

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z15-3 DATE OF READING 5-5-15

REZONE FROM A-1 TO R-5

PROPERTY OWNER Charles + Nancy Richards

LOCATION OF PROPERTY 4560 Fairmount Hwy SE

Calhoun

DESCRIPTION OF PROPERTY

8.52 ACRES

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

1. denial

STIPULATIONS:

**REZONING APPLICATION #Z15-03, CHARLES & NANCY RICHARDS**  
**(Applicant: Glenda Sloan)**

Chairman Rule read rezoning application #Z15-03, Charles and Nancy Richards (applicant: Glenda Sloan), requesting to rezone 8.52 acres located at 4560 Fairmount Highway, Calhoun from A-1 to R-5. Craig Jeup, with JPM Development, LLC, represented the request explaining that JPM Development and Westbrook Housing Development would like to purchase this property if the rezoning is acquired to construct a 64-72 unit apartment complex for affordable housing. JPM and Westbrook have been building for many years and currently operate 10 affordable housing projects. Jaime Layson spoke in opposition to the request explaining that affordable housing that close to the interstate would not be beneficial to possible future businesses looking to locate in Gordon County. Randy Rule asked what the range for rent would be on these units and the answer was \$450-\$650. Butch Layson commented that Highway 53 was a Commercial Corridor and rezoning to residential would require amending the ULDC. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z15-03 be approved, with the following condition: All applicable state and local regulations shall be complied with, including but not limited to Gordon County landscaping and buffer requirements.

Butch Layson stated that he would abstain from voting since he owns adjoining property. Eddie Smith made the motion to deny the rezoning application identified as #Z15-03 from A-1 to R-5 since it would not be in line with the comprehensive plan. Jerry Lovelace seconded the motion. Nathan Serritt voted with the motion. The vote was 3 to 0 for denial. The recommendation for denial was sent to the Board of Commissioners.

**ADDITIONAL BUSINESS**

Eddie Smith voiced his concerns with the increase in construction of poultry houses in Gordon County. Ursula Desrosier advised him to address the Board of Commissioner at their meeting on April 14, 2015 since that was a subject on their agenda to discuss. There being no additional business, Jerry Lovelace made the motion to adjourn. Butch Layson seconded the motion. All voted aye. The meeting was adjourned at 7:10 p.m.

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Zelda Gregg, Secretary

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Randy Rule, Chairman  
Butch Layson, Vice-Chairman

**Cover Sheet  
Proposal for Land Use Action**

Application Number: Z15-03 Present Zoning: A1 Proposed Zoning: R-5

Date of Planning Commission Meeting: April 13, 2015

Date of Board of Commissioners' Meeting: April 21, 2015

Applicant: Charles A. & Nancy M. Richards

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

Property Address: 4560 Fairmount Hwy SE, Calhoun

Said Property having a frontage of 812.65 feet and containing 8.52 acres.

Future Development Map Classification: Hwy 53 Corridor

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Would like to rezone to R-5,  
Multi-family Residential.

Reason for Proposed Action: Would like to build a  
residential apartment development

Directions to Property: Hwy 53E to 4560 Fairmount  
Hwy on left, across from Gordon County  
Emergency Management.

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

**Date of Report:** March 24, 2015

**Application #** Z15-03

**Applicant and Property Owner:** Charles A. & Nancy M. Richards

**Location of Property:** 4560 Fairmount Hwy SE, Calhoun, GA 30701

**Property Frontage:** 812.65 Feet                      **Tract Size:** 8.52 acres

**Proposed Action:** Rezone from A-1, (Agricultural District) to R-5, (Multi-family Residential)

**Reason for Proposed Action:** Would like to rezone property to construct an apartment development.

**Future Development Map Classification:** Hwy 53 Corridor

**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:*** Apartments to be on city sewer so nothing needed from EHS. Also, existing house on septic is to be removed.
- \* ***Building Department:*** No comment.
- \* ***Fire Department:*** OK.
- ***Gordon County School System:*** N/A
- ***Road Department or Georgia of Transportation:*** We do not have enough information regarding site development to comment at this time. The GDOT would require the applicant to request any commercial driveway and/or encroachment upon public right-of-way through the Office of Traffic Operations.
- ***Water & Sewer (City of Calhoun):*** This area served by an 8" water line running along Hwy53. 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.***

Properties to the north of the proposed zoning are commercial with adjacent property being the Gordon County Multi-Complex Center. However, the properties to the south include low-density residential uses on A-1 zoned properties.

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

The proposed zoning will 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 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 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 Highway 53 Corridor on the Gordon County Future Development Map. This classification supports land uses intended for commercial, professional offices, and mixed use development (including residential uses above ground-level retail or office spaces). It acts as a gateway to the City of Calhoun. The proposed zoning is inconsistent 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.***

Primary issues are the introduction of a zoning classification that is inconsistent with the development pattern on the Future Development Map. However, there is a mixture of uses in the vicinity. An amendment to the Future Development Map would be required. The proposed zoning and use is compatible with surrounding properties.

**Planning Staff's Recommendation:**

The rezoning request identified as Application #Z15-03 be recommended for approval with the following condition: All applicable state and local regulations shall be complied with, including but not limited to Gordon County landscaping and buffer requirements.

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

STATE OF GEORGIA... GORDON..... COUNTY.

\$ 180 <sup>00</sup>/<sub>100</sub>  
*Harold A. Bennett*

In consideration of.. Sixty.. Thousand.. and.. 00/100..... ~~5~~ <sup>81</sup>..... DOLLARS,  
the receipt whereof is hereby acknowledged, ... We.. CHARLES A. RICHARDS, and

Tax Commissioner  
Gordon County

.NANCY M. RICHARDS.....  
of.. Gordon County, Georgia....., of the first part, ha vchis day bargained  
sold and do hereby transfer and convey unto .. BILLY J. ERWIN, his.....

successors, heirs, executors, administrators and assigns, of the second part, the following described property, to-wit: All that tract or parcel of land lying and being in the 14th District and 3rd Section of Gordon County, Georgia, being part of Land Lot 304 thereof, described as follows: BEGINNING at an iron pin on the westerly right of way line of the Old Fairmount Road at the point where the south line of the property of Mrs. Hugh (Norma) Perry intersects said road right of way. Thence running west along and with the south line of said Perry property 833 feet, more or less, to an iron pin on the east right of way of Georgia State Highway 53; thence southerly along and with said highway right of way a distance of 826 feet, more or less, to an iron pin at the north line of property owned by Mickey Daniel; thence east along and with the north line of said Daniel 280 feet, more or less, to an iron pin; thence in a northerly direction 210 feet, more or less, to an iron pin; thence in an easterly direction 210 feet, more or less, to an iron pin on the west right of way line of the Old Fairmount Road; thence in a northerly direction along and with said road right of way 397 feet, more or less, to the point of beginning. Said tract being bounded on the north by Mrs. Hugh (Norma) Perry; on the west by Georgia State Highway 53; on the south by property of Mickey Daniel and Sidney Autry; and on the east by the Old Fairmount Road and property of Sidney Autry. Being the same lands described in the following two warranty deeds: Deed dated 2/21/59 from Wallace Barrett, et. al. to Billy Erwin recorded in deed records of Gordon County, Ga. in Deed Book 43, page 103, and deed from Gerald Bryant, et. al. dated 5/4/67 recorded in Deed Book 179, page 147.

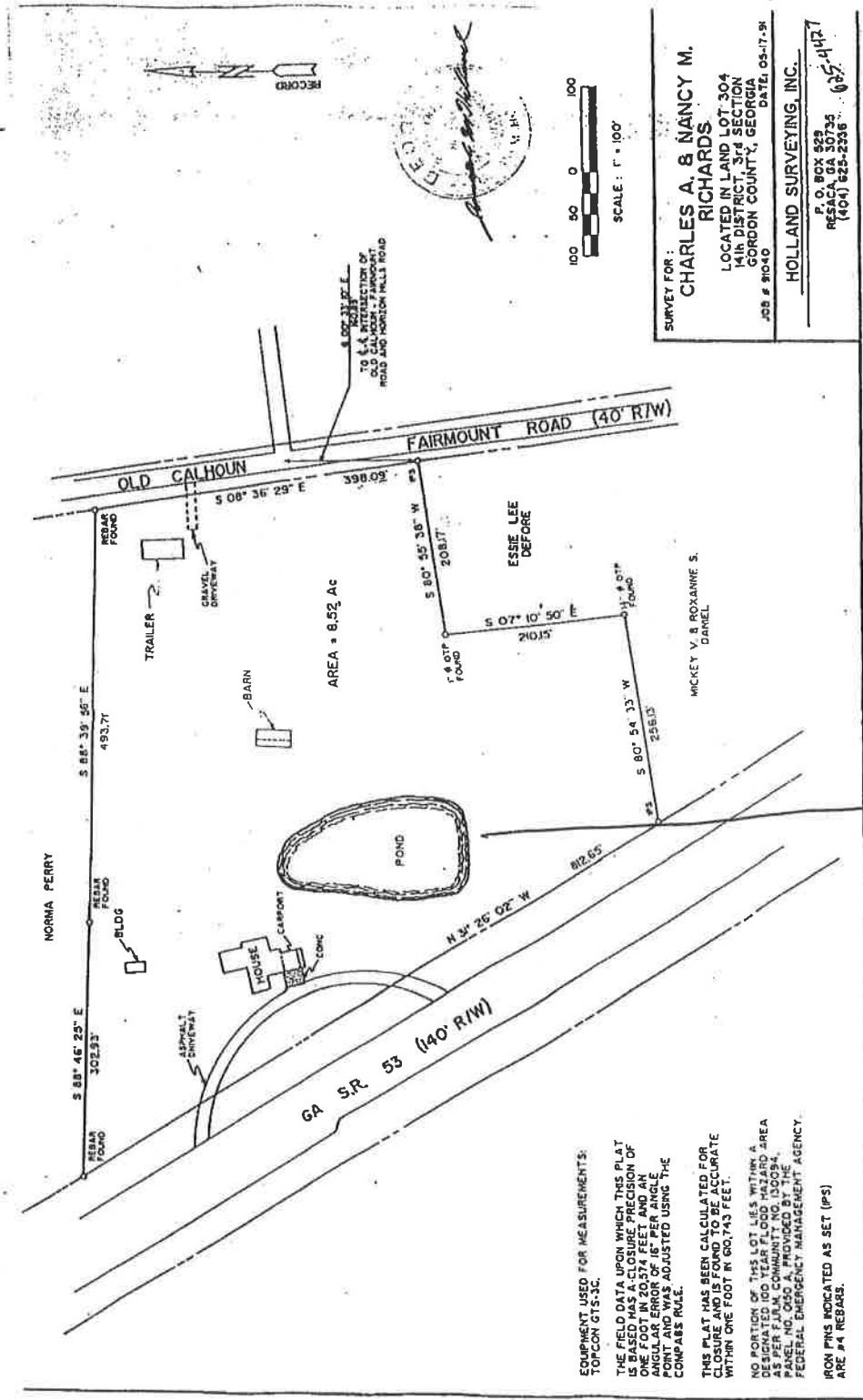
TO HAVE AND TO HOLD the same in fee simple; and said first party warrants the title to the same unto said second party and assigns:

This conveyance is made to secure a debt of \$ 60,000.00. and is made under the existing provisions of the laws of Georgia, and any other present and future indebtedness or liability of mine to second party. The debt hereby secured is described as follows:

By first parties paying \$617.17 per month each and every month hereafter for 360 months (30 years). Payments being due the fifth (5th) day of each and every month until paid in full. First payment of \$617.17 due June 5, 1981. It is hereby agreed that the maker shall have the right to prepay principal at any time during the term of said note without penalty by paying said principal plus interest on the unpaid bearing interest at twelve... per cent. per annum from date..... (paid balance to date of payment.)

In case this debt is not paid promptly when due, I authorize said second party, its successors or assigns, at option, to sell said described property at public outcry before the court house door in .. Gordon..... County, Georgia, to the highest bidder for cash to pay said debt, with interest thereon and expenses of the proceedings, including ten per cent. attorney's fees, if the claim be placed in the hands of an attorney for collection, after advertising the time, place and terms of sale in a newspaper of general circulation in said county once a week for four weeks. And said second party, its successors or assigns, may make to the purchaser title in fee simple to the same; and said second party or assigns are hereby authorized to bid and buy at said public sale. The proceeds of said sale are to be applied first to payment of said debt and interest, and expenses of this proceeding; the remainder, if any, paid to first party; said first party agreeing to surrender possession of said property without let or hindrance of any kind. But the foregoing powers for realizing on this security are

Exhibit B



SURVEY FOR:  
**CHARLES A. & NANCY M. RICHARDS**  
 LOCATED IN LAND LOT 304  
 14th DISTRICT, 3rd SECTION  
 GORDON COUNTY, GEORGIA  
 JOB # 31040 DATE: 05-17-98  
**HOLLAND SURVEYING, INC.**  
 P. O. BOX 828  
 PEEDESSA, GA 30735  
 (404) 825-2338

EQUIPMENT USED FOR MEASUREMENTS:  
 TOPCON GTS-3C  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE ERROR OF 1/100,000 PER HORIZONTAL FOOT AND AN ANGULAR ERROR OF 15" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.  
 THIS PLAT HAS BEEN CALCULATED FOR CLOSURE ERROR TO BE ACCURATE WITHIN ONE FOOT IN 60,743 FEET.  
 NO PORTION OF THIS LOT LIES WITHIN A DESIGNATED 100 YEAR FLOOD HAZARD AREA AS PER THE FLOOD HAZARD MAP, BASED ON DATA PROVIDED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.  
 IRON PINS INDICATED AS SET (IPS) ARE #4 REBARS.

Pond does not exist.

**DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH**

Application # 215-03 Richards A-1 to R-5

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:

Apartment to be on city sewer so nothing needed from EHS.

Also, existing house on septic is to be removed.



**DEPARTMENTAL REVIEW - FIRE DEPARTMENT**

Application # 215-03 Richards A-1 to R-5

Date: 3/17/15

Reviewed by: JOEY BARDON

**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 - STATE DEPARTMENT OF TRANSPORTATION**

Application # Z15-03 Richards A-1 to R-5

Date: 3/17/15

Reviewed by: \_\_\_\_\_

**State Department of Transportation**

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

We do not have enough information regarding site development to comment at this time. The GOOT would require the applicant to request any commercial driveway and/or encroachment upon public right-of-way through the Office of Traffic Operations.

CITY OF CALHOUN  
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z15-03  
APPLICATION NAME: Charles & Nancy Richards  
TYPE OF ZONING: A-1 to R-5  
DATE: 3/17/2015  
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by an 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.