

INFORMATION SHEET FOR REZONING REQUESTS

Application # 216-26 DATE OF READING 1-24-17

REZONE FROM A-1 TO CH highway commercial

PROPERTY OWNER Stanley Simpson

LOCATION OF PROPERTY 5200 FAIRMOUNT HWY SE

DESCRIPTION OF PROPERTY

1.47 ACRES

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

- Approval

STIPULATIONS:

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
JANUARY 9, 2017**

The Gordon County Planning Commission held a Public Hearing on Monday, January 9, 2017 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	Jerry Lovelace
Butch Layson	Eddie Smith
Nathan Serritt	

Butch Layson 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 December 12, 2016. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z16-26, STANLEY SIMPSON
(Tabled from December 12, 2016)

Vice-Chairman Layson read rezoning application #Z16-26, Stanley Simpson requesting to rezone a 1.47 acre tract located at 5200 Fairmount Hwy., SE, Calhoun from A-1 to CH, for a used car sales business and use the duplex as office space. Mr. Simpson represented the request stating that he had followed up on the requirements he would have to meet with Georgia D.O.T. and the Gordon County Public Works Department on the driveway permits since the last meeting and that it would be cost efficient for him to proceed with the rezoning as discussed at the prior month meeting. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z16-26 be denied.

Nathan Serritt made the motion to recommend denial of the rezoning application identified as #Z16-26. With the lack of a second, Chairman Rule ask again for a recommendation. Butch Layson made the motion to recommend approval of the rezoning application #Z16-26 from A-1 to CH. Jerry Lovelace seconded the motion. Eddie Smith voted with the motion. Nathan Serritt opposed the motion. The vote was 3-1 to recommend approval of the rezoning request. The recommendation for approval was sent to the Board of Commissioners.

Cover Sheet
Proposal for Land Use Action

Application Number: ^{Z16-26} ~~020~~ Present Zoning: A-1 Proposed Zoning: CH

Date of Planning Commission Meeting: December 12, 2016

Date of Board of Commissioners' Meeting: December 20, 2016

Applicant: Stanley Simpson

Property Owner: (if different from applicant) _____

Property Address: 5200 Fairmount Hwy SE, Calhoun

Said Property having a frontage of Corner lot feet and containing 1.47 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Rezone property with existing duplexes to Highway Commercial.

Reason for Proposed Action: Would like to relocate a local used car sales business to the property and convert the duplexes into Offices.

Directions to Property: Hwy 53 E to the corner of Foster Lusk Rd.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: November 16, 2016

Application # Z16-26

Applicant and Property Owner: Stanley Simpson

Location of Property: 5200 Fairmount Hwy SE, Calhoun GA 30701

Property Frontage: Corner Lot Feet Tract Size: 1.47 acres

Proposed Action: Rezone from A-1 (Agricultural District) to CH (Highway Commercial).

Reason for Proposed Action: Would like to relocate a local used car sales business to the property and convert the duplexes into offices.

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:* No issues Environmental Health.
- * *Building Department:* N/A
- * *Fire Department:* OK
- * *Gordon County School System:* N/A
- * *Georgia Dept. of Transportation:* Driveway is for residential. If commercial driveway is needed, a permit application needs to be sent to GDOT for approval. No commercial/business signs shall be placed on GDOT right-of-way.
- * *Road Department:* If a new driveway is desired to access property from Foster Lusk Road, a driveway entrance permit must be obtained from Gordon County Public works Department prior to construction.
- * *Water & Sewer (City of Calhoun):* This property is served by an 8" water line. City sewer is unavailable.
- * *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 Public 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 inconsistent with nearby land uses, which include agricultural and low-density residential uses and undeveloped land on properties zoned A-1. There is however, a 5.691 acre tract south of the property that is zoned CH that was rezoned in 2010 for the purpose of relocating Proctor's Garage and Wrecker Service but the business relocated into the City of Calhoun instead, leaving the land undeveloped. The Planning Commission initiated denial but was overturned by the B.O.C.

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

The proposed zoning may generate adverse impacts due to the nature of the proposed use and the intensity of the proposed zoning classification.

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 five (5) acre lot size requirement for A-1 zoning and it cannot be used for commercial purposes.

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.

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, and civic/institutional. The proposed zoning is inconsistent with surrounding residential and agricultural uses and 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 inconsistent with the surrounding development pattern and the Future Development Map.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z16-26 is recommended for denial.

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

6. Rural/Agricultural Reserve (con't.)

Development Pattern (con't).

- Reduce impervious cover
- Utilize natural features for stormwater management
- Accommodate low-intensity uses

Primary Land Uses

- Agricultural
- Low-intensity single-family residential
- Passive recreation

Quality Community Objectives

- Sense of Place
- Open Space Preservation
- Environmental Protection

Implementation Strategies

- Adopt a policy that discourages extension of public utilities into these areas
- Continue to follow BMPs for any land disturbance activities, including tree harvesting and utility construction
- Adopt a Conservation Subdivision Ordinance
- Adopt typical street cross-sections for these areas that identify appropriate width and configuration and that require paved roads to use drainage swales in lieu of curb and gutter
- Encourage the use of Stormwater Better Site Design Standards (part of the Georgia Stormwater Management Manual) to conserve natural areas, reduce impervious surfaces and better integrate stormwater treatment in site planning and design
- Increase buffer requirements between agricultural and non-agricultural uses
- Adopt policies that require setting aside land as part of subdivision development for a County-wide network of greenways/trails for use by non-motorized users
- Promote the use of conservation easements and conservation tax credits by landowners to help preserve viable farmland



An example of a conservation subdivision, which maximizes and protects existing green space/trees
Source: Georgia Stormwater Management Manual

7. Emerging Suburban

Suburban-type residential development (smaller-lot neighborhoods versus individual, large lots) has occurred to some extent east of Calhoun between State Highway 156 (Red Bud Road) and State Highway 53. These residential subdivisions have typically developed in a leap-frog fashion, and they lack connectivity when they do abut. Like much of the County, the homes utilize septic systems. Less dense residential development has occurred southwest of Calhoun. Together, these two areas have the potential to accommodate residential growth in the County. Development is not expected to be at the same intensity as what is encouraged in the Emerging Mixed Use – Community Node character areas, especially due to the presence of groundwater recharge areas, the lack of sewer infrastructure, and the existing development pattern that includes large-lot development. Conservation subdivisions, however, are a suitable use to help retain the open spaces and rural character that are prevalent throughout the area.

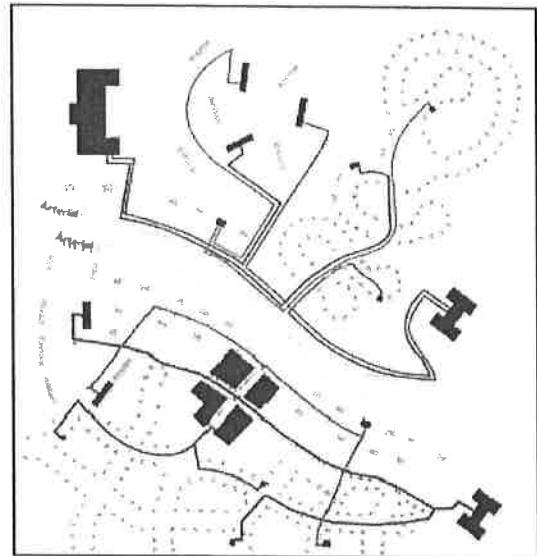


7. Emerging Suburban (con't.)

Development Pattern

The development pattern should seek to:

- Respect the rural character
- Provide adequate open space
- Provide connected system of streets within new subdivisions and connect to existing subdivisions
- Include a variety of housing choices
- Limit clearing and grading
- Provide sidewalks, street trees and decorative, pedestrian-scale lighting
- Provide safe facilities for pedestrians, schools buses, and bicyclists using the road right-of-way
- Connect to a network of greenways/trails, wherever possible
- Continue to follow the lot size requirements of the Groundwater Recharge Area Protection Ordinance
- Assure compatibility of infill development with surrounding neighborhoods
- Require residential subdivisions accessing a highway to be interconnected and to provide at least two entrances
- Allow higher density development if water/sewer infrastructure can be provided
- Encourage conservation subdivisions
- Provide active and passive recreation opportunities for area residents



The Emerging Suburban character area seeks to encourage the connectivity depicted on the bottom of the diagram and discourage conventional suburban sprawl shown in the top of the diagram.

Primary Land Uses

- Single-family residential
- Passive and active recreation
- Civic/institutional

Quality Community Objectives

- Housing Choices
- Open Space Preservation
- Transportation Alternatives
- Sense of Place

Implementation Strategies

- Adopt a Conservation Subdivision Ordinance
- Adopt a Landscape and Buffer Ordinance
- Continue to enforce the existing Groundwater Recharge Area Protection Ordinance
- Adopt a Tree Protection/Replacement Ordinance
- Adopt maximum lot coverage requirements



Recorded 05/05/2016 9:00
Doc: 40 Rec#: 313349
TRANSFER TAX: 50.00
TRANSFER TAX ID: 0642016000754
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2005 Pg: 192

Return Recorded Document to:
Drumlow, Corwin & Delashmit, P.C.
1287 Curtis Parkway SE
P.O. Box 2500
Calhoun, GA 30703
File #0416G437

STATE OF GEORGIA
COUNTY OF GORDON

WARRANTY DEED

This Indenture made this 4th day of May, 2016 between **JANICE WEST AND DOROTHY CRONAN GALLMAN FKA DOROTHY GRONAN GREESON**, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **STANLEY SIMPSON**, as party or parties 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: Grantor, for and in consideration of the sum of **TEN AND 00/100'S (\$10.00)** Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1 of the 6th District and 3rd Section of Gordon County, Georgia; and being that certain 1.47 acre tract as shown on plat dated 06/14/1976 and amended 08/22/1986 and recorded in Plat Book 17, Page 204, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof.

This Deed is given subject to all easements and restrictions of record, if any.

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**.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:



Witness

Notary Public

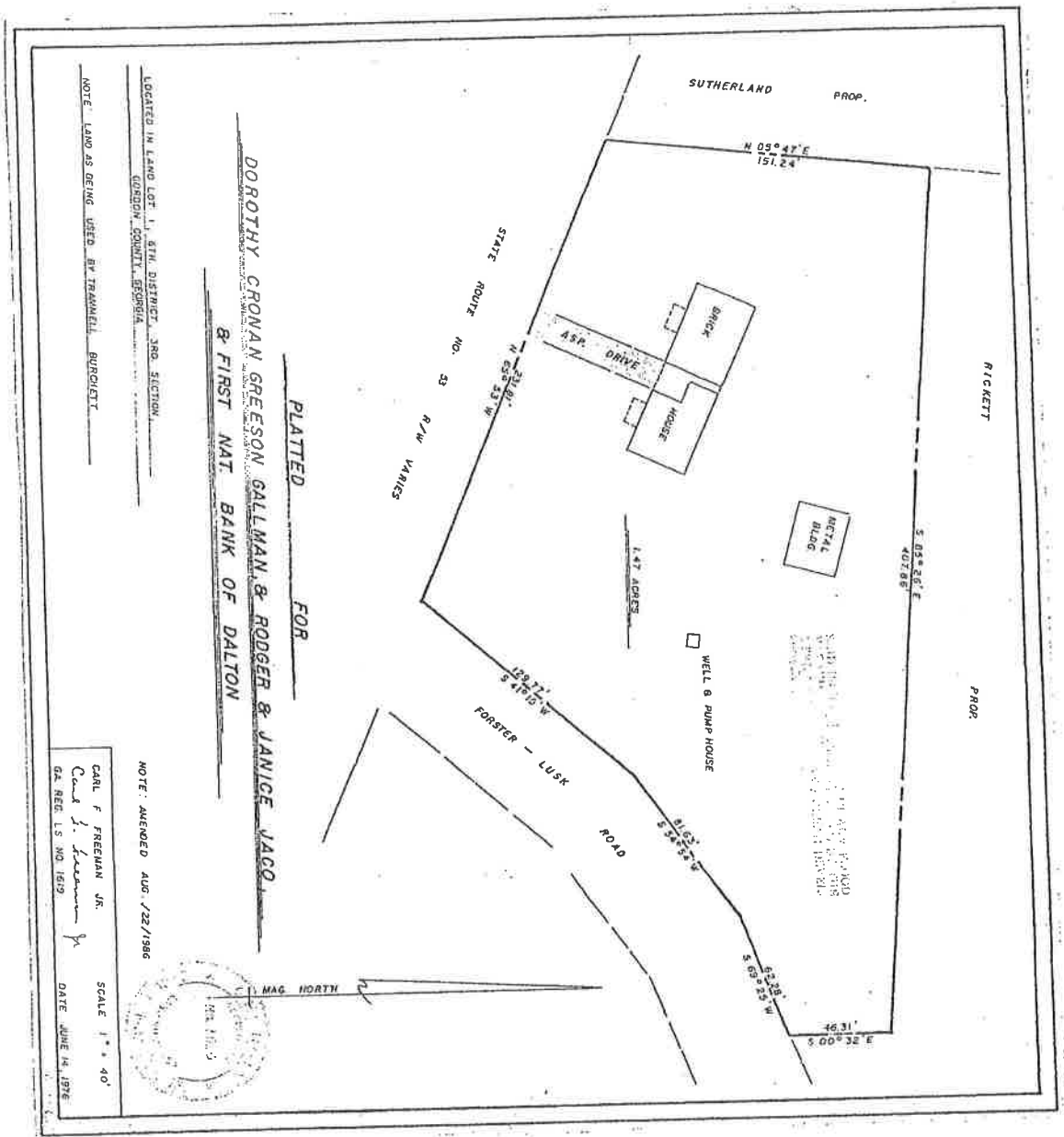




JANICE WEST (Seal)



DOROTHY CRONAN GALLMAN FKA
DOROTHY CRONAN GREESON (Seal)



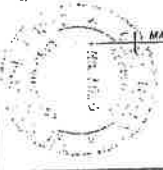
DOROTHY CRONAN GRESSON GALLMAN & RODGER & JANICE JACO
 & FIRST NAT BANK OF DALTON
PLATTED FOR

LOCATED IN LAND LOT 1, 8TH DISTRICT, 3RD SECTION,
 GORDON COUNTY, GEORGIA.

NOTE: LAND AS BEING USED, BY TRAMMELL, BUDGETT.

NOTE: AMENDED AUG. /22/1986

CARL F. FREEMAN JR.
 CARL F. FREEMAN JR.
 DATE: JUNE 14, 1976
 SCALE: 1" = 40'



*Filed in office
 9-19-86 @ 11:30 AM
 Linn County Clerk*

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 216-26 Simpson A-1 to CH
Date: 11/15/16
Reviewed by: Barry Hice

ROAD DEPARTMENT

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

IF A NEW ENTRANCE IS DESIRED TO ACCESS PROPERTY FROM FOSTER LUSK ROAD, A DRIVEWAY ENTRANCE PERMIT MUST BE OBTAINED FROM GORDON COUNTY PUBLIC WORKS DEPARTMENT PRIOR TO CONSTRUCTION OF ENTRANCE.



**DEPARTMENT REVIEW – STATE DEPARTMENT OF
TRANSPORTATION**

Application # Z 116-26 Simpson A-1 to CH
Date: 11/15/16
Reviewed by: Stan McCarley

State Department of Transportation

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

Driveway is for residential, if commercial driveway is needed, a permit application needs to be sent to Georgia Department of Transportation for approval.

No commercial/business signs shall be placed on GDOT right-of-way.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 216-26 Simpson A-1 to CH

Date: 11/15/16

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.
Joey Jordan
11/29/16

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 216-26 Simpson A-1 to CH

Date: 11/15/16

Reviewed by: Christy Blair

Environmental Health

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

No issues w/ EH.

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-26
APPLICATION NAME: Stanley Simpson
TYPE OF ZONING: A-1 to CH
DATE: 11/28/2016
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.