

INFORMATION SHEET FOR REZONING REQUESTS

APPLICATION # 212-04

DATE OF READING 9-18-12

REZONE FROM General Commercial TO Heavy Industrial

PROPERTY OWNER: GAS Incorporated

LOCATION OF PROPERTY: 11167 Fairmount Hwy SE
Fairmount

DESCRIPTION OF PROPERTY:

1.0 ACRES

**THIS REQUEST COMES TO THE BOARD OF COMMISSIONERS
FROM THE PLANNING COMMISSION WITH THEIR
RECOMMENDATION FOR:**

1. Approval

2. _____

STIPULATIONS: _____

REZONING APPLICATION #Z12-04, INEZ D. OWENS

Chairman Talley read rezoning application #Z12-04, Inez D. Owens requesting to rezone 1 acre located at 11167 Fairmount Hwy., S.E., Fairmount, GA from C-G to I-2. Todd Bohn, with Gas Incorporated, represented the request explaining his company Gas Incorporated would like to lease this property from Ms. Owens to place a 30,000 gallon storage facility for liquefied petroleum gas (LPG). Mr. Bohn stated that they had to comply with all state regulations to proceed even after the rezoning is acquired. The traffic at the site would include 1 bobtail truck and 1 service truck, and then transport trucks would deliver 1-2 times per week. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z12-04 be approved.

Ricky Smith made the motion to approve the rezoning from C-G to I-2. Brad Rains seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

ADDITIONAL BUSINESS

There being no additional business, Randy Rule made the motion to adjourn. Brad Rains seconded the motion. All voted aye. The meeting was adjourned at 6:45 p.m.

Zelda Gregg, Secretary

Brant Talley, Chairman
Brad Rains, Vice-Chairman

**Planning Staff Report
to the
Gordon County Planning Commission**

Rezoning Proposal

Date of Report: August 27, 2012

Application # Z12-04

Applicant and Property Owner: Gas Incorporated / Owner: Inez D. Owens

Location of Property: 11167 Fairmount Hwy SE, Fairmount

Property Frontage: 231.98 Feet

Tract Size: 1.00 acre

Proposed Action: Rezone from C-G (General Commercial) to I-2 (Heavy Industrial)

Reason for Proposed Action: To place a 30,000 gallon storage facility for liquefied petroleum gas (LPG). The rezoning would allow Gas Incorporated to transfer LPG into a LPG tractor trailer. The property is currently zoned C-G and is being used for Owens Mini-Storall, they will be leasing the property to Gas Incorporated. Due to the nature of the proposed use, it is classified as an "industrial use with nuisance feature." As described in Section 4.03.26 of the ULDC, Nuisance features include odor, noise, vibration or the use of hazardous materials. Adjoining property is all family owned. Atlanta Gas Light Co. and Amerigas Propane are in the vicinity.

Future Development Map Classification: Rural/Agricultural Reserve

Departmental Reviews

It shall be understood that the following Departmental Review requirements, if any, shall be satisfied by the Applicant in addition to all standard County zoning, building, and development codes prior to the issuance of any land disturbance permit, building permit and/or certificate of occupancy, as deemed applicable by the County building official relating to the subject proposal if said proposal is approved by the Gordon County governing authority.

- **Environmental Health Services:** Nothing needed from EHS.
- **Fire Department:** Gas Inc. must provide a Mueller 250 #A-423 3-way Fire Hydrant w/5 1/4 minimum barrel inside diameter w/2-2 1/2 nst outlets, and 1 - 4 1/2" pumper connection. The location has been discussed w/Todd Bohn of Gas Inc.
- **Gordon County School System:** N/A
- **Road Department or Georgia of Transportation:** Will have to comply w/ D.O.T. regulations.
- **Water & Sewer (City of Calhoun):** This area is served by an 8" water line. No city sewer in this area.
- **Zoning Division:** *A Notice of Public Hearing has been properly advertised in the local newspaper, zoning application fees have been paid and Applicant has been advised to post a Notice of Pubic Hearing on the subject property.*

Planning Staff Findings & Recommendations

The following standards from Section 10.03.0212.6 of the Gordon County Unified Land Development Code (ULDC), in addition to the Departmental Reviews above, have been considered in the findings and recommendations of the planning staff:

1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The proposed zoning is inconsistent with the surrounding properties which include Agricultural and low-intensity single-family residences

2. Whether the proposed zoning will adversely affect the existing use or usability of adjacent or nearby property.

The proposed zoning may adversely affect the existing use or usability of adjacent or nearby property due to the potential for "industrial uses with nuisance features."

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject property is currently being used as a Mini-storall business and has the potential to accommodate uses that are permitted under C-G zoning.

4. Whether the proposed zoning 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 is not anticipated to cause an excessive or burdensome use of existing public infrastructure or facilities.

5. Whether the zoning proposal is in conformity with the policy and intent of the Future Development Map and Comprehensive Plan.

The subject property is classified as Rural/Agricultural on the Gordon County Future Development Map. This classification supports predominantly rural, undeveloped land that is suited for agricultural and large-lot residential uses.

6. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproved of the zoning proposal.

The subject property is currently zoned and developed for non-residential uses that are predominantly residential and rural in nature; however, the proposed rezoning would permit higher intensity. There are no houses in a close proximity.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z12-04 be recommended for approval.

This report is a part of the official record of the subject application

294

Gordon County Georgia
Real Estate Transfer Tax
Paid \$ 224.00
Date 3-31-99
Lewis Couch
Lewis Couch, Clerk of Superior Court

FILED & RECORDED
TIME 12:55pm
DATE 3-31-99
BOOK 604 PAGE 294
LEWIS COUCH
GORDON COUNTY, GA
I99-3380

STATE OF GEORGIA
COUNTY OF GORDON

WARRANTY DEED

THIS INDENTURE, made this 31 day of March in the year of

our Lord One Thousand Nine Hundred and Ninety Nine, between

JOHNNY F. OWENS and CATHY C. OWENS

as Grantor, and

INEZ OWENS

the Grantee.

In this deed, where the context so requires, the masculine gender includes feminine and/or neuter and the singular number includes the plural. Wherever herein a verb, pronoun or other part of speech is used in the singular, and there be more than one Grantor or Grantee, said singular part of speech shall be read as the plural, and each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein. Wherever herein Grantor or Grantee is used, the same shall be considered to mean as well, the heirs, executors, administrators, successors, representatives and assigns of the same.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt of which is acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the GRANTEE, the following described property:

All that tract or parcel of land lying and being in the 23rd District and 2nd Section of Gordon County, Georgia, and being a part of Land Lot No. 74, and being more particularly described as Parcel No. 50, of Deerfield Estates Inc. according to plats prepared for Deerfield Estates Inc. by Freeman and Lambert, registered Georgia Surveyors, dated November 20, 1979, and recorded in the office of the Clerk of the Superior Court, Gordon County, Georgia, in Plat Book No. 11, Pages 120, and 121, to which plats and records thereof, reference is hereby made for a full and complete description of the lands herein conveyed as to metes and bounds.

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said GRANTEE, his heirs and assigns, forever, in Fee Simple..

AND THE SAID GRANTOR, for himself, his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said GRANTEE, his heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set his hand and seal, the day and year first above written.

Signed, sealed and delivered
in the presence of:

Carla O'Kelley
WITNESS

Johnny F. Owens (SEAL)
JOHNNY F. OWENS

Cathy C. Owens (SEAL)
CATHY C. OWENS

W.P. Bailey
NOTARY PUBLIC
MY COMM. EXPIRES: 7/23/99

N. P. SEAL AFFIXED

Return To:
William P. Bailey
Attorney at Law
P.O. Box 1089
Calhoun, Ga 30703-1089

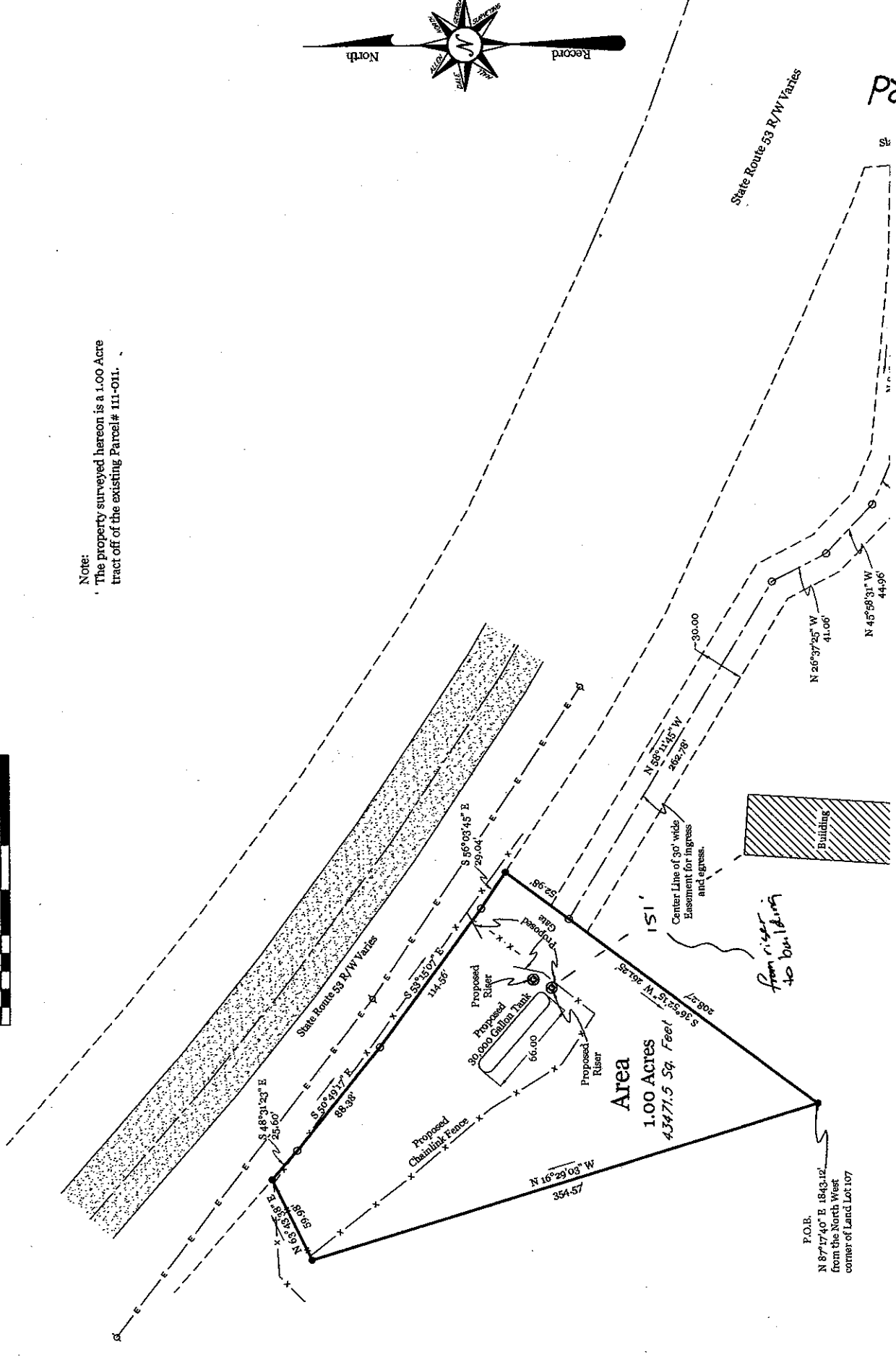
FILED & RECORDED 3-31-99 LEWIS COUCH, GSC.

Note:
The property surveyed hereon is a 1.00 Acre tract off of the existing Parcel# 111-011.



State Route 53 R/W Parties

State Mine Rd



CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z12-04
APPLICATION NAME: Gas Inc.
TYPE OF ZONING: CG to I2
DATE: 8/27/2012
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 8" water line running along Hwy. 53.

SEWER COMMENTS:

No City sewer service in this area.

THE INFORMATION IN THIS REPORT WAS OBTAINED USING MAPS AND RECORDS THAT MAY NOT BE ENTIRELY ACCURATE. THIS INFORMATION CANNOT BE CONSIDERED ACCURATE UNTIL A FEILD SURVEY HAS BEEN COMPLETED.

4-144Z

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 212-04 Owens C-G to I-2
Date: 8/14/12
Reviewed by: Christy Blair

Environmental Health

Comments, recommendations, or any condition of approval to serve proposed rezoning or variance with Environmental Health:

Nothing needed from EHS.

DEPARTMENTAL REVIEW -- FIRE DEPARTMENT

Application # 212-04 OWENS C-G to I-2

Date: 8/14/12

Reviewed by: JOEY JORDAN

FIRE DEPARTMENT

Comments, recommendation, or any condition of approval to serve proposed rezoning or variance with Fire Department services:

GAS INC. MUST PROVIDE A MUELLER 250 #A-923
3-WAY FIRE HYD. W/ 5 1/4" MIN. BARREL ^{INSIDE} DIAMETER
W/ 2 - 2 1/2" NST OUTLETS, AND 1 - 4 1/2" PUMPER CONNECTION.
THE LOCATION HAS BEEN DISCUSSED W/ TODD BOHN OF
GAS INC.

Joey Jordan
8/14/12