

Legal Ad April 18, 2019

## PUBLIC NOTICE – REZONING

The Bartow County Planning Commission will hold a public meeting on Monday, **May 6, 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 **Brownstone Development Group, LLC** requesting rezoning of the property located at **Highway 20** in Land Lot(s) **47, 4<sup>th</sup>** District, **3<sup>rd</sup>** Section of Bartow County, Georgia from **A-1** (current zoning) to **PUD** (requested zoning). Said property contains **27.24** acres.

The Bartow County Commissioner will hold a final public hearing on the proposed action on Wednesday, **May 8, 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 from the 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 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.

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

**RZ-2293-19**

Please email tear sheet on day of publication  
to Fia McNeil & Ellie Murillo, Bartow County Community  
Development Dept, [McNeilf@bartowga.org](mailto:McNeilf@bartowga.org)  
[murilloe@bartowga.org](mailto:murilloe@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: RZ-2293 Date Submitted: 4/11/19
Fee Amount: \$500 Application & Fee Received By: [Signature]

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:

- 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: BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA

Name of Applicant if different from Property Owner: BROWNSTONE DEVELOPMENT GROUP, LLC
(If applicant different from owner, notarized written permission of owner must be attached hereto.)

Address of Applicant: ATTN: JEFFREY A. WATKINS, P.C., 128 W CHEROKEE AVENUE

City/State/Zip: CARTERSVILLE, GA 30120 Email: JEFF@JEFFWATKINSLAW.COM

Telephone: Home: Work: 770-382-7017

Subject Property Description:

Land Lot(s): 47 District: 4 Section: 3

Frontage (feet): Depth (feet): Area: 27.24 (acres/square feet)

Street Address/ Road Name: 5441 HIGHWAY 20

Tax Property Record Card ID # (obtained from Tax Assessor's Office): 0078-0048-001

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 302, Page 41, in the office of the Clerk of Superior Court, Bartow County.

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

1. 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 Zone  
(current) (proposed)

Reason for requested zoning change: (Be Specific)

To allow for the development of a Planned Unit Development.

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Any prior zoning request on this property? Yes \_\_\_\_\_ No X

If yes: Name of Applicant: \_\_\_\_\_

Application # \_\_\_\_\_

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:
- 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).
  - 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.
  - Submit a copy of recorded covenants or restrictions, if applicable.
  - Submit a copy of the Tax Property Record Card for the parcel from the Tax Assessor's Office. (For office use only.)

- 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 LIST ATTACHED	_____
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.

\_\_\_\_\_  
\_\_\_\_\_

Brownstone Development Group, LLC

**PRINTED Name of Applicant**

Brownstone Development Group LLC

**SIGNATURE of Applicant**

4-4-19 BY: BO BROWN, MANAGER  
Bo Brown, manager

**Date**

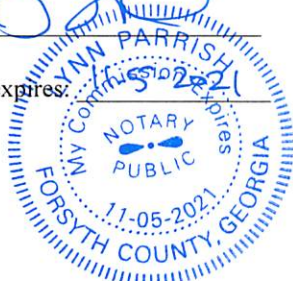
4-4-19

**DATE**

Sworn to and subscribed before me,  
this 4th day of April, 2019.

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



# SECTION IV. OATH AND FEES

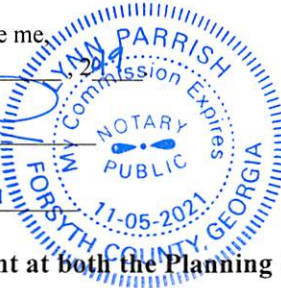
All applicants are to complete the following:

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

Sworn to and subscribed before me  
this 4 day of April

*[Signature]*  
Notary Public

My commission expires: 11-5-2021



Brownstone Development Group, LLC

**PRINTED Name of Applicant**

*Brownstone Development Group, LLC*

**SIGNATURE of Applicant**

*4-4-19* BY: *BO BROWN, MANAGER*

**Date**

4-4-19  
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
<b>Land Use Map Amendment (combined with rezoning)</b>	<b>\$ 100.00 plus rezoning fee</b>
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

**Adjoining property owners: 0078-0048-001**

1. 0078B-0002-001  
Eddie Dowdy  
54 Roving Road  
Cartersville, GA 30120
2. 0078B-0002-002  
Susan Elaine Bennett  
50 Roving Road  
Cartersville, GA 30120
3. 0078B-0002-003  
Jeffrey Ronald Coleman  
650 North Rope Mill Road  
Woodstock, GA 30188-1608
4. 0078B-0002-004  
Paul Moore McMicken  
180 Road No. 3 South  
Cartersville, GA 30120
5. 0078B-0002-005  
36 Roving Road SE  
Cartersville, GA 30120
6. 0078B-0003-020  
Jeffery A. & Lisa C. Crabtree  
PO Box 2000543  
Cartersville, GA 30120-9010
7. 0078B-0003-021  
Connie P. Stringer  
PO Box 200633  
Cartersville, GA 30120
8. C095-0001-015  
Lequitta M. & Ricky F. Watters, Jr.  
19 Roving Road, Cartersville, GA 30120
9. C095-0005-001  
Lex Prospect LLC  
Lex-Tosca LLC  
301 West 57<sup>th</sup> Street  
Suite #26-C  
New York, NY 10019



**Adjoining Property Owners 0078-0048-001**

**Page 2**




- 10. 0078G-0001-014**  
Bartow Marketplace Station LLC  
Walmart Property Tax Department  
Attn: MS 0555  
PO Box 8050  
Bentonville, AR 72716-8050
  
- 11. 0078-0048-001**  
Board of Regents of  
The University of Georgia  
5441 Highway 20  
Cartersville, GA 30121
  
- 12. C095-0006-001**  
Bartow County  
135 West Cherokee Avenue  
Suite 126  
Cartersville, GA 3010



Overview



Legend

-  Parcels
-  Roads
-  City Labels

<b>Parcel ID</b>	0078-0048-001	<b>Alternate ID</b>	19438	<b>Owner Address</b>	BOARD OF REGENTS OF
<b>Sec/Twp/Rng</b>	n/a	<b>Class</b>	Exempt		THE UNIVERSITY OF GEORGIA
<b>Property Address</b>	5441 HWY 20	<b>Acreage</b>	209.23		5441 HWY 20
	Bartow County				CARTERSVILLE GA 30121
<b>District</b>	Bartow County				
<b>Brief Tax Description</b>	LL47 ETAL LD4 S3 GEORGIA HIGHLANDS COLLEGE				
	(Note: Not to be used on legal documents)				

Date created: 3/28/2019  
 Last Data Uploaded: 3/27/2019 9:47:20 PM

Developed by  Schneider  
 GEOSPATIAL



APRIL 8, 2019



Bartow County Zoning Administrator  
Bartow County Zoning Office  
135 West Cherokee Avenue  
Cartersville, GA 30120

**Re: Bartow County Rezoning Application**  
**Applicant: Brownstone Development Group, LLC**  
**Property Owner: Board of Regents of the University of Georgia**  
**Parcel Id: 0078-0048-001**

Please be advised that the Board of Regents of the University of Georgia is currently the owner of the above referenced property, and hereby authorizes and consents to the Applicant filing a Rezoning/Land Use Amendment Application with Bartow County for the property referenced above.


Sincerely,

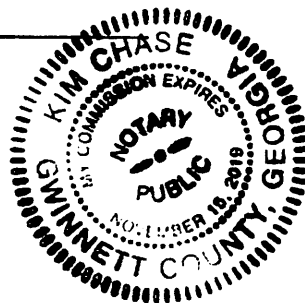
BOARD OF REGENTS OF THE UNIVERSITY  
OF GEORGIA

  
By: Jim James  
Its. Vice Chancellor for Facilities 

Contact: Sandra Lynn Neuse  
Associate Vice Chancellor for Facilities  
404-962-3162

  
Witness

  
Notary



**DEVELOPMENT SUMMARY**

TOTAL AREA: 27.24 ACRES  
 COMMERCIAL: 5.0 ACRES  
 MULTI-FAMILY: 15.79 ACRES  
 SENIOR/STUDENT LIVING: 4.16 ACRES  
 STORM WATER POND: 2.0 ACRES (APPROXIMATE)

THIS PLAN IS INTENDED FOR GENERAL ZONING PURPOSES. THE DEVELOPER & COUNTY RECOGNIZE THAT MINOR MODIFICATIONS TO LAYOUT, LOT PODDING, AND ROAD PLACEMENT MAY BE NECESSARY AS ENGINEERING IS COMPLETED. SAID CHANGES, SO LONG AS THEY MEET THE PUD ORDINANCE, SHALL BE APPROVED AT A PLAN REVIEW LEVEL.

PARKING AND COMMERCIAL LAYOUTS ARE CONCEPTUAL AND LAYOUTS WILL BE DETERMINED DURING CONSTRUCTION DESIGN PHASE.

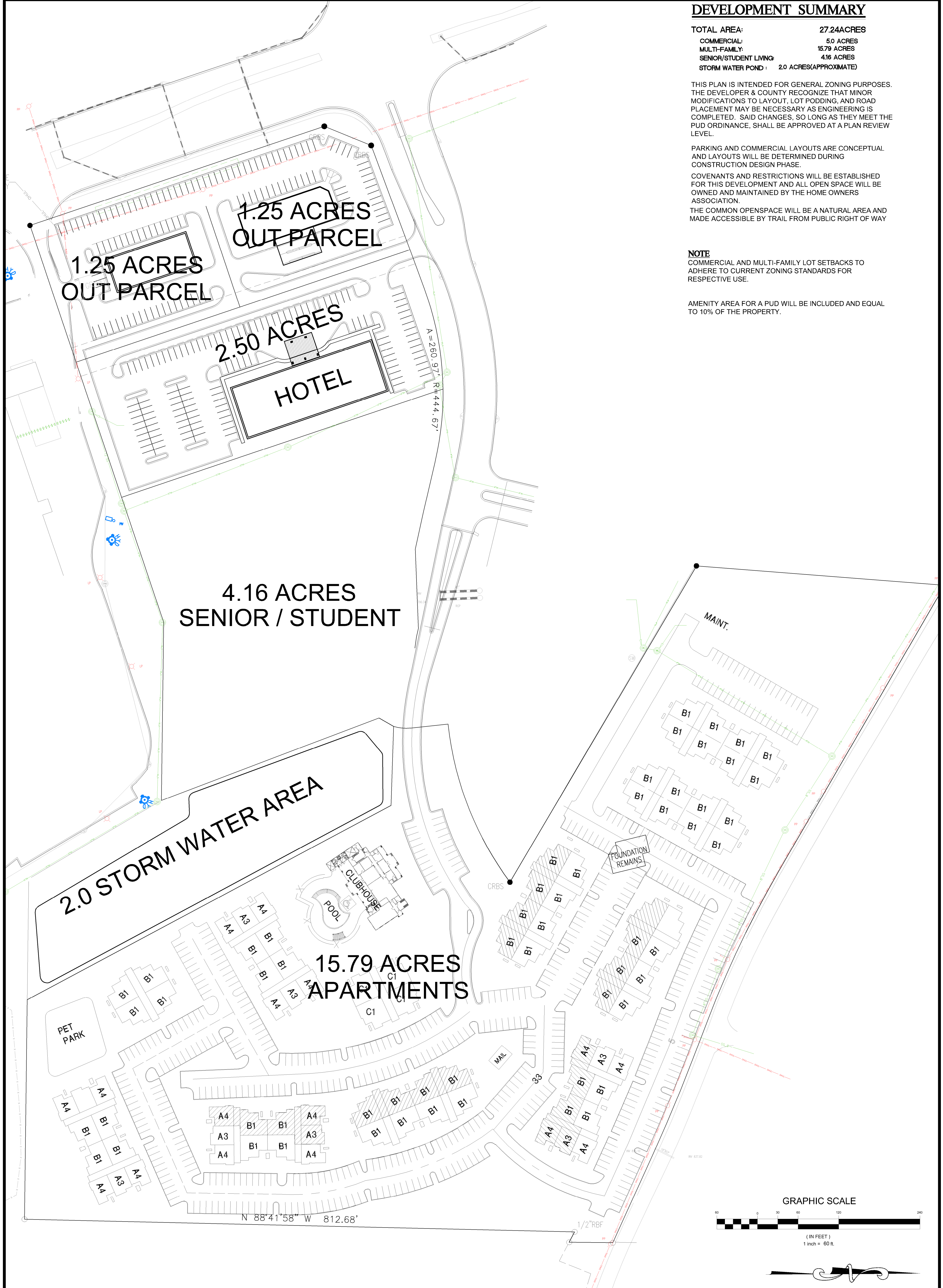
COVENANTS AND RESTRICTIONS WILL BE ESTABLISHED FOR THIS DEVELOPMENT AND ALL OPEN SPACE WILL BE OWNED AND MAINTAINED BY THE HOME OWNERS ASSOCIATION.

THE COMMON OPENSACE WILL BE A NATURAL AREA AND MADE ACCESSIBLE BY TRAIL FROM PUBLIC RIGHT OF WAY

**NOTE**

COMMERCIAL AND MULTI-FAMILY LOT SETBACKS TO ADHERE TO CURRENT ZONING STANDARDS FOR RESPECTIVE USE.

AMENITY AREA FOR A PUD WILL BE INCLUDED AND EQUAL TO 10% OF THE PROPERTY.



**PUD ZONING PLAN**  
 SHEET NO.: PUD-1  
 SHEET TITLE: PUD ZONING PLAN

**BROWN HWY PUD**  
 LOCATED IN LAND LOTS 47,97&98  
 4TH DISTRICT, 3RD SECTION  
 BARTOW COUNTY, GEORGIA

**SOUTHLAND ENGINEERING**  
 CIVIL ENGINEERS - LAND SURVEYORS - LAND PLANNERS  
 114 OLD MILL ROAD., CARTERSVILLE, GA 30120 PH: 770.387.0440 FAX: 770.607.5151

REVISIONS:	
DATE	DESCRIPTION
04/11/19	
1	
2	
3	
4	
5	
6	

PROJECT NO.: 19045  
 DATE: 04/11/19