

SPECIAL USE APPLICATION SYNOPSIS

Petition Number(s): **SU21-05**

APPLICANT INFORMATION AND PROPERTY DESCRIPTION

Applicant: **Auto Cash – Cartersville LLC**

Representative: **Ms. Leslie Simmons**

Property Owner: **Lewis & Sons, Inc.**

Property Location: **323 N. Tennessee St. (Corner of Tenn. St. & Nelson St.)**

Access to the Property: **Tennessee St. & Nelson St.**

Site Characteristics:

Tract Size: Acres: **0.57 +/- acres** District: **4th** Section: **3rd** LL: **409**

Ward: **1** Council Member: **Kari Hodge**

1. LAND USE INFORMATION

Current Zoning: **M-U (Multiple Use)**

Proposed Zoning: **M-U (Multiple Use)**

Proposed Use: **Traditional Pawn Shop**

Current Zoning of Adjacent Property:

North: **M-U (Multiple Use)**

South: **M-U (Multiple Use)**

East: **M-U (Multiple Use)**

West: **M-U (Multiple Use)**

The Future Development Map designates the subject property as: **Tennessee Street Corridor**

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

2. City Department Comments:

Electric: No comments received.

Fibercom: Takes no exception.

Fire: Cartersville Fire takes no exceptions to the special use request for 323 N. Tenn. St. provided all applicable adopted codes and ordinances are followed.

Gas: Takes no exception.

Public Works: No comments received.

Water and Sewer: Takes no exception.

3. Public Comments:

No public comments received by Planning and Development as of 8-2-21.

4. Special Use Review

The property is located at the SE corner of the intersection of N. Tennessee St at Nelson St. The brick building contains 3 tenant spaces addressed 319, 321 and 323. The 323 N. Tennessee St tenant space is located on the left side of the building adjacent to Nelson St. The applicant is requesting to expand the use from a title pawn shop to a full service pawn shop. A special use permit for title pawn only was approved by Council on Oct. 3rd, 2019, case no. SU19-06.

This location is in the M-U (Multiple Use) zoning district. A pawn shop or title pawn business requires a special use permit in the M-U district.

There are (3) additional Special Use permits approved for pawn shops and/ or title pawn businesses on N. Tennessee St. Per Zoning Ord. Sec. 4.25, outdoor storage is not allowed in the M-U district unless the products are landscape supplies. No outdoor storage or outdoor displays were conditions of the previous special use permits.

Case No.	Address	Approved	Conditions
SU13-03	624 N. TENNESSEE ST	7-1-13	Approved with condition that there must be no outdoor storage.
SU13-05	310 N. TENNESSEE ST	11-7-13	Approved with condition that there must be no outdoor storage.
SU14-03 (Title Pawn Only)	422 N. TENNESSEE ST	12-4-14	Approved with conditions: 1) No outside storage 2) No outside display of merchandise

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).

A) Chapter 26, Article IV. General provisions

Sec. 4.25. - Outdoor storage.

Outdoor storage shall be allowed in G-C, L-I, and H-I districts only. In G-C and L-I districts, outdoor storage must be located in a side or rear yard and screened from all rights-of-way, and residential districts that abut the outdoor storage area. Such storage shall be screened in accordance with the requirements under section 4.17 of this chapter. In G-C and L-I districts, the use of trucks, truck bodies, enclosed containers, campers, recreational vehicles, or other types of motor vehicles for storage is prohibited. This section does not apply to incidental outside storage on properties in residential districts.

In the G-C district, neither vehicles (whether operable or inoperable) nor trailers (whether on or off their axles) may be used as storage buildings. This shall apply to all vehicles and trailers, including commercial vehicles, recreational vehicles, panel vans, tractor-trailer rigs, railroad box-cars, etc. The storage of new or used tires on any G-C district property is prohibited unless the same are stored within an enclosed building or garage. It is illegal to discard or abandon tires on any property other than a lawful landfill.

In the M-U district, outdoor storage of landscape supplies and materials may be permitted per the requirements in section 9.2.3, development standards.

(Ord. No. 11-18, § 1, 5-17-18)

Sec. 4.26. - Outdoor displays and yard sales.

The displaying of goods or merchandise for sale outdoors on the property shall be allowed for goods or merchandise normally used in the outdoors. Merchandise allowed to be displayed outdoors includes, but is not limited to, lawnmowers, wheelbarrows, lawn furniture, barbecue grills, play sets, and manufactured out buildings. The keeping of goods or merchandise outdoors on the property, longer than a twenty-four-hour period shall be considered outdoor storage and shall comply with outdoor storage requirements in section 4.26 of this chapter. This section shall not apply to vehicle or manufactured housing sales lots.

Yard sales and garage sales (or carport sales) shall be permitted on any residential lot no more frequently than once per calendar quarter. Such sale may not continue for more than seventy-two (72) hours.

Yard sales shall not be permitted on any commercial or industrial use lot. Such activity shall constitute a flea market use and shall be allowed only in the Fair Ground (FG) district.

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 (Staff analysis)

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 adjoining streets.

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

How Standard #2 has / will be met: Parking will remain the same as current configuration on the lot

Standard #3: Protective screening.

How Standard #3 has / will be met: Not required

Standard #4: Hours and manner of operation:

How Standard #4 has / will be met: Standard office hours

Standard #5: Outdoor lighting

How Standard #5 has / will be met: Outdoor lighting will remain the same as the current configuration on the lot

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met: Via Tennessee St. & Nelson St.

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met: The proposed use is expected to be compatible with adjacent land uses

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

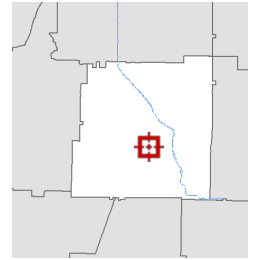
None related to Pawn shops and/or title pawn

8. **Staff Recommendation:** Staff recommends approval. If approved and for emphasis, the commission may choose to condition the permit to no outdoor storage or displays per previous special use permits and per zoning ordinance Sec. 4.25.







9. **Planning Commission Recommendation:**



Overview



Legend

-  Parcels
- Structural Numbers**
-  <all other values>
-  Abandoned or Inactive
-  Active
-  Proposed
-  Roads

Parcel ID	C004-0004-006	Alternate ID	32646	Owner Address	LEWIS & SONS INC
Sec/Twp/Rng	n/a	Class	Commercial		321 N TENNESSEE ST
Property Address	321 N TENNESSEE ST	Acreage	0.57		CARTERSVILLE, GA 30120
District	Cartersville				
Brief Tax Description	LL 409 D 4				

(Note: Not to be used on legal documents)

Date created: 6/28/2021
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Developed by  Schneider
 GEOSPATIAL

Application for Special Use
City of Cartersville

Case Number: SU 21-05
Date Received: 6/25/21


Public Hearing Dates:

Planning Commission 8/10/21 5:30pm 1st City Council 8/19/21 7:00pm 2nd City Council 9/2/21 7:00pm

Applicant Auto Cash-Cartersville LLC Office Phone _____
(printed name)
 Address P. O. Box 2875 Mobile/ Other Phone _____
 City Cartersville State GA Zip 30120 Email _____
Leslie Vaughan Simmons Phone (Rep) 770-382-4702
 Representative's printed name (if other than applicant) Email (Rep) leslie@lesliesimmonsllaw.com
 Representative Signature _____ Applicant Signature _____
 Signed, sealed and delivered in presence of:
Nancy Alexander
 Notary Public



* Titleholder Lewis & Sons, Inc. Phone 770-382-6330
(titleholder's printed name)
 Address 321 N. Tennessee Street
Cartersville, GA 30120 Email _____
 Signature C. Paul Lewis
 Signed, sealed, delivered in presence of:
Nancy Alexander
 Notary Public



Present Zoning District M-U C 004-0004-006
 Acreage 1600 Sq Land Lot(s) 409 District(s) 4th Section(s) 3rd
 Location of Property: 323 N. Tennessee Street
Cartersville, GA 30120
(street address, nearest intersections, etc.)
 Reason for Special Use Request: traditional power

(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: 6/25/21

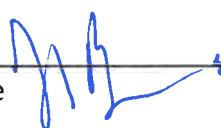
Date Two Years Prior to Application: 6/25/2019

Date Five Years Prior to Application: 6/25/2016

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	_____	✓
Lamar Pinson	_____	✓
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.


 Signature _____ Date 6/25/2021

 Print Name J. BROWNE

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:

traditional pawn accepting firearms and jewelry

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

How Standard #1 has / will be met:

applicant does not anticipate any change to traffic to or from adjoining streets

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

How Standard #2 has / will be met:

there are approximately four parking spaces in front of the building and two behind the building. These are sufficient to service applicants use.

Standard #3: Protective screening.

How Standard #3 has / will be met:

no changes are proposed.

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

How Standard #4 has / will be met:

Standard office hours

Standard #5: Outdoor lighting.

How Standard #5 has / will be met:

location currently has sufficient outdoor lighting; no changes are proposed.

Standard #6: Ingress and egress to the property.

How Standard #6 has / will be met:

location has sufficient ingress and egress; no changes are proposed

Standard #7: Compatibility with surrounding land use.

How Standard #7 has / will be met:

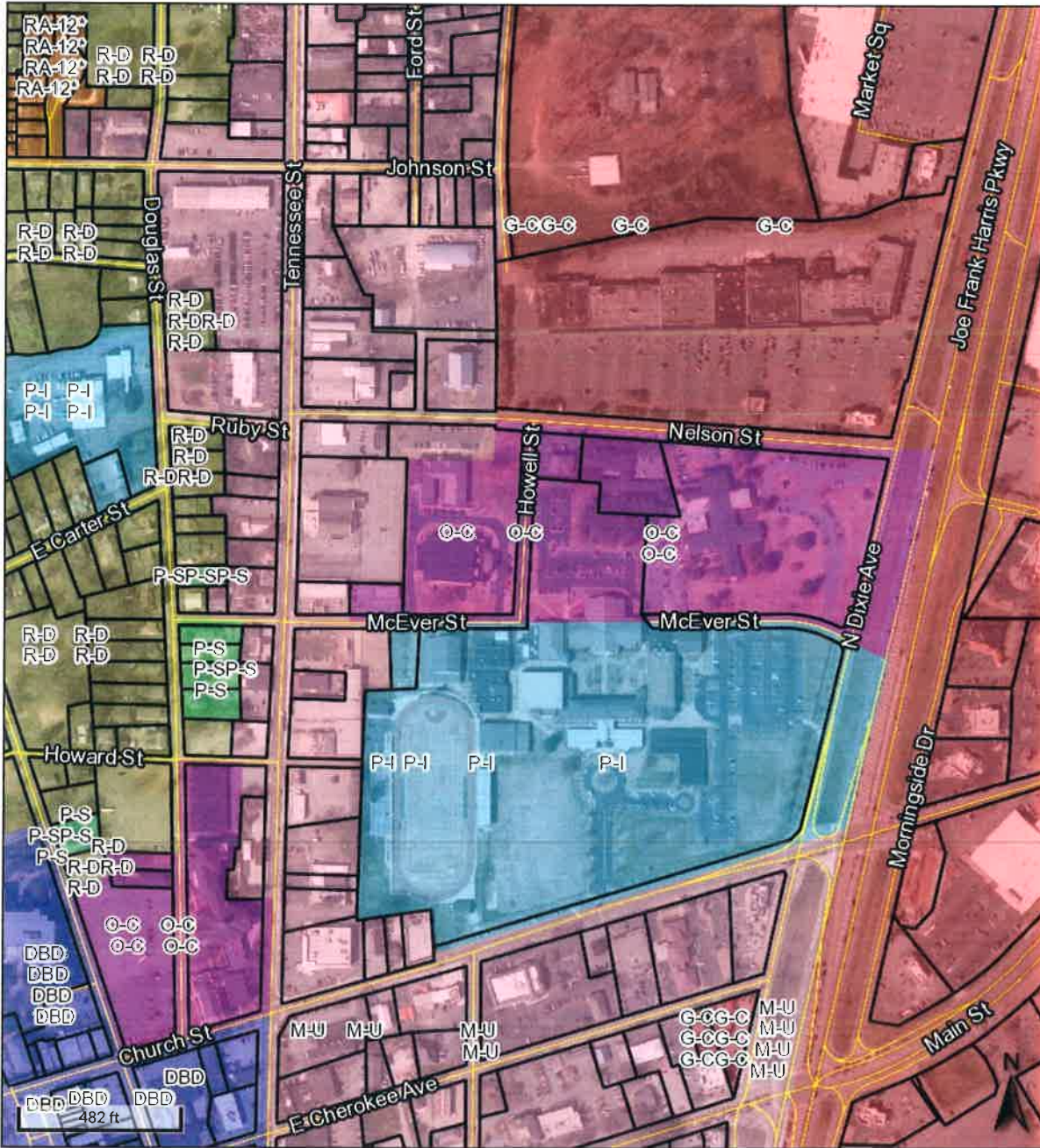
proposed use is in keeping with the surrounding commercial use.

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

Signed,


Applicant or Representative

6.25.2021
Date



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

Images taken 7/22/21

