat stucco, or fiber cement siding.	Y	No data provided	Addressed during building plan review.

Code Section	Description and/ or Requirements	Required	Proposed	Notes
6	A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the RA-12 district.	---	NA	---

Ordinance Source:

https://library.municode.com/ga/cartersville/codes/code_of_ordinances?nodeId=COOR_CH26ZO_ARTVISIMIDWDIRE_S6.7RASIMIDWDI

David Hardegree

From: Marc Feuerbach <mfeuerbach@cartersvilleschools.org>
Sent: Thursday, January 4, 2024 1:40 PM
To: David Hardegree
Cc: Andre Weaver
Subject: [EXTERNAL] Fw: Townhome Rezoning Follow-up

Follow Up Flag: Follow up
Flag Status: Flagged

David,

Happy New Year! I hope all is well. I received a call today from Christ West and he followed up with me at my request via email to share the drawing below. He said the specifics of bedrooms has not been set yet.

As I have shared with you over the years, we are in the business of education, not city planning, so when specifics of a project are limited, it makes it difficult to give a clear response.

I do know that too much going on at one time could cause unintended consequences down the road so I simply ask questions that I feel should always be asked when projects come up. With limited information, the school system is not in favor of nor opposed to this project, but I leave you with the questions I always respond with in hopes that they are always part of the conversations that take place when considering projects.

- How does this project align with the other projects that have been previously approved?
- Where are we currently with how many projects have already been approved and are awaiting construction?

Please don't hesitate to reach out to me if you have any questions or if I can be of any help.

Respectfully,

Marc Feuerbach, Ed.D.
Superintendent - Cartersville City Schools
15 Nelson Street
Cartersville, GA 30120
Office: (770)382-5880 Fax: (770)387-7476

Building Legacies – One Student at a Time

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From: Chris West <cwest@merrilltrust.com>
Sent: Thursday, January 4, 2024 12:34 PM
To: Marc Feuerbach <mfeuerbach@cartersvilleschools.org>
Cc: karl southlandengineers.com <karl@southlandengineers.com>; Harrison Merrill <hmerrill@merrilltrust.com>
Subject: Fwd: Townhome Rezoning Follow-up

You don't often get email from cwest@merrilltrust.com. [Learn why this is important](#)

CAUTION: This email originated from outside Cartersville School System. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dr. Feuerbach,

Thank you for speaking with me today about our proposed townhomes in the City of Cartersville located off Center Road. Per your request, please see below depiction of what we plan the elevations to look like. I understand from your comments, the school system's primary interest is the number of residents the development may bring. Karl can provide details on the number of single-family residences that would be allowed under the current zoning on the total approximately 103 acres--as I mentioned the development we are requesting would be capped at 199 units. As such, the net increase in potential pupils would be minor (if any) from that allowed under the current zoning. The rezoning request is from R-20 (Single Family Residential) to RA-12 (Single Family Residential, Attached).

Please let me know if you have any additional questions or concerns.



Chris F. West
General Counsel
Merrill Trust
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8572387763
7067927936
PARTICIPANT ID

BK:3368 PG:734-743

D2021016029

AFTER RECORDING, RETURN TO:

Jenkins, Bowen & Walker, P.C.
15 South Public Square
Cartersville, Georgia 30120
Attn: Robert L. Walker, Esq.

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BARTOW COUNTY, GA

Melba Scoggins

STATE OF GEORGIA
COUNTY OF BARTOW

EASEMENT AND RIGHT OF WAY AGREEMENT

KNOW ALL MEN BY THESE PRESENTS: That the undersigned, **Etowah Venture Partners I LLC**, a Georgia limited liability company ("Grantor", whether one or more), for and in consideration of the sum of Ten Dollars (\$10.00) and other good and valuable consideration, receipt of which is hereby acknowledged, does hereby grant, bargain, sell and convey unto **Tilley Properties, Inc.**, a Georgia corporation, whose address is 917 N. Tennessee Street, Cartersville, Georgia 30120, and its successors-in-title ("Grantee") for the benefit of that certain real property owned by the Grantee described as Bartow County Tax Parcel ID No. 0078-0172-001 (the "Grantee Property") the non-exclusive easements described in this Agreement (collectively, the "Easements") through and across the portions of the Grantor Property identified in this Agreement, which entire Grantor Property is described in "**Exhibit B**" attached hereto and made a part hereof, subject to the terms of this Agreement.

Grantor grants to Grantee for the benefit of the Grantee Property a perpetual, non-exclusive easement for vehicular ingress and egress through and across the portion of the Grantor Property being a strip of land identified as "Permanent Right of Way and Easement", as shown on the drawing marked "**Exhibit A**" attached hereto and made a part hereof (hereinafter "Permanent Right of Way and Easement").

During the course of construction of any roadway or improvements authorized herein, Grantee shall have the right to enter upon, clear off, and use an additional strip (or strips) of land contiguous to the Permanent Right of Way and Easement (as defined above), such strip (or strips) of land being generally identified on the attached "**Exhibit A**" as an "Area of Temporary Work Space" (hereinafter "Temporary Work Space"). Grantee agrees that it will restore or repair any property of the Grantor within the Temporary Work Space which is impacted or damaged by any work performed by the Grantee, or on behalf of the Grantee, during the course of construction of any roadway or improvements authorized herein. Grantee's right and easement to use the Temporary Work Space as provided above shall expire upon the earlier of: (i) the completion of construction of the road within the Permanent Right of Way and Easement; (ii) One Hundred Eighty (180) days after Grantee commences construction of such road, unless such construction is delayed by weather, act of God, or non-financial circumstances beyond Grantee's control, in which events such period shall be extended on a day-for-day basis for each day of delay; or (iii) the twenty fifth (25th) annual anniversary of the date of this Agreement. Additionally, after the completion of the initial construction of any roadway within the Permanent Right of Way and Easement, should Grantee thereafter decide to improve said roadway by paving or putting down any other surfacing, or re-pave or otherwise maintain the roadway within the Permanent Right of Way and Easement, the Grantor will provide a temporary construction easement to permit Grantee to complete such additional work or maintenance that shall expire upon the earlier of: (i) the completion of the upgrades to the road within the Permanent Right of Way Easement; or (ii) One Hundred Twenty (120) days after the Grantee commences such additional construction of such road, unless such construction is delayed by weather, act of God, or non-financial circumstances beyond Grantee's control, in which events such period shall be extended on a day-for-day basis for each day of the delay. Moreover, Grantor hereby grants to Grantee a slope or grade easement on the property immediately adjacent to the Permanent Right of Way and Easement, that has been approved by Grantor, which approval shall not be unreasonably withheld, conditioned, or delayed and for such reasonable periods of time as necessary for Grantee to maintain the elevation and slope of the Permanent Right of Way and Easement (the "Slope Easement").

The Grantee shall have the right, from time to time as it may find convenient, to cut or remove all trees, undergrowth and other obstructions from the Permanent Right of Way and Easement and to install and maintain utilities, or to grant easements to the appropriate utility providers to install and maintain utilities, under the Permanent Right of Way and Easement (the "Ancillary Easement"). The Grantee shall also have the rights and benefits necessary to maintain the Easements, at its sole expense.

Grantor shall have the right to enter and use the land within the Permanent Right of Way and Easement if and to the extent such entry and use does not interfere with and is not inconsistent with Grantee's rights herein, and except that the Grantor will not build any permanent structures on the Permanent Right of Way and Easement or any part thereof, will not change the grade of the Permanent Right of Way and Easement, or any part thereof without the express written permission of the Grantee, which permission shall not be unreasonably withheld, conditioned, or delayed, will not plant trees on the Permanent Right of Way and Easement, or any part thereof, will not change

or alter any slopes or other supporting facilities, including but not limited to stormwater detention areas, or use the Permanent Right of Way and Easement or any part thereof in such a way as to interfere with Grantee's immediate and unimpeded access to the Permanent Right of Way and Easement, or otherwise interfere with Grantee's lawful exercise of any of the rights herein granted without first having obtained Grantee's approval in writing, which approval shall not be unreasonably withheld, conditioned, or delayed; and Grantor will not authorize others to do any of said acts without first having obtained Grantee's approval in writing, which approval shall not be unreasonably withheld, conditioned, or delayed. Grantor's right to enter and use the land within the Permanent Right of Way and Easement is limited to entering and using only that part of the Permanent Right of Way and Easement contained on the Grantor Property. No forbearance by Grantee to cut and remove any trees, undergrowth or other obstructions from the Permanent Right of Way and Easement or to exercise any other right provided by Grantee hereunder for any period of time shall constitute a waiver of such right or limit Grantee's ability to exercise such right as it may find convenient. Notwithstanding the foregoing, Grantee may construct paved or unpaved roadways within the Permanent Right of Way and Easement. Should Grantee elect to construct any paved or unpaved roadways within the Permanent Right of Way and Easement, any and all technical specifications of the roadway, including but not limited to width, type of surfacing or paving, or similar specifications, shall be determined by the Grantee, without further approval from the Grantor. Prior to constructing any road within the Permanent Right of Way and Easement, Grantee shall provide thirty (30) days written notice thereof to Grantor of the location and dimensions of such road within the Permanent Right of Way and Easement at the following address: c/o Atlantic Realty Partners, Inc., 3500 Lenox Road, Suite 1250, Atlanta, Georgia 30326, and notwithstanding the terms of the immediately preceding sentence, such specifications shall be subject to Grantor's approval, which approval shall not be unreasonably withheld, conditioned, or delayed. Grantor agrees that nothing contained in this Agreement shall require Grantee to pave any roadway constructed by Grantee within the Permanent Right of Way and Easement unless Grantee decides that such paving is necessary for its use and enjoyment of the same, or unless required by applicable governmental laws or regulations in effect from time to time.

This Easement and Right of Way Agreement and any and all rights of Grantee hereunder shall run with the land that is the Grantor Parcel and the Grantee Parcel (collectively, the "Property"), and shall create equitable servitudes in favor of the Property, and shall bind every person having any fee, leasehold or other interest in the Property, and shall inure to the benefit of the respective parties and their successors-in-title. Upon the conveyance of any portion of the Property, the owner and transferor of such portion of the Property at the time of the transfer shall be relieved of all obligations arising hereunder after the time of such conveyance, and such transferee is deemed to have assumed all such obligations during the time that such assignee owns such portion of the Property.

Nothing herein, nor in the use of the Easements made under this Easement and Right of Way Agreement shall constitute a dedication by Grantor of the Permanent Right of Way and Easement as a public right of way, and the rights and Easements herein created shall not be for the benefit of the general public, whether as a third party beneficiary or otherwise.

TO HAVE AND TO HOLD said right of way and Easements unto said Grantee, and its successors-in-title, immediately upon the execution of this Agreement and so long thereafter until the Grantee releases or otherwise relinquishes said right of way and Easements in writing; and the undersigned hereby bind themselves, their heirs, executors and administrators (and successors and assigns) to warrant and forever defend all and singular said premises unto the Grantee, its successors and assigns, against every person whomsoever lawfully claiming or to claim the same or any part thereof by, through or under Grantor.

Grantee and Grantor, by the acceptance hereof, further covenant and agree:

- (a) Grantee will reimburse the Grantor for any physical damages which Grantor, on any of the Grantor Property outside of the Permanent Right of Way and Easement, may suffer as a consequence of the laying, constructing, altering, repairing, removing, changing the size of, or replacing any roadway or improvements, in the exercise of its rights granted.
- (b) Grantor shall reimburse Grantee for any and all repair and replacement costs to any utility lines, pavements, or other improvements on the Permanent Right of Way and Easement resulting from any damage caused by any person acting on behalf or with Grantor's permission using the easement rights granted to Grantee hereunder.
- (c) Grantor shall have the right, at its choosing to connect to any portion of the Permanent Right of Way and Easement that is located on the Grantor Property. Notwithstanding the foregoing, Grantor shall provide thirty (30) days written notice thereof to Grantee of its plans to connect to the Permanent Right of Way and Easement at the following address: Tilley Properties, Inc., 917 N. Tennessee Street, Cartersville, Georgia 30120. Moreover, Grantor's rights to connect, enter and use the land within the Permanent Right of Way and Easement is limited to connecting, entering and using only that part of the Permanent Right of Way and Easement contained on the Grantor Property and shall not extend to any adjacent property owned by the Grantee. Notwithstanding the foregoing or any other provision of this Agreement to the contrary: (i) in the event that Grantee or an affiliate of Grantee ever acquires fee simple title to all or a portion of Lot 3 ("Lot 3") identified in the attached "**Exhibit A**" (which acquired land is hereinafter referred to as the "Future Property"), Grantee for itself and on behalf of its affiliate, as applicable, does hereby grant, bargain, sell and convey, and shall be deemed contemporaneously with the acquisition of the Future Property to have granted, bargained, sold and conveyed, unto Grantor and its successors-in-title for the benefit of the Grantor Property a perpetual, non-exclusive easement for vehicular ingress and egress through and across all driveways and roadways, that are now or hereafter located upon the Future Property that connects the Permanent Right of Way and Easement to Center Road "(the "Future Property Easement"). Although the Future Property

Easement is self-executing, upon the request of Grantor following such acquisition of the Future Property, Grantee or its affiliate, as applicable, shall execute and deliver to Grantor for recordation in the Bartow County real estate records a Future Property Easement in form and substance that is reasonably acceptable to such parties; or (ii) in the event that an access easement is ever granted over all or a portion of Lot 3 for the benefit of all or a portion of the Grantee Property that connects the Permanent Right of Way and Easement to Center Road (the "Future Access Easement"), Grantee covenants and agrees for the benefit of Grantor and the Grantor Property that such Future Access Easement will also benefit the Grantor Property and the Adjacent Land (as said term is hereinafter defined), to the extent agreed upon by the grantor of the Future Access Easement. Grantee covenants and agrees to make a commercially reasonable effort to obtain such agreement from such grantor of the Future Access Easement. Grantor may authorize any affiliate of Grantor that acquires fee simple title to any land that is adjacent to the Grantor Property (the "Adjacent Land") to use on a non-exclusive basis the rights and easements granted to Grantor in this Section (c) for the benefit of such Adjacent Land, and in the event that Grantor provides such authorization, such affiliate and its successors-in-title to such Adjacent Land shall become a third party beneficiary of such rights and easements for the benefit of such Adjacent Land, and such rights and easements shall run with the title to such Adjacent Land in perpetuity. For purposes hereof, an affiliate of Grantor is deemed to be an entity directly or indirectly owned in whole or in part by Grantor or by a principal of Grantor, and an affiliate of Grantee is deemed to be an entity directly or indirectly owned in whole or in part by Grantee or by a principal of Grantee.

- (d) In the event that any paved or unpaved roadway is constructed by the Grantee within the Permanent Right of Way and Easement area, Grantee agrees that it shall be responsible for any stormwater management that may be required by any state or local government regulations existing at the time of said improvements.
- (e) At its sole cost and expense, Grantee shall maintain and repair for its intended purpose each of the improvements made by or on behalf of Grantee pursuant to the terms of this Agreement, including the road within the Permanent Right of Way and Easement (collectively, the "Improvements"). All such Improvements and all modifications, alterations, and enhancements of such Improvements shall be constructed at Grantee's expense in accordance with applicable governmental laws and regulations, and subject to plans and specifications that have been approved by Grantor, which approval shall not be unreasonably withheld, conditioned, or delayed, and if after an Improvement has been constructed it must be modified or changed to comply with governmental laws or regulations then in effect, Grantee shall promptly take the required action at its expense. Notwithstanding the terms of the immediately preceding sentence, Grantor

agrees that nothing contained in this Agreement shall require Grantee to pave any roadway constructed by Grantee within the Permanent Right of Way and Easement unless Grantee decides that such paving is necessary for its use and enjoyment of the same, or unless required by applicable governmental laws or regulations in effect from time to time. In its use of the Easements, Grantee shall make a commercially reasonable effort to minimize interference with the use and occupancy of the Grantor Property, and shall promptly restore and repair any damage that it causes to the Grantor Property. Grantee shall indemnify and save Grantor harmless from and against all claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of or relating to the use or exercise of any of the rights or Easements herein granted to Grantee or its agents, employees, tenants, invitees, licensees, contractors, or subcontractors. The Grantor agrees that the Grantee shall not have any obligation to indemnify or hold harmless the Grantor from any claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of injuries to any trespasser on the Grantor Property or Grantee Property, nor arising out of injuries to any person using the Grantor Property or Grantee Property without the express permission of the Grantee. Similarly, Grantor shall indemnify and save Grantee harmless from an against all claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of or relating to the use or exercise of any of the rights or Easements herein granted to Grantor or its agents, employees, tenants, invitees, licensees, contractors or subcontractors. The Grantee agrees that that Grantor shall not have any obligation to indemnify or hold harmless the Grantee from any claims, demands, actions, causes of action, losses, costs and expenses or injury to or death of persons and/or for loss of or damage to property, including attorneys' fees and costs, arising out of injuries to any trespasser on the Grantor Property or Grantee Property, nor arising out of injuries to any person using the Grantor Property or Grantee Property without the express permission of the Grantor.

- (f) Grantor agrees to cooperate with Grantee by providing any information or documentation necessary for Grantee to obtain suitable title insurance, at the Grantee's sole expense, insuring that the Grantor has the legal authority to provide and convey the rights given in this Easement and Right of Way Agreement.

This Agreement may not be modified or amended, except in writing, signed by all parties hereto. This Agreement shall be governed by and construed in accordance with the laws of the State of Georgia. This Agreement shall be binding upon the heirs, executors, administrators, and successors-in-title of the parties hereto. In the event of the breach of any party's obligations under this Agreement, the breaching party shall be liable for all costs and expenses occasioned by such breach, including but not limited to court costs and attorneys' fees.

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IN TESTIMONY AND WITNESS WHEREOF, Grantor and Grantee have hereunto set their hands and seals this 25 day of August 2021.

GRANTOR:

ETOWAH VENTURE PARTNERS I LLC, A Georgia limited liability company

By: [Signature]

Name: Richard D. Aaronson
Title: Manager

Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature]
Notary Public

[NOTARIAL SEAL]

Z Maddox
NOTARY PUBLIC
DeKalb County, GEORGIA
My Commission Expires 04/08/2025

GRANTEE:

TILLEY PROPERTIES, INC., a Georgia corporation

By: [Signature]
Name: Beth Tilley
Title: CEO, Tilley Properties, Inc.

Signed, sealed and delivered in the presence of:

[Signature]
Witness

[Signature]
Notary Public

[NOTARIAL SEAL]

4825-8172-51681
Aaronson/Cartersville/Tilley Easement Agreement/access easement agreement 08_30_21

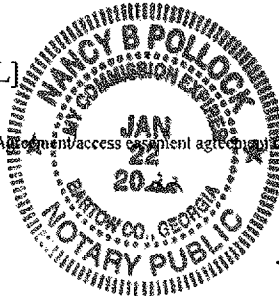


EXHIBIT "A"

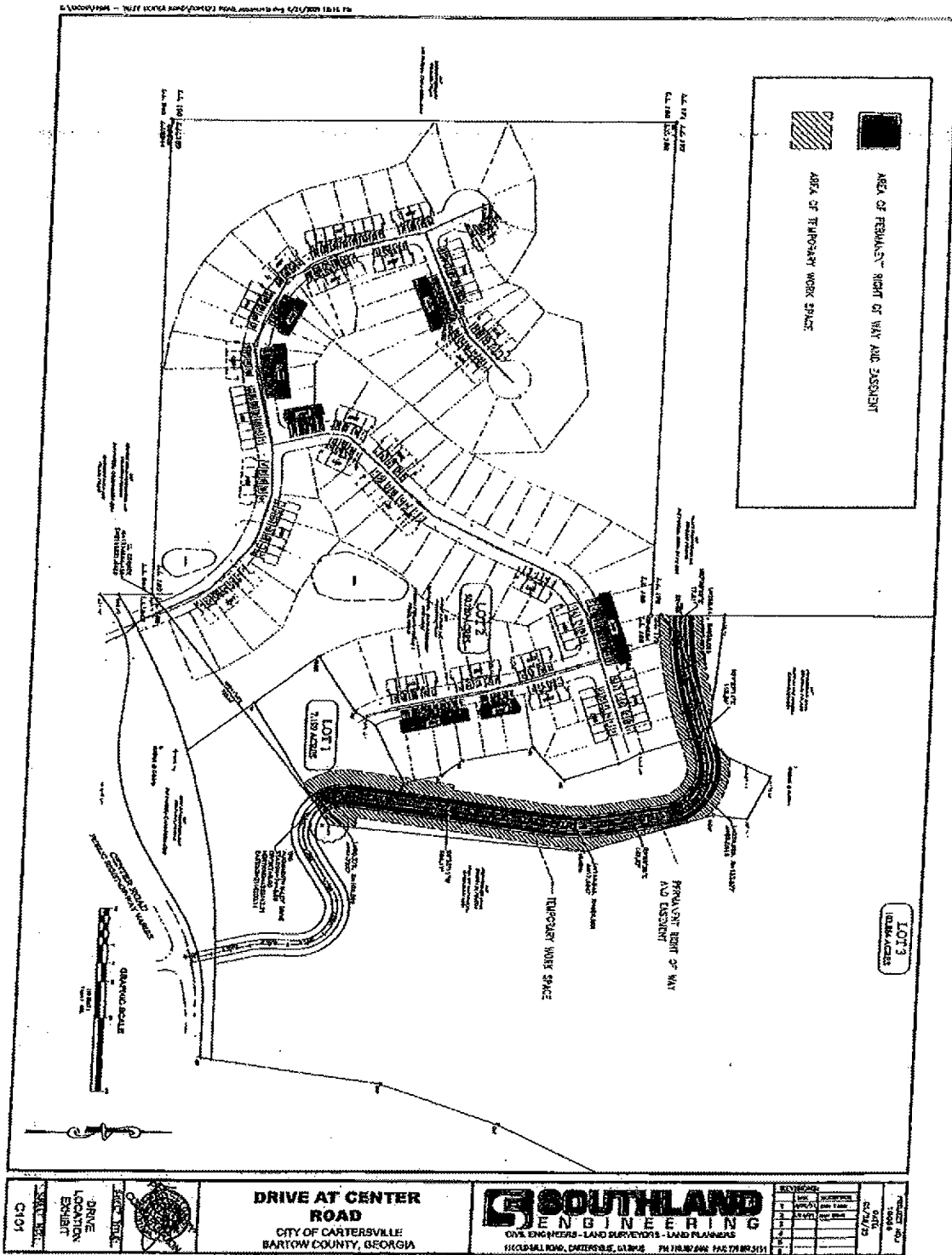


EXHIBIT "B"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN LAND LOTS 173, 188, 189, AND 245, OF THE 4TH DISTRICT, 3RD SECTION IN THE CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND (CAR AXLE) AT THE COMMON LAND LOT CORNER OF LAND LOTS 172, 173, 188, AND 189; THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 173 WITH A BEARING OF N 00°12'47" E A DISTANCE OF 27.09 FEET TO AN IRON PIN FOUND (#4 REBAR); THENCE CONTINUING ALONG SAID LAND LOT LINE WITH A BEARING OF N 00°12'47" E A DISTANCE OF 160.81 FEET TO A POINT; THENCE LEAVING SAID LAND LOT LINE WITH A BEARING OF S 85°11'54" E A DISTANCE OF 325.04 FEET TO AN IRON PIN FOUND (#4 REBAR); THENCE WITH A BEARING OF N 67°53'47" E A DISTANCE OF 32.28 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 35°59'04" E A DISTANCE OF 24.16 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 51°24'37" E A DISTANCE OF 24.16 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 25°33'04" E A DISTANCE OF 61.63 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF N 25°26'59" E A DISTANCE OF 70.00 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 64°33'01" E A DISTANCE OF 128.50 FEET TO AN IRON PIN PLACED (#4 REBAR); THENCE WITH A BEARING OF S 06°07'07" W A DISTANCE OF 89.34 FEET TO AN IRON PIN FOUND (#4 REBAR – CAPPED); THENCE WITH A BEARING OF S 17°01'05" E A DISTANCE OF 343.18 FEET TO AN IRON PIN FOUND (#4 REBAR – CAPPED #796); THENCE WITH A BEARING OF S 06°08'33" W A DISTANCE OF 656.50 FEET TO A TREE LOCATED 18.5 FEET NORTHEAST OF AN IRON PIN FOUND (#4 REBAR); THENCE WITH A BEARING OF S 57°56'20" W A DISTANCE OF 394.22 FEET TO AN IRON PIN FOUND (#4 REBAR); THENCE WITH A BEARING OF S 38°18'37" E A DISTANCE OF 211.47 FEET TO AN IRON PIN FOUND (#4 REBAR) ALONG THE NORTHERN RIGHT OF WAY (R/W) OF CENTER ROAD (VARIABLE PUBLIC R/W); THENCE ALONG SAID R/W IN A SOUTHWESTERLY DIRECTION WITH A CURVE TURNING TO THE LEFT WITH A RADIUS OF 2060.11 FEET, HAVING A CHORD BEARING OF S 65°43'28" W, A CHORD DISTANCE OF 469.55 FEET AND AN ARC LENGTH OF 470.58 FEET TO AN IRON PIN PLACED (#4 REBAR) AT THE INTERSECTION OF SAID R/W AND THE WESTERN LAND LOT LINE OF LAND LOT 245; THENCE ALONG SAID LOT LINE WITH A BEARING OF N 00°45'50" W A DISTANCE OF 85.85 FEET TO AN IRON PIN PLACED (#4 REBAR) AT THE COMMON LAND LOT CORNER OF LAND LOTS 188, 189, 244, AND 245; THENCE ALONG THE SOUTHERN LAND LOT LINE OF LAND LOT 189 WITH A BEARING OF N 89°59'28" W A DISTANCE OF 1305.18 FEET TO AN IRON PIN FOUND (#4 REBAR – FLAT IRON) AT THE COMMON LAND LOT CORNER OF LAND LOTS 189, 190, 243, AND 244; THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 189 WITH A BEARING OF N 00°00'27" E A DISTANCE OF 1293.44 FEET TO AN IRON PIN FOUND (#4 REBAR) AT THE COMMON LAND LOT CORNER OF LAND LOTS 171, 172, 189, AND 190; THENCE ALONG THE NORTHERN LAND LOT LINE OF LAND LOT 189 WITH A BEARING OF S 89°28'07" E A DISTANCE OF 1356.30 FEET TO AN IRON PIN FOUND (CAR AXLE) AT THE COMMON LAND LOT CORNER OF LAND LOTS 172, 173, 188, AND 189 AND THE POINT OF BEGINNING.

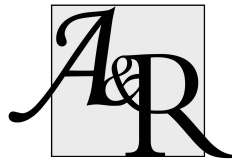
**TRAFFIC IMPACT STUDY
FOR
PROPOSED RESIDENTIAL DEVELOPMENT
NORTHWEST OF CENTER ROAD AND I-75,
CITY OF CARTERSVILLE, GEORGIA**



Prepared for:

***Prime Engineering
3715 Northside Parkway NW, Building 300, Suite 200
Atlanta, GA 30327***

Prepared By:



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April 20, 2023
A & R Project # 23-045

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1.0 INTRODUCTION

The purpose of this study is to determine the traffic impact from the proposed residential development that will be located northwest of the crossing of Center Road and I-75 in the City of Cartersville, Georgia. The traffic analysis includes evaluation of the current operations and future conditions with the traffic generated by the development. The proposed development will consist of 199 townhome units.



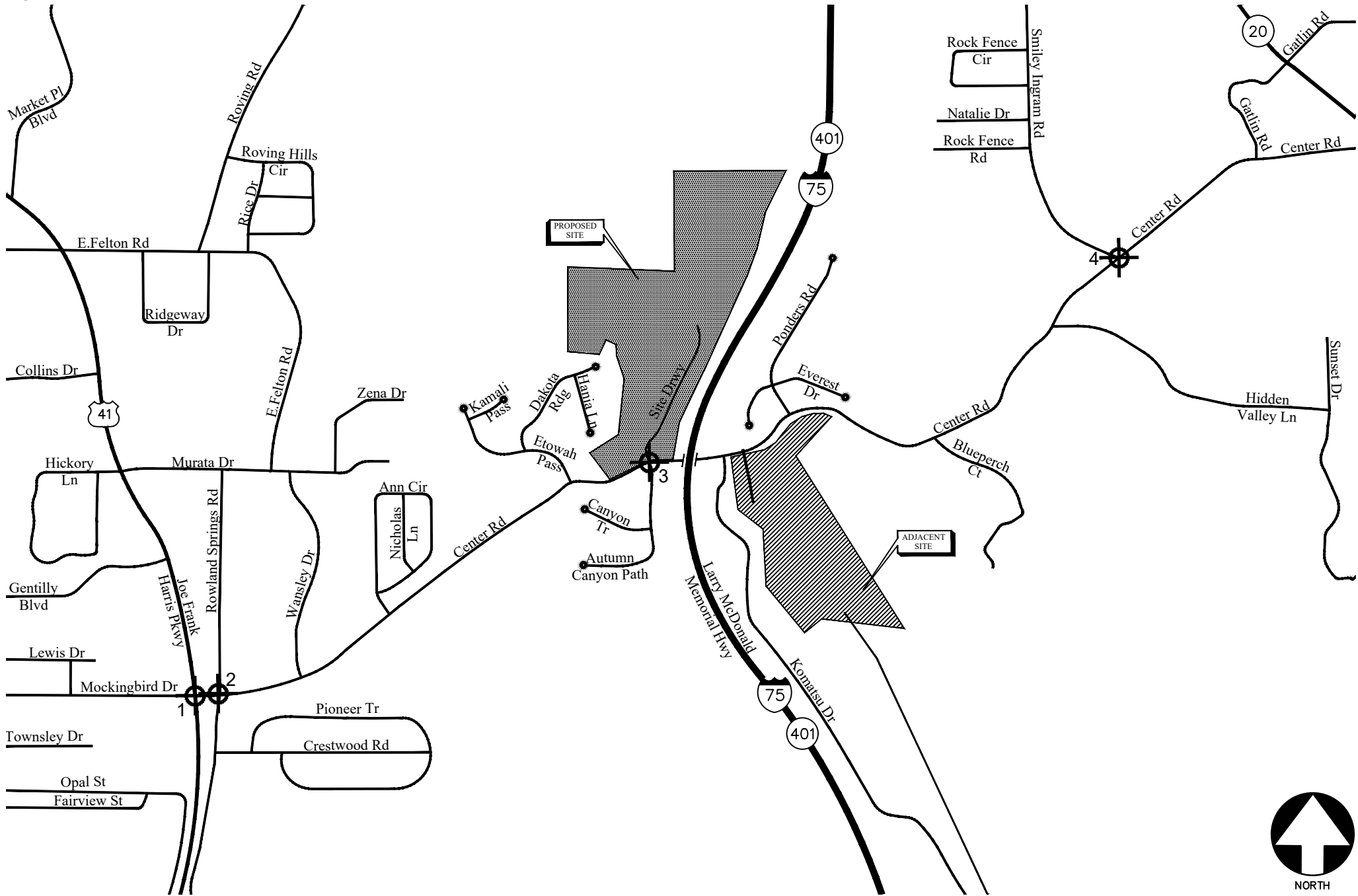
The development proposes one full access driveway on Center Road aligned with Autumn Canyon Path.

The AM and PM peak hours have been analyzed in this study. In addition to the site access point, this study includes the evaluation of traffic operations at the intersections of:

- Center Road at US 41 (Joe Frank Harris Parkway)
- Center Road at Rowland Springs Road
- Center Road at Autumn Canyon Path
- Center Road at Smiley Ingram Road

Recommendations to improve traffic operations have been identified as appropriate and are discussed in detail in the following sections of the report. The location of the development and the surrounding roadway network are shown in Figure 1.

Study Intersections



LOCATION MAP

FIGURE 1
A&R Engineering Inc.

2.0 EXISTING FACILITIES / CONDITIONS

2.1 Roadway Facilities

The following is a brief description of each of the roadway facilities located in proximity to the site:

2.1.1 US 41 (Joe Frank Harris Parkway)

US 41 (Joe Frank Harris Parkway) is a north-south, four-lane, median-divided roadway with a posted speed limit of 45 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0114) indicate that the daily traffic volume on US 41 (Joe Frank Harris Parkway) in 2021 was 34,700 vehicles per day south of Center Road. GDOT classifies US 41 (Joe Frank Harris Parkway) as an urban principal arterial roadway.

2.1.2 Center Road

Center Road is an east-west, two-lane, undivided roadway with a posted speed limit of 35 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0358) indicate that the daily traffic volume on Center Road in 2021 was 3,750 vehicles per day east of Wansley Drive. GDOT classifies Center Road as an urban major collector roadway.

2.1.3 Rowland Springs Road

Rowland Springs Road is a north-south, two lane, undivided roadway with a posted speed limit of 30 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0354) indicate that the daily traffic volume on Rowland Springs Road in 2021 was 1,690 vehicles per day north of Center Road. GDOT classifies Rowland Springs Road as an urban major collector roadway.

2.1.4 Smiley Ingram Road

Smiley Ingram Road is a two lane, undivided roadway with a posted speed limit of 35 mph in the vicinity of the site.

2.1.5 Mockingbird Drive

Mockingbird Drive is an east-west, two-lane, undivided roadway with a posted speed limit of 25 mph in the vicinity of the site. Georgia Department of Transportation (GDOT) traffic counts (Station ID 015-0504) indicate that the daily traffic volume on Mockingbird Drive in 2021 was 1,570 vehicles per day east of North Tennessee Street. GDOT classifies Mockingbird Drive as an urban minor collector roadway.

3.0 STUDY METHODOLOGY

In this study, the methodology used for evaluating traffic operations at each of the subject intersections is based on the criteria set forth in the Transportation Research Board’s Highway Capacity Manual, 6th edition (HCM 6). Synchro software, which utilizes the HCM methodology, was used for the analysis. The following is a description of the methodology employed for the analysis of unsignalized and signalized intersections.

3.1 Unsignalized Intersections

For unsignalized intersections controlled by a stop sign on minor streets, the level-of-service (LOS) for motor vehicles with controlled movements is determined by the computed control delay according to the thresholds stated in Table 1 below. LOS is determined for each minor street movement (or shared movement), as well as major street left turns. LOS is not defined for the intersection as a whole or for major street approaches. The LOS of any controlled movement which experiences a volume to capacity ratio greater than 1 is designated as “F” regardless of the control delay.

Control delay for unsignalized intersections includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Several factors affect the control delay for unsignalized intersections, such as the availability and distribution of gaps in the conflicting traffic stream, critical gaps, and follow-up time for a vehicle in the queue.

Level-of-service is assigned a letter designation from “A” through “F”. Level-of-service “A” indicates excellent operations with little delay to motorists, while level-of-service “F” exists when there are insufficient gaps of acceptable size to allow vehicles on the side street to cross the main road without experiencing long delays.

TABLE 1 — LEVEL-OF-SERVICE CRITERIA FOR UNSIGNALIZED INTERSECTIONS		
Control Delay (sec/vehicle)	LOS by Volume-to-Capacity Ratio*	
	v/c ≤ 1.0	v/c > 1.0
≤ 10	A	F
> 10 and ≤ 15	B	F
> 15 and ≤ 25	C	F
> 25 and ≤ 35	D	F
> 35 and ≤ 50	E	F
> 50	F	F

*The LOS criteria apply to each lane on a given approach and to each approach on the minor street. LOS is not calculated for major-street approaches or for the intersection.

Source: Highway Capacity Manual, 6th edition, Exhibit 20-2 *LOS Criteria: Motorized Vehicle Mode*

3.2 Signalized Intersections

According to HCM procedures, LOS can be calculated for the entire intersection, each intersection approach, and each lane group. HCM uses control delay alone to characterize LOS for the entire intersection or an approach. Control delay per vehicle is composed of initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. Both control delay and volume-to-capacity ratio are used to characterize LOS for a lane group. A volume-to-capacity ratio of 1.0 or more for a lane group indicates failure from capacity perspective. Therefore, such a lane group is assigned LOS F regardless of the amount of control delay.

Table 2 below summarizes the LOS criteria from HCM for motorized vehicles at signalized intersection.

TABLE 2 – LEVEL-OF-SERVICE CRITERIA FOR SIGNALIZED INTERSECTIONS		
Control Delay (sec/vehicle) *	LOS for Lane Group by Volume-to-Capacity Ratio*	
	v/c ≤ 1.0	v/c > 1.0
≤ 10	A	F
> 10 and ≤ 20	B	F
> 20 and ≤ 35	C	F
> 35 and ≤ 55	D	F
> 55 and ≤ 80	E	F
> 80	F	F

*For approach-based and intersection wide assessments, LOS is defined solely by control delay

Source: Highway Capacity Manual, 6th edition, Exhibit 19-8 *LOS Criteria: Motorized Vehicle Mode*

LOS A is typically assigned when the volume-to-capacity (v/c) ratio is low and either progression is exceptionally favorable, or the cycle length is very short. LOS B is typically assigned when the v/c ratio is low and either progression is highly favorable, or the cycle length is short. However, more vehicles are stopped than with LOS A. LOS C is typically assigned when progression is favorable, or the cycle length is moderate. Individual *cycle failures* (one or more queued vehicles are not able to depart because of insufficient capacity during the cycle) may begin to appear at this level. Many vehicles still pass through the intersection without stopping, but the number of vehicles stopping is significant. LOS D is typically assigned when the v/c ratio is high and either progression is ineffective, or the cycle length is long. There are many vehicle-stops and individual cycle failures are noticeable. LOS E is typically assigned when the v/c ratio is high, progression is very poor, the cycle length is long, and individual cycle failures are frequent. LOS F is typically assigned when the v/c ratio is very high, progression is very poor, the cycle length is long, and most cycles fail to clear the queue.

4.0 EXISTING 2023 TRAFFIC ANALYSIS

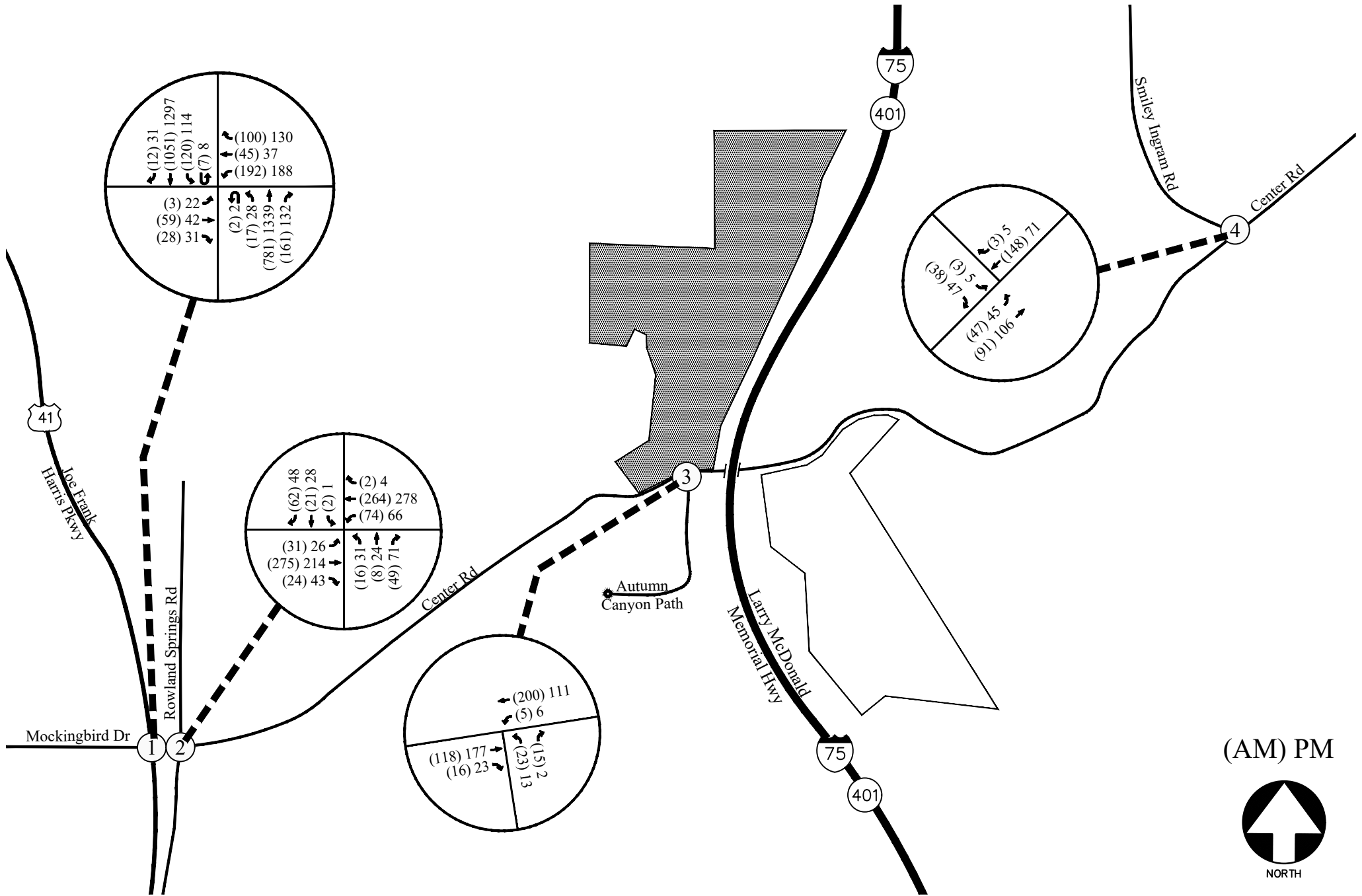
4.1 Existing Traffic Volumes

Existing traffic counts were obtained at the following study intersections:

- Center Road at US 41 (Joe Frank Harris Parkway)
- Center Road at Rowland Springs Road
- Center Road at Autumn Canyon Path
- Center Road at Smiley Ingram Road

Turning movement counts were collected on Tuesday, March 28, 2023. All turning movement counts were recorded during the AM and PM peak hours between 7:00 am to 9:00 am and 4:00 pm to 6:00 pm, respectively. The four consecutive 15-minute interval volumes that summed to produce the highest volume at the intersections were then determined. These volumes make up the peak hour traffic volumes for the intersections counted and are shown in Figure 2.

The existing traffic control and lane geometry for the intersections are shown in Figure 3.






(AM) PM

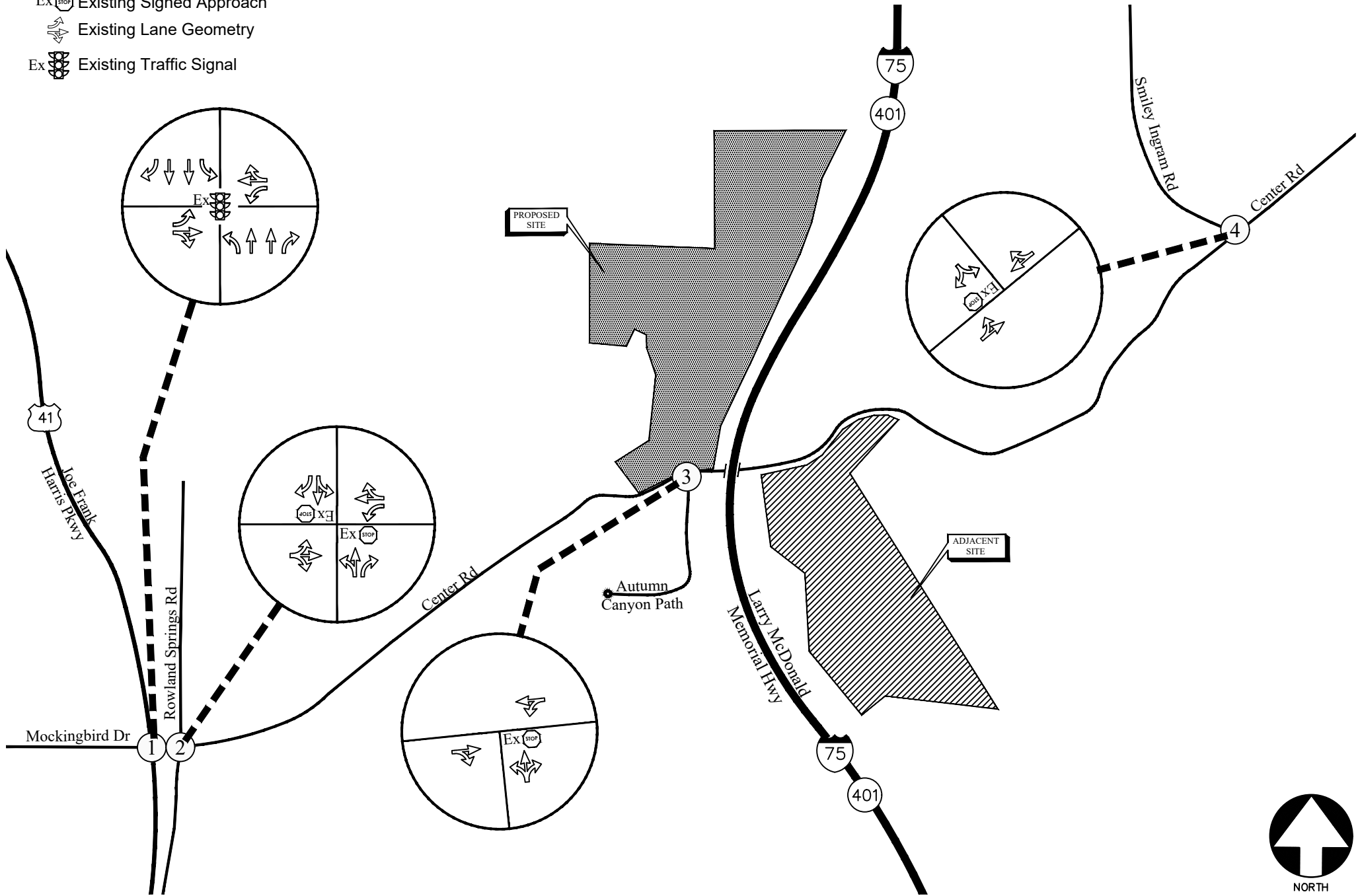


EXISTING WEEKDAY PEAK-HOUR VOLUMES

FIGURE 2
A&R Engineering Inc.

LEGEND

- Ex  Existing Signed Approach
-  Existing Lane Geometry
- Ex  Existing Traffic Signal



EXISTING TRAFFIC CONTROL AND LANE GEOMETRY

FIGURE 3

A&R Engineering Inc.

4.2 Existing Traffic Operations

Existing 2023 traffic operations were analyzed at the study intersections in accordance with the HCM methodology. The results of the analyses are shown in Table 3.

TABLE 3 – EXISTING INTERSECTION OPERATIONS				
Intersection		Traffic Control	LOS (Delay)	
			AM Peak Hour	PM Peak Hour
1	<u>Center Road / Mockingbird Drive @ US 41</u>	Signalized	<u>B (19.7)</u>	<u>C (22.0)</u>
	-Eastbound Approach		E (62.2)	E (60.2)
	-Westbound Approach		D (47.6)	D (50.4)
	-Northbound Approach		B (14.6)	B (19.5)
	-Southbound Approach		B (14.3)	B (17.4)
2	<u>Center Road @ Rowland Springs Road</u>	Stop Controlled on NB and SB Approaches	A (8.0)	A (8.0)
	-Eastbound Left		A (8.2)	A (8.0)
	-Westbound Left		C (15.6)	C (16.2)
	-Northbound Approach		B (13.8)	B (13.9)
	-Southbound Approach			
3	<u>Center Road @ Autumn Canyon Path</u>	Stop Controlled on NB Approach	A (7.6)	A (7.6)
	-Westbound Left		B (10.6)	B (10.3)
	-Northbound Approach			
4	<u>Center Road @ Smiley Ingram Road</u>	Stop Controlled on SB Approach	A (7.7)	A (7.4)
	-Eastbound Left		A (9.7)	A (9.1)
	-Southbound Approach			

The results of existing traffic operations analysis indicate that the stop-controlled side street approaches at the unsignalized study intersections are operating at level of service “C” or better in both the AM and PM peak hours. The signalized study intersection (Center Road / Mockingbird Drive at US 41) is operating at an overall level of service “C” during the AM and PM peak hours.

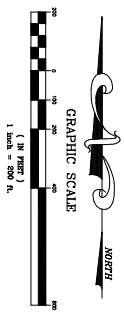
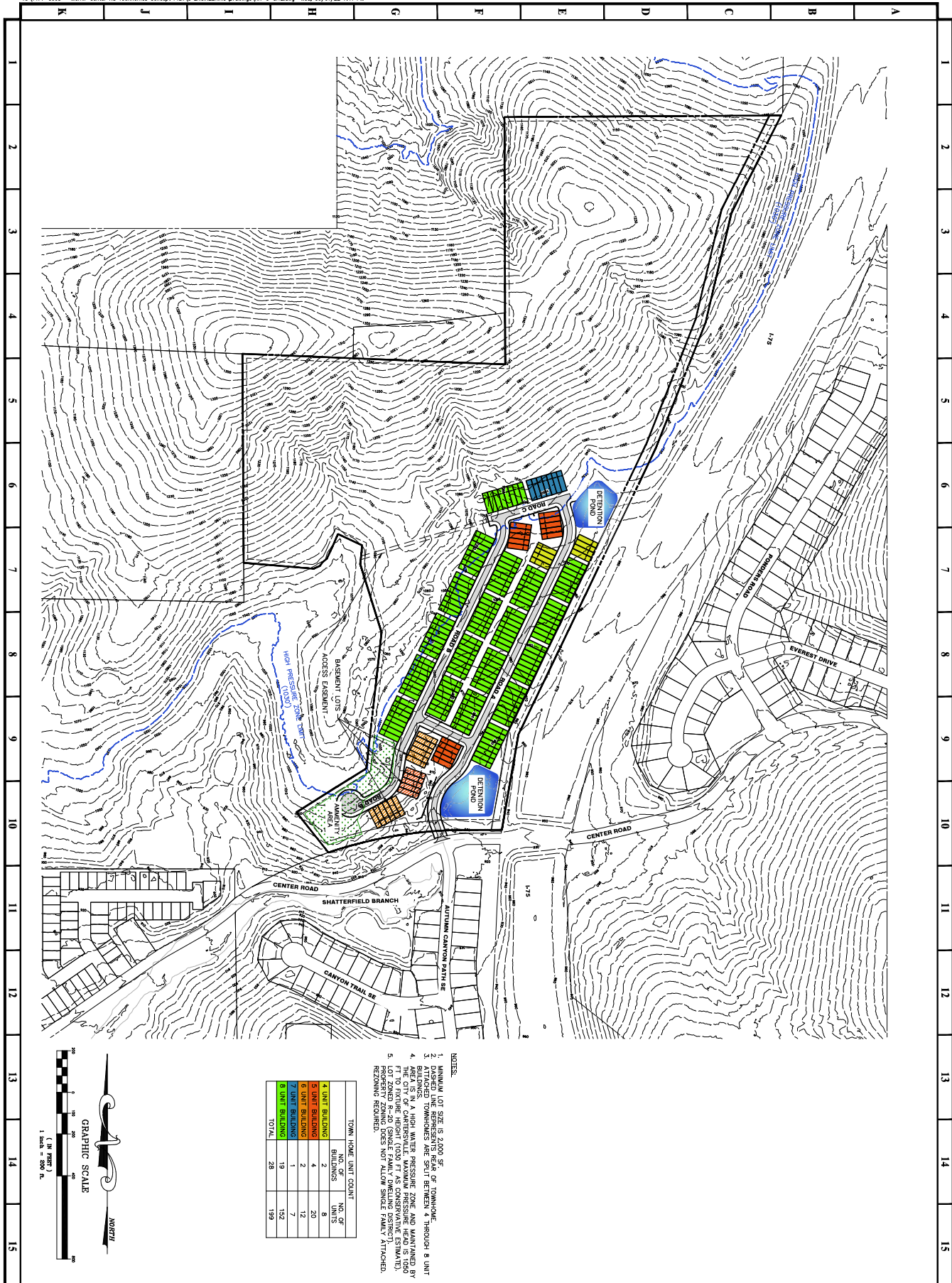
5.0 PROPOSED DEVELOPMENT

The proposed development will consist of 199 townhomes.



The development proposes one full access driveway on Center Road aligned with Autumn Canyon Path.

A site plan is shown in Figure 4.



TOWN HOME UNIT COUNT		
NO. OF BUILDINGS	NO. OF UNITS	
4 UNIT BUILDING	2	8
5 UNIT BUILDING	4	20
6 UNIT BUILDING	2	12
7 UNIT BUILDING	1	7
8 UNIT BUILDING	19	152
9 UNIT BUILDING	19	171
TOTAL	28	199

- NOTES:
1. MINIMUM LOT SIZE IS 2,000 SQ. FT.
 2. MINIMUM SETBACKS ARE 5 FEET.
 3. ATTACHED TOWNHOMES ARE SPILT BETWEEN 4 THROUGH 8 UNIT AREAS IN A HIGH WATER PRESSURE ZONE AND MAINTAINED BY THE CITY OF CARTERSVILLE. MAXIMUM PRESSURE HEAD IS 100 PSI.
 4. LOT ZONING R-20 (SINGLE FAMILY DWELING DISTRICT).
 5. RESIDENT ZONING DOES NOT ALLOW SINGLE FAMILY ATTACHED RESIDENTIAL DEVELOPMENT.

DRAWING DATE 06/01/2022	DRAWN BY ABL	DRAWING TITLE TOWNHOME CONCEPT #2	2021 PRIME ENGINEERING, INC. Scales, as stated hereon, are valid on the original drawing; the dimensions of which are 24 by 36 inches. These scales, listed hereon, are hereby changed by the ratio of the overall sheet dimensions of the print to corresponding dimensions of the original drawing. This drawing is the property of PRIME ENGINEERING, INCORPORATED and is not to be reproduced or copied in whole or in part. It is only to be used for the project and site specifically identified herein and is not to be used on any other project. It is to be returned upon request.	SEAL	PROJECT: PID C108-0001-001 CENTER RD & I-75 CARTERSVILLE, BARTOW, GA	PRIME ENGINEERING INCORPORATED <small>1715 NORTHSIDE PARKWAY NW BUILDING 330, SUITE 430 ATLANTA, GEORGIA 30337 404-442-5711, C.O.</small>
DRAWING SCALE 1" = 200'	DESIGNED BY JDP			DATE		
PROJECT NUMBER 1477-0004	CHECKED BY RRM	C-100				

5.1 Trip Generation

Trip generation estimates for the project were based on the rates and equations published in the 11th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the ITE Land Use 215 – *Single-Family Attached Housing*. The calculated total trip generation for the proposed development is shown in Table 4A.

Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-Way
ITE 215 – Single-Family Attached Housing	199 Units	24	74	98	68	47	115	1,466

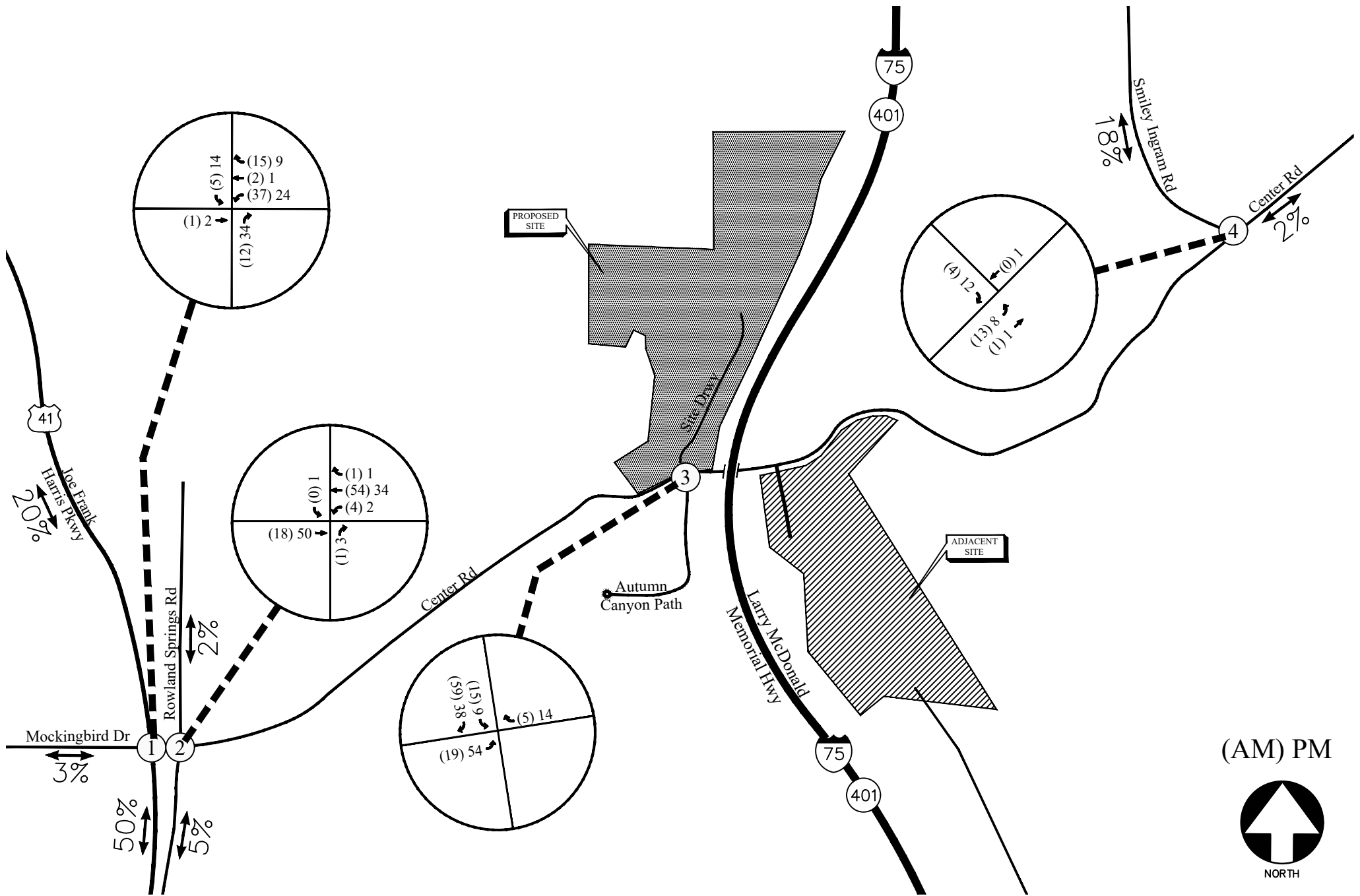
5.2 Trip Distribution

The trip distribution describes how traffic arrives and departs from the site. An overall trip distribution was developed for the site based on a review of the existing travel patterns in the area and the locations of major roadways and highways that will serve the development. The site-generated peak hour traffic volumes, shown in Table 4, were assigned to the study area intersections based on this distribution. The outer-leg distribution and AM and PM peak hour new traffic generated by the site are shown in Figure 5.

5.2.1 Nearby Planned Residential Development – Project #23-048

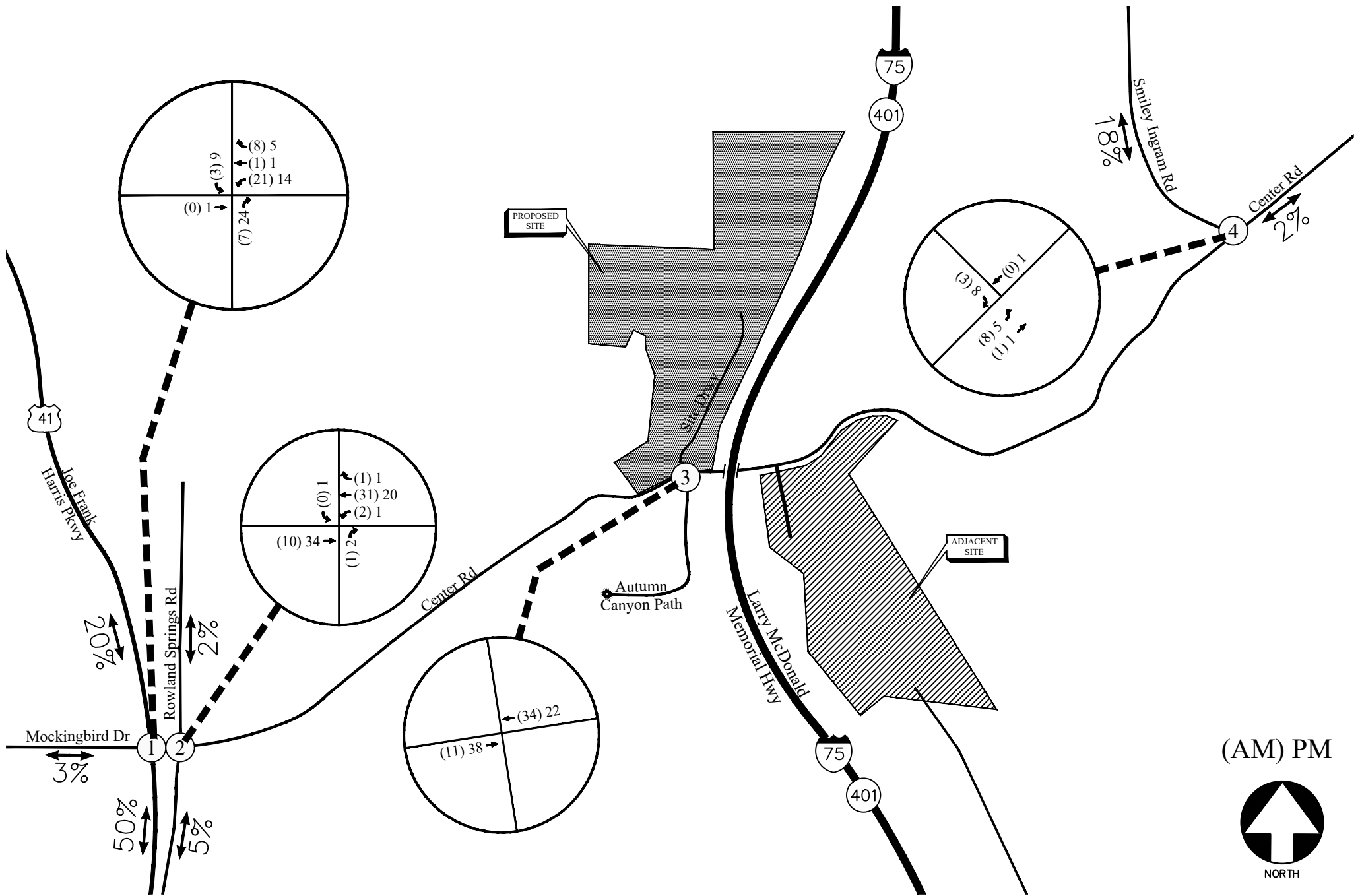
A separate nearby residential development is currently being planned to be built in the southeast corner of the crossing of I-75 and Center Road. The development will consist of two unconnected sections: The north section will consist of 73 single-family detached homes with a full access driveway on Center Road, while the southern section will consist of 168 townhome units and will have access by a driveway connection with Overlook Parkway to the south. Because this project is estimated to be completed by 2025, its impact on the study area was considered in both the “No-Build” and “Build” future conditions analyses. However, as the site-generated traffic from the southern section of the development will not affect operations at the study intersections for this project, only traffic from the northern section with access to Center Road was included in the future conditions analysis. These traffic volumes are shown in Figure 6, while the calculated total trip generation for the adjacent development is shown in Table 4B below.

Land Use	Size	AM Peak Hour			PM Peak Hour			24 Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-Way
ITE 210 – Single-Family Detached Housing	73 Units	14	42	56	47	27	74	755



TRIP DISTRIBUTION AND SITE-GENERATED WEEKDAY PEAK HOUR VOLUMES

FIGURE 5



(AM) PM



TRIP DISTRIBUTION AND SITE-GENERATED WEEKDAY PEAK HOUR VOLUMES (ADJACENT SITE)

FIGURE 6
A&R Engineering Inc.

6.0 FUTURE 2025 TRAFFIC ANALYSIS

The future 2025 traffic operations are analysed for the “Build” and “No-Build” conditions.

6.1 Future “No-Build” Conditions

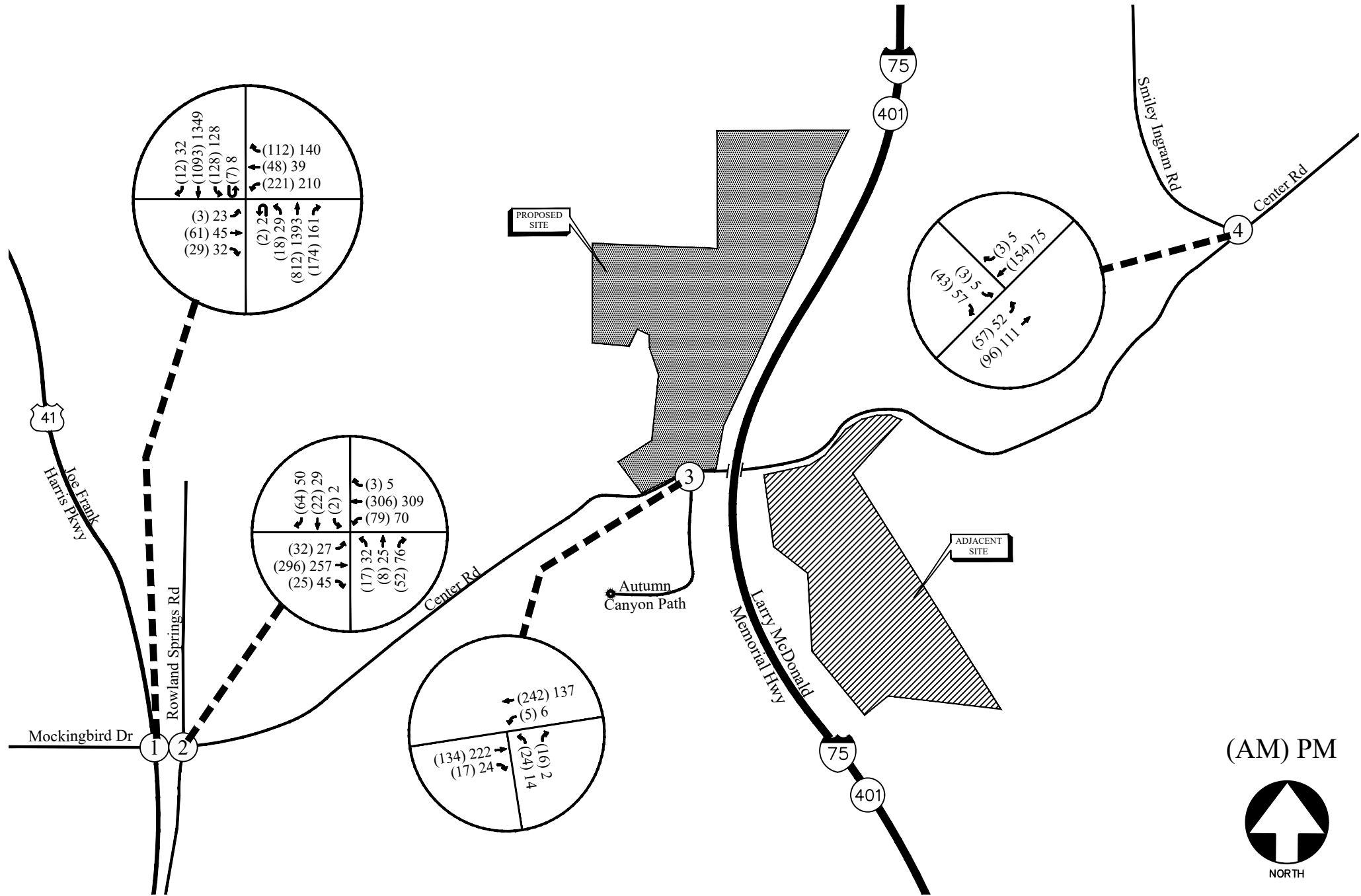
The “No-Build” (or background) conditions provide an assessment of how traffic will operate in the study horizon year without the study site being developed as proposed, with projected increases in through traffic volumes due to normal annual growth. The Future “No-Build” volumes consist of the existing traffic volumes (Figure 2) and adjacent site trips (Figure 6) plus increases for annual growth of through traffic.

6.1.1 Annual Traffic Growth

To evaluate future traffic operations in this area, a projection of normal traffic growth was applied to the existing volumes. The Georgia Department of Transportation recorded average daily traffic volumes at several locations in the vicinity of the site. Reviewing the growth over the last three years revealed growth of approximately 2% in the area. This growth factor was applied to the existing traffic volumes between collector and arterial roadways to estimate the future year traffic volumes prior to the addition of site-generated traffic. The resulting Future “No-Build” volumes on the roadway are shown in Figure 7.

6.2 Future “Build” Conditions

The “Build” or development conditions include the estimated background traffic from the “No-Build” conditions plus the added traffic from the proposed development. To evaluate future traffic operations in this area, the additional traffic volumes from the site (Figure 5) were added to base traffic volumes (Figure 7) to calculate the future traffic volumes after the construction of the development. These total future “Build” traffic volumes are shown in Figure 8.



FUTURE (NO-BUILD) WEEKDAY PEAK HOUR VOLUMES

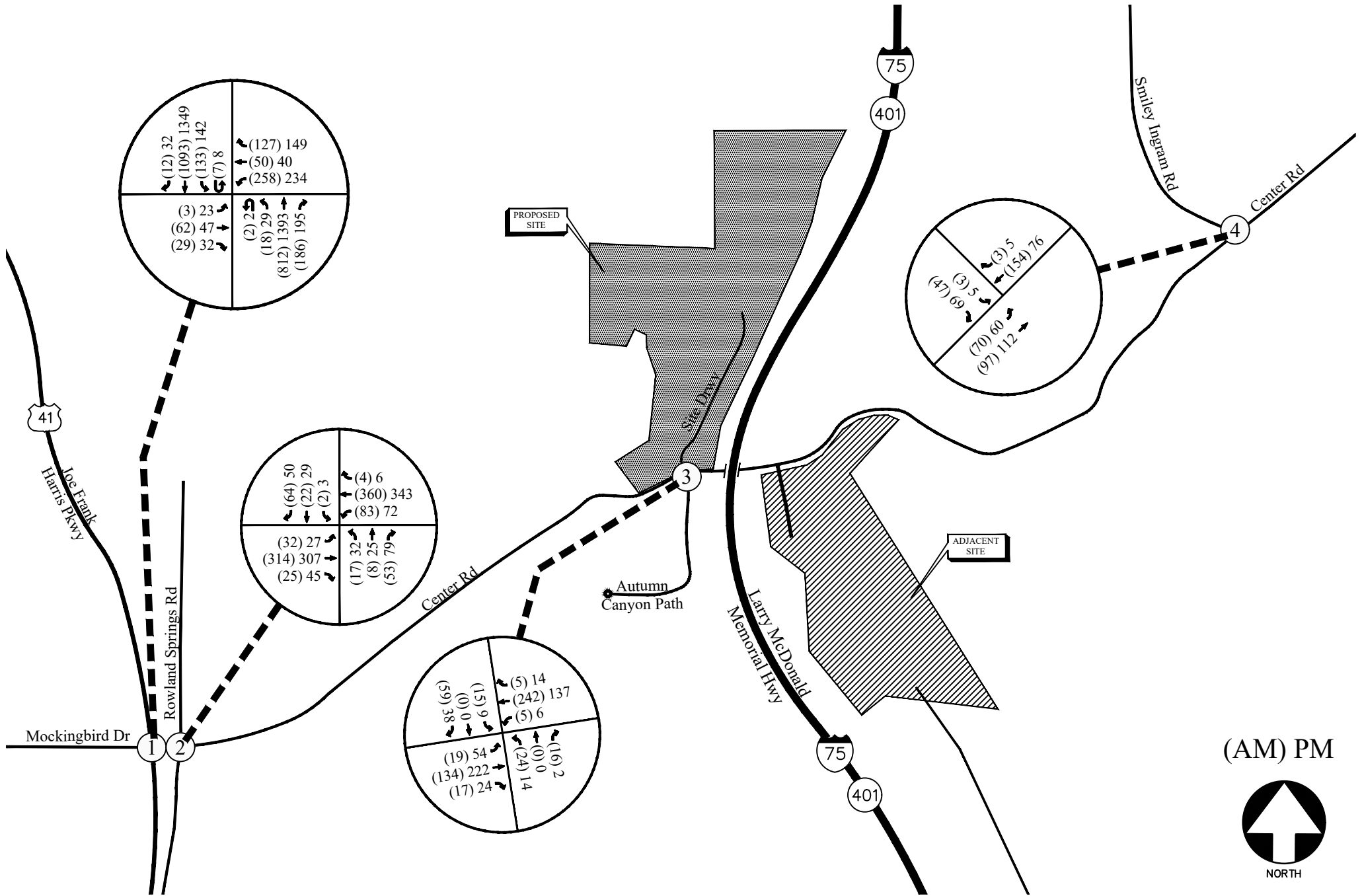
(AM) PM



FIGURE 7

A&R Engineering Inc.

(AM) PM



(AM) PM



FUTURE (BUILD) WEEKDAY PEAK HOUR VOLUMES

FIGURE 8

A&R Engineering Inc.

6.3 Auxiliary Lane Analysis

Included below are analyses for a left turn lane and a right turn lane at the site driveway per GDOT standards. The analyses below are based off the trip distribution included in Section 5.2. According to the trip distribution, the 24-hour two-way volume entering and exiting of the site is 1,466 vehicles.

6.3.1 Left Turn Lane Analysis

For two lane roadways with AADT's less than 6,000 vehicles and a posted speed limit of 35 mph, the daily site generated traffic left turn movements threshold to warrant a turn lane is 300 left-turning vehicles a day. The projected left turn volumes per day for the site driveway is included in Table 5.

TABLE 5 – GDOT REQUIREMENTS FOR LEFT TURN LANES					
Intersection	Left Turn Traffic (% total entering)	Left Turn Volume (vehicles/day)	Roadway Speed / # Lanes / ADT	GDOT Threshold (vehicles/day)	Warrants Met?
Center Road @ Site Driveway	80% Eastbound	586 (Total Trips) ÷ 2 × 0.8 = (1,466) ÷ 2 × 0.8 = 586	35 mph / 2-Lane / < 6,000	300	Yes

A left turn lane is warranted at the site driveway per GDOT standards.

6.3.2 Deceleration Turn Lane Analysis

For two lane roadways with AADT's less than 6,000 vehicles and a posted speed limit of 35 mph, the daily site generated traffic right turn movements threshold to warrant a deceleration lane is 200 right-turning vehicles a day. The projected right-turn volumes per day for the site driveway is included in Table 6.

TABLE 6 – GDOT REQUIREMENTS FOR DECELERATION LANES					
Intersection	Right Turn Traffic (% total entering)	Right Turn Volume (vehicles/day)	Roadway Speed / # Lanes / ADT	GDOT Threshold (vehicles/day)	Warrants Met?
Center Road @ Site Driveway	20% Westbound	147 (Total Trips) ÷ 2 × 0.2 = (1,466) ÷ 2 × 0.2 = 147	35 mph / 2-Lane / < 6,000	200	No

A right turn lane is not warranted at the site driveway per GDOT standards.







6.4 Future “Build” Traffic Operations

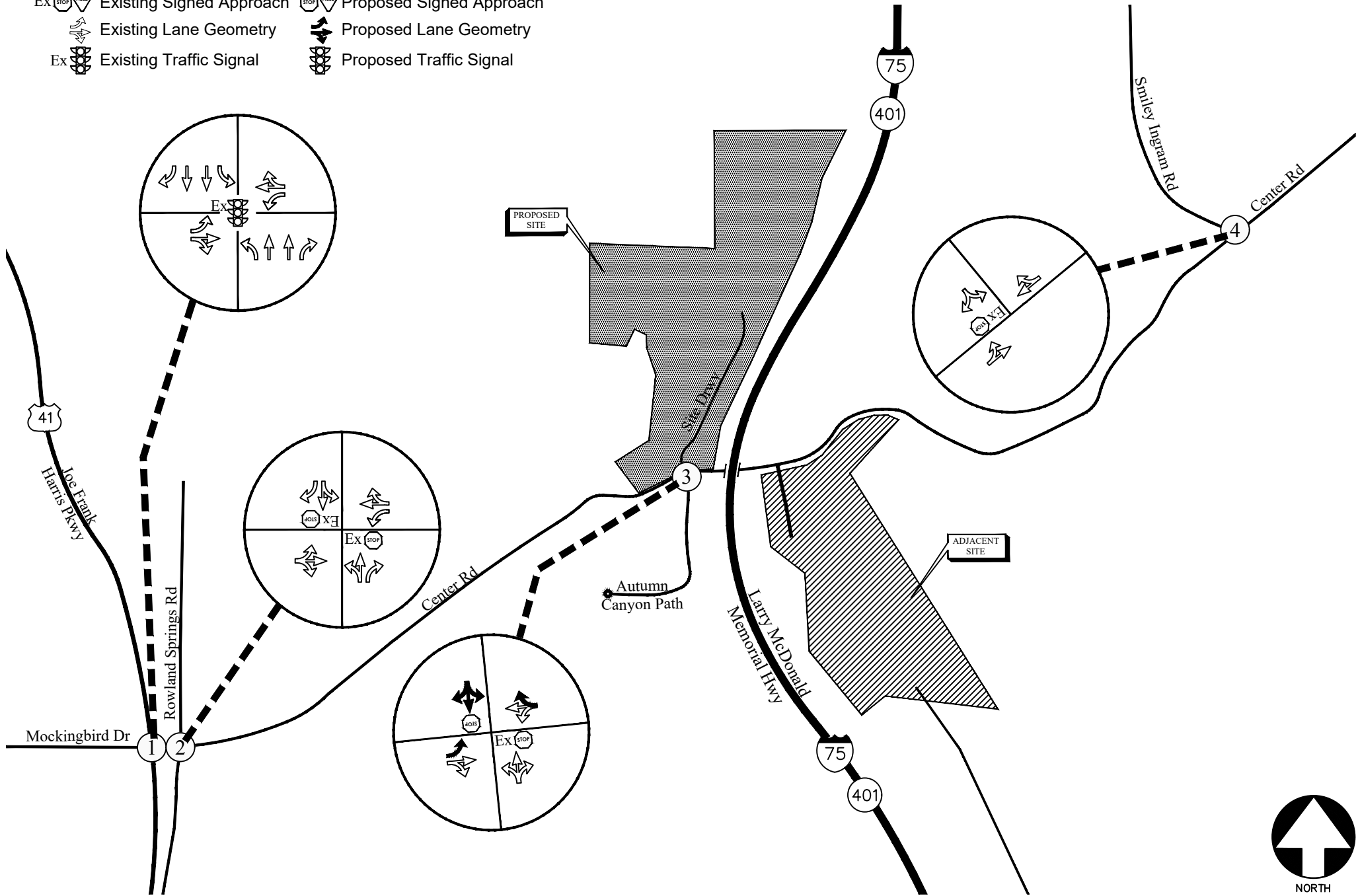
The future “No-Build” and “Build” traffic operations were analysed using the volumes in Figure 7 and Figure 8, respectively. Recommendations for future traffic control and lane geometry is shown in Figure 9. The results of the future traffic operations analysis are shown below in Table 7.

TABLE 7 – FUTURE INTERSECTION OPERATIONS					
Intersection		Future Condition: LOS (Delay)			
		NO-BUILD		BUILD-OUT (2025)	
		AM Peak	PM Peak	AM Peak	PM Peak
1	<u>Center Road @ US 41</u>	<u>C (21.3)</u>	<u>C (24.2)</u>	<u>C (23.1)</u>	<u>C (26.0)</u>
	-Eastbound Approach	E (62.0)	E (59.9)	E (62.0)	E (59.9)
	-Westbound Approach	D (50.0)	D (53.6)	D (51.7)	E (57.1)
	-Northbound Approach	B (15.9)	C (21.7)	B (17.4)	C (23.3)
	-Southbound Approach	B (15.6)	B (19.2)	B (16.9)	C (20.6)
2	<u>Center Road @ Rowland Springs Road</u>				
	-Eastbound Left	A (8.1)	A (8.1)	A (8.3)	A (8.2)
	-Westbound Left	A (8.3)	A (8.2)	A (8.4)	A (8.4)
	-Northbound Approach	C (17.4)	C (18.6)	C (19.5)	C (21.6)
	-Southbound Approach	B (15.0)	C (15.4)	C (16.5)	C (17.3)
3	<u>Center Road @ Autumn Canyon Path / Proposed Site Driveway</u>				
	-Eastbound Left	-	-	A (7.9)	A (7.6)
	-Westbound left	A (7.6)	A (7.8)	A (7.6)	A (7.8)
	-Northbound Approach	B (11.1)	B (10.9)	B (12.9)	B (13.3)
	-Southbound Approach	-	-	B (11.4)	B (10.1)
4	<u>Center Road @ Smiley Ingram Road</u>				
	-Eastbound Left	A (7.8)	A (7.5)	A (7.8)	A (7.5)
	-Southbound Approach	A (9.8)	A (9.1)	A (9.8)	A (9.2)

The results of the future traffic operations analysis indicate that the stop-controlled side street approaches at the unsignalized study intersections will continue to operate at a level of service “C” or better in both the AM and PM peak hours. The signalized study intersection (Center Road / Mockingbird Drive at US 41) will continue to operate at an overall level of service “C” during the AM and PM peak hours. Recommendations on traffic control and lane geometry are shown in Figure 8.

LEGEND

- Ex  Existing Signed Approach  Proposed Signed Approach
-  Existing Lane Geometry  Proposed Lane Geometry
- Ex  Existing Traffic Signal  Proposed Traffic Signal



FUTURE TRAFFIC CONTROL AND LANE GEOMETRY

FIGURE 16

A&R Engineering Inc.

7.0 CONCLUSIONS AND RECOMMENDATIONS

Traffic impacts were evaluated for the proposed residential development that will be located northwest of the crossing of Center Road and I-75 in the City of Cartersville, Georgia. The development will consist of 199 townhome units and proposes one full access driveway on Center Road aligned with Autumn Canyon Path.

Existing and future operations after completion of the project were analysed at the intersections of:

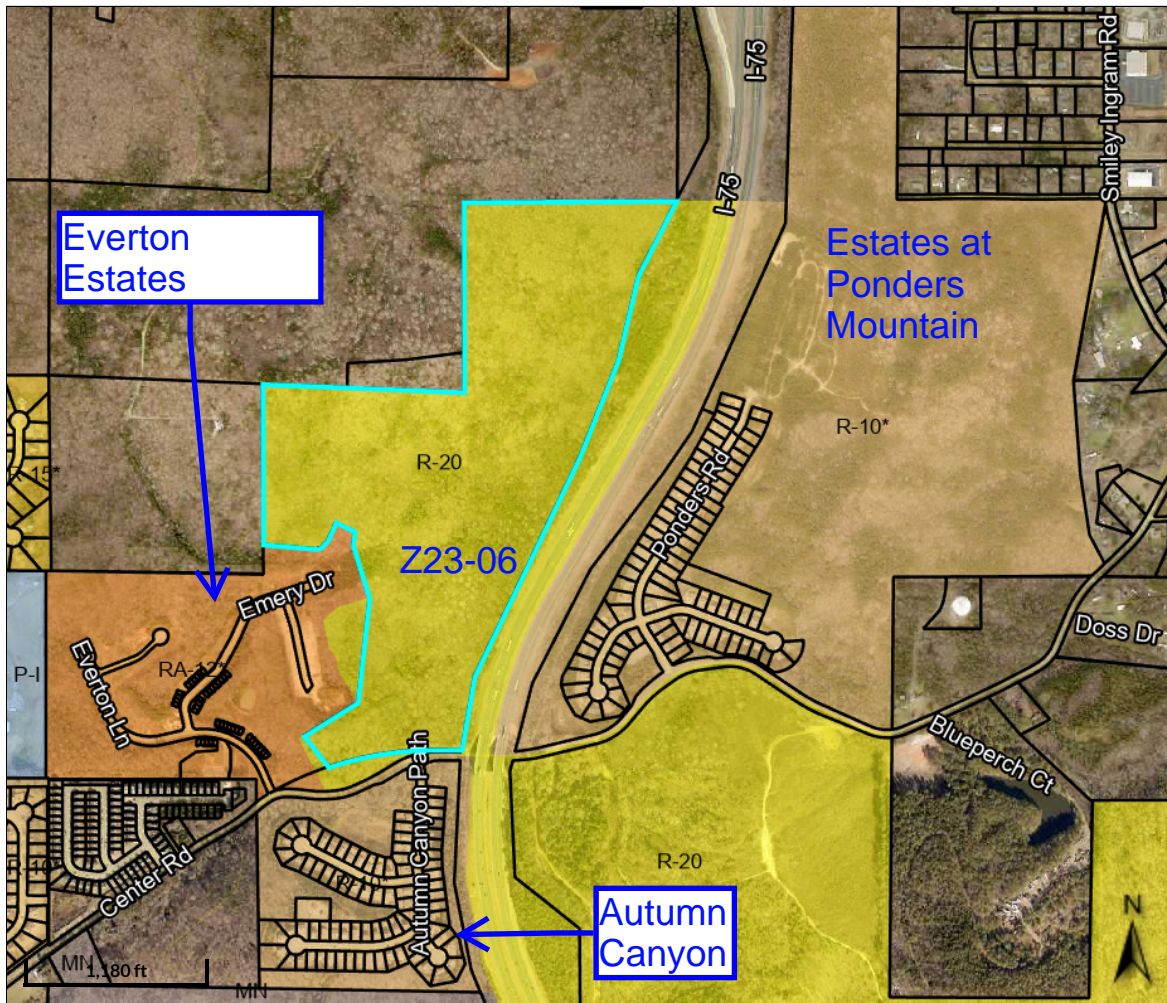
- Center Road at US 41 (Joe Frank Harris Parkway)
- Center Road at Rowland Springs Road
- Center Road at Autumn Canyon Path / Site Driveway
- Center Road at Smiley Ingram Road

The analysis included the evaluation of Future operations for “No-Build” and “Build” conditions, with the differences between “No-Build” and “Build” accounting for an increase in traffic due to the proposed development. The results of the future traffic operations analysis indicate that the stop-controlled side street approaches at the unsignalized study intersections will continue to operate at a level of service “C” or better in both the AM and PM peak hours. The signalized study intersection (Center Road / Mockingbird Drive at US 41) will continue to operate at an overall level of service “C” during the AM and PM peak hours. Based on the analysis, the proposed development will have minimal impact on traffic operations in the study network.

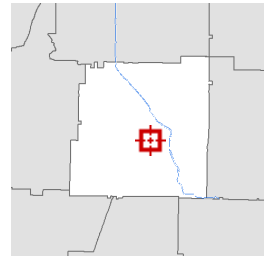
7.1 Recommendations for Site Access Configuration

The following configuration is recommended at the site driveway intersection:

- Site Driveway: Full access driveway on Center Road
 - One entering lane and one exiting lane
 - Stop-sign controlled on the driveway approach with Center Road remaining free flow
 - A left turn lane for entering traffic
 - Provide adequate sight distance per AASHTO standards



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*

Parcel ID C108-0001-001
 Sec/Twp/Rng n/a
 Property Address CENTER RD

Alternate ID 38131
 Class Agricultural
 Acreage 103.85

Owner Address WHM CHATTAHOOCHEE HILLS INVESTMENTS LLC
 8000 CAPPS FERRY
 DOUGLASVILLE, GA 30135

District
Brief Tax Description

Cartersville
LL245 D4 Etowah preserve Ph 2
(Note: Not to be used on legal documents)

Date created: 10/23/2023

Last Data Uploaded: 10/20/2023 9:03:28 PM

Developed by  **Schneider**
GEOSPATIAL

Application for Rezoning

City of Cartersville

Case Number: 223-06

Date Received: 9-22-23

Public Hearing Dates: 12/12/23

12/21/23


1/4/24, 7:00pm

Planning Commission 11/7/23
5:30pm


1st City Council 11/16/23
7:00pm

2nd City Council 12/7/23
~~7:00pm~~ 9am

Applicant Merrill Trust Office Phone 404.495.9577
 (printed name)
 Address 8000 Capps Ferry Rd. Mobile/ Other Phone _____
 City Douglasville State GA Zip 30135 Email whmerrill@merrilltrust.com
 Southland Engineering, INC. Phone (Rep) 770-387-0440
 Representative's printed name (if other than applicant) Email (Rep) karl@southlandengineers.com
 Representative Signature [Signature]
 Signed, sealed and delivered in presence of: [Signature] My Commission Expires: 8.22.2024
 Notary Public



* Titleholder WHM Chattahoochee Hills Investments, LLC Phone 404.495.9577
 (titleholder's printed name)
 Address 8000 Capps Ferry Douglasville, GA 30135 Email pearce@merrilltrust.com
 Signature [Signature]
 Signed, sealed, delivered in presence of: [Signature] My Commission Expires: 8.22.2024
 Notary Public



Present Zoning District RA-20 Requested Zoning RA-12
 Acreage 103.85 Land Lot(s) 115,173,174,187,188 District(s) 4th Section(s) 3rd
 Location of Property: Center Road Parcel ID No. C108-0001-001
 (street address, nearest intersections, etc.)
 Reason for Rezoning Request: To allow for a multifamily town home development.
 (attach additional statement as necessary)

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

CHRIS F. WEST, P.C.
ATTORNEY AT LAW
8000 Capps Ferry Road
Douglasville, Georgia 30135
PH: 404-495-9577

January 16, 2024

VIA EMAIL AND HAND DELIVERY TO:

David Hardegree
Planning & Development Director
10 N. Public Square
Cartersville, GA 30120
dhardegree@cityofcartersville.org

Re: Z23-06 - Merrill Trust Townhomes Center Rd Rezoning (the “Application”)
103.85 acres in the City of Cartersville (the “Property”)
WHM Chattahoochee Hills Investments, LLC (the “Owner”)

Dear Mr. Hardegree:

On behalf of WHM Chattahoochee Hills Investments, LLC, the Owner on the above-listed rezoning Application, this letter will preserve certain rights of the Applicant related to the Rezoning. Please add this letter to the file of the above referenced application and kindly distribute to Council Members in advance of the January 18, 2024 public meeting.

If the City of Cartersville City Council (the “City Council”) denies the Application in whole or in part, it would be unconstitutional in that it would unreasonably impair and destroy the Owner’s property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Denial of the Application would also be unconstitutional, illegal, null and void, constituting a taking of Owner’s property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, by denying the Owner an economically viable use of Owner’s land while not substantially advancing legitimate state interests.

Chris F. West
cwest@merrilltrust.com

January 16, 2024
Page 2

Denial of the Application would constitute an unreasonable and extreme hardship upon the Owner, without remotely advancing the public health, safety and welfare and would constitute an arbitrary and capricious act by the City Council without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Denial of the Application by the City Council would also violate the Owner's rights under the First Amendment to the Constitution of the United States and would unconstitutionally discriminate, in an arbitrary, capricious and unreasonable manner, between the Owner, and owners of other similarly situated properties in the City of Cartersville in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Finally, if the City Council limits its approval by attaching conditions to such approval affecting the Property or the use thereof without the Owner's consent, then such approval would deprive owner of any reasonable use and development of the Property would result in a taking of property rights without just compensation and would likewise violate the constitutional provisions cited above.

Best regards,



Chris F. West
Attorney at Law
for the Applicant-Owner

cc: W. Harrison Merrill, Sr. (via email: hmerrill@merrilltrust.com)
W. Harrison Merrill, Jr (via email: whmerrill@merrilltrust.com)
Mayor Matt Santini (via email: msantini@cartersvillega.gov)
City Attorney Keith Lovell (keithlovell11@gmail.com)

Chris F. West
cwest@merrilltrust.com

**CAMPAIGN DISCLOSURE REPORT
FOR ZONING 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: 9.19.2023

Date Two Years Prior to Application: 9.19.2021

Date Five Years Prior to Application: 9.19.2018

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	_____	<input checked="" type="checkbox"/>
Council Member:		
Ward 1- Kari Hodge	_____	<input checked="" type="checkbox"/>
Ward 2- Jayce Stepp	_____	<input checked="" type="checkbox"/>
Ward 3- Cary Roth	_____	<input checked="" type="checkbox"/>
Ward 4- Calvin Cooley	_____	<input checked="" type="checkbox"/>
Ward 5- Gary Fox	_____	<input checked="" type="checkbox"/>
Ward 6- Taff Wren	_____	<input checked="" type="checkbox"/>
Planning Commission		
Lamar Pendley, Chair	_____	<input checked="" type="checkbox"/>
Anissa Cooley	_____	<input checked="" type="checkbox"/>
Fritz Dent	_____	<input checked="" type="checkbox"/>
Greg Culverhouse	_____	<input checked="" type="checkbox"/>
Jeffery Ross	_____	<input checked="" type="checkbox"/>
Stephen Smith	_____	<input checked="" type="checkbox"/>
Travis Popham	_____	<input checked="" type="checkbox"/>

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.

N/A


 9.19.2023

 Signature Date

Harrison Merrill

 Print Name



City of Cartersville

W A T E R D E P A R T M E N T

September 21, 2023

Karl Lutjens, P.E.
114 Old Mill Road
Cartersville, GA 30120

RE: Water Availability Center Road Townhomes (220 residential units)
Parcel C108-0001-001

Mr. Lutjens,

This letter provides confirmation that water and sewer service is available for the referenced property at Center Road west of I-75. An existing 16-inch diameter water main along the frontage of the property on Center Road is available. An existing 18-inch diameter sewer main along Center Road across from the property is also available. The maximum water service elevation allowed for this area is 1050 feet MSL (top floor level).

The developer of the property will be responsible for all service capacity fees in effect at the time of service application. Additionally, the developer will be responsible for verifying elevations for gravity sewer service.

Fire protection flow rates for hydrants and fire suppression sprinkler systems are determined by the governing fire department. The Project Developer is responsible for coordinating with the fire department to determine fire flow requirements.

This determination is valid for a period of one year beginning on the date of this letter. You are encouraged to develop approved plans for this development within this one year time frame. Adequate capacity based on anticipated design flows from the development must be confirmed and approved at the time of plan submission. An extension of this availability approval may not be possible due to other developments in this area.

Sincerely,

Michael De Leon, P.E.
Water System Engineer – Cartersville Water Dept.



“Providing dependable service while preserving an exceptional quality of life.”

P.O. Box 1390 • 148 Walnut Grove Road • Cartersville, Georgia 30120
Telephone: 770-387-5653 • Fax: 770-606-2386 • www.cityofcartersville.org



G:\23000\23123 - CENTER ROAD TOWNHOMES - MERRILL\CIVIL DESIGN\CONCEPT 2.dwg 1/9/2024 4:10 PM

REVISED 1-9-24

SITE NOTES:
 TOTAL PROPERTY ACREAGE = 103.88 AC
 PROJECT AREA = 33.48 AC(SUBDIVIDED FROM 103.88 AC)
 CURRENT ZONING = R-20
 PROPOSED ZONING = RA-12

TOTAL NUMBER OF LOTS = 207
 TOTAL NUMBER OF BUILDING LOTS TOWNHOME = 199
 LOT DENSITY = 5.95 LOTS PER ACRE

MINIMUM LOT SIZE = 2,000 SF

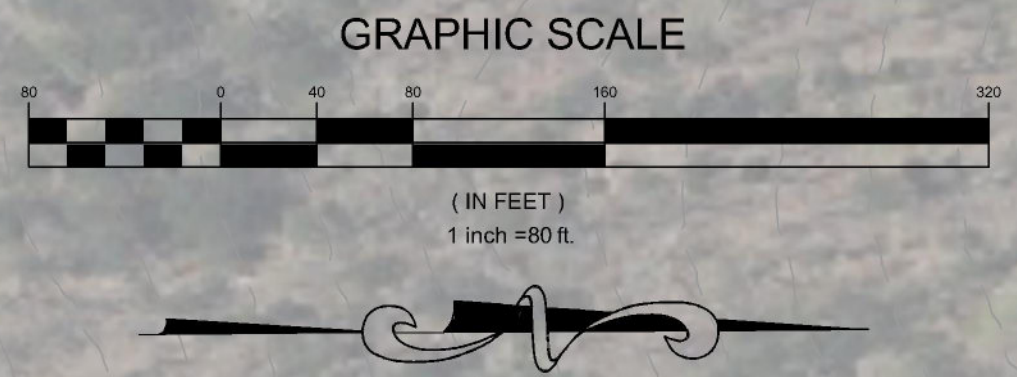
MINIMUM LOT WIDTH = 24 FEET

MINIMUM FRONT SETBACK = 10 FEET

MINIMUM SIDE SETBACK = 10 FEET(END OF ROW WHEN ADJ STREET)

MINIMUM REAR SETBACK = 20 FEET

DESIGN CONDITIONS
 TOWNHOMES ARE REQUESTED TO BE FRONT ENTRY



MASTER SITE
 REMAINING
 70.40

PROJECT NO.: 23123

DATE: 09/22/23

REVISIONS:	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		

SOUTHLAND ENGINEERING
 CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
 114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

MERRILL'S RIDGE TOWNHOMES
 CARTERSVILLE, GEORGIA



SHEET TITLE:
SITE PLAN

SHEET NO.:
C201

SITE NOTES:

TOTAL PROPERTY ACREAGE = 103.88 AC
PROJECT AREA = 33.48 AC(SUBDIVIDED FROM 103.88 AC)
CURRENT ZONING= R-20
PROPOSED ZONING = RA-12

TOTAL NUMBER OF LOTS = 207
TOTAL NUMBER OF BUILDING LOTS TOWNHOME = 199
LOT DENSITY = 5.95 LOTS PER ACRE

MINIMUM LOT SIZE = 2,000 SF

MINIMUM LOT WIDTH = 24 FEET

MINIMUM FRONT SETBACK = 10 FEET

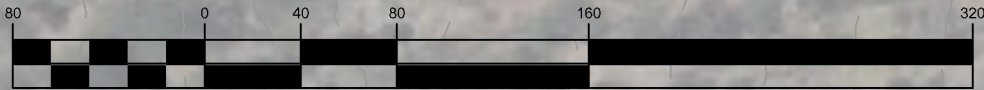
MINIMUM SIDE SETBACK = 10 FEET(END OF ROW WHEN ADJ STREET)

MINIMUM REAR SETBACK = 20 FEET

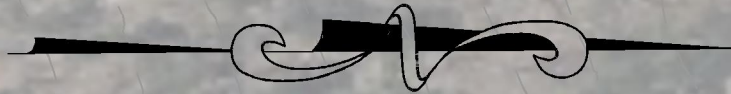
DESIGN CONDITIONS

TOWNHOMES ARE REQUESTED TO BE FRONT ENTRY

GRAPHIC SCALE



(IN FEET)
1 inch =80 ft.



REVISIED 1-9-24

PROJECT NO.:
23123

DATE:
09/22/23

REVISIONS:	
DATE	DESCRIPTION
1	
2	
3	
4	
5	
6	

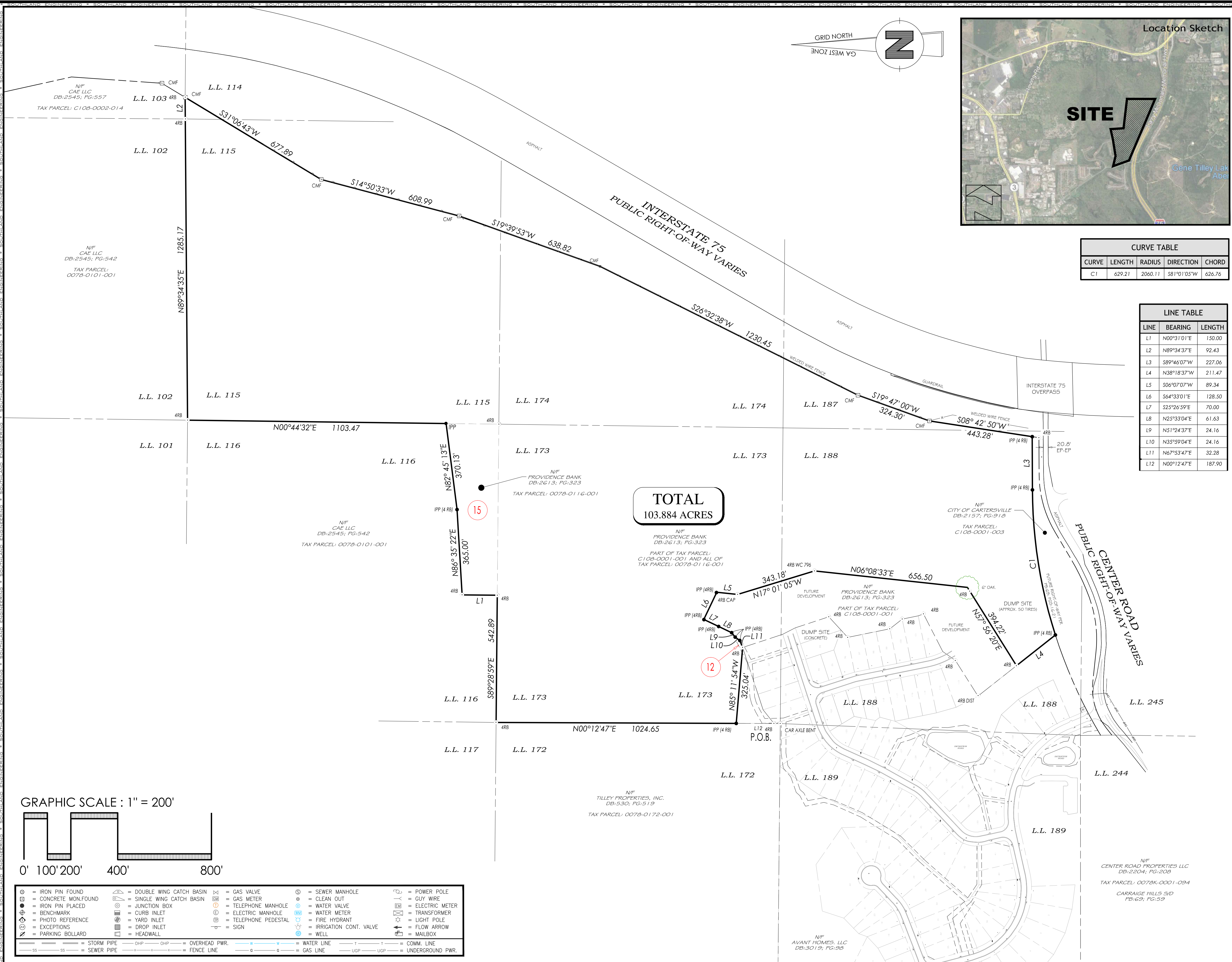
CS **SOUTHLAND**
ENGINEERING

CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS

114 OLD MILL ROAD., CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

REMAINING
70.40

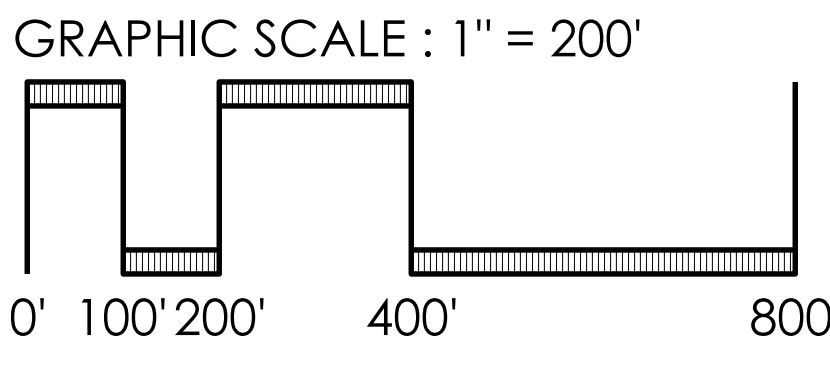
103.88 AC TOTAL
33.48 AC PROJECT



CURVE	LENGTH	RADIUS	DIRECTION	CHORD
C1	629.21	2060.11	S81°01'05"W	626.76

LINE	BEARING	LENGTH
L1	N00°31'01"E	150.00
L2	N89°34'37"E	92.43
L3	S89°46'07"W	227.06
L4	N38°18'37"W	211.47
L5	S06°07'07"W	89.34
L6	S64°33'01"E	128.50
L7	S25°26'59"W	70.00
L8	N25°33'04"E	61.63
L9	N51°24'37"E	24.16
L10	N35°59'04"E	24.16
L11	N67°53'47"E	32.28
L12	N00°12'47"E	187.90

TOTAL
103.884 ACRES



● IRON PIN FOUND	○ DOUBLE WING CATCH BASIN	○ GAS VALVE	○ SEWER MANHOLE	○ POWER POLE
○ CONCRETE MON.FOUND	○ SINGLE WING CATCH BASIN	○ GAS METER	○ CLEAN OUT	○ GUY WIRE
○ IRON PIN PLACED	○ JUNCTION BOX	○ TELEPHONE MANHOLE	○ WATER VALVE	○ ELECTRIC METER
○ BENCHMARK	○ CURB INLET	○ ELECTRIC MANHOLE	○ WATER METER	○ TRANSFORMER
○ PHOTO REFERENCE	○ YARD INLET	○ TELEPHONE PEDESTAL	○ FIRE HYDRANT	○ LIGHT POLE
○ EXCEPTIONS	○ DROP INLET	○ IRRIGATION CONT. VALVE	○ SIGN	○ FLOW ARROW
○ PARKING BOLLARD	○ HEADWALL	○ WELL	○ MAILBOX	
— STORM PIPE	— CHP	— OVERHEAD PWR.	— WATER LINE	— COMM. LINE
— SEWER PIPE	— FENCE LINE	— GAS LINE	— UGP	— UNDERGROUND PWR.

Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN LAND LOTS 114, 115, 116, 173, 174, 187, & 188 OF THE 4TH DISTRICT, 3RD SECTION IN BARTOW COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CAR AXLE (BENT) AT THE COMMON CORNER OF LAND LOTS 172, 173, 188, AND 189; THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 173 WITH A BEARING OF N 00°12'47" E A DISTANCE OF 187.90 FEET TO AN IRON PIN PLACED AND THE TRUE POINT OF BEGINNING;

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED; THENCE CONTINUING ALONG SAID LAND LOT LINE WITH A BEARING OF N 00°12'47" E A DISTANCE OF 1024.65 FEET TO AN IRON PIN FOUND (#4 REBAR) AT THE COMMON CORNER OF LAND LOTS 116, 117, 172, & 173; THENCE ALONG THE NORTHERN LAND LOT LINE OF LAND LOT 173 WITH A BEARING OF S 89°28'59" E A DISTANCE OF 542.89 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE LEAVING SAID LAND LOT LINE WITH A BEARING OF N 00°31'01" E A DISTANCE OF 150.00 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE WITH A BEARING OF N 86°35'22" E A DISTANCE OF 365.00 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF N 82°45'13" E A DISTANCE OF 370.13 FEET TO AN IRON PIN PLACED (#4 REBAR) ALONG THE WESTERN LAND LOT LINE OF LAND LOT 115;

THENCE ALONG THE WESTERN LAND LOT LINE OF LAND LOT 115 WITH A BEARING OF N 00°44'32" E A DISTANCE OF 1103.47 FEET TO AN IRON PIN FOUND (#4 REBAR) AT THE COMMON CORNER OF LAND LOTS 101, 102, 115, & 116;

THENCE ALONG THE NORTHERN LAND LOT LINE OF LAND LOT 115 WITH A BEARING OF N 89°34'35" E A DISTANCE OF 1285.17 FEET TO AN IRON PIN FOUND (#4 REBAR) AT THE COMMON CORNER OF LAND LOTS 102, 103, 114, & 115;

THENCE ALONG THE NORTHERN LAND LOT LINE OF LAND LOT 114 WITH A BEARING OF N 89°34'37" E A DISTANCE OF 92.43 FEET TO A CONCRETE MONUMENT FOUND;

THENCE LEAVING SAID LAND LOT LINE WITH A BEARING OF S 31°06'43" W A DISTANCE OF 677.89 FEET TO AN IRON PIN FOUND (#4 REBAR) CONCRETE MONUMENT FOUND;

THENCE WITH A BEARING OF S 14°50'33" W A DISTANCE OF 608.99 FEET TO A CONCRETE MONUMENT FOUND;

THENCE WITH A BEARING OF S 19°39'53" W A DISTANCE OF 638.82 FEET TO A CONCRETE MONUMENT FOUND;

THENCE WITH A BEARING OF S 26°32'38" W A DISTANCE OF 1230.45 FEET TO A CONCRETE MONUMENT FOUND;

THENCE WITH A BEARING OF S 19°47'00" W A DISTANCE OF 324.30 FEET TO A CONCRETE MONUMENT FOUND;

THENCE WITH A BEARING OF S 08°42'50" W A DISTANCE OF 443.28 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE WITH A BEARING OF S 09°46'07" W A DISTANCE OF 227.06 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE IN A WESTERLY DIRECTION WITH CURVE TURNING TO THE LEFT WITH A RADIUS OF 2060.11 FEET, HAVING A CHORD BEARING OF S 81°01'05" W A CHORD DISTANCE OF 626.76 AND AN ARC LENGTH OF 629.21 TO AN IRON PIN PLACED;

THENCE WITH A BEARING OF N 38°18'37" W A DISTANCE OF 211.47 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE WITH A BEARING OF N 57°56'20" E A DISTANCE OF 394.22 FEET TO AN IRON PIN FOUND (#4 REBAR);

THENCE WITH A BEARING OF N 06°08'33" E A DISTANCE OF 656.50 FEET TO AN IRON PIN FOUND (#4 REBAR - CAP NUMBER 796);

THENCE WITH A BEARING OF N 17°01'05" W A DISTANCE OF 343.18 FEET TO AN IRON PIN FOUND (#4 REBAR WITH CAP);

THENCE WITH A BEARING OF N 06°07'17" E A DISTANCE OF 89.34 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF N 25°33'04" W A DISTANCE OF 61.63 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF S 51°24'37" W A DISTANCE OF 24.16 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF N 35°59'04" E A DISTANCE OF 24.16 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF S 67°53'47" W A DISTANCE OF 32.28 FEET TO AN IRON PIN PLACED (#4 REBAR);

THENCE WITH A BEARING OF N 85°11'54" W A DISTANCE OF 325.04 FEET TO AN IRON PIN PLACED ALONG THE WESTERN LAND LOT LINE OF LAND LOT 173 AND THE TRUE POINT OF BEGINNING; SAID TRACT OR PARCEL OF LAND CONTAINING 103.884 ACRES MORE OR LESS, AS SHOWN AS ON SURVEY PREPARED BY SOUTHLAND ENGINEERING, INC., DATED MARCH 14, 2019.

Commitment no: RCTC190031
Effective Date: December 30, 2018 at 8:00 am

1.1. HIGHWAY CONDEMNATION CONTAINED IN THAT CERTAIN MINUTE BOOK STYLED DEPARTMENT OF TRANSPORTATION VS. RICHARD LURIE, ET AL., DATED MAY 23, 1974 AND RECORDED IN MINUTE BOOK 3V, PAGE 1234, RECORDS OF THE SUPERIOR COURT OF BARTOW COUNTY, GEORGIA.
(SUBJECT PROPERTY NOT AFFECTED.)

1.2. DEED OF DEDICATION BETWEEN ETOWAH PRESERVE, LLC AND CITY OF CARTERSVILLE, A MUNICIPAL CORPORATION OF THE STATE OF GEORGIA, DATED JULY 3, 2006, FILED JULY 18, 2006 AND RECORDED IN DEED BOOK 2308, PAGE 73, AFORESAID RECORDS.
(AFFECTS AS SHOWN. DRAINAGE EASEMENT TERMINATES ALONG SOUTHWESTERN PORTION OF SUBJECT PROPERTY.)

1.3. RESERVATION OF AN EASEMENT FOR ACCESS AND UTILITIES AS CONTAINED IN THAT CERTAIN LIMITED WARRANTY DEED BY AND BETWEEN PROVIDENCE BANK AND AVANT HOMES, LLC, A GEORGIA LIMITED LIABILITY COMPANY, DATED JULY 6, 2018, FILED JULY 12, 2018 AND RECORDED IN DEED BOOK 3019, PAGE 98, AFORESAID RECORDS.
(SUBJECT PROPERTY NOT AFFECTED.)

1.4. ALL MATTERS AFFECTING SUBJECT PROPERTY AS SHOWN ON PLAT RECORDED IN PLAT BOOK 58, PAGE 1, AFORESAID RECORDS.
(DOES NOT AFFECT SUBJECT PROPERTY.)

1.5. ALL MATTERS AFFECTING SUBJECT PROPERTY AS SHOWN ON PLAT RECORDED IN PLAT BOOK 64, PAGE 90, AFORESAID RECORDS.
(THE 3.04 ACRE PROPERTY DEPICTED IN THE PLAT IS LOCATED WITHIN THE SURVEYED LAND. SUBJECT PROPERTY NOT ENCUMBERED BY THIS PLAT.)

Surveyor's Certification

I, KEVIN N. COONEY, A REGISTERED LAND SURVEYOR IN THE STATE OF GEORGIA OF THE FIRM OF SOUTHLAND ENGINEERING, INC., CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA 30120 (PHONE - (770) 387-0440), HEREBY CERTIFY TO ETOWAH VENTURE PARTNERS II, LLC - A GEORGIA LIMITED LIABILITY COMPANY, ITS SUCCESSORS AND ASSIGNS, SERVICES FIRST BANK, ITS SUCCESSORS AND/OR ASSIGNS AS THEIR INTERESTS MAY APPEAR, REPUBLIC COMMERCIAL TITLE COMPANY, LLC, & CHICAGO TITLE INSURANCE COMPANY THAT THE PREMISES SHOWN HEREON IS A TRUE AND CORRECT PLAT OF THE PROPERTY DESCRIBED HEREON; THAT THE BUILDINGS THEREON ARE LOCATED WITH RESPECT TO PROPERTY BOUNDARIES AS SHOWN; THE SURVEY WAS PREPARED TO INCLUDE 2016 ALTA TABLE ITEMS 1, 2, 3, 4, 6(A), 7(A), 7(B)(1), 7(C), 9, 9(A), 11, 13, 14, 16, 17, 18, 19, AND 20. I FURTHER CERTIFY THAT I HAVE CONSULTED THE FEDERAL INSURANCE ADMINISTRATION FLOOD HAZARD BOUNDARY MAPS AS ARE CURRENTLY AVAILABLE AND HAVE FOUND THAT THE SUBJECT PROPERTY DOES NOT LIE IN A SPECIAL FLOOD HAZARD AREA.

WITNESS MY HAND THIS 25th DAY OF March, 2019.

KEVIN N. COONEY
GA REG. NO. 2880

General Notes

- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1" IN 23,600 FEET, AND AN ANGULAR ERROR OF 03" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
- THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 160,000 FEET.
- EQUIPMENT USED: TOPCON 2003W, TOTAL STATION, WITH DATA COLLECTOR AND TOPCON NETWORK RTK GPS.
- RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR CENTERLINES OF PATHS OF TRAVEL.
- THE SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS.
- DISTANCES SHOWN ON THIS PLAT ARE GROUND DISTANCES.
- UTILITIES SHOWN ON THIS SURVEY ARE BASED UPON ABOVE GROUND OBSERVATIONS. ACTUAL LOCATIONS OF UNDERGROUND UTILITIES MAY VARY AND UTILITIES NOT SHOWN ON THIS SHEET MAY EXIST ON THIS SITE.
- EXCEPT AS SHOWN, THERE WAS NO OBSERVED EVIDENCE OF SITE USE AS A SOLID WASTE DUMP, SUMP, OR SANITARY LAND FILL.
- THE SURVEYED LAND IS WHOLLY CONTAINED WITHIN THE LAND DESCRIBED IN THOSE CERTAIN WARRANTY DEEDS, DEED UNDER POWER OF SALE FROM ETOWAH PRESERVE, LLC, AS GRANTEE, TO PROVIDENCE BANK, AS GRANTEE, DATED AND RECORDED MAY 7, 2013, RECORDED IN DEED BOOK 2613, PAGE 323, BARTOW COUNTY, GEORGIA RECORDS.
- THE SURVEYED LAND IS A LAWFULLY CREATED PARCEL AND HAS BEEN SUBDIVIDED IN ACCORDANCE WITH ALL APPLICABLE LAWS, STATUTES, ORDINANCES, AND REGULATIONS INCLUDING WITHOUT LIMITATION APPLICABLE SUBDIVISION ORDINANCES.
- THIS SURVEY (RCTC 190031) IS ADJACENT, CONTIGUOUS TO THE NORTHERN BOUNDARY OF LAND OWNED BY THE CITY OF CARTERSVILLE (THE "CITY LAND"), WHICH CITY LAND IS ALSO ADJACENT, CONTIGUOUS TO THE NORTHERN BOUNDARY OF CENTER ROAD, AND WHICH CITY LAND IS PROPOSED TO BE USED FOR THE EXPANSION OF CENTER ROAD.
- "TAX PARCEL C108-0001-003 (FUTURE RIGHT-OF-WAY) IS CONTIGUOUS TO THE SURVEYED LAND."
- THE SURVEYED LAND IS WHOLLY CONTAINED WITHIN THE FOLLOWING TAX UNIT, TO WIT: C-108-0001-001 AND 0078-116-001, AND OTHER LAND IS CONTAINED WITHIN TAX UNIT C108-0001-001.

Utility Notes

WITH REGARD TO TABLE A, ITEM 11, SOURCE INFORMATION FROM PLANS AND MARKINGS WERE COMBINED WITH OBSERVED EVIDENCE OF UTILITIES TO DEVELOP A VIEW OF UNDERGROUND UTILITIES. HOWEVER, LACKING EXCAVATION, THE EXACT LOCATION OF UNDERGROUND FEATURES CANNOT BE ACCURATELY, COMPLETELY AND RELIABLY DEPICTED. WHERE ADDITIONAL OR MORE DETAILED INFORMATION IS REQUIRED, THE CLIENT IS ADVISED THAT EXCAVATION MAY BE NECESSARY.

SOUTHLAND ENGINEERING
CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

DATE: MARCH 14, 2019 REV: MARCH 25, 2019 JOB NO: 19028
DATE OF FIELDWORK: MARCH 11, 2019 DR: LGB CH: KNC APP: KNC

ALTA/NSPS LAND TITLE SURVEY FOR:

ETOWAH VENTURE PARTNERS II, LLC
a Georgia limited liability company

SERVIS FIRST BANK
its successors and/or assigns as their interests may appear

REPUBLIC COMMERCIAL TITLE CO., LLC, & CHICAGO TITLE INS. CO.

LOCATED IN LAND LOT(S) 173, 188, 189, AND 245, OF THE 4th DISTRICT, 3rd SECTION,
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA

Flood Statement

THE F.I.R.M. (FLOOD INSURANCE RATE MAP) SHOWS THE REFERENCED PARCEL TO BE IN ZONE X AND IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS, ACCORDING TO MAP NO. T3015 C 0259 H, DATED: OCTOBER 5, 2018.





Images taken 10-20-23





Image taken 11-28-23. Public Notice #2

