

## **MINUTES OF THE CARTERSVILLE PLANNING COMMISSION**

The Cartersville Planning Commission met in a regularly scheduled meeting on Tuesday, January 9, 2024, at 5:30 p.m. in the City Hall Council Chambers.

### **CALL TO ORDER: 5:30 PM**

### **ROLL CALL**

Present: Lamar Pendley, Anissa Cooley, Travis Popham, Steven Smith, and Fritz Dent  
Absent: Greg Culverhouse, Jeffrey Ross  
Staff Members: Randy Mannino, Julia Drake, David Hardegree, Zack Arnold

Chairman Lamar Pendley stated to the audience that the Planning Commission is a recommending body only and that for all cases heard, recommendations would be forwarded to the City Council for consideration. Furthermore, the cases would be heard before Council at the January 18, 2024, and February 1, 2024, City Council Meeting.

### **APPROVAL OF MINUTES**

#### **1. December 12, 2023, Meeting Minutes**

Board Member Popham made a motion to approve the minutes. Board Member Dent seconded the motion. Motion carried unanimously. Vote: 4-0

### **OLD BUSINESS**

#### **2. Z23-06. Rezoning Application**

**Applicant: Merrill Trust (Tabled)**

Board Member Smith made a motion to remove the item from the table. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 4-0

David Hardegree, Planning and Development Assistant Director gave an overview of the case and stated that staff still had not received any bedroom count information that was requested nor had staff received any information on the easement agreement. Mr. Hardegree did reference the May 10, 2022 planning commission minutes where the owner/developer, Harrison Merrill, Jr, stated for the previous application that he anticipated the bedroom configurations would be 2 and 3 bedrooms. Furthermore, staff does not oppose the rezoning and recommend the following conditions if the zoning is approved.

1. No more than 199 lots/units shall be built in Etowah Preserve Phase 2 as presented in this application and on the concept plan.
2. No development or Finished Floor Elevation (FFE) is to occur above the 1050 ft elevation without the review and approval of the Water Department.
3. A 50ft. buffer must be provided between the development and the Proposed Center Road Re-alignment.

4. A 50ft. buffer must be provided between the development and the Right-of-Way for Interstate 75.
5. Developer to provide necessary easements for a natural gas line extension on the property from Center Rd to Hwy 20.
6. As referenced in the letter from Commissioner Steve Taylor, the owner/developer is required to leave in place the unnamed county service road on property identified as Tax Parcel C108-0001-001 and access to Center Road from adjoining properties, identified as Tax Parcel ID Nos. 0078-0172-001 and 0078-0101-001, or to provide an alternative solution for access to Center Road for said adjoining properties.
7. Incorporate the A&R Engineering, Inc traffic study recommendations dated April 20, 2023 into the approved site plans.

Chairman Pendley opened the public hearing.

Karl Lutjens, 114 Old Mill Rd., came forward to state that they had reached out to the school superintendent for information on the impact of new development on the school system with no response from Cartersville School System. However, Mr. Lutjens does not believe that this development would negatively impact the school system. Mr. Lutjens provided enrollment data for the school system for the last several years.

Mr. Lutjens continued with it would be safe to say that all units would be three-bedrooms.

Bobby Walker, 15 Public Square, attorney for Tilley Properties came forward and stated that no agreement had been reached for the easement, however, he requested that the conditions remain in effect.

Chris West, 8000 Capps Ferry Rd, Douglasville, came forward and stated he was the legal representation for the developer and that an easement agreement was being strived for and is willing to adhere to the conditions.

With no one else to come forward to speak for or against the application, the public hearing was closed.

Board Member Fritz made a motion to deny the application. Board Member Popham seconded the motion. Motion carried unanimously. Vote: 4-0

Chairman Pendley stated he would be recusing himself from the next two (2) items since the tenant of the property is family.

With the Vice Chair Culverhouse absent, Board Member Popham stepped in as the interim chairman for the next two (2) items.

## ZONINGS

### 3. Z24-01. 109/111 Douglas St.

**Applicant: Daneise Archer**

Mr. Hardegree stated that all adjacent property owners had been notified and the property had properly been posted and advertised.

Continuing, Mr. Hardegree gave an overview of the application stating the applicant is proposing the rezoning of the 0.50-acre property located at 109 Douglas St. from the P-S (Professional Services) zoning district to M-U (Multiple Use). The rezoning is to allow a landscape company to operate and have outdoor storage of landscape supplies. A Special Use permit, SU24-01, is also to be reviewed per the M-U ordinance requirements.

The landscape contractor is Appalachian Landscape, currently located on the Jackson Farm Planned Development property on Mission Rd. Appalachian is looking for a new location.

It is the intent of the applicant and the landscape contractor to utilize the house at 105 Douglas St. as the office while using 109 Douglas St. as the storage lot for supplies. A fence will be needed to secure the 109 site.

Two driveway cuts exist onto the site from Douglas St. They provided access to the houses that previously occupied the site. Improvements to the driveways will be required.

Interim Chairman Popham opened the public hearing.

Daneise Archer, 704 West Ave., came forward to represent the application.

Billy Jones, 478 Mission Rd., came forward and stated his business, Appalachian Landscape, would be the tenant. He continued stating that his business is a landscaping company, and he has plans to make sure the location looks good and is not a hinderance to the community. All trees will be stored at a location in Taylorsville, not at 109 Douglas St.

Nena Jones, 112 Douglas St. came forward in opposition of the application and doesn't want to lose the residential feel of the area.

Rachel Castillo, 113 Douglas St., owner of Advocates for Bartow Children, came forward and stated she was in opposition of the application.

Mrs. Archer returned to the podium and stated that she owns the property to the rear and would be willing to allow Appalachian Landscape to utilize the area between Scott's BBQ and Arcos for work trucks to enter and exit so not to create a hinderance on the residences on Douglas St.

Interim Chairman Popham closed the public hearing.

Board Member Smith made a motion to approve the application. Board Member Cooley seconded the motion. Motion carried. Vote: 3-0. (Change made because Pendley had recused himself and as chair, Popham, did not have to vote)

## **SPECIAL USE PERMIT**

### **4. SU24-01: 109/111 Douglas St.**

**Applicant: Daneise Archer**

Mr. Hardegree stated that all adjacent property owners had been notified and the property had properly been posted and advertised.

Continuing, Mr. Hardegree gave an overview of the application stating the applicant is proposing the rezoning, Z24-01, of the 0.50-acre property located at 109 Douglas St. from the P-S (Professional Services) zoning district to M-U (Multiple Use). The rezoning is to allow a landscape company (Specialty Contractor) to operate and have outdoor storage of landscape supplies. A Special Use permit is required by the M-U district zoning ordinance to allow outdoor storage of landscape materials and supplies.

In closing, Mr. Hardegree stated he had received communication from the public. Mr. John Lewis, property owner of 104,108, and 110 Douglas St., stated he was in opposition to this application.

Interim Chairman Popham opened the public hearing.

Ms. Archer came forward and stated that she is interested in ensuring that this business add to the community and does not intend to cause any of the neighbors any grievances.

Mr. Jones came forward to address Mr. Lewis' concerns. This lot will mainly be used as storage and plans to be a good neighbor. Additionally, he had no issues with using the rear of the property as their main entrance and exit for travel. He restated that all trees will be stored at a location in Taylorsville, not at 109 Douglas St.

Ms. Castillo came forward and inquired if a buffer would be required to be installed. Mr. Hardegree stated a buffer would not be required but Mr. Jones did plan on installing a fence.

Board Member Smith needed confirmation that if this application was approved, would the approval only pertain to this property and this business. Mr. Hardegree stated that was the intent of the zoning conditions and that if Appalachian Landscape vacated the property, another application would need to be filed to allow a different user.

Interim Chairman Popham closed the public hearing.

Board Member Dent made a motion to approve the application with the staff conditions and with the use of the rear property between Scott's BBQ and Arcos to be the main entrance and exit. Board Member Cooley seconded the motion. Motion carried. Vote: 3-0

Chairman Pendley returned to the meeting.

## **TEXT AMENDMENT**

### **5. T24-01: 135 Wansley Dr.**

**Applicant: Darrell Simpson**

Mr. Hardegree provided an overview of this application stating that the applicant is proposing to operate a wrecker service in a H-I (Heavy Industrial) area. This use is allowed in the Light Industrial zoning district, but not in Heavy Industrial. The applicant is requesting the amendment so that he may operate his towing service company at 135/ 137 Wansley Dr., zoned Heavy Industrial, H-I.

Chairman Pendley opened the public hearing.

Darrell Simpson, 135 Wansley Dr., came forward to represent the application and stated he thought this type of business would be allowed in heavy industrial since it was allowed in light industrial.

Leah Harper, 107 Stoker Rd., came forward in favor of the application.

Chairman Pendley closed the public hearing.

Board Member Popham made a motion to approve the application.

Board Member Dent seconded the motion. Motion carried unanimously. Vote: 4-0

With no other business to discuss, Board Member Smith adjourned the meeting.

The meeting adjourned at 6:35 PM.

Date Approved: February 6, 2024.

/s/ \_\_\_\_\_  
Lamar Pendley, Chairman