ZONING SYNOPSIS

Petition Number(s): <u>Z24-04</u>

REQUEST SUMMARY:

Old Castle APG South, Inc., applicant, requests a change in zoning from R10 (Residential) with conditions to Heavy Industrial (H-I) to accurately reflect the land use of the property. The property is being used for concrete product storage.

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Old Castle APG South, Inc.

Representative: <u>Brandon Bowen, Esq.</u>

Location: <u>144 Cassville Rd. (Tax ID No. C025-0006-092)</u>

Total Acreage: 4.20 -/+ Acres

LAND USE INFORMATION

Current Zoning: R-10 with Conditions.

Proposed Zoning: H-I (Heavy Industrial)

Proposed Use: Concrete Products Manufacturing/ Storage

Current Zoning of Adjacent Property:

North: County A-1 Agriculture

South: R-20 (Residential)

East: County A-1 Agriculture (AZ24-01)

West: City R-10 with conditions.

For All Tracts:

District: 4th **Section**: 3rd **LL(S)**: 379, 380, 413

Ward: <u>6 Gary Fox</u>

The Future Development Map designates adjacent properties as: Neighborhood Living.

<u>Transitional Use Area, and the Cherokee-Cassville Historic District.</u>

The Future Land Use Map designates adjacent or nearby city properties as: Mixed-Use Commercial, Low-Medium Density Residential, Parks/ Conservation.

ANALYSIS

City Departments Reviews

Electric: No comments received

<u>Fibercom:</u> Takes no exception.

Fire: No comments received.

Gas: Takes no exception.

<u>Planning and Development:</u> Takes no exception.

<u>Public Works</u>: The following comments from Public Works for annexation request AZ24-01 and zoning request Z24-04:

- 1. Concrete waste on Parcel C025-0006-092 needs to be removed from the floodplain disposed of properly in an inert landfill as a condition of zoning approval per our local floodplain management standard as outlined in Article VI of our local development regulations (Z24-04).
- 2. If Oldcastle desires to dispose of inert waste onsite then an inert landfill must be designed, reviewed, and permitted through the GA EPD.
- Requirements for stormwater runoff and stormwater quality should be required for the site as outlined in City of Carterville's Code of Ordinances - ARTICLE IX.-POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT.

Water and Sewer: Takes No Exceptions

<u>Cartersville School District:</u> No objections.

Bartow County: NA

Public comments: None received as of 4-1-24.

STAFF SUMMARY:

Applicant requests to rezone 4.20 acres (+/-) located west of 144 Cassville Road (Tax ID <u>C025-0006-092</u>). The property is owned by Old Castle APG South, Inc and the property is currently used for outdoor storage of concrete waste or unused products or inventory.

H-I, Heavy Industrial, zoning is requested for the parcel. The existing zoning is R-10 with conditions. This zoning application is also accompanied by the annexation application, AZ24-01, which requests the rezoning of the 8.38 acres to the east for the same purposes. The properties are owned by the same company.

City gas, electric, water, sewer and stormwater utilities are available in the area.

There are several environmental violations on site that the owner is aware of and is actively pursuing solutions to correct the violations. The owner is discussing and coordinating these activities with the city's Public Works staff.

Public Works comments should be included as conditions of zoning of this annexation application, if the application is approved.

The 4.20 acres was originally part of the Reserve at Pettit Creek subdivision rezoning in 2004. See included documents for Zoning application Z04-03. The tract was subdivided from the Reserve tract about 2009 per the County tax records and plat.

STANDARDS FOR EXERCISE OF ZONING POWERS.

- A. 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 will permit a use (industrial) that is suitable in view of the use and development of adjacent and nearby property. This industrial use has existed since the 1960s.
- B. Whether the zoning proposal will create an isolated district unrelated to adjacent and nearby districts.
 - The proposed application will not create an isolated district.
- C. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
 - The proposed zoning should not adversely affect the existing use or usability of adjacent property. No changes in land use are proposed.
- D. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
 - Under the current R-10 zoning, the property does have a reasonable economic use as greenspace in a floodplain. The property was acquired about 2007 and used for concrete material storage.
- E. 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 zoning proposal should not result in a use that will have an excessive or burdensome use of streets, transportation facilities, utilities or schools. No changes in land use are proposed.
- F. Whether the zoning proposal is in conformity with the adopted local Comprehensive Land Use Plan.
 - The proposed zoning would conform to the city's land use plan for the area. (Industrial)

- G. 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.
 - The zoning proposal should not have an adverse environmental effect. Adverse environmental impacts have been occurring on site since about 2007 based on the City of Cartersville Development Regulations. The current owner is working with the Public Works department to resolve stormwater and floodplain ordinance violations.
- H. 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.

No additional conditions are known.

RECOMMENDATION: Staff does not oppose the Heavy Industrial (H-I) zoning with the following conditions applied to zoning:

Zoning Conditions:

- Concrete waste on Parcel C025-0006-092 needs to be removed from the floodplain and disposed of properly in an inert landfill as a condition of zoning approval per our local floodplain management standard as outlined in Article VI of our local development regulations.
- Stormwater runoff and stormwater quality solutions are required for the site as outlined in City of Carterville's Code of Ordinances, CHAPTER 7.5, DEVELOPMENT REGULATIONS, ARTICLE IX, POST-CONSTRUCTION STORMWATER MANAGEMENT FOR NEW DEVELOPMENT AND REDEVELOPMENT.
- 3. If the applicant desires to dispose of inert waste onsite then an inert landfill must be designed, reviewed, and permitted through the GA EPD.

Ordinance

of the

City of Cartersville, Georgia

Ordinance No. 31-04

Petition No. Z04-03

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 Earl B. Lewis Family, LLLP (Wellcraft Homes) located on the north side of Mission Road between Burnt Hickory Road and Cassville Road. Said property contains 131.273 acres located in the 4th District, 3rd Section, land Lots 377-379, 413-415, 449 & 450 as shown of the attached plat Exhibit A. Property is hereby rezoned from R-20 (Single Family Residential) to R-10 (Single Family Residential) with the following conditions. Zoning will be duly noted on the official zoning map of the City of Cartersville, Georgia.

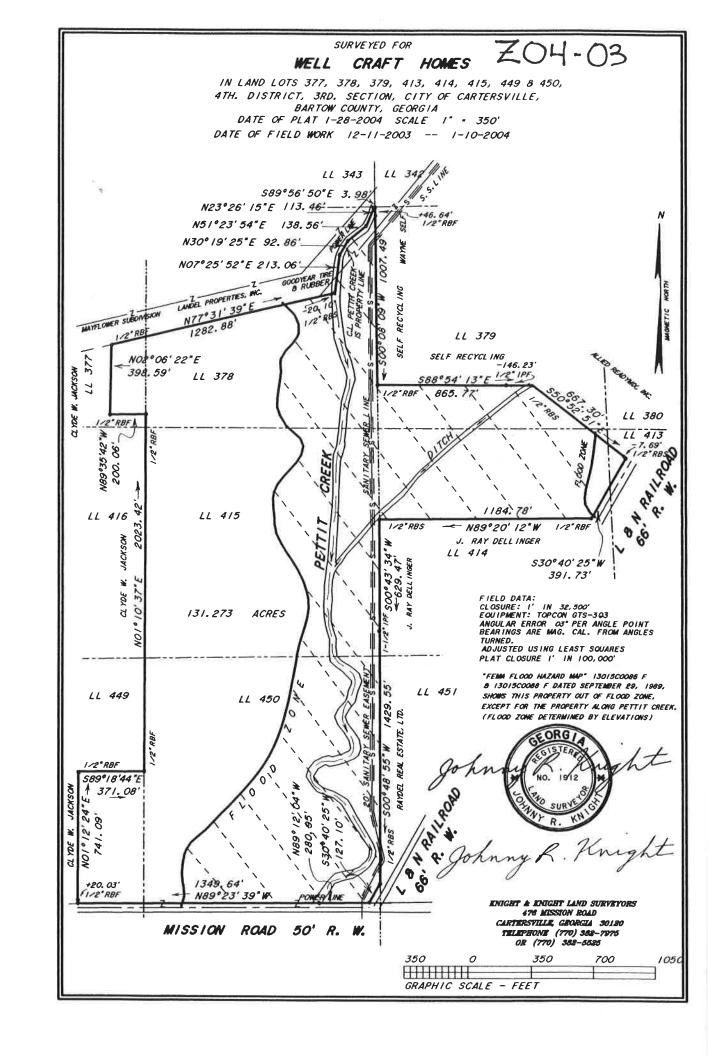
- 1. The maximum number of lots to be limited to 199.
- 2. There shall be no construction within the floodway and floodplain.
- 3. Minimum heated floor area of the homes to be 1800 square feet.
- 4. The development to include an amenity package at a minimum to include swimming pool, and open space set aside (approximately 60 acres) for passive recreation of the majority of floodplain area.

BE IT AND IT IS HEREBY ORDAINED.

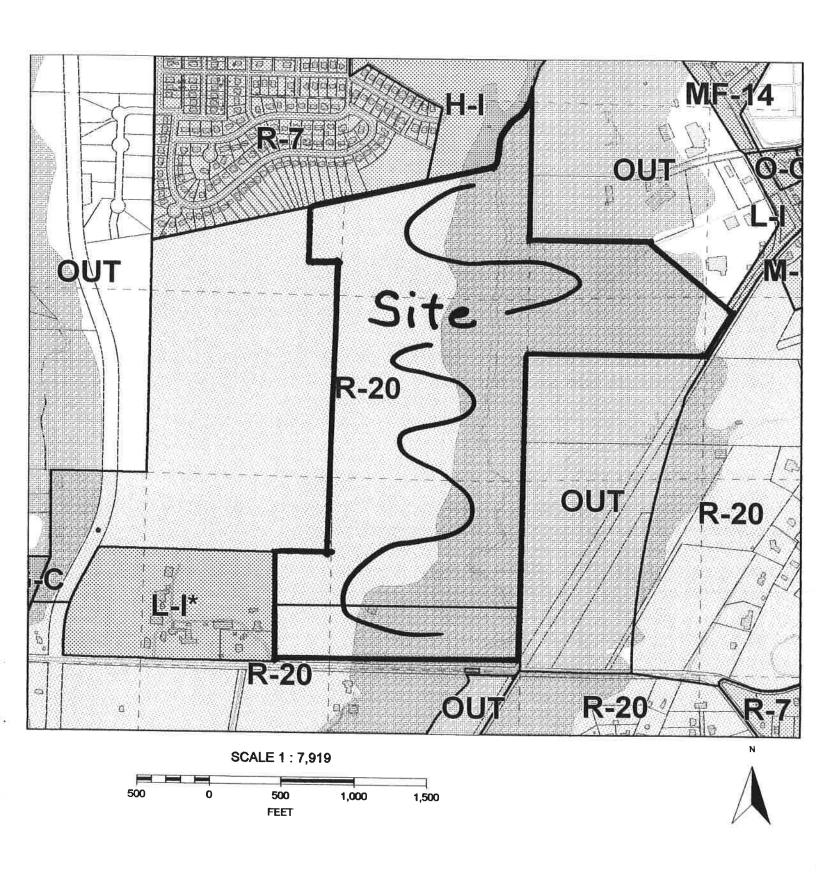
City Clerk

ADOPTED this the 15th day of April 2004. First Reading ADOPTED this the 6th day of May 2004. Second Reading.

	/s/
	Michael G. Fields
	Mayor
ATTEST:	•
/s/	
Sandra E. Cline	



Z04-03





144 Cassville Rd



144 Cassville Rd







Legend

Parcels
Roads

Parcel ID C025-0006-092 Sec/Twp/Rng n/a Property Address CASSVILLE RD Alternate ID 44604 Class Industrial Acreage 4.2 Owner Address OLDCASTLE APG SOUTH INC ATTN ACCOUNTING DEPT 125 INDUSTRIAL PARK CIR LAWRENCEVILLE, GA 30046

District Cartersville

Brief Tax Description LL 379, 380, 413, 414 D 4

(Note: Not to be used on legal documents)

Date created: 2/21/2024 Last Data Uploaded: 2/20/2024 10:28:04 PM



JENKINS, BOWEN & WALKER, P.C.

ATTORNEYS AT LAW

FRANK E. JENKINS, III BRANDON L. BOWEN ROBERT L. WALKER ERIK J. PIROZZI ELLIOT T. NOLL C. KIMBERLY PRINE

15 SOUTH PUBLIC SQUARE CARTERSVILLE, GEORGIA 30120-3350

AZZ4-01 ZZ4-04 ROUD ZIIGIZA

TELEPHONE (770) 387-1373

FACSIMILE (770) 387-2396

www.jbwpc.com

February 16, 2024

Mr. David Hardegree City Planner City of Cartersville, Georgia

Re: Oldcastle APG South, Inc. applications for annexation and rezoning

Dear David,

I am with this letter submitting applications for annexation and rezoning of certain property owned by Oldcastle APG South, Inc. This is a currently existing masonry manufacturing facility that Oldcastle seeks to update, expand and improve. While investigating this process, we discovered that of the several lots that make up the site, one is not in the City, and one that is in the City is not properly zoned for the existing or proposed use. Our desire is to bring all of this property into the City and obtain the correct zoning, which would be H-I under the City's code. I want to provide you with some additional information about the property and the project.

Existing and proposed conditions

Georgia Masonry Supply, an operating company for Oldcastle APG South, Inc., is one of the market leaders in hardscapes, masonry, and packaged products in Georgia, serving residential, non-residential, and public markets. Constructed in the late 1960s, the Cartersville plant was acquired in 2017 in conjunction with Oldcastle APG's acquisition of Block USA. The facility manufactures both concrete masonry units as well as segmental retaining wall (SRW) units. Concrete masonry units are used to construct various types of structures across residential, industrial & commercial industries. SRW units are used for vertical change applications and are designed/constructed as either gravity or reinforced soil retaining walls. SRW units are especially beneficial for construction in markets with elevation changes like North Georgia. The existing facility currently supplies products directly to local national retail stores such as Lowes & Home Depot as well as to local dealers & commercial/residential contractors. The facility currently operates 24 hours per day. The existing facility is operating at capacity with an aging machine and is struggling to keep up with demand without the addition of an additional masonry machine.

Oldcastle APG proposes to construct and operate a second masonry manufacturing machine on the unused portion of the existing site. The additional machine will be able to leverage current infrastructure, including the office, yard, site expertise, location and people with dispatch, site management and drivers. Sitework will include the construction of an addition to the existing building and the paving of select areas in the yard. The facility itself will house a new masonry machine, batching and curing equipment, and packaging equipment. The facility currently employs 15 full-time employees. It's expected the number will grow to 25-30 total employees with the addition of the second machine as demand increases. Additional supplies and materials will be purchased from existing local suppliers because of the increased capacity of the facility. All of the utilities to the facility are currently provided by the City under existing accounts, and we expect that will continue without change. The point of access for the facility is not proposed to be changed; we do expect that GDOT may require certain improvements to conform with current standards during the development process.

Regarding zoning and planning, the County portion of the facility is currently zoning A-1, even though I understand the facility predates County zoning. The portion of the facility in the City is partially zoned L-I (and is not subject to these applications because it only serves as the entrance feature) and partially zoned R-10. We seek to have the R-10 portion to be rezoned H-I to be consistent with the existing and proposed use. The City's future land use map shows that the property is appropriate for industrial uses, and this is consistent with the uses in the area.

We expect the proposed use will meet the H-I development standards, which I will now address:

The proposed facility will meet H-I development standards and related ordinances.

10.2.3. Development standards.

A. Height regulations. No structure shall exceed fifty (50) feet in height.

The new proposed building will match the height of the existing building, which complies with the 50-foot standard. The existing facility has silos that are 55 feet high; the new facility will either use new silos that either conform with the existing standard, or will seek a variance or text amendment if that is not feasible.

- B. Front yard setback: Twenty (20) feet. This standard is met.
- C. Side yard setback: Fifteen (15) feet. This standard is met.
- D. Rear yard setback: Twenty (20) feet. This standard is met.
- E. Minimum lot area: None. Not applicable.
- F. Minimum lot frontage: One hundred seventy-five (175) feet adjoining a street. This standard is met.
- G. Minimum lot width at the building line: One hundred (100) feet. This standard is met.
- H. Minimum buffer requirements. In addition to required setbacks (except where abutting a railroad right of way) there shall be a fifty-foot wide buffer along all property lines which abut a residential district or use and a fifteen-foot wide buffer shall be required along all property lines abutting a nonresidential district other than the H-I district. Said buffers shall provide a visual screen in accordance with section 4.17 of this chapter. (Salvage yards see section 10.2.3.K. of this chapter.)



These buffer requirements will be incorporated into the design as we go through the development process.

I. Accessory structure requirements. See section 4.9 of this chapter.

These standards are met.

- J. Other required standards.
 - No use shall be allowed that exceeds state and federal guidelines for allowable emissions and discharge of effluents into the air, water and soil.

New equipment will continue to meet existing stormwater and air permit requirements.

2. No use shall be allowed that creates unabated noise creating a nuisance as defined under Georgia law.

New equipment will not exceed the current equipment noise level and will comply with the noise requirements of the City.

- 10.2.4. Other regulations. The headings below contain additional, but not necessarily all provisions applicable to uses allowed in the H-I district.
 - City of Cartersville Landscaping Ordinance. The requirements of this ordinance will be incorporated in the design during the development process.
 - City of Cartersville Sign Ordinance. The requirements of this ordinance will be incorporated in the design during the development process.

Thank you for your assistance with this application, and let me know if I can provide further information.

Very truly yours,

JENKINS, BOWEN & WALKER, P.C.

Brandon L. Bowen

Application for Rezoning	Case Number: 224-04
City of Cartersville	Date Received: 2/16/24
Public Hearing Dates: Planning Commission 4974 1st City Council 47:00	
Representative's printed name (if other than applicant) Representative Signature Applicant Signa	Phone (Rep) 270 387 · (325) Email (Rep) 550 were 6 15 was companied to the companied to th
* Titleholder Oldes He APG South The Phone (titleholder's printed name) Address 333 N- Green St- South 500 Email Signature Signed, sealed, delivered in presence of: Notary Public	TANCO
Present ZonIng District	ruested Zoning 11-I Section(s) Parcel ID No. COLF-006-092 1-1: ne with existy.

(attach additional statement as necessary)

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

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: $\frac{2}{15}/24$ Date Two Years Prior to Application: 2/16/22

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

	YES	NO
Mayor: Matt Santini	\ <u>====</u>	
Council Member:		1
Ward 1- Kari Hodge		
Ward 2- Jayce Stepp	(management of the second	
Ward 3- Cary Roth	-	
Ward 4- Calvin Cooley		
Ward 5- Gary Fox		
Ward 6- Taff Wren		
Planning Commission Lamar Pendley, Chair Anissa Cooley Fritz Dent Greg Culverhouse Jeffery Ross Stephen Smith		
Travis Popham		-
Travis i opiiani		

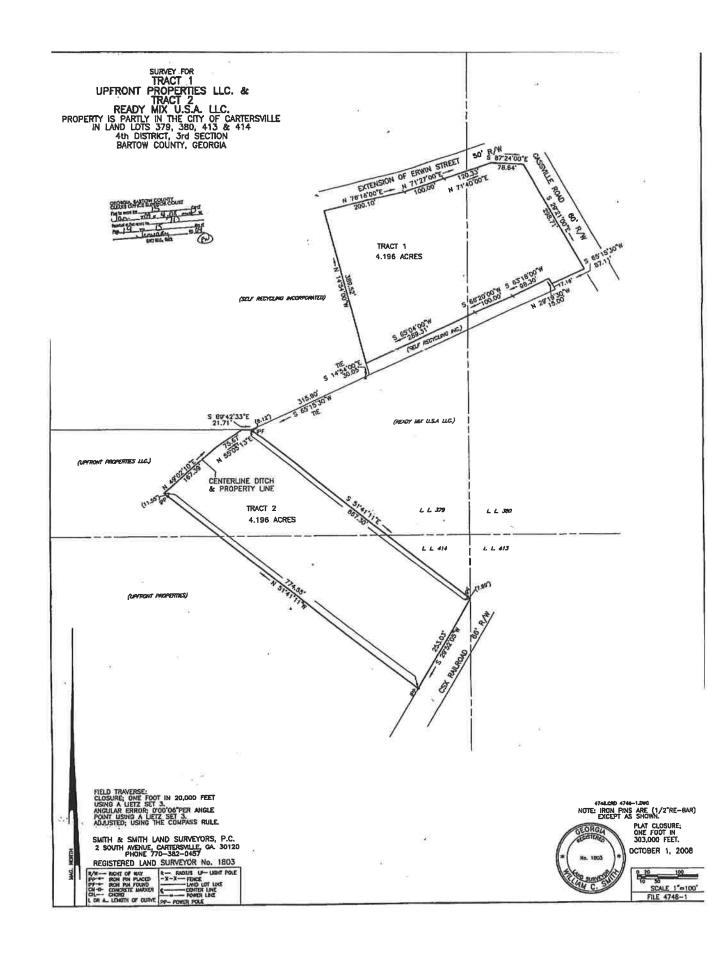
2. If the answer to any of the above is Yes, please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5) years.

CAMPAIGN DISCLOSURE REPORT FOR REZONING ACTIONS

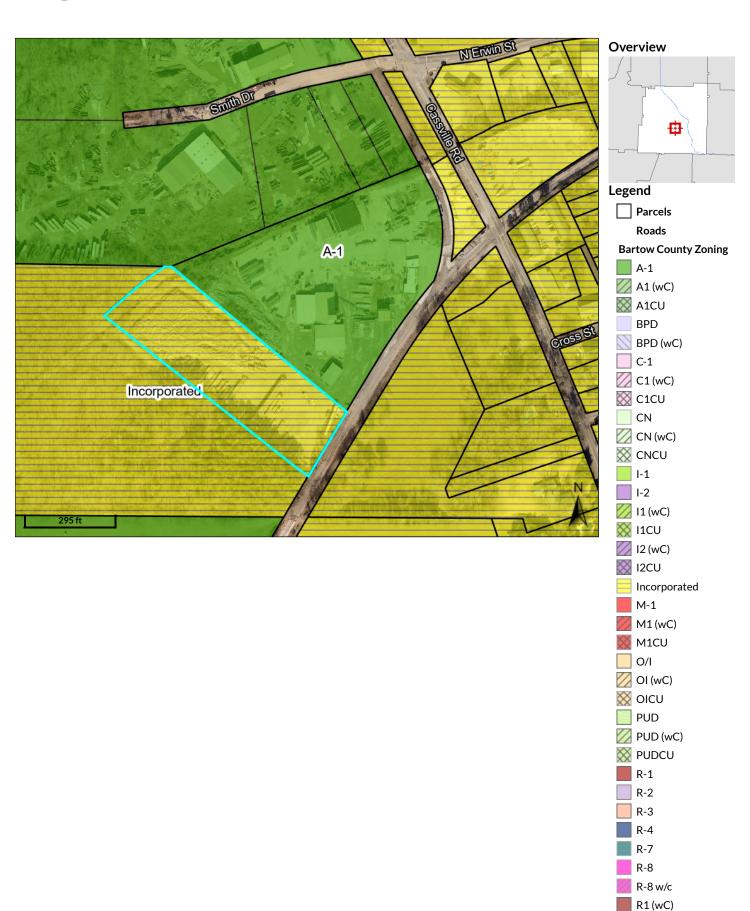
Pursuant to O.C.G.A. 36-67A-3 any and all applicants to a rezoning action must make the following disclosures:

Date of Application: 2/15/2024

	Date Two Years Prior to Applica	ation: 2/15 / 2029			
		ation: 2/15/2019	·		
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	1			
	Ward 5- Gary Fox		-		
	Ward 6- Taff Wren				
	Wald 6- Tall Wiell	· · · · · · · · · · · · · · · · · · ·			
	Planning Commission				
	Lamar Pendley, Chair				
	Anissa Cooley		-		
	Fritz Dent	: 	+		
	Greg Culverhouse	7	-		
	Jeffery Ross	<u> 2</u>			
	Stephen Smith	-	-		
	-				
	Travis Popham		-		
2.	If the answer to any of the above is \underline{Yes} , please indicate below to whom, the dollar amount, date, and description of each campaign contribution, during the past five (5 years.				
		2	(16/24		
		Signature	Date		
		Boundan Bo	wer		
		Print Name			



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R1CU R2 (wC) XX R2CU // R3 (wC) XX R3CU R4 (wC) 🌠 R4CU R7 (wC) RE-1 RE-2 RE1 (wC) X RE1CU RE2 (wC) RE2CU Unknown Zoning with Conditions

Parcel IDC025-0006-092Alternate ID44604Sec/Twp/Rngn/aClassIndustrialProperty AddressCASSVILLE RDAcreage4.2

District Cartersville

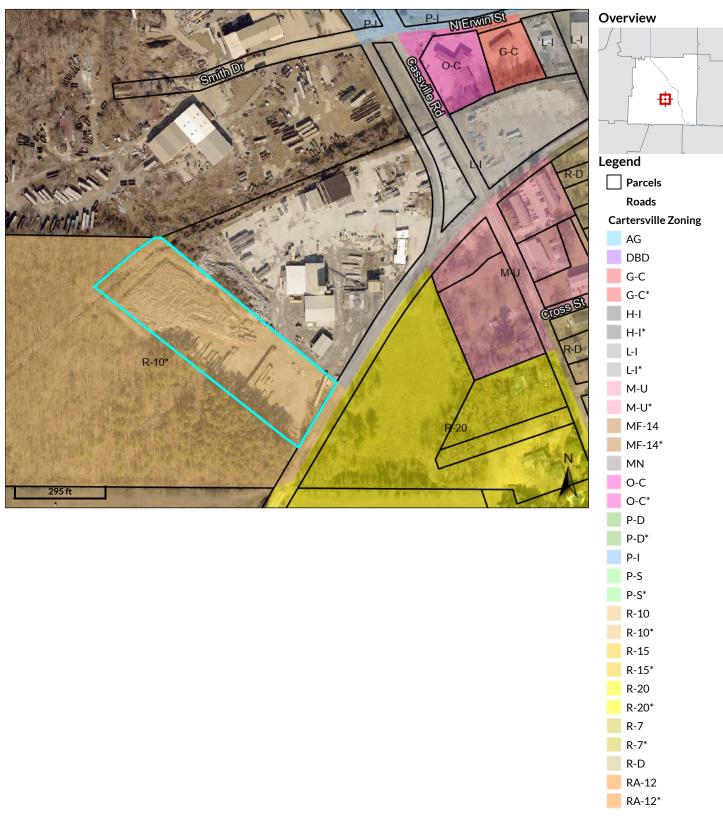
Brief Tax Description LL 379, 380, 413, 414 D 4

(Note: Not to be used on legal documents)

Date created: 2/21/2024 Last Data Uploaded: 2/20/2024 10:28:04 PM

Developed by Schneider

Owner Address OLDCASTLE APG SOUTH INC
ATTN ACCOUNTING DEPT
125 INDUSTRIAL PARK CIR
LAWRENCEVILLE, GA 30046



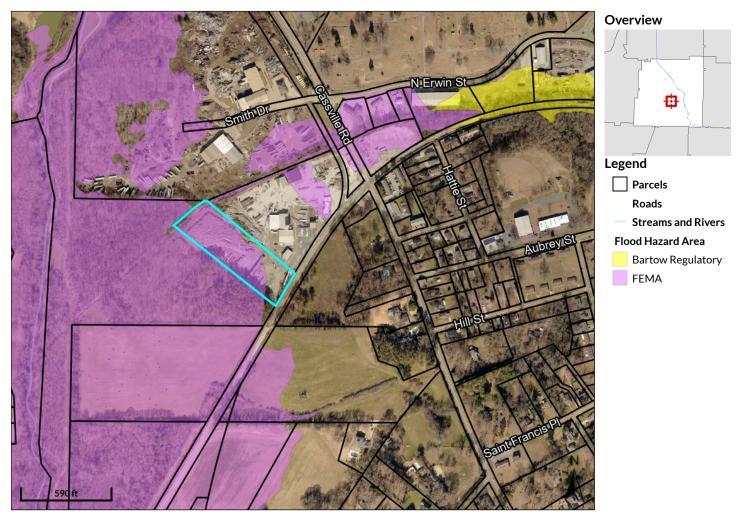
District Brief Tax Description Cartersville LL 379, 380, 413, 414 D 4

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Parcel ID C025-0006-092 Sec/Twp/Rng n/a Property Address CASSVILLE RD Alternate ID 44604 Class Industrial Acreage 4.2 Owner Address OLDCASTLE APG SOUTH INC ATTN ACCOUNTING DEPT 125 INDUSTRIAL PARK CIR LAWRENCEVILLE, GA 30046

District
Brief Tax Description

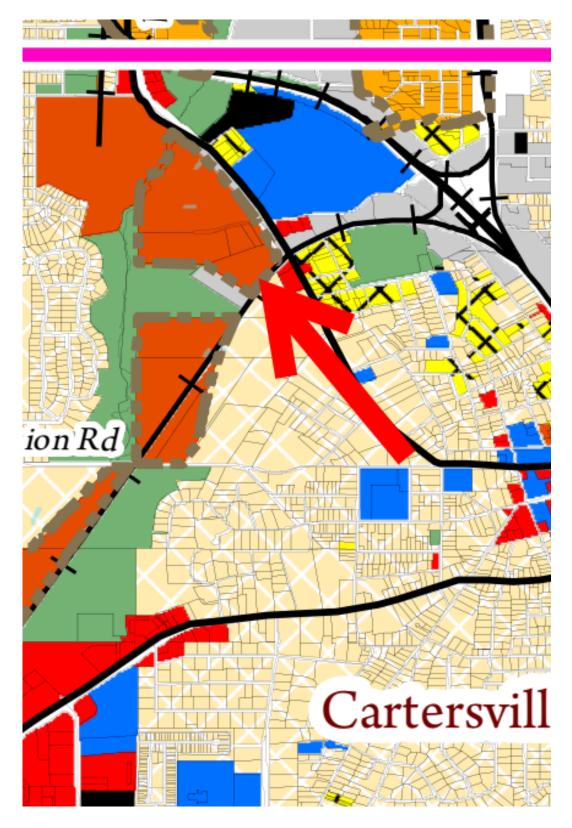
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Brief Tax Description LL 379, 380, 413, 414 D 4

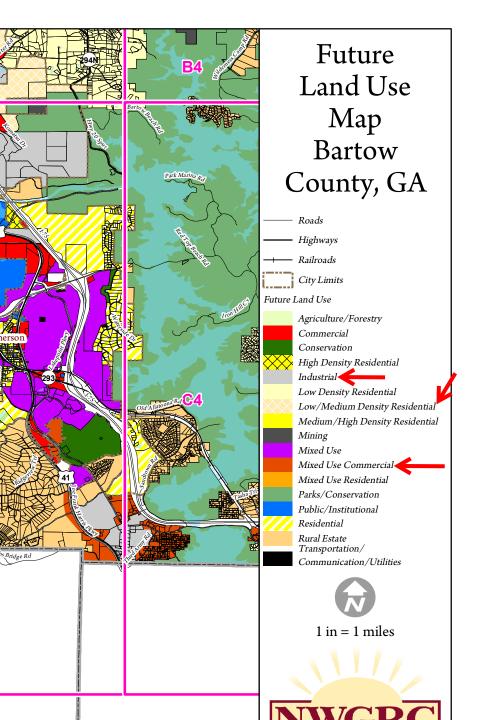
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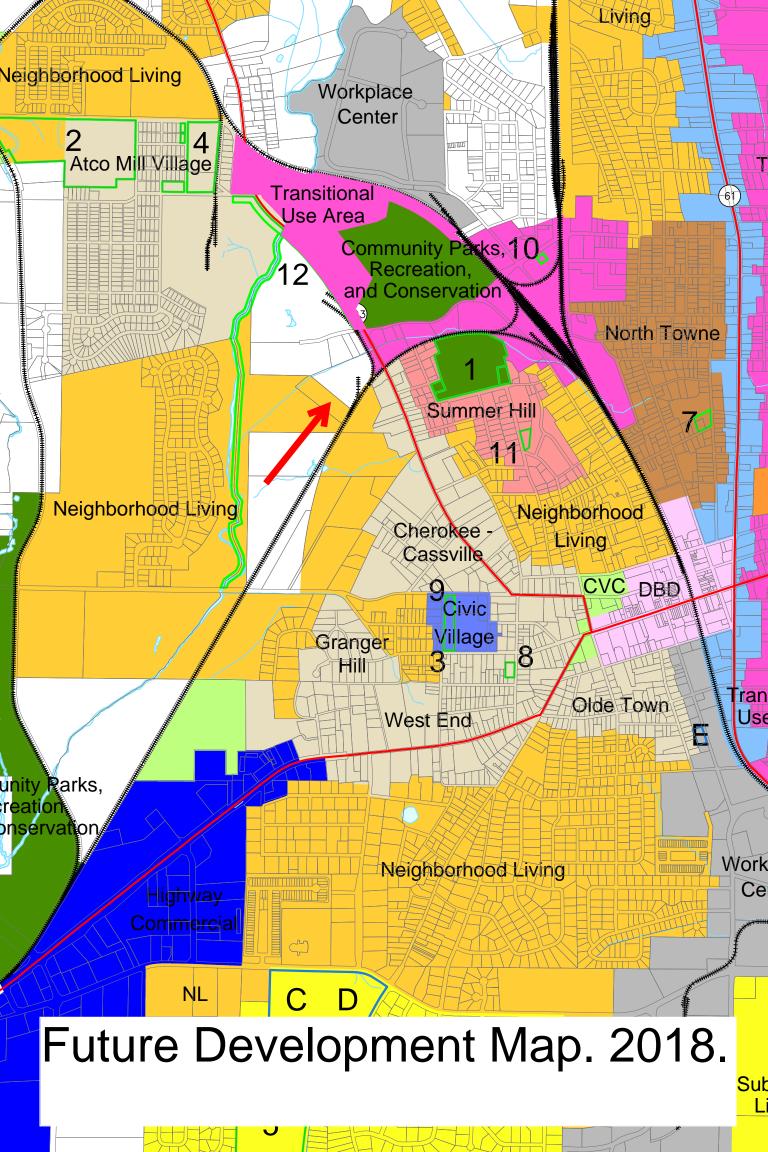
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Future Land Use Map. 2022.





CARTERSVILLE, GEORGIA Future Development Map

Character Areas of the Future Development Map

- Civic Village
- Community Parks, Recreation, and Conservation
- Community Village Center
- Downtown Business District
- Highlands
- Highway Commercial
- Historic Neighborhood
 Atco Mill Historic Village

Cherokee - Cassville Historic District

Olde Town Historic District

West End Historic District

- Main Street Overlay District
- Mining
- Mixed-Use Activity Center
- Neotraditional Neighborhood
- Neighborhood Living <</p>
- North Towne Revitalization Area
- Parkway Corridor
- Suburban Living
- Summer Hill
- Tellus Interchange Commercial
- Tennessee Street Corridor
- Transitional Use Area <</p>
- Workplace Center

Images Taken 3-22-24





