

### **Community Development Department**

### **Zoning Division**

135 West Cherokee Avenue, Suite 124 Cartersville, GA 30120 Phone: 770-387-5067 Fax: 770-387-5644

# APPLICATION TO ZONING DIVISION BARTOW COUNTY

(Completed by Zoning Division)				
Application Number: ARZ-2561-22	Date Submitted: 08/05/2022			
Fee Amount:\$600	Application & Fee Received By:			
IMPORTANT: A Plat or Survey of the subject p conceptual Site Plan may also be required AT app				
SECTION I. GENERAL INFORMATION  This application is made for the following reason(s):				
Check ALL APPLICABLE requests:  . X Land Use Map Amendment (Complete subsection A below.)  . X Rezoning / Zoning Map Amendment (Complete subsection B below.)  . Alteration of Zoning Conditions (Complete subsection C below.)  . Zoning Ordinance Text Amendment (Complete subsection D below.)  . Conditional Use Permit request (Complete subsection E below.)  . Appeal to Board of Zoning Appeals (Complete subsection F below.)  . Appeal to County Commissioner (Complete subsection F below.)  All applicants are to complete the following:  Name of Subject Property Owner: Andrew John Dabbs and Walnut Grove Plantation  Name of Applicant if different from Property Owner: Manor Restorations, LLC - Bernie Smith  (If applicant different from owner, notarized written permission of owner must be attached hereto.)				
Address of Applicant: 4670 lefferson Township Lane				
City/State/Zip: Marietta, GA 30066 Em	ail: bsmith@masterworksatlanta.com			
Telephone: Home: 770-652-0044	Work:			
<b>Subject Property Description:</b>				
Land Lot(s): 780,735,778,789,790,791	District: 4th Section: 3rd			
Frontage (feet): 1314 and 147 Depth (feet):	1525 and 2700 Area: 76+/- (acres/square feet)			
Street Address/ Road Name: Walnut Grove Road				
Tax Property Record Card ID # (obtained from Tax Assessor's Office):  Is the property located in the Etowah Valley Historical District?  Does the application require a DRI ?-  No  The subject property deed is recorded in Book 2593,2046, Page 418,416,494, in the office of the Clerk of Superior				
Court, Bartow County.				

## A. LAND USE MAP AMENDMENT

1. Applicants for Land Use Map Amendments shall complete and provide the following minimum information. Additional information may also be required by the Zoning Administrator:

It is desired and requested that land use designation of the subject property be changed from:

Rural Estate	to Residential Mixed Use
(current)	(proposed)
Reason for requested land use change: (Be S	Specific)
	• /
To construct a residential m	ixed use development including
single family homes, townho	omes and commercial.
Any prior land use amendment requests on th	nis property? Yes NoX
If yes: Name of Applicant:	
Application #	
Date of Public Hearing:	
2. Notice requirements of Section II s	shall be followed.

- 3. The following shall be submitted with the application:
  - a. One (1) copy of a map, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract, and the surrounding land use categories.
     The map shall also indicate the neighboring property owners by number, as listed below (See Section II).
  - b. Copy of recorded covenants or restrictions, if applicable.
  - c. A copy of the Tax Property Record Card for the parcel from the Tax Assessor's Office. (For office use only.)

#### **B.** REZONING (ZONING MAP AMENDMENT)

Applicants for Rezoning (Zoning Map Amendments) shall complete and provide the following minimum information. Additional information may also be required by the Zoning **Administrator:** It is requested that the subject property be rezoned from: A-1 Zone to PUD (proposed) Zone Reason for requested zoning change: (Be Specific) A PUD development consisting of single family homes, townhomes, and a commercial development. Any prior zoning request on this property? Yes\_\_\_\_\_No\_X If yes: Name of Applicant: Date of Public Hearing:

- 2. Notice requirements of Section II shall be followed.
- 3. Disclosures form in Section III shall be completed by owner, applicant, and all representatives.
- 4. The following shall be completed:

1.

- Submit One (1) copy of a plat, drawn to scale, showing north arrow, land lot and district, the dimensions, acreage and location of the tract, and existing and intermediate regional floodplains and structures, as shown on the Federal Emergency Management Agency FIRM rate maps for Bartow County, if any; and the Bartow County Regulatory Floodmaps; prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid. The preparer's seal shall be affixed to the plat. If a new plat is prepared, the plat must be prepared in compliance with the County's GPS Control Network and Digital Enterprise GIS system (consult the Engineering Department for details). For subdivision or non-residential developments, an additional electronic copy of the plat shall be submitted by the applicant, owner or developer to the Engineering Department. The plat shall also indicate the neighboring property owners by number, as listed below (See Section II).
- b. If request is for a PUD (Planned Unit Development), a Site Plan is required with application. See the PUD District Section of the Bartow County Zoning Ordinance for Site Plan requirements.
- c. Submit a copy of recorded covenants or restrictions, if applicable.
- d. Submit a copy of the Tax Property Record Card for the parcel from the Tax Assessor's Office. (For office use only.)

- e. <u>To the Health Department</u>, provide a Soil Survey prepared by a Soil Scientist, registered in the State of Georgia, prior to submitting zoning application, unless the property is served by sewer, or unless all lots in the subdivision are three acres or larger in size.
- f. Submit a letter from the local water department with the application stating public water supply is available to the property.
- g. A list of any zoning conditions proposed by the applicant.
- h. Applicants submitting an application to rezone property for residential development, or multifamily, commercial, mining or industrial zonings, are required to include a professional type rendering of structures to be placed on the site. The rendering shall depict the project in detail sufficient for the public and the commission to understand the dimensions, location, nature and scope of the proposed development. There is no requirement that the rendering be in color or be drawn to exact scale.

A conceptual site plan depicting the proposed use of the property including:

- (1) A drawing of the subject district and immediate surrounding area, drawn to a scale of one inch equals 100 feet. The Zoning Administrator may allow a smaller scale if deemed to be legible.
- (2) A correct scale and north arrow.
- (3) The proposed land use, zoning, and building outline as it would appear should the zoning map amendment application be approved.
- (4) The present zoning classification of all adjacent parcels.
- (5) The building outline, and maximum proposed height of all buildings, and/or structures.
- (6) The proposed location of all drives, streets, off-street parking and loading areas, and entry/exit points for vehicular traffic, using arrows to depict direction of movement.
- (7) Required yard setbacks appropriately dimensioned.
- (8) The location and extent of required buffer areas, depicting extent of natural vegetation and type and location of additional vegetation if required.
- (9) A location map showing all arterial and collector streets, and other significant landmarks, within two miles of the proposed district (no scale is required).
- (10) Topography at 2-foot contour intervals including source of datum.
- (11) Location and elevation of the 100-year floodplain and the Bartow County Regulatory Floodplain on the property subject of the proposed zoning.
- (12) Location and acreage of all major utility easements greater than 20 feet in width, if applicable.
- (13) Acreage of property and proposed number of residential lots or dwelling units, if applicable.
- (14) Approximate location of septic and drain-field lines, replacement areas for septic system, stormwater detention structures, lakes, ponds, and any other improvements as required by the Zoning Department.

Conceptual site plans shall be required with any rezoning application in which the application is to establish or expand any zoning district. Within ten (10) working days of the receipt of such site plan, the Zoning Administrator shall determine its compliance with this ordinance, and shall either accept it as being "sufficient" or reject as being "insufficient." If it is so rejected, a sufficient plan must be submitted at least 5 working days prior to the Planning Commission hearing for the application to proceed.

## **SECTION II. PUBLIC NOTICE**

NOTICE MUST BE PROVIDED to all individuals, firms and/or corporations owning property adjoining the subject property on all sides, including across any easement, road, street or railroad right-of-way, ACCORDING TO THE RECORDS OF THE TAX ASSESSOR ON THE DATE OF THIS APPLICATION. The notice shall include a plat of the property, the purpose of the application, the current zoning and land use classification, the proposed zoning and land use classification, and the date, time, and location of hearings.

LETTERS TO ALL ADJOINING PROPERTY OWNERS MUST BE MAILED NO LESS THAN 15 DAYS PRIOR TO THE PLANNING COMMISSION HEARING BY FIRST CLASS MAIL, WITH PROOF OF MAILING OBTAINED FROM THE POST OFFICE. Proof of mailing includes a "certificate of mailing," or a "certified mail" receipt. Proof of mailing shall be submitted to the Zoning Department prior to the hearing.

IF PROOF OF MAILING IS NOT IN ORDER AS REQUIRED BY SECTION 15.3.3, OR IF THE APPLICATION IS NOT COMPLETE FOR OTHER REASONS, THE APPLICATION SHALL BE DEEMED OUT-OF-ORDER AND SHALL BE TABLED FOR ONE MONTH. IF STILL OUT-OF-ORDER THE SECOND MONTH, IT SHALL BE DEEMED WITHDRAWN, AND MAY NOT BE RESUBMITTED FOR CONSIDERATION BY THE PLANNING COMMISSION FOR A PERIOD OF SIX (6) MONTHS FROM THE DATE THAT THE APPLICATION IS DEEMED WITHDRAWN.

List all adjoining property owners:

<u>NAME</u>	ADDRESS
See attached	
2)	
11)	
12)	

Indicate property owned by above on copy of plat attached to application. (Attach additional sheets if necessary.)

- 1. WALNUT GROVE PLANTATION INC 84 CUMMINGS RD SE CARTERSVILLE, GA 30120
- CITY OF CARTERSVILLE
   P O BOX 1390
   CARTERSVILLE, GA 30120
- 3. CARTERSVILLE CITY OF 10 N PUBLIC SQ CARTERSVILLE, GA 30120-3326

- DABBS JOHN ANDREW PO BOX 1809 DAHLONEGA, GA 30533
- 5. CUMMINGS JOHN L III TRUSTEE
  THE TRUST UI7 U/W
  84 CUMMINGS RD SE
  CARTERSVILLE, GA 30120
- 6. BENEVOLENT AND PROTECTIVE ORDER OF ELKS
  CARTERSVILLE LODGE 1969 (THE)
  PO BOX 566
  CARTERSVILLE, GA 30120

- 7. DLD 113 LLC 218 E MAIN ST CARTERSVILLE, GA 30120
- 8. BARTOW COUNTY 135 W CHEROKEE AVE CARTERSVILLE, GA 30120
- 9. Continuity Properties LLC 300 Walnut Grove Rd Cartersville, GA 30120

10. Edy Karousos26 Carrington DrCartersville, GA 30120

11. Kenneth Mackenzie 28 Carrington Dr Cartersville, GA 30120 12. Roberto Poleo 30 Carrington Dr Cartersville, GA 30120

- 13. Michael and Sonya Besnihan32 Carrington DrCartersville, GA 30120
- 14. Gavin Karstensen34 Carrington DrCartersville, GA 30120

15. Cynthia Caughman 36 Carrington Dr Cartersville, GA 30120

- 16. Lawrence and Margaret Martin38 Carrington DrCartersville, GA 30120
- 17. Nancy Gunter 40 Carrington Dr Cartersville, GA 30120

18. William Bohn 42 Carrington Dr Cartersville, GA 30120

19. Jane McEntire 44 Carrington Dr Cartersville, GA 30120

- 20. Robin and Penny Davis 46 Carrington Dr Cartersville, GA 30120
- 21. James Ajaeb 48 Carrington Dr Cartersville, GA 30120

- 22. Charles and Linda Williams 50 Carrington Dr Cartersville, GA 30120
- 23. Jessica Washington 555 Douthit Ferry Rd Cartersville, GA 30120

24. Decorated Veterans of Foreign Wars Alliance LLC PO Box 2222 Cartersville, GA 30120

## SECTION III. DISCLOSURES

## 1. DISCLOSURES REQUIRED OF OWNER, APPLICANT, AND REPRESENTATIVES (each person to file separate form)

The following disclosures are required from each of the following persons: the owner; the applicant if the applicant is different from the owner; and any representative of the owner or applicant.

Pursuant to the Conflict of Interest in Zoning Act, O.C.G.A. § 36-67A-1 et seq., any applicant of this rezoning who has made, within two years immediately preceding the filing of the application, campaign contributions aggregating \$250.00 or more to the Commissioner or any Planning Commission member, should file an OPPONENT OF REZONING ACTION CAMPAIGN DISCLOSURE REPORT, showing the contribution amount(s) and date(s). Such disclosure should be filed at least five calendar days prior to the Planning Commission's hearing. Violation of this Act shall not affect the validity of the rezoning, but such action may be a misdemeanor under O.C.G.A. § 36-67A-4.

Have you, as owner, applicant, or representative of owner or applicant, made a campaign contribution to the Commissioner of Bartow County or any member of the Planning Commission within two years immediately preceding the filing of this application aggregating \$ 250.00 or more or made a gift to any of the above having an aggregate value of \$ 250.00?

		Yes	No
f yes:	(1)	The name of the official	
	(2)		each campaign contribution made by the applicant to the above during the two years immediately preceding the
	(3)	The value and description of each years immediately preceding the fi	h gift having a value of \$ 250.00 or more during the two iling of this application.
his 4	_ day of	EXPIRES  EXPIRES  EXPIRES  EXPIRES  OB COUNTILLED  OB COUNTILLED	PRINTED Name of Applicant  SIGNATURE of Applicant  8/4/2

## SECTION IV. OATH AND FEES

All applicants are to complete the following:

I hereby swear that all above information is true and correct to the best of my knowledge.

Sworn to and subscribed before me,

022

Notary Public

My commission expires: 10-20-27

SIGNATURE of Applicant

**PRINTED Name of Applicant** 

Date

Applicants shall be present at both the Planning Commission Hearing and the Commissioner's Hearing.

This application and the accompanying fee must be submitted to the Zoning Administrator no later than three (3) weeks prior to the date that the request is to be considered. Applications shall not be accepted without the fee. See Zoning Schedule.

The following is a list of fees that shall accompany an application.

If the request is for:	FEE
Land Use Map Amendment (if separate from rezoning)  Land Use Map Amendment (combined with rezoning)	\$ 100.00 <b>\$ 100.00</b> plus rezoning fee
Rezoning Existing Single Lot for a Single Family Dwelling	\$ 100.00
Rezoning for Residential Development	\$ 500.00
Rezoning Existing Single Lot to Commercial, Office	\$ 200.00
Rezoning for Commercial, Office Development	\$ 500.00
Rezoning to I-1 (Light Industrial) or I-2 (Heavy Industrial)	\$ 600.00
Rezoning to PUD (Planned Unit Development) or M-1 (Mining)	\$ 500.00
Rezoning to BPD (Business Park District)	\$600.00
Appeals	\$ 50.00
Conditional Use Permit	\$ 400.00
Ordinance Text Amendment	\$ 100.00
Alteration of Zoning Conditions	\$ 100.00

Mr. Richard Osborne Zoning Administrator Bartow County Planning and Zoning Department 135 W. Cherokee Avenue Cartersville, GA 30120

Re: ±22.17 Acres on 1 parcel, 0073-0735-001, located on Walnut Grove Road, in Cartersville, GA and ±49.14 Acres on 1 parcel, 0073-0779-001, located on Walnut Grove Road, in Cartersville, GA.

Dear Mr. Osborne,

Please be advised that Manor Restorations, LLC (Purchaser) has signed a Letter of Intent to enter into a Purchase and Sale Agreement with John Andrew Dabbs. (Seller), current property owner of ±22.17 Acres on 1 parcel, 0073-0735-001, located on Walnut Grove Road in Cartersville, GA and ±49.14 Acres on 1 parcel, 0073-0779-001, located on Walnut Grove Road, in Cartersville, GA.

Please accept this letter as Seller's authority to allow Purchaser to prepare and file rezoning applications to rezone this property for Purchaser's intended use.

Please let me know if you need additional information.

Sincerely,

John Andrew Dabbs

Mr. Richard Osborne Zoning Administrator Bartow County Planning and Zoning Department 135 W. Cherokee Avenue Cartersville, GA 30120

Re: ±4.1 Acres on 1 parcel, 0073-0736-001, located on Walnut Grove Road, in Cartersville, GA and ±5 Acres on 1 parcel, 0073-0734-001, located on Walnut Grove Road, in Cartersville, GA

Dear Mr. Osborne.

Please be advised that Manor Restorations, LLC (Purchaser) has signed a Letter of Intent to enter into a Purchase and Sale Agreement with Ann Cummings, Walnut Grove Plantation, Inc.. (Seller), current property owner of ±4.1 Acres on 1 parcel, 0073-0736-001, located on Walnut Grove Road, in Cartersville, GA and ±5 Acres on 1 parcel, 0073-0734-001, located on Walnut Grove Road, in Cartersville, GA.

Please accept this letter as Seller's authority to allow Purchaser to prepare and file rezoning applications to rezone this property for Purchaser's intended use.

Please let me know if you need additional information.

Sincerely,

Walnut Grove Plantation, Inc.

John La

## BARTOW COUNTY DEPARTMENTAL REVIEW SUMMARY REPORT

APPLICATION		
APPLICATION:	ARZ-2561-22	
APPLICANT:	Manor Restorations LLC – Bernie Smith	
PROPERTY OWNER:	Andrew John Dabbs and Walnut Grove Plantation	
SIZE OF PROPERTY:	76 acres +/-	
LOCATION:	Walnut Grove Rd	
TAX MAP ID #:	0073-0735-001, 0073-0736-001, 0073-0734-001	
REASON FOR REQUEST:	Rezone A-1 to PUD for proposed development of homes, townhomes, and commercial.	

TAX MAP II	<b>LAX MAP ID #:</b> 0073-0735-001, 0073-0736-001, 0073-0734-001						
<b>REASON FOR REQUEST:</b> Rezone A-1 to PUD for proposed development of homes, townhomes, and commercial.							
LAN	ID USE	FROM	Rural Est	ate	ТО	Residential / Mixed Use	
ZO	NING:	FROM	A-1		10	PUD	
	EXISTING / PRESENT USE:						
			ADJACENT I	PROPERTY:			
	FUTURE I	AND US	E MAP		EXISTING ZONING		
NORTH	Commerci	al/Mixed l	Use and Rural Estate	NORTH	A-1		
SOUTH		•	and county Rural Estate	SOUTH	Cart	ersville city limits and county A-1	
EAST	C	Cartersville	e city limits	EAST	Cartersville city limits		
WEST	Cartersville city limits			WEST	Cartersville city limits		
HEALTH D	EPT.	No objec	ctions.				
WATER & SEWER Ca			Cartersville water and sewer service letter obtained.				
FIRE DEPT	•	No objections.					
ROAD DEPT. No objection			bjections.				
ENGINEERING No objection			objections.				
Histori			Properties between Walnut Grove Rd and the Etowah River are in the Etowah Valley Historic District (note that applicant has sent out required certified mail notices). Please make sure to identify and avoid sensitive archaeological sites.				
SHERIFF'S OFFICE No objections.			ctions.				
BARTOW CO SCHOOLS No objections.			ctions.				
GDOT No objections.							
ZONING		Changing the land use and zoning from rural and A-1 to mixed use and PUD may be in keeping with the mixed-use area that includes existing subdivisions, middle school, park, wastewater treatment plant, and neighborhood commercial.					

P.O. Box 1390 • One North Erwin Street • Cartersville, Georgia 30120 Telephone: 770-387-5616 • Fax: 770-386-5841 • www.cityofcartersville.org

DATE: August 31, 2022

TO: Richard Osborne, Bastow County Zoning Administrator

FROM: Dan Porta, City Manager

RE: City of Cartersville Annexation/Zoning Review Comments

Zoning Petition Number: <u>ARZ-2561-22</u> Applicant: <u>Manor Restorations, LLC – Bernie Smith</u>

Owner: Andrew John Dabbs and Walnut Grove Plantation

Location: Walnut Grove Road – Land Lots: 780, 735, 778, 789, 790,791

### **GENERAL COMMENTS:**

This property is located adjacent to the City of Cartersville's Water Pollution Control Plant (WPCP) that treats sewer from City and County residents and has done so since the plant was constructed 55 years ago in 1967. The City of Cartersville's Plant meets all Federal and State requirements for sewer treatment and will continue to do so, but I wanted to point out that sometimes the smell from the WPCP is not the most appealing and if this new development is approved, the property owners need to be informed by the developer prior to closing that the City of Cartersville's Water Pollution Control Plant is adjacent to the Planned Unit Development and the city will not be modifying the plant to include any odor control system.

Also, the City of Cartersville is not opposed to the rerouting of the Leake Mounds Trail as shown on the proposed development, however, the rerouted trail will need to meet city standards and all costs for this relocation will be paid for by the developer.

In addition, all infrastructure and street right-of-way improvements that need to be made due to this proposed development will be paid for by the developer.

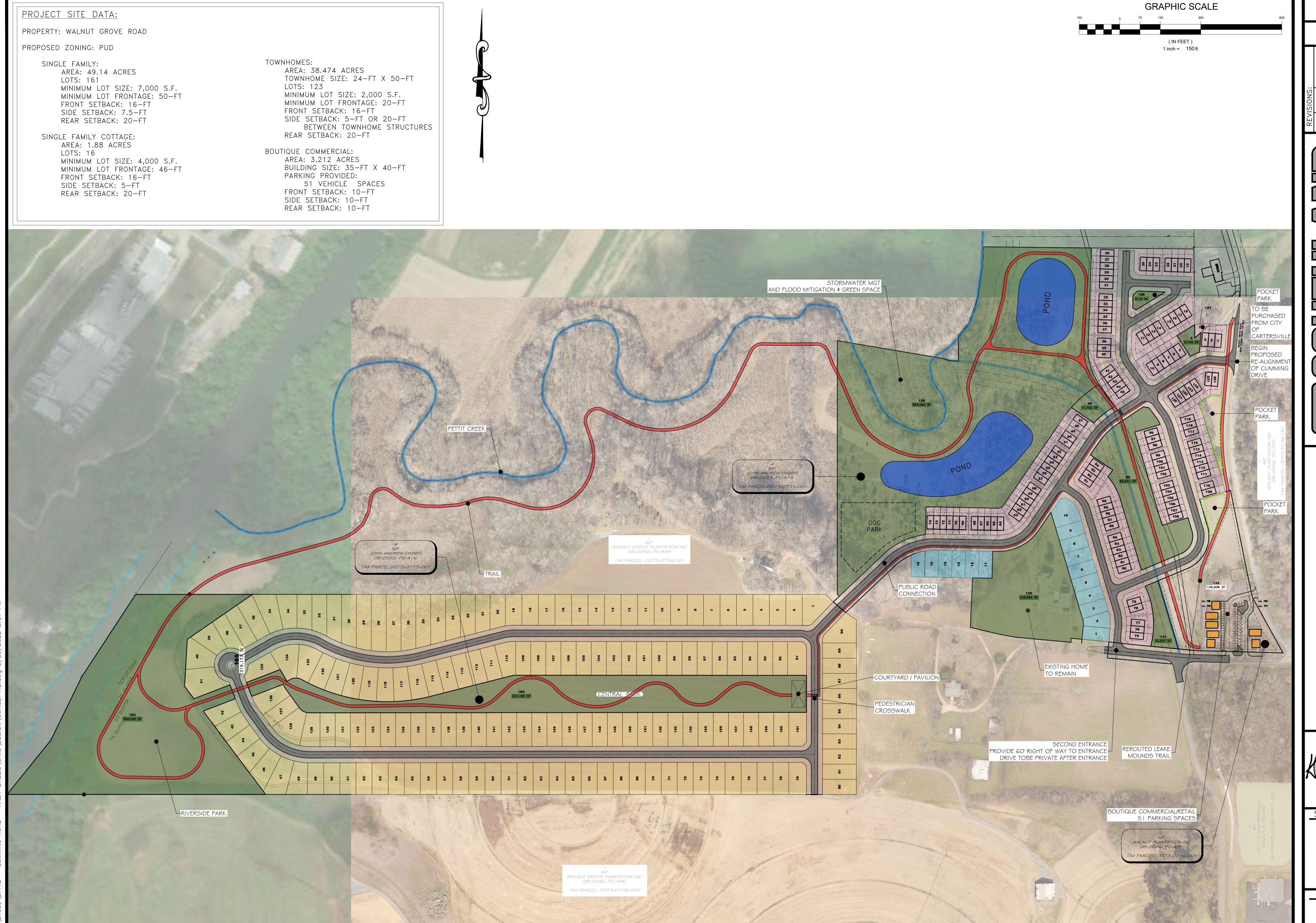
### WATER SERVICE COMMENTS:

This property is located in the City of Cartersville Water Department's water service area. The requested zoning change and proposed land use change entails considerable water demands on the water system. There is an existing 8-inch water main along Grove Road which is supplied by an existing 24-inch water main on Old Mill Road to the west and supplied from the east by an existing 12-inch water main on Douthit Ferry Road. Development of the property as proposed may require an additional water line extension from offsite to provide multiple feed points and necessary redundancy for service.

### **SEWER SERVICE COMMENTS:**

This property is located in the City of Cartersville Water Department's sewer service area. A 36-inch collector sewer crosses the site and has adequate capacity for development of the property as proposed. Please note, this sewer line can not be relocated and all construction must be structured to accommodate the sewer line in its existing location. No additional fill can be placed on top of the line. No construction of structures will be allowed within the zone of influence of the pipe cover, (this is taken to be the perpendicular distance of a 45-degree line extending up from the pipeline base).

Please contact me at 770-387-5684 if you have any questions regarding these review comments.



PROJECT NO.: 21172 DATE: 8/5/22

SHEET TITLE: SITE PLAN

SHEET NO .: C201







