

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z16-04 DATE OF READING 3-29-16

REZONE FROM A-1 TO CG

PROPERTY OWNER Brenda G. Arnold

LOCATION OF PROPERTY Lovers Lane Rd

DESCRIPTION OF PROPERTY  
1.0 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  
MARCH 14, 2016**

The Gordon County Planning Commission held a Public Hearing on Monday, March 14, 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 February 8, 2016. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

**VARIANCE APPLICATION #V16-01 AND REZONING APPLICATIONS  
#Z16-03 & Z16-04, BRENDA G. ARNOLD**

Chairman Rule read variance application #V16-01 and rezoning applications #Z16-03 and ~~#Z16-04~~ Brenda G. Arnold, on a 1.48 acre tract located at 442 Lovers Lane Road. David "Mitchell" Washington represented the applications for his mother, requesting to be able to subdivide the 1.48 acre tract into a .48 acre tract with the existing home therefore needing a variance of .14 acre to be able to rezone this same .48 acre tract from A-1 to R-1 and to rezone the other 1 acre tract from A-1 to C-G for the operation of selling used cars. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as application #V16-01 and rezoning requests identified as application #Z16-03 and #Z16-04 all be approved.

On Variance Application #V16-01, Nathan Serritt made the motion to approve the variance to reduce the required lot size for R-1 zoning from .57 acres down to .48 acres. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On Rezoning Application #Z16-03, Eddie Smith made the motion to approve the rezoning application from A-1 to R-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

On Rezoning Application #Z16-04, Jerry Lovelace made the motion to approve the rezoning application from A-1 to C-G. Eddie Smith seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**VARIANCE APPLICATION #V16-02 AND REZONING APPLICATION #Z16-05, CHARLES AND NANCY RICHARDS (APPLICANT: GLENDA SLOAN)**

Chairman Rule read variance application #V16-02 and rezoning application #Z16-05, Charles and Nancy Richards (applicant: Glenda Sloan), on 8.52 acres located at 4560 Fairmount Hwy., Calhoun. Terry Brumlow, a local attorney, represented the requests explaining that this property had been brought to this planning commission back in April 2015 for changing to a R-5 zoning and that the Planning Commission and Board of Commissioners denied, wanting to keep Highway 53 open as a commercial corridor. Mr. Brumlow stated now they would like to ask for a MU zoning that would require a variance of 1.48 acres since the MU zoning requires 10 acres, and that this would be a long process of developing the side of the property on Old Fairmount Highway into a good quality housing development leaving the Highway 53 open for some type of commercial development. It was added that this property could be connected with the City of Calhoun public sewer that runs along Highway 53 and that there was a contract in place with JPM Development. Craig Jeup, with JPM Development, stated that the drawing now showed how they had scaled back the apartments from 72 units to 64 units leaving 3.38 acres along Highway 53 open to be sold for someone to develop into a commercial business. Tammy Freeman, a local realtor representing JPM Development, spoke in support for this rezoning and variance stating that this is very much needed in Gordon County because of the shortage of rental property that is available and since this development would have 1, 2, and 3 bedroom units it would certainly help with that void. Judith Ralston, who has power of attorney for her mother in property matters and her mother lives directly across the road from the Richards, spoke in opposition to the applications, stating that they worry about what the housing development would do to the property values in the area since all the property in this area is very valuable and they would like to see it remain commercial. She also mentioned her concern with tax credit housing and what type of residents would qualify to live there. Dana Mashburn, an area homeowner, spoke in opposition to the applications, stating that she was concerned that if housing was allowed that it would halt future commercial developments by the housing being land locked, therefore she could not see a Publix, Target, etc. even looking at this area. The property is only 2/10 mile from I-75, on one of the busiest exits in Georgia and she feels that this property is much too valuable for residential use and also just think of the sales tax revenue that could be generated to our county with big box retailers. She also added that Gordon County should not pass up on an opportunity like that and stay with the comprehensive plan. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-02 be approved and on the zoning request identified as Application #Z16-05 be also 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.

**Cover Sheet**  
**Proposal for Land Use Action**

Application Number: 216-04 Present Zoning: A-1 Proposed Zoning: CG

Date of Planning Commission Meeting: March 14, 2016

Date of Board of Commissioners' Meeting: April 5 2016

Applicant: David Mitchell Washington

Property Owner: (if different from applicant) Brenda G Arnold

Property Address: Lover Lane Rd

Said Property having a frontage of 150 feet and containing 1.00 acres.

Future Development Map Classification: Emerging Mixed Use Center, Community Mode

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Subdividing property. Rezone to CG, General Commercial.

Reason for Proposed Action: would like to open a minor repair automobile garage.

Directions to Property: E Line St. Turn right onto Lovers Lane Rd. Go about 1 mile on left.

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

**Date of Report:** February 12, 2016

**Application #** Z16-04

**Applicant and Property Owner:** Brenda G. Arnold (applicant: David "Mitchell" Washington)

**Location of Property:** 442 Lovers Lane Road, NE., Calhoun, GA 30701

**Property Frontage:** 150 Feet                      **Tract Size:** 1.00 acres

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

**Reason for Proposed Action:** Would like to subdivide property to open a minor repair automobile shop.

**Future Development Map Classification:** Emerging Mixed Use Center – Community Node

**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 garage be on septic? Owner will need to have a level 3 soil study done and bring it to my office along with a site plan to see how much property will be needed.
- \* ***Building Department:*** No comment.
- \* ***Fire Department:*** O.K.
- \* ***Gordon County School System:*** N/A
- \* ***Road Department or Georgia of Transportation:*** If zoning is approved and before construction or usage begins, a driveway permit will be required. A driveway design showing the layout details shall accompany the permit request. Refer to the ULDC chapter 6 for design guidelines.
- \* ***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 industrial and commercial zoned also some residential.

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

The proposed zoning will not affect nearby properties anymore than current adjacent land use.

***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 requirement for A-1 Zoning, and it cannot be used for any other purpose.

***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 but would not impede on the 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 Mixed Use Center – Community Node on the Gordon County Future Development Map. This classification supports land uses intended for mixed use (commercial, retail, residential), Civil/institutional, passive and active parks. 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 subject property is located directly across the road from an I-1, Industrial District which deals with the selling and repairing of automobiles.

**Planning Staff's Recommendation:**

The rezoning request identified as Application #Z16-04 be approved.

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

Recorded 10/25/2004 08:30A  
Georgia Transfer Tax Paid : \$0.00 Rept # 23096  
LEWIS COUCH  
Clerk Superior Court, GORDON County, Ga.  
Bk 01125 Pg 0372-0373

104-10571

---SPACE ABOVE RESERVED FOR RECORDING INFORMATION---

AFTER RECORDING RETURN TO:  
Jones & Erwin, P.C.  
109 North Wall Street  
Calhoun, Georgia 30701

State of Georgia, Gordon County

WARRANTY DEED

THIS INDENTURE, Made this the 29<sup>th</sup> day of September in the year of our Lord 2004 between William P. Arnold and Brenda G. Arnold as Joint Tenants with Right of Survivorship of the County of Gordon and State of Georgia of the first part, and Brenda G. Arnold, Widow of the County of Gordon and State of Georgia of the second part:

WITNESSETH, That the said parties of the first part, for and in consideration of the sum of Ten Dollars, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said party of the second part her heirs and assigns, all the following described property, to wit:

All that tract or parcel of land lying and being Land Lot 231 of the 14<sup>th</sup> and 3<sup>rd</sup> Section, Gordon County, Georgia; being Tract 1 and 2, per plat recorded in Plat 11, Page 198, Gordon County, Georgia Record, which plat by reference is incorporated herein and made a part hereof.

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 anywise appertaining, to the only proper use, benefit and behoof of Brenda G. Arnold the said party of the second part, her heirs and assigns forever in Fee Simple.

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

IN WITNESS WHEREOF the said parties of the first part has hereunto set her Hand and affixed her seal the day and year first above written.

Signed, sealed and delivered in presence of:

Brenda G. Arnold (Seal)  
Brenda G. Arnold

\_\_\_\_\_ (Seal)

[Signature] (Witness) \_\_\_\_\_ (Seal)

Lisa Opble (Notary Public) \_\_\_\_\_ (Seal)

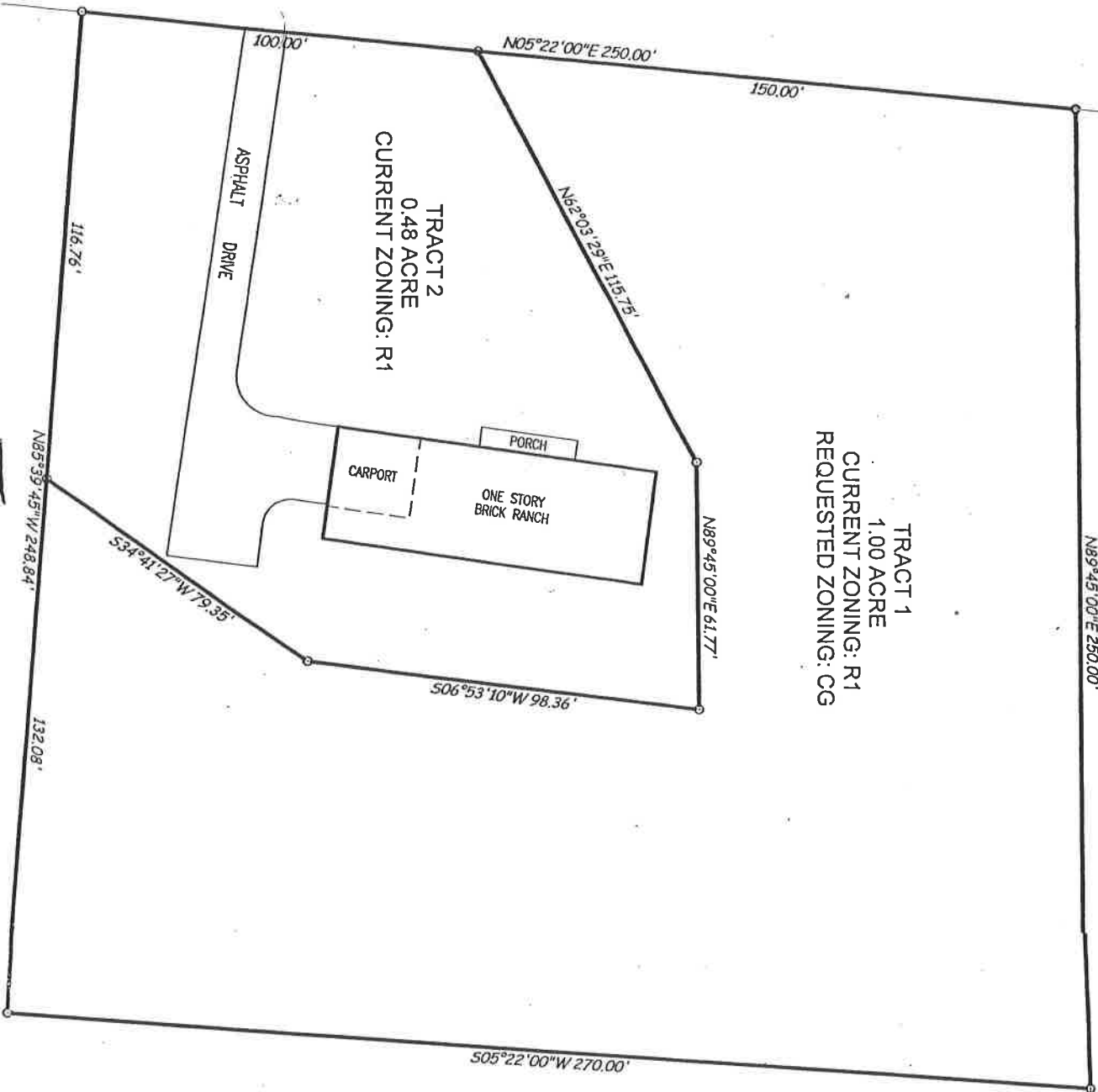
5/28/08

N.P. SEAL AFFIXED

CONTINUED

H-1

LOVERS LANE ROAD 80' R/W

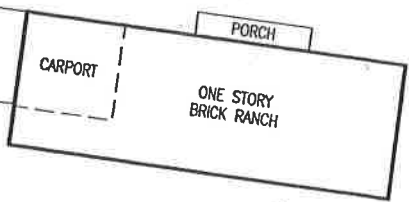


TAX PARCEL: 056A-79  
 J.R. KIRBY  
 DB43, PC164

A

TRACT 1  
 1.00 ACRE  
 CURRENT ZONING: R1  
 REQUESTED ZONING: CG

TRACT 2  
 0.48 ACRE  
 CURRENT ZONING: R1



A-1

TAX PARCEL: 056B 09  
 DAVID DIXON  
 DB1698, PG2864  
 PB16, PC164

A-1

116.76'

N85°39'45"W 248.84'

132.08'

100.00'

ASPHALT DRIVE

N05°22'00"E 250.00'

150.00'

N62°03'23"E 115.75'

N89°45'00"E 61.77'

S06°53'10"W 98.36'

S05°22'00"W 270.00'



**DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH**

Application # 2/16-04 Arnold A-1 to C-G

Date: 2/15/16

Reviewed by: Christy Blair

**Environmental Health**

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

Will garage be on septic?

Owner will need to have a level 3 soil study done and bring it to my office along with a site plan to see how much property will be needed.

**DEPARTMENTAL REVIEW – FIRE DEPARTMENT**

Application # 216-04 Arnold A-1 to C-G

Date: 2/15/16

Reviewed by: JOEY JORDAN

**FIRE DEPARTMENT**

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



O.K.

2/24/16

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-03, 04  
APPLICATION NAME: BRENDA G. ARNOLD  
TYPE OF ZONING: A-1 TO R-1, C-G, VA  
DATE: 2/19/2016  
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS AREA 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 FEILD SURVEY HAS BEEN COMPLETED.

**DEPARTMENTAL REVIEW – ROAD DEPARTMENT**

Application # Z16-04 Arnold A-1 to C-G  
Date: 2/15/16  
Reviewed by: Barry Hice

**ROAD DEPARTMENT**

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

If zoning request is approved and before construction or usage begins, a driveway permit will be required. A driveway design showing the layout details shall accompany the permit request. Refer to the ULDC chapter 6 for design guidelines.

~~BSH~~  
Contact:  
Gordon County Public Works  
4011 Fairmount Hwy SE  
Calhoun, GA 30701  
706-629-6011