

INFORMATION SHEET FOR REZONING REQUESTS

Application # 214-05 DATE OF READING 6-24-14

REZONE FROM A-1 TO C-G

PROPERTY OWNER TAMMY ARLENE BURCHETT

LOCATION OF PROPERTY 3433 Rome Rd. Plainville

DESCRIPTION OF PROPERTY

1.156 ACRES

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

1. Approval

STIPULATIONS:

With the stipulation that All state and local regulations shall be complied with, including but not limited to Gordon County Appearance standards for structures in commercial zoning districts, landscaping, buffer and sign requirements; and the Amendment of .50 Acres more or less if needed to install the proper septic system.

Ron Free made the motion to approve both the variance application identified as #V14-04 as requested and the rezoning application identified as #Z14-04 from A-1 to C-G, with the stipulation that Ms. Leung bring the proof of notifying the adjoining property owners into Ms. Desrosier. Jerry Lovelace seconded the motion. All voted aye. The variance application #V14-04 was granted with the stipulation. The thirty- (30) day appeal period was explained. The recommendation for approval of rezoning application #Z14-04 was sent to the Board of Commissioners with the stipulation. (Note: Ms. Leung did bring in the property owners notifications to Ursula Desrosier, Zoning Administrator.)

REZONING APPLICATION #Z14-05, TAMMY BURCHETT

Chairman Rains read rezoning application #Z14-05, Tammy Burchett, requesting to rezone a 1.156 acre tract located at 3433 Rome Road, Plainville from A-1 to C-G. Ms. Burchett along with her business partner, Jerry Stroup, represented the request stating that she and Mr. Stroup presently owned Opi's Roadhouse which is located on Highway 53 just inside of Floyd County and they would like to relocate the business to Gordon County and subdivide off from Ms. Burchett's property to build a 3500 square foot structure for the restaurant with a bar. They addressed the issues of the septic system stating that the study indicated that another .50 acres might be needed to install the septic system for a commercial rezoning, the D.O.T. requirements, parking, lighting, hours of operations, as well as the building that would be constructed. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z14-05 be approved, with the following condition that all state and local regulations shall be complied with, including but not limited to Gordon County appearance standards for structures in commercial zoning districts, landscaping and buffer requirements, and sign requirements.

Randy Rule made the motion to approve the rezoning request identified as Application #Z14-05 from A-1 to C-G with the conditions stated by Ms. Desrosier, Zoning Administrator and the amendment of .50 acres more or less if needed to install the proper septic system. Ron Free seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z14-06, NEIL BISHOP
(Applicant: Stephen P. Williams)

Chairman Rains read rezoning application #Z14-06, Neil Bishop (applicant: Stephen P. Williams), requesting to rezone a 2.38 acre tract located at 878 Covington Bridge Road, Fairmount from A-1 to C-H. Stephen Williams represented the request stating that he had started operating a cabinet shop at this location in 1996 but in 2005 when the economy took a dive he only worked from his shop in Summerville, therefore letting the business license lapse. In 2008, Mr. John Arthur started using the shop as a location to work on farm equipment. The property is owned by Mr. Neil Bishop, who has a lease/purchase agreement with Mr. Williams. The Gordon County Ordinance Officer had requested that Mr. Arthur obtain a county business license even though the majority of the repair work is done at other sites when farm equipment needs repaired.

Cover Sheet
Proposal for Land Use Action

Application Number: 214-05 Present Zoning: A-1 Proposed Zoning: C-G

Date of Planning Commission Meeting: June 9th

Date of Board of Commissioners' Meeting: June 24th

Applicant: Tammy Arlene Burdett

Property Owner: *(if different from applicant)* _____

Property Address: 3433 Rome Rd., Plainville

Said Property having a frontage of 227.54' feet and containing 1.156 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1 Agricultural District

Proposed Action: subdivide property and rezone to commercial.

Reason for Proposed Action: To build a structure to develop into a retail & restaurant with bar.

Directions to Property: Hwy. 53 Plainville, next door to Dollar General Store. (Property just before on right.)

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

Rezoning Proposal

Date of Report: May 21, 2014

Application # Z14-05

Applicant and Property Owner: Tammy Arlene Burchett

Location of Property: 3433 Rome Road, Plainville GA 30733

Property Frontage: 227.54 Feet **Tract Size:** 1.156 acres

Proposed Action: Rezone from A-1 (Agricultural) to C-G, (General Commercial)

Reason for Proposed Action: To rezone property to build a 3,500 sq. ft. structure to accommodate a retail, restaurant/lounge.

Future Development Map Classification: Emerging Suburban

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:*** I spoke with Ms. Burchett about this lot on May 27, 2014. Due to heavy excavation on half of the lot and low, wet areas on the other half...it does not appear suitable for a septic system. Space limitations for a restaurant sized septic system would also be a concern for our office. However, I told Ms. Burchett to contact a certified soil scientist for a level 3 soil analysis. This would be the first step toward determining what can be developed on this lot. No septic permit has been issued for this lot.
- * ***Building Department:*** No comment.
- * ***Fire Department:*** Depending on the size of the proposed structure, a fire hydrant may have to be installed at the facility, before construction.
- ***Gordon County School System:*** N/A
- ***Road Department or Georgia of Transportation:*** Contact District Traffic Operations for commercial drive permit.
- ***Water & Sewer (City of Calhoun):*** This property is served by a 2" water line running along the west side of Hwy 53. There is an 8" line located across Hwy 53, and if fire protection is needed at this property, than that cost would be paid for by the property owner. 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 area is rural with agricultural and residential uses that are zoned A-1, however, adjacent properties to the south and east are zoned C-G, along with further commercial further south.

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

The proposed zoning may affect nearby properties due to an anticipated increase in vehicular traffic.

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 requirements for A-1 zoning, and it cannot be used for commercial purposes. The proposed use is not permitted under A-1 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 will 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 Emerging Suburban on the Gordon County Future Development Map. This classification supports land uses intended for single-family residential, passive and active recreation, civil and institutional. However, the area currently is not consistent with the intent of the Future Development Map. There is a mixture of uses in the vicinity.

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.

Primary issues are the need to verify septic approval based on a Level 3 Analysis per Gordon County Board of Health Requirements, possible fire hydrant installation per Gordon County Fire Department and to satisfy access requirements of the Georgia State Department of Transportation.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z14-05 be recommended for approval with the following condition:

1. All applicable state and local regulations shall be complied with, including but not limited to Gordon County appearance standards for structure in commercial zoning districts, landscaping and buffer requirements, and sign requirements.

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

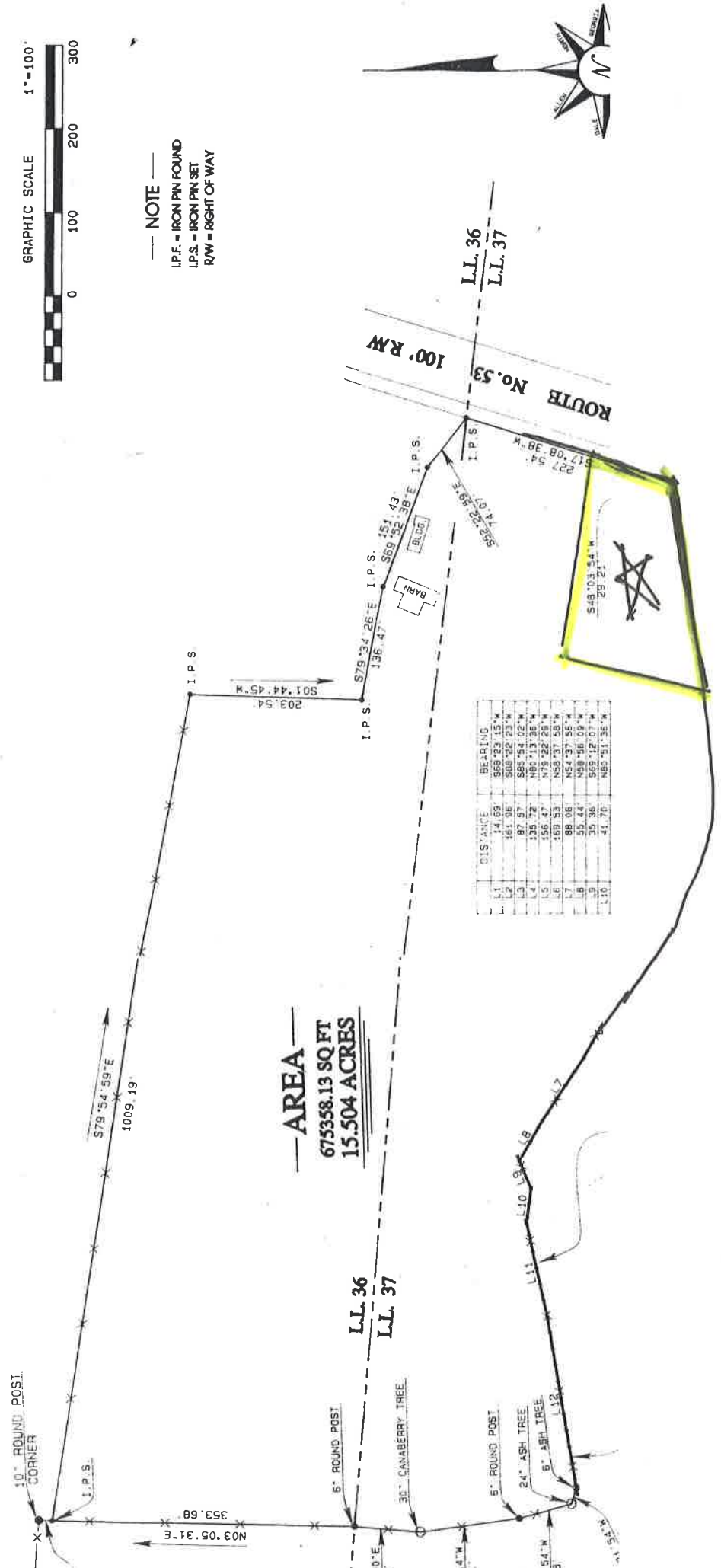
BOUNDARY SURVEY
FOR

TAMMY A. BURCHETT

GORDON County, Georgia

DATE: 03/07/96

LOCATED IN LAND LOTS 36 & 37, 15th DISTRICT & 3rd SECTION OF GORDON COUNTY, GEORGIA.



WARRANTY DEED

STANDARD WARRANTY DEED



STATE OF GEORGIA,

Gordon County.

THIS INDENTURE, made this 11th day of April

in the year of our Lord One Thousand Nine Hundred and Ninety-Six (1996)

between GLADYS P. BROWN

of the State of Georgia and County of Gordon of the first part

and TAMMY A. BURCHETT

of the State of Georgia and County of Gordon of the second part

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of One Dollar (\$1.00) and Love and Affection DOLLARS

In hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged he S granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said part y of the second part herself, her heirs and assigns, the following described property, to wit:

All that tract or parcel of land lying and being in the 15th District and 3rd Section of Gordon County, Georgia and being Land Lots Nos. 36 and 37 thereof and being more particularly described according to a plat of survey prepared by Allen Dale Hall of date March 7, 1996. Copy of said survey being recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book 32, Page 214. To which said survey and the record thereof reference is hereby made for a full and complete description of the lands herein conveyed.

Conveyed by this conveyance being 15.504 acres.

Subject to any and all easements and/or restrictions of record and/or any and all governmental zoning regulations as pertain to the above described property.

1.00 4-11-96

TO HAVE AND TO HOLD the said bargained premises, together 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 her the said part y of the second part, her heirs and assigns forever, IN FEE SIMPLE.

And the said part y of the first part, for herself, her heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part y of the second part, her heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part y of the first part has hereunto set her hand and affixed her seal, the day and year above written.

Signed, sealed and delivered in the presence of

Unofficial Witness

GLADYS P. BROWN (Seal)

Gordon County, Georgia

(Seal)

My Comm. Expires: 11/11/96

(Seal)

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # Z14-05 Burchett A-1 to C-G

Date: 5/13/14

Reviewed by: JOEY JORDAN

FIRE DEPARTMENT

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

DEPENDING ON THE SIZE OF THE PROPOSED STRUCTURE,
A FIRE HYDRANT MAY HAVE TO BE INSTALLED AT THE FACILITY,
BEFORE CONSTRUCTION.

5/20/14



DEPARTMENT REVIEW -- ENVIRONMENTAL HEALTH

Application # 214-05 Burchett A-1 to CG
Date: 5/13/14
Reviewed by: Shane Hendrix EHS IV

Environmental Health

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

I spoke with Ms. Burchett about this lot on 5/27/14. Due to heavy excavation on half of the lot and low, wet areas on the other half... it does not appear suitable for a septic system. Space limitations for a restaurant sized septic system would also be a concern for our office. However, I told Ms. Burchett to contact a certified soil scientist for a level 3 soil analysis. This would be the first step toward determining what can be developed on this lot.

No septic permit has been issued for this lot.

Shane Hendrix EHS IV

**DEPARTMENT REVIEW - STATE DEPARTMENT OF
TRANSPORTATION**

Application # 214-05 Burchett A-1 to CG

Date: 5/13/14

Reviewed by: RYAN HIGGINS

State Department of Transportation

Comments, recommendations, or any condition of approval to serve proposed rezoning or variance with State Department of Transportation:

- CONTACT DISTRICT TRAFFIC OPERATIONS FOR
COMMERCIAL DRIVE PERMIT

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z14-05
APPLICATION NAME: TAMMY ARLENE BURCHETT
TYPE OF ZONING: A-1 TO C-G
DATE: 5/14/2014
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS PROPERTY IS SERVED BY A 2" WATER LINE RUNNING ALONG THE WEST SIDE OF HWY. 53. THERE IS AN 8" LINE LOCATED ACROSS HWY. 53, AND IF FIRE PROTECTION IS NEEDED AT THIS PROPERTY, THAN THAT COST WOULD BE PAID FOR BY THE PROPERTY OWNER.

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 FIELD SURVEY HAS BEEN COMPLETED.