

## **MINUTES OF THE CARTERSVILLE PLANNING COMMISSION**

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, December 10, 2024, at 5:30 p.m. in the City Hall Council Chambers.

### **CALL TO ORDER: 5:30 PM**

Chairman Lamar Pendley stated to the audience that the Planning Commission is a recommending body only and that for all cases heard, recommendations would be forwarded to the City Council for consideration. Furthermore, the cases would be heard before the Council December 19, 2024 at 7:00PM and January 2, 2025 at 7:00PM, at the City Council Meeting.

### **ROLL CALL**

Present: Lamar Pendley, Fritz Dent, Jay Milam, Annisa Cooley and Matt Womack.  
Absent: John Clayton and Greg Culverhouse  
Staff Members: David Hardegree, Randy Mannino, Julia Drake, Zack Arnold

Keith Lovell, City Attorney, stated that since there were several people in attendance that wanted to speak regarding the application, the process would allow the applicant ten (10) minutes to present their application. Then each person wishing to speak would be given five (5) minutes. At the conclusion of everyone speaking, the applicant would be allowed to make comments concerning the public's concerns.

### **APPROVAL OF MINUTES**

#### **1. November 12, 2024, Meeting Minutes**

Board Member Milam made a motion to approve the minutes. Board Member Womack seconded the motion. Motion carried. Vote: 4-0

### **TEXT AMENDMENT**

#### **2. Z24-08 (REV). Center Road Parcel ID (C108-0002-003) Applicant: Starlight Homes Georgia, LLC – TABLED**

Board Member Womack made a motion to remove Z24-08 from the table. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

David Hardegree, City Planner, stated the applicant requests a change in zoning of on 78.8 acres from R-20 (Residential) to P-D (Planned Development) for the construction of (70) Single family detached homes and (113) townhomes. Continuing, he reviewed staff and public comments. Continuing, Mr. Hardegree stated there were four (4) items that the Board wanted addressed which solutions have been proposed to address these concerns and were reflected in the revised application.

1. Parking Concerns
2. Wider Garages
3. Front Yard Setbacks
4. Cap on Rental Units

The proposed solutions included a statement in the covenants for the Homeowners Association to enforce which include ‘no on-street parking shall be permitted’ and ‘Notwithstanding any provision herein to the contrary, in no event shall a Person own more than five (5) Units in Open Leasing Status.’

Chairman Pendley opened the public hearing.

Bryan Muddiman with Starlight Homes came forward to give an overview of who Starlight Homes is and addressed the previous concerns. Additionally, he stated that no more than 10% of the total number of homes in each subdivision would be able to be rented.

Board Member Womack confirmed that the covenants would be specified for each project separately to which Mr. Muddiman stated they would be specified for both entities.

Kathy Gunter, 42 Autumn Canyon Path, came forward and stated that she had concerns with the traffic study that was performed in 2023. Since that traffic study was provided, Everton Estates and Satterfield subdivisions had been added. Additionally, her concern included the enforcement of the no on-street parking since the streets are public.

Bridgette Neale, 18 Chance Cir., came forward in opposition of the application due to the traffic study not being current and the lack of green space.

Mr. Muddiman stated that the townhome community would have private streets and street parking could be enforced. Additionally, the HOA is managed by Starlight Homes and they could enforce the covenants for both developments. In regards to the green space, of the 79 acre parcel, 58 acres will remain green space.

With no one else to come forward to speak for or against Z24-08, the public hearing was closed.

Discussion commenced with the Board Members.

Board Member Womack made a motion to deny Z24-08. Board Member Milam seconded the motion. Motion carried unanimously. Vote: 4-0

## **ANNEXATION AND ZONINGS**

### **3. AZ24-05 Hwy 113 East of Fiber Rd**

**Applicant: Rushock Properties, LLC**

Mr. Hardegree stated the applicant requests the annexation and zoning of two (2) tracts totaling 2.70 acres (+/-) located along Hwy 113 east of Fiber Drive and identified as Tax Parcels 0055-0855-002 and 0055-0855-003. The properties are owned by Rushock Properties LLC and are currently undeveloped. The properties were purchased to allow expansion of the Heatco property at 50 Curtis Ct. The existing zoning is County A-1 (Agriculture). L-I, Light Industrial, zoning is requested for the tracts to allow an office/warehouse development under downgraded zoning from the existing 5.44 acre Heatco tract to the west zoned H-I.

Also, associated zoning application, Z24-09, is being reviewed for a change in zoning of lot C056-0856-004 from R-20 to L-I for the Heatco expansion.

Chairman Pendley opened the public hearing for the zoning portion of AZ24-05.

Phillip Hankinson, 50 Heatco Ct., came forward to provide an overview of their plans and stated that all his comments would go for both the annexation and zoning portion of the case.

Charles Waits, 1418 Hwy 113 SW, came forward to state he was opposed to the project due to the amount of water that comes onto his property from the adjacent lots and the added noise. Mr. Waits provided photos to show the water that flooded his property.

Mr. Lovell stated that a hydrology study would be required for the new addition and if additional assistance was needed, Mr. Waits should contact Steven Foy with Public Works.

Shane Siniard, 62 Lake Haven Dr., came forward and stated that he owns the townhomes development that backs up to the lot that the addition is being proposed and stated he would like for the applicants to provide a fence or barrier to protect the townhome residents.

Mr. Hankinson returned to the podium to state that Mr. Waits had brought his concerns about the water flow to the City of Cartersville and the City of Cartersville has approached Heatco with the concerns. The existing retention pond has been inspected and deemed to be working efficiently. In closing, he stated that his company would be mindful of the impact their addition would have on surrounding neighbors and have no objections to adding a fence between the townhomes and the addition.

The public hearing was closed for the zoning portion of the application.

The public hearing was opened for the annexation portion of the application.

Other than the previous comments made, no other comments were added. Therefore, the public hearing was closed for the annexation portion of the application.

Board Member Womack made a motion to approve the annexation portion of the application. Board Member Milam seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Womack made a motion to approve the zoning portion of the application with the condition that the applicant will work with surrounding property owners. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 4-0

#### **4. Z24-09: 1410 Hwy 113 (East of Fiber Dr.)                      Applicant: Rushock Properties, LLC.**

Mr. Hardegree stated this application is associated with the previous application and was to be reviewed for a change in zoning of lot C056-0856-004 from R-20 to L-I to aid in the Heatco expansion.

Chairman Pendley opened the public hearing.

Mr. Lovell stated that all comments from AZ24-09 were to be reflected.

With no one else to come forward to speak for or against the application, the public hearing was closed.

Board Member Womack made a motion to approve Z24-09 with the same conditions as the previous case. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 4-0

**5. AZ24-06: 35 Indian Trail SE.**

**Applicant: Savior of All Lutheran Church**

Mr. Hardegree stated the applicant requests the annexation and zoning of one (1) tract totaling 6.71 acres (+/-) located at 35 Indian Trail SE and identified as Tax Parcel 0073A-0001-017. If approved, the annexation will make an unincorporated “donut hole” smaller and help with emergency services logistics.

The property is owned by Savior of All Lutheran Church and is currently developed. The existing zoning is A-1 (Agricultural) and the proposed zoning is R-20 (Residential) that is compatible with the surrounding properties.

Also, associated special use permit application, SU24-04, is being reviewed because all new Religious Institutions require a Special Use Permit.

It should also be noted that the church should receive a discounted utility rate for city utilities if the annexation is approved. Also, the property is in the Bartow County local floodplain.

Chairman Pendley opened the public hearing for the zoning portion of the application.

Jane Milich came forward to reiterate the purpose for wanting to annex into the city.

With no one else to come forward to speak for or against the application, the public hearing was closed for the zoning portion.

Chairman Pendley opened the public hearing for the annexation portion of the application.

Other than incorporating the comments from the zoning portion, no further comments were made. Therefore, the public hearing was closed for the annexation portion.

Board Member Womack made a motion to approve the annexation portion of AZ24-06. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 4-0

Board Member Milam made a motion to approve the zoning portion of the application as Agricultural. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 4-0

**6. SU24-04: 35 Indian Trail SE**

**Applicant: Savior of All Lutheran Church**

Mr. Hardegree gave an overview of the application stating this is associated with the previous application. A Special Use Permit is required for all religious institutions.

Chairman Pendley opened the public hearing and with no further comments, the public hearing was closed.

Board Member Womack made a motion to approve SU24-04. Board Member Cooley seconded the motion. Motion carried unanimously. Vote: 4-0

**7. T24-05: Hookah in M-U**

**Applicant: Jai Shri Chamunda LLC**

Mr. Hardegree stated this was a text amendment to Chapter 26, Zoning, Article IX, Commercial District Regulations, Sec. 9.2.3, Multiple Use Zoning District Permitted Uses: Smoking Lounges- to include Hookah Lounges and Cigar Lounges

Also, to amend the Zoning Definitions, Sec. 2.2. to add:

*Lounge, Smoking- A commercial establishment to allow the sale and use of tobacco products and tobacco-related products. Smoking Lounge will also include Hookah Lounge and Cigar Lounge. Hookah Lounge and Cigar Lounge*

Staff is not opposed to the amendment.

Chairman Pendley opened the public hearing.

Sunny Gangwal, 138-240 S. Tennessee St., came forward to explain that his parents own the property but he manages them all. His request to add Hookah Lounge to the M-U Zoning District would allow him offer more to potential clients that wish to lease a commercial location.

With no one else to come forward to speak for or against the text amendment, the public hearing was closed.

Mr. Lovell stated that ‘Smoking Lounges’, ‘Hookah Lounges, and ‘Cigar Lounges’ are not defined and the Board Members will need to determine definitions or refer to staff members to define these terms.

Board Member Womack made a motion to approve T24-05 and request that staff define the terms.

With no second, motion failed.

Board Member Dent made a motion to deny T24-05. Board Member Cooley seconded the motion. Motion carried with a vote 4-1 with Board Member Womack in opposition and Chairman Pendley voting.

With no further business to discuss, Board Member Womack made a motion to adjourn the meeting.

The meeting adjourned at 7:34 PM.

Date Approved: January 4, 2025.

/s/ \_\_\_\_\_  
Lamar Pendley, Chairman