

## ***SPECIAL USE APPLICATION SYNOPSIS***

Petition Number(s): **SU22-04**

### ***APPLICANT INFORMATION AND PROPERTY DESCRIPTION***

Applicant: **Tillman Family, LLLP**

Representative: **Lauren Knoll, Southland Engineering.**

Property Owner: **Tillman Family, LLLP**

Property Location: **Tax ID C023-0001-007 & C023-0001-008**

Access to the Property: **From West Ave via an access easement on the Ingles grocery store property.**

### ***Site Characteristics:***

Tract Size: **34 +/- ac.** District: **4<sup>th</sup>** Section: **3rd** LL(S): **522 & 559**

Ward: **5** Council Member: **Gary Fox**

### ***LAND USE INFORMATION***

Current Zoning: **O-C (Office-Commercial)**

Proposed Zoning: **No change**

Proposed Use: **Private park (pay-per-use baseball field or fields)**

Current Zoning of Adjacent Property:

North: **AG (Agriculture) and County A-1 (Agriculture)**

South: **O-C, G-C (General Commercial) and L-I (Light Industrial)**

East: **O-C & R-20 (Residential)**

West: **County A-1**

The Future Development Map designates the subject property as: **Highway Commercial and Community Village Center.**

The Future Land Use Map designates the subject property as: **Commercial and Community Parks/ Recreation/ Conservation.**

## **2. City Department Comments:**

**Electric:** Takes no exception

**Fibercom:** Has no comment

**Fire:** No comments received.

**Gas:** The Gas System takes no exception to the following text amendment case T22-04. The Gas System, furthermore, takes no exception to the request for the Tillman Ballfield as attached provided the improvements do not conflict with the existing natural gas facilities.

**Public Works:** Public Works has no objection.

**Water and Sewer:** No objection. Service not impacted.

## **3. Public Comments:**

No comments as of 10-5-22.

## **4. Special Use Review**

Tillman Family LLLP owns undeveloped property zoned Office-Commercial (O-C) near West Ave. and north of the Ingles grocery store property. The Tillman properties are identified as Tax ID C023-0001-007 and C023-0001-008. Total property area is approximately 34 acres.

The Tillman Family has agreed to allow a practice youth baseball field to be constructed on the property. The field or fields would be a Pay-Per-Use for teams needing practice facilities. Under the current O-C zoning, private parks are not an allowed use. Private parks are an allowed use in the adjacent R-20 (Residential) zoning district.

Currently, one field is proposed. If the pay-per-use model is successful, additional ballfields or multi-purpose fields could be added in the future.

A conservation easement exists on each of the identified properties. If the SUP is approved, the conservation easement will have to be dissolved, and back taxes, penalties, and/or interest will have to be paid to the County by the applicant.

The applicant has filed for the text amendment, T22-04, to add Private Parks to the list of allowed uses in the O-C zoning district with a Special Use Permit. The text amendment is intended to be considered concurrently with this special use permit.

No additional special use requirements for private parks are suggested at this time. If the text amendment and special use permit are approved, the applicant and their design consultant are responsible for getting approved site plans before ball field construction begins. Site plans have been

submitted for review, but are on hold pending approval of the text amendment and special use permit.

## **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).*

### **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:**

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

**How Standard #1 has / will be met: No negative effect to traffic along West Avenue is anticipated. There may be short periods of increased traffic through the Ingles property to access the ballfield.**

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

**How Standard #2 has / will be met: Parking will be added on private property for the ballfield.**

***Standard #3: Protective screening.***

**How Standard #3 has / will be met: Buffer required along the R-20 zoning district which is, currently, property belonging to the applicant.**

***Standard #4: Hours and manner of operation:***

**How Standard #4 has / will be met: Information not provided by applicant, but likely limited to after-school hours, school breaks, holidays and weekends.**

***Standard #5: Outdoor lighting***

**How Standard #5 has / will be met:** Information not provided by applicant, but no lights are currently planned per the submitted site plans.

**Standard #6:** Ingress and egress to the property.

**How Standard #6 has / will be met:** Access easement provided through Ingles grocery store property.

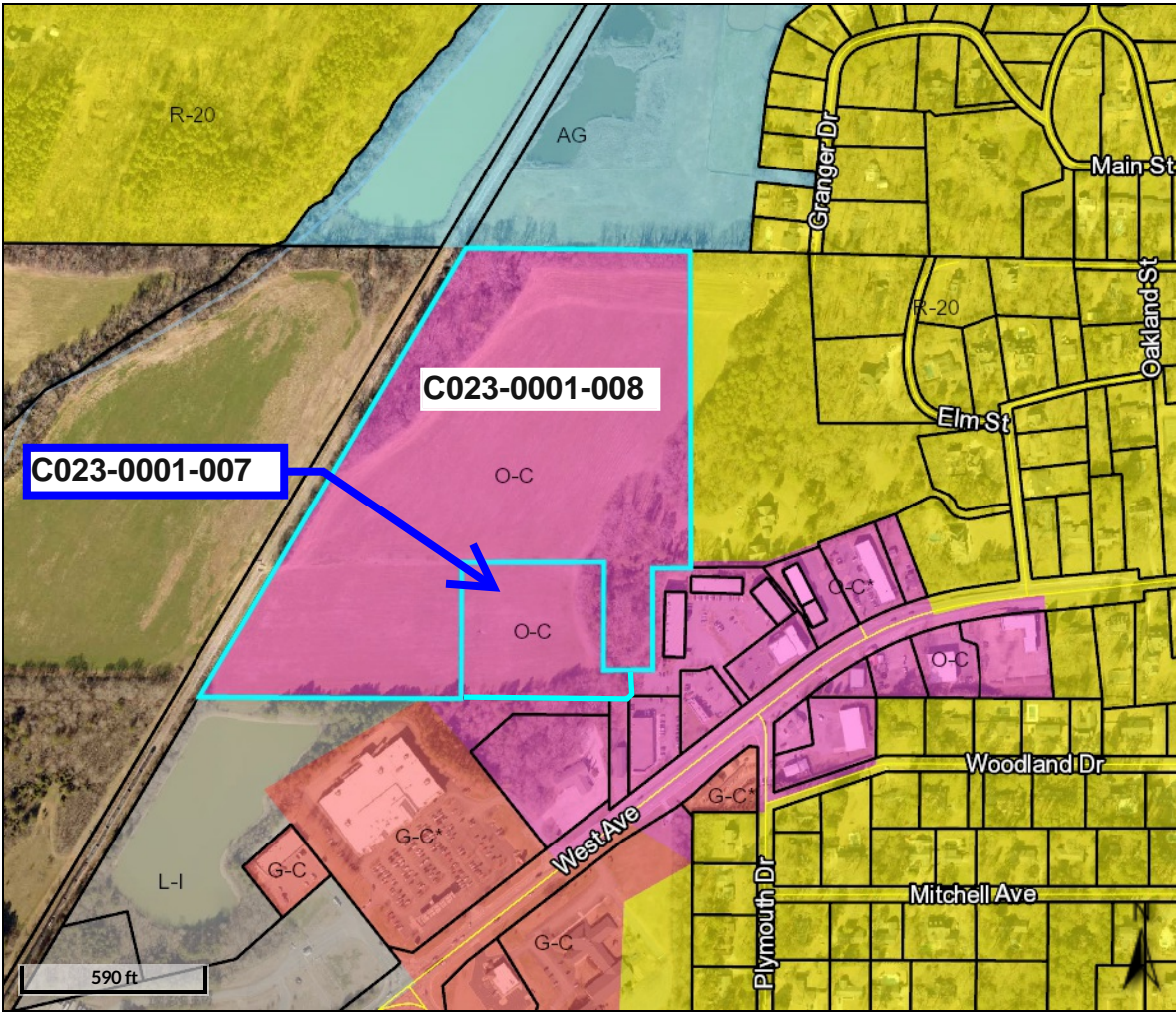
**Standard #7:** Compatibility with surrounding land use.

**How Standard #7 has / will be met:** No compatibility conflicts have been identified except where the O-C zoned parcels abut R-20 zoned parcels.

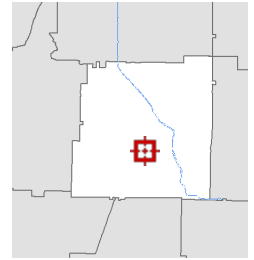
**7. Additional standards from Zoning Ordinance section 16.4 for use applied for and how they are met:**

N/A

**8. Staff Recommendation:** Staff does not oppose the application.



**Overview**



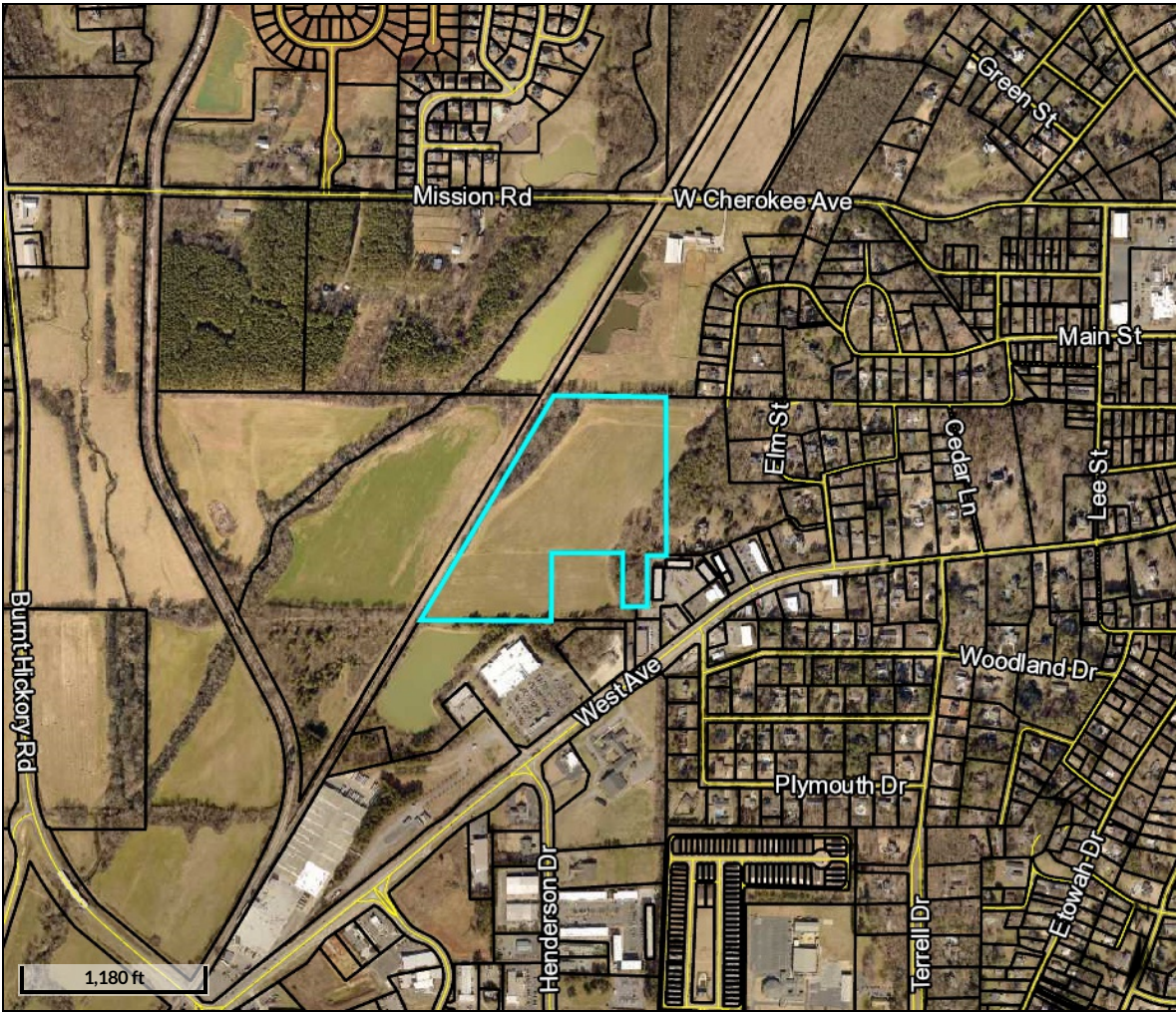
**Legend**

- Parcels
- Roads
- Cartersville Zoning**
- AG
- DBD
- G-C
- G-C\*
- H-I
- H-I\*
- L-I
- L-I\*
- M-U
- M-U\*
- MF-14
- MF-14\*
- MN
- O-C
- O-C\*
- P-D
- P-D\*
- P-I
- P-S
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- R-7
- R-7\*
- R-D
- RA-12
- RA-12\*
- RSL

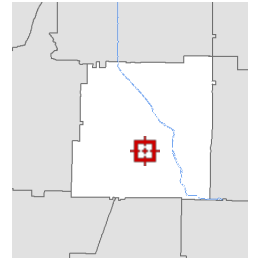
Parcel ID	C023-0001-008	Alternate ID	44092	Owner Address	TILLMAN FAMILY LLLP
Sec/Twp/Rng	n/a	Class	Consrv Use		PO BOX 1341
Property Address	WEST AVE	Acreage	29.66		CARTERSVILLE, GA 30120-1341
District	Cartersville				
Brief Tax Description	LL521, 522 D4				

(Note: Not to be used on legal documents)

Date created: 10/5/2022  
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**Overview**



**Legend**

- Parcels
- Roads

<b>Parcel ID</b>	C023-0001-008	<b>Alternate ID</b>	44092	<b>Owner Address</b>	TILLMAN FAMILY LLLP
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Consv Use		PO BOX 1341
<b>Property Address</b>	WEST AVE	<b>Acreage</b>	29.66		CARTERSVILLE, GA 30120-1341
<b>District</b>	Cartersville				
<b>Brief Tax Description</b>	LL521, 522 D4				
	(Note: Not to be used on legal documents)				

Date created: 9/21/2022  
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Developed by **Schneider**  
 GEOSPATIAL

**Application for Special Use**  
City of Cartersville

Case Number: 5022-04  
Date Received: 8-31-2022

**Public Hearing Dates:**

Planning Commission 10-11-2022 5:30pm    1<sup>st</sup> City Council 10-20-2022 7:00pm    2<sup>nd</sup> City Council 11-3-2022 7:00pm

Applicant Tillman Family LLLP Office Phone 770-475-3006  
(printed name)  
Address P.O. Box 1341 Mobile/ Other Phone 770-815-8599  
City Cartersville State GA Zip 30120 Email rich@prefsales.com  
Lauren Noll Phone (Rep) 770-387-0440  
Representative's printed name (if other than applicant) Email (Rep) simonson@southlandengineers.com  
Jan Noll Representative Signature [Signature] Applicant Signature  
Signed, sealed and delivered in presence of: My commission expires: 10/11/2025  
[Signature] Notary Public

\* Titleholder Tillman Family LLLP Phone 770-475-3006  
(titleholder's printed name)  
Address P.O. Box 1341 Cartersville Email rich@prefsales.com  
Signature [Signature]  
Signed, sealed, delivered in presence of: My commission expires: 10/11/2025  
[Signature] Notary Public

Present Zoning District O-C  
Acreage 45.387 Land Lot(s) 522 & 559 District(s) 4<sup>th</sup> Section(s) 3<sup>rd</sup>  
Location of Property: West Avenue  
(street address, nearest intersections, etc.)  
Reason for Special Use Request: To allow private parks under the current zoning district  
(attach additional statement as necessary)

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



**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: \_\_\_\_\_

Date Two Years Prior to Application: \_\_\_\_\_


Date Five Years Prior to Application: \_\_\_\_\_

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	_____	_____ ✓
Ward 5- Gary Fox	_____	_____ ✓
Ward 6- Taff Wren	_____	_____ ✓
Planning Commission		
Greg Culverhouse	_____	_____ ✓
Harrison Dean	_____	_____ ✓
Lamar Pendley	_____	_____ ✓
Open		
Travis Popham	_____	_____ ✓
Jeffery Ross	_____	_____ ✓
Stephen Smith	_____	_____ ✓

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.

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8-29-2022

Signature
Date

R. C. Flourey, Jr.

Print Name

# SPECIAL USE JUSTIFICATION

The Mayor and City Council, upon review, may authorize a Special Use which is not classified as a permitted use by right in a zoning district.

Zoning Ordinance section 16.3.A

*In the interest of the public health, safety and welfare, the Mayor and Council may exercise limited discretion in evaluating the site which requires a Special use. In exercising such discretion pertaining to the subject use, the Mayor and Council may consider the following, which shall be stated in writing by the applicant and submitted to the department of planning and development to initiate an application for a Special use:*

1. *The effect of the proposed activity on traffic flow along adjoining streets;*
2. *The availability, number and location of off-street parking;*
3. *Protective screening;*
4. *Hours and manner of operation of the proposed use;*
5. *Outdoor lighting;*
6. *Ingress and egress to the property; and*
7. *Compatibility with surrounding land use.*

*Zoning Ordinance section 16.4 states standards for specific uses – if the use you are applying for has additional standards, these must also be addressed below.*

**Use applied for:**

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

**How Standard #1 has / will be met:**

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

**How Standard #2 has / will be met:**

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**Standard #3:** Protective screening.

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

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

**How Standard #4 has / will be met:**

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**Standard #5:** Outdoor lighting.

**How Standard #5 has / will be met:**

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**Standard #6:** Ingress and egress to the property.

**How Standard #6 has / will be met:**

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**Standard #7:** Compatibility with surrounding land use.

**How Standard #7 has / will be met:**

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

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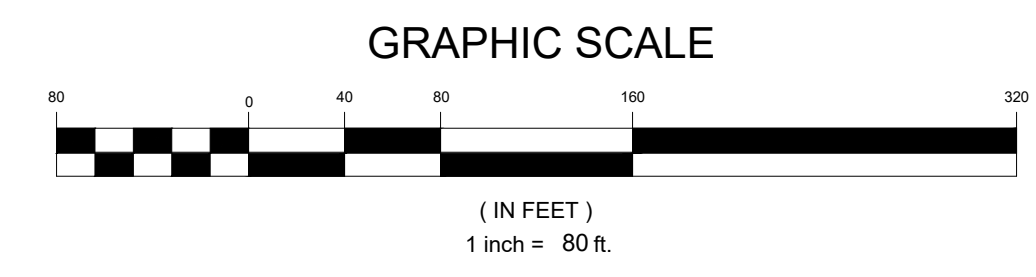
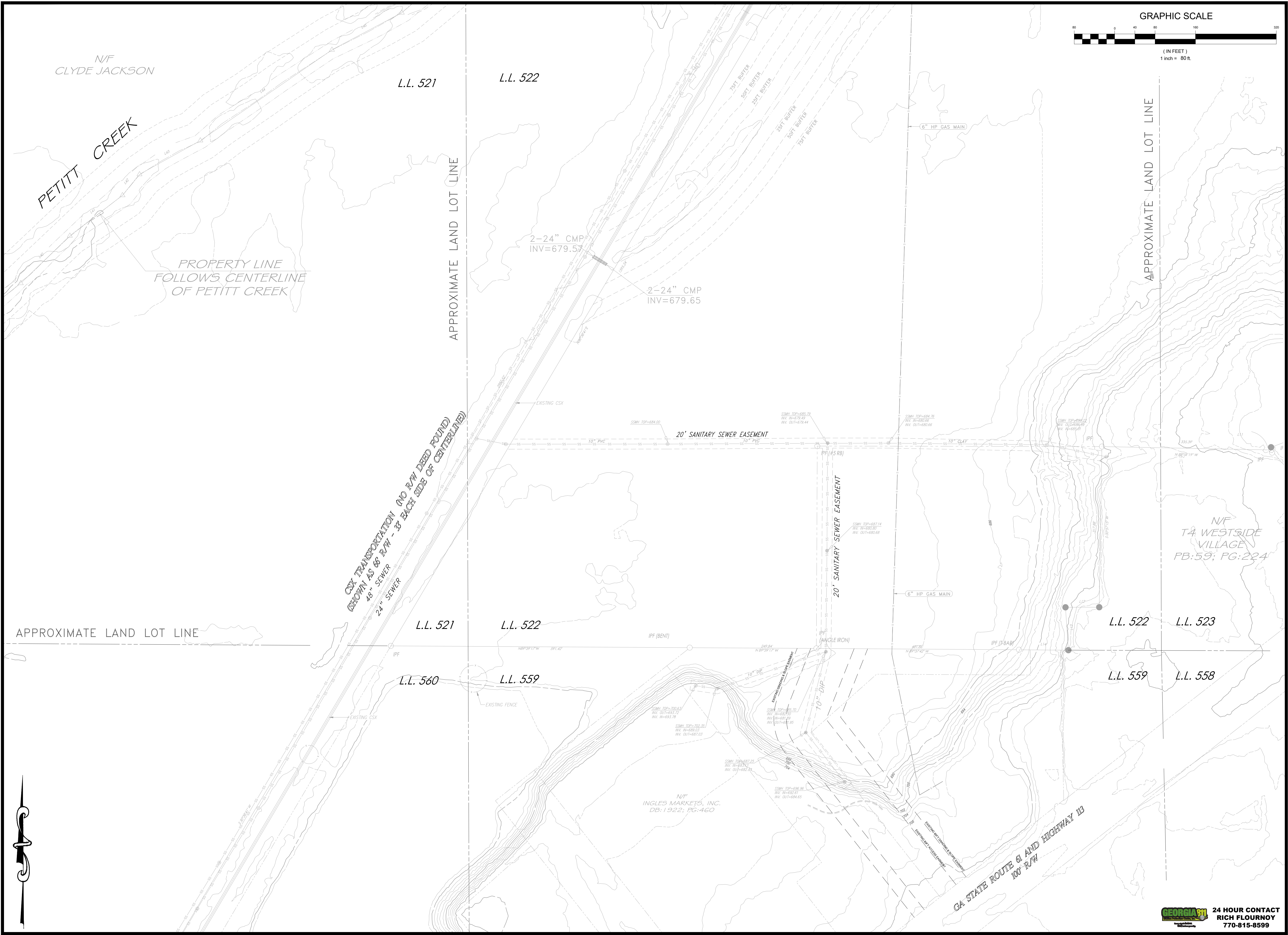
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Signed,

\_\_\_\_\_  
Applicant or Representative

\_\_\_\_\_  
Date

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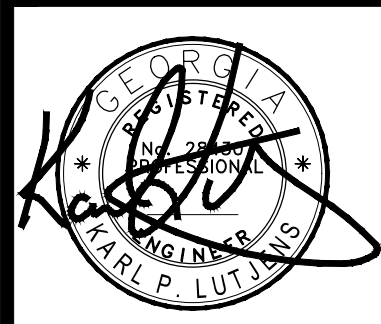
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DATE: 7/12/22

REVISIONS:	DATE	DESCRIPTION
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**SOUTHLAND ENGINEERING**  
 CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS  
 114 OLD MILL ROAD., CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

**TILLMAN FIELD**  
 PRACTICE BALLFIELD  
 LOCATED IN LAND LOTS 522 & 559  
 4TH DISTRICT, 3RD SECTION  
 CITY OF CARTERSVILLE, GEORGIA



SHEET TITLE:

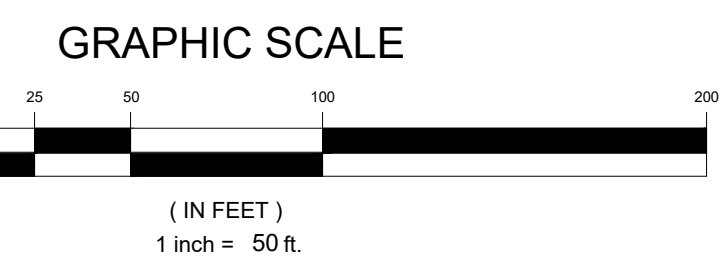
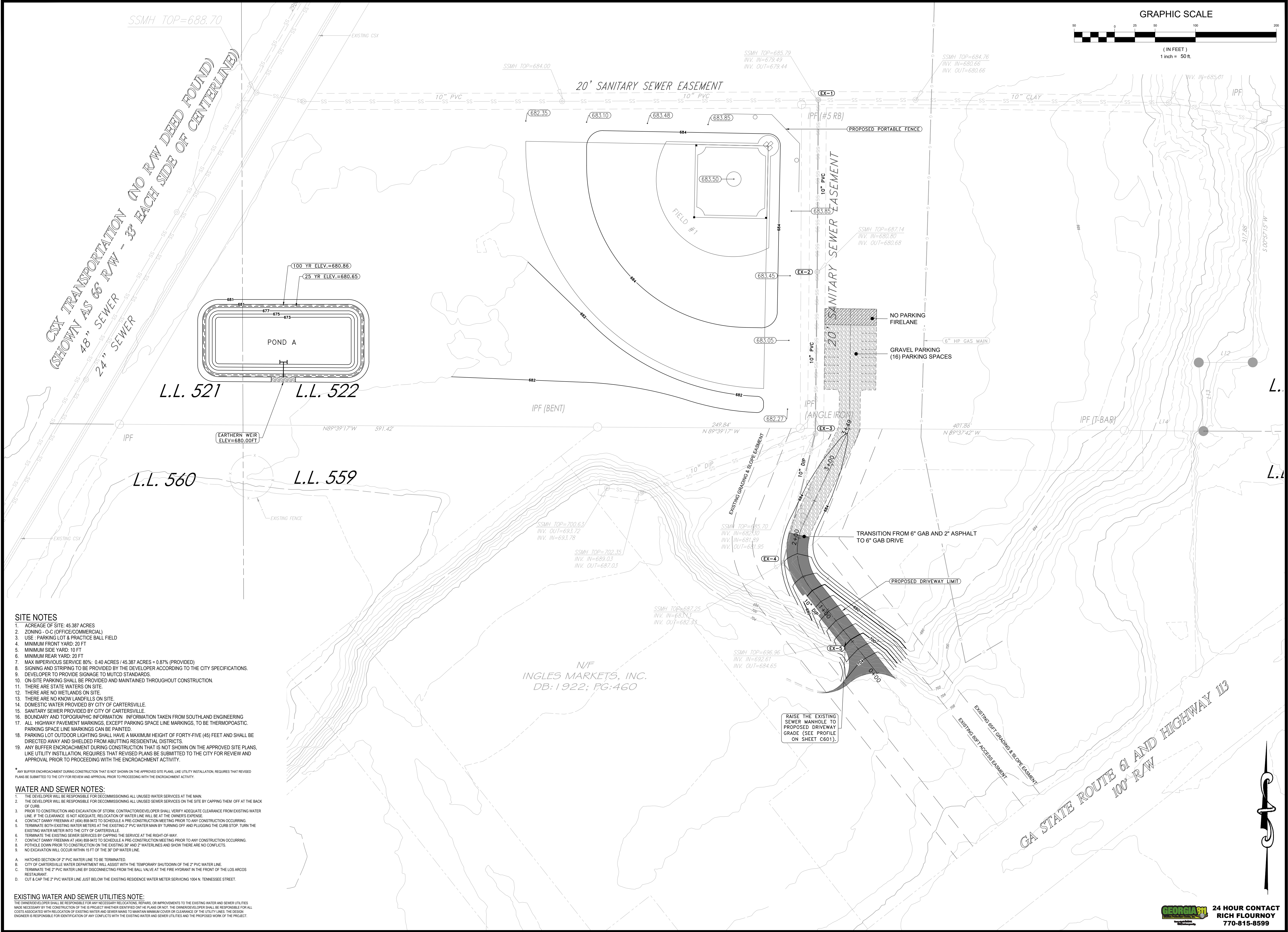
EXISTING CONDITIONS PLAN

SHEET NO.:

C101

**GEORGIA 24 HOUR CONTACT**  
**RICH FLOURNOY**  
 770-815-8599

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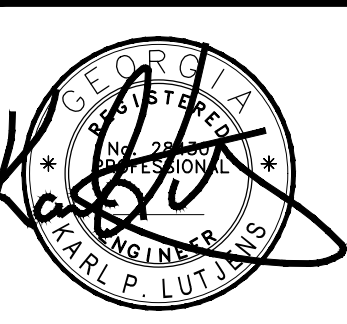


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**TILLMAN FIELD PRACTICE BALLFIELD**  
LOCATED IN LAND LOTS 522 & 559  
4TH DISTRICT, 3RD SECTION  
CITY OF CARTERSVILLE, GEORGIA



SHEET TITLE:  
**SITE, UTILITIES, GRADING & EROSION PLAN**  
SHEET NO.:  
**C201**

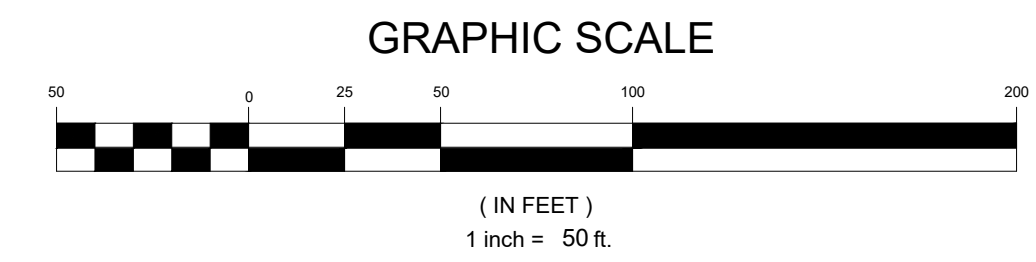
- SITE NOTES**
1. ACREAGE OF SITE: 45.387 ACRES
  2. ZONING - O-C (OFFICE/COMMERCIAL)
  3. USE - PARKING LOT & PRACTICE BALL FIELD
  4. MINIMUM FRONT YARD: 20 FT
  5. MINIMUM SIDE YARD: 10 FT
  6. MINIMUM REAR YARD: 20 FT
  7. MAX IMPERVIOUS SERVICE 80%: 0.40 ACRES / 45.387 ACRES = 0.87% (PROVIDED)
  8. SIGNING AND STRIPING TO BE PROVIDED BY THE DEVELOPER ACCORDING TO THE CITY SPECIFICATIONS.
  9. DEVELOPER TO PROVIDE SIGNAGE TO MUTCD STANDARDS.
  10. ON-SITE PARKING SHALL BE PROVIDED AND MAINTAINED THROUGHOUT CONSTRUCTION.
  11. THERE ARE STATE WATERS ON SITE.
  12. THERE ARE NO WETLANDS ON SITE.
  13. THERE ARE NO KNOW LANDFILLS ON SITE.
  14. DOMESTIC WATER PROVIDED BY CITY OF CARTERSVILLE.
  15. SANITARY SEWER PROVIDED BY CITY OF CARTERSVILLE.
  16. BOUNDARY AND TOPOGRAPHIC INFORMATION: INFORMATION TAKEN FROM SOUTHLAND ENGINEERING
  17. ALL HIGHWAY PAVEMENT MARKINGS, EXCEPT PARKING SPACE LINE MARKINGS, TO BE THERMOPLASTIC. PARKING SPACE LINE MARKINGS CAN BE PAINTED.
  18. PARKING LOT OUTDOOR LIGHTING SHALL HAVE A MAXIMUM HEIGHT OF FORTY-FIVE (45) FEET AND SHALL BE DIRECTED AWAY AND SHIELDED FROM ABUTTING RESIDENTIAL DISTRICTS.
  19. ANY BUFFER ENCROACHMENT DURING CONSTRUCTION THAT IS NOT SHOWN ON THE APPROVED SITE PLANS, LIKE UTILITY INSTALLATION, REQUIRES THAT REVISED PLANS BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO PROCEEDING WITH THE ENCROACHMENT ACTIVITY.
- \* ANY BUFFER ENCROACHMENT DURING CONSTRUCTION THAT IS NOT SHOWN ON THE APPROVED SITE PLANS, LIKE UTILITY INSTALLATION, REQUIRES THAT REVISED PLANS BE SUBMITTED TO THE CITY FOR REVIEW AND APPROVAL PRIOR TO PROCEEDING WITH THE ENCROACHMENT ACTIVITY.

- WATER AND SEWER NOTES:**
1. THE DEVELOPER WILL BE RESPONSIBLE FOR DECOMMISSIONING ALL UNUSED WATER SERVICES AT THE MAIN.
  2. THE DEVELOPER WILL BE RESPONSIBLE FOR DECOMMISSIONING ALL UNUSED SEWER SERVICES ON THE SITE BY CAPPING THEM OFF AT THE BACK OF CURB.
  3. PRIOR TO CONSTRUCTION AND EXCAVATION OF STORM, CONTRACTOR/DEVELOPER SHALL VERIFY ADEQUATE CLEARANCE FROM EXISTING WATER LINE. IF THE CLEARANCE IS NOT ADEQUATE, RELOCATION OF WATER LINE WILL BE AT THE OWNER'S EXPENSE.
  4. CONTACT DANNY FREEMAN AT (404) 868-9472 TO SCHEDULE A PRE-CONSTRUCTION MEETING PRIOR TO ANY CONSTRUCTION OCCURRING.
  5. TERMINATE BOTH EXISTING WATER METERS AT THE EXISTING 2" PVC WATER MAIN BY TURNING OFF AND PLUGGING THE CURB STOP. TURN THE EXISTING WATER METER INTO THE CITY OF CARTERSVILLE.
  6. TERMINATE THE EXISTING SEWER SERVICES BY CAPPING THE SERVICE AT THE RIGHT-OF-WAY.
  7. CONTACT DANNY FREEMAN AT (404) 868-9472 TO SCHEDULE A PRE-CONSTRUCTION MEETING PRIOR TO ANY CONSTRUCTION OCCURRING.
  8. POT HOLE DOWN PRIOR TO CONSTRUCTION ON THE EXISTING 36" AND 2" WATER LINES AND SHOW THERE ARE NO CONFLICTS.
  9. NO EXCAVATION WILL OCCUR WITHIN 15 FT OF THE 36" DIP WATER LINE.
- A. HATCHED SECTION OF 2" PVC WATER LINE TO BE TERMINATED.  
B. CITY OF CARTERSVILLE WATER DEPARTMENT WILL ASSIST WITH THE TEMPORARY SHUTDOWN OF THE 2" PVC WATER LINE.  
C. TERMINATE THE 2" PVC WATER LINE BY DISCONNECTING FROM THE BALL VALVE AT THE FIRE HYDRANT IN THE FRONT OF THE LOS ARCOS RESTAURANT.  
D. OUT & CAP THE 2" PVC WATER LINE JUST BELOW THE EXISTING RESIDENCE WATER METER SERVICING 1004 N. TENNESSEE STREET.

**EXISTING WATER AND SEWER UTILITIES NOTE:**  
THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR ANY NECESSARY RELOCATIONS, REPAIRS, OR IMPROVEMENTS TO THE EXISTING WATER AND SEWER UTILITIES. IF NECESSARY, THE CONSTRUCTION OF THIS PROJECT IDENTIFIED ON THE PLANS OR NOT. THE OWNER/DEVELOPER SHALL BE RESPONSIBLE FOR ALL COSTS ASSOCIATED WITH RELOCATION OF EXISTING WATER AND SEWER LINES TO MAINTAIN MINIMUM COVER CLEARANCE OF THE UTILITY LINES. THE DESIGN ENGINEER IS RESPONSIBLE FOR IDENTIFICATION OF ANY CONFLICTS WITH THE EXISTING WATER AND SEWER UTILITIES AND THE PROPOSED WORK OF THE PROJECT.

**GEORGIA 24 HOUR CONTACT RICH FLOURNOY 770-815-8599**

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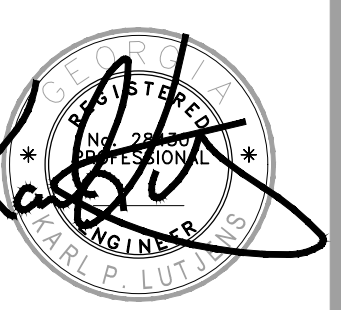
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DATE: 7/12/22

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**SOUTHLAND ENGINEERING**  
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**TILLMAN FIELD PRACTICE BALLFIELD**  
 LOCATED IN LAND LOTS 522 & 559  
 4TH DISTRICT, 3RD SECTION  
 CITY OF CARTERSVILLE, GEORGIA



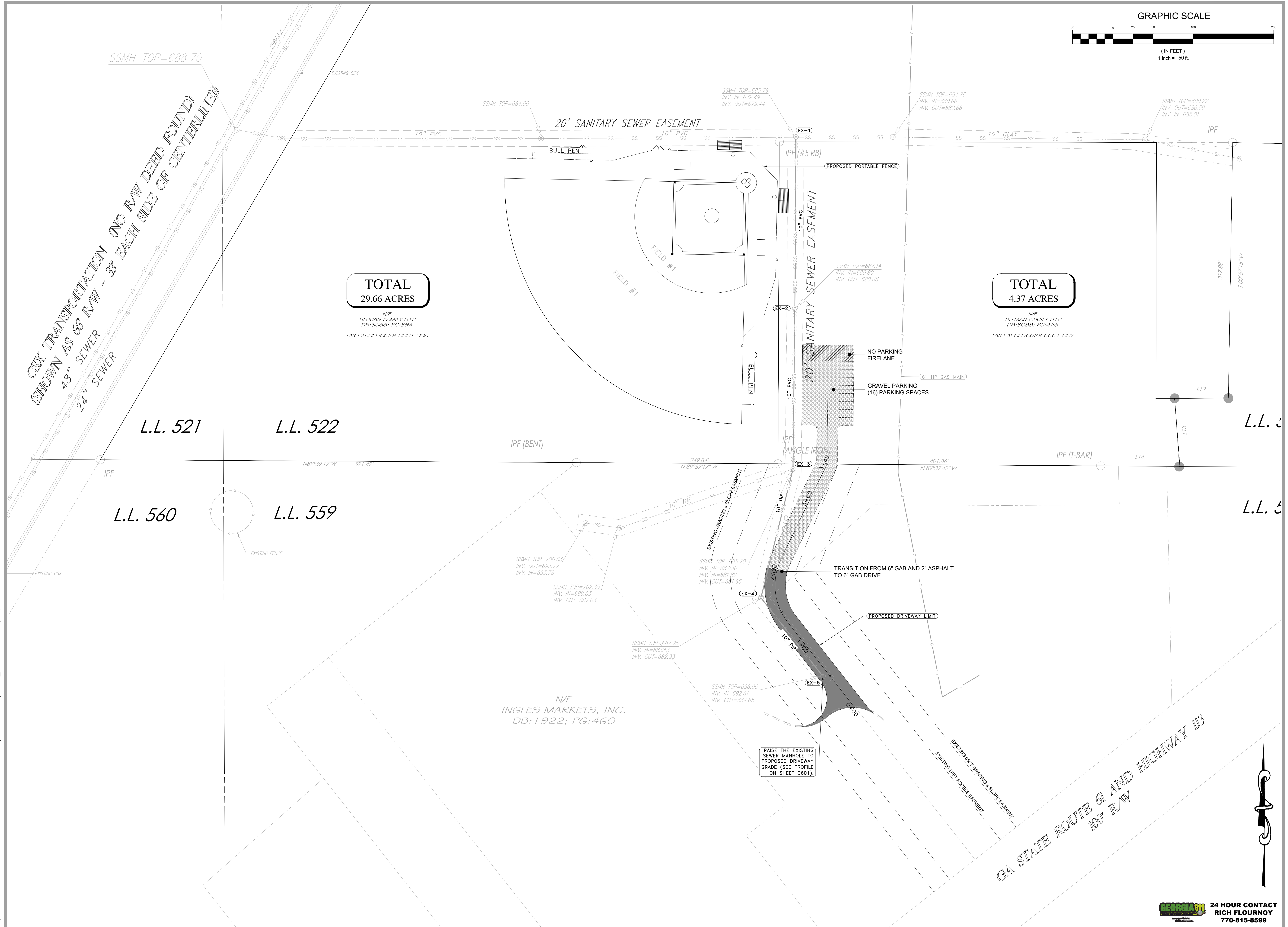
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**SITE PLAN**

SHEET NO.:

**CZ-1**

**GEORGIA 24 HOUR CONTACT**  
**RICH FLOURNOY**  
 770-815-8599



CSX TRANSPORTATION (NO R/W DEED FOUND)  
 SHOWN AS 66' R/W - 33' EACH SIDE OF CENTERLINE  
 48" SEWER  
 24" SEWER

**TOTAL**  
 29.66 ACRES  
 N/F  
 TILLMAN FAMILY LLLP  
 DB:3008; PG:394  
 TAX PARCEL:CO23-0001-008

**TOTAL**  
 4.37 ACRES  
 N/F  
 TILLMAN FAMILY LLLP  
 DB:3008; PG:428  
 TAX PARCEL:CO23-0001-007

N/F  
 INGLES MARKETS, INC.  
 DB:1922; PG:460

RAISE THE EXISTING  
 SEWER MANHOLE TO  
 PROPOSED DRIVEWAY  
 GRADE (SEE PROFILE  
 ON SHEET C601).

Images taken 9-27-22

