

## **ZONING SYNOPSIS**

Petition Number(s): **Z24-05**

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

Applicant: **Lehmann Smith**

Representative: **Mark Harris**

Property Owner: **Lehmann Smith**

Property Location: **681/683 Henderson Drive Tax ID C022-0004-019**

Access to the Property: **Henderson Drive**

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

Tract Size: Acres: **1.286** District: **4<sup>th</sup>** Section: **3<sup>rd</sup>** LL(S): **594**  
Ward: **2** Council Member: **Jayce Stepp**

### **LAND USE INFORMATION**

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

Proposed Zoning: **G-C (General Commercial)**

Proposed Use: **Construction Contracting Services**

Current Zoning of Adjacent Property:

North: **O-C**

South: **O-C (The Rock Fitness)**

East: **O-C (Rollins Child Care)**

West: **G-C**

The Future Development Plan designates the subject property as: **Highway Commercial**

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

## **ZONING ANALYSIS**

### **Project Summary:**

The applicant is proposing the rezoning of the 1.286 acre property located at 681/683 Henderson Drive. The original structure was constructed c. 1996 and was designed for an office/warehouse use.

The property was home to a construction company for many years. In recent years, the building has been divided to support additional occupations. Based on historic imagery, the rear of the lot has been used as a storage lot for building material. This has likely occurred for the life of the structure (c. 1996). Planning and Development is not aware of complaints from any of the neighbors regarding the business activity being conducted on the site.

The applicant proposes to rezone the property to allow outdoor storage on the lot. Currently there are (2) storage containers on the lot, as well as various other materials. Code Enforcement notified the property owner that storage containers, as well as outdoor storage is not allowed in the O-C (Office Commercial) zoning district, thus leading to this request. This request is the first step in resolution of the storage container/outdoor storage issue on the property. The applicant is also applying for a text amendment that would allow use of storage containers on lots that allow outdoor storage, provided they are screened from all rights-of way and a special use permit is approved. The text amendment and the applicants special use permit request will be before the Planning Commission on August 6<sup>th</sup>, 2024, and City Council on August 15<sup>th</sup>, 2024.

### **City Department Comments**

**Electric:** Takes no exception.

**Fibercom:** Takes no exception.

**Fire:** Takes no exception.

**Gas:** Takes no exception.

**Public Works:** No comments received.

**Water and Sewer:** The proposed fence around the gravel area should not be constructed over the sanitary sewer easement on the side of the lot.

**City of Cartersville School District:** N/A.

**Public Comments:**

None Received

**STANDARDS FOR EXERCISE OF ZONING POWERS.**

1. *The existing land uses and zoning of nearby property.*  
**The adjacent properties are zoned and used for commercial applications. The rezoning of this property is not likely to have any effect on these properties.**
2. *The suitability of the subject property for the zoned purposes.*  
**The property is suitable for the zoned purposes.**
3. *The relative gain to the public, as compared to the hardship imposed upon the individual property owner.*  
**The public gain would be minimal. Rezoning would allow the business to continue operation.**
4. *Whether the subject property has a reasonable economic use as currently zoned.*  
**The property has a reasonable economic use as currently zoned.**
5. *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 would permit a use that is suitable in view of the use of the adjacent residential and commercial use properties.**
6. *Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.*  
**The zoning proposal should not have an adverse effect on adjacent commercial property.**
7. *Whether the zoning proposal is in conformity with the current future development plan and community agenda of the comprehensive land use plan as currently adopted or amended in the future.*  
**The zoning proposal does conform to the Future Development Map, and the Future Land Use Map.**
8. *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.*

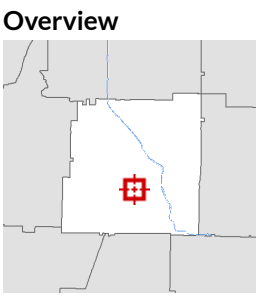
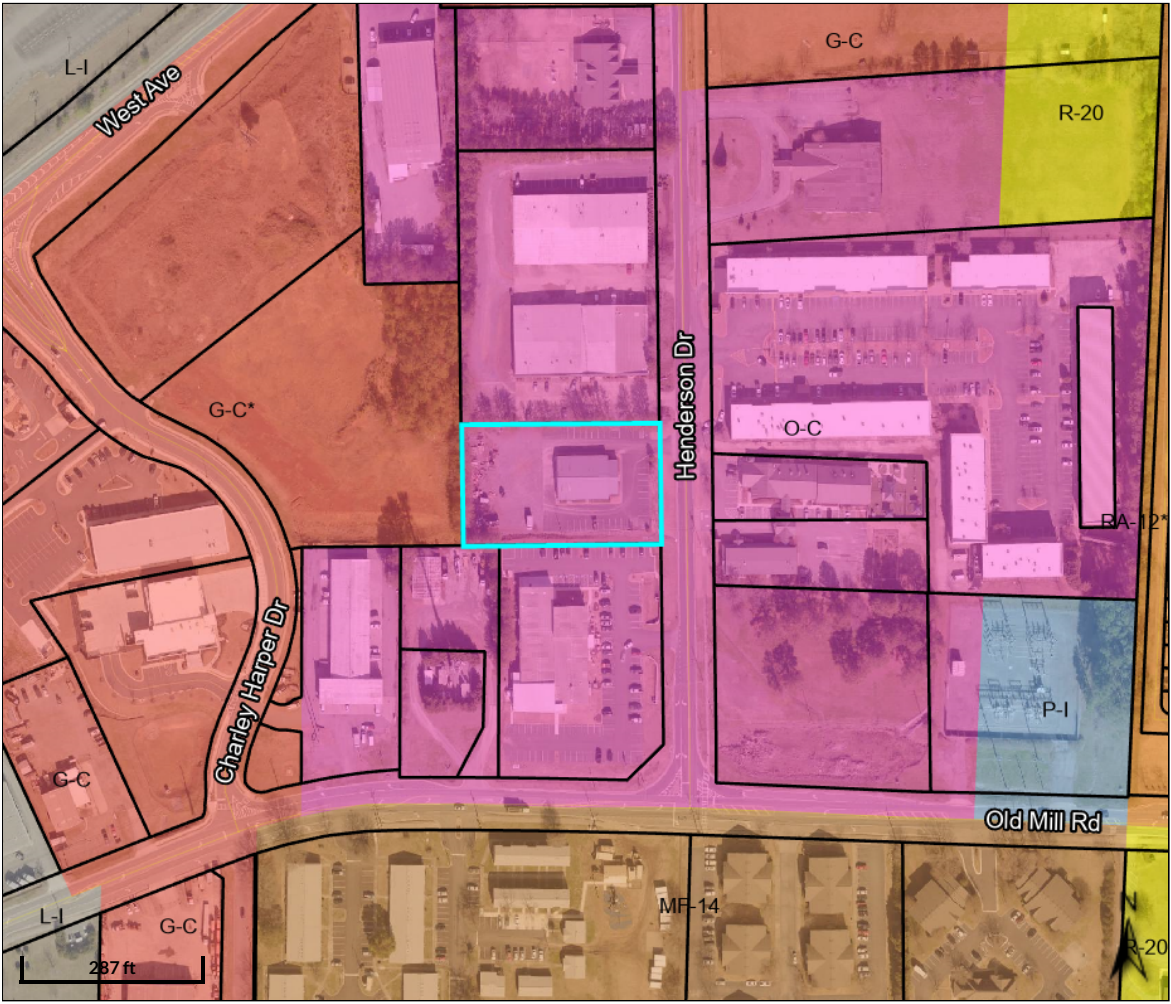
**No adverse environmental impact is anticipated with rezoning or re-use of the site.**

9. *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 proposed zoning use should not increase the burden to streets, transportation, or utilities.**
  
10. *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.*  
**There are no known conditions.**

**STAFF RECOMMENDATION:**

Staff does not oppose the rezoning if the following condition is included with an approval:

1. All G-C uses except "Construction Contractors" and "Offices, General" are prohibited.



- 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
  - P-S\*
  - R-10
  - R-10\*
  - R-15
  - R-15\*
  - R-20
  - R-20\*
  - R-7
  - R-7\*
  - R-D
  - RA-12
  - RA-12\*

Parcel ID C022-0004-019  
 Sec/Twp/Rng n/a  
 Property Address 683 HENDERSON DR

Alternate ID 34896  
 Class Commercial  
 Acreage 1.28

Owner Address SMITH L LEHMANN  
 P.O. BOX 1750  
 CARTERSVILLE, GA 30120

Sec. 9.6. - G-C General commercial district.

9.6.1. *G-C district scope and intent.* Regulations set forth in this section are the G-C district regulations. The G-C district is intended to provide locations in which community and regionally-oriented retail and service activities can be established so as to best serve the community and traveling public as further described in section 3.1.19 of this chapter.

9.6.2. *Use regulations.* Within the G-C district, land and structures shall be used in accordance with standards herein. Any use not specifically designated as permitted shall be prohibited.

A. *Permitted uses.* Structures and land may be used for only the following purposes:

- Adolescent treatment facilities.
- Amateur radio transmitter.
- Amenities (as defined by this chapter).
- Amusement, indoor.
- Apartments and condominiums, above, below, or behind commercial and office uses in the same building (SU).\*
- Art galleries.
- Assembly halls.
- Automotive garages.
- Automotive and truck sales or rental.
- Automotive specialty shops.
- Automotive storage yards and wrecker service.
- Barber shops and beauty salons.
- Boat sales and service.
- Bowling alleys.
- Brewpub.
- Building supply companies.
- Bus stations.
- Car washes.
- Catering, carry-out and delivery.
- Check cashing stores.
- Clinics (excludes veterinary clinic).
- Clinic or hospital, animal.
- Clubs or lodges (noncommercial) (SU).\*
- Colleges and universities.



- 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).
- Consumer fireworks retail sales facility.
- Convenience stores.
- Dancing schools.
- Day care facilities.
- Delicatessens.
- Distillery (SU).\*
- Distribution centers, (not including processing, fabrication or manufacturing).
- Drive-in theaters.
- Dry cleaners.
- Farm equipment and supplies stores.
- Financial establishments.
- Fortunetellers.
- Funeral homes (crematories may be allowed in conjunction with a funeral home).
- Gymnasiums/health clubs.
- Halfway houses.
- Homeless shelters (SU).\*
- Hospices.
- Hospitals.
- Hotels.
- Indoor firing range.
- Institutions of higher learning, business colleges, music conservatories, and similar institutions.
- Kennels.
- Laboratories.
- Landscaping businesses.

- Laundromats.
- Laundry/dry cleaning pick-up stations.
- Libraries.
- Medical offices.
- Manufactured home sales.
- Microbreweries (SU).\*
- Motels.
- Museums.
- Nightclubs.
- Nursing home facilities.
- Offices, general.
- Office parks.
- Outdoor golf driving ranges.
- Other consumer goods and services.
- Parking garages.
- Parking lots.
- Pawn shops and/or title pawn.
- Pet grooming.
- Personal care homes (SU).\*
- Places of assembly (SU).\*
- Planned shopping developments.
- Plant nurseries.
- Plumbing shops (associated with retail sales).
- Printing establishments.
- Public utility facilities.
- Pubs or taverns.
- Radio and television broadcast stations.
- Radio, television, or other communication towers.
- Religious institutions (SU).\*
- Repair garages, automotive.
- Repair garages, heavy equipment.
- Repair services, heavy (large appliances and similar).





- Research laboratories.
- Restaurants.
- Retail, general.
- Retail package stores (liquor).
- Retirement centers (SU).\*
- Reupholstery and furniture repair shops.
- Schools, private (SU).\*
- Self service storage facilities (mini-warehouses).
- Service establishments.
- Service stations.
- Skating rinks.
- Stadiums.
- Storage, general.
- Taxi stands.
- Theaters.
- Truck stops.
- Wholesale sales office.
- Wholesale trade and distribution.
- Wildlife conservation park (SU).

\* Special use approval required.

B. *Accessory uses.* Structures and land may be used for uses customarily incidental to any permitted use.

### 9.6.3. *Development standards.*

- A. *Height regulations.* Building shall not exceed a height of sixty (60) feet or four (4) stories, whichever is higher.
- B. *Front yard setback:* Twenty (20) feet.
- C. *Side yard setback:* Ten (10) feet.
- D. *Rear yard setback:* Twenty (20) feet.
- E. *Minimum lot area:* None.
- F. *Minimum heated floor area per dwelling unit.*
  - *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.

G. *Minimum buffer requirements.* In addition to required setbacks, a minimum twenty-five-foot wide buffer, ten (10) feet of which can be within required setback, shall be required along all property lines which abut a residential district or use to provide a visual screen in accordance with section 4.17 of this chapter.

H. *Minimum lot frontage*: One hundred ten (110) feet adjoining a street.

I. *Minimum lot width at the building line*: One hundred (100) feet.

J. *[Metal panel exterior.]* A metal panel exterior finish product shall not be allowed on metal buildings exceeding one hundred fifty (150) square feet in gross floor area constructed or placed on lots within the G-C district, unless finished with a product consisting of brick, stone, or hard-coat stucco, with the following exception:

1. The rear wall of a metal building may be allowed to be finished with a metal panel.

K. *Accessory structure requirements.* See section 4.9 of this chapter.

L. *Other required standards.*

1. All structures associated with a kennel, or veterinary clinic shall be a minimum of one hundred (100) feet from all property lines which abut a residential district.

9.6.4. *Other regulations.* The headings below contain additional, but not necessarily all provisions applicable to the G-C district.

- City of Cartersville Landscaping Ordinance.
- City of Cartersville Sign Ordinance.

(Ord. No. 01-13, § 11, 1-3-13; Ord. No. 23-15, § 2, 7-2-15; Ord. No. 09-16(Corrected), § 1, 4-7-16; Ord. No. 02-18, § 5, 1-18-18; Ord. No. 34A-18, § 5, 12-6-18)

**Application for Rezoning**

City of Cartersville

Case Number: 224-05

Date Received: 4-23-24

**Public Hearing Dates:**

Planning Commission 2/9/24 5:30pm 1<sup>st</sup> City Council 2/18/24 7:00pm 2<sup>nd</sup> City Council 8/1/24 7:00pm

Applicant L. Lehmann Smith Office Phone 770.382.3497  
 (printed name)  
 Address 681 Henderson Drive Mobile/ Other Phone 770.387.7043  
 City Cartersville State GA Zip 30120 Email lehmann@womack  
Mark A. Harris lewisSMITH.COM  
 Representative's printed name (if other than applicant) Phone (Rep) 770.314.3145  
 Email (Rep) mark@handhrealty.net  
 Representative Signature \_\_\_\_\_ Applicant Signature \_\_\_\_\_  
 Signed, sealed and delivered in presence of:  
Shirley Brown  
 Notary Public



\* Titleholder L. Lehmann Smith Phone 770.387.7043  
 (titleholder's printed name)  
 Address 681 Henderson Dr. Email lehmann@womacklewisSMITH.COM  
683  
 Signature Lehmann Smith  
 Signed, sealed, delivered in presence of:  
Shirley Brown  
 Notary Public



Present Zoning District O-C Requested Zoning G-C  
 Acreage 1.286 Land Lot(s) 594 District(s) 4 Section(s) 3  
 Location of Property 681-683 Henderson Dr (Old Mill) Parcel ID No. 0022-0004-019  
 (street address, nearest intersections, etc.)  
 Reason for Rezoning Request: CONFORM to surrounding zoning and  
land uses  
 (attach additional statement as necessary)

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

Case No: \_\_\_\_\_

Exhibit to: Rezoning Application for 681-683 Henderson Drive, Cartersville, GA 30120

➤ **Requirements**

- **Existing conditions:** the property is located along the western right-of-way of Henderson Drive between Old Mill Road and West Avenue. The property is improved with a brick and metal commercial structure containing approximately 5,663 square feet constructed in 1996. This is a two-tenant building, whereby the owner occupies about half of the space and the other half is rented to a plumbing contractor. The site is level and slightly above street grade, and the building is set back approximately 60' from the right-of-way. The site immediately surrounding the building is asphalt paved with 34 striped parking spaces and site to the rear of the building is gravel with a rear setback of over 140'.
- **Proposed conditions or project:** no significant changes to the site or building are planned, other than fencing and gating the gravel area to the rear of the building.
- **Confirmation of availability of utilities:** The building is connected to all public (City of Cartersville) utilities.
- **Project meets the proposed zoning district development standards:** The property meets or exceeds the minimum zoning requirements and is similar the surrounding projects.
- **Project meets the access requirements of the City's development regulations:** The existing project is served by one curb cut entrance to Henderson Drive and there is adequate space to drive around the entire building. Front setback is about 60', the side setback is about 50' and the rear setback is about 140', all of which meet or exceed minimum standards. Insofar as we are aware the site and improvements meet or exceed the City of Cartersville's development requirements.

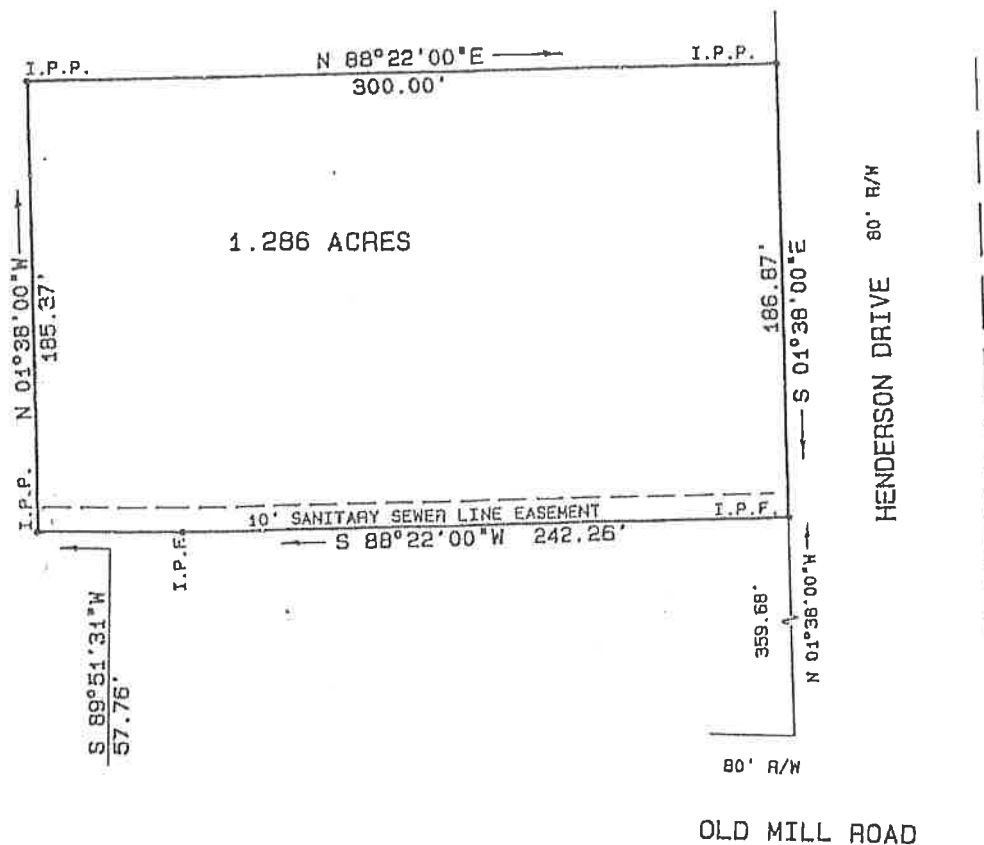
317-173

SURVEY FOR  
JAMES WOMACK  
PROPERTY IN THE CITY OF CARTERSVILLE  
IN LAND LOT 594,  
4th DISTRICT, 3rd SECTION,  
BARTOW COUNTY, GEORGIA

GEORGIA, BARTOW COUNTY  
CLERK'S OFFICE SUPERIOR COURT

Filed for record this 8 day of  
April 1988 at 11:30 A.M. o'clock  
Recorded in Plat record No. 31  
Page 123 this 11 day of  
April 1988

GRADY JEFFERSON, Clrd.



FIELD TRAVERSE:  
CLOSURE; ONE FOOT IN 12,000 FEET  
USING A GTS-2 TOPCON.  
ANGULAR ERROR: 0°00'04\"/>

A, c2657-2, p2567-4, n957.7, s928.2.  
NOTE: IRON PINS ARE (1/2\"/>

FLOOD HAZARD BOUNDARY MAP 0005 E  
DATED JUNE 1, 1984 SHOWS THIS  
PROPERTY IS NOT IN A FLOOD ZONE.

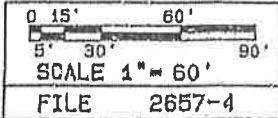
SMITH & SMITH LAND SURVEYORS, P.C.  
2 SOUTH AVENUE, CARTERSVILLE, GA.  
ZIP 30120 PHONE 404-382-0457

PLAT CLOSURE;  
ONE FOOT IN  
250,000 FEET.  
AUGUST 19, 1987

*A. Lee Smith*  
REGISTERED LAND SURVEYOR No. 1309



R/W	RIGHT OF WAY	R	RADIUS
I.P.P.	IRON PIN PLACED	X	FENCE
I.P.F.	IRON PIN FOUND	---	LAND LOT LINE
C.M.	CONCRETE MARKER	⊙	CENTER LINE
CH.	CHORD	---	POWER LINE
L	LENGTH OF CURVE		



MAG. NORTH

681-683 Henderson Drive Zoning Application  
Surrounding Property Owners

Created by: H & H REALTY, LLC



Parcel ID	C022-0004-019	Alternate ID	34896	Owner Address	SMITH L LEHMANN
Sec/Twp/Rng	n/a	Class	Commercial		P.O. BOX 1750
Property Address	683 HENDERSON DR	Acreeage	1.28		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL594 LD4				

(Note: Not to be used on legal documents)

10/2012

Bedham Meet

Neena's New York Style Pizz

Image from 10/2012

Sixes Tavern

681 Henderson Dr Absolute Plumbing, Water Heaters, and...

Rollins Child D

11/2021

Image from 11/2021

Southern Hoop

Neena's New York Style P...

Sixes Tavern

681 Henderson Dr. Absolute Plumbing, Water Heaters, and...

Rollins Child



6/2022

Southern Heat

Neena's New York Style Pz

Sixes Tavern

Rollins Child

Image from 6/2022

681 Henderson Absolute Plumbing, Water Heaters, and...

Jun 14, 2024 at 12:26:23  
681 Henderson Dr  
Cartersville GA 30120  
United States



Jun 14, 2024 at 12:26:45  
681 Henderson Dr  
Cartersville GA 30120  
United States



Jun 14, 2024 at 12:27:08  
681 Henderson Dr  
Cartersville GA 30120  
United States



Jun 14, 2024 at 12:27:30  
681 Henderson Dr  
Cartersville GA 30120  
United States

