

INFORMATION SHEET FOR REZONING REQUESTS

Application # 218-16 DATE OF READING 6-19-18

REZONE FROM A-1 TO I-2 Heavy Industrial

APPLICANT DWR, LLC

OWNER \_\_\_\_\_

LOCATION OF PROPERTY US Hwy 41 South

Calhoun

DESCRIPTION OF PROPERTY

23.88 ACRES

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

1. APPROVAL

STIPULATIONS:

REZONING APPLICATION #Z18-15, JUAN JESUS LEMUS GARCIA

Chairman Rule read rezoning application #Z18-15, Juan Jesus Lemus Garcia, requesting to rezone a .812 acre tract located at 1407 and 1409 US Hwy. 41 North, Calhoun from A-1 and C-G to CH. Mr. Garcia, along with Brenda Jaramillo, represented the request explaining that this property had been subdivided in 1994, .58 acres was rezoned to C-G for a used car lot and the remaining .23 acres, with an existing house remained zoned A-1. Now he would like to combine the two lots, remove the house and build a garage for a vehicle repair business. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-15 be approved.

Eddie Smith made the motion to approve the rezoning application identified as #Z18-15 from A-1 and C-G to CH. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V18-10 & REZONING APPLICATION #Z18-16, OWR, LLC

Chairman Rule read variance application #V18-10 and rezoning application #Z18-16, OWR, LLC on a 23.88 acre tract located on US Hwy. 41 South, Calhoun. John Robbins, a local attorney, represented the request stating that the variance request is to reduce the buffer strip from 250 feet to 20 feet on side and rear and 40 feet from right-of-way for I-2 zoning which is the rezoning request to rezone from A-1 to I-2 to build an industrial building to sale or lease. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V18-10 to reduce the buffer strip as requested and the rezoning request identified as Application #Z18-16 to rezone from A-1 to I-2, both be approved.

On variance application #V18-10, Jerry Lovelace made the motion to approve the variance as requested to reduce the county buffer requirements from 250 feet down to 20 feet on the sides and rear of property and 40 feet on the front of Highway 41. Nathan Serritt seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning application #Z18-16, Eddie Smith made the motion to approve the rezoning request from A-1 to I-2. 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: 218-16 Present Zoning: A-1 Proposed Zoning: I-2

Date of Planning Commission Meeting: June 11, 2018

Date of Board of Commissioners' Meeting: June 19, 2018

Applicant: OWR, LLC

Property Owner: *(if different from applicant)* \_\_\_\_\_

Property Address: US HIGHWAY 41 SOUTH, CALHOUN, GA

Said Property having a frontage of 1,274.86 feet and containing 23.88 acres.

Future Development Map Classification: Industrial

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDING FOR SALE OR LEASE TO LOCAL INDUSTRY.

Reason for Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDING FOR SALE OR LEASE TO LOCAL INDUSTRY.

Directions to Property: PROCEEDS SOUTH ON US HIGHWAY 41 TOWARDS ADAIRSVILLE AND PROPERTY IS LOCATED ON THE LEFT APPROXIMATELY 4.9 MILES SOUTH OF THE INTERSECTION HIGHWAY 53 AND HIGHWAY 41. PROPERTY SITUATED ON EAST SIDE OF HIGHWAY 41.

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

**Date of Report:** May 25, 2018

**Application #** Z18-10

**Applicant/Property Owner:** OWR, LLC / Attorney Terry Brumlow

**Location of Property:** US Hwy 41 South, Calhoun GA 30701

**Property Frontage:** 1274.86 Lot Feet    Tract Size: 23.88 acres

**Proposed Action:** Rezone from A-1, Agricultural District to I-2, Heavy Industrial

**Reasons for Proposed Action:** Rezone property to build industrial building for sale or lease to local industry.

**Future Development Map Classification:** Industrial

**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:** Will this building be on City sewer?
- **Building Department:** N/A
- \* **Fire Department:** O.K.
- \* **GA DOT**  
~~Gordon County School System:~~ If commercial driveway is needed, a filled out t permit application needs to be sent to Georgia Department of Transportation for approval. No commercial/business sign shall be placed on GDOT right of way.
- \* **Road Department:** N/A
- \* **Georgia Dept. of Transportation:** N/A
- \* **Water & Sewer (City of Calhoun):** This property is served by a 12" water line. No City sewer service to this property.
- \* **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 has Heavy Industrial Zoning to the north and east of it and is in close proximity to the LG Chem Plant. The property is suitable for accommodating new industry with the rail service along the western edge, I-75 on the eastern boundary and the nearby Tom B. David Airport.

***2. Whether the proposed zoning will adversely affect the existing use of usability of adjacent or 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 may generate additional vehicular traffic and 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 Industrial on the Gordon County Future Development Map. This classification supports land uses intended for Light Industrial and Heavy Industrial. The proposed zoning is consistent with the neighborhood.

***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 important to the economic health of the County with attracting new industry also, within proximity to residential growth areas which is compatible with our Future Land Development Map, to provide opportunities for workforce housing.

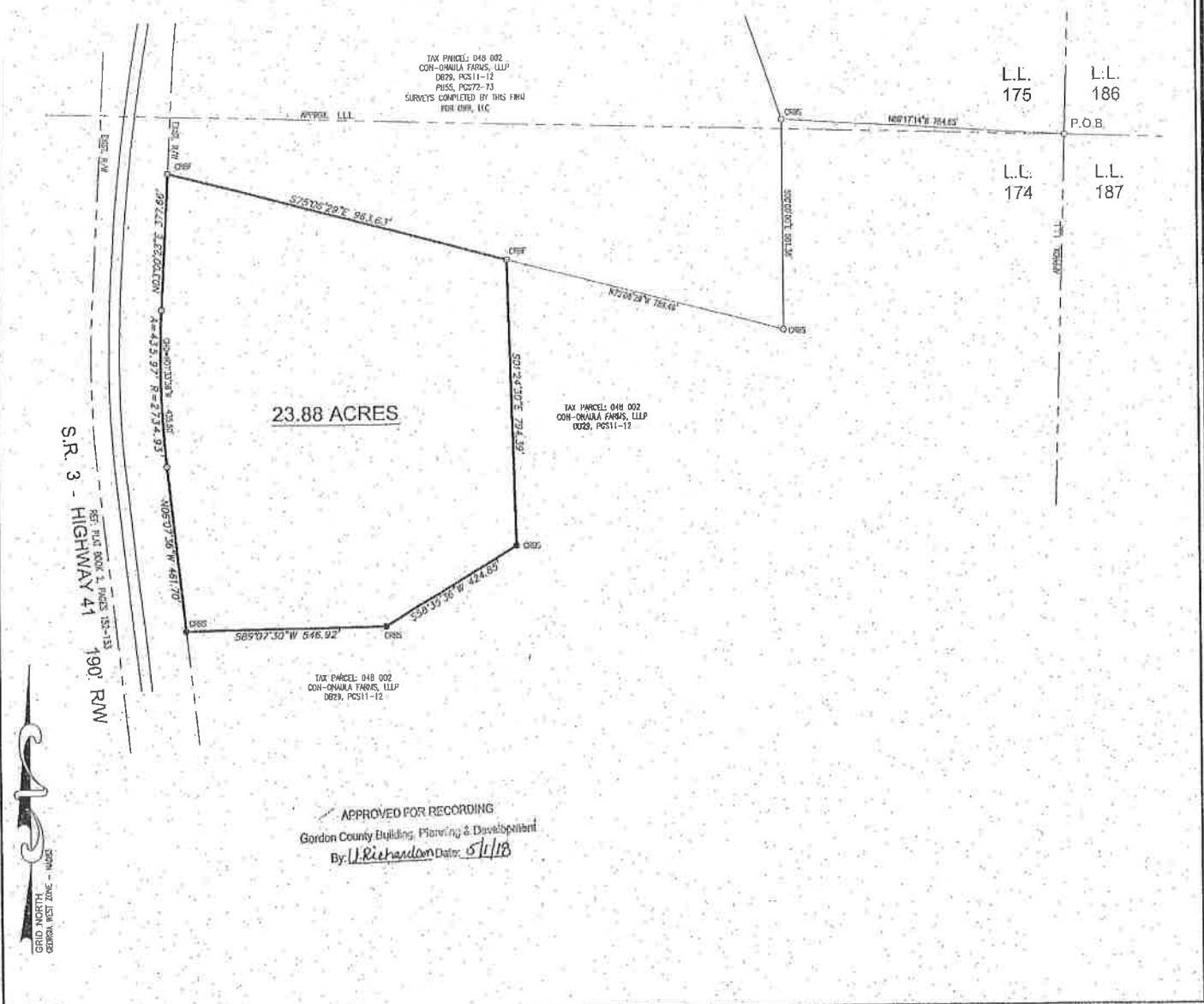
### **Planning Staff's Recommendation:**

The rezoning request identified as Application #Z18-16 is recommended for approval.

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

eFiled & eRecorded  
 DATE: 5/1/2018  
 TIME: 2:31 PM  
 PLAT BOOK: 00055  
 PAGE: 00095  
 RECORDING FEE: 8.00  
 PARTICIPANT ID: 7981764245  
 CLERK: Grant Walraven  
 GORDON County, GA

THIS BLOCK RESERVED FOR THE CLERK  
 OF THE SUPERIOR COURT



23.88 ACRES

APPROVED FOR RECORDING  
 Gordon County Building Planning & Development  
 By: J. Richardson Date: 5/1/18

**SURVEYORS CERTIFICATION**

As required by subsection (d) of O.C.G.A. Section 15-5-57, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificate, signatures, stamps or statements hereon. Such approvals or affirmations should be consistent with the appropriate governmental bodies by any purchaser or owner of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-5-57.

Reference: Plat Book 23, Pages 1-2 & Deed Book 2016, Page 302

*H. Gregory Massey* 04/30/2018  
 H. Gregory Massey - Registered Date

**MASSEY SURVEYING INCORPORATED**  
 P.O. Box 2821  
 Dalton, Georgia 30703  
 Phone: 706-828-0046  
 email: greg@masseysurveying.com  
 PROFESSIONAL LAND SURVEYING SERVICES

**GENERAL NOTES**

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF 1" IN 15,250 FEET AND AN ANGULAR ERROR OF 05" PER ANGLE POINT AND WAS ADJUSTED USING LEAST SQUARES METHOD.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 721,633 FEET.
3. EQUIPMENT USED: GEOMAX ROBUSTIC TOTAL STATION WITH DATA COLLECTOR WAS USED TO OBTAIN ANGULAR AND DISTANCE MEASUREMENTS. TRIMBLE R-5, MODEL 4 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING CONTROL. A NETWORK ADJUSTED BIRD SURVEY WAS OBTAINED BY USE OF THE REAL TIME NETWORK OPERATED BY GPS SOLUTIONS.
4. ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES.
5. MEASURING UNITS OF THIS SURVEY ARE IN U.S. FEET.
6. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY, RECORDS AND UNRECORDED.
7. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SUBJECT AND ADJACENT PROPERTY OWNERS BEING REFERENCED WERE OBTAINED FROM CLERK OF SUPERIOR COURT RECORDS AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.
8. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS SURVEY DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS CERTIFICATION BY THE SURVEYOR HAVING SAID PERSON, PERSONS OR ENTITY.
9. ACCORDING TO THE "FIRM (FLOOD INSURANCE RATE MAP) OF GORDON COUNTY, GEORGIA, PANEL NO: 13120C001750, DATED: SEPTEMBER 23, 2008 NO PORTION OF THIS PROPERTY USES WITHIN A SPECIAL FLOOD HAZARD AREA PER FEDERAL PLUMBING.
10. THIS SURVEY COMPLES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (O.C.G.A. 15-5-57 AS AMENDED BY HOU01(2018)), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.

**MINOR SUBDIVISION FOR:**

**OWR, LLC**  
 LOCATED IN LAND LOTS 174  
 15th DISTRICT, 3rd SECTION  
 GORDON COUNTY, GEORGIA

**LEGEND**

BEF - BEAR FOUND	-X- - FENCE LINE
CHDS - CHIPPED BEAR SET	FP - POWER POLE
CH - CHIP TOP FIVE	H - HAZLES
CHP - CHIPPED TOP FIVE	CHD - CHIOD LENGTH
OB - BEED BOOK	A - ARC LENGTH
FB - FLY BOOK	R/W - RIGHT OF WAY
PL - PAGE	PL - PROPERTY LINE
TPB - TAX PARCEL NUMBER	CL - CENTER LINE
WFP - WALK FENCE POST	BL - BILLING LINE
GA - COMPLETE NUMBER	LL - LAND LOT
-OHL- - OUTSIDE UTILITY LINE	LLL - LAND LOT LINE

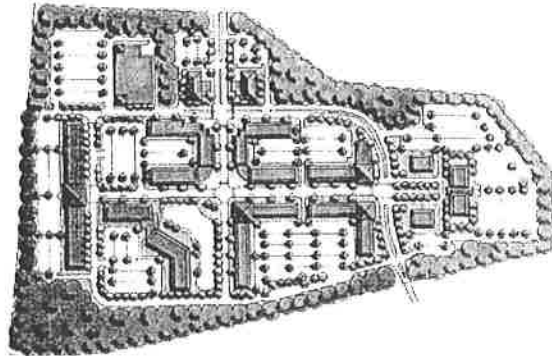
CHS - CHIPPED 1/2" BEAR SET WITH A CHANGE CHIP BEARING - MUST BE SET/BEZEL PLACED AT ALL CORNERS UNLESS NOTED OTHERWISE.

FORWARD DATE: APRIL 30, 2018  
 DATE OF YEAR: APRIL 30, 2018  
 PLAT: 00055  
 REGION:  
 JOB NO: 1422

## 9. Emerging Mixed Use Center – Regional Activity (con't.)

### *Development Pattern (con't.)*

- Depict clear physical boundaries and transitions between the edge of the character area and the surrounding low-density, rural areas
- Incorporate landscaping of commercial sites/parking lots
- Discourage strip development
- Reflect a campus or unified development
- Require shared driveways and inter-parcel access
- Clearly define road edges by locating buildings at roadside with parking to the rear
- Limit truck traffic by prohibiting warehousing or other operations requiring heavy truck use
- Prohibit new billboards
- Encourage compatible architecture styles that maintain the regional character
- Encourage parking lots to incorporate on-site stormwater mitigation or retention features, such as pervious pavements



*A mixed-use center on a regional scale: commercial/office, industrial, and high-density residential are compatible uses, and buildings are oriented toward an internal network of streets*

### *Primary Land Uses*

- Office, retail, and other typical commercial uses
- Higher density residential uses (including townhomes and condominiums)
- Light industry
- Educational institutions

### *Quality Community Objectives*

- Housing Choices
- Employment Options
- Appropriate Businesses

### *Implementation Strategies*

- Adopt a Landscape and Buffer Ordinance
- Amend Development Regulations to promote the desired development pattern (e.g. requiring sidewalks and interparcel access)
- Coordinate with the City of Calhoun to provide water and sewer service

## 10. Industrial

The Industrial character area is intended to accommodate low and high intensity industry in locations that have interstate and rail access. A location that is identified as suitable for accommodating new industry and creating jobs is located south of Calhoun. Rail service runs along on the western edge of the character area, I-75 forms its eastern boundary, and the nearby Tom B. David Airport has ample capacity. Proximity to residential growth areas, including the Emerging Suburban character area in the southwest portion of the County, and the Emerging Mixed Use Center – Regional Activity to the east provides opportunities for workforce housing. While attracting new industry is important to the economic health of the County, the intent of the Industrial character area is to balance growth with environmental considerations.



## 10. Industrial (con't.)

### **Development Pattern**

The development pattern should seek to:

- Provide diverse industries
- Protect air and water quality
- Prevent adverse impacts to natural resources and surrounding population
- Address traffic impacts and circulation in site design
- Provide adequate buffers
- Limit visibility of industrial operations/parking from the interstate
- Limit grading and clearing

### **Primary Land Uses**

- Light industrial
- Heavy industrial

### **Quality Community Objectives**

- Employment Options
- Appropriate Businesses
- Regional Cooperation

### **Implementation Strategies**

- Adopt design/development standards for industrial sites
- Coordinate with the City of Calhoun and the City of Fairmount to provide water and sewer service
- Create a "development impact matrix" to determine potential impacts of specific industries on the environment and infrastructure

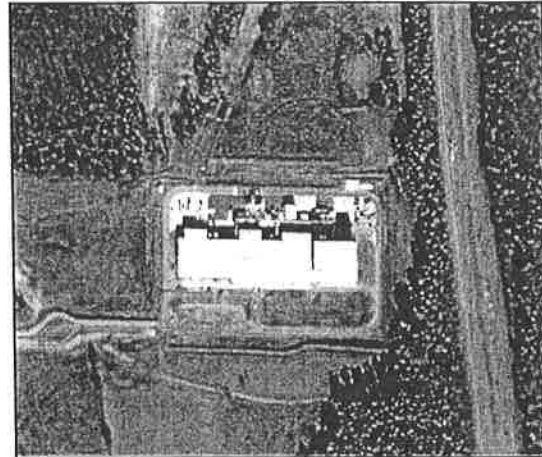
## 11. South Calhoun Bypass

The South Calhoun Bypass character area reflects the proposed alignment of the four-lane limited access bypass that is planned south of Calhoun. In addition to helping route truck traffic around downtown Calhoun, it has the potential to accommodate additional industrial opportunities in the southern portion of the County. This segment of the Calhoun Bypass, which also includes a western and eastern portion, is approximately 6.8 miles in length and connects SR 53 West to SR 53 East. Construction of an interstate interchange at Union Grove Road is a key element of the project.

### **Development Pattern**

The development pattern should seek to:

- Take the form of corridor development, with clear physical boundaries and transitions between the edge of the character area and surrounding residential areas
- Accommodate diverse industries
- Protect air and water quality
- Prevent adverse impacts to natural resources and surrounding population
- Address traffic impacts and circulation in site design
- Provide adequate vegetative buffers along the corridor



*Proximity to I-75 makes southern Gordon County an attractive location for industries such as the new LG Chem Plant, shown here*

*Source: Google Earth*





Recorded 05/07/2018 1:54  
Doc: WD Rcpt#: 324342  
TRANSFER TAX: 1,253.70  
TRANSFER TAX ID: 0642018000822  
Grant Walraven, C.S.C.  
GORDON County, Ga  
DEED Bk: 2136 Pgs: 374-375

Return Recorded Document to:  
Brumlow, Corwin & Delashmit, P.C.  
1287 Curtis Parkway SE  
Calhoun, GA 30703  
File #0716G851

STATE OF GEORGIA  
COUNTY OF GORDON

**WARRANTY DEED**

This Indenture made this 30th day of April, 2018 between **Con-Onaula Farms, LLLP**, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **OWR, LLC**, 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 174 of the 15th District and 3rd Section of Gordon County, Georgia and being that certain 23.88 acre tract as shown per plat of survey entitled "Survey for OWR, LLC" as prepared by Gregory Massey, GRLS 2760 which plat is recorded in the office of the Clerk of Superior Court of Gordon County, Georgia at Plat Book 55, Page 95, and reference is hereby made to said plat for a more full and complete description of the lands herein conveyed.


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

**Con-Onaula Farms, LLLP**  
By: General Partner, Con-Onaula Management, LLC

By:   
\_\_\_\_\_  
Gus G. Moore, Manger

  
\_\_\_\_\_  
Notary Public



By:   
\_\_\_\_\_  
Dell S. Moore, Manager

Signatures continued on next page

*[Handwritten Signature]*  
Witness

*[Handwritten Signature]*  
Notary Public



By: *Joe S. Moore*  
Joe Stanley Moore, Manager

By: *Timothy J. Moore*  
Timothy J. Moore, Manager

By: *Linda Moore Kelly*  
Linda Moore Kelly, Manager

DEPARTMENT REVIEW - ENVIRONMENTAL HEALTH

Application # V18-10  
218-16      OWR, LLC      Variance  
A-1 to I-2

Date: 5/24/18

Reviewed by: Christy Blaw

Environmental Health

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

*will this building be on city sewer?*

*No issues on variance.*

DEPARTMENTAL REVIEW - FIRE DEPARTMENT

Application # V18-10  
218-16 OWR, LLC A-1 to I-2  
Date: 5/18/18  
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.  
  
5/18/18

DEPARTMENT REVIEW -- STATE DEPARTMENT OF  
TRANSPORTATION

Application # V18-10 Z18-16 OWR, LLC Variance  
A1 to I2

Date: \_\_\_\_\_

Reviewed by: Emma Mejia

State Department of Transportation

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

If commercial driveway is needed, a filled out permit application needs to be sent to Georgia Department of Transportation for approval. No commercial/business signs shall be place on GDOT right of way.

DEPARTMENTAL REVIEW – CITY OF CALHOUN WATER AND SEWER

Application # V18-10  
218-16      OWR, LLC      A1 to I2  
Date: 5/25/18  
Reviewed by: Mark Williamson      MS

CITY OF CALHOUN WATER AND SEWER

Comments, recommendation, or any condition of approval to serve proposed rezoning with Water services:

This property is served by a 12" water line.

Comments, recommendation, or any conditions of approval to serve proposed rezoning with sewer services:

No City sewer service to this property.