

Application for Rezoning

City of Cartersville

Case Number: Z22-03

Date Received: 7-22-22

Public Hearing Dates:

Planning Commission 9-6-22 5:30pm 1st City Council 9-15-22 7:00pm 2nd City Council 10-6-22 7:00pm

Applicant The Wasserman Group, LLC Office Phone 770-874-8800
(printed name)

Address 4770SAtlantaRd. Suite200 Mobile/ Other Phone 404-895-7111

City Atlanta State GA Zip 30339 Email smw@wassermangroup.com

Stephen M. Wasserman Phone (Rep) 404-895-7111

Representative's printed name (if other than applicant) Email (Rep) smw@wassermangroup.com

[Signature] Representative Signature *[Signature]* Applicant Signature

Signed, sealed and delivered in presence of: **IAN JACKSON** My commission expires: 9/14/2025
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires Sept. 14, 2025

Notary Public

* Titleholder Carter Grove (Atlanta) ASL I VI L L P. Phone 407-628-8488
(titleholder's printed name)

Address 923 N. Pennsylvania Avenue

Address Winter Park, FL 32789 Email adubill@avantprop.com

Signature *[Signature]*

Signed, sealed, delivered in presence of: My commission expires: 3/21/2026

[Signature]
Notary Public



P-D w/ Conditions (220 Max Units with Commercial) P-D w/ Conditions (167 Units Max Commercial)
Requested Zoning Ne Commercial

Acreage 51.268 Land/Lot(s) 954-955-991 District(s) 4th Section(s) 3rd

Location of Property: Carter Grove Blvd at Old Alabama Rd.
(street address, nearest intersections, etc.)

Reason for Rezoning Request: Requesting down-zoning due to difficult topography

(attach additional statement as necessary)

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

VIA: EMAIL

July 22, 2022

Mr. Randy Mannino
Planning and Development Director
City of Cartersville, Georgia
10 N Public Square
Cartersville, Georgia 30120

RE: Application for Rezoning - Application No.: _____
Applicant: THE WASSERMAN GROUP, LLC
Property Owner: CARTER GROVE (ATLANTA) ASLI VI, L.L.L.P.
Property: Approximately 48.124 acres, more or less, located in the 4th District, 3rd Section, Land Lots 991, 992, 954 as shown on the attached plat Exhibit "A", Parcel Number C107-0001-015, located at the southeast corner of Carter Grove Boulevard and Old Alabama Road in the Carter Grove Community, in the City of Cartersville, in the County of Bartow, Georgia

Dear Mr. Mannino

The Wasserman Group, LLC, (the "Applicant"), and the Property Owner set forth above (the "Owner"), in the referenced Application for Rezoning with regard to property located at the southeast corner of Carter Grove Boulevard and Old Alabama Road in the Carter Grove Community, in the City of Cartersville, Bartow County, Georgia (the "Property"), hereby submit this Application for Rezoning (the "Application") which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Property.

This Application for Rezoning is requested because the existing P-D zoning ordinance governing the Property (Ordinance No. 23-06 in Petition Z06-07, adopted May 4, 2006), allowed multiple uses pursuant to the rules and regulations for zoning district M-U as then shown in the City of Cartersville Zoning Ordinance, Article IX, Section 9.1., including up to 220 residential units and an unspecified amount of commercial space in an unspecified number of buildings, and the Applicant is significantly reducing the number of housing units and eliminating the commercial component.

It is our intent to develop the Property as follows:

- (1) Applicant seeks rezoning of the Property from the existing zoning category "P-D with Conditions" to "P-D with NEW Conditions", generally in accordance with the site plan submitted herewith prepared for the Applicant by Stephensen Engineering, Inc. dated July 20, 2022. A reduced copy of the Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) The Property consists of a total of 48.124 acres, and is proposed as a high-quality residential community containing a maximum of one hundred sixty-seven (167) units in the P-D designation/category. The Applicant does not intend to include any commercial structures or commercial space.
- (3) The maximum density shall be no more than 3.5 units per acre.
- (4) All setbacks and building standards shall be in compliance with the P-D ("Planned Development") zoning requirements.
- (5) All residential buildings shall have a maximum building height of no more than 35 feet.
- (6) All residences shall have a minimum of 1,000 square feet of heated and cooled living space and shall be either one-bedroom, two-bedroom, or three-bedroom units. Applicant agrees that no

VIA: EMAIL

Mr. Randy Mannino

Planning and Development Director

City of Cartersville, Georgia

Zoning Application

July 22, 2022

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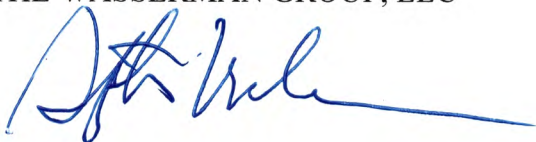
garage area within any of the units will be converted to heated or cooled living space.

- (7) All other requirements of the P-D Zoning Category shall be met.
- (8) The Project shall consist of single, duplex and tri-plex buildings and shall be “Traditional”, “Coastal”, and “Craftsman” in style and architecture, with exterior materials consisting of brick, stone, stacked stone, cedar shake, hardly-plank, board and batten, and combinations thereof and shall be substantially similar to the homes depicted in the elevations attached collectively as Exhibit "B" and incorporated herein by reference.
- (9) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences, as offered by the power provider.
- (10) Amenities for the community shall be both active and passive consisting of a clubhouse/community center, a swimming pool, multiple pickle-ball courts, gathering areas, pocket parks and green space areas, community gardens, and extensive walking trails.
- (11) All streets and alleyways within the proposed residential community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cartersville and Bartow County Building Codes; and, at Applicant's option, the community may be gated in compliance with all applicable Cartersville and Bartow County Codes, Standards, and Ordinances.
- (12) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities, utilities, and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings, in accordance with the approved and submitted Landscape Plan, and as allowed by the City of Cartersville or any utility provider.
- (13) Applicant agrees to the creation of a mandatory homeowners' association which shall be responsible for architectural controls of the residences within the proposed community; as well as the upkeep and maintenance of the entrance area, signage, all common areas, amenity area, pocket parks, mail kiosk, and private streets contained within the proposed residential community .

We believe the requested zoning is an appropriate use of the Property while taking into consideration the existing conditions of the Property, the area surrounding the proposed development, and the need in the City of Cartersville for the proposed development. The community will be a high-quality development and shall provide a much-needed and highly sought-after type of living environment within the City.

Thank you for your consideration in this request.

THE WASSERMAN GROUP, LLC



Stephen M. Wasserman
Chief Executive Officer

**REQUIREMENTS FOR FILING
AN APPLICATION FOR REZONING
CITY OF CARTERSVILLE, GA**

Completed applications must be submitted to the City of Cartersville Planning & Development Department, located at 10 N. Public Square, 2nd Floor. Cartersville, GA 30120.

Requirements

1. **Completed Application:** Include all signatures. If multiple owners are involved in the rezoning petition, each owner must fill out an individual application, though only a single filing fee is required per property. The application and all associated documents must be submitted no later than the established filing deadline date. Associated documents should include or demonstrate:

- a. **Existing conditions**

THE SITE IS CURRENTLY WOODED AND GENERALLY UNDISTURBED.

- b. **Proposed conditions or project:**

THE PROPOSED PROJECT IS A DOWN-ZONE FROM THE EXISTING IN-PLACE ZONING. THE ORIGINAL DEVELOPER OF THE CARTER GROVE PROJECT OBTAINED A ZONING DESIGNATION FOR THIS TRACT OF "PD WITH CONDITIONS." UNFORTUNATELY, THE SITE'S CONDITIONS WILL NOT ALLOW THE APPROVED "CONDITIONS" (220 DWELLING UNITS AND A LIMITED AMOUNT OF COMMERCIAL SPACE) TO BE BUILT.

THE SITE HAS EXTREMELY GRADES, EX., IN SOME AREAS WITH 2:1 THROUGH 1:1 SLOPES, WITH A GENERAL LOW-POINT OF THE SITE AT APPROXIMATELY 700' TO A HIGH POINT OF APPROXIMATELY 930'. ACCORDINGLY, THE APPLICANT IS ASKING THAT THE EXISTING "CONDITIONS" BE CHANGED TO THE FOLLOWING: INSTEAD OF A MAXIMUM OF 220 UNITS, WE ARE REQUESTING A MAXIMUM OF 167 UNITS. IN ADDITION, WE DO NOT INTEND TO BUILD ANY COMMERCIAL OR OFFICE STRUCTURES. THUS, OUR PROPOSED ZONING REQUEST IS PD WITH "NEW CONDITIONS" WHICH ARE LESS DENSE AND IMPACTFUL THAN THE EXISTING ZONING AND CONDITIONS.

- c. **Confirmation of availability of all public utilities –**

AVAILABILITY LETTERS ATTACHED

- d. **Project meets the proposed zoning district development standards:**

THE PROPOSED PROJECT MEETS OR EXCEEDS ALL P-D ZONING DISTRICT DEVELOPMENT STANDARDS

- e. ***Project meets the access requirements of the City's development regulations.***

THE PROPOSED PROJECT MEETS THE ACCESS REQUIREMENTS OF THE CITY'S DEVELOPMENT REGULATIONS.

2. **Boundary Survey/Plat:** Include a copy of the boundary survey/plat which shall include the metes and bounds description. Please indicate property lines with dimensions, location of buildings and other structures, north arrow, scale, street numbers, lot and/or parcel numbers, and locations of setback lines or other dimensional requirements.

BOUNDARY SURVEY/PLAT ARE ATTACHED AS "EXHIBIT A".

3. **Campaign Disclosure:** The Campaign Disclosure Report For Rezoning Actions (attached) must be included with the application.

COMPLETED CAMPAIGN DISCLOSURE REPORT ATTACHED.

4. **Adjacent Property Owners:** Provide a list of all current owners of record for properties located immediately adjacent to or directly across a public street or railroad right-of-way from the subject property. (Form attached). See also Item 6 below.

5. **Filing Fee:** A non-refundable filing fee of \$400.00 must accompany the completed application.

6. **Public Notice Fee (Optional):** The applicant may choose to have city staff prepare and manage the public notification process outlined in **item 7** below. If this option is requested, there is an additional, non-refundable fee of \$50.00 which covers the cost of the newspaper ad, and the costs of printing, printing supplies, postage and proof of mailing.

THE APPLICANT ELECTS TO HAVE CITY STAFF PREPARE AND MANAGE THE PUBLIC NOTIFICATION PROCESS OUTLINED IN ITEM 7 BELOW. A CHECK FOR \$50.00 IS ATTACHED.

7. **Public Notification:** The applicant is responsible for the following **public notification** process unless the applicant has requested that staff manage this process as outlined in **item 6** above:

- a. Not less than fifteen (15) days and not more than forty-five (45) days prior to the scheduled date of the public hearing being the final action by the City Council and not less than ten (10) days prior to the Planning Commission meeting, a **notice of public hearing** shall be published in the legal notice section of the Daily Tribune newspaper within the City of Cartersville. Such notice shall state the application file number, and shall contain the location of the property, its area, owner, current zoning classification, and the proposed zoning classification. Such notice shall include both the Planning Commission and the City Council meeting dates. (See attached Notice of Public Hearing).

- b. The applicant, either in person or by first class mail, shall notify **each owner**

of property adjoining and directly across a street from the property requesting rezoning. A copy of the notice and proof of mailing shall be provided to the Zoning Administrator. If mailing via USPS, it is recommended to use a Certificate of Mailing form or send via Certified Mail. The Certificate of Mailing form is PS3877 and can be found on the U.S. Post Office website.

If notice of said application and hearing is given in person, the applicant shall furnish to the Zoning Administrator, prior to the scheduled hearing, an acknowledgment of the notice, signed and dated by the person receiving notice and witnessed by an individual other than the applicant. Said notice shall be given no later than ten (10) days prior to the date of the scheduled Planning Commission meeting.

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: JULY 22, 2022

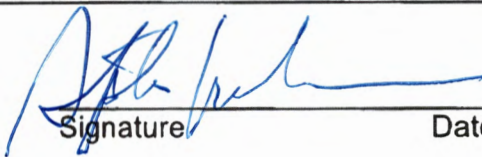
Date Two Years Prior to Application: JULY 22, 2020

Date Five Years Prior to Application: JULY 22, 2017

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

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 _____ Date 7/22/2022
Stephen M. Wasserman

 Print Name

CONSTITUTIONAL OBJECTION TO FAILURE TO GRANT APPLICATION

For the record, the Applicant, as required by law, sets forth its constitutional objection to any failure to grant this application. Failure to grant the requested rezoning would constitute a taking of property without just and adequate compensation and without due process of law in violation of the Fourteenth Amendment to the United States Constitution and Article 1, Section 1, Paragraph 1 and Article 1, Section III, Paragraph 1 of the Constitution of Georgia. A denial of the requested rezoning would be unconstitutional and discriminate in an arbitrary and capricious manner between the Applicant and owners of similarly situated property in violation of Article 1, Section III, Paragraph III of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution. Such would deprive the Applicant of its liberty and property rights. Such a denial would not subsequently advance legitimate state interests, but would cause the Applicant significant detriment.

Z06-07

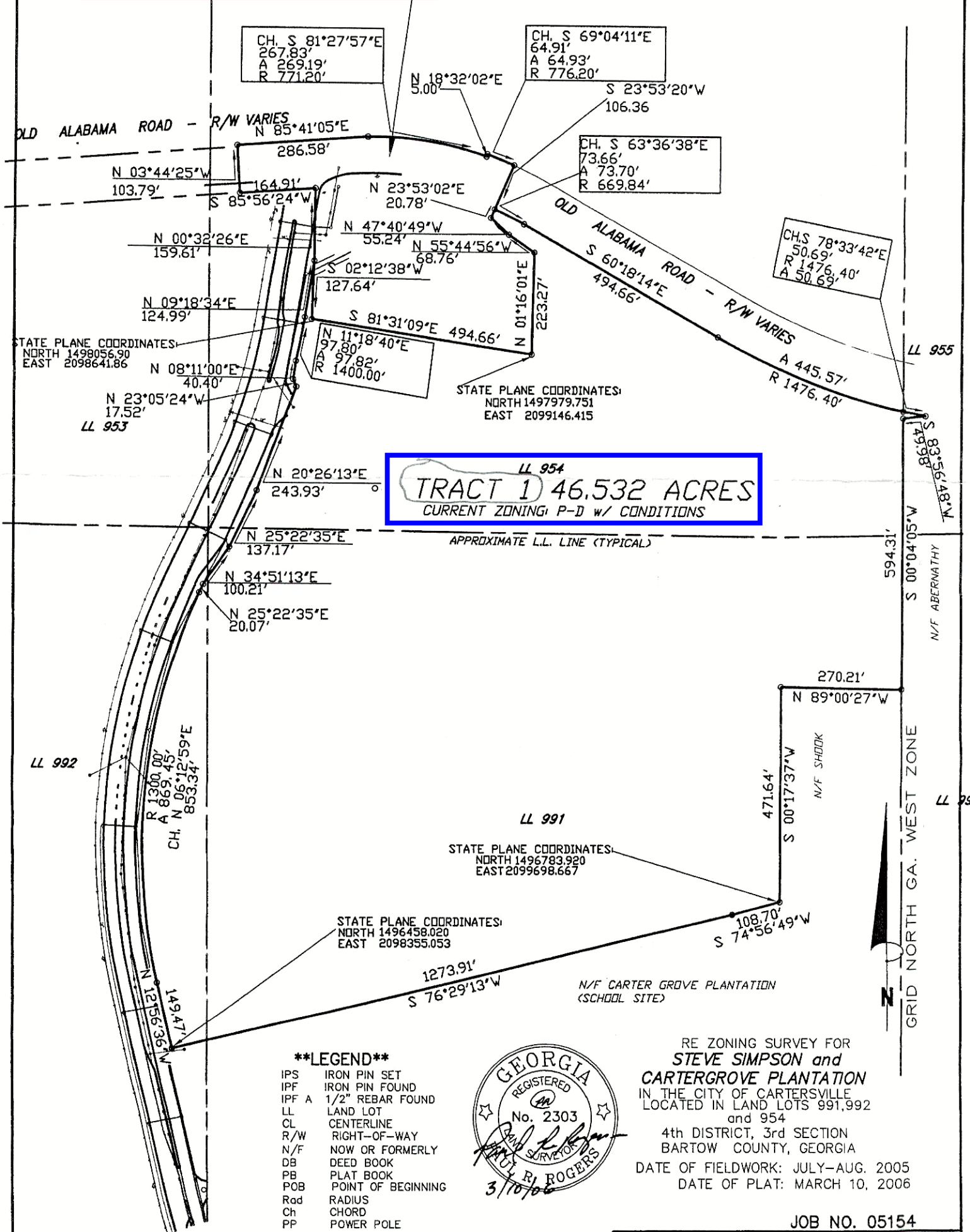
Ord. 23-06

EXHIBIT A

SURVEYOR'S CERTIFICATION

TRACT 2 4.813 ACRES
 CURRENT ZONING: D-C w/ CONDITIONS

It is hereby certified that this plat is true and correct and was prepared from an actual survey by me or under my supervision; that all monuments shown thereon actually exist and their size, type, and shape are correctly shown. The field data upon which this plat is based was collected using a 5 second electronic total station theodolite and has a closure precision of one foot in +18,800 feet and an angular closure of 09 seconds per angle point, and was not adjusted. This plat has been calculated for closure and found to be accurate within one foot in +300,000 feet.
 1/2 INCH REBAR TO BE SET AT ALL CORNERS UPON APPROVAL OF THIS PLAT



TRACT 1 46.532 ACRES
 CURRENT ZONING: P-D w/ CONDITIONS

- **LEGEND****
- IPS IRON PIN SET
 - IPF IRON PIN FOUND
 - IPF A 1/2" REBAR FOUND
 - LL LAND LOT
 - CL CENTERLINE
 - R/W RIGHT-OF-WAY
 - N/F NOW OR FORMERLY
 - DB DEED BOOK
 - PB PLAT BOOK
 - POB POINT OF BEGINNING
 - Rad RADIUS
 - Ch CHORD
 - PP POWER POLE



RE ZONING SURVEY FOR
STEVE SIMPSON and
CARTERGROVE PLANTATION
 IN THE CITY OF CARTERSVILLE
 LOCATED IN LAND LOTS 991, 992
 and 954
 4th DISTRICT, 3rd SECTION
 BARTOW COUNTY, GEORGIA
 DATE OF FIELDWORK: JULY-AUG. 2005
 DATE OF PLAT: MARCH 10, 2006

JOB NO. 05154

RHODES ENGINEERING SERVICES, INC
CIVIL ENGINEERS AND LAND SURVEYORS
 645 HENDERSON DRIVE, SUITE 2
 CARTERSVILLE, GA 30120
 PHONE 770-386-7616 FAX 770-386-7617

EXHIBIT - 51.345 ACRES



July 20, 2022

Kevin Stephenson
Stephenson Engineering, Inc.
P.O. Box 201088
Cartersville, GA 30120

Re: The Starlite – Cartersville Water & Sewer Availability

Dear Mr. Stephenson:

The Bartow County Water Department (BCWD) has prepared this correspondence at your request regarding the Starlite – Cartersville residential development located within the Carter Grove Subdivision within the City of Cartersville and serviced by the BCWD for both water and sewer services.

BCWD currently has an existing 14-inch DIP water main available within the right-of-way of Carter Grove Boulevard to connect to; however, until BCWD completes the waterline upgrade project along Old Alabama Road, the water demands necessary to meet the development's needs may not be achieved.

Phase 3 of this waterline project, which will continue the installation of the waterline from Bates Road to Douthit Ferry, is currently out for bid. The current estimated completion date for Phase 3 is estimated to be 15 months from the date of this letter. This is an approximate time for completion, and this could change, for better or worse, based on GDOT's road work schedule and supply chain issues associated with the materials.

Based upon the expectation of this completion date, the BCWD is willing to review and approve development plans for the Starlite – Cartersville project. Final Plats will only be approved by BCWD for lots that are within maximum allowed service distances from hydrants that achieve the City of Cartersville's fire flow requirements of 1,000-GPM during "As-Built" 24-hour fire flow tests. The "As-Built" flow tests shall be required to be submitted to BCWD and the City of Cartersville Fire Department at the time of any final plat submission for review and consideration.

Additionally, there is an existing 15-inch PVC sanitary sewer line within the right-of-way of Carter Grove Boulevard available from the Bartow County Water Department. Adequacy of capacity must be confirmed and approved based upon submission of development drawings along with anticipated design usage and flows from the developer and the information in this letter is valid for a term no greater than 180 days from the above indicated date of this service availability statement. The information provided is renewable provided said project is moving forward and renewal request is submitted in writing prior to expiration. This request must also include the status of the project and expected construction schedule of the required infrastructure. Furthermore, this letter is not a statement of capacity reservation. Capacity reservation is provided upon plan approval by the Bartow County Water Department.

I hope this correspondence outlines the ability to obtain a development permit for the property while the BCWD water main project is completed along Old Alabama Road. Should you have any questions following your review of this correspondence, please contact me at (770) 387-5169.

Sincerely,

Daniel Manny

Daniel B. Manny, P.E.

Assistant Director - Bartow County Water

Cc: Lamont Kiser, P.E. – Director
Gerardo Becerra, P.E. – Project Engineer
Project File – Starlite - Cartersville

The Starlite – Cartersville

EXHIBIT B

General Specifications and Renderings

Property Name:	THE STARLITE - CARTERSVILLE
Address:	Parcel C107-0001-015, Carter Grove Community, LL 951, 952, 954
Maximum Number of Units Requested:	167
Parcel #:	Condominium with Individual Parcels
Minimum Area Per Building:	2,000 sq. ft. (Two Unit Building)
Total Number of Buildings:	85 (includes clubhouse)
Metering:	Individual
HVAC:	Individual (Ground Mounted)
Hot Water:	Individual
Exterior:	Variety of Painted Brick, Stone, Smooth Hardie Plank Siding
Roof:	Pitched with Asphalt Shingles
Flooring:	Vinyl or Wood Laminate
Windows	Wood frame, double hung (divided lites)
Siding	All front elevations to be brick painted in white or light colors
Doors	Wood 8' entry door. Steel Garage door with Lites. Decorative interior six panel or similar doors
Kitchens:	Granite, Quartz or similar countertops Stainless steel appliances Laminated or similar flooring Large island with high-top seating Decorator cabinets
Other Features	Fenced Backyard Where Possible Roll-in Shower with Tile Surrounds Washer Dryer Provided

COMMUNITY FEATURES

Amenities	1 Clubhouse Pickleball Courts (at least 2) Zero entry pool Indoor and Outdoor Entertainment Areas Business Center with Wi-Fi Lawn Service Optional Concierge Services Gated Access with Neighborhood Surveillance Cameras Dog Park
Parking:	All units with minimum 1 car garage and 1 space on apron
Average SF:	1,400 S.F.
Gross Acreage:	48.124 acres
Density:	3.47/acre
Greenspace required:	9.62 Acres

The Starlite – Cartersville
General Specifications

Greenspace provided: 25.44 Acres

DEVELOPMENT TEAM:

Developer: The Wasserman Group, LLC, Atlanta, GA

Contractor: David Sinclair, Marietta, GA

Architect: Jeffrey Wren, Earthstation Architecture, Decatur, GA

Architect: Lane Rick, Office of Things, Brooklyn, NY

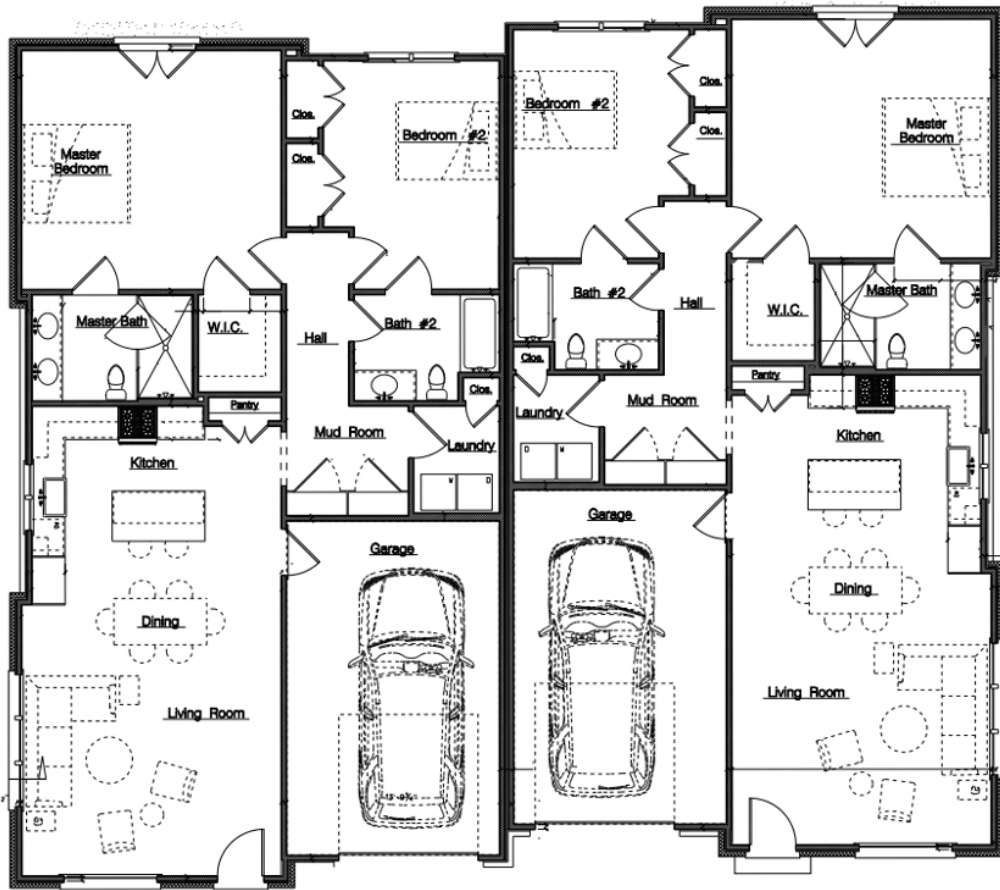
Civil Engineer – Kevin Stephenson, Stephenson Engineering, Inc., Cartersville, GA

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The Starlite – Cartersville
General Specifications

PROTOTYPICAL ELEVATIONS

THE VICEROY



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The Starlite – Cartersville
General Specifications

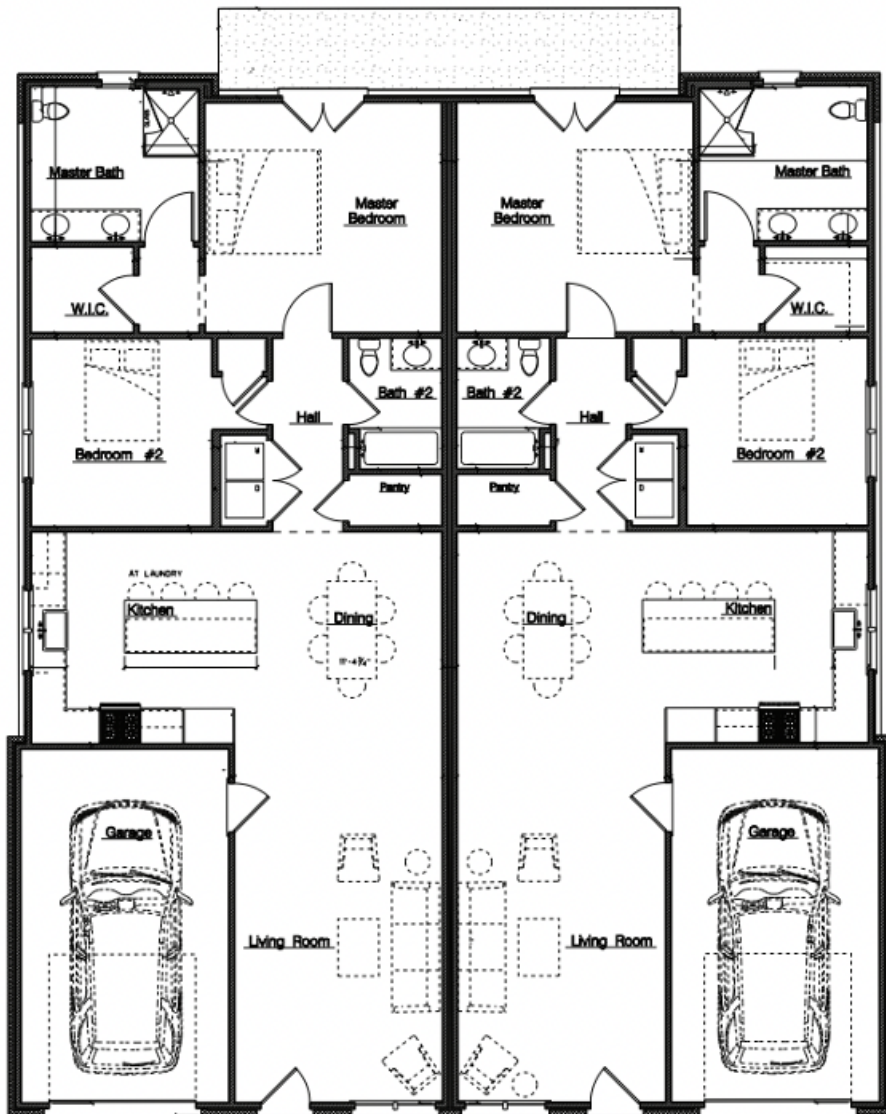


LEFT SIDE "VICEROY" UNIT

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The Starlite – Cartersville
General Specifications

The Evergreen

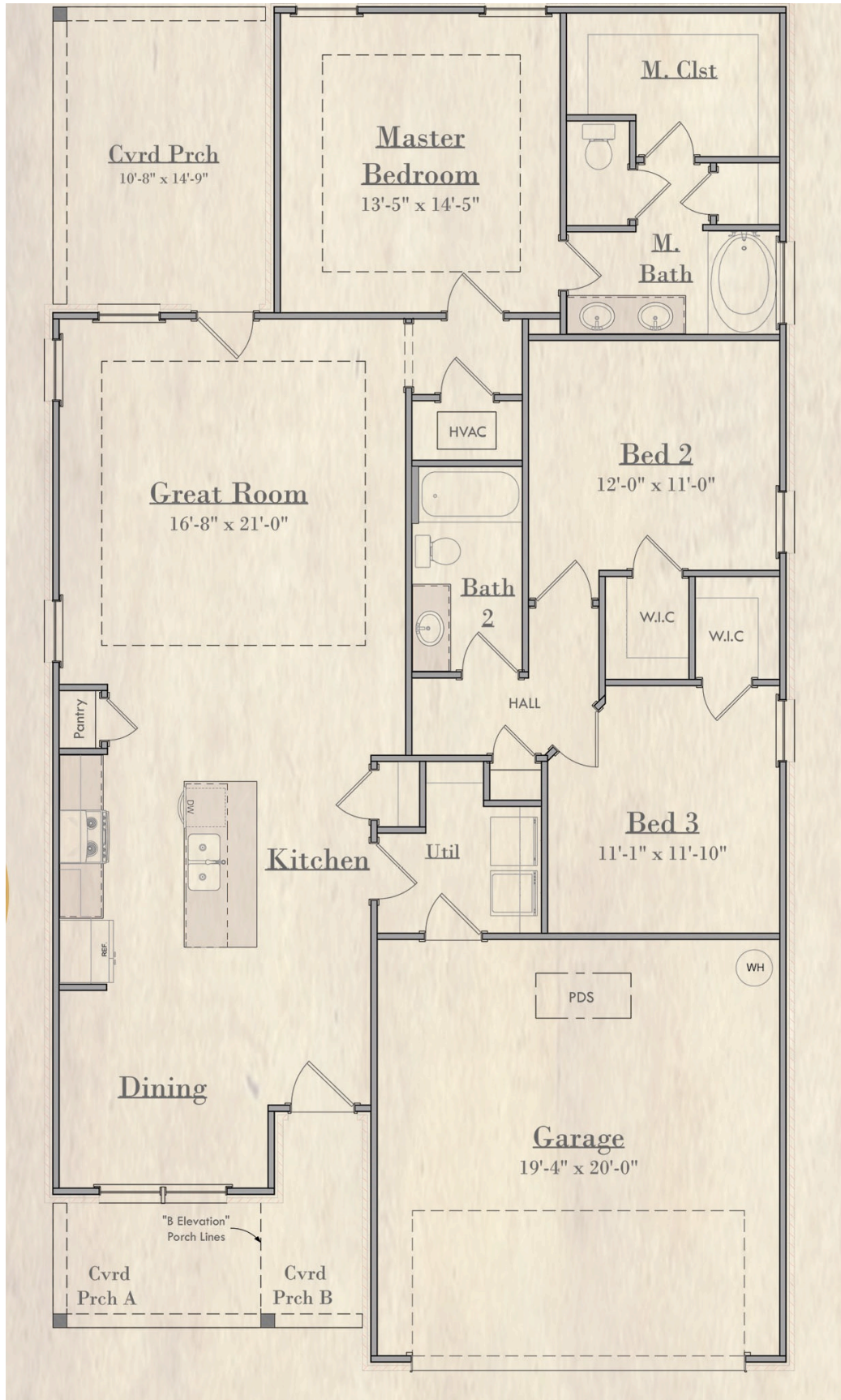


The Starlite – Cartersville
General Specifications

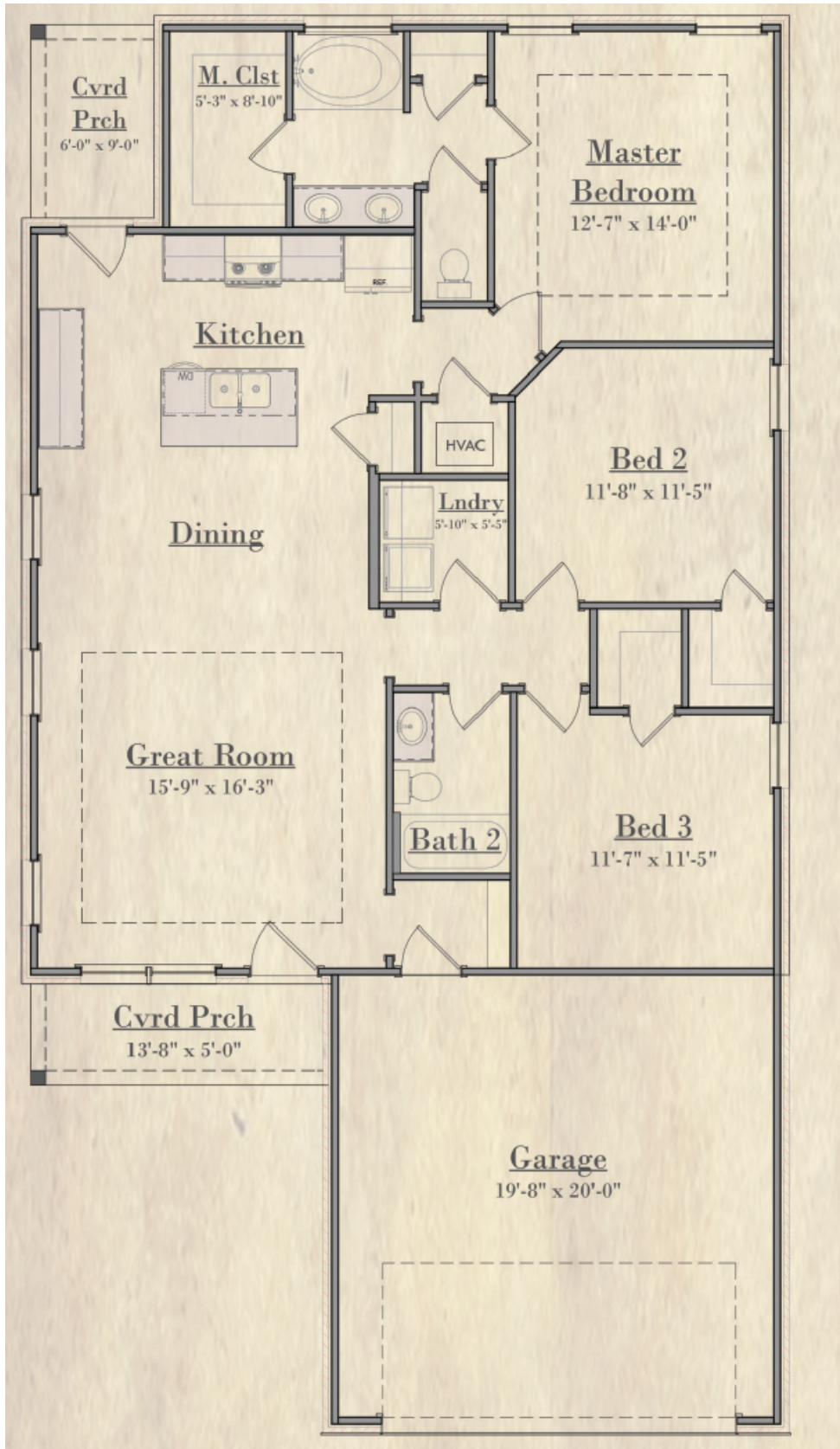


RIGHT SIDE OF "EVERGREEN" UNIT

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1660 S.F.



1452 S.F.