

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU21-06**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Thomas B. Thompson**

Representative: **Thomas B. Thompson**

Property Owner: **Truist Bank**

Property Location: **314 East Main Street**

Access to the Property: **East Main Street, Stonewall Street, and East Cherokee Avenue**

Site Characteristics:

Tract Size: Acres: **2.35 +/- acres** District: **4th** Section: **3rd** LL: **456**

Ward: **4** Council Member: **Calvin Cooley**

1. LAND USE INFORMATION

Current Zoning: **M-U (Multiple Use)**

Proposed Zoning: **M-U (Multiple Use)**

Proposed Use: **Animal Hospital & Indoor Kennel**

Current Zoning of Adjacent Property:

North: **M-U (Multiple Use)**

South: **M-U (Multiple Use)**

East: **M-U (Multiple Use)**

West: **M-U (Multiple Use)**

The Future Development Map designates the subject property as: **Transitional Use Area**

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

2. City Department Comments:

Electric: CES takes no exception to the special use permit #SU21-06. If they decide to make any electrical changes at any time, that will be handled with them directly at that time.

Fibercom: Takes no exception.

Fire: Takes no exception.

Gas: Takes no exception.

Public Works: Takes no exception.

Water and Sewer: This property is located in the City of Cartersville Water Department's water service area. The special use request for locating a "veterinarian clinic/ animal hospital" and "indoor kennel" will require the portion of the building being reconfigured for this practice to have separate plumbing from the other tenants of the building. Additionally the water meter serving the animal clinic portion will need to be upgraded with an RPZ backflow preventer.

This property is located in the City of Cartersville Water Department's sewer service area. The requested Special Use application will not affect sewer service to this site.

3. Public Comments:

8/27: Buddy Fitzgerald. Owner, 301 Cherokee Ave. Phone call. General Inquiry. Seemed opposed to kennel. Invited to attend public hearings or submit letter of opposition to the kennel.

8/30: Buddy Fitzgerald. Owner, 301 Cherokee Ave. P&D Office visit. Expressed opposition to kennel. Invited to attend public hearings or submit letter of opposition to the kennel.

9/1: Buddy Fitzgerald. Owner, 301 Cherokee Ave. P&D Office visit. Submitted letter of opposition to the proposed special use application. See attached.

4. Special Use Review

The property is located between East Main Street and East Cherokee, adjacent to and east of Stonewall Street. The applicant is requesting a special use permit for the building to be used as an animal hospital with an indoor kennel. This office use may be compatible with other commercial uses along East Main Street.

The two story primary building used to operate as a BB&T bank, currently Truist Bank. Truist Bank will sell the property to the applicant if the text amendment and special use permit are approved. State offices for Department of Revenue occupy the remaining single story wing to the east. No changes to the Dept. of Revenue offices are planned.

Parking should be sufficient. (79) spaces currently exist, including (2) ADA spaces. By ordinance for office/ professional use per Ord. Sec. 17.6.21, (53) spaces are required. (1 space/ 400sf). The building/s measures approx. 21,017sf with the 2nd floor and ATM office included.

Sufficient green space appears to exist for pet owners and clinic staff to walk the animals prior to office visits or during boarding. Regular maintenance of grass and mulch areas may be needed. Pet Poop stations with disposal bags should be made available.

This location is in the M-U (Multiple Use) zoning district. An animal hospital and indoor kennel requires a special use permit in the M-U district. A text amendment has been drafted in conjunction with this special use application. It will add animal hospitals/clinics and kennels to the allowed uses in the M-U zoning district.

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).

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 analysis)

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 adjoining streets.

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

How Standard #2 has / will be met: Parking will remain the same as current configuration on the lot

Standard #3: Protective screening.

How Standard #3 has / will be met: Not required

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: Standard office hours

Standard #5: Outdoor lighting

How Standard #5 has / will be met: Outdoor lighting will remain the same as the current configuration on the lot

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Via East Main Street and East Cherokee Avenue

Standard #7: Compatibility with surrounding land use.

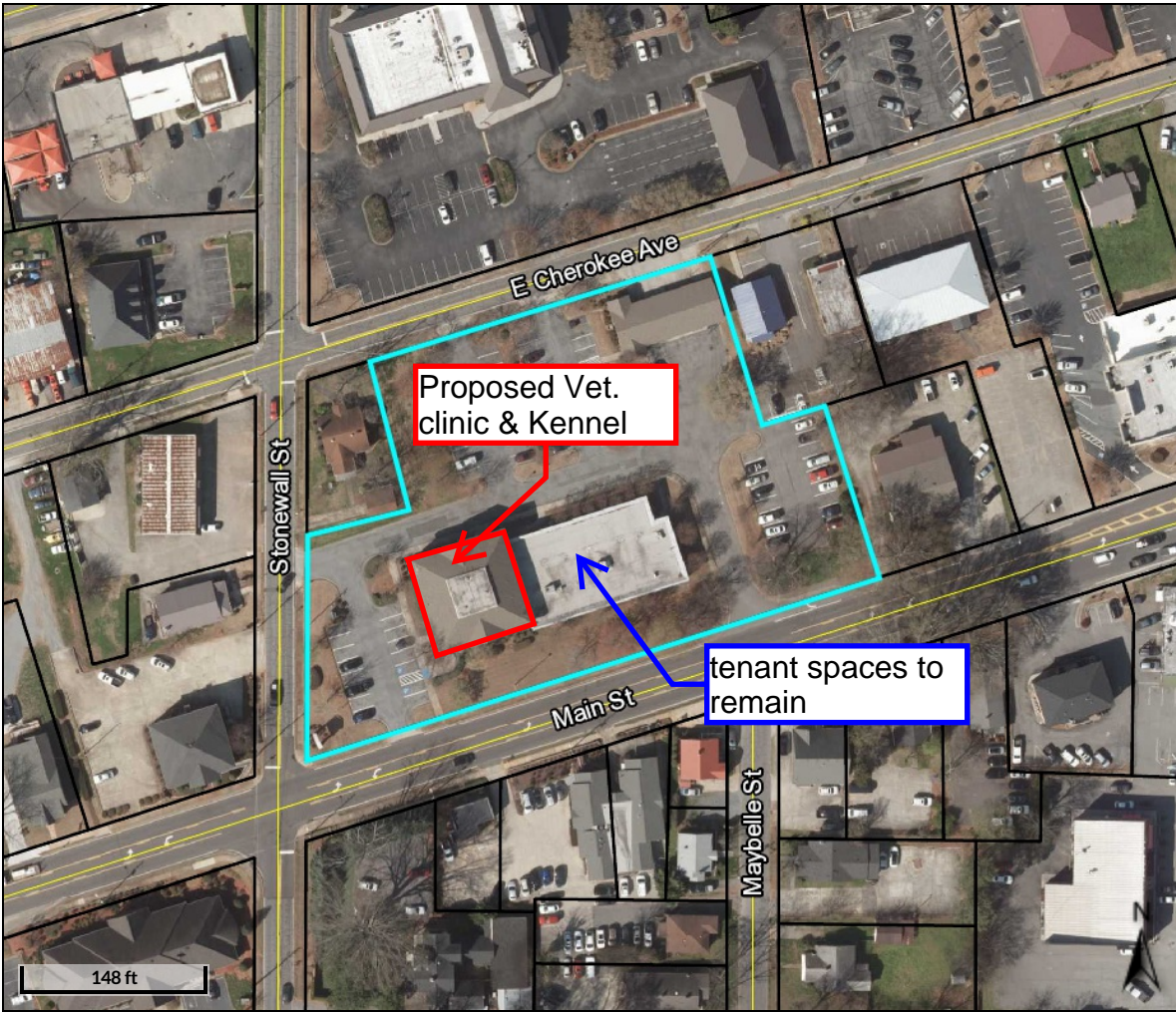
How Standard #7 has / will be met: The proposed use is expected to be compatible with adjacent land uses

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

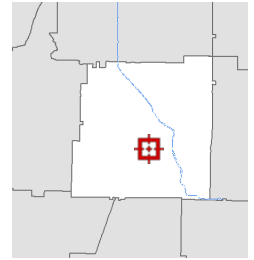
None related to animal hospitals or indoor kennels.

8. **Staff Recommendation:** Staff does not oppose the request.



9. **Planning Commission Recommendation:**



Overview



Legend

-  Parcels
-  Roads
- Emerson Zoning**
-  R - Residential
-  RC - Residential Conservation
-  C-1 - Neighborhood Retail Commercial
-  C-2 - Community Retail Commercial
-  MU - Mixed Use
-  MU-2 - Mixed Use Lakepoint
-  LI - Light Industrial
-  HI - Heavy Industri

Parcel ID	C001-0015-015	Alternate ID	31912	Owner Address	FIRST NATIONAL BANK OF NORTH WEST GEORGIA C/O BB&T PROPERTY TAX DEPT P O BOX 167 WINSTON-SALEM, NC 27102-0167
Sec/Twp/Rng	n/a	Class	Commercial		
Property Address	314 E MAIN ST	Acreage	2.35		

District Cartersville
Brief Tax Description BB&T LL 456 LD4 S3
 (Note: Not to be used on legal documents)

Date created: 8/5/2021
 Last Data Uploaded: 8/4/2021 9:29:46 PM

Developed by 

Sept 1, 2021

Caity,

As I said, I will be out of town the week of Sept 6.

I am leaving you a copy of a letter stating why I object to this Special Use permit. I am also leaving a copy of the same letter for each member of the Planning Commission in an envelope with their name on it. Could see that each member gets their envelope before the meeting starts? Also, did you say that you or someone could read the letter publically in my absence? If not, I will have someone else represent me and read the letter.

Again, thanks for your help.

Buddy Fitzgerald (HJ)

229343004 bfitzgerald10@gmail.com

August 30, 2021

City of Cartersville Planning Commission Members

I will be out of town the week of September 6, and will not be able to attend your meeting on September 7 in reference to a Special Use permit to allow an "Animal Clinic or Hospital" and "Kennel" at 314 E. Main. I do plan on attending future meetings regarding this issue.

I trust that you will give due consideration to what I have presented in the enclosed letter. I thank you in advance for your time and consideration.

**HJ Fitzgerald
Cartersville, Ga.**

The City of Cartersville Planning Commission

August 30, 2021

I strongly oppose approving the application requesting a Special Use permit to allow an "Animal Clinic or Hospital" and "Kennel" to be located at 314 E Main Street. One of the best things going for Cartersville is the downtown; Cartersville is becoming known for its quaint downtown and draws many visitors to our city. All planning and development should be done in light of maintaining a prosperous downtown. In the coming months and years, the downtown area will have to expand to make room for more merchants and special events; in light of that, the 300 block of East Main and Cherokee is vital for such expansion; that area is the logical area for future development. As you know, businesses are currently in

the process of moving in that direction-just a half a block away from the BBT bank building. In my opinion, allowing an animal clinic or hospital and kennel in such a prime and critical location would be a great detriment to future enhancement of downtown Cartersville. I have been advised that the kennel would be an inside kennel, but that does not change the fact there would be an animal hospital on what is prime property for the future growth and expansion. Visitors come to downtown Cartersville to shop, to dine out, to be entertained and to enjoy a quaint downtown; an animal hospital is not in keeping with that reality. There is certainly a need for quality animal care, but locating it in the downtown area is not the place. I encourage you to think long term for the future development of the downtown area. I personally can envision the BBT bank building as a wonderful place for multiple shops and restaurants-and I'm sure that at some point, you will have developers wanting to do just that.

Sincerely,

HJ Fitzgerald
Cartersville, Ga.

Additional comments: If my research is correct, Mr. Thomas Thompson owns the Butler Creek Animal Hospital in Acworth, Ga. The following is in no way meant to be critical of Mr. Thompson; I am sure he provides a good service to his clients. In reviewing the website for the Butler Creek location, I found the following information that we should take note of. I will quote some comments I read. "Each guest is walked individually in our fenced yard twice a day. Additional playtime can be added to your pet's stay. Choose from extra walks, individual playtime, or Playcare." "We also provide boarding services for your exotic pets! We welcome reptiles, pocket pigs, birds, pigs, goats, and many more."

Even though it may be considered an inside kennel, it's clear that there will often be pets on the outside, and if I know dogs, that means barking. As good as a service this is, it is not suited for the Cartersville downtown area.

September 1, 2021

To: City of Cartersville Planning Commission

Reference Case #SU21-06 314 E. Main

I own the house at 301 E. Cherokee, which is directly behind the BBT Bank building; the property line is approx. 100 feet from the bank building itself and the house itself is approx. 75 yards from the bank building. Having a 'veterinarian hospital, clinic and kennel' adjoining this property would certainly be detrimental and would lower the value of the house and property, especially if they take the pets out at least twice day for walks, as we assume they will do, as that is what their other locations advertise-even though is advertised as an 'inside kennel.' The main grassy area of the bank property is right beside the house that I own, and I assume they would use this area to walk the pets. I hope that this Special Use permit would not be approved, but if it was, it would be specified that the grassy part of the property next to the house could not be used to walk the pets. This house at 310 E Cherokee is a classic house, built in the 1940's, and is a unique reminder of simpler times of the past. The house has been renovated inside and out.

Walking pets outside twice a day is great for the pets, but is not in the best interest for the merchants and business surrounding the bank. Using this prime 2.35 acres for anything other than an enhancement to downtown Cartersville would not be a good decision in my opinion.

Thank you for your consideration in this important matter.

HJ Fitzgerald


Application for Special Use
City of Cartersville

Case Number: SV21-06
Date Received: 7-20-21

Public Hearing Dates:

Planning Commission 9/17/21 5:30pm 1st City Council 9/16/21 7:00pm 2nd City Council 10/7/21 7:00pm

Applicant Thomas B. Thompson Office Phone 770-544-0580
(printed name)
Address 3940 Paces Manor SE Mobile/ Other Phone *404-660-0079
City Atlanta State GA Zip 30339 Email tbtcdvm@gmail.com
Phone (Rep) _____
Representative's printed name (if other than applicant) _____ Email (Rep) _____
Representative Signature _____
Signed, sealed and delivered in presence of _____ My commission expires: 10/22/2023
Notary Public _____



* Titleholder _____ Phone _____
(titleholder's printed name)
Address _____ Email _____
Signature _____
Signed, sealed, delivered in presence of: _____ My commission expires: _____
Notary Public _____

Present Zoning District MU
Acreage 2.324 Land Lot(s) 456 District(s) 4th Section(s) 3rd
Location of Property: 314 East Main St. Cartersville, GA 30120
(street address, nearest intersections, etc.)
Reason for Special Use Request: Reconfigure for use as an animal hospital
and indoor kennel
(attach additional statement as necessary)

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

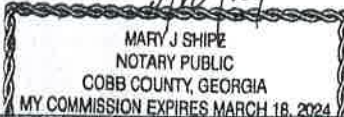
Application for Special Use
City of Cartersville

Case Number: SU 21-06
Date Received: 7-20-21

Public Hearing Dates:

Planning Commission _____ 1st City Council _____ 2nd City Council _____
5:30pm 7:00pm 7:00pm

Applicant Thomas B. Thompson Office Phone 770-544-0580
(printed name)
Address 3940 Paces Manor SE Mobile/ Other Phone *404-660-0079
City Atlanta State GA Zip 30339 Email tbedvm@gmail.com
Representative's printed name (if other than applicant) _____ Phone (Rep) _____
Email (Rep) _____
Representative Signature _____ Applicant Signature _____
Signed, sealed and delivered in presence of: _____ My commission expires: _____
Notary Public _____

* Titleholder Truist Bank Phone 404-813-2027
(titleholder's printed name)
Address 40 Corporate Red E St Email alan.mcnaabb@truist.com
303 Peachtree Center Ave.
Atlanta, GA 30303
Signature _____
Signed, sealed, delivered in presence of: _____ My commission expires: 3/18/24
Notary Public Mary J Shipe


Present Zoning District MU
Acreage 2.324 Land Lot(s) 456 District(s) 4th Section(s) 3rd
Location of Property: 314 East Main St. Cartersville, GA 30120
(street address, nearest intersections, etc.)
Reason for Special Use Request: Reconfigure for use as an animal hospital
and indoor kennel
(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:

Animal hospital and indoor kennel

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

How Standard #1 has / will be met:

I expect no significant change to traffic flow.
I anticipate 10-12 client visits per hour in 3-5 years.

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

How Standard #2 has / will be met:

There are 67 existing parking spaces located
in 3 separate lots to the north, east and west of building.

Standard #3: Protective screening.

How Standard #3 has / will be met:

None required.

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

How Standard #4 has / will be met:

Hours of operation - Monday - Friday 8AM to 6PM
Saturday 8AM to 4PM

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

No changes to existing.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

No changes to existing.

Standard #7: Compatibility with surrounding land use.

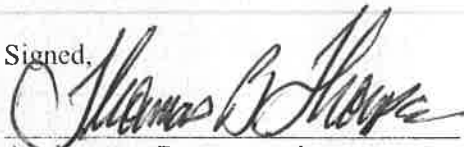
How Standard #7 has / will be met:

No compatibility issues anticipated.

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

Not applicable

Signed,



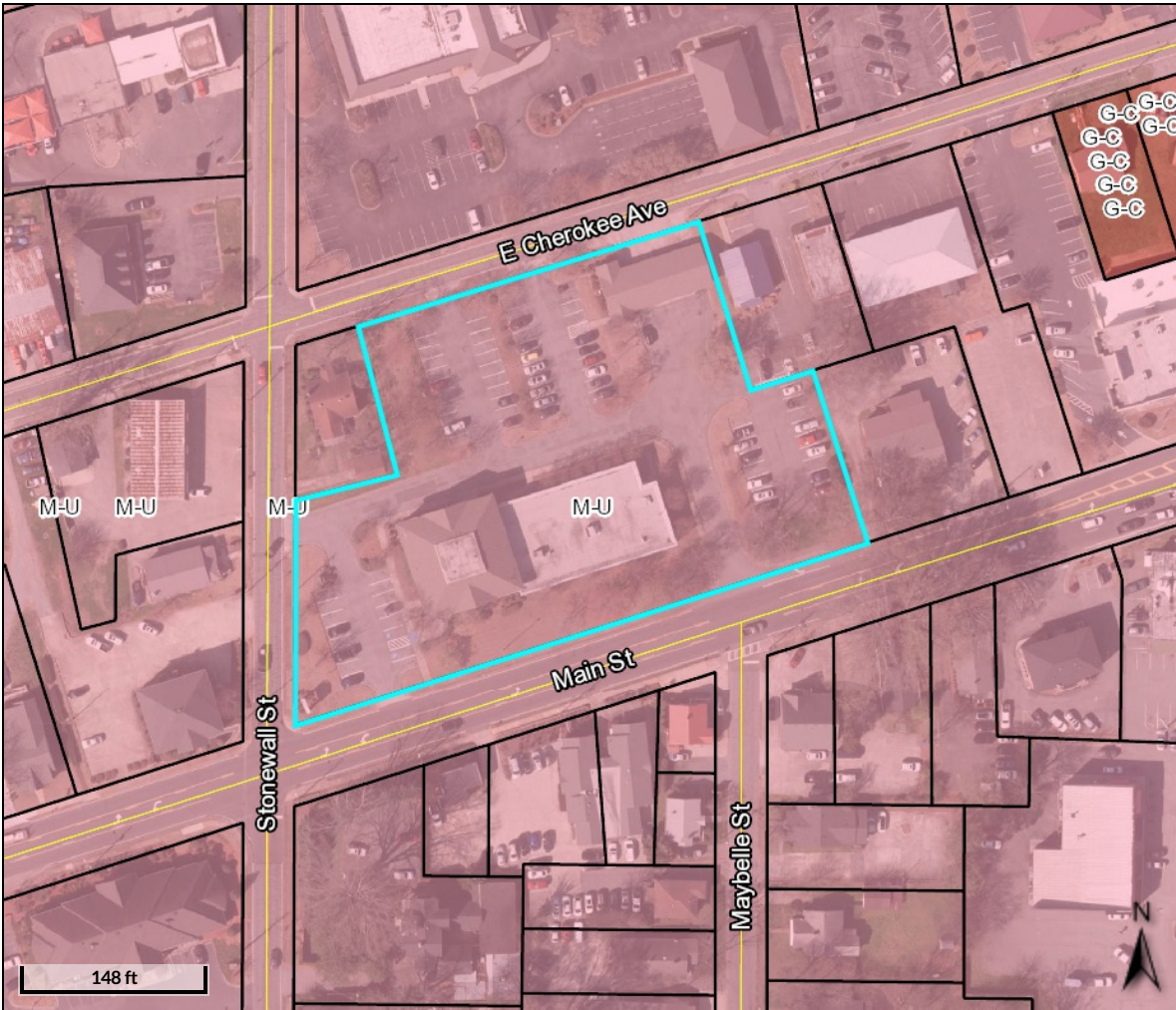
Applicant or Representative

7-19-21

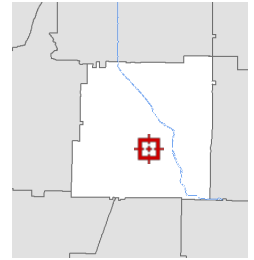
Date

Exhibit A






































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 C001-0015-015
 Sec/Twp/Rng n/a
 Property Address 314 E MAIN ST

Alternate ID 31912
 Class Commercial
 Acreage 2.35

Owner Address FIRST NATIONAL BANK OF NORTH
 WEST GEORGIA
 C/O BB&T PROPERTY TAX DEPT
 P O BOX 167

Images Taken
8/18/2021





