

INFORMATION SHEET FOR REZONING REQUESTS

Application # 213-01 DATE OF READING 7-16-13

REZONE FROM A-1 TO RA-1

PROPERTY OWNER BRIAN BAXTER

LOCATION OF PROPERTY 522 Cook Rd.

RESACA

DESCRIPTION OF PROPERTY  
2 ACRES

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

1. APPROVAL

STIPULATIONS:  
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\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_

**Cover Sheet  
Proposal for Land Use Action**

Application Number: 213-0 / Present Zoning: A-1 Proposed Zoning: RA-1

Date of Planning Commission Meeting: July 8, 2013

Date of Board of Commissioners' Meeting: July 16, 2013

Applicant: Brian Baxter

Property Owner: (if different from applicant) \_\_\_\_\_

Property Address: 522 Cook Rd, Resaca

Said Property having a frontage of 213.00 feet and containing 2.00 acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: A-1 - Agricultural

Proposed Action: Rezone property to RA-1  
(Residential Agricultural).

Reason for Proposed Action: Would like to build a house,  
subdivided property from a larger tract.

Directions to Property: Hwy 75N - Exit 320 - Turn  
left and go 1/2 mile. Turn left onto  
Cook Rd @ 700 feet on right.

**GORDON COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
July 8, 2013**

The Gordon County Planning Commission held a Public Hearing on Monday, July 8, 2013 at 6:00 p.m. in the Conference Room of the Gordon County Administration Building for the purpose of hearing variance and zoning change requests. Members present were:

Brad Rains	Jerry Lovelace
Ron Free	Butch Layson

Chairman Rains called the meeting to order and advised all present of the sign-up sheets available for those who wish to address the Planning Commission on any of the zoning or variance change applications.

**APPROVAL OF MINUTES**

A motion was made by Butch Layson to approve the minutes of the previous meeting of June 10, 2013. Ron Free seconded the motion. All voted aye. The minutes were approved as written.

**VARIANCE APPLICATION #V13-04, SHAW INDUSTRIES**  
**(Applicant: Steve Taylor)**

Chairman Rains read variance application #V13-04, Shaw Industries requesting a variance on 86.37 acres located at 843 Union Grove Rd., Calhoun, GA to change the type of business sign and to increase the square footage area and the height. William McDaniel, Engineering Manager for the Shaw Distribution Division represented the request explaining that a monument sign will not provide enough visibility for name recognition when construction of the ramps off I-75 is completed and also Shaw cannot be recognized traveling east on Union Grove Road. They would like a variance to construct a free standing sign sized 162 square feet, 112 square feet from the maximum size allowed and the sign to be 50 feet in height, 35 feet from the maximum height allowed. A lighted sign would provide location of building at night and name recognition in the day. Steve Taylor with Southern Advertising joined Mr. McDaniel explaining the material the sign would be constructed with. as he has constructed numerous signs for Shaw Industries. Chairman Rains added that since Shaw Industries was his employer he would not be voting on this variance, but would continue the flow of the meeting. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V13-04 be denied as requested, because it is not a hardship and it might begin to set precedence for other signage in Gordon County.

Butch Layson ask the applicant why they were asking for such a large size, as this is much larger than what is allowed on other State Highways. Mr. McDaniel responded that upper management thought that the building might not be visible from I-75 and therefore instructed him to make it happen. Ron Free stated he too agreed with the concern of setting precedence with other industries for a sign of that size. He recommended approving a sign of 30 feet in height and 100 square feet in size, which is doubling the ULDC code on State Routes. Mr. Free put his recommendation on the table as a motion on Application #V13-04 to allow construction of a sign for 30 feet in height and 100 square feet in size. Butch Layson seconded the motion. The vote was 3-0 to approve as recommended. The thirty- (30) day appeal period was explained.

**REZONING APPLICATIONS #Z13-01 & Z13-02, BRIAN & COREY BAXTER**

Chairman Rains read rezoning applications #Z13-01 and #Z13-02, Brian and Corey Baxter requesting to rezone two 2 acre tracts located at 522 and 536 Cook Road, Resaca, GA from A-1 to RA-1. The applicants stated that they wanted to rezone the 2 properties for the bank for appraisal purposes as a step to get through the loan, to get a better appraisal on the houses they were going to build for the farm. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning requests identified as Application #Z13-01 and #Z13-02 be approved to rezone both properties from A-1 to RA-1.

Jerry Lovelace made the motion to approve both the rezoning requests identified as Application #Z13-01 and #Z13-02 from A-1 to RA-1. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**ADDITIONAL BUSINESS**

Chairman Rains welcomed new Planning Commission Member, Jerry Lovelace. There being no additional business, Ron Free made the motion to adjourn. Butch Layson seconded the motion. All voted aye. The meeting was adjourned at 6:30 p.m.

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Zelda Gregg, Secretary

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Brad Rains, Chairman  
Ron Free, Vice-Chairman

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

**Rezoning Proposal**

**Date of Report:** June, 24 2013

**Application #** Z13-01

**Applicant and Property Owner:** Brian Baxter

**Location of Property:** 522 Cook Rd. NE, Resaca

**Property Frontage:** 264.14 Feet

**Tract Size:** 2.00 acre

**Proposed Action:** Rezone from A-1 (Agricultural) to RA-1 (Residential Agricultural)

**Reason for Proposed Action:** Applicant desires to rezone this (2) acre tract of land in order to build a house, property has been subdivided from a 22.56 acre tract leaving 20.56 acres.

**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:*** Mr. Baxter has spoken to me about 2 houses. This tract should be ok for one SFR and septic system. No site visit has been made, no permit has been issued.
- ***Fire Department:*** OK
- ***Gordon County School System:*** N/A
- ***Road Department or Georgia of Transportation:*** The subdividing of this property change R/W, therefore requiring: 1) A new plat is needed for review and approval. The R/W change could affect setback requirements. 2) Driveway permits are required prior to construction permanent driveway.
- ***Water & Sewer (City of Calhoun):*** No city water to this property at this time. 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, which requires a two acre minimum lot size, is consistent with nearby land uses. Surrounding properties include low-density residential uses on A-1 zoned properties that are generally less than five acres in size.

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

The proposed zoning is not anticipated to adversely affect the existing use or usability of adjacent or nearby property.

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

The subject property cannot be further developed as currently zoned because it is less than the minimum required five acre lot size for A-1 zoned properties.

***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. The proposed zoning district is intended to preserve the mixed agricultural and residential character of land and is consistent with the Future Map and Comprehensive Plan.

***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 primary issue is the Applicant's need to comply with the Road Department's requirements (see "Departmental Reviews") should the rezoning request be approved.

**Planning Staff's Recommendation:**

The rezoning request identified as Application #Z13-01 be recommended for approval.

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

Please return to:  
Thomas E. Shanahan  
112 Court Street  
Calhoun, GA 30701

FILED  
Clerk Superior Ct., Gordon County

JUN - 6 2013

Grant Walraven  
Clerk

QUIT-CLAIM DEED

STATE OF GEORGIA  
COUNTY OF GORDON

THIS INDENTURE, made this 5<sup>th</sup> day of **June** in the year of our Lord Two Thousand Thirteen (2013) between **CASEY BAXTER**, of the County of Gordon and State of Georgia, as party or parties of the first part, hereinafter called "Grantor", and **BRIAN BAXTER FARMS, INC.**, a **Georgia Business Corporation**, of the County of Gordon and State of Georgia, 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 ONE DOLLAR (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever QUITCLAIM unto the said Grantee

All that tract or parcel of land lying and being in Land Lot No. 44 of the 14<sup>th</sup> District and 3<sup>rd</sup> Section of Gordon County, Georgia, and being more particularly described as Tract No. 1 containing 2.00 acres, said tract being shown and described according to a plat of survey entitled "Survey for: Casey Baxter" prepared by H. Gregory Massey, GRLS No. 2760, of Massey Surveying, Inc., Calhoun, Georgia, dated June 3, 2013, a copy of said plat being recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia, in Plat Book 51, at page 50, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed.

SUBJECT TO AN EASEMENT for installation and maintenance of a septic drain field, 30 feet wide by 220 feet long, for the benefit of adjacent property as shown and described by the afore mentioned plat of survey.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered  
in the presence of:

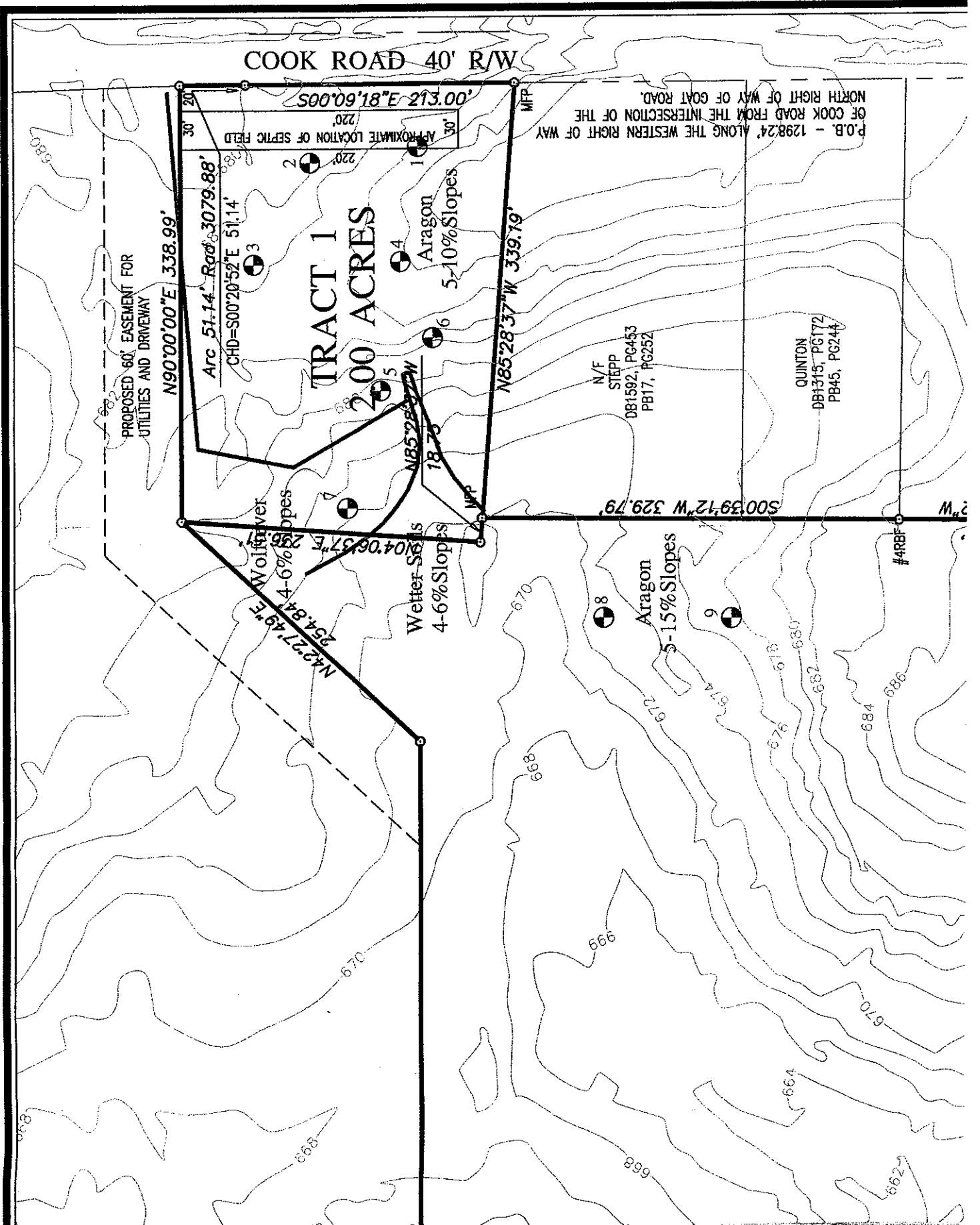
Connie Baxter  
Unofficial Witness

Casey Baxter (SEAL)  
CASEY BAXTER

Sarah Pickles  
N.P., Gordon County, GA  
My Comm. Exp. 03-08-2015

N.P. SEAL AFFIXED

522





**DEPARTMENT REVIEW – ENVIRONMENTAL HEALTH**

Application # Z13-01 Baxter A-1 to RA-1

Date: 6/11/13

Reviewed by: Christy Blair

**Environmental Health**

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

Mr Baxter has spoken to me about 2 houses. This tract should be ok for one SFR and septic system. No site visit has been made, no permit has been issued.

**DEPARTMENTAL REVIEW - FIRE DEPARTMENT**

Application # Z13-01 Baxter A-1 to RA-1

Date: 6/11/13

Reviewed by: Jay Jordan

**FIRE DEPARTMENT**

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

O.K.  
Ⓢ 6/20/13

**DEPARTMENTAL REVIEW - ROAD DEPARTMENT**Application # Z13-01 Baxter A-1 to RA-1Date: 6/11/13Reviewed by: BARRY HICE**ROAD DEPARTMENT**

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

THE SUBDIVIDING OF THIS PROPERTY  
CHANGES R/W, THEREFORE REQUIRING:

- 1.) A NEW PLAT IS NEEDED FOR REVIEW  
AND APPROVAL. THE R/W CHANGE  
COULD AFFECT SETBACK REQUIREMENTS
- 2.) DRIVEWAY PERMITS ARE REQUIRED PRIOR  
TO CONSTRUCTING PERMINANT DRIVEWAY

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z13-01 & 02  
APPLICATION NAME: BAXTER  
TYPE OF ZONING: A-1 TO RA-1  
DATE: 6/21/2013  
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

NO CITY WATER SERVICE TO THIS PROPERTY AT THIS TIME.

SEWER COMMENTS:

NO CITY SEWER TO 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.