

ZONING SYNOPSIS

Petition Number(s): **Z21-02**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **LA MARA II, Inc**

Representative: **Lauren Simonson, Southland Engineering**

Property Owner: **LA MARA II, Inc**

Property Location: **1006 and 1008 N. Tennessee St.**

Access to the Property: **N. Tennessee St.**

Site Characteristics:

Tract Size: Acres: **1.06** District: **4th** Section: **3rd** LL(S): **239**

Ward: **1** Council Member: **Kari Hodge**

LAND USE INFORMATION

Current Zoning: **1006: R-15 (Single Family Residential); and**
1008: P-S* (Professional Services with conditions)

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

Proposed Use: **Parking for the Los Arcos Restaurant at 1010 N. Tennessee St.**

Current Zoning of Adjacent Property:

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

South: **M-U and R-15**

East: **O-C and R-15**

West: **O-C and R-15**

The Future Development Plan designates the subject property as: **Tennessee Street Corridor**

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

ZONING ANALYSIS

Site History:

The site is comprised of 2 parcels: 1) 1006 N. Tennessee St is zoned R-15 and contains 0.69 acres, and 2) 1008 N. Tennessee St is zoned P-S with conditions and contains 0.44 acres. Total acreage for both lots is 1.13 acres per the survey dated 9-17-19.

On 11-4-04, City Council approved the rezoning of 1008 N. Tennessee St. from R-15 to P-S with conditions to allow the house to be used as an office. The conditions required that the residential components of the property be upgraded to satisfy commercial requirements. See attached zoning approval ordinance.

Project Summary:

The applicant is requesting the rezoning of two adjacent properties, 1006 and 1008 N. Tennessee St, to M-U (Multiple Use) in order to construct a parking lot to serve the Los Arcos restaurant at 1010 N. Tennessee St. Parking lots are an allowed use by right in the M-U zoning district. Parking lots are not an allowed use in the P-S and R-15 zoning districts. If approved, the existing conditions of the P-S zoning will end.

Los Arcos restaurant and the property owner of 1010 N. Tennessee St, CAT DADDY CORNER LLC, have a Settlement Agreement requiring the restaurant to split from the 1010 N. Tennessee Street property and separate from the Condominium Association, CAT DADDY CORNER CONDOMINIUM ASSOCIATION, INC. The existing parking lot shared between Los Arcos and the condominium will stay with the condominium after the restaurant subdivision occurs, but Los Arcos may use the parking lot until the new parking lot is constructed per the Settlement Agreement.

A survey showing how the restaurant will be split from the condominium property is attached. The lot split does require a variance for a rear setback reduction. The variance request will be heard at the June 14th meeting of the Board of Zoning Appeals.

City Department Comments

Electric: Takes no exception. Since they will be demolishing the houses, we will have to remove the two services.

Fibercom: Cartersville FiberCom takes no exception to the rezoning application. Our comments regarding developing the lots are still the same *[4/22/21 comments below]*. Similar to gas, we may require a utility easement for the existing buried fiber which provides service to 1010 N Tennessee Street or for relocated fiber. All costs associated with any relocation will be at the expense of the property owner.

Comments received from the concept site plan review on 4-22-21:

Cartersville FiberCom has an underground fiber between Los Arcos and the proposed parking lot. It appears, the handicap ramp and sidewalk will be built over it. A design locate should be called in to locate the fiber and any other underground utilities in the area. We will also want to see the grading plan. Depending on the grading plan, the fiber line may need to be potholed.

Fire: No comments received.

Gas: The Gas System takes no exceptions to the following provided the property owner understands that a utility easement may be required for existing and/or relocated natural gas facilities and all costs associated with any required relocation of the natural gas facilities will be at the expense of the property owner.

Public Works: No comments received.

Water and Sewer: We are agreeable to the re-zoning but the owner needs to be aware of these conditions [From 4-22-21]:

Comments received from the concept site plan review on 4-22-21:

Regarding the concept plan in the attached email, the Cartersville Water Department will recommend that the plans show grading and all existing utilities in the area of the project.

- 1. We have a 36" water main and 2" waterline that are in an easement that will be within the construction area.*
- 2. The existing sewer service at each house that is to be demolished will need to be dog down on and capped off and the road right-of-way.*
- 3. The existing water service at each house is served by a 2" pvc waterline. We will have further comments on the abandonment of that line once plans have been submitted.*
- 4. Pothole down on the 36" and 2" waterline to verify depth. **(DO NOT POTHOLE DOWN WITH MACHINES OVER THE 36" WATERMAIN)** We must maintain our cover over the 36" waterline and depending on the grading, the 2" waterline may be in conflict.*
- 5. I've attached a screen shot from the GIS showing our facilities in the area. Only the water and sewer are shown on my attachment. Please call in a design locate for the lines to be marked.*

Public Comments:

None received as of 6/1/2021.

STANDARDS FOR EXERCISE OF ZONING POWERS.

1. *The existing land uses and zoning of nearby property.*
Land uses and zoning of property to the north and east are commercial and should not be impacted by the parking lot. Land use to the south and west is residential and zoned R-15. Buffers will be required by ordinance along the south and west property lines.
2. *The suitability of the subject property for the zoned purposes.*
The property is suitable for the zoned purposes.
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*
The applicant is required to develop the property for restaurant parking per the Settlement Agreement. The gain to the public for this purpose is significant, but less prevalent than the hardship imposed on the owner/applicant if unable to develop the parcels.
4. *Whether the subject property has a reasonable economic use as currently zoned.*
The property has a reasonable economic use as currently zoned, but is not conducive to supporting the restaurant.
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 would permit a use that is suitable in view of the use of the adjacent commercial use properties to the north and east. Protective buffers are needed for the residential uses to the south and west.
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 or property use. Protective buffers are needed for the residential uses to the south and west.
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 does conform to the Future Development Map and Future Land Use Map.

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 and development regulations. A site plan approval will be required.

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 should not burden existing streets, transportation facilities or, utilities. The proposal will shift the parking from the current condominium lot to the new lot. This should correct the parking deficiencies during peak demand hours at the condominium parking lot.

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:

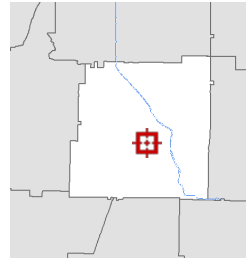
Staff recommends approval with the following conditions:

1. The parking lot shall be associated to, developed, and used to serve only the commercial property and business, currently known as Los Arcos Mexican Restaurant, located on the adjacent, northern property to be subdivided from the condominium property currently owned by CAT DADDY CORNER LLC;
2. No subdivision of any portion of the parking lot or parking lot property may occur without removing or modifying this condition; and,
3. No redevelopment to a different use of any portion of the parking lot or parking lot property may occur without removing or modifying this condition.

PLANNING COMMISSION RECOMMENDATION:



Overview



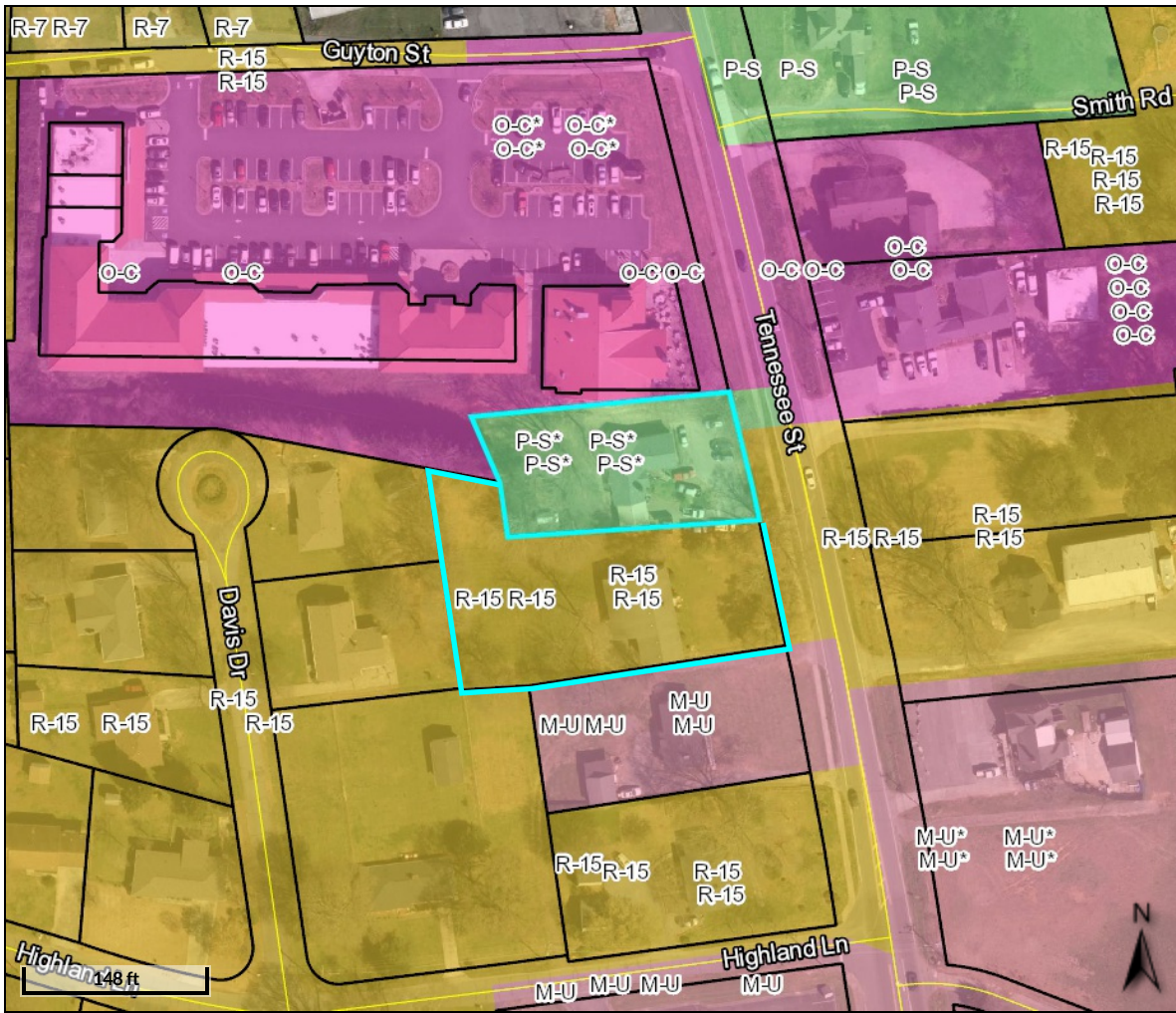
Legend

-  Parcels
-  Roads

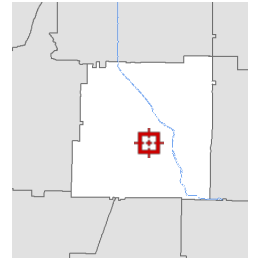
Parcel ID	C029-0008-073	Alternate ID	35555	Owner Address	LA MARA II INC
Sec/Twp/Rng	n/a	Class	Commercial		1010 N TENNESSEE ST STE 100
Property Address	1008 N TENNESSEE ST	Acreage	0.44		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 239 LD 4 PLAT 34-368				
	(Note: Not to be used on legal documents)				

Date created: 5/17/2021
 Last Data Uploaded: 5/14/2021 10:12:28 PM

Developed by  **Schneider**
 GEOSPATIAL



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*

Brief Tax Description LL 239LD 4 PLAT 34-368
(Note: Not to be used on legal documents)

Date created: 5/17/2021
Last Data Uploaded: 5/14/2021 10:12:28 PM



Parcel ID C029-0008-073
Sec/Twp/Rng n/a
Property Address 1008 N TENNESSEE ST
District Cartersville

Alternate ID 35555
Class Commercial
Acreage 0.44

Owner Address LA MARA II INC
1010 N TENNESSEE ST STE 100
CARTERSVILLE, GA 30120

Ordinance
of the
City of Cartersville, Georgia

Ordinance No. 85-04

Petition No. Z04-15

NOW BE IT AND IT IS HEREBY ORDAINED by the Mayor and City Council of the City of Cartersville, Georgia, all that certain tract of land owned by Helen Rice. Property is located on the west side of Tennessee Street, north of Highland Lane (1008 N. Tennessee Street). Said property contains .446 acres located in the 4th District, 3rd Section, Land Lot 239 as shown on the attached plat Exhibit "A". Property is hereby rezoned from R-15 (Residential) to P-S (Professional Services) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

- 1. Required site improvements such as parking lot and ingress/egress changes, impervious surface calculations, etc. subject to the review and approval of the Public Works Department prior to occupancy as a non-residential use.**
- 2. Electrical service to be upgraded in accordance with the Cartersville Electric System comments prior to occupancy.**
- 3. The change in occupancy/use of this property from residential to office/professional services will require the water service to be upgraded with an appropriate backflow preventer.**

BE IT AND IT IS HEREBY ORDAINED.

ADOPTED this the 21st day of October 2004. **First Reading**
ADOPTED this the 4 day of November 2004. **Second Reading.**

/s/ _____
Michael G. Fields
Mayor

ATTEST:

/s/ _____
Sandra E. Cline
City Clerk

Rezoning Application

Recd 4-28-21
Case No 221-02

Public Hearing Dates:

Planning Commission JUNE 8th 1st City Council JUNE 17th 2nd City Council
July 1st 5:30pm 7:00pm 7:00pm

Applicant LA MARA II, INC. Office Phone 770.547.3674
 (printed name)
 Address 1010 N. TENN ST. SUITE 100 Mobile/ Other Phone 770.547.3674
 City CARTERSVILLE State GA Zip 30120 Email losarcosmexicanr@bellsouth.net
Lauren Simonson Phone (Rep) 770.387.0440
 Representative's printed name (if other than applicant) Email (Rep) lsimonson@southlandengineers.com
Lauren Simonson Applicant Signature
 Representative Signature
 Signed, sealed and delivered in presence of: My commission expires: 01-23-2025
Danielle Rae Middleton Notary Public

* Titleholder LAMARA II, INC. Phone 770.547.3674
 (titleholder's printed name)
 Address 1010 N. TENN ST SUITE 100 Email losarcosmexicanr@bellsouth.net
 Signature Lauren Simonson
 Signed, sealed, delivered in presence of: My commission expires: 01-23-2025
Danielle Rae Middleton Notary Public

Present Zoning District P-S and R-15 Requested Zoning MU
 Acreage 1.00 113 (per survey) Land Lot(s) 239 District(s) 4 Section(s) 3
 Location of Property: 1006 & 1008 N. TENN. ST.
 (street address, nearest intersections, etc.)
 Reason for Rezoning Request: to allow for a parking lot for LOS ARCOS.
 (attach additional statement as necessary)

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

REQUIREMENTS FOR FILING AN APPLICATION FOR REZONING

CAMPAIGN DISCLOSURE REPORT
FOR REZONING 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: 04-27-2021

Date Two Years Prior to Application: 04-27-2019

Date Five Years Prior to Application: 04-27-10

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		
Greg Culverhouse	_____	<input checked="" type="checkbox"/>
Harrison Dean	_____	<input checked="" type="checkbox"/>
Lamar Pendley	_____	<input checked="" type="checkbox"/>
Lamar Pinson	_____	<input checked="" type="checkbox"/>
Travis Popham	_____	<input checked="" type="checkbox"/>
Jeffery Ross	_____	<input checked="" type="checkbox"/>
Stephen Smith	_____	<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.

Luis Fuentes 4-27-2021
Signature Date
Luis Fuentes.
Print Name

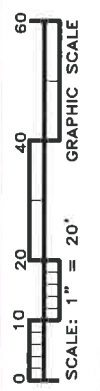
MINOR SUBDIVISION FOR:
LA MARA II, INC.
LOCATED IN LAND LOT 239
4th DISTRICT, 3rd SECTION
CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
DATE: APRIL 12, 2021 REV: 4/13/21 JOB NO: 21054
DATE OF FIELDWORK: APRIL 9, 2021
DRAWN BY: KNC CHECKED BY: KNC APPROVED BY: KNC

General Notes

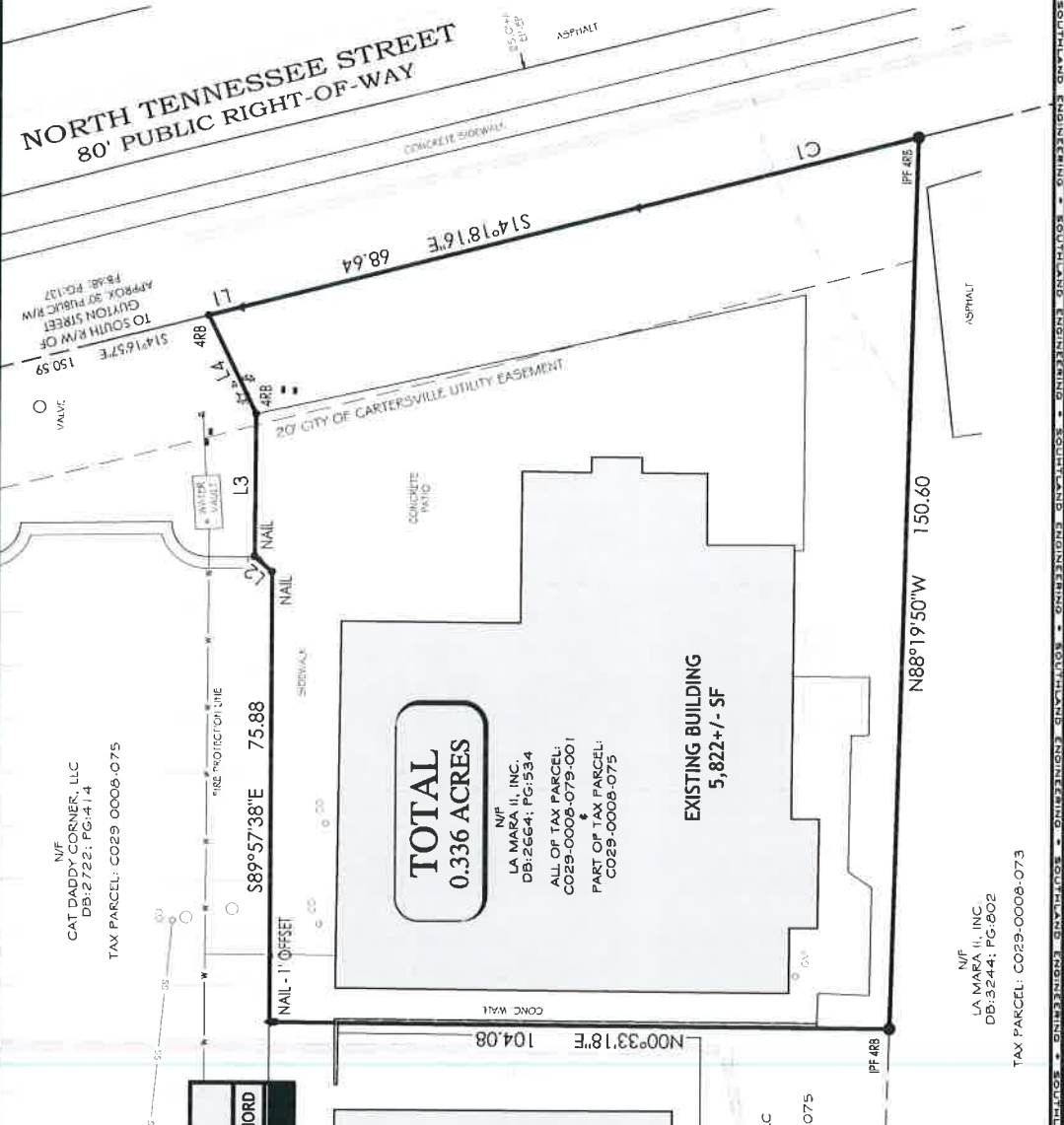
1. ALL PROPERTY CORNERS ARE 1/2" REBAR, EXCEPT AS SHOWN.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1" IN 24,500 FEET, AND AN ANGULAR ERROR OF 04" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 290,000 FEET.
4. EQUIPMENT USED: TOPCON 300SW, TOTAL STATION, WITH DATA COLLECTOR.
5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR

Conformity Statement

AS REQUIRED BY SUBSECTION (D) OF O.C.G.A. SECTION 15-6-67 THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.



- IRON PIN FOUND
- CONCRETE MON. FOUND
- IRON PIN PLACED
- BREAK POINT
- PHOTO REFERENCE
- EXCEPTIONS
- PARKING BOLLARD
- DOUBLE WING CATCH BASIN
- SINGLE WING CATCH BASIN
- JUNCTION BOX
- CURB INLET
- YARD INLET
- DROP INLET
- HEADWALL
- GAS VALVE
- GAS METER
- TELEPHONE MANHOLE
- ELECTRIC MANHOLE
- TELEPHONE PEDESTAL
- SIGN
- BENCHMARK
- SEWER MANHOLE
- CLEAN OUT
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- IRRIGATION CONT. VALVE
- WELL
- POWER POLE
- GUY WIRE
- ELECTRIC MET
- TRANSFORMER
- LIGHT POLE
- FLOW ARROW
- MAILBOX



CURVE TABLE

CURVE	LENGTH	RADIUS	DIRECTION	CHORD
L1	514°18'16"E	68.64		
L2	N41°36'08"E	3.75		

LINE TABLE

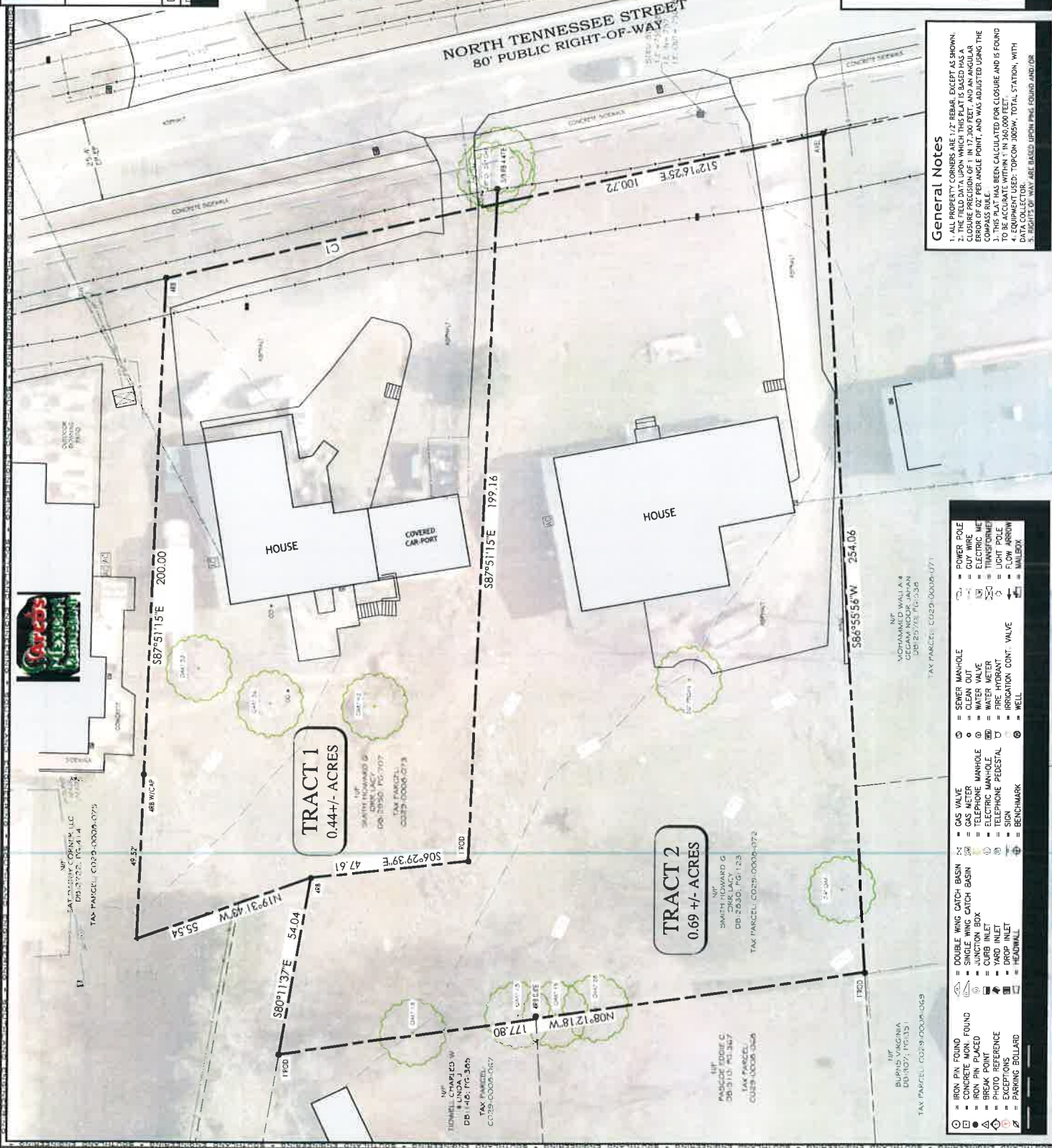
LINE	BEARING	LENGTH
L1	S14°18'16"E	68.64
L2	N41°36'08"E	3.75

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

TOPOGRAPHIC SURVEY FOR:
LA MARA II, INC
 LOCATED IN LAND LOT 239
 4th DISTRICT, 3rd SECTION
 CITY OF CARTERSVILLE, BARTOW COUNTY, GEORGIA
 DATE: SEPT. 17, 2019 REV: JOB NO: 191
 DATE OF PREVIOUS SURVEY: 10-2010



Conformity Statement
 THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE SURVEYOR HAS REVIEWED THE EXISTING DEEDS, BOUNDARIES, THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. THE SURVEYOR HAS REVIEWED THE RECORDING INFORMATION OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE SURVEYOR HAS REVIEWED THE RECORDING INFORMATION OF ANY PREVIOUS SURVEY INSTRUMENTS WHICH CERTIFY THAT THIS PLAT PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 47-10-6.



General Notes

1. ALL PROPERTY CORNERS ARE 1/2" REBAR, EXCEPT AS SHOWN.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A PRECISION OF 1/100,000 FEET, AND AN ANGULAR ERROR OF 1/100,000 PER ANGULAR POINT, AND WAS ADJUSTED USING THE COMPASS RULE.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 360,000 FEET.
4. UNLESS NOTED, TOPCOR 3855M, TOTAL STATION, WITH DATA COLLECTOR.
5. RIGHTS OF WAY ARE BASED UPON PINS FOUND AND/OR

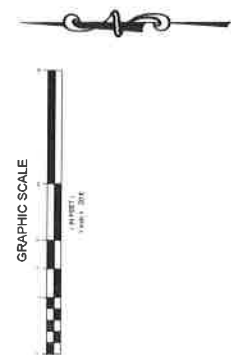
PROJECT NO.: 1900A
 DATE: XX/XX/19

SOUTHLAND ENGINEERING
 CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS
 114 OLD MILL ROAD, CARTERSVILLE, GA 30120 PH: 770.287.0440 FAX: 770.807.5151

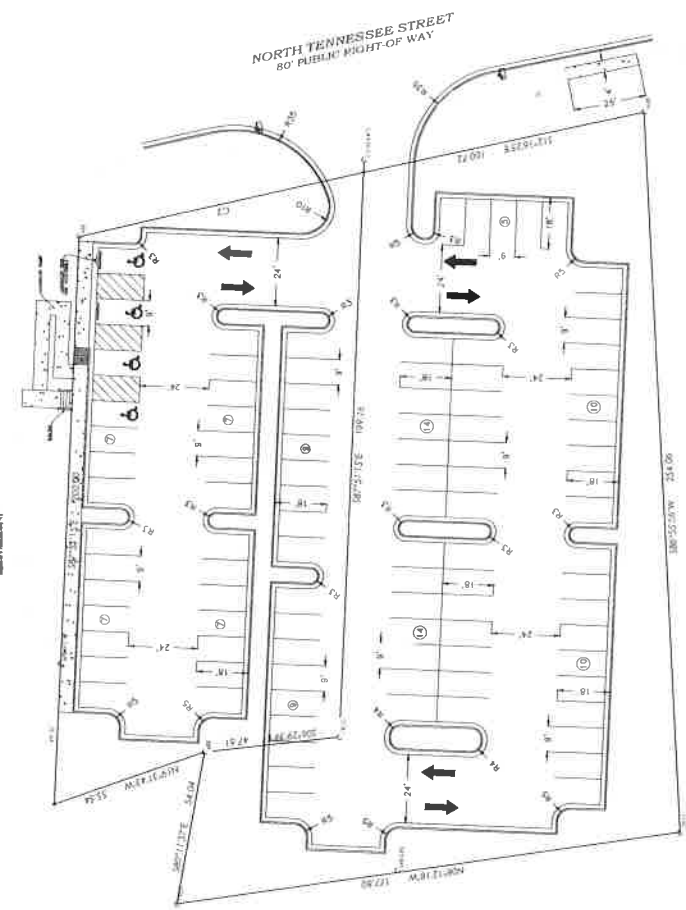
LOS ARCOS PARKING
 LOCATED IN LAND LOT 239
 4TH DISTRICT, 3RD SECTION
 CITY OF CARTERSVILLE, GEORGIA



SHEET TITLE:
SITE PLAN
 SHEET NO.:
CONCEPT 4



CONCEPT 4: (DEMO BOTH HOMES & HANDICAP ACCESSIBLE)
 TOTAL AMOUNT OF PARKING SPACES=93
 VEHICLE PARKING SPACES=89
 HANDICAP SPACES=4 (1 VAN ACCESSIBLE)



24 HOUR CONTACT
 BARRETT
 NUMBER

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

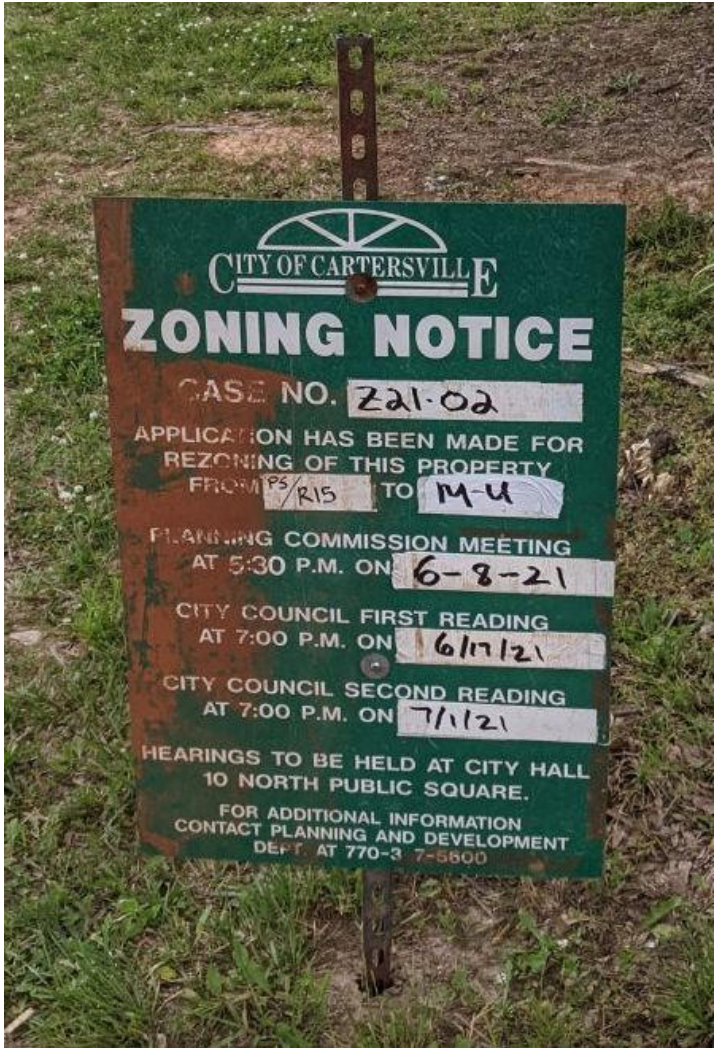
The following are all of the individuals, firms, or corporations owning property on the sides, rear, and in front of (across street from) the property sought to be rezoned:

	<u>NAME</u>	<u>ADDRESS</u>
1.	Cat Daddy Corner, LLC	751 Calloway Dr, Rockmart, GA 30153
2.	Jacob & Brett Womack	841 Sugar Valley Rd, Cartersville, GA 30120
3.	Savannah Cox	4 Davis Dr, Cartersville, GA 30120
4.	Richard Stovall	7 Highland Ln, Cartersville, GA 30120
5.	Wali Mohammed	20 Wells St, Cartersville, GA 30120
6.	Bartow County	135 W. Cherokee Ave, Cartersville, GA 30120
7.	Betty Beck	1007 N. Tenn St, Cartersville, GA 30120
8.	All Around Roofing Services, Inc.	1009 N. Tenn St, Cartersville, GA 30120
9.		
10.		
11.		
12.		
13.		
14.		
15.		

Attach additional names if necessary.

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

Image taken 5-19-21



Images taken 6-3-21



VIEW SOUTH FROM 1008 DRIVEWAY.



VIEW NORTH FROM 1006 DRIVEWAY.



VIEW SOUTHWEST FROM 1006 TO THE 1004 PROPERTY.



VIEW WEST TO 1006
STRUCTURE.



VIEW NORTHWEST TO
1006 AND 1008
STRUCTURES.



VIEW NORTHWEST TO
1008 STRUCTURE.



VIEW WEST ALONG SOUTH PROPERTY LINE OF 1006. 2 AND 4 DAVIS ARE VISIBLE IN THE DISTANCE.



VIEW NORTHWEST FROM SOUTH PROPERTY LINE OF 1006. 2 AND 4 DAVIS ARE VISIBLE IN THE DISTANCE.



VIEW NORTH FROM 1006 REAR YARD. 1010 STRUCTURES ARE AT THE TOP OF HILL.



VIEW WEST BETWEEN 1008(LEFT) AND 1010 (RIGHT) STRUCTURES.



VIEW SOUTHWEST FROM 1010 ACROSS REAR OF 1006 AND 1008 PROPERTIES.

RESIDENTIAL PROPERTIES ARE TO THE RIGHT- 2 AND 4 DAVIS DRIVE.



VIEW SOUTH FROM 1010 ACROSS REAR OF 1006 AND 1008 PROPERTIES.

RESIDENTIAL PROPERTIES ARE TO THE RIGHT. (NOT VISIBLE).