

INFORMATION SHEET FOR REZONING REQUESTS

Application # 215-07 DATE OF READING 8-18-15

REZONE FROM A-1 TO C-C

PROPERTY OWNER THOMAS E. SHAWHAN

LOCATION OF PROPERTY CORNER OF DEWS POND + CAMPBELL RD.

CATHON

DESCRIPTION OF PROPERTY

1.98 ACRES

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

1. Approval

STIPULATIONS:

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
AUGUST 10, 2015**

The Gordon County Planning Commission held a Public Hearing on Monday, August 10, 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 Jerry Lovelace to approve the minutes of the previous meeting of July 13, 2015. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

**REZONING APPLICATION #Z15-07, THOMAS E. SHANAHAN
(appl: Hibbymo Properties-East Calhoun, LLC)**

Chairman Rule read rezoning application #Z15-07, Thomas E. Shanahan, (applicant: Hibbymo Properties-East Calhoun, LLC) requesting to rezone a 1.98 acre tract located at the southeast corner of Dews Pond Road and Campbell Road, Calhoun from A-1 to C-C. Mark Momon and Bobby Howard, with Hibbymo Properties-East Calhoun, LLC, represented the request explaining that they are a developer for Dollar General and have built more than 40 stores in the North Georgia area. A preliminary site plan was explained and showed that all landscape, buffer strips, parking spots, decel lane, loading dock, septic and secondary septic system codes were going to be met. Planning commission member, Nathan Serritt, asked why a secondary septic system was needed and it was explained that it is required by Environmental Health. Randy Rule stated his concerns with the traffic entering Dews Pond Road from Campbell Road. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z15-07 be denied, as it is incompatible with surrounding land uses and zoning and inconsistent with the intent of the Gordon County Future Land Use Plan.

Nathan Serritt made the motion to approve the rezoning application identified as #Z15-07 from A-1 to C-C. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

ADDITIONAL BUSINESS

There being no additional business, Nathan Serritt made the motion to adjourn. Jerry Lovelace seconded the motion. All voted aye. The meeting was adjourned at 6:26 p.m.

Zelda Gregg, Secretary

Randy Rule, Chairman
Butch Layson, Vice-Chairman

Cover Sheet
Proposal for Land Use Action

Application Number: Z15-07 Present Zoning: A-1 Proposed Zoning: C-C

Date of Planning Commission Meeting: August 10, 2015

Date of Board of Commissioners' Meeting: August 18, 2015

Applicant: Hibbymo Properties - East Calhoun, LLC

Property Owner: (if different from applicant) Thomas E. Shanahan

Property Address: Southeast corner of Dews Pond Rd & Campbell Rd.

Said Property having a frontage of _____ feet and containing 1.98 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Rezone property to Crossroad Commercial.

Reason for Proposed Action: Development of a Proposed retail store. Dollar General.

Directions to Property: Dews Pond Rd to the southeast corner of Campbell Rd.

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

Rezoning Proposal

Date of Report: July 7, 2015

Application # Z15-07

Applicant and Property Owner: Hibbymo Properties-East Calhoun, LLC

Location of Property: Southeast corner of Dews Pond Rd. & Campbell Rd, Calhoun, GA 30701

Property Frontage: corner lot Feet **Tract Size:** 1.98 acres

Proposed Action: Rezone from A-1, (Agricultural District) to C-C, (Crossroad Commercial)

Reason for Proposed Action: Development of a proposed retail store.

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:** Will require permitting through our office for conventional system.
- * **Building Department:** No comment.
- * **Fire Department:** O.K.
- **Gordon County School System:** N/A
- **Road Department or Georgia of Transportation:** Preliminary drive entrance appears to meet ULDC as was discussed earlier.
- **Water & Sewer (City of Calhoun):** This area 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 adjacent and nearby properties are primary agricultural with residential uses and multiple residential sub-divisions. The adjacent property to the west is a commercial zoning classification which has an existing convenience/gas station.

2. Whether the proposed zoning will adversely affect the existing use of usability of adjacent of 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 (5) acre lot size requirements for A-1 zoning, and cannot be used for commercial purposes as zoned.

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 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. 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 issue is inconsistency with the established development pattern and the intent of the Future Land Use Plan.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z15-07 be denied, as it is incompatible with surrounding land uses and zoning and inconsistent with the intent of the Gordon County Future Land Use Plan.

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

7-18-06
12:00

Return to:
Tom E. Shanahan
112 Court Street
Calhoun, GA 30701

Recorded 7/18/2006 12:00
Doc# ESTD Rec# 127558
TRANSFER TAX ID: 064002144
Brian Brannon, C.S.C.
GORDON County, Ga
DEED Bk: 1333 Pgs: 360-361

DEED OF ASSENT

GEORGIA, GORDON COUNTY

THIS INDENTURE made and entered into this the 12th day of July, 2006, between THOMAS E. SHANAHAN, as Executor under the Last Will and Testament of Pearl M. Shanahan, late of said County deceased, and JOHN M. SHANAHAN, Individually, as party or parties of the first part, hereinafter referred to as "Grantor", and THOMAS E. SHANAHAN, individually, of said State and County, 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, by virtue of the power and authority vested in him by said Will, which has been duly probated in solemn form and admitted to record in the Probate Court of said State and County, has granted, bargained, sold and conveyed, and hereby does grant, bargain, sell and convey unto Grantee, his heirs and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot No. 248 of the 7th District and 3rd Section of Gordon County, Georgia, containing 30.72 acres, and being more particularly described according to a plat of survey thereof prepared by Carl F. Freeman, Jr., Surveyor, dated February 16, 1977, recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia, in Plat Book 8, at page 207, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed.

LESS AND EXCEPT:

All that tract or parcel of land lying and being in Land Lot No. 248 of the 7th District and 3rd Section of Gordon County, Georgia, containing 4.25 acres, and being more particularly described according to a plat of survey thereof entitled "Survey for Jerry H. Bearden" prepared by Jerry Lambert, GRLS No. 2147, of Freeman & Lambert Surveyors, P.C., dated February 8, 1999, revised April 16, 1999, a copy of said plat being recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia, in Plat Book 37, page 19, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed.

John M. Shanahan joins in the execution of this deed to show his consent to the Assent to Devise contained herein and to release any claim which he may have in and to the above described property.

CONTINUED

TO HAVE AND TO HOLD the same, together with all the rights, members and appurtenances thereunto belonging or in any wise appertaining, to Grantee, to his own proper use, benefit and behoof, in as full, ample and complete a manner as the same was possessed or enjoyed by the said PEARL M. SHANAHAN, deceased, in her lifetime.

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

Thomas E. Shanahan (SEAL)
THOMAS E. SHANAHAN
As Executor of the Last Will and Testament of
Pearl M. Shanahan, deceased

Signed, sealed and delivered
in the presence of:

Donna Rogers

Laura Cronon

N.P., Gordon County, Georgia
My Comm. Exp. 02/01/10

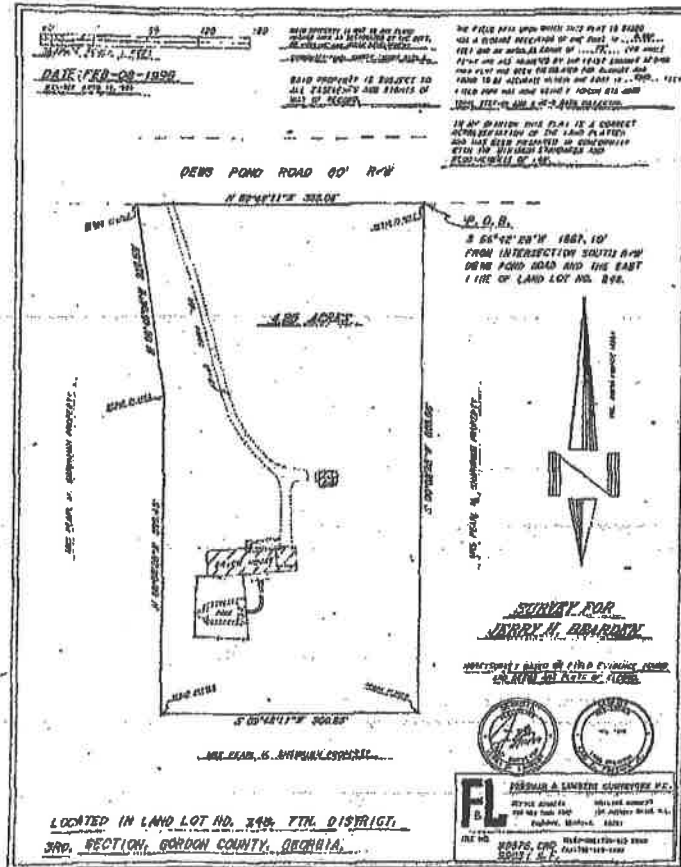
John M. Shanahan (SEAL)
JOHN M. SHANAHAN



N.P. SEAL AFFIXED

Less: Except

215-07



37-19

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 215-07 Appl: Hibbymo Properties-East of Calhoun

Date: 7/16/15 AI to CC

Reviewed by: [Signature] 7/28/15

Environmental Health

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

Will require permitting thro our office for conventional septic system.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT


Application # Z15-07 Applicant: Hibbymo Properties-East of Calhoun

Date: 7/16/15 A-1 to C-C

Reviewed by: _____

FIRE DEPARTMENT

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

O.K. 
7/22/15

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z15-07
APPLICATION NAME: HIBBYMO PROPERTIES - EAST CALHOUN , LLC
TYPE OF ZONING: A-1 TO C-C
DATE: 7/27/2015
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA IS SERVED BY A 6" WATER LINE.

SEWER COMMENTS:

NO 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.

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 215-07 appl: Hibbymo Properties - East of Calhoun

Date: 7/16/15 A-1 to C-C

Reviewed by: Barry Hice

ROAD DEPARTMENT

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

PRELIMINARY DRIVE ENTRANCES APPEARS TO
MEET ULDC AS WAS DISCUSSED EARLIER.

BH