

INFORMATION SHEET FOR REZONING REQUESTS

Application # 216-27 DATE OF READING 1-24-17

REZONE FROM A-1 TO R-1

PROPERTY OWNER Mitchell WAYNE Worley

LOCATION OF PROPERTY 253 Rock Creek Rd

DESCRIPTION OF PROPERTY

1.52 ACRES

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

- Approval

STIPULATIONS:

VARIANCE APPLICATION #V16-16 & REZONING APPLICATION #Z16-27, MITCHELL WAYNE WORLEY

Chairman Rule read variance application #V16-16 and rezoning application #Z16-27, Mitchell Wayne Worley for a 1.52 acre tract located at 253 Rock Creek Road, Calhoun. Mr. Worley represented the requests explaining that the property was subdivided into two tracts and that he had inherited the back tract from his father (his brother had inherited the front tract). He has removed the existing mobile home and would like to build a house for his son. The variance is to reduce the required county road frontage for R-1 zoning from 75 feet to a 15 foot easement and the rezoning is from A-1 to R-1. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V16-16 be approved, with the condition that evidence of a permanent easement for access is submitted to the Gordon County Planning and Development Department and on rezoning request identified as Application #Z16-27 it is recommended for approval from A-1 to R-1.

On variance request #V16-16, Jerry Lovelace made the motion to approve as requested; with the condition that evidence of a permanent easement for access is submitted to the Gordon County Planning and Development Department. Eddie Smith seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning request #Z16-27, Eddie Smith made the motion to approve the request from A-1 to R-1. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z16-28, TONY TEMPLE

Chairman Rule read rezoning application #Z16-28, Tony Temple, requesting to rezone a 1 acre tract located at 262 Newtown Road, Calhoun from A-1 to CH. Mr. Temple represented the request explaining that this property was subdivided and must be brought into compliance before any building permit could be issued, regardless of use, but he would like to build a 42 x 48 foot shop for storage of his construction equipment. All adjoining property owners had been notified.

Ursula Desrosier, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z16-28 be approved and that the Future Land Use Map be amended.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z16-28 from A-1 to CH and an amendment is made to the Future Land Use Map. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**Cover Sheet
Proposal for Land Use Action**

Application Number: Z116-27 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: January 9, 2017

Date of Board of Commissioners' Meeting: January 24, 2017

Applicant: Mitchell Wayne Worley

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

Property Address: 253 Rock Creek Rd, Calhoun

Said Property having a frontage of 15 feet and containing 1.52 acres.

Future Development Map Classification: Rural/Agricultural Reserve

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: Property was subdivided into 2 tracts.
I inherited the back tract from my father.
My brother received the front tract.

Reason for Proposed Action: Would like to remove existing
mobile home and build a house for my son.

Directions to Property: Hwy 156 W for 10 miles starting
from CVS. Turn right onto Rock Creek Rd.,
200 yds. on right.

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

Rezoning Proposal

Date of Report: December 21, 2016

Application # Z16-27

Applicant and Property Owner: Mitchell Wayne Worley

Location of Property: 253 Rock Creek Rd., Calhoun GA 30701

Property Frontage: 15 Feet **Tract Size:** 1.52 acres

Proposed Action: Rezone from A-1 (Agricultural District) to R-1 (Low Density Residential).

Reason for Proposed Action: The property was subdivided into two (2) tracts and I inherited the back tract from my father, my brother inherited the front tract. I would like to remove the existing mobile home and build a house for my son.

Future Development Map Classification: Rural/Agricultural Reserve

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 w/road frontage. Mr. Worley needs to be sure existing drainfield from mobile home will not encroach over property lines onto newly split tract. I don't know if 1.51 acre will be enough property for a house and septic system. Each new tract will require a separate 911 address before permitting.
- * ***Building Department:*** N/A
- * ***Fire Department:*** OK
- * ***Gordon County School System:*** N/A
- * ***Road Department and/or Georgia Dept. of Transportation:*** If a new entrance is desired to access property a driveway entrance permit must be obtained from Gordon County Public Works prior to construction of entrance.
- * ***Water & Sewer (City of Calhoun):*** This property is served by an 6" 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 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 agricultural and low-density residential uses on agricultural zoning.

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 of nearby property. There already is a dwelling on the property which will be upgraded.

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.

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 not 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 Rural/ Agricultural Reserve on the Gordon County Future Development Map. This classification supports land uses intended for agricultural, low-intensity single-family residential and passive recreation. The proposed zoning is consistent 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 consistent with the surrounding properties. They are merely replacing a mobile home for a conventional house. The property is not in compliance with the U.L.D.C. since it has been subdivided with an existing mobile home on the property and would not be a buildable property.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z16-27 is recommended for approval.

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

5. Rural Crossroads (con't.)

Quality Community Objectives

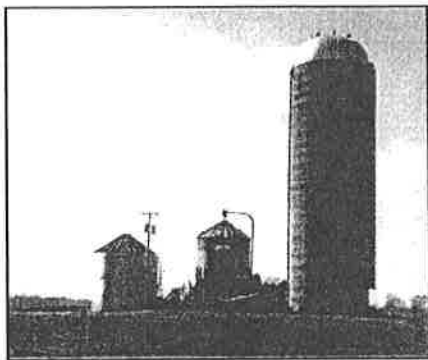
- Sense of Place
- Regional Identity

Implementation Strategies

- Adopt minimum standards for commercial building and site design
- Adopt a Conservation Subdivision Ordinance
- Widen roadways only when absolutely necessary



6. Rural/Agricultural Reserve



Agriculture, a traditional industry in the County, contributes to the rural nature of this character area



The existing development pattern of large lots and open space should be maintained



Tree canopies are valuable contributions to scenic views and the rural character of the area

The Rural/Agricultural Reserve character area is widespread throughout Gordon County. The character area includes predominantly rural, undeveloped land that is suited for agricultural and large-lot residential uses. Development in the area should respect the County's farming tradition and maintain its rural, open spaces. Lack of sewer infrastructure is common, which makes higher density development unsuitable. An exception is clustering of homes to preserve significant amounts of open space. "Conservation subdivisions" may be an appropriate alternative to large-lot residential uses and an appropriate response to development pressures for lower density residential neighborhoods.

Development Pattern

The development pattern should seek to:

- Protect farmland, open space, and environmentally-sensitive areas by maintaining large lot sizes
- Preserve economic function of agriculture, livestock and forestry in Gordon County
- Cluster new residential development in a conservation subdivision design that incorporates significant amounts of open space and natural conservation areas
- Limit grading and clearing
- Preserve natural hydrology and drainageways
- Connect new conservation subdivisions to a County-wide network of greenways
- Discourage extension of public utilities into these areas
- Carefully design roadway alterations to minimize scenic and environmental impacts
- Preserve rural character, viewsheds, and natural features/resources
- Allow unpaved roads and shared driveways that provide access from a public road for up to six residences
- Limit impacts of new development on the environment, including reducing limits on clearing and grading



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

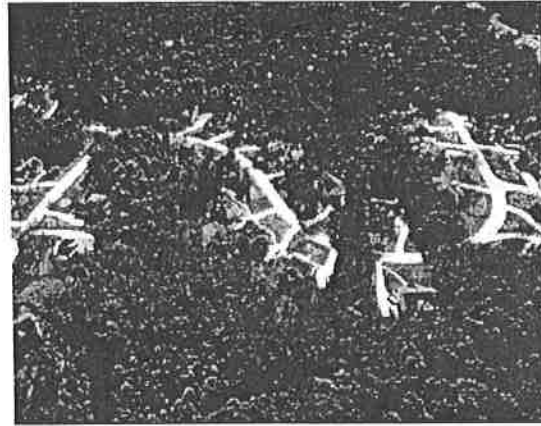
- Agricultural
- Low-intensity single-family residential
- Passive recreation

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.



- ABOVE SPACE RESERVED FOR RECORDING INFORMATION -

AFTER RECORDING RETURN TO:
Jones & Erwin, P.C.
109 North Wall Street
Post Office Box 1147
Calhoun, Georgia 30701

State of Georgia
County of Gordon

Easement

THIS INDENTURE, made this the 18 day of April in the year of our Lord 2013 by and between Marshall E. Worley, party of the first part, and Mitchell W. Worley his heirs, successors and assigns, party of the second part,

WITNESSETH: For and in consideration of the sum of One Dollar (\$1.00), in hand paid, and the benefits flowing to the parties of the first part from the project hereinafter described, parties of the first part does hereby grant and convey a perpetual easement fifteen feet (15') in width unto Mitchell W. Worley, his heirs, successors and assigns, party of the second part over, through and along the North side of the following described parcel, to wit:

All that tract or parcel of land lying and being in the 24th District and 3rd Section of Gordon County, Georgia, and being a part of Land Lot #26 thereof, and more particularly described as follows: Beginning at a point on the East side of Rock Creek Road a distance of 1549 feet South of the South East intersection of Rock Creek Road and Flats Woods Road; thence running South 8 degrees 50 minutes West along the East side of Rock Creek Road a distance of 294.54 feet to a iron pin; thence running East a distance of approximately 220 feet to a iron pin; thence running in a Northerly direction a distance of approximately 279 feet to a iron pin; thence running North 89 degrees 27 minutes West a distance of approximately 175 feet to the point of beginning.

Said property is adjacent to other property owned or being acquired by grantee, and this easement is granted as appurtenant thereto, for ingress and egress to the grantee's property.

The easement herein granted shall bind the heirs and assigns of the undersigned parties, and shall inure to the benefit of the successors in title of the grantee.

IN WITNESS WHEREOF the said Party of the First Part has hereunto set his hand and affixed his seal the day and year first above written.

Signed, sealed and delivered in presence of:

Bruce Erwin
Witness

Marshall E. Worley (Seal)
Marshall E. Worley

SWORN AND SUBSCRIBED to before me
This the 18 day of April, 2013

Nelen Jordan
NOTARY PUBLIC, Gordon County, Georgia
My commission expires: 6/27/13

N.P. SEAL AFFIXED

-- ABOVE SPACE RESERVED FOR RECORDING INFORMATION--

AFTER RECORDING RETURN TO:
Jones & Erwin, P.C.
P O Box 1147
Calhoun GA 30703

State of Georgia, Gordon County

WARRANTY DEED

THIS INDENTURE, made this 18th day of April in the Year of Our Lord 2013 between MARSHALL E. WORLEY of the County of Gordon and State of GEORGIA of the first part, and MITCHELL W. WORLEY of the County of GORDON and State of GEORGIA of the second part:

WITNESSETH, that the said party of the first part, for and in consideration of the sum of Ten Dollars and other good and valuable consideration, 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, his heirs and assigns, all the following described property, to wit:

All that tract or parcel of land lying and being in the 24th District and 3rd Section of Gordon County, Georgia, and being a part of Land Lot #26 thereof, and more particularly described as follows: Beginning at an iron pin that is located South 8 degrees 27 minutes East a distance of approximately 175 feet from a power pole that is located on the East side of Rock Creek Road a distance of 1549 feet South of the South East intersection of Rock Creek Road and Flats Woods Road; thence running in a Southerly direction a distance of approximately 279 feet to an iron pin; thence running East a distance of approximately 242.41 feet to an iron pin; thence running North 8 degrees 50 minutes East a distance of approximately 266.44 feet to a 1/2" pipe; thence running North 89 degrees 27 minutes West a distance of approximately 246.77 feet to the point of beginning.

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 Mitchell W. Worley, the said party of the second part, his heirs and assigns forever in Fee Simple.

And the said party of the first part, for his 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, his heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said party of the first part has hereunto set his hand and affixed his seal the day and year first above written.

Signed, sealed and delivered in presence of:

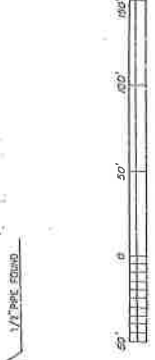
Bruce Erwin
Witness

Marshall E. Worley (Seal)
Marshall E. Worley

Heidi J. Jorgensen
Notary Public
My commission expires 6/27/13

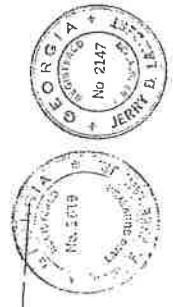
N.P. SEAL AFFIXED

SAYD PROPERTY IS ...
 HARVARD ...
 ...

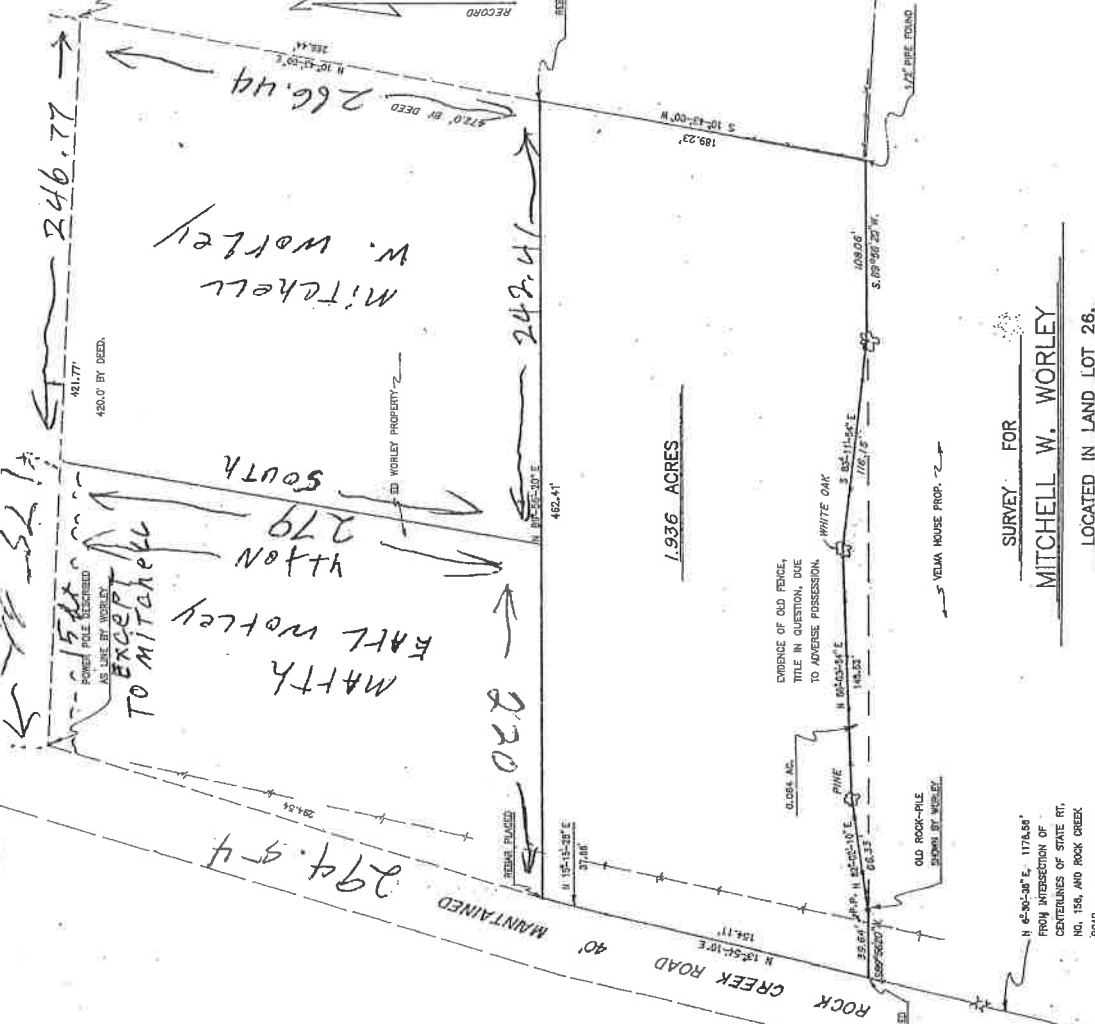


DATE: JUNE 28, 1990.
 REVISED JULY 18, 1990.

THIS DEED HAS BEEN CORRECTED FOR CLIPPING AND ISSUED TO BE ACCURATE WITH ONE FOOT IN ...
 ...
 ...
 ...



YVES LAMBERT SURVEYORS
 184 EASTVIEW DR. N.E.
 CALDWELL GA. 30701
 (404) 253-2000



1.936 ACRES

SURVEY FOR
MITCHELL W. WORLEY
 LOCATED IN LAND LOT 26,
 24TH DISTRICT, 3RD SECT.
 GORDON COUNTY, GEORGIA.

NOTE: NO R/W DEED FOUND,
 IRON PINS PLACED 20 FT.
 OFF CENTER.

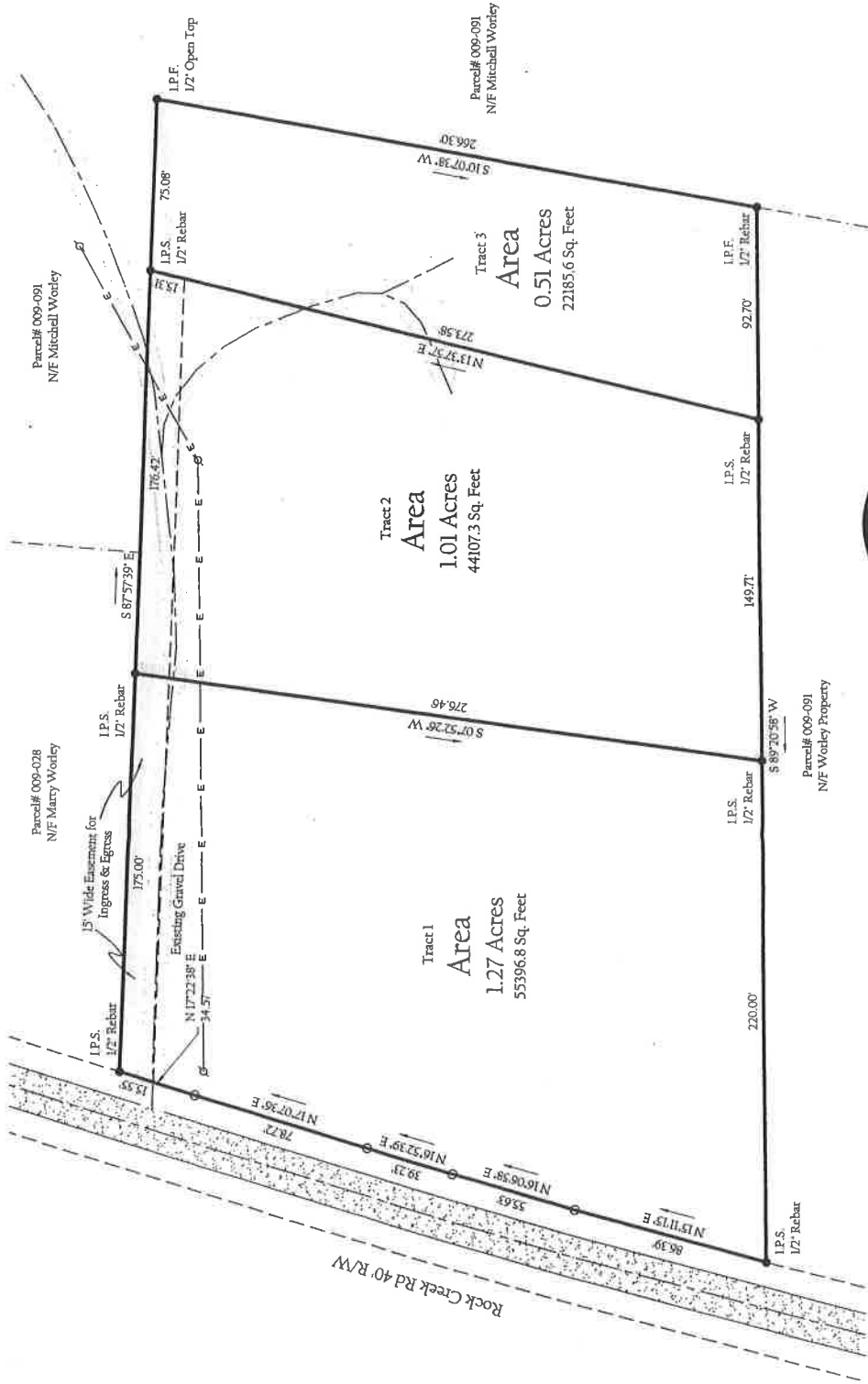
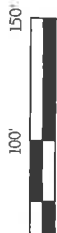
N 62°05'30"E 177A.59'
 FROM INTERSECTION OF
 CENTRINES OF STATE RT.
 NO. 158, AND ROCK CREEK
 ROAD.

Tract 3 Mitchell Worley

Gordon County, Georgia

LOCATED IN LAND LOT 26, 24th DISTRICT & 3rd SECTION OF GORDON COUNTY, GEORGIA

work: 8/3/2016
8/4/2016



IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

North Georgia SURVEYING
202 Erwin Road S.E.
Cathlamet, GA 30701
706-625-1046

IN A FLOOD
DING TO MAPS

BER-13129C - 0500D

ASSESSMENTS AND RIGHTS OF WAY.

LATED TO HAVE A CLOSURE OF 1" IN 100,000*

UCH THIS PLAT IS BASED ON HAS A HORIZONTAL
A VERTICAL PRECISION OF 0.04 FEET AND WAS
DOKIA GRX-1 BASE STATION AND ROVER UNIT
WORK SURVEY.

USING A SOKKIA GRX-1
ATA COLLECTOR.

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # Z 16-27 Worley A-1 to R-1
V 16-16 Variance
Date: 12/12/16
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/ road frontage. Mr Worley needs to be sure existing drainfield from mobile home will not encroach over property lines onto newly split tract. I don't know if .5 acre will be enough property for a house and septic system.

Each new tract will require a separate 911 address before permitting.

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 216-27 Worley A-1 to R-1
V16-16 A-Variance

Date: 12/12/16

Reviewed by: Blake Nicholson - Public Works

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 a driveway entrance permit must be obtained from Gordon County Public Works prior to construction of entrance.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # 2 16-27 V 16-16 Worley A-1 to R-1
Variance
Date: 12/12/16
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.  12/15/16

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z16-27
APPLICATION NAME MITCHELL WORLEY
TYPE OF ZONING: A-1 TO R-1
DATE: 12/13/2016
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.