

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU21-04**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Seth Arnold**

Representative: **Seth Arnold**

Property Owner: **Trisha Murphy**

Property Location: **81 Peeples Valley Rd. Suites 101 and 102. C101-0002-005**

Access to the Property: **Peeples Valley Rd.**

Site Characteristics:

Tract Size: Acres: **0.95** District: **4th** Section: **3rd** LL: **22**

Ward: **6** Council Member: **Wren**

1. LAND USE INFORMATION

Current Zoning: **GC (General Commercial)**

Proposed Zoning: **GC (General Commercial)**

Proposed Use: **Religious Institution**

Current Zoning of Adjacent Property:

North: **GC General Commercial**

South: **GC General Commercial**

East: **GC General Commercial**

West: **GC General Commercial**

The Future Development Map designates the subject property as: **Highlands**

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

2. City Department Comments:

Electric: No comments received.

Fibercom: Takes No Exception

Fire: Takes no exceptions to the special use request provided that all adopted federal, state, and local codes and ordinances are met.

Gas: Takes No Exception

Public Works: No comments received.

Water and Sewer: Takes No Exception

3. Public Comments:

No public comments received by Planning and Development as of June 1, 2021.

4. Special Use Review

Applicant wishes to have a church (Religious Institution) at this location in suites 101 and 102. A special use permit is required by ordinance for Religious Institutions in the General Commercial zoning district. This use may be compatible with other commercial uses along Peebles Valley Road.

The site of this building was developed in two phases c. 2006-07. The 81 building was constructed in Phase 1 and the 83 building to the west was constructed in Phase 2. The buildings were developed as office-commercial spaces and an appropriate number of parking spaces were allocated to each: (34) spaces to the 81 building and (67) to the 83 building. Since development, the phases have been subdivided into their own lots with separate ownership.

Parking may or may not become an issue as the church membership increases. The application states current membership is just (7) families. Parking is likely sufficient even if the membership doubles.

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).

A. 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.

B. Section 17.6 Number of parking spaces.

17.6.2 Auditorium, stadium, assembly hall, gymnasium, theater, community recreation center, religious institution. One (1) space per four (4) fixed seats in largest assembly room or area, or one (1) space for each fifty (50) square feet of floor area available for the accommodation of movable seats in the largest assembly room.

C. 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 impact.

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

How Standard #2 has / will be met: No impact. Parking is existing with a parking lot of approximately 40 spaces.

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: Sunday morning service at 10am with special events occasionally occurring on the weekends.

Standard #5: Outdoor lighting

How Standard #5 has / will be met: Existing lighting in parking lot.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Existing entrance connected to Peoples Valley Rd.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: The surrounding land uses are commercial and zoned GC.

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

16.4.12: *Religious institution.*

A. Allowable districts: AG, R-20, R-15, R-10, R-7, R-D, RA-12, P-S, M-U, N-C, DBD, O-C, G-C, L-I.

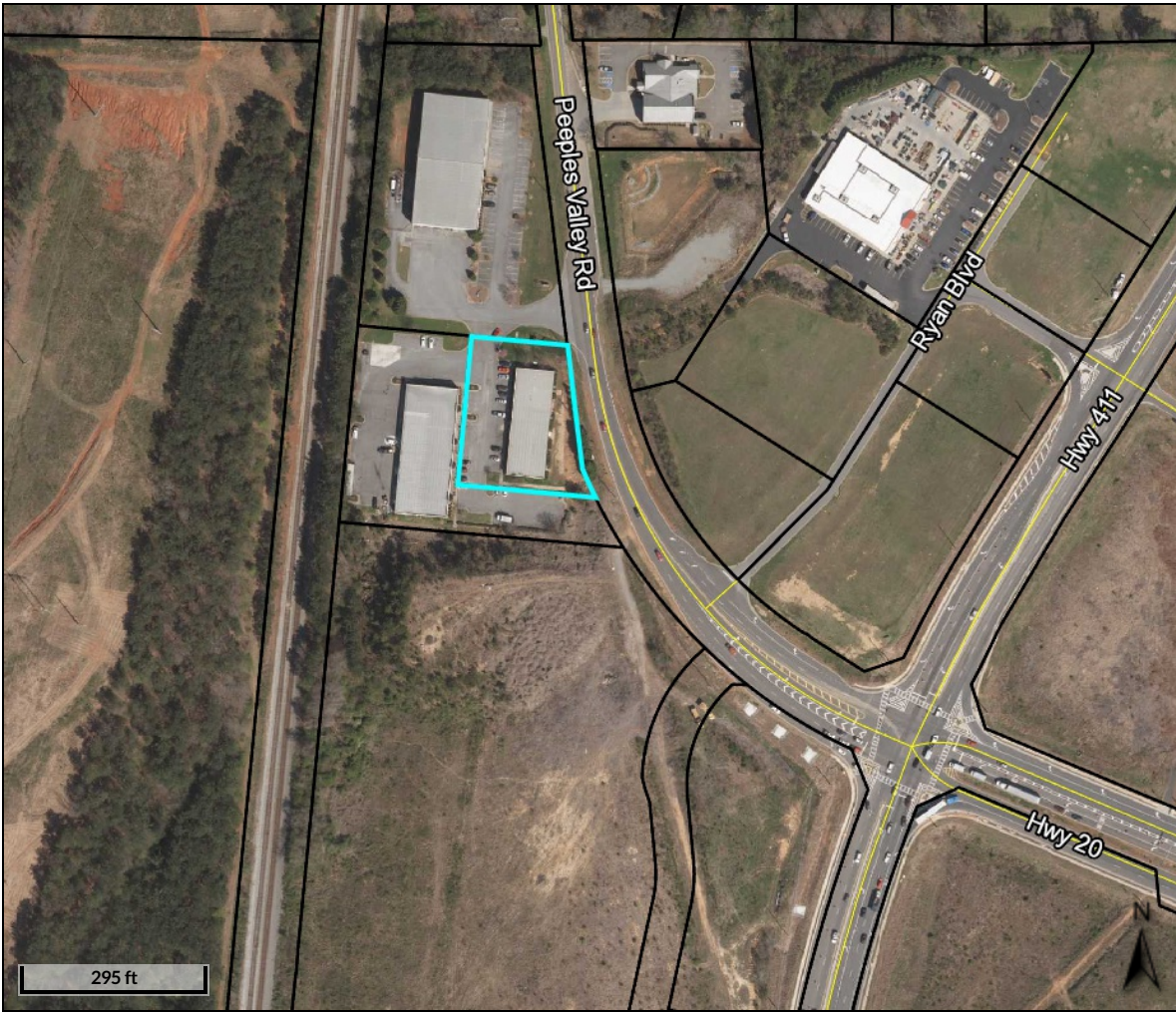
B. *Standards:*

1. In addition to required setbacks, a minimum fifteen-foot wide buffer shall be required along all property lines adjoining a residential district or use to provide a visual screen in accordance with [section 4.17](#) of this chapter.
2. A cemetery use in conjunction with a religious institution in a residential district shall not be allowed.
3. Noise levels in decibels measured at the property line adjacent to single-family residential uses shall not exceed seventy (70) decibels. Noise levels are measured as constant, consistent sounds and not intermittent noise. All measurements shall be taken at property lines. It is the intent of this section to regulate noise in a manner to prohibit it from exceeding levels of sound that could become a nuisance to adjacent property under Georgia law.

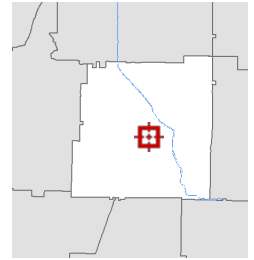
The above (3) standards are not applicable to this application.

6. **Staff Recommendation:** No objection to special use request. All building and fire codes must be met.

7. **Planning Commission Recommendation:**



Overview



Legend

-  Parcels
-  Roads

Parcel ID	C101-0002-005	Alternate ID	38092	Owner Address	GLITZY CHIKS LLC
Sec/Twp/Rng	n/a	Class	Commercial		PO BOX 3482
Property Address	81 PEEPLES VALLEY RD	Acres	0.95		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 22 D 4 0.95 ACRE PLAT 58-359				
	<i>(Note: Not to be used on legal documents)</i>				

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

Developed by  Schneider
 GEOSPATIAL

**Application for Special Use
City of Cartersville**

Case Number: SU21-04
Date Received: 4/20/2021

Public Hearing Dates:

Planning Commission 6/8/2021 5:30pm 1st City Council 6/17/2021 7:00pm 2nd City Council 7/11/2021 7:00pm

Applicant: Seth Arnold (printed name) Office Phone (214) 435-7218
Address: 126 Tower Ridge Rd. Mobile/ Other Phone (470) 227-0416
City: Cartersville State: GA Zip: 30121 Email: highlandspingscartersville@gmail.com
Representative's printed name (if other than applicant): Seth Arnold Phone (Rep): _____
Representative Signature: [Signature] Applicant Signature: [Signature] Email (Rep): _____
Signed, sealed and delivered in presence of: _____
Ashley Bright Notary Public My commission expires: 1/28/2025

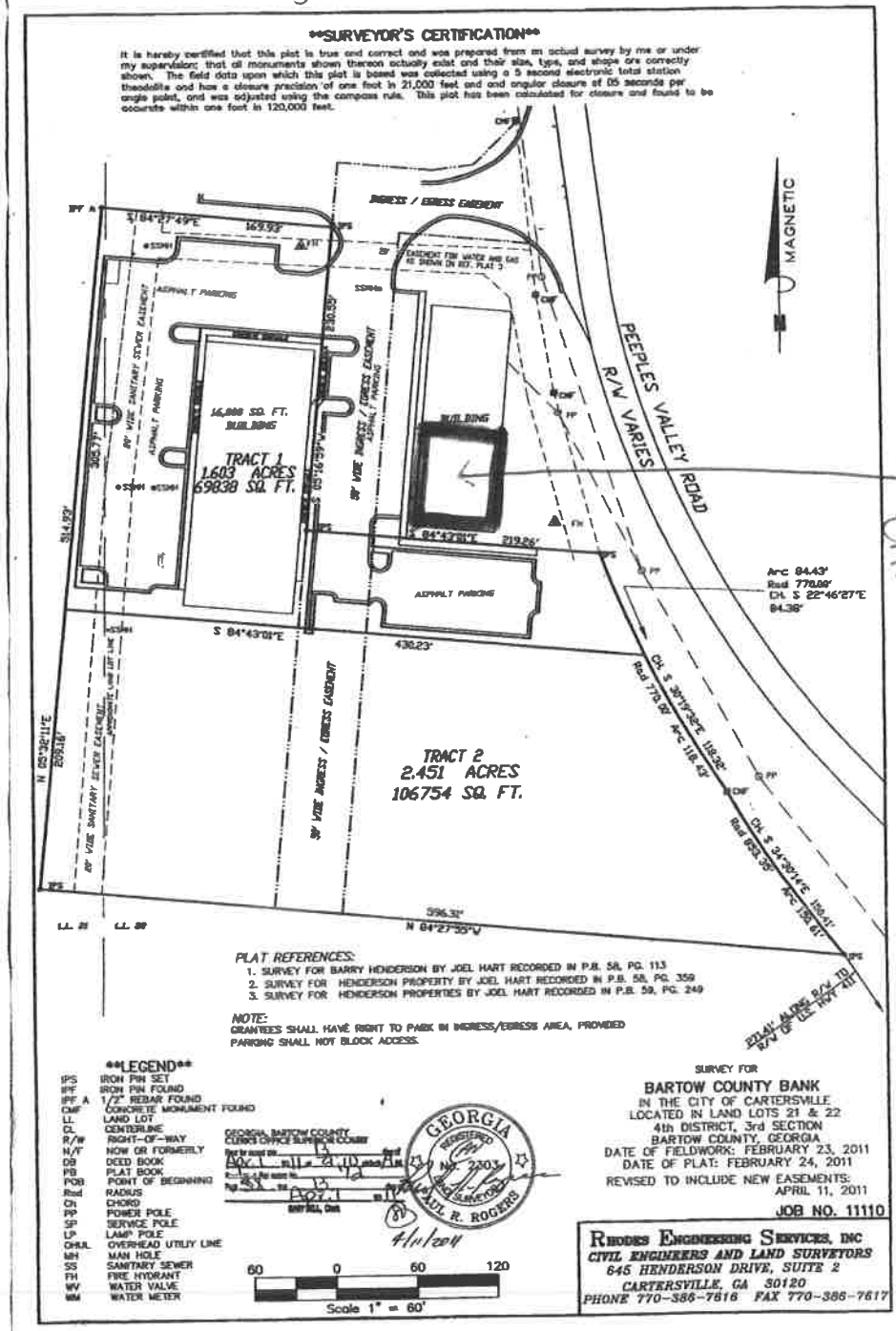
* Titleholder: Trisha Murphy (titleholder's printed name) Phone: (770) 547-6138
Address: PoBox 3482 Email: trishamurphy@inc@hotmail.com
Signature: [Signature]
Signed, sealed, delivered in presence of: _____
Ashley Bright Notary Public My commission expires: 1/28/25

Present Zoning District: general commercial
Acreage: .95 Land Lot(s): 22 District(s): 4 Section(s): 3
Location of Property: 81 Peoples Valley Rd. Ste 101 + 102 Cartersville GA 30121
(street address, nearest intersections, etc.)
Reason for Special Use Request: church

(attach additional statement as necessary)

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

Bldg sq. ft is roughly 96 x 128

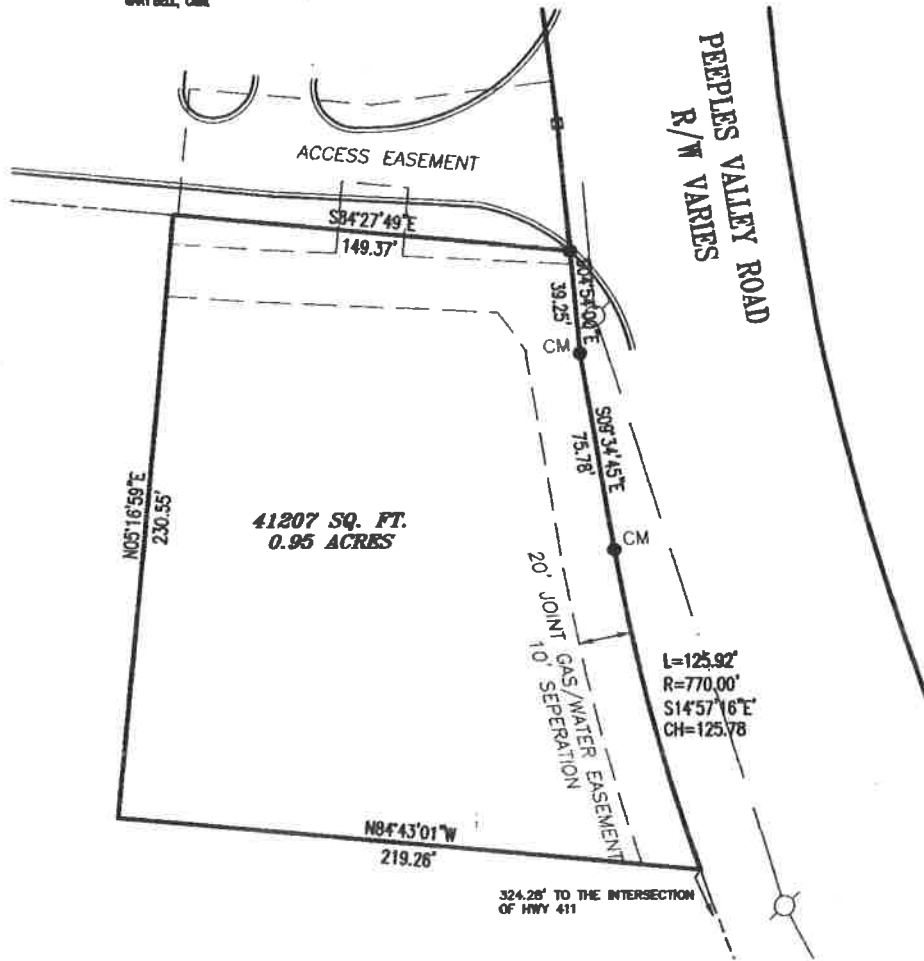


SURVEY FOR:
HENDERSON PROPERTY

GEORGIA, BARTOW COUNTY
 CLERKS OFFICE SUPERIOR COURT

Filed for record this 17 day of
June 2004 at 9:50 o'clock A.M.
 Recorded in Plat record No. 58
 Page 359 this 17 day of
June 2004
 GARY BELL, Clerk

PROPERTY IN LAND LOT 22,
 4th DISTRICT, 3rd SECTION,
 BARTOW COUNTY, GEORGIA



HART & ROZIER
 LAND SURVEYING, INC.

29 MAPLE RIDGE DRIVE, SUITE 102
 CARTERSVILLE, GA 30120
 PHONE: (770) 382-0993 FAX: (770) 382-0993

LEGEND	
IPF	IRON PIN FOUND (AS NOTED)
IPP	IRON PIN PLACED (1/2" REBAR)
CO	CLEAN OUT
WM	WATER METER
CM	CONCRETE MARKER
FP	POWER POLE
LP	LIGHT POLE

GENERAL SURVEY NOTES:		
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 15,000+ AND AN ANGULAR ERROR OF 68" PER POINT, AND WAS NOT ADJUSTED. ALL ANGLES AND DISTANCES WERE MEASURED USING A SOKKIA SET 600.	PROJECT INFORMATION	THE PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE TO WITHIN 1 FOOT IN 1,000,000+ FEET.
	FILE: 83-194 DATE: 5/25/04 SCALE: 1"=50' DRAWN BY: CHECKED BY:	

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:

church

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

How Standard #1 has / will be met:

private office park, adjoining street traffic flow will not be impeded

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

How Standard #2 has / will be met:

private parking lot containing 40 plus parking spaces
only 7 families attend.

Standard #3: Protective screening.

How Standard #3 has / will be met:

landscaping in the front of the property

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

How Standard #4 has / will be met:

Sunday morning church service, special events, fellowship
Sunday services begin @ 10am, Occasional weekend events.

Standard #5: Outdoor lighting. _____

How Standard #5 has / will be met:

Street and parking lot lights

Standard #6: Ingress and egress to the property. _____

How Standard #6 has / will be met:

one entrance/exit from Peoples Valley Road.

Standard #7: Compatibility with surrounding land use. _____

How Standard #7 has / will be met:

private entity serving the citizens of Cartersville, Georgia.
promoting faith and service

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

Signed, 
Applicant or Representative

4/19/21
Date

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: 4/13/2021

Date Two Years Prior to Application: 4/13/2019

Date Five Years Prior to Application: 4/13/2016

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	_____	✓
Council Member:		
Ward 1- Kari Hodge	_____	✓
Ward 2- Jayce Stepp	_____	✓
Ward 3- Cary Roth	_____	✓
Ward 4- Calvin Cooley	_____	✓
Ward 5- Gary Fox	_____	✓
Ward 6- Taff Wren	_____	✓
Planning Commission		
Greg Culverhouse	_____	✓
Harrison Dean	_____	✓
Lamar Pendley	_____	✓
Lamar Pinson	_____	✓
Travis Popham	_____	✓
Jeffery Ross	_____	✓
Stephen Smith	_____	✓

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.

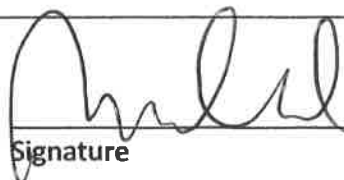

4/19/21
 Signature Date
Seth Arnold
 Print Name

Image taken 5-19-21





