

INFORMATION SHEET FOR REZONING REQUESTS

Application # 218-12 DATE OF READING 06-05-18

REZONE FROM A-1 TO R-1

APPLICANT Cheryl Johnston - Executor

OWNER O'Shields Estate

LOCATION OF PROPERTY 476 Union Grove Church Rd

Calhoun

DESCRIPTION OF PROPERTY

1.01 ACRES

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

1. Approval

STIPULATIONS:

REZONING APPLICATION #Z18-11, BENJAMIN KODY TIMMS

Chairman Rule read rezoning application #Z18-11, Benjamin Kody Timms, requesting to rezone a 2.72 acre tract located on Erwin Hill Church Road, Adairsville from A-1 to R-1. Mr. Timms represented the request explaining that he had bought this property in the fall to build a home for himself but has since lost his job and needs to sell the property and rezoning it would make it easier to sell. Many adjoining and area homeowners spoke in opposition to the R-1 rezoning request and stated they would be fine with RA-1 zoning with reasons such as: R-1 could make it possible for as many as 4 homes to be placed on this tract and it would take away from this rural community setting. Those opposing speakers were: Jason Harrison, Sue Daniel, Blake Howell, Alan Short, Bobby Carney, and Patti Williams. Mr. Timms was not sure why they were concerned that there were not any plans to develop the property. Planning Commission member Butch Layson ask if he had considered an RA-1 zoning and Mr. Timms said he would like to have the R-1 zoning. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-11 be approved, however feels that the RA-1 zoning would be a better fit.

Butch Layson made the motion to deny the rezoning application identified as #Z18-11 from A-1 to R-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for denial was sent to the Board of Commissioners.

REZONING APPLICATION #Z18-12, THE O'SHIELDS ESTATE
(Executor: Cheryl Johnston)

Chairman Rule read rezoning application #Z18-12, The O'Shields Estate, (Executor: Cheryl Johnston), requesting to rezone 1.01 acres located at 476 Union Grove Church Road, Calhoun from A-1 to R-1. Ms. Johnston represented the request explaining that she was dividing the estate of her late mother and the original property was 6.02 acres and this 1.01 acres has an existing home so she needs to bring it into compliance. Dianne Williams, an adjoining property owner, spoke with concerns of Ms. Johnston's nephew who lives in the mobile home and gets on her property. Ms. Williams was advised to speak with the Gordon County Ordinance officer with her complaints. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-12 be approved.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z18-12 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.

Cover Sheet
Proposal for Land Use Action

Application Number: 218-12 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: MAY 14, 2018

Date of Board of Commissioners' Meeting: JUNE 5, 2018

Applicant: CHERYL JOHNSTON

Property Owner: (if different from applicant) O'SHIELDS ESTATE

Property Address: 476 UNION GROVE CH. RD.

Said Property having a frontage of 105.01 feet and containing 1.01 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: TO DIVIDE PARCEL OF 6.02

ACRES INTO 5 TRACTS + PARCEL WITH

HOUSE I WOULD LIKE TO ZONE IT RESIDENTIAL

IT'S ONLY 1 ACRE NOW ITS ZONE IS AGRICULTURE

Reason for Proposed Action: TO DIVIDE O'SHIELDS ESTATE

FROM 6.02 ACRES TO 5 TRACTS PER MY

MOTHERS WILL + WISHES. Subdivided property

with existing house.

Directions to Property: EAST ON 53 HWY. TURN RIGHT

ON UNION GROVE CH. RD PROCEED + HOUSE

ON LEFT EMERGENCY #S ON THE END OF

THE DRIVEWAY (476)

Map 058A-010(split)

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: April 27, 2018

Application # Z18-12

Applicant: Cheryl Johnston

Property Owner: O'Shield's Estate

Location of Property: 476 Union Grove Church Rd., Calhoun, GA 30701

Property Frontage: 105.01 Lot Feet **Tract Size:** 1.01 acres

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

Reasons for Proposed Action: The property has been subdivided into several tracts per my mother's wishes and I need to rezone this tract in order to bring it into compliance with an existing house.

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 with EH.
- ***Building Department:*** N/A
- * ***Fire Department:*** O.K.
- * ***Gordon County School System:*** N/A
- * ***Road Department:*** If driveway access is off county road driveway must be approved by the Public Works Dept.
- * ***Georgia Dept. of Transportation:*** N/A
- * ***Water & Sewer (City of Calhoun):*** This property is served by an 8" 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 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 surrounded by A-1, Agricultural zoning used for residential purposes, also R-1, Low Density Residential in close proximity.

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 cannot be further developed as currently zoned because it is less than the minimum five (5) acre lot size requirements.

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 and/or may impede on traffic flow since there will be no work performed there.

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. The primary land uses are Single-family residential, Passive and active recreation, and Civic/institutional.

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 property was subdivided with an existing house per wishes from their deceased parent's; needs to be rezoned to bring it into compliance with zoning also, it is consistent with the Future Land Use Map.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z18-12 is recommended for approval.

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

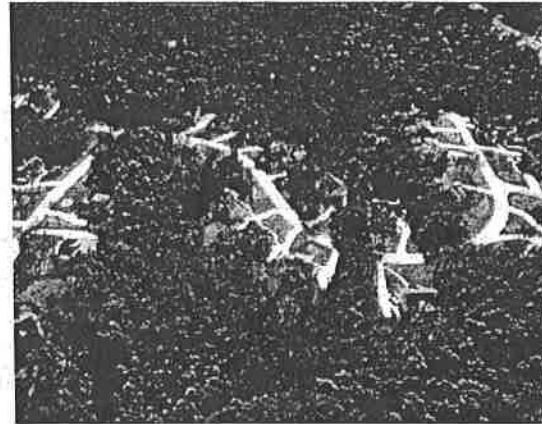
- Agricultural
- Low-intensity single-family residential
- Passive recreation

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.

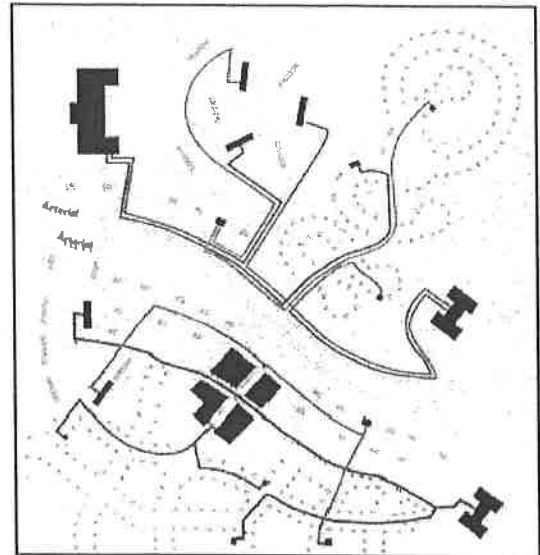


7. Emerging Suburban (con't.)

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

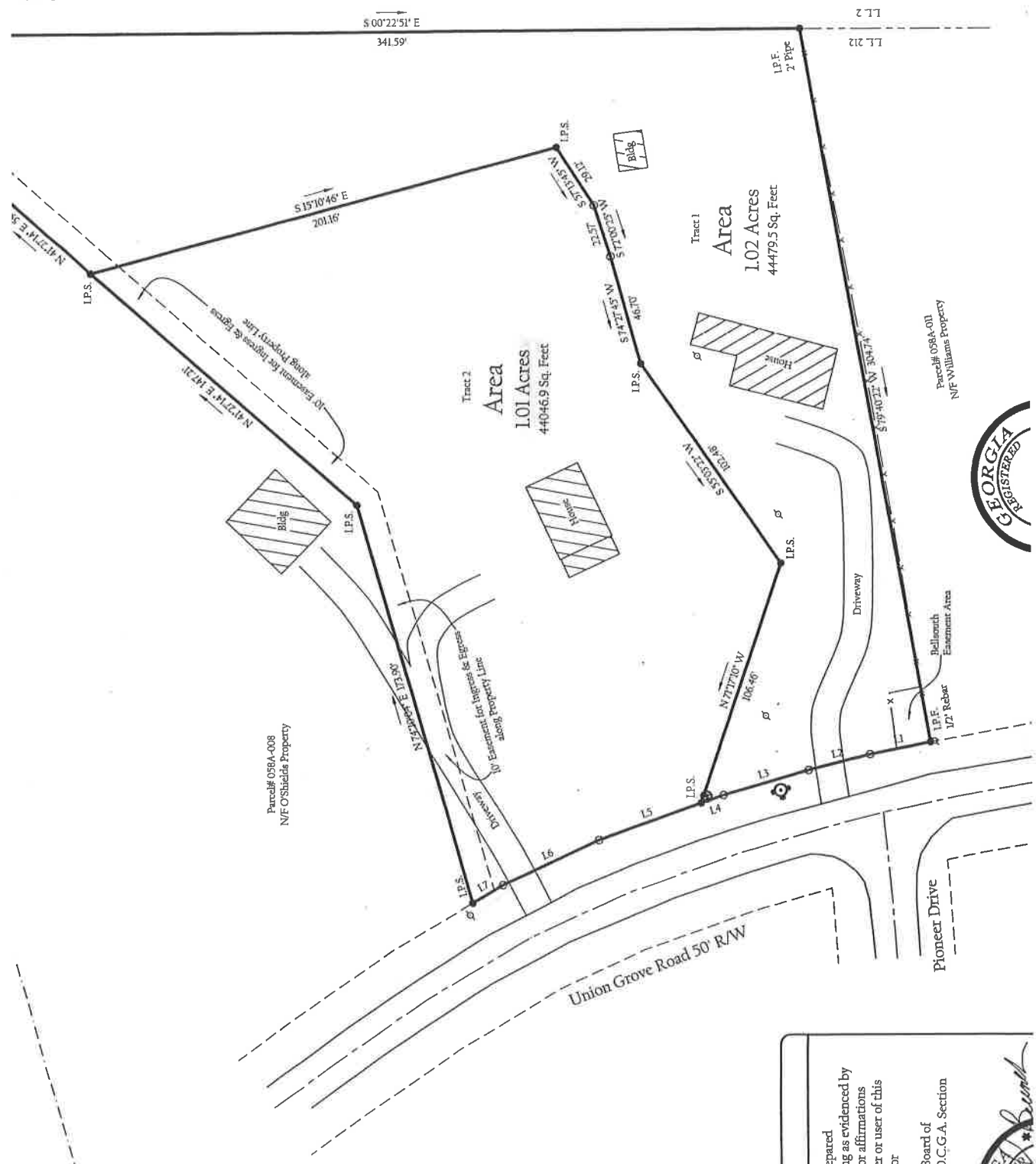
- Adopt a Conservation Subdivision Ordinance
- Adopt a Landscape and Buffer Ordinance
- Continue to enforce the existing Groundwater Recharge Area Protection Ordinance
- Adopt a Tree Protection/Replacement Ordinance
- Adopt maximum lot coverage requirements

S 00°22'51" E 685.61'
from the North East
corner of Land Lot 212

Parcel# 058A-011
N/F Williams Property

Boundary Data

LINE	BEARING	DISTANCE
L1	N 11°11'30" W	37.97'
L2	N 11°11'30" W	26.64'
L3	N 15°11'30" W	37.41'
L4	N 15°40'15" W	10.15'
L5	N 15°40'15" W	45.57'
L6	N 34°40'02" W	44.74'
L7	N 30°54'30" W	14.70'



This plat has been prepared and recorded as evidenced by the approvals or affirmations of the purchaser or user of this plat and the surveyor.

For Georgia Board of Surveyors
forth in O.C.G.A. Section 47-1-1

[Signature]

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # 218-12 Johnston A1 to R-1

Date: 4/26/18

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

DEPARTMENTAL REVIEW - ROAD DEPARTMENT

Application # 218-12 Johnston A-1 to R-1

Date: 1-25-18

Reviewed by: Rusty Morgan / Steve Parris

ROAD DEPARTMENT

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

IF driveways access is off county Rd
driveway must be approved by
Public Works Dept.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

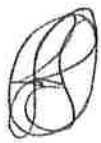
Application # 2.18-12 Johnston A-1 to R-1

Date: 4/27/18

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.

4/27/18

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-12
APPLICATION NAME Cheryl Johnston
TYPE OF ZONING: A-1 to R-1
DATE: 4/27/2018
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by an 8" 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.

WARRANTY DEED

DB 287p 185

STEARNS COUNTY, Georgia
Real Estate Transfer Tax

Paid \$ 0
Date 8-4-88

Lewis Couch

GORDON Clerk of Superior County.



STATE OF GEORGIA,

THIS INDENTURE, made this 27 day of July
in the year of our Lord One Thousand Nine Hundred and Eighty-Eight

between Jesse J. O'Shields
of the State of Georgia and County of Gordon of the first part
and Marie O'Shields
of the State of Georgia and County of Gordon of the second part

WITNESSETH: That the said part Y of the first part, for and in consideration of the sum of ten dollars and no/100 and other valuable considerations _____ DOLLARS
in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged
has ve granted, bargained, sold and conveyed and by these presents do es grant, bargain, sell and convey
unto the said part, Y of the second part, _____ heirs and assigns, all that tract or

parcel of land lying and being in Land Lot 212 of the 15th District, 3rd Section, Gordon County, Georgia, and being a parcel containing 6.02 acres as shown per plat of survey for Jesse J. and Marie O'Shields prepared by Carl F. Freeman, Jr. Georgia Registered Land Surveyor, dated July 27, 1976, and being more particularly described as follows:

BEGINNING at an iron pin on the northeasterly right-of-way of Union Grove Church Road, which iron pin is 159.85 feet as measured north 01° 43' 29" west from the northwest intersection of Pioneer and Union Grove Road; running thence south 24° 16' east along south-easterly right-of-way of Union Grove Church Road a distance of 95.01 feet to a point; continue thence south 13° 44' east along the easterly right-of-way of Union Grove Church Road a distance of 110.96 feet to an iron pin; running thence north 79° 59' east a distance of 305.23' to an iron pin; running thence north 00° 05' west a distance of 1023.76 feet to a rock pile; running thence north 88° 47' west a distance of 524.25' to an iron pin; running thence south 06° 12' east a distance of 232.44' to a 12 inch diameter Oak; running thence north 48° 59' 47" east a distance of 194.55 feet to an iron pin; running thence south 34° 19' east 248.66 feet to an iron pin; running thence south 00° 33' 37" west 179.68 feet to an iron pin; running thence south 69° 34' 53" east a distance of 142.71 feet to an iron pin; running thence south 16° 37' 26" east a distance of 83.18 feet to a point; running thence south 02° 35' 02" west a distance of 79.48 feet to an iron pin; running thence south 41° 33' 35" west a distance of 207.06 feet to an iron pin; running thence south 74° 16' 25" west a distance of 173.18 feet to an (legal description cont. on reverse side)

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 any wise appertaining, to the only proper use, benefit and behoof of _____ the said part _____ of the second part, _____ heirs and assigns forever, IN FEE SIMPLE.

And the said part _____ of the first part, for _____ heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part _____ of the second part, _____ heirs and assigns, against the lawful claims of all persons whomsoever.
IN WITNESS WHEREOF, The said part _____ of the first part has hereunto set _____ hand and affixed _____ seal, the day and year above written. CONTINUED

Signed, sealed and delivered in the presence of

Pat Richards _____ (Seal)
Mary Holden Notary Public _____ (Seal)
Lipitation of Commission 6/16/70 _____ (Seal)
N.P. SEAL AFFIXED _____ (Seal)

on pin on the northeasterly right-of-way of Union Grove Church Road
and the point of beginning. (in reference probate of will Jesse
J. O'Shields in Gordon County Probate Court)

FILED & RECORDED: 8-4-88 LEWIS COUCH, CSC

WARRANTY DEED

FROM

Jesse J. O'Shields

TO

Marie O'Shields
(Executrix)

Georgia, Gordon County
Clerk's Office, Superior Court.

Filed for Record at 11 o'clock A.M.

August 4, 1988

Recorded in Book 287 Folio _____

August 4, 1988

Michael J. Coy My Clerk