# SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): SU24-01

### APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Daneise Archer

Representative: <u>Same</u>

Property Owner: <u>Same</u>

Property Location: <u>109 Douglas St.</u> <u>Tax ID C004-0011-009</u>

Access to the Property: Douglas St.

#### Site Characteristics:

Tract Size: Acres: **0.50** District: **4**<sup>th</sup> Section: **3**<sup>rd</sup> LL(S): **410** Ward: **4** Council Member: **Calvin Cooley** 

#### LAND USE INFORMATION

Current Zoning: <u>P-S (Professional Services)</u> Proposed Zoning: <u>M-U (Multiple Use)</u> Proposed Use: <u>Landscape Contracting</u>

Current Zoning of Adjacent Property:North:P-SSouth:P-SEast:M-UWest:R-D (Residential Duplex)

The Future Development Plan designates the subject property as: **<u>North Town Revitalization</u>** <u>**Area.**</u>

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

# 2. City Department Comments: Updated 1-9-24

\* Applications were not sent to departments in time for review and comment before case files were delivered to board members.

Electric: Takes No Exception

Fibercom:

Fire:

Gas: Takes No Exception

Public Works:

Water and Sewer: Takes No Exception

City of Cartersville School District: N/A.

<u>Public Comments:</u> 1-9-24: John Lewis. property owner of 104, 108 and 110 Douglas St. None documented.—Concerned that 1)business would detract from residential character of Douglas St. and 2) site is too small for landscape business operations.

#### 4. Special Use Review

The applicant is proposing the rezoning, Z24-01, of the 0.50 acre property located at 109 DouglasSt. from the P-S (Professional Services) zoning district to M-U (Multiple Use). The rezoning is to allow a landscape company (Specialty Contractor) to operate and have outdoor storage of landscape supplies. A Special Use permit is required by the M-U district zoning ordinance to allow outdoor storage of landscape materials and supplies.

The tentative contractor is Appalachian Landscape, currently located on the Jackson Farm planned development property on Mission Rd. Appalachian is looking for a new location.

It is the intent of the applicant and Appalachian to utilize the house at 105 Douglas St. as the office while using 109 Douglas St. as the storage lot for supplies. A 6ft. privacy fence with shrubs is proposed to secure the 109 site. Without a building on site, the fence line will need to be set at or behind the 10ft. front yard setback to comply with the ordinance requirements for landscape materials.

Two driveway cuts exist onto the site from Douglas St. They provided access to the houses that previously occupied the site. Improvements to the driveways will be required.

# 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).

#### Sec. 9.2. Multiple Use

Subsec. 9.2.3. Development Standards. Item R(3):

Outdoor storage of landscape supplies and materials may be allowed in the side and rear yards of a non-residential land use with a special use (SU) permit.

## B) 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 (See application):

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

N/A

#### **<u>8. Staff Recommendation</u>**: Staff does not oppose the application with the following conditions:

- 1) The special use permit is valid only for the named applicant, title holder and specialty contractor associated with the application.
- 2) A visual screen is to be installed along the property lines that abut a residential zoning district or land use.

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Parcel ID C004-0011-009 Sec/Twp/Rng n/a Property Address 109 DOUGLAS ST District Cartersville 109 DOUGLAS ST LL410 LD4 **Brief Tax Description** (Note: Not to be used on legal documents)

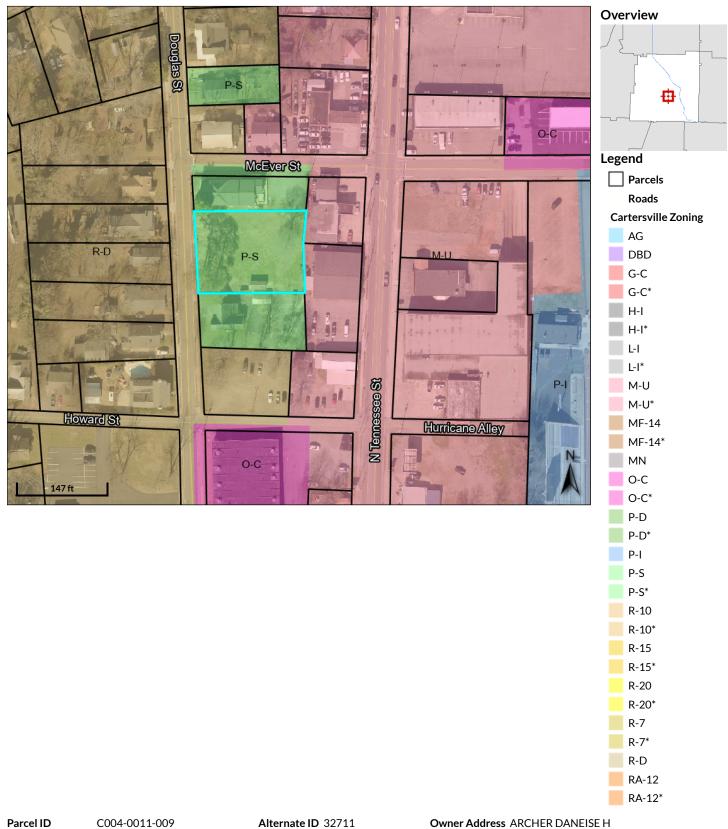
Alternate ID 32711 Class Residential 0.5 Acreage

**Owner Address** ARCHER DANEISE H 704 WEST AVE CARTERSVILLE, GA 30120

Date created: 1/3/2024 Last Data Uploaded: 1/2/2024 9:55:56 PM

Schneider Developed by

# 



 Parcel ID
 C004-0011-009

 Sec/Twp/Rng
 n/a

 Property Address
 109 DOUGLAS ST

Alternate ID32711ClassResidentialAcreage0.5

Owner Address ARCHER DANEISE H 704 WEST AVE CARTERSVILLE, GA 30120 District Brief Tax Description Cartersville 109 DOUGLAS ST LL410 LD4 (Note: Not to be used on legal documents)

Date created: 1/2/2024 Last Data Uploaded: 1/1/2024 9:28:45 PM



#### Sec. 9.2. - M-U Multiple use district.

- 9.2.1. *M-U district scope and intent.* Regulations in this section are the M-U district regulations. The M-U district is intended to provide land areas for medium to high density residential land uses and commercial uses complimentary to office and institutional uses as further described in section 3.1.15 of this chapter and where existing and projected traffic patterns encourage such development. The M-U district is intended to:
  - A. Encourage the development of tracts of land in the community;
  - B. Encourage flexible, innovative, and creative concepts in site planning;
  - C. Encourage efficient use of land;
  - D. Provide a stable multiple use environment compatible with surrounding uses; and
  - E. Protect neighboring residential properties by locating less intense uses adjacent to residential developments or by locating buffers between nonresidential and residential uses.
- 9.2.2. *Use regulations.* Within the M-U district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as a permitted use in this section shall be prohibited.
  - A. *Permitted uses.* Structures and land may be used for only the following purposes:
    - Accessory apartments (SU).\*
    - Amateur radio transmitter.
    - Amenities (as defined by this chapter).
    - Amusement, indoor.
    - Apartments and condominiums, above, below, or behind commercial uses in the same building (SU).\*
    - Art galleries.
    - Assembly halls.
    - Automotive and light truck rental facility (allowed on properties fronting an arterial or major collector street only).
    - Automotive specialty shops (allowed on properties fronting an arterial or major collector street only and shall be limited to four (4) bays).
    - Barber shops.
    - Beauty salons.
    - Bed and breakfast inn (SU).\*
    - Brewpub.
    - Catering, carry out, delivery.

Clinics (excludes veterinary).

- Clubs or lodges (noncommercial) (SU).\*
- Colleges and universities.
- Community center buildings.
- Condominiums.
- Construction contractors:
  - ▲ General building contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
  - ▲ Heavy equipment contractors (provided there is no exterior storage of equipment, materials, and construction vehicles).
- Special trade contractors; including but not limited to, construction subcontractors, engineers, architects, and land surveyors (provided there is no exterior storage of equipment, materials, or construction vehicles).
  - Convenience stores.
  - Dancing schools.
  - Day care facilities.
  - Delicatessens.
  - Distillery (SU).\*
  - Dry cleaners.
  - Duplex dwellings.
  - Family day care.
  - Financial establishments.
  - Funeral homes (allowed on properties fronting an arterial or major collector street only) (crematories may be allowed in conjunction with a funeral home with approval of a special use).\*
  - Group homes (SU).\*
  - Guest house.
  - Gymnasiums/health clubs.
  - Home occupations.
  - Homeless shelters (SU).\*
  - Hospices (SU).\*

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• Hotels (allowed on properties fronting an arterial or major collector street only).

Institutions of higher learning including business colleges, music conservatories, and similar institutions.

- Laboratories (medical and dental).
- Laundromats.
- Libraries.
- Medical offices (excludes veterinary).
- Microbreweries (SU).\*
- Multifamily dwellings.
- Museums.
- Nursing home facilities.
- Offices, general.
- Parking lots.
- Parks, private.
- Patio homes.
- Pawn shops and/or title pawn (SU).\*
- Pet grooming.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Printing establishments.
- Pubs and taverns.
- Public utility facilities.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).\*
- Repair services, light (shoes, small appliances or similar).
- Restaurants (drive-thru restaurants as SU).\*
- Retail, general.
- Retail package stores (including liquor and malt beverages and/or wine sales only in a multi-tenant shopping center development consisting of a minimum of seven (7) business suites and additionally, that detached, stand alone, retail package stores shall not be permitted).
- Retirement centers (SU).\*
- Reupholstery shops.
- Schools, private (SU).\*

- Service stations (allowed on properties fronting an arterial or major collector street only).
- Single-family attached dwellings.
- Single-family detached dwellings.
- Stadiums (allowed on properties fronting an arterial or major collector street only).
- Storage, warehouse (allowed on properties fronting an arterial or major collector street only).
- Theaters.
- Townhouses.
- Wholesale sales office.
- \* Special use approval required.
- B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use and a dwelling may be used for a home occupation.
- 9.2.3. Development standards.
  - A. *Height regulations.* Single-family residential buildings shall not exceed a height of thirty-five (35) feet or two and one-half (2½) stories, whichever is higher; multifamily and nonresidential buildings shall not exceed a height of forty-five (45) feet or three and one-half (3½) stories, whichever is higher.
  - B. Front yard setback: Ten (10) feet.
    - C. *Side yard setback:* Ten (10) feet.
      - If single-family attached, ten (10) feet end of each row.
    - D. *Rear yard setback:* 
      - Office/institutional/commercial: Twenty (20) feet.
      - *Multifamily:* Twenty-five (25) feet.
      - *Townhouse:* Twenty (20) feet.
      - *Single-family attached:* Twenty (20) feet.
      - Single-family detached: Twenty (20) feet.
      - Duplex dwellings: Twenty (20) feet.
    - E. Minimum lot area.
      - *Townhouse/attached:* Two thousand (2,000) square feet.
      - *Single-family detached and duplex dwellings* Seven thousand (7,000) square feet.
    - F. Maximum density.
      - *Multifamily:* Fourteen (14) dwelling units per acre.
      - *Townhouse/attached:* Twelve (12) dwelling units per acre.

- G. Minimum lot width at building line.
  - Office/institutional/commercial: One hundred ten (110) feet per lot.
  - *Multifamily:* One hundred ten (110) feet.
  - Townhouse: Twenty (20) feet per lot.
  - *Single-family attached:* Fifty (50) feet per lot.
  - *Single-family detached:* Sixty (60) feet per lot.
  - Duplex dwellings: Fifty (50) feet per lot.
- H. Minimum lot frontage.
  - Office/institutional/commercial: One hundred ten (110) feet per lot.
  - *Multifamily:* One hundred ten (110) feet per lot.
  - Townhouse: Twenty (20) feet per lot.
  - *Single-family attached:* Fifty (50) feet per lot.
  - *Single-family detached:* Sixty (60) feet per lot.
  - *Duplex dwellings:* Thirty-five (35) feet per lot.
- 1. Minimum heated floor area per dwelling unit.
  - Multifamily:
    - ▲ *3-bedroom:* Nine hundred (900) square feet.
    - ▲ *2-bedroom:* Seven hundred fifty (750) square feet.
    - ▲ *1-bedroom:* Six hundred (600) square feet.
    - ▲ *Studio/loft (in existing buildings):* Four hundred fifty (450) square feet.
  - *Townhouse/attached:* One thousand (1,000) square feet.
  - *Single-family detached:* One thousand (1,000) square feet.
  - Duplex: Nine hundred (900) square feet.
- J. *[Metal panels, metal sheathing, standard gray concrete block.]* The use of metal panels or metal sheathing and/or standard gray concrete block on the exterior walls of any building or structure shall be prohibited with the exception that such materials may be used if finished with a product consisting of brick, stone, hard-coat stucco, or fiber cement siding.
- K. *[Air conditioning units and HVAC systems.]* Air conditioning units and HVAC systems shall be thoroughly screened from view from the public right-of-way and from adjacent properties by using walls, fencing, roof elements, or landscaping on multifamily and nonresidential properties.
- L. *[Gable or hip roofs.]* Gable or hip roofs shall have a minimum roof pitch of 6/12. Both gable and hip roofs shall provide overhanging eaves on all sides that extend a minimum of one (1)

foot beyond the building wall.

- M. *[Front building facade.]* The front building facade of all principal buildings shall be oriented toward street fronts or adjacent arterial street fronts.
- N. *Minimum buffer requirements.* In addition to required setbacks, all nonresidential and/or multifamily property uses within the M-U district which abut a single-family residential district or use shall provide a minimum fifteen-foot wide buffer, five (5) feet of which can be within required setback, to provide a visual screen in accordance with <u>section 4.17</u> of this chapter.
- O. *Minimum open space.* Multifamily developments shall have a minimum twenty (20) percent of gross acreage set aside as open space and shall provide recreational areas within said open space.
- P. Maximum commercial building floor area: Twenty thousand (20,000) square feet.
- Q. *Accessory structure requirements.* See <u>section 4.9</u> of this chapter.
- R. Other standards.
  - Townhouse developments shall have a minimum development area of one-half (½) acre. In addition to required setbacks, a fifteen-foot wide buffer is required along all property lines which abut a single-family district or use to provide a visual screen in accordance with section 4.17 of this chapter.
    - (a) Minimum lot depth: one hundred (100) feet.
    - (b) No fewer than three (3) dwelling units in a row shall be allowed.
    - (c) Alley or private drive access required.
    - (d) Required parking shall be allowed in the rear yard only.
    - (e) Principal buildings shall front a private drive or public right-of-way.
  - 2. Multifamily developments shall comply with section 7.1.3.K. and N. of this chapter.
  - 3. Outdoor storage of landscape supplies and materials may be allowed in the side and rear yards of a non-residential land use with a special use (SU) permit.
- S. *Guest house.* In addition to standards required in this chapter, the following standards shall be met for a guest house:
  - 1. No more than one (1) guest house structure per lot.
  - 2. A minimum lot size of fifteen thousand (15,000) square feet shall be required.
  - 3. A guest house shall be occupied by relatives, employees that work on the property, or guests only.
  - 4. Heated floor area shall not exceed fifty (50) percent of the heated floor area of the principal building.
  - 5. A guest house structure shall comply with the principal setbacks of the district.

- 6. A guest house shall not be allowed in the front yard.
- 7. A guest house shall not exceed the height of the principal building on the lot.
- 8. Requires owner-occupancy of the principal building on the lot.
- 9.2.4. *Other regulations.* The headings below contain additional, but not necessarily all, provisions applicable to the M-U district.
  - City of Cartersville Landscaping Ordinance.
  - City of Cartersville Sign Ordinance.

(Ord. No. 69-12, § 2, 12-6-12; Ord. No. 01-13, § 6, 1-3-13; Ord. No. 11-13, § 1, 7-1-13; Ord. No. 02-18, § 2, 1-18-18; Ord. No. 09-18, § 1, 4-19-18; Ord. No. 11-18, § 2, 5-17-18; Ord. No. 34A-18, § 1, 12-6-18; Ord. No. 30-19, § 1, 8-1-19) **Application for Special Use** 

City o	of Car	tersvi	ille
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**Case Number:** <u>3024-0</u> Date Received: <u>11-77-73</u>

Public Hearing Dates:					
Planning Commission 1/2/24 1st City Council 1/18/24 2nd City Council 2/1/24					
5:30pm 7:00pm 7:00pm					
Applicant DANEISE H. ADCHER Office Phone					
Address 105 + 109 Dauguas STREET Mobile/ Other Phone 770 8619962					
City CARTERSVILLE State GA Zip 30/20 Email DARCHER 47 QUILOOK. COM					
Representative's printed name (if other than applicant)     Phone (Rep)					
Representative Signature Applicant Applicant Signature					
Signed, sealed and delivered in presence of the DR4 A Wy commission expires: Notary Public A B A A B A A A A A A A A A A A A A A					
* Titleholder DANETSE H. ARCIER Phone 770 8619962 (titleholder's printed name)					
Address 704 WEST AVENUE Email DATECHER 47@ OUTLOOK. COM					
Signature					
Signed, sealed, delivered in presence of: My commission expires:					
Notary Public					
0004-0011-009					
Present Zoning District P-S Parcel ID No.					
Acreage Land Lot(s) 410 District(s) 44 Section(s) 3RD					
Location of Property: 105-109 DUNGLAS ST. (ARTERSVILLE, GA 30120 (street address, nearest intersections, etc.)					
Reason for Special Use Request: To Allow out Door Storage of Landscape					
MATERIALS IF REZAMING IS APPROUD					
(attach additional statement as necessary)					

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

City of Cartersville \* Planning and Development Department \* 2nd Floor \* 10 N. Public Square Cartersville, GA 30120 \* 770 387 5600 \* www.eityofeurtersville.org

# **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:

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

How Standard #1 has / will be met:

A GATE WILL BE INSTALLED ON THE DOUGLAS ST SIDE AND A GATE

WILL BE METALLES ON THE SE SIDE OF THE LOT TO LESSEN TRAFFIC FLOW ON DOUGLAS STREET

Standard #2: \_\_\_\_\_The availability, number, and location of off-street parking.

How Standard #2 has / will be met:

5 PARKING RACES WILL BE WITHZED ON DOUGLAS ST. ADD'L PARKING

15 AVAILABLE, IF NECESSARY, AT 212 N TENNESSEE ST.

Standard #3: \_Protective screening.

#### How Standard #3 has / will be met:

A 6'PRIVACY FENCE WILL BE INSTALLED ARDIND THE LOT WITH ORNAMENTAL SHRUBBERY TO ENHANCE LOOK. Standard #4: Hours and manner of operation of the proposed use.

How Standard #4 has / will be met:

HOURS ARE 5 AM - TRA FOR MISTALLERS, OFFICE HOURS ARE 9-5. HOURS ARE MONDAY - FRIDAY

\_\_\_\_\_

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

NA

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

DOMGLAS STREET AND TENNESSEE STREET

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

Reperty ADJOWS ZIZN. TENNESSEE STREET WHICH IS ZONED M. U.

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

Signed, pplicant or Representative 11/27/23

Date

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#### CAMPAIGN DISCLOSURE REPORT FOR ZONING ACTIONS

Pursuant to O.C.G.A. 36-67A-3 any and all applicants to a zoning action must make the following disclosures:

Date of Application: $11/27/23$
Date Two Years Prior to Application: $\frac{11}{27}/21$
Date Five Years Prior to Application: $\frac{11}{27/18}$

1. Has the applicant within the five (5) years preceding the filing of the zoning action made campaign contributions aggregating \$250.00 or more to any of the following:

	YES	NO
Mayor: Matt Santini		$\checkmark$
Council Member:		
Ward 1- Kari Hodge		V
Ward 2- Jayce Stepp		~
Ward 3- Cary Roth	-	
Ward 4- Calvin Cooley		/
Ward 5- Gary Fox		
Ward 6- Taff Wren		
Planning Commission		
Lamar Pendley, Chair		V
Anissa Cooley		~
Fritz Dent		V
Greg Culverhouse		~
Jeffery Ross		
Stephen Smith		
Travis Popham		V

2. If the answer to any of the above is <u>Yes</u>, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.

nature Date

ANEISE H. ARCHER Print Name

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