

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU21-03**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Christopher Barron**

Representative: **Christopher Barron**

Property Owner: **Jeffery Marlow**

Property Location: **780 West Ave** **C015-0008-018**

Access to the Property: **West Ave**

Site Characteristics:

Tract Size: Acres: **1.25** District: **4th** Section: **3rd** LL: **523**

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

1. LAND USE INFORMATION

Current Zoning: **OC Office Commercial**

Proposed Zoning: **OC Office Commercial**

Proposed Use: **Automotive and Truck Sales or Rental**

Current Zoning of Adjacent Property:

North: **OC Office Commercial**

South: **R20 Residential**

East: **OC Office Commercial**

West: **OC Office 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:

Electric: Takes no exception.

Fibercom: Takes no exception.

Fire: Takes no exception.

Gas: Takes no exception.

Public Works: No comments received.

Water and Sewer: No comments received.

3. Public Comments:

No public comments received by Planning and Development as of 5-4-21.

4. Special Use Review

Applicant wishes to have an auto and truck sales or rental use at this property. A special use permit is required by ordinance. This use may be compatible with other commercial uses along the West Ave corridor. The site has been used previously for used automotive sales, most recently in 2018, for Daniel Imports.

There are no other special use permits on file for Daniel Imports or other automotive sales or rental facilities at this location.

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. 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 off-street.

Standard #3: Protective screening.

How Standard #3 has / will be met: There is a privacy fence along the southern (rear) property line adjacent to residential property. This fence or a 15ft buffer must be maintained.

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: 8am to 8pm: Monday through Saturday.

Standard #5: Outdoor lighting

How Standard #5 has / will be met: Standard commercial lighting available by City Electric.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Existing driveway connected to West Ave.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: Majority of surrounding land uses are also commercial and zoned OC , with one (1) parcel to the South being R20 Residential. The has been used previously as an automobile sales or rental facility.

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

There are no additional special use standards for automotive sales or rental.

6. **Staff Recommendation:** *No objection to special use request. State and local occupational tax certificates will be required.*

7. **Planning Commission Recommendation:**

Application for Special Use
City of Cartersville

Case Number: SU21-03
Date Received: ~~3-12-21~~
3-12-21

Public Hearing Dates:

Planning Commission May 11th 5:30pm 1st City Council May 20th 7:00pm 2nd City Council June 3rd 7:00pm

Applicant Christopher Burran Office Phone 678-719-8490
(printed name)

Address 780 West Avenue Mobile/ Other Phone _____

City Cartersville State Ga Zip 30120 Email cburran@best-auto-sales-experience.com

Representative's printed name (if other than applicant) Chris Burran Phone (Rep) 404-486-3909

Representative Signature [Signature] Applicant Signature [Signature] Email (Rep) cburran@bestexperience-service.com

Signed, sealed and delivered in presence of: _____ My commission expires: _____

Notary Public [Signature]



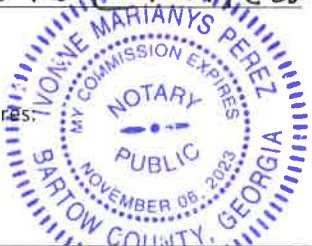
* Titleholder Jeffery L Marlow Phone 404-372-0928
(titleholder's printed name)

Address 2978 Edinburgway Email JSMARLOW346@aol.com

Signature [Signature]

Signed, sealed, delivered in presence of: _____ My commission expires: _____

Notary Public [Signature]



Present Zoning District O-C Office Commercial C015-0008-018

Acreage 1.25 Land Lot(s) 523 District(s) 4 Section(s) 3rd

Location of Property: East of R Plymouth DR
(street address, nearest intersections, etc.)

Reason for Special Use Request: Auto sales

(attach additional statement as necessary)

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



Overview



Legend

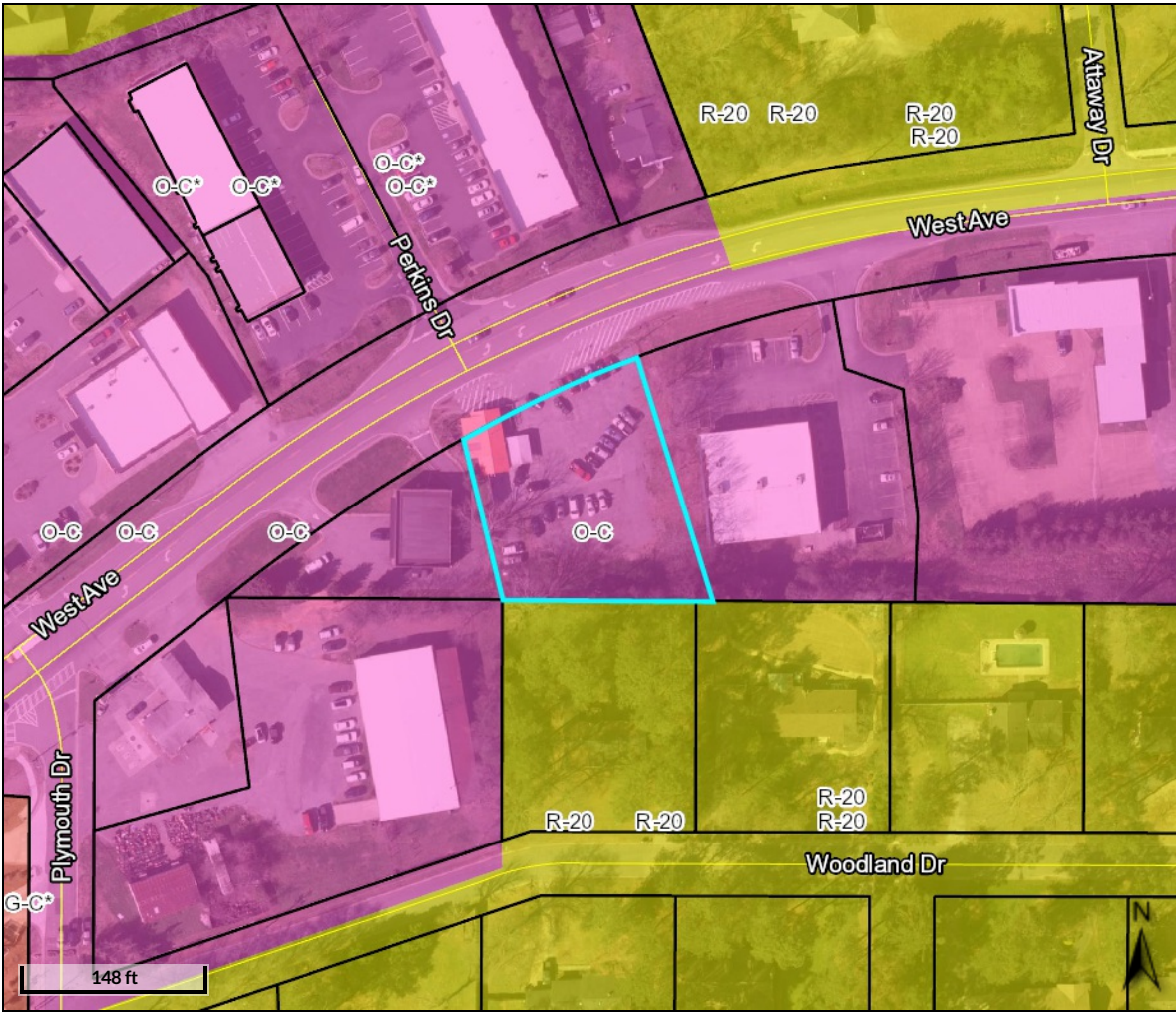
-  Parcels
-  Roads

Parcel ID	C015-0008-018	Alternate ID	33861	Owner Address	2300 BURNTWOOD LLC
Sec/Twp/Rng	n/a	Class	Commercial		2300 BURNTWOOD DR
Property Address	780 WEST AVE	Acreage	1.25		KENNESAW, GA 30152
District	Cartersville				
Brief Tax Description	LOT & STORE				

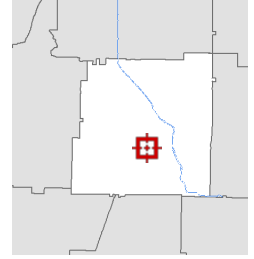
(Note: Not to be used on legal documents)

Date created: 3/5/2021
 Last Data Uploaded: 3/4/2021 9:56:05 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*

Parcel ID C015-0008-018
 Sec/Twp/Rng n/a
 Property Address 780 WEST AVE
 District Cartersville

Alternate ID 33861
 Class Commercial
 Acreage 1.25

Owner Address 2300 BURNTWOOD LLC
 2300 BURNTWOOD DR
 KENNESAW, GA 30152

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: 3/2/2021

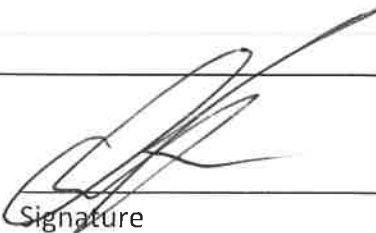
Date Two Years Prior to Application: 3/2/2019

Date Five Years Prior to Application: 3/2/2016

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	_____	<u>0</u>
Council Member:		
Ward 1- Kari Hodge	_____	<u>X</u>
Ward 2- Jayce Stepp	_____	<u>X</u>
Ward 3- Cary Roth	_____	<u>X</u>
Ward 4- Calvin Cooley	_____	<u>X</u>
Ward 5- Gary Fox	_____	<u>X</u>
Ward 6- Taff Wren	_____	<u>X</u>
Planning Commission		
Greg Culverhouse	_____	<u>X</u>
Harrison Dean	_____	<u>X</u>
Lamar Pendley	_____	<u>X</u>
Lamar Pinson	_____	<u>X</u>
Travis Popham	_____	<u>X</u>
Jeffery Ross	_____	<u>X</u>
Stephen Smith	_____	<u>X</u>

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.


 Signature 3/2/2021
 Date
Chris Barron
 Print Name

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:

Auto Sales

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

How Standard #1 has / will be met:

None will be affected

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

How Standard #2 has / will be met:

None will be affected

Standard #3: Protective screening.

How Standard #3 has / will be met:

Fence + Gate

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

How Standard #4 has / will be met:

8am - 8pm Mon - Saturday For Auto Sales

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

Yes, provided by City of Caterpillar

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:


All good.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

Very Compatible

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

Signed, 

Applicant or Representative
Date 3/1/2021

NOTICE OF PUBLIC HEARING

May 11th

The City of Cartersville Planning Commission will hold a public meeting on ~~March 9th~~ at

5:30 p.m. in the City Hall Council Chambers, 3rd Floor, City Hall at 10 North Public Square, Cartersville, Georgia.

The Planning Commission will review an application by _____

requesting a Special Use for property located at 780 West Avenue in

Land Lot(s) 523 of the 4th District, 3rd Section, in the

O-C zoning district. Said property contains .601 acres.

The Cartersville City Council will hold the first reading on May 20th at 7:00 p.m. in the

City Hall Council Chambers to consider the recommendation of the Planning Commission on the above mentioned application. The Cartersville City Council will have a second reading and final

action on said application on Jun 3rd at 7:00 p.m. in the City Hall Council

Chambers.

Please contact the City of Cartersville Planning & Development Department at City Hall, 2nd Floor, 10 North Public Square, Cartersville, Georgia 30120 or (770) 387-5600 to receive information on the filing thereof.

If you have interest in the proposed rezoning as stated above, you are encouraged to attend the meetings as stated herein.

CITY OF CARTERSVILLE

Case # _____



SPECIAL USE NOTICE

CASE NO. SU21-03

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 5/11/21

CITY COUNCIL FIRST READING
AT 7PM ON 5/20/21

CITY COUNCIL SECOND READING
AT 7:00 P.M. ON 6/3/21

HEARINGS TO BE HELD AT CITY HALL
10 NORTH PUBLIC SQUARE.

FOR ADDITIONAL INFORMATION CONTACT
THE PLANNING AND DEVELOPMENT DEPT.
AT 770-387-5600.





SECURED BY
OWEN
SECURITY SOLUTIONS
781.629.7200

SECURED BY
OWEN
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781.629.7200

CITY OF CARTERSVILLE
SPECIAL USE NOTICE
CASE NO. SU21-03
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 5/11/21
CITY COUNCIL FIRST READING AT 7 PM ON 5/20/21
CITY COUNCIL SECOND READING AT 7:00 P.M. ON 6/3/21
HEARINGS TO BE HELD AT CITY HALL 10 NORTH PUBLIC SQUARE.
FOR ADDITIONAL INFORMATION CONTACT THE PLANNING AND DEVELOPMENT DEPT. AT 770-387-5600

