

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z18-03 DATE OF READING 3-20-18

REZONE FROM A-1 TO Conditional Use

APPLICANT Robbie Evans

OWNER Springbank, LLC

LOCATION OF PROPERTY Mt. Olive Church Rd.

Fairmount

DESCRIPTION OF PROPERTY

66 +/- ACRES

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

1. Approval with a 2-1 vote

STIPULATIONS:

With the conditions that the driveway be approved by the Public Works Department

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
MARCH 12, 2018**

The Gordon County Planning Commission held a Public Hearing on Monday, March 12, 2018 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 | Butch Layson |
| Jerry Lovelace | Nathan Serritt |
| Eddie Smith | |

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 12, 2018. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

VARIANCE APPLICATION #V18-04, WILLIAM EINHELLIG

Chairman Rule read variance application #V18-04, William Einhellig, requesting a variance on a 3.97 acre tract located at 131 Everett Springs Road, Calhoun. Charlie Kirby represented the request but did not have the adjoining property owners notifications required to hear the variance.

Butch Layson made the motion to table the variance request until the April meeting. Jerry Lovelace seconded the motion. All voted aye. The variance application #V18-04 was tabled until the April 9, 2018 meeting.

REZONING APPLICATION #Z18-03, ROBBIE EVANS

Chairman Rule read rezoning application #Z18-03, Robbie Evans, requesting to rezone a 66 acre tract located on Mt. Olive Church Road, Fairmount from A-1 to Conditional-Use. Ursula Richardson, Zoning Administrator for Gordon County, announced that an error had been made in the newspaper advertisement on the dates, the date for the Planning Commission to hear this request was correct, but the date for the Board of Commissioners to hear it was not correct. The correct date for the Board of Commissioners will be March 20, 2018. Also, the number of acres and the land lot numbers were incorrect. A corrected newspaper advertisement will run in the Saturday, March 17, 2018 edition of the Calhoun Times. Robbie Evans represented the request explaining that he wanted to purchase this acreage to build a poultry farm, consisting of 6 houses, 50x600 feet each. He had originally looked at a larger track but decided to go with this track in order for the poultry houses to be farther from the road and other dwellings. This property is currently part of an 1869.78 acre tract of land owned by Springbank, LLC.

Dianne Kirby, an area homeowner, spoke in opposition to this rezoning request, stating that she felt that this request should have been postponed because of the advertisement error and was opposed for other reasons as follows: flies, gnats, smell, traffic from trucks on roads with no shoulders, water/soil pollutions, that farms participate in the GATE program which allows them to not have to pay sales tax on farm equipment, supplies, etc. and the fact that there are already 90 chicken houses within less than a 3 mile radius of her home. Other adjoining and area homeowners, Jeremiah Collis, Kelly Barrett, Stephen Barrett, and Randall Mulkey spoke with the same concerns as well as the fact that these poultry farms had made their homes decrease in value and they are not able to sell because no one wants to buy a home with all these poultry farms surrounding them. Mr. Evans closed in saying that he agrees there is an issue with the traffic concerns and that he is trying to be considerate to homeowners by placing these poultry houses 1100-1200 feet from road. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-03 for conditional use be approved with the conditions that the driveway be approved by the Public Works Department.

Eddie Smith abstained from voting. Butch Layson made the motion to deny the rezoning application identified as #Z18-03 from A-1 to Conditional use. The motion dies because of the lack of a second. Nathan Serritt made a motion to approve the rezoning with the conditions mentioned by Ms. Richardson. Jerry Lovelace seconded the motion. Nathan Serritt and Jerry Lovelace voted for the motion, Butch Layson voted against the motion. The vote was 2-1 for approval. The recommendation for approval was sent to the Board of Commissioners.

The audience was reminded that the Board of Commissioners would make the final decision at the meeting on March 20, 2018 in the main courtroom of the Gordon County Courthouse at 6:00 p.m.

ADDITIONAL BUSINESS

There being no additional business, Jerry Lovelace made the motion to adjourn. Nathan Serritt seconded the motion. All voted aye. The meeting was adjourned at 6:45 p.m.

Zelda Gregg, Secretary

Randy Rule, Chairman
Butch Layson, Vice-Chairman

**Planning Staff Report
to the
Gordon County Planning Commission
Conditional Use Proposal**

Date of Report: February 23, 2018

Application # Z18-03

Applicant: Robbie Evans

Property Owner: *(if different from above)* Springbank, LLC

Location of Property: Mt. Olive Church Rd., Fairmount GA 30139

Property Frontage: 550 Feet **Tract Size:** 66 +/-

Proposed Action: Property is currently a 1,869.78 acre and we are subdividing off a 66 +/- acre tract for the development of a poultry operation.

Reason for Proposed Action: Would like to build 6 chicken houses, 50 x 600 square feet a piece.

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 prior to the issuance of any building permit and/or certificate of occupancy, whichever is applicable, relating to the subject proposal if said proposal is approved by the Gordon County governing authority.

- ***Environmental Health Services:*** The poultry company may require living quarters and/or staff restroom which will require a septic permit.
- ***Fire Department:*** OK
- ***Gordon County School System:*** NA
- ***Road Department:*** Driveway must be approved by Public Works Dept. before construction begins. Current driveway location has limited site distance.
- ***Water & Sewer (City of Calhoun):*** This property can be served by a 6" water line running along Mt. Olive Church Road. No City sewer service in this area.
- ***Zoning Division:*** A Notice of Public Hearing has been properly advertised in the local newspaper and posted on the Property and zoning application fees have been paid.

Planning Staff Findings & Recommendations

The following standards from Section 10.03.02 (D) 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 zoning some used for residential purposes and some for agricultural purposes. There are 3 other operating poultry operations located within one and a half miles to this property but area is rural and naturally vegetated.

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 property.

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/or may impede on 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 Rural/Agricultural Reserve on the Gordon County Future Development Map. The primary land uses are Agricultural, Low-intensity single family residential and Passive recreation.

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 Future Land Development Map. Also, the property is naturally vegetated for a good buffer to surrounding properties.

Planning Staff's Recommendation: The rezoning request for conditional use #Z18-03 is recommended for approval with the conditions that the driveway be approved the Public Works Dept.

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

5. Rural Crossroads (con't.)

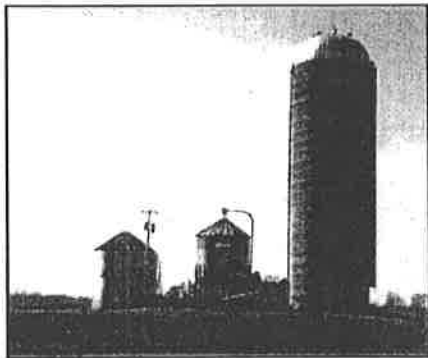
Quality Community Objectives

- 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.



FILED & RECORDED
TIME: 8:30
DATE: 6-10-03
BOOK 964 PAGE 20250
LEWIS COUCH, C.S.C.
GORDON COUNTY, GA.
103-6536

After recording return to:
Calloway Title & Escrow, LLC
Attn: David Dudley 2-14249(60)
4800 Ashford Dunwoody Rd. Ste. 240
Atlanta, Georgia 30338

GORDON COUNTY GEORGIA
REAL ESTATE TRANSFER TAX
22,277.40
6-10-03
LEWIS COUCH, CLERK OF SUPERIOR COURT

**THIS INSTRUMENT PREPARED BY
AND AFTER RECORDING RETURN TO:**

Stephen B. Schrock, Esq.
Powell, Goldstein, Frazer & Murphy LLP
191 Peachtree Street, N.E.
16th Floor
Atlanta, Georgia 30303

LIMITED WARRANTY DEED

THIS INDENTURE is made as of May 20, 2003 by and between **BOWATER INCORPORATED**, a Delaware corporation (hereinafter referred to as "**Grantor**") and **SPRINGBANK, LLC**, a Delaware limited liability company (hereinafter referred to as "**Grantee**") ("**Grantor**" and "**Grantee**" to include their respective successors, legal representatives and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has **GRANTED, BARGAINED, SOLD, ALIENED, CONVEYED** and **CONFIRMED**, and does hereby **GRANT, BARGAIN, SELL, ALIEN, CONVEY** and **CONFIRM** unto **Grantee** all that tract or parcel of land lying and being in **Gordon County, Georgia** (hereinafter referred to as the "**Property**") as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

RESERVING unto **Grantor** the right to harvest and remove on or prior to June 30, 2004 all merchantable timber located on a portion of the **Property** being more particularly described on Exhibit "B" attached hereto and by reference made a part hereof (the "**Reserved Timber**") together with the right expiring on June 30, 2004 of ingress and egress to and from the **Reserved Timber** over and across the existing roadways on the **Property** more particularly described on Exhibit "B".

TO HAVE AND TO HOLD the **Property**, 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 **Grantee** forever in **FEE SIMPLE**.

EXHIBIT "A"

**TRACT NO. 684
GORDON COUNTY, GEORGIA**

All that tract or parcel of land lying and being in the Seventh (7th) District an Third (3rd) Section of Gordon County, Georgia, and being all of the East half of lot of land Number Three Hundred Eleven (311) in said District and Section except twenty (20) acres, more or less, heretofore sold by the grantor herein to Mrs. Buena Stone and which twenty (20) acres lie South of the Boone Ford Road; said parcel herein conveyed being sixty (60) acres, more or less.

Also, all that tract or parcel of land lying and being in the Seventh (7th) District and Third (3rd) Section of Gordon County, Georgia, being forty seven (47) acres, more or less, off of lot of land Number Three Hundred Two (302) described as follows: Beginning at the southeast corner of said lot and running with the original east line of said lot due North ninety-one (91) rods, more or less; thence running due West eighty (80) rods, more or less, to a certain rock; thence running due South ninety-one (91) rods, more or less, to the original South line of said lot; running thence along the south line of said lot in an easterly direction a distance of eighty (80) rods, more or less, to the point of beginning.

Also, all that tract or parcel of land lying and being in the Seventh (7th) District and Third (3rd) Section of Gordon County, Georgia, and being one and eight-tenths (1.8) acres, more or less, of lot of land Number Three Hundred Three (303) and being situated in the northwest corner of the South half of said lot of Land Number Three Hundred Three (303) being triangular in shape, bounded on the north by the north half of said Lot Three Hundred Three (303), on the West by the eastern line of Lot Three Hundred Two (302) and on the East or southeast by the public road.

All of the above lands lying in one body and containing in the aggregate One Hundred Eight and Eight-Tenths (108.8) acres, more or less.

Being the same property as conveyed to Bowaters Southern Paper Corporation by Deed from N. R. Champion dated October 28, 1952 recorded in Book 30, Page 545, in the Office of Superior Court for Gordon County, Georgia.

Being a portion of the property as conveyed to Hiawasse Land Company by Deed from Bowaters Southern Paper Corporation dated December 21, 1973 recorded in Book 128, Page 141, in the Office of Superior Court for Gordon County, Georgia.



EXHIBIT "A"

**TRACT NO. 737
GORDON COUNTY, GEORGIA**

All that tract or parcel of land lying and being in the 7th District and 3rd Section of Gordon County, Georgia, described as follows:

Being Land Lot No. 310 of said District and Section, containing 160 acres, more or less.

Being the same property as conveyed to Hiwassee Land Company by Deed from The Title Guaranty and Trust Company dated March 1, 1956 recorded in Book 37, Page 375, in the Office of the Clerk of Superior Court for Gordon County, Georgia.

EXHIBIT "A"

**TRACT NO. 1315
GORDON COUNTY, GEORGIA**

BEING all of land lot 312, 7th District, 3rd Section of Gordon County, Georgia, containing 160 acres, more or less.

Being the same property as conveyed to Hiwassee Land Company by Deed from T. E. Hufstetler dated September 26, 1959 recorded in Book 43, Page 523, in the Office of the Clerk of Superior Court for Gordon County, Georgia.

Application for Conditional Use
Gordon County, Georgia

Application Date: 1/16/18 Application Number: Z18-03
(Office Use)

Application is hereby made to the Gordon County Planning Commission for the purpose of seeking approval of a Conditional Use in accordance with Article VII; Section 7.15.2 of the Official Zoning Ordinance of Gordon County, Georgia.

The Planning Commission will hear this application on March 12, 2018
with Final Action by the Board of Commissioners on March 20, 2018.

(Please Print or Type)

Applicant: Robbie Evans

Address: 1042 Union Grove Ch. Rd. Adairsville GA 30103

✓ Property Owner: Springbank, LLC

✓ Address: (If different from Above) 115 Perimeter Center Pl. Suite 940, Atlanta GA 30346

Phone Number: 678848-7122 E-Mail: _____

Agent or Legal Representative: (If applicable) _____

Address: _____

Phone Number: _____ E-Mail: _____

(The applicant and/or representative must be present at all public hearings)

Proposal Information

Location of Property: Mt. Olive Ch. Rd., Fairmount 30139
(street address, intersecting roads, etc.)

Land Lot(s): 310 & 311 District(s): 3

Section(s): 7 Acreage: 1.60 ±

County Tax Map & Parcel #: 099-086 (split)

Application Number: 218-03

A copy of a current boundary survey indicating all existing site improvements and floodplain (if any), prepared and sealed by a valid registered architect, engineer, landscape architect or land surveyor, must be submitted with this application.

Present zoning district: A-1 Agricultural

Proposed Conditional Use: 6 house chicken farm.

Would like to build. 50. x 600 sq. feet.

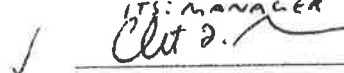
Current tract of land is 1,869.78 acres,

subdividing off. 66 acres.



1/16/18
Date

Applicant's Signature
SPRINGCORN, LLC
04: TIMBERLAND INVESTMENT RESOURCES, LLC
ITS: MANAGER

✓ 

2/6/2018
Date

Property Owner's Signature (if different)
CHRISTOPHER T. MATHIS
AUTHORIZED REPRESENTATIVE

Signed and sealed in the presence of:

Ursula Richardson
Notary Public

2/24/21
Commission Expires

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-03
APPLICATION NAME Robbie Evans
TYPE OF ZONING: A-1 to Conditional Us
DATE: 2/23/2018
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This property can be a served by a 6" water line running along Mt. Olive Church Road.

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.

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # Z18-03 Evans Conditional Use

Date: 2/19/18

Reviewed by: Christy Blair

Environmental Health

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

^{portly}
The company may require living quarters and/or staff restroom which will require septic permitting.

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # Z18-03 Evans Conditional Use

Date: 2/16/18

Reviewed by: JOEY JORDAN

FIRE DEPARTMENT

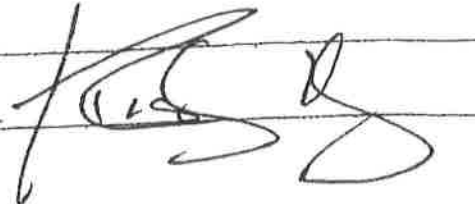
Comments, recommendation, or any condition of approval to serve proposed rezoning or variance with Fire Department services:

O.K.
Joey Jordan
2/16/18

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 218-03 Evans Conditional Use

Date: 2-16-12

Reviewed by: Rusty Hogan 

ROAD DEPARTMENT

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

~~Must receive approval of Driveway~~

Driveway Must be approved by Publicworks Depart. Before Construction Begins.

Current Driveway location has limited site distance.

