

INFORMATION SHEET FOR REZONING REQUESTS

Application # 216-20 DATE OF READING 10-18-16
REZONE FROM A-1 TO I-1 Light Industrial

PROPERTY OWNER PFW Properties

LOCATION OF PROPERTY Henderson Bend Rd NW
Calhoun

DESCRIPTION OF PROPERTY
20.87 ACRES

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

- Approval

STIPULATIONS:

VARIANCE APPLICATION #V16-13, AARON SUTHERLAND

Chairman Rule read variance application #V16-13, Aaron Sutherland, requesting to reduce the required setback to property line from 300 feet to 10 feet for a stack house on a 29.32 acre tract located at 1657 Boone Ford Road, Calhoun. Mr. Sutherland represented the request explaining that he had been approved by the state for construction of a stack house and he has certain guidelines that must be met by the state, such as dimensions of structure and spot on his property. If he did place it at the back of the chicken houses it would require a lot more grading because of the steep hill and he would still need a variance. The adjoining property belongs to Mr. Sutherland's grandfather and is used as a cattle farm. Buford Wilson, the grandfather and adjoining property owner, stated that this was the best place for the stack house. He added that he could deed some of his property to his grandson to satisfy the setback requirements but would rather not since his cattle farm was in a trust and one day would belong to his grandson. Edward Harbin, adjoining property, owner spoke in opposition due to placement of stack house. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-13 be denied.

Butch Layson made the motion to approve the Variance Application #V16-13 to reduce the required setback from 300 feet to 10 feet for a stack house. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

REZONING APPLICATION #Z16-19, PFW PROPERTIES, INC.

Chairman Rule read rezoning application #Z16-19, PFW Properties, Inc., requesting to rezone a 29.75 acre tract located on Belwood Road, Calhoun from A-1 to CH. Terry Brumlow, a local attorney, represented the request explaining that his client has a pending buyer and this property is designated for future land use as Highway-Commercial. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z16-19 be approved.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z16-19 from A-1 to CH. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z16-20, PFW PROPERTIES, INC.

Chairman Rule read rezoning application #Z16-20, PFW Properties, Inc., requesting to rezone a 20.87 acre tract located on Henderson Bend Road, Calhoun from A-1 to I-1. Terry Brumlow, a local attorney, represented the request explaining that his client would like to conform this property to the future land use map. Noel Luna, whose parents own adjoining apartments, spoke with questions to what I-1 would include and Mr. Brumlow stated it would be a warehouse. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z16-20 be approved.

Eddie Smith made the motion to approve the rezoning application identified as #Z16-20 from A-1 to I-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

OLD BUSINESS

On the Planning Commissions' input on Section 5.02.00 Accessory Uses and Structures and Section 5.02.01 Pre-engineered or pre-assembled metal structures shall be no larger than 500 square feet in area, should this statement be more clearly defined for residential and/or agricultural such as: should variances be granted on residential, should agricultural be allowed without variances, etc? Randy Rule and Jerry Lovelace stated that they had looked at other counties guidelines and did not find a clear direction. It was stated that maybe a professional firm such as Apex Metals could give some insight as to what the current demand size is in Gordon County. The Planning Commission will research and discuss more at next meeting.

NEW BUSINESS

Butch Layson made the motion to discuss 2 ordinances; backyard poultry and overgrown property, then to give input to the Board of Commissioners. Jerry Lovelace seconded the motion. All voted aye. Thomas Hallman, a resident of Walnut Hills Subdivision, spoke to the Planning Commission and presented information of the positive impact of backyard chickens. Mr. Hallman's neighbor had complained to the ordinance officer about the Hallman family having 2 chickens that were in a very tastefully built coop that could be moved as needed. James Bradford, Gordon County ordinance officer, stated that the dogs in this neighborhood made more noise than these 2 chickens and that usually when he got complaints about something this minor it was because neighbors were at odds with each other. The members of the planning commission stated that rules must be in place to keep residents from abusing the ordinances and would do more research on the backyard chicken issue. On the overgrown property draft, Butch Layson made a motion that draft 2 should be accepted. Jerry Lovelace seconded the motion. All voted aye. Ursula Desrosier and James Bradford will pass the information along to the Board of Commissioners on the discussion of the old and new business.

ADDITIONAL BUSINESS

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 7:52 p.m.

Zelda Gregg, Secretary

Randy Rule, Chairman
Butch Layson, Vice-Chairman

**Cover Sheet
Proposal for Land Use Action**

Application Number: 216-20 Present Zoning: A-1 Proposed Zoning: I-1

Date of Planning Commission Meeting: October 10, 2016

Date of Board of Commissioners' Meeting: October 18, 2016

Applicant: PFW Properties, Inc.

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

Property Address: Henderson Bend Rd NW, Canton, GA

Said Property having a frontage of 420 (approx) feet and containing 20.87 acres.

Future Development Map Classification: I-1 Maubdin Rd. Mix

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Change zoning from current A-1 to I-1, Light Industrial to conform to the future land use map

Reason for Proposed Action: change zoning to conform potential property use to future land use map as approved by Gordon County.

Directions to Property: Proceed north from city of Canton on US Hwy 41/N. Wall Street and turn left on Henderson Bend Road NW, after crossing the railroad tracks property is approximately 700 feet on the north side of Henderson Bend Rd NW.

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

Rezoning Proposal

Date of Report: September 23, 2016

Application # Z16-20

Applicant and Property Owner: PFW Properties, Inc.

Location of Property: Henderson Bend Road, Calhoun, GA 30701

Property Frontage: 420 approx. Feet **Tract Size:** 20.87 acres

Proposed Action: Rezone from A-1 (Agricultural District) to I-I (Light Industrial).

Reason for Proposed Action: To change the zoning to conform to the Future Land Use Map.

Future Development Map Classification: Mauldin Road Mix

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 Environmental Health.
- * ***Building Department:*** N/A
- * ***Fire Department:*** OK
- * ***Gordon County School System:*** N/A
- * ***Road Department or Georgia Dept. of Transportation:*** Rezoning of property does not affect the right of way along the property. A designed entrance will be required for review and approval by the Public Works Department prior to the start of any construction.
- * ***Water & Sewer (City of Calhoun):*** This property is served by a 6" water line. This property has a 12" sewer line running through it..
- * ***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.

Subject property is surrounded by a mixture of agricultural land, commercial, residential and warehousing. There are many warehouses in the nearby vicinity. The railroad is located to the east.

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 adjacent or nearby properties due to the fact that the majority of properties are already being utilized for warehousing.

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 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 Mauldin Road Mix on the Gordon County Future Development Map. This classification supports land uses intended for Wholesaling /Warehousing, Multi-Family. 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 is consistent with the established development pattern with the Gordon County Future Land Use Plan..

Planning Staff's Recommendation:

The rezoning request identified as Application #Z16-20 is recommended for approval.

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

5.1.12 Dews Pond Community

The Dews Pond Community character area includes single-family residential uses, medical-oriented office uses south of Gordon Hospital, and other commercial uses. It includes areas that are undeveloped as well as more concentrated areas of development such as the neighborhoods around Calhoun Elementary.

Development Pattern

The development pattern should seek to:

- Accommodate housing that benefits from close proximity to local schools and to health services (senior housing, nursing home, special needs housing, and guest lodging for families of hospital patients)
- Promote a pedestrian-scale community with sidewalk connections
- Prohibit large-scale commercial uses
- Enhance pedestrian connectivity within and between residential and office developments

Primary Land Uses

- Residential (single-family as well as senior housing, nursing home, special needs housing, and guest lodging for families of hospital patients)
- Professional medical office
- Public/institutional
- Parks

5.1.13 Mauldin Road Mix

Mauldin Road Mix includes a concentration of industrial uses with some commercial along the road that are generally bound on either end by some single-family residential (to the south) and multi-family dwellings (to the north). The area also abuts the Emerging Suburban character area to the west, which has existing neighborhoods and the potential for additional residential growth.

Development Pattern

The development pattern should seek to:

- Protect surrounding residential uses from visual impacts of non-residential uses, including signage, site lighting and outdoor storage/displays
- Maintain existing multi-family housing opportunities
- Utilize landscaping to screen parking and loading areas and to enhance look of the area
- Ensure that truck access does not encroach on residential areas
- Limit clearing and grading
- Adequately buffer between dissimilar land uses
- Limit outdoor storage / display of merchandise

Primary Land Uses

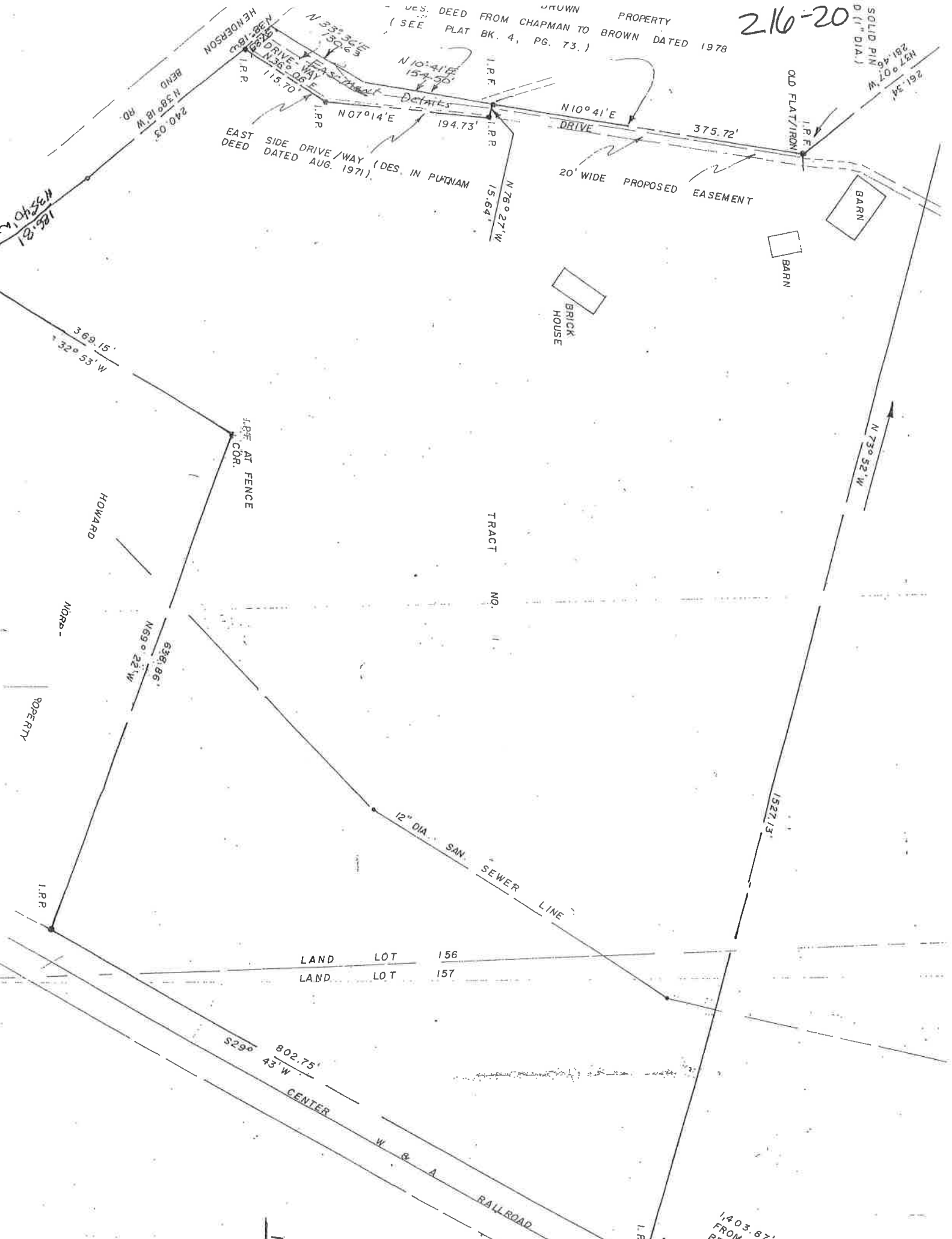
- Wholesaling/warehousing
- Multi-family



216-20

BROWN PROPERTY DEED FROM CHAPMAN TO BROWN DATED 1978 (SEE PLAT BK. 4, PG. 73.)

SOLID PIN D (1" DIA.)





Recorded 08/22/2005 04:05P
 Georgia Transfer Tax Paid : \$237.50 Rept # 31168

Deed
 Doc: ESTD

216-20

BRIAN BRANNON
 Clerk Superior Court, GORDON County, Ga.
 Bk 01225 Pg 0270-0271

105-8822

[Space above this line for Recording Data.]

After Recording: Please return to:
 Daniel T. Strain, Jr./C. Lee Daniel, III
 McCamy, Phillips, Tuggle & Fordham, LLP
 411 West Crawford Street
 Dalton, Georgia 30720
 Telephone: (706) 278-4499

Name: PFW PROPERTIES, INC.
 File No: 05RE-0173

ADMINISTRATOR'S DEED UNDER POWER

STATE OF GEORGIA
 COUNTY OF GORDON

THIS INDENTURE, made this 19th day of August, in the year of our Lord Two Thousand Five, between JEREMY REID JOHNSON and MATTHEW ZANE JOHNSON,, as Administrators/Personal Representatives of the Estate of BILLY ZANE JOHNSON, deceased, late of the State of Georgia and County of Gordon, deceased, of the First Part (hereinafter called "Grantor") and PFW PROPERTIES, INC., a Georgia Corporation, of the Second Part (hereinafter called "Grantee"); the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits:

WITNESSETH: That the said Grantor (acting under and by virtue of the power and authority contained in Final Order of the Probate Court of Gordon County, Georgia and Letters of Administration granted by said Probate Court on July 15, 2005, conferring upon said Administrator/Personal Representative all of the powers contained in O.C.G.A. §53-12-232 all as shown in the records of Gordon County Probate Court), and by virtue of Order of said Probate Court dated July 29, 2005, allowing the undersigned Jeremy Reid Johnson and Matthew Zane Johnson to execute the within deed (Scott Anthony Johnson being inaccessible to join in execution of same) for and in consideration of sum of Two Hundred Thirty Seven Thousand Five Hundred Dollars (\$237,500.00) Dollars 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 the said Grantee, all that tract or parcel of land described as follows:

All that tract or parcel of land lying and being in Land Lots 156 and 157, 14th District and 3rd Section of Gordon County, Georgia and being more particularly described as follows:

BEGINNING at a rebar placed on the northwesterly right of way of W & A Railroad (66 feet right of way) which point is northeasterly along said right of way 601.12 feet from its intersection with the northerly right of way of Henderson Bend Road; running thence north 68 degrees 27 minutes 40 seconds west 638.86 feet to a flat iron found; running thence south 33 degrees 47 minutes 20 seconds west 369.15 feet to a


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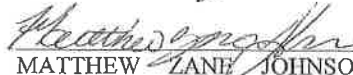
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rebar placed on the northeasterly right of way of Henderson Bend Road; running thence north 35 degrees 42 minutes 40 seconds west along the northeasterly right of way of Henderson Bend Road 186.81 feet; running thence north 37 degrees 35 minutes 32 seconds west along the northeasterly right of way of Henderson Bend Road 238.73 feet to a point (pinched top found); running thence north 36 degrees 47 minutes 04 seconds east 115.55 feet to a point (one inch solid found); running thence north 38 degrees 45 minutes 00 seconds east 184.75 feet to a rebar found; running thence south 53 degrees 56 minutes 52 seconds east 45.11 feet to a rebar found; running thence north 40 degrees 08 minutes 04 east 302.89 feet to a rebar found; running thence north 29 degrees 59 minutes 24 seconds west 200.14 feet to a point; running thence south 78 degrees 33 minutes 09 seconds west 97.39 feet to a rebar found; thence running thence north 89 degrees 21 minutes 21 seconds west 77.66 feet to a rebar found; running thence north 11 degrees 20 minutes 16 seconds east 62.24 feet to a flat iron found; running thence north 36 degrees 17 minutes 58 seconds west 261.16 feet to a point (pinched top found); running thence south 73 degrees 03 minutes 45 seconds east 1,526.30 feet to a point (pinched top found) on the northwesterly right of way of the W & A Railroad; running thence south 30 degrees 27 minutes 19 seconds west along the northwesterly right of way of W & A Railroad 802.75 feet to the POINT OF BEGINNING, being a tract of 20.87 acres as shown on survey for Bill Walraven, Stanley Simpson and J. Haley Stephens by Freeman & Lambert Surveyors, P.C., being File Number 8809013.

TO HAVE AND TO HOLD the said tract or parcel of land, 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 the said Grantee forever, IN FEE SIMPLE: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed, and enjoyed, by the said deceased.

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

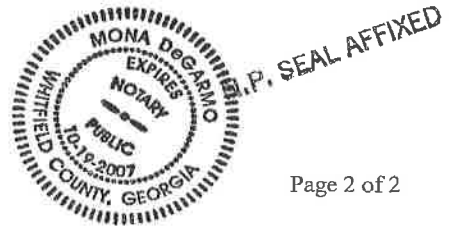
 (SEAL)
JEREMY REID JOHNSON, as
Administrator/ Personal Representative of the
Estate of (BILLY ZANE JOHNSON)

 (SEAL)
MATTHEW LANE JOHNSON, as
Administrator/ Personal Representative of the
Estate of (BILLY ZANE JOHNSON)

Signed, sealed and delivered this 19th day
of August, 2005 in the presence of:


Witness


Notary Public



DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # Z.16-20 PFW Prop. A-1 to I-1

Date: 9/13/16

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 E.H.

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 216-20 PFW Prop. A-1 to I-1

Date: 9/13/14

Reviewed by: BARRY HICE

ROAD DEPARTMENT

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

RE-ZONING OF PROPERTY DOES NOT AFFECT
THE RIGHT OF WAY AROUND PROPERTY

A. DESIGNED ENTRANCE WILL BE REQUIRED
FOR REVIEW AND APPROVAL BY THE PUBLIC WORKS
DEPARTMENT PRIOR TO THE START OF ANY
CONSTRUCTION.

BH

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-20
APPLICATION NAME: PFW PROPERTIES
TYPE OF ZONING: A-1 TO ~~E-1~~
DATE: 9/22/2016
REVIEWED BY: MARK WILLIAMSON

WATER COMMENTS:

THIS PROPERTY IS SERVED BY A 6" WATER LINE.

SEWER COMMENTS:

THIS PROPERTY HAS 12" SEWER LINE RUNNING THROUGH IT.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 216-20 PFW Prop. A-1 to I-1

Date: ~~9/15/16~~ 9/15/16

Reviewed by: JEY JORDAN

FIRE DEPARTMENT

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

O.K.
Jey Jordan
9/15/16