### **ZONING & ANNEXATION SYNOPSIS**

Petition Number(s): AZ24-01

### APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: Old Castle APG South, Inc.

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

**Location:** 144 Cassville Rd. (Tax ID No. 0078B-0006-011)

**Total Acreage:** 8.38 -/+ Acres

### LAND USE INFORMATION

**Current Zoning:** County A-1 (Agriculture)

**Proposed Zoning:** H-I (Heavy Industrial)

**Proposed Use:** Concrete Products Manufacturing

**Current Zoning of Adjacent Property:** 

**North**: County A-1 Agriculture

**South**: City M-U (Multiple Use) and R-20 (Residential)

**East**: City L-I (Light Industrial)

West: City R-10. Rezoning application Z24-04 proposes H-I (Heavy Industrial).

### For All Tracts:

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

Ward:5 Council Member: Gary Fox

The Future Development Map designates adjacent properties as: Neighborhood Living, Transitional Use Area, and the Cherokee-Cassville Historic District.

The Future Land Use Map designates adjacent or nearby city properties as: Industrial, Mixed-Use Commercial, and Low-Medium Density Residential

### **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.
- 3. 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 Exception.

Cartersville School District: No objections.

Bartow County: No objections.

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

### **REQUEST SUMMARY:**

Applicant requests to annex 8.38 acres (+/-) located at 144 Cassville Road (Tax ID 0072B-0001-001). The property is owned by Old Castle APG South, Inc and the property is currently used to manufacture concrete building products.

H-I, Heavy Industrial, zoning is requested for the parcel. The existing zoning is County A-1 (Agriculture). This annexation application is also accompanied by zoning application, Z24-04, which requests the rezoning of the 4.2 acres to the west 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. They are discussing and coordinating these activities with the city's Public Works department staff.

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

### 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)

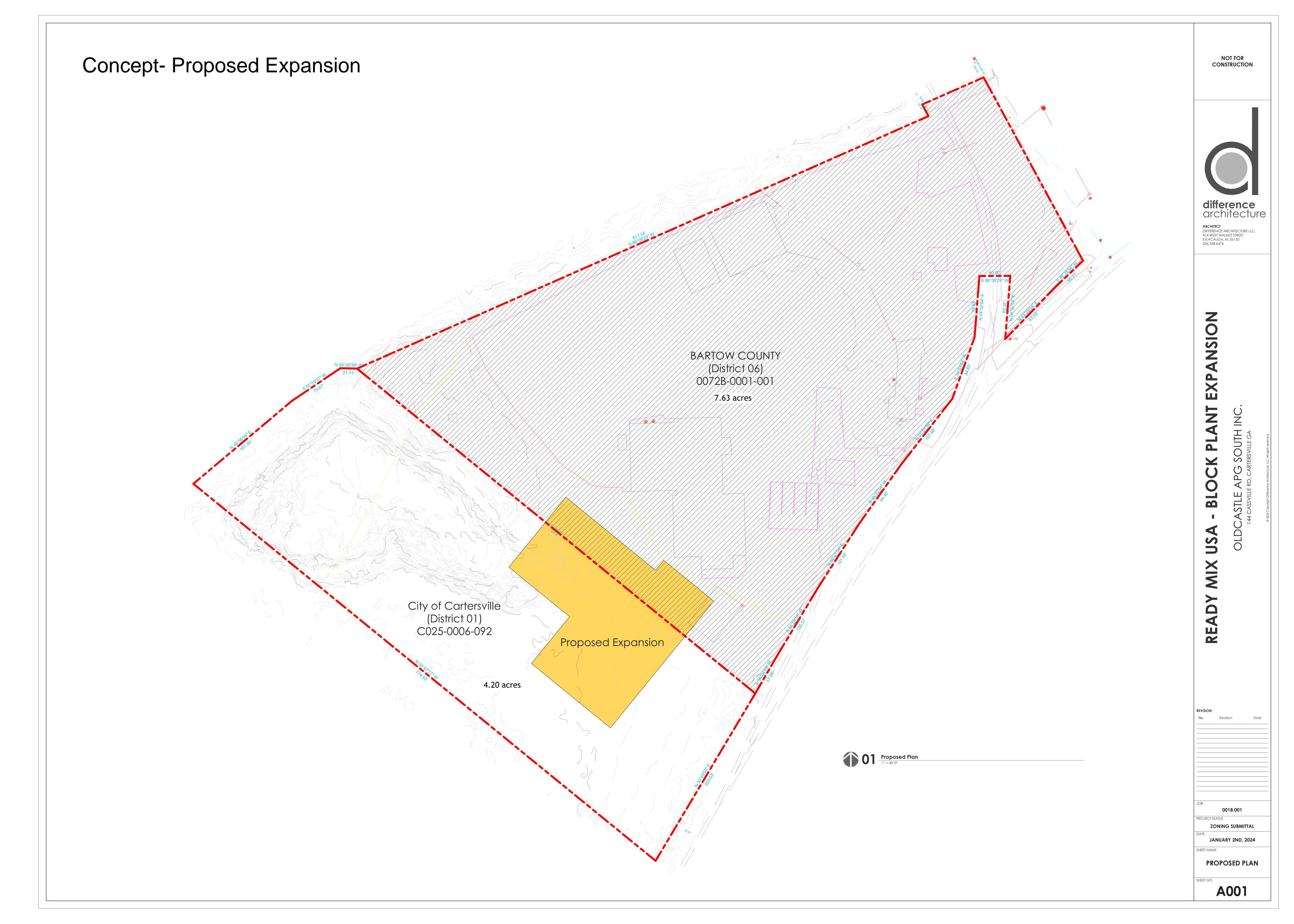
- G. Whether the zoning proposal will result in a use which will or could adversely affect the environment, including but not limited to drainage, wetlands, groundwater recharge areas, endangered wildlife habitats, soil erosion and sedimentation, floodplain, air quality, and water quality and quantity.
  - 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.

**<u>RECOMMENDATION:</u>** Staff does not oppose the annexation or Heavy Industrial (H-I) zoning as long as the following conditions are applied to zoning:

### **Zoning Conditions:**

- 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.
- 2. If the applicant desires to dispose of inert waste onsite then an inert landfill must be designed, reviewed, and permitted through the GA EPD.





Overview

Legend

Parcels
Roads

Parcel ID 0072B-0001-001 Sec/Twp/Rng n/a Property Address 144 CASSVILLE RD

Alternate ID 18934
Class Industrial
Acreage 8.38

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

District

Brief Tax Description LL379,380,413&414 D4 S3 Block USA

**Bartow County** 

(Note: Not to be used on legal documents)

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# 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 Annexation/Zoning City of Cartersville	Case Number: $A \ge 24 - 0$   Date Received: $2   16   24$		
Public Hearing Dates:  Planning Commission 4924 1st City Council 5:30pm	*		
Applicant Oldcuste APG Sunth Trofficerinted name)  Address 333 N. Green St. Suite 500 Modern St. Suite 500 Modern State NC Zip 274  Branda L. Oowen  Representative's printed name (if other than applicant)  Representative Signature  Signed, sealed and delivered in presence of:  Notary Public	Phone (Rep) 170/387-1313  Email (Rep) 5 5 s wen e j 5 wpc. cm		
* Titleholder Old casta APG Sond, Phone (titleholder's printed name)  Address 333 N. Green St. Snite 500 Email  Signature  Signed, sealed, delivered in presence of:  Notary Public	annummu,		
Present Zoning District  Acreage 9.382 Land Lot(s) 413,379,380 District(  Location of Property: 144 Cassilla Rd)  (street address, nearest intersections, etc.)  Reason for Rezoning Request: To make 200.3  With Surrounding parals and (attach additional states)	Parcel ID No. 60725-0001-001  1; ar.s.dictor consistent  1 actual Use,		

<sup>\*</sup> Attach additional notarized signatures as needed on separate application pages.

## **Zoning Analysis for Annexation/Zoning**

Specifics of Proposed Use Case Number: \_\_\_\_\_

Tax Map Parcel(s) # 007 2 0 - 000 / - (	Voting Ward(s)		
Current Land Use Concrete Plant Proposed Land Use Concrete Plant	Current Zoning 4-1 Proposed Zoning W-T		
Number of Dwelling Units	Number of Occupants		
Owner Occupied? Yes No  Number of School-aged Children  School(s) to be attended: R / A	Grade Level(s) of School-aged Children		
Current Utility Service Providers (Check Service provider or list if Other)			
Water: City County	Well/ Other		
Sewer: City County	Septic/ Other		
Natural Gas: City Other	r (List)		
Electricity: GA Po	ower Greystone		
Other	(List)		

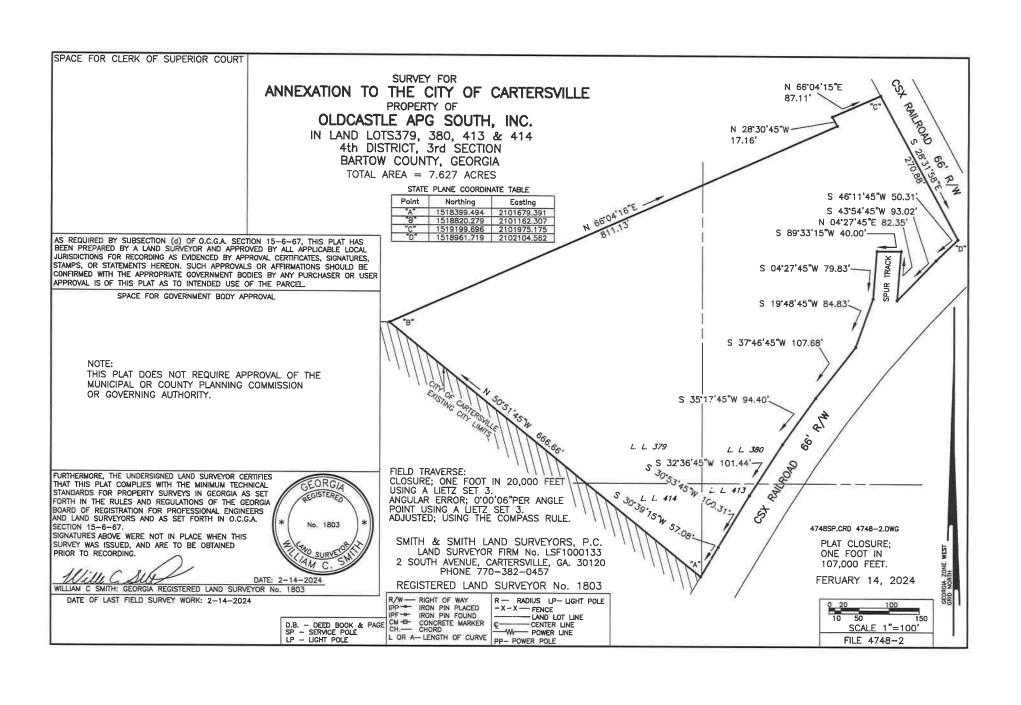
### SURVEYOR'S CERTIFICATE

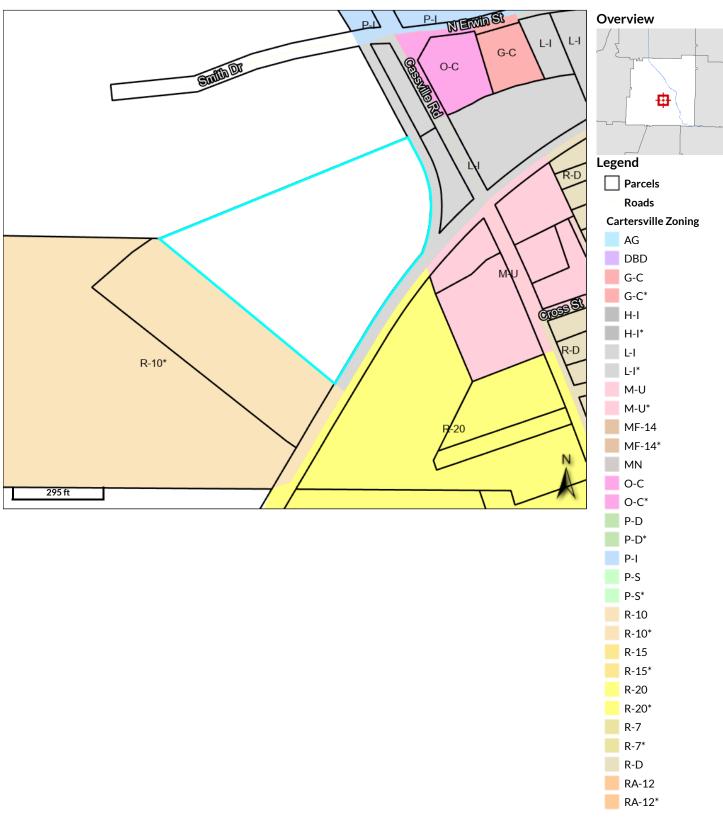
That the undersigned a Georgia Registered Land Surveyor on behalf of the above annexation applicant do certify the following:

- (1) That the attached survey contains no fewer than four surveyed map regulation points and recorded with the Georgia Coordinate System of 1985.
- (2) That the attached survey shows the boundaries of the area being annexed and the existing boundaries of the area being annexed and the existing boundaries of the annexing municipality between the points at which these boundaries close, if applicable.
- (3) That the attached survey meets the requirements of O.C.G.A. 15-6-67 and Section 180-7-01 Technical Standards for Property Survey, Rules and Regulations of the State of Georgia.
- (4) That the map demarcation of the map registration points are well distributed along, within, or near the boundary of the annexed area.
- (5) That at least one-eight of the aggregate external boundary or fifty (50) feet of the area to be annexed, whichever is less, either abuts directly on the municipal boundary or would directly abut on the municipal boundary if it were not otherwise separated from the municipal boundary by other lands owned by the municipal corporation, by lands owned by this State, or by the definite width of any street or street right of way; any creek or river; any right of way of a railroad or other public service corporation, which divides the municipal boundary from any area proposed to be annexed.

	This 14TH day of FEBRUARY, 2024			
		Georgia Registered Land Surveyor	- (* No. 18	
ZONING ADMINISTRATOR:				
1.	Annexation No.:		SUR SUR	
2.	Yes No	The above property complies with the City of Cartesize requirements to construct a building or structur persons or property under the policies, ordinance, or the City of Cartersville.	e occupiable by	
		the City of Cartersyme.		
3.	Survey attached.		ě!	
	This day of	::		

Zoning Administrator

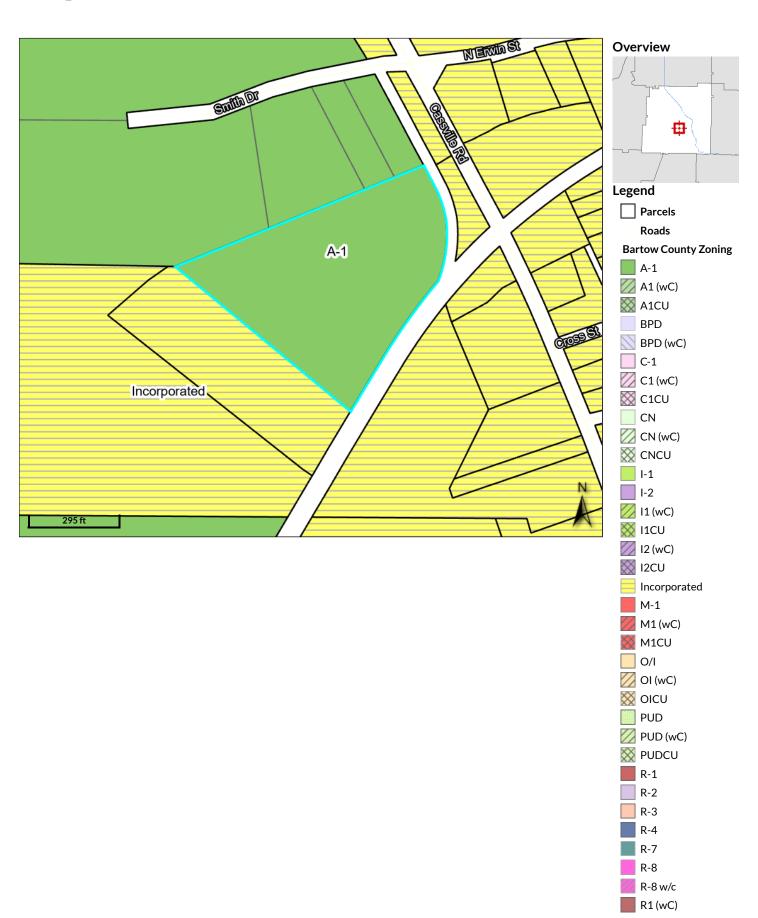




District Brief Tax Description Bartow County LL379,380,413&414 D4 S3 Block USA (Note: Not to be used on legal documents)

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

 Parcel ID
 0072B-0001-001
 Alternate ID
 18934

 Sec/Twp/Rng
 n/a
 Class
 Industrial

 Property Address
 144 CASSVILLE RD
 Acreage
 8.38

**District** Bartow County

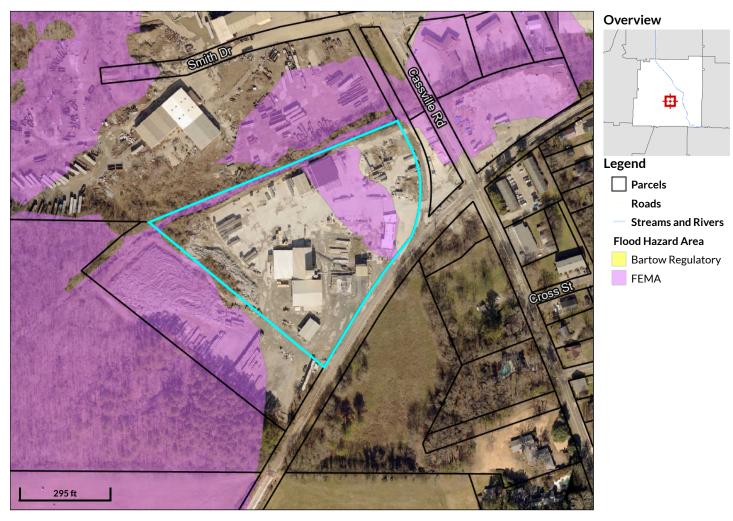
Brief Tax Description LL379,380,413&414 D4 S3 Block USA

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Developed by Schneider

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



Parcel ID 0072B-0001-001 Sec/Twp/Rng n/a Property Address 144 CASSVILLE RD Alternate ID 18934
Class Industrial
Acreage 8.38

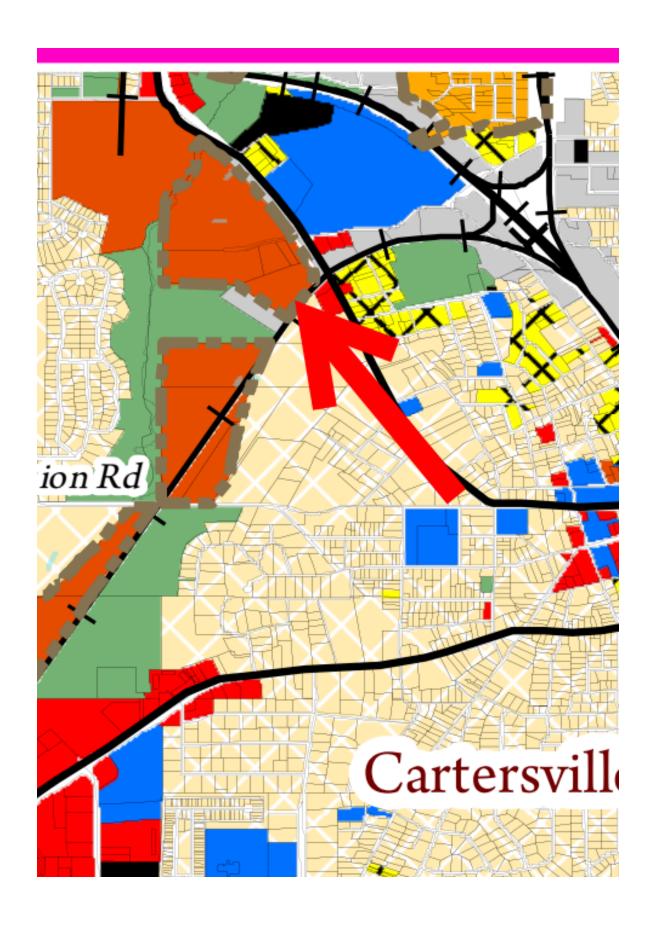
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District Bartow County

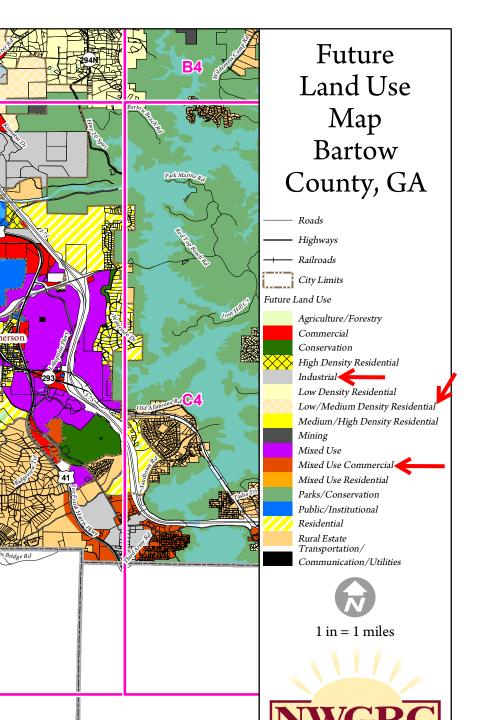
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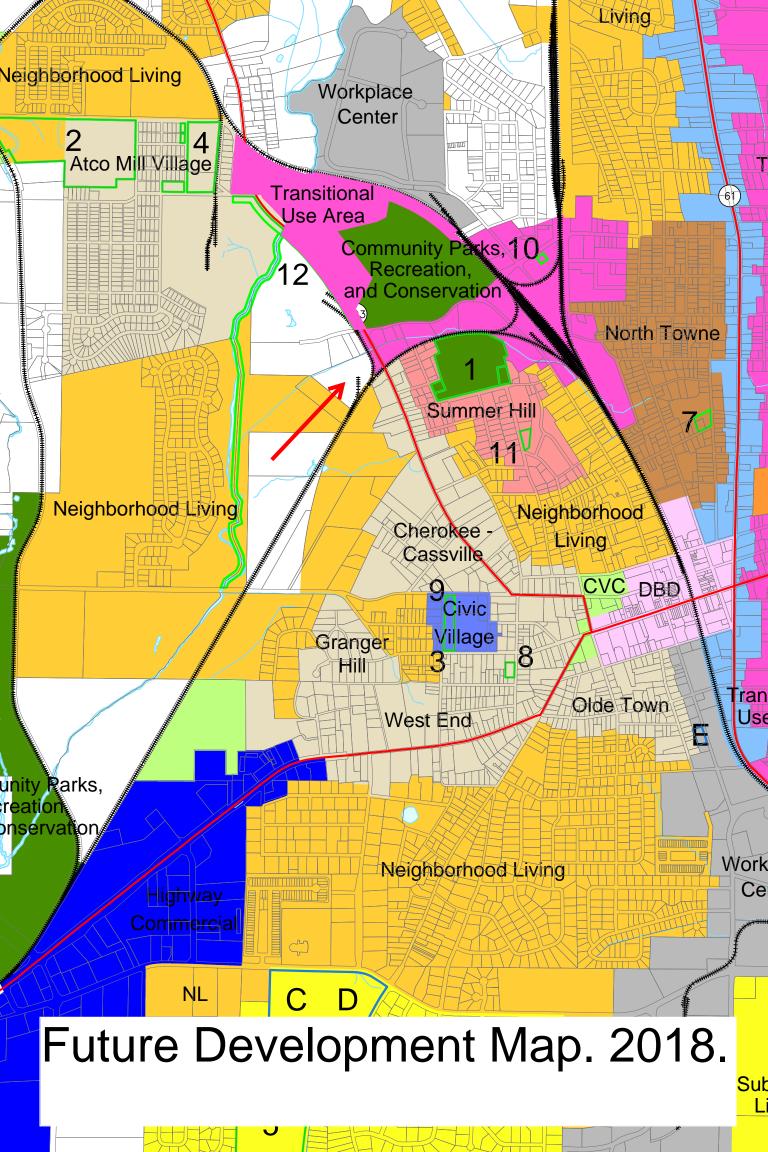
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Future Land Use Map. 2022.





# 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

# Site Visit 3-22-24

