#### **ZONING SYNOPSIS**

Petition Number(s): <u>Z23-02</u>

#### APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: William Donald Moore

Representative: Jessica King, Esq. Tilley, Deems and Trotter

Property Owner: William Donald Moore

Property Location: <u>8 Mimosa Terrace. Tax ID C030-0007-007</u>

Access to the Property: <u>Mimosa Terrace</u>

Site Characteristics:

Tract Size: Acres: 0.626 District: 4<sup>th</sup> Section: 3<sup>rd</sup> LL(S): 241

Ward: 1 Council Member: Kari Hodge

LAND USE INFORMATION

Current Zoning: R-15 (Single Family Residential)
Proposed Zoning: G-C (General Commercial)

Proposed Use: Hair Salon

Current Zoning of Adjacent Property:

North: **R-15** 

South: G-C (General Commercial- Profire and PT Solutions)

East: H-I (Heavy Industrial- Shaw Industries)

West: **R-15** 

The Future Development Plan designates the subject property as: Parkway Corridor

The Future Land Use Map designates the subject property as: **Low and Medium Density Residential** 

#### **ZONING ANALYSIS**

#### **Project Summary:**

The applicant is proposing the rezoning of the 0.626 acre property located at 8 Mimosa Terrace-corner lot at the intersection of Mimosa Terrace and JFH Pkwy (southbound lanes). The lot and original structure are part of the Arthur Smith development constructed c. 1960. This development is identified in the tax records as the (7) properties between the east side of Pine Forrest Rd to JFH Pkwy.

The house has been used for residential purposes, but in recent years, additional buildings have been added to support home occupations. It is possible that not all home occupations have been licensed. Planning and Development is not aware of complaints for any of the home occupations.

The applicant proposes to open a hair salon in this location. Site plans have been submitted that address parking. No stormwater management facilities are required. Low impact uses for the property such as professional offices or a hair salon may be appropriate. Under the current R-15 zoning hair salons are not allowed. A General Commercial zoning district is located across Mimosa Terrace to the south and is a logical extension for the proposed property as long as land uses are limited to low impact uses that have no adverse impacts on the neighboring residential properties or to Mimosa Terrace.

#### **City Department Comments**

**Electric:** Takes no exception.

**Fibercom:** Takes no exception.

Fire: No comments received.

Gas: Takes no exception.

**Public Works:** Takes no exception.

**Water and Sewer:** No comments received.

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

#### **Public Comments:**

2/20: General Inquiry.

#### STANDARDS FOR EXERCISE OF ZONING POWERS.

1. The existing land uses and zoning of nearby property.

The adjacent properties are zoned and used for residential. Across JFH Pkwy to the east is Shaw Industries, zoned H-I. The Profire/PT Solutions building to the south is zoned G-C. The Profire building is currently used for medical offices and officewarehousing.

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 a new business.

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 residential property as long as the existing natural buffer is maintained along the east and northern property lines and customary hours of operation are maintained. All parking must be limited to on-site.

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 (Commercial), but does not conform to the Future Land Use Map (Residential). This discrepancy is likely due to the unknown timing of the residential properties along Joe Frank Harris Pkwy transitioning to commercial uses.

- 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
  - 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 conditions are included with an approval:

- 1. A natural or planted landscape buffer remain in place along the adjacent residential use properties.
- 2. Hours of operation are limited to reasonable and customary hours.
- 3. All G-C uses except "Offices, General" and "Barber Shops and Beauty Salons" are prohibited.

## **QPublic.net** Bartow County, GA



Parcel ID C030-0007-007 Sec/Twp/Rng Property Address 8 MIMOSA TERRACE District Cartersville

**Brief Tax Description** LL 241 DIST 4 LOT 1 ARTHUR

(Note: Not to be used on legal documents)

Class

Acreage

Residential

0.5

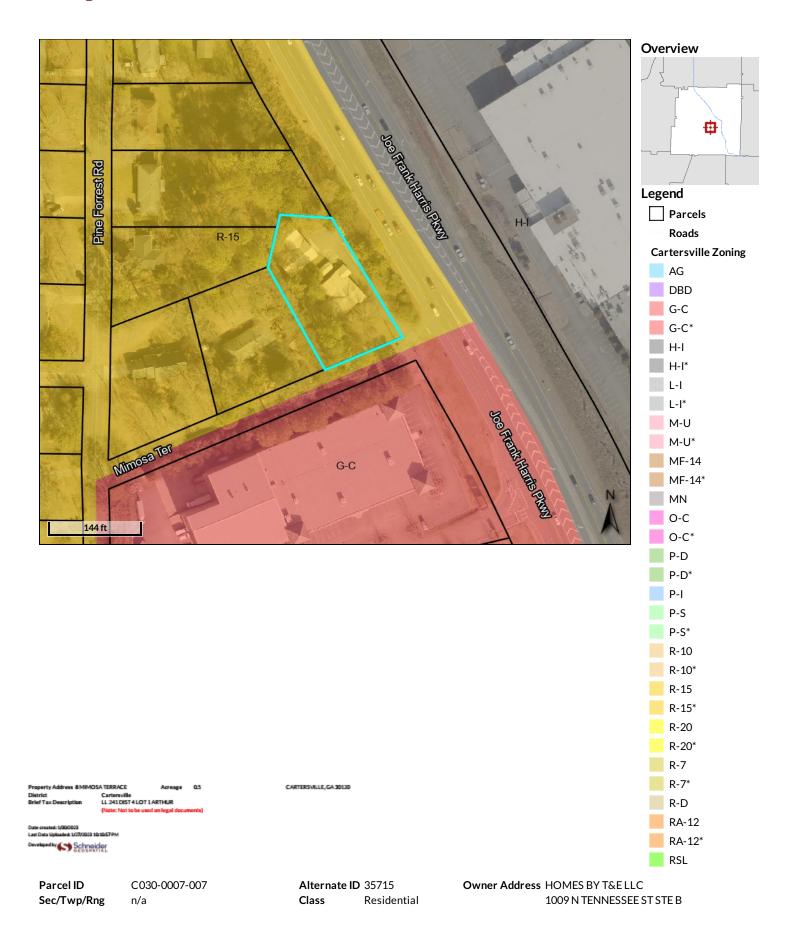
Owner Address HOMES BY T&E LLC 1009 N TENNESSEE ST STE B CARTERSVILLE, GA 30120

Roads

Date created: 1/30/2023 Last Data Uploaded: 1/27/2023 10:10:57 PM



## **@qPublic.net**™ Bartow County, GA



- 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 Annexation/ Zoning City of Cartersville	Case Number: 273 - 02  Date Received: 1-20-2023
Public Hearing Dates:	
Planning Commission 3-7-2023 1st City Council 3-16-20 7:00pm	2 <sup>nd</sup> City Council <u>4-2-2<sub>0</sub>23</u> 7:00pm
Representative Signature  Applicant Signature	Wdmotre 1946C yahov.com  (Rep) 770 - 392 - 6144  Rep) Jking C tahtlaw.com  Donald Moral  mission expires indra Miller  NOTARY PUBLIC
	Bartow County State of Georgia y Comm Expires Aug 14, 2023
* Titleholder William Dimald Moor Phone 770 – 90 (titleholder's printed name)  Address 75. Simplem (1716 NE Email Wannord Signature)  Signature Signed, sealed, delivered in presence of:  Notary Public  * Titleholder William Dimald Moor Phone 770 – 90  Cartery Plant (1716 NE Email Wannord Walls of Solidary Phone 770 – 90  My company of the Cartery Plant (1716 Ne Phone 770 – 90  My company of	
Present Zoning District  Requested Z  Acreage 0.426 Land Lot(s) 241 District(s) 4  Location of Property: 6 MIMOJA TEVYALE  (street address, nearest intersections, etc.)  Reason for Rezoning Request: 10 CM VCV+ D DUJIN LJS	Section(s)

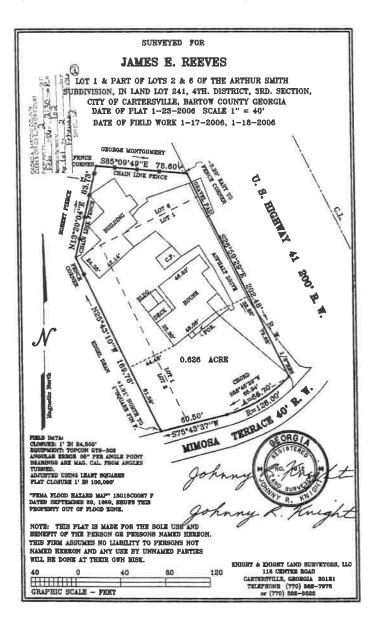
(attach additional statement as necessary)

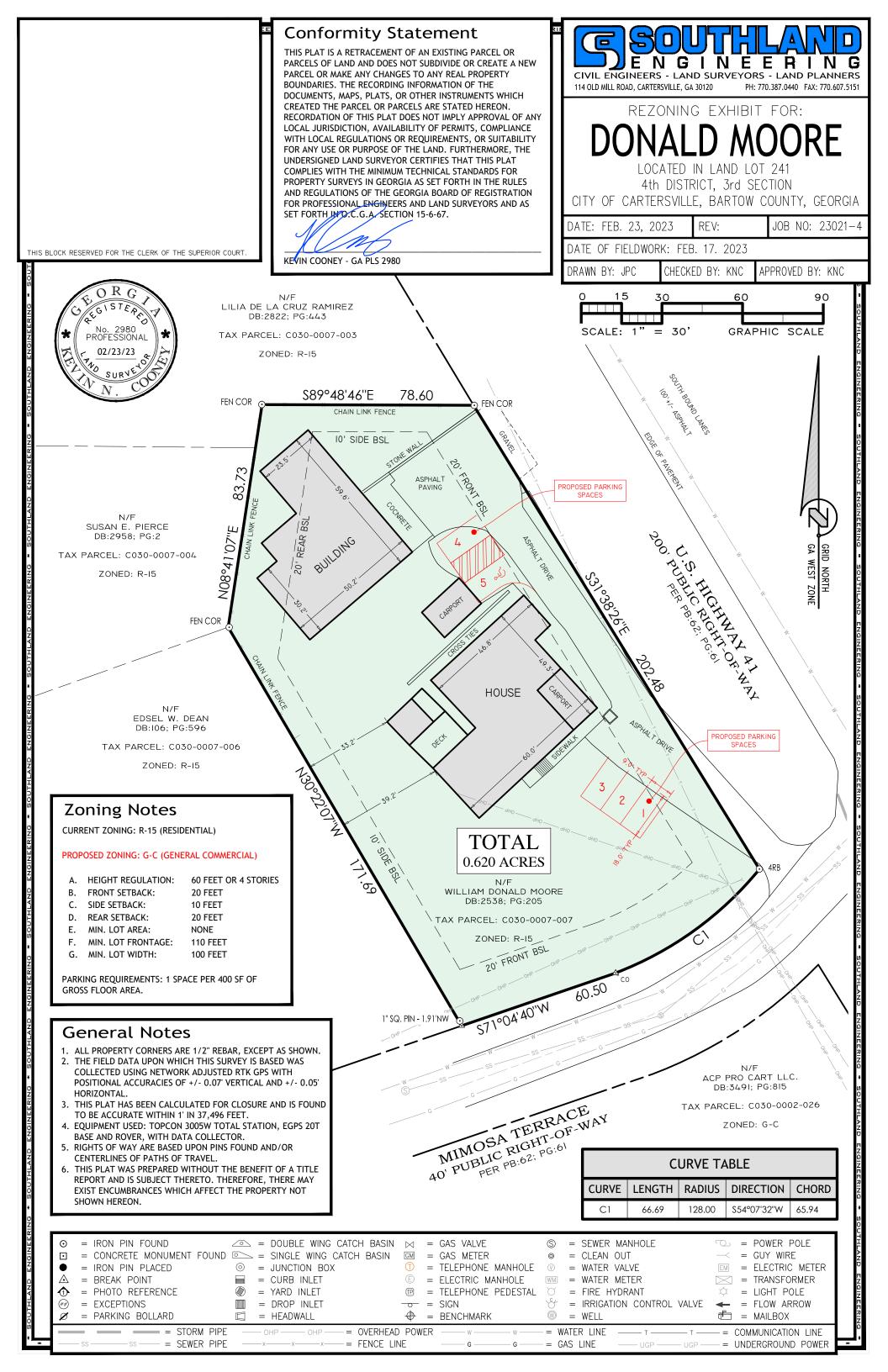
<sup>\*</sup> Attach additional notarized signatures as needed on separate application pages.

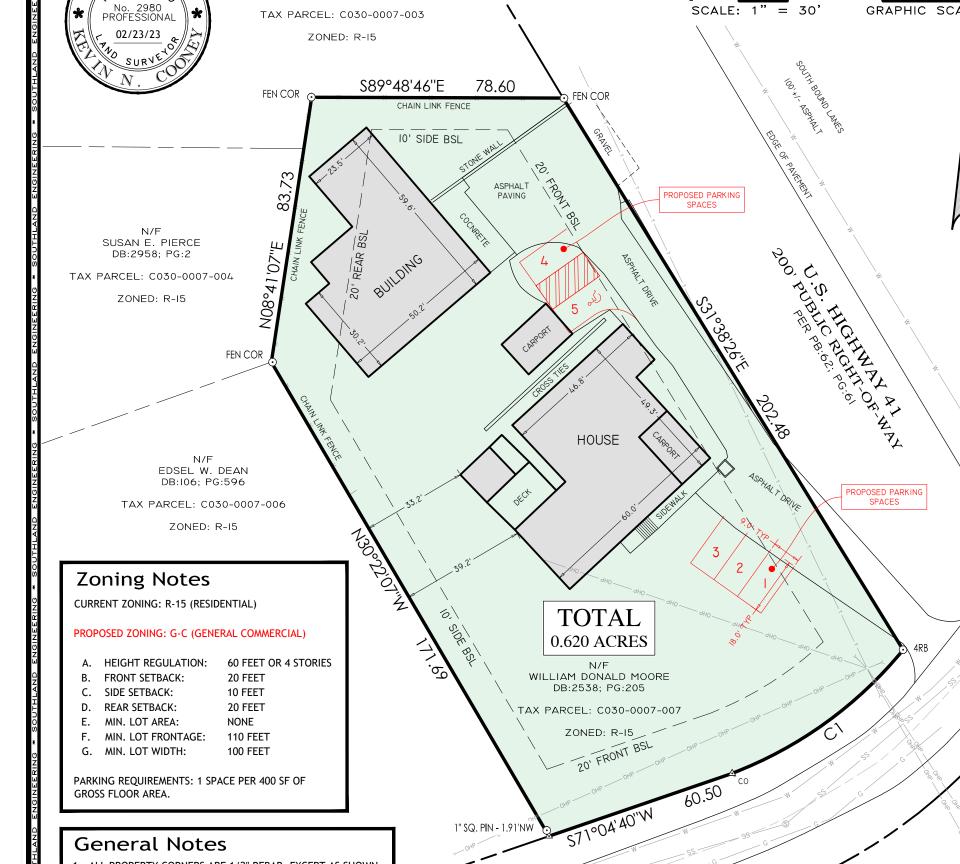
# CAMPAIGN DISCLOSURE REPORT FOR ZONING ACTIONS

Pursuant to O.C.G.A. 36-67A-3 any and all application disclosures:	ants to a rezoning action	must make the following
Date of Application: 1/20/2023		
Date Two Years Prior to Application:	120/2021	
Date Five Years Prior to Application:	120/2018	_
1. Has the applicant within the five (5) years campaign contributions aggregating \$250.00 or r		
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 Lamar Pendley, Chair Anissa Cooley Fritz Dent Greg Culverhouse Jeffery Ross Stephen Smith Travis Popham	YES	NO /
2. If the answer to any of the above is <b>Yes</b> , p amount, date, and description of each car years.		
Signa Wil	Cliam Donald  Than Donald Mi	2 1/20/2023 Date

**Print Name** 







### Buffer Pictures. Submitted with Application













### Site Visit 2/20/23















\* Meeting Change. The City Council second reading on April 6th at 7pm will be held at the Public Safety Office. 195 Cassville Rd. 30120.