

MINUTES OF THE CARTERSVILLE PLANNING COMMISSION

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, October 8, 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 October 17, 2024, and November 7, 2024, at the City Council Meeting.

ROLL CALL

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

APPROVAL OF MINUTES

1. September 10, 2024, Meeting Minutes

Board Member Dent made a motion to approve the minutes. Board Member Clayton seconded the motion. Motion carried. Vote: 5-0

TEXT AMENDMENT

2. T24-04: Outdoor Storage Containers Applicant: Lehmann Smith

Board Member Culverhouse made a motion to remove T24-04 from the table. Board Member Milam seconded the motion. Motion carried unanimously. Vote: 5-0

David Hardegree, City Planner, stated that Mr. Harris was here on behalf of the applicant and that the meeting had been properly posted and advertised. After a brief overview of the case, Mr. Hardegree stated that with all the feedback given from the board a new text amendment has been created to include conditions with the Special Use Permit Standards. This Text Amendment to Chapter 26, Zoning, Article IV, General Provisions, Sec. 4.25, to add:

Sec. 4.25. – Outdoor Storage

Outdoor storage shall be allowed in G-C, L-I, and H-I districts only. In G-C and L-I districts, outdoor storage must be in a side or rear yard and screened from all rights-of-way, and residential districts that abut the outdoor storage area. Such storage shall be screened in accordance with the requirements under section 4.17 of this chapter. In G-C and L-I districts, the use of trucks, truck bodies, enclosed containers, campers, recreational vehicles, or other types of motor vehicles for storage is prohibited. This section does not apply to incidental outside storage on properties in residential districts.

In the G-C district, neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axles) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor-trailer rigs, railroad boxcars, etc. Provided however, shipping containers may be allowed by special use application if approved by the governing authority and properly screened in accordance with the requirements under section 4.17 of this chapter. The storage of new or used tires on any G-C district property is prohibited unless the same are stored within an enclosed building or garage. It is illegal to discard or abandon tires on any property other than a lawful landfill.

This amendment would allow shipping containers to be used on properties zoned G-C., General Commercial, provided they are screened from all rights-of-way and a special use permit is granted.

Staff is recommending the following conditions be included with the Special Use Permit standards. A new section will be added to Sec. 16.4- Minimum special use standards:

- Container Height not to exceed 8ft.- 6 in.
- Containers are not permitted to be stacked.
- Containers must be placed on an impervious or paved surface.
- The quality and length of the shipping containers must be disclosed in the application.
- Containers are only allowed on side or rear yards.
- Containers must be setback a min. 5ft. from the side of the rear property lines.
- Containers must be screened from view from Right-of- Way per Sec. 4.17.

If this change is approved, the following Zoning Ordinance definitions (Sec. 2.2) will be updated:

Accessory structure. A structure on the same lot with, and of a size and nature customarily incidental and subordinate to, the principal structure. Examples of accessory structures include, but are not limited to, the following: detached garages and/or carports; storage structures and/or barns; shipping containers; freestanding greenhouses; aboveground swimming pools and pool houses; tennis courts; freestanding workshops; freestanding decks and gazebos; and freestanding ATM bank machines.

Outdoor storage. The keeping, in an unenclosed area, of any goods, salvage, material, merchandise, storage trailers, shipping containers, or vehicles outdoors on the property for more than twenty-four (24) hours. The term "outdoor storage" shall not include the keeping of vehicles or manufactured housing structures on sales lots in districts which allow such sales lots.

Structure, accessory. A subordinate structure, customarily incidental to a principal structure or use and is located on the same lot. Examples of accessory structures in residential districts shall include, but is not limited to, tool sheds, guest houses, detached garages, and play sets. Examples of accessory structures in nonresidential districts shall include, but is not limited to, storage buildings, shipping containers, freestanding signs, play sets, and detached carwashes.

Staff is not opposed to the amendment.

Chairman Pendley opened the public hearing.

Mark Harris, 700 Douthit Ferry, came forward and apologized for missing the previous meeting due to family emergency. Mr. Harris agreed with what Mr. Hardegree stated but wanted to ask a question regarding the height of the containers. The current containers on the property are 9ft 6in.

Board Member Womack asked to clarify that the board is here to discuss the rewording of the text amendment with the additional seven conditions. Mr. Keith Lovell, City Attorney, stated that the board is look to see if more conditions need to be added or if there are additional comments they would like to see.

Board Member Clayton stated that he researched popular Conex boxes and that the 40ft boxes are usually 9ft tall.

Board Member Culverhouse stated that he would be fine with a 9 1/2ft box.

Chairman Pendley asked if the commission should limit how long the boxes are allowed to stay and the quantity that they are allowed to have. Mr. Hardegree stated they can be permanent for as long as the business is there as for the quantity, it would be brought up during the special use case and would come back for board approval.

Chairman Pendley stated the believes the boxes could potentially cause an eye sore.

Board Member Culverhouse asked a question regarding how these are going to be taxed on the property.

Board Member Milam stated that he does not want semi-permanent business going in and it is not being taxed appropriately.

Board Member Womack asked if that was something for their commission to determine. Mr. Lovell stated taxability is determined by state law. If the worry is for a business to run out of it, then you can create a condition to be added for no power and add clarification of just storage.

Board Member Dent brought up the question regarding them being used as construction trailers. Mr. Hardegree stated that these are already covered in the zoning ordinance.

Chairman Pendley stated that he is not wanting to see it all around town and states that it would clutter the town. Mr. Lovell stated that the board can add a condition for the storage container that the applicant should reapply every 5, 7, 10 years.

Board Member Clayton reiterated that the storage containers are for outdoor storage only and they are falling in the General Commercial zoning. Also asked if all conditions can be handled in the special use presentation. Mr. Hardegree stated that this is the time to make the changes to the conditions.

Board Member Womack stated that he would like to add in maintaining the storage unit and that there should be no power to the conditions.

Mr. Lovell stated that there should be amendments to the proposed conditions for the following.

- Container height not to exceed 9ft- 6in.
- The quantity and length of the shipping containers must be disclosed in the application and must be approved by the city.

Mr. Lovell also stated that there should be two additional conditions added.

- All containers must be maintained and in good repair.
- No power to containers.

With no one else to come forward to speak for or against T24-04, the public hearing was closed.

Board Member Womack made a motion to approve the Text Amendment with the amended conditions and to include the additional (two) conditions. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 5-0.

SPECIAL USE PERMIT

3. SU24-03: 681 Henderson Dr

Applicant: Lehmann Smith

Mr. Hardegree stated the representative request the Special Use Permit to allow shipping containers to be used for the storage on the property at 683 Henderson Drive. Currently, there are (2) shipping containers on site in the rear yard.

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

Chairman Pendley opened the public hearing.

Mr. Harris, 700 Douthit Ferry, came forward for the board.

Mr. Lovell stated to comply with the new conditions given he asked Mr. Harris how many storage containers will be on the property and the size of the containers. Mr. Harris stated there are two containers and that the measurements of the containers are 40ft x 8ft x 9'6ft.

Sherell Smith, 317 Hasty Road, came forward and asked if the containers would be approved for residential or only in commercial areas, that it's not allowing for the containers to have power or plumbing, and clarification on if the owner is having to reapply. Mr. Lovell stated they would only be commercial, no power can be ran to the containers and that plumbing was not specified, and that the owner would not need to reapply.

With no one else to come forward to speak for or against SU24-03, the public hearing was closed.

Board Member Womack made a motion to approve the (2) 40ft x 8ft x 9'6ft containers with the amended text in place. Board Member Clayton seconded the motion. Motion carried unanimously. Vote: 5-0

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

The meeting adjourned at 9:11 PM.

Date Approved: November 12, 2024.

/s/ _____
Lamar Pendley, Chairman