

INFORMATION SHEET FOR REZONING REQUESTS

Application # 216-14 DATE OF READING 11-1-16

REZONE FROM A-1 TO I-2

PROPERTY OWNER CON-ONAHA FARMS

LOCATION OF PROPERTY 3538 US Hwy 41 S.

Callhoun

DESCRIPTION OF PROPERTY

31.7 ACRES

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

- Approval

STIPULATIONS:

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

**GORDON COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
AUGUST 8, 2016**

The Gordon County Planning Commission held a Public Hearing on Monday, August 8, 2016 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:

|                |                |
|----------------|----------------|
| Randy Rule     | Eddie Smith    |
| Butch Layson   | Nathan Serritt |
| Jerry Lovelace |                |

Randy Rule 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 Jerry Lovelace to approve the minutes of the previous meeting of July 11, 2016. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

**REZONING APPLICATION #Z16-14, CON-ONLAULA FARMS  
(Applicant: OWR, LLC)**

Chairman Rule read rezoning application #Z16-14, Con-onaula Farms, requesting to rezone 31.70 acres located at 3538 US Hwy. 41 South, Calhoun from A-1 to I-2. Terry Brumlow, a local attorney represented the request, explaining that OWR, LLC will buy these 31.70 acres if the rezoning is received from Con-onaula Farms to join the 25 acres that was previously rezoned in June to I-2 to build a very large food production facility at this site. Mr. Brumlow added that this would be a big boon for Gordon County. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z16-14 be approved.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z16-14 from A-1 to I-2. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**Cover Sheet  
Proposal for Land Use Action**

Application Number: Z16-14 Present Zoning: A-1 Proposed Zoning: I-2

Date of Planning Commission Meeting: 8/8/2016

Date of Board of Commissioners' Meeting: 8/16/2016

Applicant: OWR, LLC

Property Owner: *(if different from applicant)* CON-ONAULA FARMS, L.L.L.P.

Property Address: 3538 US HWIGHWAY 41 SOUTH, CALHOUN, GA 30701

Said Property having a frontage of Approx 800 feet and containing 31.7 acres.

Future Development Map Classification: Industrial

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDING

Reason for Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDING

Directions to Property: PROCEED SOUTH ON US HIGHWAY 41 TOWARDS ADAIRSVILLE  
AND PROPERTY IS LOCATED ON THE LEFT APPROXIMATELY 4.3 MILES SOUTH OF  
THE INTERSECTION OF HIGHWAY 53 and HIGHWAY 41. PROPERTY SITUATED ON  
EAST SIDE OF HIGHWAY 41 JUST SOUTH OF THE INTERSECTION OF TAYLOR BRIDGE  
ROAD AND HIGHWAY 41.

**Planning Staff Report  
To the  
Gordon County Planning Commission  
  
Rezoning Proposal**

**Date of Report:** July 8, 2016

**Application #** Z16-14

**Applicant and Property Owner:** OWR, LLC: applicant/ Con-onaula Farms, L.L.L.P.: owner

**Location of Property:** 3538 US Hwy 41 South, Calhoun, GA 30701

**Property Frontage:** 800.00 Feet                      **Tract Size:** 31.7 acres

**Proposed Action:** Rezone from A-1, (Agricultural District) to I-2, (Heavy-Industrial).

**Reason for Proposed Action:** Subdivide property to rezone to build industrial building.

**Future Development Map Classification:** Industrial

**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:*** If industrial building is not on city sewer, have them get with me before construction.
- \* ***Building Department:*** N/A
- \* ***Fire Department:*** Submit a full set of plans for building to our office.
- \* ***Gordon County School System:*** N/A
- \* ***Road Department or Georgia Dept. of Transportation:*** If they want a drive on SR3/US41 it would need to be submitted to GDOT for review and depending on the amount of traffic generated we could require improvements to the roadway such as a left and right turn lane(s).
- \* ***Water & Sewer (City of Calhoun):*** This property is served by a 12" water line. No city sewer service 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 Public 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.***

Subject property is surrounded by agricultural zoned properties but is in close proximity to the LG Chem Plant. The property is suitable for accommodating new industry with the rail service along the western edge, I-75 on the eastern boundary and the nearby Tom B. David Airport.

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

The proposed zoning will not adversely affect the existing use of usability of adjacent or nearby properties.

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

The subject property exceeds the minimum lot size requirements for A-1 zoning and has the potential to be developed accordingly.

***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 may generate additional vehicular traffic and may impede traffic flow.

***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 Industrial on the Gordon County Future Development Map. This classification supports land uses intended for Light Industrial and Heavy Industrial. The proposed zoning is consistent with the Future Development Map.

***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 proposed zoning is important to the economic health of the County with attracting new industry also, within proximity to residential growth areas which is compatible with our Future Land Development Map, to provide opportunities for workforce housing.

### **Planning Staff's Recommendation:**

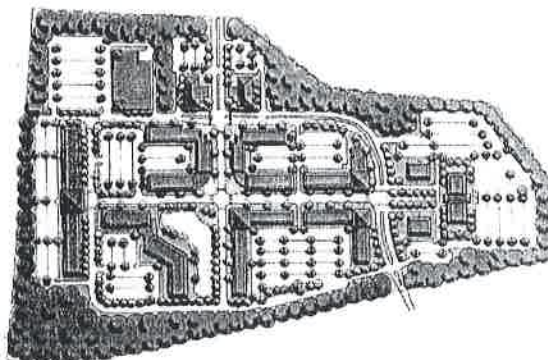
The rezoning request identified as Application #Z16-14 is recommended for approval.

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

## 9. Emerging Mixed Use Center – Regional Activity (con't.)

### Development Pattern (con't.)

- Depict clear physical boundaries and transitions between the edge of the character area and the surrounding low-density, rural areas
- Incorporate landscaping of commercial sites/parking lots
- Discourage strip development
- Reflect a campus or unified development
- Require shared driveways and inter-parcel access
- Clearly define road edges by locating buildings at roadside with parking to the rear
- Limit truck traffic by prohibiting warehousing or other operations requiring heavy truck use
- Prohibit new billboards
- Encourage compatible architecture styles that maintain the regional character
- Encourage parking lots to incorporate on-site stormwater mitigation or retention features, such as pervious pavements



*A mixed-use center on a regional scale: commercial/office, industrial, and high-density residential are compatible uses, and buildings are oriented toward an internal network of streets*

### Primary Land Uses

- Office, retail, and other typical commercial uses
- Higher density residential uses (including townhomes and condominiums)
- Light industry
- Educational institutions

### Quality Community Objectives

- Housing Choices
- Employment Options
- Appropriate Businesses

### Implementation Strategies

- Adopt a Landscape and Buffer Ordinance
- Amend Development Regulations to promote the desired development pattern (e.g. requiring sidewalks and interparcel access)
- Coordinate with the City of Calhoun to provide water and sewer service

## \* 10. Industrial

The Industrial character area is intended to accommodate low and high intensity industry in locations that have interstate and rail access. A location that is identified as suitable for accommodating new industry and creating jobs is located south of Calhoun. Rail service runs along on the western edge of the character area, I-75 forms its eastern boundary, and the nearby Tom B. David Airport has ample capacity. Proximity to residential growth areas, including the Emerging Suburban character area in the southwest portion of the County, and the Emerging Mixed Use Center – Regional Activity to the east provides opportunities for workforce housing. While attracting new industry is important to the economic health of the County, the intent of the Industrial character area is to balance growth with environmental considerations.



## 10. Industrial (con't.)

### **Development Pattern**

The development pattern should seek to:

- Provide diverse industries
- Protect air and water quality
- Prevent adverse impacts to natural resources and surrounding population
- Address traffic impacts and circulation in site design
- Provide adequate buffers
- Limit visibility of industrial operations/parking from the interstate
- Limit grading and clearing

### **Primary Land Uses**

- Light industrial
- Heavy industrial

### **Quality Community Objectives**

- Employment Options
- Appropriate Businesses
- Regional Cooperation

### **Implementation Strategies**

- Adopt design/development standards for industrial sites
- Coordinate with the City of Calhoun and the City of Fairmount to provide water and sewer service
- Create a "development impact matrix" to determine potential impacts of specific industries on the environment and infrastructure



*Proximity to I-75 makes southern Gordon County an attractive location for industries such as the new LG Chem Plant, shown here*  
Source: Google Earth

## 11. South Calhoun Bypass

The South Calhoun Bypass character area reflects the proposed alignment of the four-lane limited access bypass that is planned south of Calhoun. In addition to helping route truck traffic around downtown Calhoun, it has the potential to accommodate additional industrial opportunities in the southern portion of the County. This segment of the Calhoun Bypass, which also includes a western and eastern portion, is approximately 6.8 miles in length and connects SR 53 West to SR 53 East. Construction of an interstate interchange at Union Grove Road is a key element of the project.

### **Development Pattern**

The development pattern should seek to:

- Take the form of corridor development, with clear physical boundaries and transitions between the edge of the character area and surrounding residential areas
- Accommodate diverse industries
- Protect air and water quality
- Prevent adverse impacts to natural resources and surrounding population
- Address traffic impacts and circulation in site design
- Provide adequate vegetative buffers along the corridor



TAX PARCEL: 048 001  
 DANIEL & MARIANA TOSCANI  
 DEED BOOK 711, PAGE 467-468

TAX PARCEL: 048 002  
 DANIEL & MARIANA TOSCANI, LLP



SURVEY FOR:  
**OWR, LLC**  
 LOCATED IN LAND LOT 175  
 15th DISTRICT, 3rd SECTION  
 GORDON COUNTY, GEORGIA

OSRS - CAPTIV 1/2" BEAMS SET WITH A  
 CHANGE OF BEARING - MASSEY CALCULATED  
 PLACED AT ALL CORNERS UNLESS NOTED OTHERWISE

| SYMBOL | LEGEND                  |
|--------|-------------------------|
| —      | POWER POLE              |
| —      | ROOT OF WAY             |
| —      | PROPERTY LINE           |
| —      | CENTER LINE             |
| —      | LAND LOT                |
| —      | LAND LOT LINE           |
| —      | DRAINAGE EASEMENT       |
| —      | SEWER EASEMENT          |
| —      | LINE INDIANT            |
| —      | DOUBLE WHIP CATCH BASIN |
| —      | SINGLE WHIP CATCH BASIN |
| —      | DEEP INLET              |
| —      | JUNCTION BOX            |

**PRELIMINARY**

SEARCH WAS CONDUCTED IN CONFORMANCE WITH THE STANDARD PROCEDURES FOR  
 PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 88-7 OF THE RULES  
 OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND  
 SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A., 15-4-57.

**MASSEY SURVEYING**  
 INCORPORATED  
 Cathoon, Georgia 30703  
 P.O. Box 2821  
 Phone: 706-628-0045  
 LSP001004  
 PROFESSIONAL LAND SURVEYING SERVICES



- GENERAL NOTES:**
1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE ANGLE OF 1/2\"/>



Recorded 11/12/2009 2:35  
Doc: QCD Rcpt#: 276854  
TRANSFER TAX ID: 064001598  
Brian Brannon, C.S.C.  
GORDON County, Ga  
DEED Bk: 1623 Pgs: 92-93

STATE OF GEORGIA

COUNTY OF Gordon

### QUITCLAIM DEED

A. Kel Long, III  
A. KEL LONG, III, P.C.  
3060 Peachtree Road, Suite 1725  
Atlanta, Georgia 30305  
TITLE NOT EXAMINED

THIS INDENTURE is made this 2nd day of August, 2009, between **GUS G. MOORE** (herein referred to as "Grantor"), and **CON-ONAU LA FARMS, L.L.L.P.**, a Georgia limited liability limited partnership (herein referred to as "Grantee").

#### WITNESSETH:

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, cash in hand paid by Grantee to Grantor, the receipt of which is hereby acknowledged by Grantor, has bargained, sold and does by these presents bargain, sell, remise, release and forever quitclaim to Grantee, its successors and assigns, all the right, title, interest, claim or demand which Grantor has or may have had in and to ALL THAT TRACT or parcel of land lying and being in **Gordon County**, Georgia, more particularly described as follows (the "Property").

ALL that tract or parcel of land lying and being in Land Lots 174 and 175, in the 15<sup>th</sup> District and 3<sup>rd</sup> Section of Gordon County, Georgia, being more particularly described as follows:

BEGINNING at the northeast corner of said Land Lot No. 174; running thence South 1° 25' West, along the eastern boundary line of said Land Lot No. 174, a distance of

✓

2177 feet, to the point where the northern side of the Owen Road intersects the said eastern boundary line; running thence South 37° 35' West, along the north side of said Owen Road 150 feet; running thence South 74° 55' West, along the north side of the Owen Road 1145 feet; running thence South 89° 58' West, along the north side of the Owen Road 979 feet to the east side of U.S. Highway No. 41, also known as Georgia Highway No. 3; running thence North 9° 35' West, along the east side of said Highway No. 41, a distance of 1744 feet; running thence North 0° 35' East, along the east side of said Highway No. 41 a distance of 1148 feet; running thence North 6° 35' East along the east side of said Highway No. 41, a distance of 1262 feet; running thence South 76° 10' East 1200 feet; running thence South 19° 10' East 1265 feet; running thence South 88° 25' East 770 feet to the point of beginning.

Together with all rights, members and appurtenances to the said described premises in anyway appertaining or belonging.

**TO HAVE AND TO HOLD** the property unto Grantee, its successors and assigns, so that neither Grantor nor its successors, nor any other person claiming under it shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

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

Signed, sealed and delivered  
this 22nd day of AUGUST,  
2009, in the presence of:

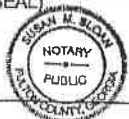
GRANTOR:

[Signature]  
Witness

[Signature] (SEAL)  
GUS G. MOORE

[Signature]  
Notary Public (AFFIX SEAL)

My commission expires:



My Commission Expires  
July 2, 2010



**Gordon County**  
Government

**Ursula Desrosier** <udesrosier@gordoncounty.org>

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## Attached Image

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**Waldrop, Grant** <gWaldrop@dot.ga.gov>

Tue, Jul 26, 2016 at 12:21 PM

To: "buildinginspection@gordoncounty.org" <buildinginspection@gordoncounty.org>, Ursula <udesrosier@gordoncounty.org>

Cc: "Corson, Dee" <dcorson@dot.ga.gov>

Ursula,

If they want a drive on to SR3/US41 it would need to be submitted to **GDOT** for our review and depending on the amount of traffic generated we could require improvements to the roadway such as a left and right turn lane(s).

We have no comments about the proposed sign.

Thanks,

---

W. Grant Waldrop, P.E.

District Traffic Engineer

District 6

500 Joe Frank Harris Pkwy

Cartersville, Ga 30120

Office: (678) 721-5286

Cell: (404) 520-8427

---

**From:** buildinginspection@gordoncounty.org [mailto:buildinginspection@gordoncounty.org]

**Sent:** Monday, July 25, 2016 1:55 PM

**To:** Waldrop, Grant <gWaldrop@dot.ga.gov>; Ursula <udesrosier@gordoncounty.org>

**Subject:** Attached Image

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Summer construction is here and Georgia DOT is conducting maintenance and construction activities on interstates, state routes and bridges across Georgia. Plan ahead and know before you go. Learn about projects in your neck of the woods. Visit [www.511ga.org](http://www.511ga.org) or call 511. Georgia DOT urges motorists to always buckle up, stay off the phone – no texting – and drive alert. And please - watch out for our workers. Help us get them home alive. #SummerConstruction

**DEPARTMENTAL REVIEW - FIRE DEPARTMENT**

Application # 216-14 Con-onaula Farms - A1 to I-2  
Date: 7/11/16  
Reviewed by: LT. DJ. Payne

**FIRE DEPARTMENT**

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

Submit a full set of plans for building to our office.

CITY OF CALHOUN  
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-14  
APPLICATION NAME: CON-ONAUULA FARMS, LLLP  
TYPE OF ZONING: A-1 TO I-2  
DATE: 5/18/2016  
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA IS SERVED BY A 12" WATER LINE.

SEWER COMMENTS:

NO CITY SEWER SERVICE TO THIS AREA OF GORDON COUNTY.

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 FIELD SURVEY HAS BEEN COMPLETED.

**DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH**

Application # 216-14 Con-onawla Farms A-1 to I-2

Date: 7/11/16

Reviewed by: Christy Blair

**Environmental Health**

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

If industrial building is not on city sewers, have them get with me before construction.