

SPECIAL USE APPLICATION SYNOPSIS

REQUEST SUMMARY: Updated 10-9-24

The applicant requests a special use permit to allow storage containers in the rear lot of his commercial property, screened from all rights-of-way.

Petition Number(s): **SU24-03 (REV1)**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Lehmann Smith**

Representative: **Mark Harris**

Property Owner: **Same**

Property Location: **683 Henderson Dr. Parcel ID C022-0004-019**

Access to the Property: **Henderson Dr.**

Site Characteristics:

Tract Size: **1.28 +/- ac.** District: **4th** Section: **3rd** LL(S): **594**

Ward:**2** Council Member: **Jayce Stepp**

LAND USE INFORMATION

Current Zoning: **G-C (General Commercial). Property was rezoned to G-C (General Commercial), on 8-1-24 per Z24-05.**

Proposed Zoning: **NA**

Proposed Use: **Office/Warehouse with shipping containers and outdoor storage in the rear.**

Current Zoning of Adjacent Property:

North: **O-C (Office Commercial)**

South: **O-C (Office Commercial)**

East: **O-C (Office Commercial)**

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

The Future Development Map designates the subject property as: **Highway Commercial**

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

2. City Department Comments (as of 7/26/24):

Electric: No comment received

Fibercom: No comment received

Fire: No comment received

Gas: No comment received

Public Works: No comment received.

Water and Sewer: No comment received.

3. Public Comments:

None Received as of 7/26/2024

4. Special Use Review

Mark Harris, applicant representative, requests the Special Use Permit to allow shipping containers to be used for storage on the property at 683 Henderson Drive. Currently, there are (2) shipping containers on site in the rear yard.

In the G-C district, shipping containers are not currently allowed. Text Amendment, T24-04, has been requested concurrently with this application to allow shipping containers to be used on property zoned G-C as long as they meet the proposed Special Use standards and a Special Use Permit is approved.

The property was successfully rezoned from O-C, Office-Commercial, to G-C on 8-1-24.

5. Zoning Ordinance Findings

Please review the following findings, as stated in the Zoning Ordinance, which are to be utilized in determining justification for approval or denial of special use request(s).

B) Article XVI. Special Uses

Sec. 16.1. Scope and intent.

- A. This article specifies uses which are not classified as permitted uses as a matter of right in zoning districts, and are therefore only allowed through the approval of a Special use. The standards which apply to each use are enumerated and must be met in order for an application to be granted.

- B. In granting a Special use, conditions may be attached as are deemed necessary in the particular case for the protection or benefit of neighbors in order to assimilate the proposed development or use into the neighborhood with minimal impact.

Sec. 16.2. Application of regulations and approval.

Uses allowable with a Special use and the minimum standards for such uses are listed in section 16.4 of this article.

Uses in the districts enumerated herein may be authorized by Special use only. The regulations contained in this article shall not apply to any permitted use as a matter of right in any zoning district.

Any use which may be authorized by Special use shall be approved by the Mayor and Council in accordance with section 16.1, scope and intent, provided:

- A. The standards for the Special use as specified herein can be met;
- B. Recommendations have been received from the planning and development staff and other appropriate City departments.
- C. A public hearing has been held in relation to the Special use before the Planning Commission in conformance with the advertising standards outlined in article XXIV of this chapter. The Planning Commission shall make recommendations to the Mayor and Council regarding the application for a Special use; and
- D. A public hearing has been held in relation to the Special use before the Mayor and Council in conformance with the advertising standards outlined in article XXIV of this chapter.

Sec. 16.3. Additional restrictions.

- A. In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site proposed for a use which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special Use permit:
 - 1. The effect of the proposed activity on traffic flow along adjoining streets;
 - 2. The availability, number and location of off-street parking;
 - 3. Protective screening;
 - 4. Hours and manner of operation of the proposed use;
 - 5. Outdoor lighting;
 - 6. Ingress and egress to the property; and
 - 7. Compatibility with surrounding land use.
- B. Any use which may be authorized by special use shall comply with all other City regulations, zoning district regulations and other regulations contained herein, and conditions of zoning approval if applicable. Whenever a standard contained in this section is in conflict with another provision of this chapter, the more restrictive provision shall prevail.

6. How General Standards Are Met (Staff response):

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met: No negative effect to traffic along Henderson Drive is anticipated.

Standard #2: The availability, location, and number of off-street parking.

How Standard #2 has / will be met: No negative effect on parking is anticipated.

Standard #3: Protective screening.

How Standard #3 has / will be met: The applicant is proposing to screen the shipping containers from the Henderson Drive right-of-way. Update 10-9-24: Per zoning ordinance Sec. 4.17

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: Site use is expected to be normal business hours.

Standard #5: Outdoor lighting

How Standard #5 has / will be met: None required or proposed.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Henderson Drive.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: No compatibility conflicts have been identified.

8. Staff Recommendation: Staff does not oppose the application. All current proposed special use standards can be met.

Planning Commission Proposed Minimum Use Standards: Updated 10-9-24

Sec. 16.4. Minimum special use standards. 16.4.XX. *Shipping Containers.*

A. *Allowable districts:* G-C

B. *Standards:*

1. Container height not to exceed 9ft.-6in.
2. Containers are not permitted to be stacked.
3. Containers must be placed on an impervious or paved surface.
4. The quantity and length of the shipping containers must be disclosed in the application and approved by the City.
5. Containers only allowed in side or rear yards.
6. Containers must be set back a min. 5ft. from the side or rear property lines.
7. Containers must be screened from view from all Right-of-Ways per Sec. 4.17.
8. Containers must be maintained and in good repair.
9. Containers shall not be served by electrical power.



Legend
 Parcels
 Roads

Parcel ID	C022-0004-019	Alternate ID	34896	Owner Address	SMITH L LEHMANN
Sec/Twp/Rng	n/a	Class	Commercial		P.O. BOX 1750
Property Address	683 HENDERSON DR	Acreage	1.28		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL594 LD4				

(Note: Not to be used on legal documents)

Date created: 5/23/2024
 Last Data Uploaded: 5/22/2024 10:39:17 PM

Developed by **Schneider**
 GEOSPATIAL

Southern Heat

Neena's New York Style Pizzeria

Sixes Tavern

681 Henderson Absolute Plumbing, Water Heaters, and...

Rollins Child

Application for Special Use
City of Cartersville

Case Number: 5024-03
Date Received: 5-20-2024

Public Hearing Dates: Aug 6, 2024 Aug 15, 2024 September 5, 2024
Planning Commission: July 9, 2024 5:30pm 1st City Council: July 18, 2024 7:00pm 2nd City Council: August 1, 2024 7:00pm

Applicant Lehmann L. Smith (printed name) Office Phone: 770-387-7043
 Address: P.O. Box 1750 Mobile/ Other Phone _____
 City: Cartersville State: GA Zip: 30120 Email: lehmannsmith@hotmail.com
 Mark A. Harris Phone (Rep): 770-314-3145
 Representative's printed name (if other than applicant) Email (Rep): mark@handyrealty.net
Mark A. Harris Representative Signature Lehmann Smith Applicant Signature
 Signed, sealed and delivered in presence of: My commission expires:
Leah Harper Notary Public



* Titleholder: Lehmann L. Smith (titleholder's printed name) Phone: 770-382-3497
 Address: P.O. Box 1750, Cartersville, GA 30120 Email: lehmannsmith@hotmail.com
 Signature: Lehmann Smith
 Signed, sealed, delivered in presence of: My commission expires:
Leah Harper Notary Public



Present Zoning District: Pending G-C approval Parcel ID No. C022-0004-019
 Acreage: 1.28 Land Lot(s) 594 District(s) 4 Section(s) 3
 Location of Property: 683 Henderson Drive/North of intersection with Old Mill Road
 (street address, nearest intersections, etc.)
 Reason for Special Use Request: To allow property owner to have outdoor storage and storage containers placed on his excess land to the rear of the existing building, properly screened as allowed for proposed Text Amendment in the Application for Text Amendment filed contemporaneously with this application, subject to its approval. The owner and his tenant are in construction and service trades whereby they have the need for outdoor storage of material, tools, equipment, etc. as part of their day-to-day work activities.

 (attach additional statement as necessary)

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

SPECIAL USE JUSTIFICATION

The Mayor and City Council, upon review, may authorize a Special Use which is not classified as a permitted use by right in a zoning district.

Zoning Ordinance section 16.3.A

In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:

1. *The effect of the proposed activity on traffic flow along adjoining streets;*
2. *The availability, number and location of off-street parking;*
3. *Protective screening;*
4. *Hours and manner of operation of the proposed use;*
5. *Outdoor lighting;*
6. *Ingress and egress to the property; and*
7. *Compatibility with surrounding land use.*

Zoning Ordinance section 16.4 states standards for specific uses – if the use you are applying for has additional standards, these must also be addressed below.

Use applied for:

Outside storage and shipping containers on surplus property to rear of building containing over 0.4 acre

Standard #1: The effect of the proposed activity on traffic flow along adjoining streets.

How Standard #1 has / will be met:

There will be no effect on traffic flow along adjoining streets

Standard #2: The availability, number, and location of off-street parking.

How Standard #2 has / will be met:

The Subject Property presently has over 35 paved and marked parks to the front and side of the building. This is 21 parks over the minimum required (Section 17.6.21). Outside storage will be in the unpaved rear of the site that contains approximately 0.43 acre of surplus land for storage.

Standard #3: Protective screening.

How Standard #3 has / will be met:

Although there is no required protective screen required under Section 9.6.3 (G), the applicant will comply with screening requirements in accordance with Article IV Section 4.17 if the applicant is required to do so.

Standard #4: Hours and manner of operation of the proposed use.

How Standard #4 has / will be met:

No effect. The subject property occupants operate within normal, daytime, business hours and this Special Use Permit will not change operation hours or manner of operation.

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

No Change. Existing lighting attached to the building are all that is needed and no plans to install additional lighting.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

No Change. The permission for outdoor storage to the rear of the property will no impact ingress and egress to the property.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

No effect as the outside storage will be to the rear of the building on a gravel section of surplus property. Properties to the North and West of the subject property presently utilize outdoor storage. Photo's attached of subject property and surrounding properties.

Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:

This application for special use to allow for outdoor storage and container storage falls within the minimum standards set for in Article IV 2.0 Section 16.4

Signed

Mark R. Harris

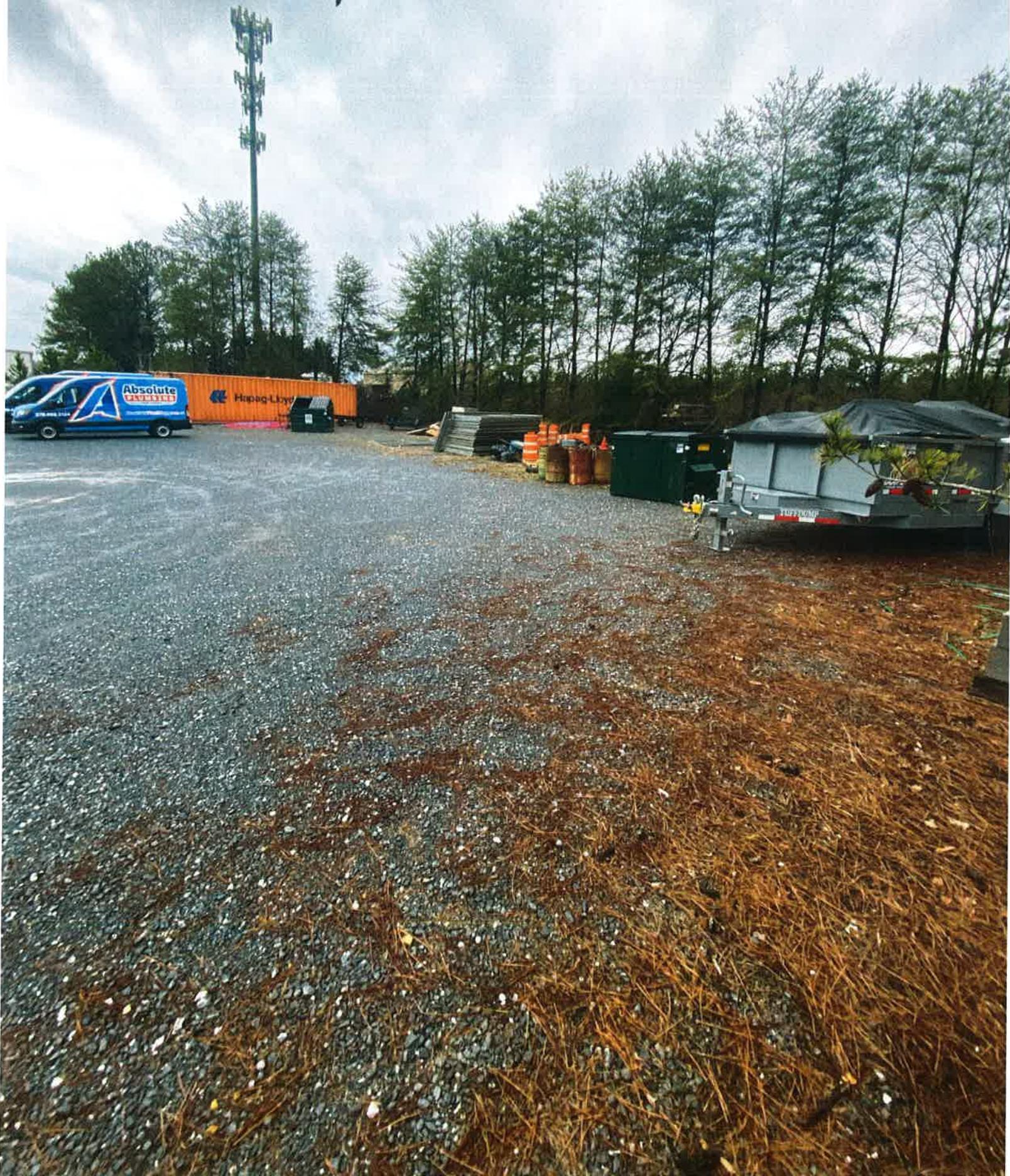
Applicant or Representative

Date

May 17, 2024

Subject
Property

683 Henderson Dr



683 Henderson Drive
Site/Outdoor Storage Area

Created by: H & H REALTY, LLC



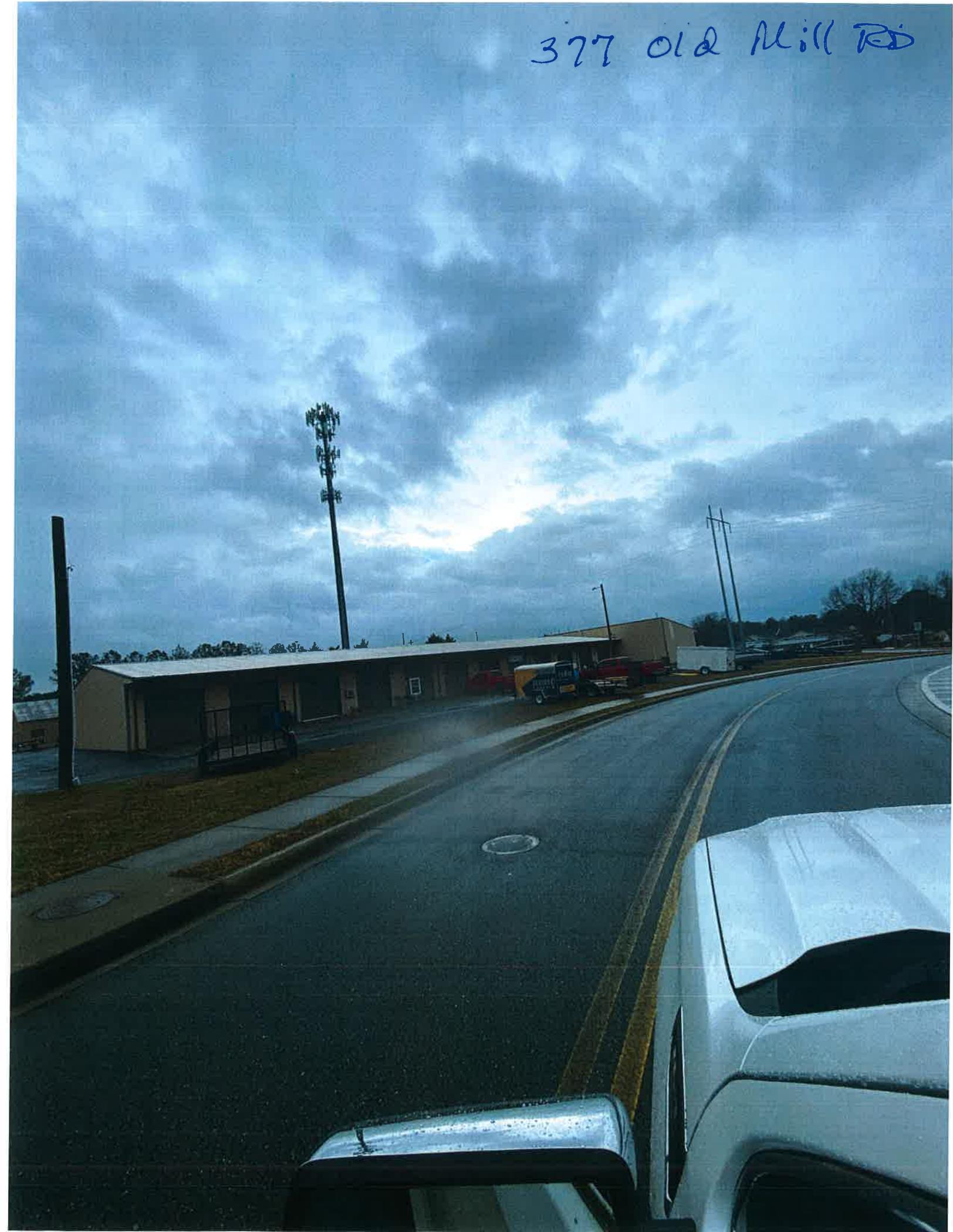
659 Henderson Drive



659 Henderson Dr.



377 Old Mill Rd



377 Old Mill Rd.



924 WEST AVE.



Aug 22, 2024 at 15:51:38
683 Henderson Dr
Cartersville GA 30120
United States



Womack, Lewis
& Smith, Inc. 683
GENERAL CONTRACTORS
GUARDIAN 683
HEATING • AIR • PLUMBING • ELECTRICAL

CITY OF CARTERSVILLE
SPECIAL USE NOTICE
CASE NO. 5024-03
APPLICATION HAS BEEN MADE TO THE CITY
OF CARTERSVILLE FOR A SPECIAL USE
ON THIS PROPERTY
PLANNING COMMISSION MEETING
AT 5:30 P.M. ON 9-10-2024
CITY COUNCIL FIRST READING
AT 7:00 P.M. ON 9-19-2024
CITY COUNCIL SECOND READING
AT 7:00 P.M. ON 10-3-2024
HEARINGS TO BE HELD AT CITY HALL
10 NORTH PUBLIC SQUARE.
FOR ADDITIONAL INFORMATION CONTACT
THE PLANNING AND DEVELOPMENT DEPT.
AT 770-387-5600