

Legal Ad August 22

PUBLIC NOTICE-LAND USE MAP AND REZONING

The Bartow County Planning Commission will hold a public meeting on **September 9, 2019** at 6:00 p.m. in the Zoning Hearing Room at the Frank Moore Administration and Judicial Center at 135 West Cherokee Avenue, Cartersville, Georgia. The Planning Commission will review an application by **Womack Family Development Inc.** requesting a change in the future land use map and a rezoning of the property located at **Parkway Station Drive** in Land Lot(s) **93 and 124, 4th District, 3rd** Section of Bartow County, Georgia. The request is to change the land use classification from **Commercial** (current land use classification) to **Residential/Mixed Use** (requested land use classification). A further request is to rezone the property from **C-1** (current Zoning) to **R-2** (requested Zoning). Said property contains **16.289** acres.

The Bartow County Commissioner will hold a final public hearing on the proposed action on **September 11, 2019** at 10:00 a.m. in his office in the Frank Moore Administration and Judicial Center in Suite 251 to consider and take action on the recommendation of the Planning Commission of the above mentioned application. Notice is hereby given that the Commissioner has the power to impose a different zoning classification requested, and impose or delete zoning conditions that may change the application considerably.

Pursuant to the Conflict of Interest in Zoning Act, O.C.G.A. § 36-67A-1 et seq., any opponent of the rezoning who has made, within two years immediately preceding the filing of the application, campaign contributions aggregating \$250.00 or more to the Commission or any Planning Commission member, should file an OPPONENT OF REZONING ACTION CAMPAIGN DISCLOSURE REPORT, showing the contribution amount(s) and dates(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.

Please contact the Bartow County Zoning Office at 135 West Cherokee Avenue, Cartersville, Georgia 30120 or (770) 387-5067 to receive the application and information on the filing thereof. If you have an interest in the proposed request, you are encouraged to attend the meetings. If you will require reasonable accommodation in order to participate in this hearing, please contact Marla Coggins at Suite 217B, Frank Moore Administration and Judicial Center, 135 West Cherokee Avenue, Cartersville, Georgia 30120, telephone number (770) 387-5020 or TDD (770) 387-5034, at least 72 hours prior to the scheduled time of the hearing.

Bartow County

ARZ-2309-19

Please email tear sheet on day of publication to Brandon Johnson, Bartow County Community Development, johnsonb@bartowga.org



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. 2309

Date Submitted: 8/14

Fee Amount: \$ 600

Application & Fee Received By: RT / FM

IMPORTANT: A Plat or Survey of the subject property MUST be submitted with application. A conceptual Site Plan may also be required AT application time. (See Page 4, 8 for Requirements)

SECTION I. GENERAL INFORMATION

This application is made for the following reason(s):

Check **ALL APPLICABLE** requests:

- ☒ **Land Use Map Amendment** (Complete subsection A below.)
- ☒ **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: Womack Family Development, Inc.

Name of Applicant if different from Property Owner: _____

(If applicant different from owner, notarized written permission of owner must be attached hereto.)

Address of Applicant: c/o White & Choate Attorneys, Harry B. White, Esq. - 100 West Cherokee Avenue

City/State/Zip: Cartersville, GA 30120

Email: hwhite@wcwattorneys.com

Telephone: Home: _____

Work: (770) 382-9591

Subject Property Description:

Land Lot(s): 93 & 124 District: 4 Section: 3

Frontage (feet): 1,379 Depth (feet): approx. 800 Area: 10.289 acres/square feet

Street Address/ Road Name: Parkway Station Drive

Tax Property Record Card ID # (obtained from Tax Assessor's Office): 71H-1-24

Is the property located in the Etowah Valley Historical District ? No

Does the application require a DRI ?-

No

The subject property deed is recorded in Book 2063, Page 101-102, 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:

C-1 (current) to R-2 Mixed use (proposed)
Commercial Res. Mixed Use

Reason for requested land use change: (Be Specific)

Allow construction for single family attached
Dwelling

Any prior land use amendment requests on this property? Yes ☒ No ☐

If yes: Name of Applicant: Wornack Family Development, Inc

Application # _____

Date of Public Hearing: _____

2. Notice requirements of Section II 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.)

MEMORANDUM

TO : The President
FROM : The Vice President
SUBJECT: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

- e. **To the Health Department**, 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>	<u>ADDRESS</u>
1) See "Exhibit A"	attached hereto for full list.
2) _____	_____
3) _____	_____
4) _____	_____
5) _____	_____
6) _____	_____
7) _____	_____
8) _____	_____
9) _____	_____
10) _____	_____
11) _____	_____
12) _____	_____

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

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 X _____

If yes: (1) The name of the official _____

(2) The dollar amount and date of each campaign contribution made by the applicant to the local government official named above during the two years immediately preceding the filing of the application.

(3) The value and description of each gift having a value of \$ 250.00 or more during the two years immediately preceding the filing of this application.

Sworn to and subscribed before me,
this 14th day of August, 2019.

Lisa L. Sands
Notary Public

My commission expires: 08/10/2021

Andy G. Womack, MANAGING
PARTNER

Andy G. Womack
SIGNATURE of Applicant

08.14.19
Date

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,
this 14th day of August, 2019.

Lisa L. Sands
Notary Public

My commission expires: 08/10/2021



Andy G. Womack, MANAGING PARTNER
PRINTED Name of Applicant

Andy G. Womack
SIGNATURE of Applicant

08.14.19
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.

<u>If the request is for:</u>	<u>FEE</u>
Land Use Map Amendment (if separate from rezoning)	\$ 100.00
Land Use Map Amendment (combined with rezoning)	\$ 100.00 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

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DOC# 010912
 FILED IN OFFICE
 05/22/2006 10:52 AM
 BK:2063 PG:101-102
 GARY BELL
 CLERK OF SUPERIOR
 COURT
 BARTOW COUNTY

Mary Bell

REAL ESTATE TRANSFER T
 AX
 PAID: \$0.00

Cross ref. Security Deed
 Recorded in Deed Book 2041, Page 462

PT. 61-008-2006 002928

WARRANTY DEED

STATE OF GEORGIA
 COUNTY OF BARTOW

File #: 06-11376

This Indenture made this 9th day of May, 2006 between THE WOMACK FAMILY, L.P., of the County of BARTOW, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and WOMACK FAMILY DEVELOPMENT, INC. as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

[Signature]
 Witness
[Signature]
 Notary Public



The Womack Family L.P.

[Signature] (Seal)
 Billy Womack, Limited Partner

____ (Seal)

____ (Seal)

____ (Seal)

2063/101

BK = 2063 PG = 102

EXHIBIT "A"

TRACT ONE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 93, OF THE 4TH DISTRICT, 3RD SECTION, BARTOW COUNTY, GEORGIA AND BEING 1.288 ACRES, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 22, PAGE 139, OF THE BARTOW COUNTY, GEORGIA RECORDS, WHICH PLAT BY REFERENCE IS INCORPORATED HEREIN FOR A MORE COMPLETE DESCRIPTION OF THE PROPERTY.

TRACT TWO

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 124, OF THE 4TH DISTRICT, 3RD SECTION, BARTOW COUNTY, GEORGIA AND BEING 2.466 ACRES, AS SHOWN ON PLAT RECORDED IN PLAT BOOK 33, PAGE 368, OF THE BARTOW COUNTY, GEORGIA RECORDS, WHICH PLAT BY REFERENCE IS INCORPORATED HEREIN FOR A MORE COMPLETE DESCRIPTION OF THE PROPERTY.

TRACT THREE

All that tract or parcel of land lying and being in land lots 93, 94, 123 and 124, all of the 4th district and 3rd section of Bartow County, Georgia, and being more particularly described as follows: BEGINNING at a point and a right-of-way marker where the west margin of L & N Railroad right-of-way intersects with the south margin of US Highway #1 (4-Lane Highway); thence south 2 degrees 52 minutes east a distance of 1,413.2 feet to a point; thence south 85 degrees 4 minutes west a distance of 354.6 feet to an iron pin; thence continuing south 81 degrees 43 minutes west a distance of 61.6 feet to an iron pin; thence north 25 degrees 4 minutes west a distance of 112.8 feet to a point; thence continuing north 33 degrees 57 minutes west a distance of 102 feet to a point; thence continuing north 1 degree 50 minutes west a distance of 107 feet to a point; thence continuing north 35 degrees 15 minutes west a distance of 41.5 feet to a point and iron pin; thence south 88 degrees 55 minutes west a distance of 365.7 feet to an iron pin; thence continuing north 88 degrees 55 minutes west a distance of 44.8 feet to a point; thence continuing north 83 degrees 48 minutes west 101 feet to a point; thence continuing south 84 degrees 48 minutes west a distance of 100.2 feet to a point; thence continuing south 69 degrees 19 minutes west a distance of 59.2 feet to a point; thence continuing south 87 degrees 5 minutes west a distance of 62.8 feet to an iron pin; thence north 10 degrees 23 minutes east a distance of 100.6 feet to a point; thence continuing north 9 degrees 44 minutes east a distance of 100 feet to a point; thence continuing north 6 degrees 27 minutes east a distance of 94.5 feet to a point; thence continuing north 1 degree 5 minutes east a distance of 51.0 feet to a point and the east margin of the right-of-way of the Georgia Power Company Transmission Line easement; thence in a northeasterly direction along the margin of the right-of-way of the Georgia Power Company transmission line easement a distance of 431.25 feet, more or less, to a point; thence south 55 degrees 56 minutes east 21 feet, more or less, to a point; thence continuing south 23 degrees 44 minutes east a distance of 77.7 feet to an iron pin; thence north 19 degrees 8 minutes east a distance of 87.8 feet to an iron pin; thence south 81 degrees 23 minutes east a distance of 161.4 feet to a point; thence continuing south 86 degrees 59 minutes east a distance of 181.8 feet to a point; thence continuing north 73 degrees 9 minutes east a distance of 62.7 feet to a point; thence continuing north 59 degrees 21 minutes east a distance of 92.5 feet to an iron pin; thence north 4 degrees 14 minutes east a distance of 207.8 feet to a point; thence continuing north 20 minutes west a distance of 187.4 feet to a point; thence continuing north 19 degrees 17 minutes west a distance of 75.5 feet to a point; thence continuing north 5 degrees 41 minutes east a distance of 81.2 feet to an iron pin and the south right-of-way of US Highway #1 (4-Lane Highway); thence continuing south 70 degrees 44 minutes east along the south margin of US Highway #1 a distance of 311 feet to a right-of-way concrete marker; thence south 19 degrees 16 minutes west a distance of 10 feet to a right-of-way concrete marker; thence south 70 degrees 44 minutes east a distance of 218.6 feet along the south margin of US Highway #1 to a right-of-way concrete marker and the point of beginning.

Also, included herewith is that certain driveway easement as shown on the subject plat, as below referred to, for which specific reference is hereby made for a more definite and complete description of the said easement, and the said easement extending from the subject property to its intersection with Walton Road.

A plat thereof showing the above described property is recorded in Plat Book 6 at page 188 of the said records for which specific reference is hereby made for a more definite and complete description of the herein property, and includes all of the said plat lying east of the Georgia Power Transmission Line as shown thereon.

(Appears to Go Through Parcel 23 (P633-368))

B. Lee

EXHIBIT "A"

Adjoining property owners, Womack Family

- 1) 0071H-0001-023, 0071H-0001-024
Womack Family
- 2) 0071H-0001-026 and 0071H-0001-027
Carlos Wayne Beaver
22 Beaver Trail SE
Cartersville, GA 30120
- 3) 0071H-0001-028-1 and 0071H-0001-008
Mrs. Rena Louise Evans
50 Evans-Hightower Road
Cartersville, GA 30120
- 4) 0071H-0001-007
Richard A. Pascoe and Lewis W. Pascoe
13 Benham Circle
Cartersville, GA 30120
- 5) 0071H-0001-042
Santos D. Nolasco and Ana M. Maravilla-Herendez
18 Live Oak Run NW
Cartersville, GA 30121
- 6) 0071H-0001-010
Ducaplex LLC
Bartow County Home Sales LLC
102 Leake Street
Cartersville, GA 30120
- 7) 0071H-0001-011
Ralph A Lingerfelt and Traci L. Lingerfelt
16 Lusk Avenue
Cartersville, GA 30120
- 8) 0071H-0001-040
Charles Jamison Causey
127 West Felton Road
Cartersville, GA 30120

Adjoining property owners Womack Family Page 2

- 9) 0071H-0001-017
Diane Bunce
76 Lazy Water Drive
Cartersville, GA 30120
- 10) 0071H-0001-018
Shelia Jennings
121 West Felton Road
Cartersville, GA 30120
- 11) 0071H-0001-022
W. B Hamby
PO Box 1703
Cartersville, GA 30120
- 12) 0071H-0001-038
Tony E. Hamby
PO Box 1703
Cartersville, GA 30120
- 13) Gewene M. Womack
and the Estate of Billy Womack
23 Crestwood Road
Cartersville, GA 30121-2939

As of July 31, 2019

COMMERCE STATION WATER AND SEWER FLOW CALCULATION

May 30, 2019

SUBMITTED TO CARTERSVILLE
WATER DEPARTMENT



Prepared By:

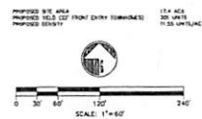
CEC
CIVIL ENGINEERING CONSULTANTS, INC.
Civil & Environmental Engineering

Project Summary

Civil Engineering Consultants (CEC) has developed this Water and Sewer Capacity Calculation for proposed Commerce Station subdivision located in Bartow County, GA (Land Lot 93 & 124, 4th District, 3rd Section).

The entrance to this subdivision is from the intersection of Joe Frank Harris Pkwy SE (Route 41) and Beaver Trail. This subdivision consists of two hundred and one (201) 3-bedroom townhomes. There are no amenities which require water and/or sewer service such as club house facilities, pool, irrigation, et cetera.

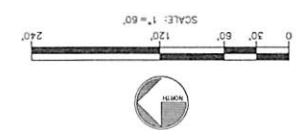
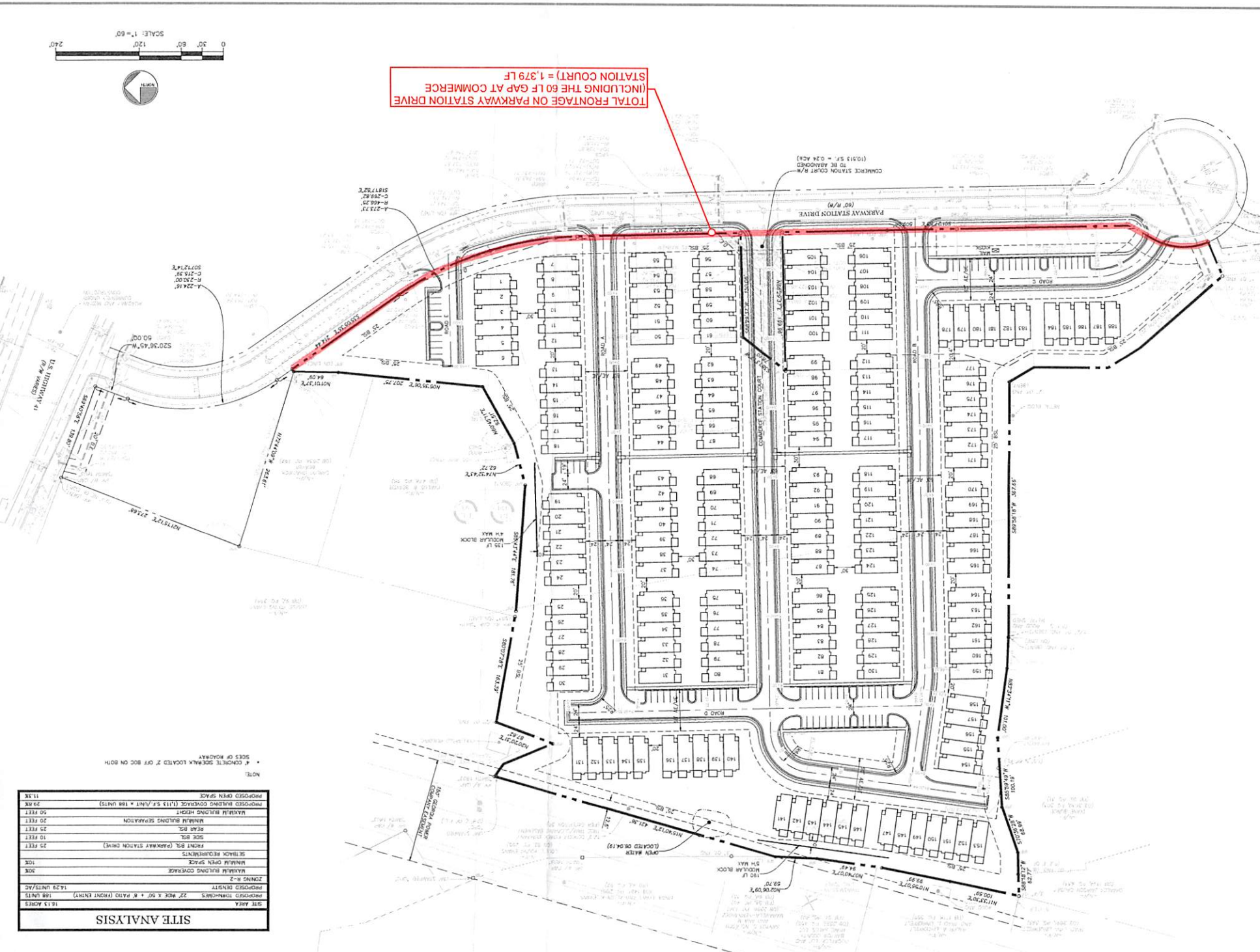




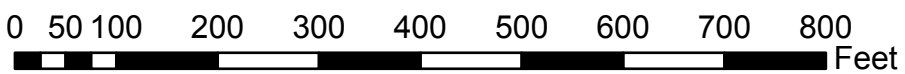
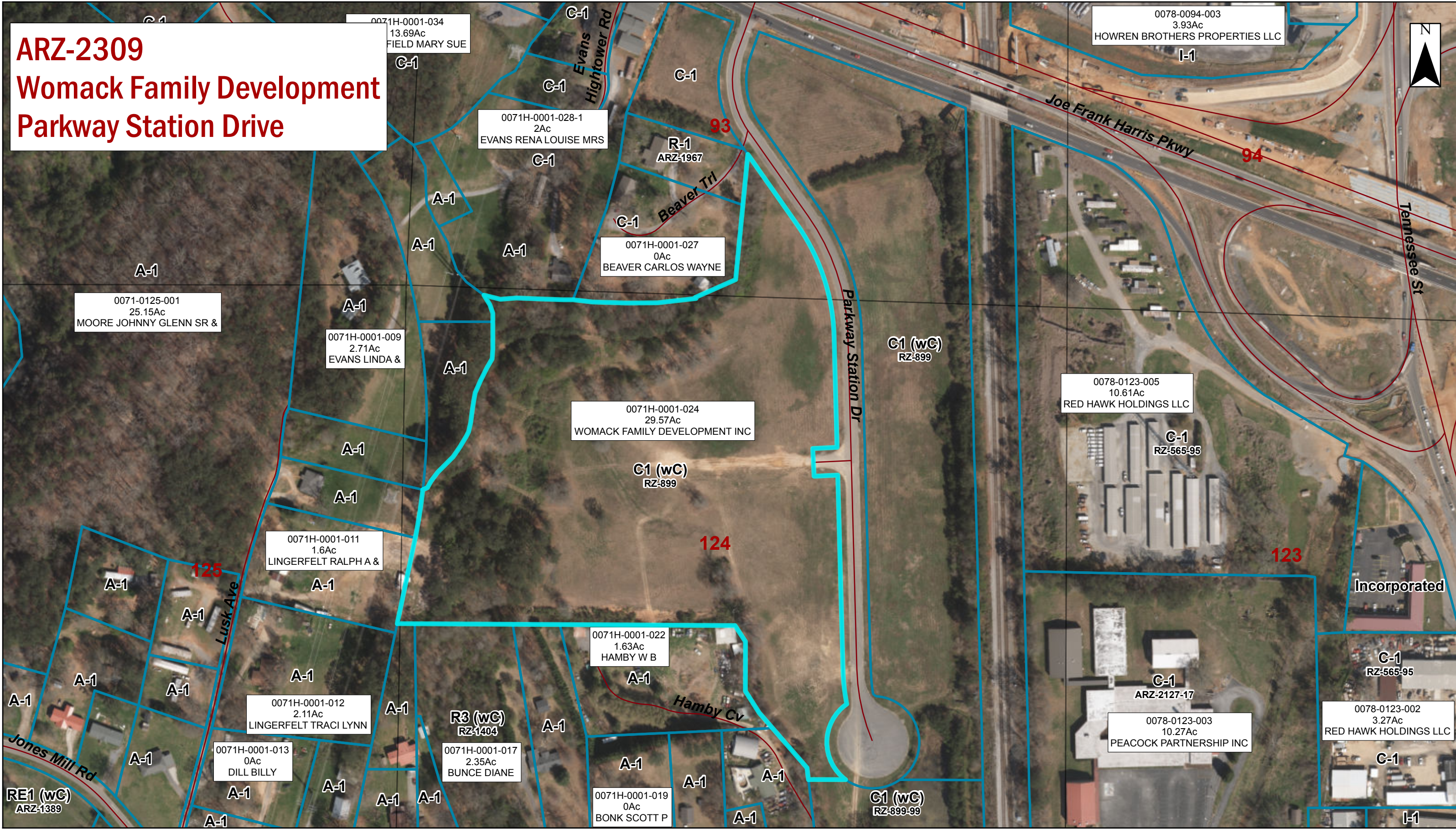
SHEET NO. CP.1

SITE ANALYSIS	
SITE AREA	18.13 ACRES
PROPOSED THROATINGS	22' WIDE X 50' X R. PAVES (FRONT ENTRY)
PROPOSED DRIVEWAY	14.28 UNITS/AC
PROPOSED BUILDING COVERAGE	10%
MINIMUM OPEN SPACE	10%
SETBACK REQUIREMENTS	FRONT BLS (PARKWAY STATION DRIVE)
SIZE BLS	25 FEET
REAR BLS	25 FEET
MINIMUM BUILDING SEPARATION	20 FEET
MAXIMUM BUILDING HEIGHT	50 FEET
PROPOSED OPEN SPACE	11.36

NOTE:
* F. CONCRETE SIDEWALK LOCATED 2' OFF BOC ON BOTH SIDES OF HIGHWAY



ARZ-2309
Womack Family Development
Parkway Station Drive



BARTOW COUNTY

Planning and Zoning
Community Development Dept.