

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z15-02 DATE OF READING 5-5-15

REZONE FROM R-6 TO A-1

PROPERTY OWNER TINA NGUYEN

LOCATION OF PROPERTY 363 County Line Rd

RESACA

DESCRIPTION OF PROPERTY
62.5 ACRES

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

- 1. _____
- _____
- _____
- _____
- _____

STIPULATIONS:

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
APRIL 13, 2015**

The Gordon County Planning Commission held a Public Hearing on Monday, April 13, 2015 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 Nathan Serritt to approve the minutes of the previous meeting of March 9, 2015. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z15-02, TINA NGUYEN

Chairman Rule read rezoning application #Z15-02, Tina Nguyen, requesting to rezone 62.50 acres located at 363 County Line Road, Resaca, GA from R-6 to A-1. Giles Jones, the attorney for the applicant, represented the request explaining that this property had been rezoned in 2001 from A-1 to R-6 but now the Nguyen's have bought the property and would like to zone it back to A-1. The plan is to construct 8 poultry houses on this site. The adjoining property has 3 existing poultry houses and the applicant does live in this area as well. Area property owners Chris Smith, Katherine Bowman, and Carmen Jennings spoke in opposition to the request with concerns of noise from the trucks that would come in at night and the smell. Giles Jones then added that the owners could possibly move the driveway further away from neighbors home and also plant vegetation for a buffer. Mr. Jones also pointed out that the present poultry houses already create an odor and he believes that the newer poultry houses have a better ventilation system. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z15-02 be approved.

Nathan Serritt made the motion to approve the rezoning application identified as #Z15-02 from R-6 to A-1, with the condition that a buffer tree line be planted the length of the property and that the new poultry houses be constructed as deep on the property as possible. Jerry Lovelace seconded the motion. Butch Layson and Eddie Smith voted against the motion. Chairman Rains voted with the motion. The vote was 3 to 2 for approval. The recommendation for approval was sent to the Board of Commissioners.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 215-02 Present Zoning: R-6 Proposed Zoning: A-1

Date of Planning Commission Meeting: April 13, 2015

Date of Board of Commissioners' Meeting: May 5, 2015

Applicant: TINA NGUYEN

Property Owner: (if different from applicant) _____

Property Address: 363 County Line Rd Resaca GA 30735

Said Property having a frontage of 125 feet and containing 62.50 acres.

Future Development Map Classification: Rural/Agricultural Preserve

Current Zoning Map Classification: R-6, Manufactured Housing Dev.

Proposed Action: To rezone property back to
A-1, Agricultural District.

Reason for Proposed Action: Can not use property as
currently zoned. Would like to build
8 chicken houses. (Rezoned on June 19,
2001 # 0566.) Minutes attached.

Directions to Property: Hwy 41N. Turn right onto Hwy 225
go through Nickelsville. Turn left onto
County Line Rd. go @ 3 miles on left.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: March 23, 2015

Application # Z15-02

Applicant and Property Owner: Tina Nguyen

Location of Property: 363 County Line Road, Resaca, GA 30735

Property Frontage: 125.00 Feet **Tract Size:** 62.50 acres

Proposed Action: Rezone from R-6, Manufactured Housing Development to A-1, (Agricultural District)

Reason for Proposed Action: Would like to rezone property back to A-1, (Agricultural District) in order to construct eight (8) poultry houses.

Future Development Map Classification: Rural/Agricultural Preserve

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.
- * ***Building Department:*** No comment.
- * ***Fire Department:*** OK.
- ***Gordon County School System:*** N/A
- ***Road Department or Georgia of Transportation:*** 1) New driveway entrance required. 2) Driveway permit required prior to start of construction. 3) Construction of driveway entrance required prior to start of structure construction.
- ***Water & Sewer (City of Calhoun):*** This area of County Line Road is served by a 6" 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 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 suitable in view of the use and development of adjacent and nearby property.

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 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 can be developed as currently zoned because it was zoned for a mobile home development in June 19, 2001 by Kenneth Defoor. However, the proposed use of poultry houses is not permitted under R-6.

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 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 Reserve on the Gordon County Future Development Map. This classification supports land uses intended for predominantly rural, undeveloped land that is suited for agricultural and large-lot residential uses. Preserve economic function of agricultural, livestock and forestry in Gordon County. 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 and use is compatible with surrounding properties.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z15-02 be recommended for approval.

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

Recorded 04/11/2014 11:16
Doc: WD Rcpt#: 302338
TRANSFER TAX ID: 064000627
Grant Malraven, C.S.C.
GORDON County, Ga
DEED Bk: 1886 Pg: 329

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

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF GORDON

DEED ONLY
NO TITLE EXAM

THIS INDENTURE, made this 11th day of **April**, in the year of our Lord Two Thousand and Fourteen (2014) between **JOSEPH THANH NGUYEN**, of the State of Georgia and the County of Gordon, as party or parties of the first part, hereinafter referred to as "Grantor", and **TINA NGUYEN**, of the State of Georgia and the County of Gordon, as party or parties of the second part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural);

WITNESSETH: That Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto Grantee, himself and his heirs and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lots 270, 271 and 272 of the 13th District and 3rd Section of Gordon County, Georgia, and being that certain 113.75 acres according to a plat of survey as recorded at Plat Book 46, Page 125, Gordon County, Georgia records, which plat by reference is incorporated herein and made a part hereof.

This deed is given subject to all easement and restrictions of record if any.

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 Grantee, his heirs and assigns forever, in FEE SIMPLE.

And Grantor, for himself and his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property unto Grantee, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and affixed his seal, the day and year above witten.

Signed, sealed, and delivered
in the presence of:

Tom E. Shanahan

Unofficial Witness

Joseph Thanh Nguyen (SEAL)

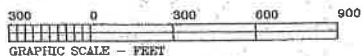
JOSEPH THANH NGUYEN

Teresa Cronon

N.P., Gordon County, GA
My Comm Exp. _____



SURVEY FOR
JAMIE MORRISON
 IN L.L. 270, 271, 272 - 13TH. DIST. - 3RD. SECT.
 GORDON COUNTY, GEORGIA
 OCTOBER 24, 2006 SCALE 1" = 300'
 TOTAL AREA IN ACRES = 113.75



County Line Rd

COUNTY LINE ROAD 40' R/W

Remnant of X-716 Pd

Magnetic North

Recorded 10/27/2006 8145
 Doc: PLAT Rec# 255219
 Brian Brannon, C.S.C.
 GORDON County, Ga
 PLAT Blk 46 Pgs 125



N/F JAMIE MORRISON

N/F JAMES & CODY HARDY
 P.B. 27, PG. 217

N/F BUEL BARTON
 D.B. 503, PG. 109

N/F PARTNERSHIP L.L.P.
 D.B. 1157, PG. 403

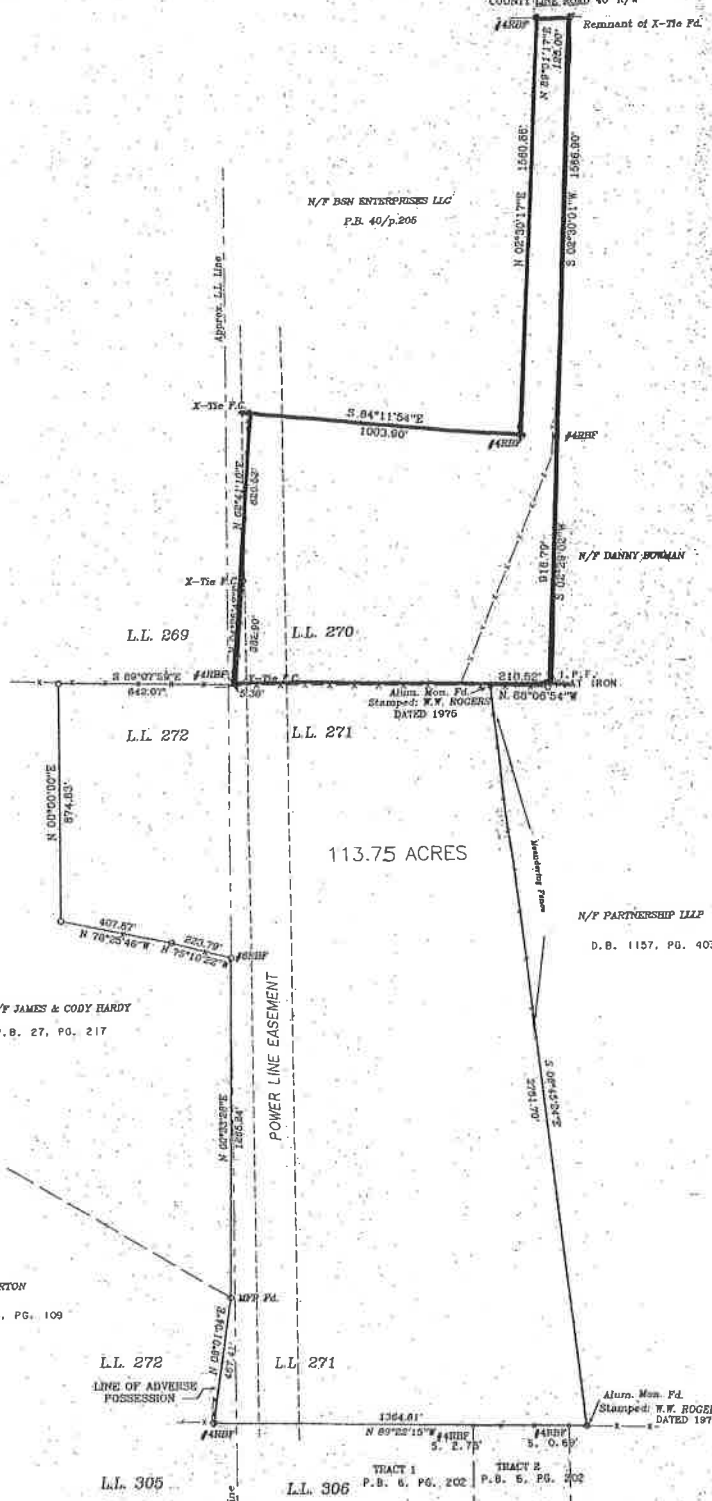
113.75 ACRES

The field data upon which this plat is based has a closure precision of one in 34,975 feet and angular error of 02" per angle point, and was adjusted using None

This plat has been calculated for closure and is found to be accurate within one foot in 34,975 feet. Field work was done using Topcon CTS-2 total station.

Plat subject to all Easements & rights of way.
 "All matters of title are excepted."

- LEGEND
- I.P.F. = IRON PIN FOUND
 - I.P.S. = IRON PIN SET
 - R.B.F. = RE-BAI FOUND
 - R.B.S. = RE-BAI SET
 - C.T. = CHIMNEY TOP
 - C.T. = CHIMNEY TOP
 - R/W = RIGHT OF WAY
 - P.L. = PROSPECT LINE
 - C.L. = CENTER LINE
 - B.L. = BUILDING LINE
 - L.L. = LAND LOT
 - L.L.L. = LAND LOT LINE
 - P.F. = POWER POLE
 - P.L. = POWER LINE
 - X- = FENCE LINE
 - N/O = NOW OR FORMERLY
 - D.B. = DEED BOOK
 - P.B. = PLAT BOOK
 - W = WELL



RICHARD J. POOL & ASSOCIATES
 R.L.S. #2857
 31 LINDA COURT
 ASPER, GEORGIA 30143
 PHONE: (706) 682-5970
 Drawing No. 061403
 Coord. File 061402
 PATT 0606-06

DEPARTMENTAL REVIEW - ROAD DEPARTMENTApplication # 215-02 Nguyen R-6 to A-1Date: 3/17/15Reviewed by: BARRY HICE**ROAD DEPARTMENT**

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

- ① NEW DRIVEWAY ENTRANCE REQUIRED,
- ② DRIVEWAY PERMIT REQUIRED PRIOR TO START OF CONSTRUCTION
- ③ CONSTRUCTION OF DRIVEWAY ENTRANCE REQUIRED PRIOR TO START OF STRUCTURE CONSTRUCTION

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z15-02
APPLICATION NAME: Tina Nguyen - 363 County Line
TYPE OF ZONING: R-6 re A-1
DATE: 3/17/2015
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area of County Line Road is served by a 6" water line.

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.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 215-02 Nguyen R-6 to A-1

Date: 3/17/15

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.  3/20/15

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 215-02 Nguyen A-6 to A-1

Date: 3/17/15

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.