

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z18-21 DATE OF READING 9-18-18

REZONE FROM A-1 TO C-H highway commercial

APPLICANT William Bruce Stocks

OWNER _____

LOCATION OF PROPERTY 640 Newtown Rd NE

Calhoun, GA 30701

DESCRIPTION OF PROPERTY

2.0 ACRES

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

1. Approval

STIPULATIONS:

When the business ceases operational, the zoning will revert back to A-1

REZONING APPLICATION #Z18-20, JASON DAVIS & JAMIE DAVIS

Chairman Rule read rezoning application #Z18-20, Jason Davis and Jamie Davis, requesting to rezone a 1.76 acre tract located at 703 Newtown Loop, Calhoun from R-1 and A-1 to C-G. Mr. Jamie Davis represented the request explaining that they had purchased this existing business known as Poarch's Parts and would like to continue the business but that they need to bring it into compliance with zoning regulations. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-20 be approved with the stipulation that it meets the requirements from the Gordon County Public Works Department to install a commercial driveway.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z18-20 from R-1 and A-1 to C-G with the stipulations required by the Gordon County Public Works Department. Butch Layson seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V18-15 & REZONING APPLICATION #Z18-21, WILLIAM BRUCE STOCKS

Chairman Rule read variance application #V18-15 and rezoning application #Z18-21, William Bruce Stocks, for a 2 acre tract located at 640 Newtown Road, Calhoun. Terry Brumlow, a local attorney, represented the applications explaining that Mr. Stocks request to rezone to C-H, the existing barn and land in order to comply with the ULDC and be able to use the barn and equipment for multiple purposes and request a variance to reduce the county requirements for road frontage on Commercial zoning (if approved) from 100 feet to a 20 foot easement. He also added that this driveway has been in place since the early 90's along with the barn. To meet the ULDC requirements and keep the farm covenant, he subdivided these 2 acres because he uses the barn for his farm, running around 75 head of cattle on 160 acres, and also uses the barn as storage for equipment in his soil and erosion business that is done at other sites. Adjoining and area homeowners who spoke in opposition were: Carla Burnett, Katherine Luhrman, Charles Luhrman, Larry Burnett, Darlene Bonham and Scott Burnett presenting photos and ariel views of scrap metal, trucks, bobcats, etc. and voicing their concerns about the noise, dust, traffic, decreased property values, decreased peaceful serenity of the area, safety issues for their children and grandchildren, and that Mr. Stocks has other resources and multiple other locations he could operate from. Mr. Brumlow and Mr. Stocks again addressed the planning commission about these issues mentioned. Mr. Brumlow stated that there had been a lot of traffic recently moving material to other locations so as to comply. The equipment that is on site is also used on the farm. There will be 550 and 350 pickups using the driveway daily, but maybe only 2 larger trucks weekly. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the variance request identified as Application #V18-15 be approved as requested and on the rezoning request identified as Application #Z18-21 be approved with the stipulation that when the business ceases to be operational from this property, the zoning shall revert back to A-1.

On the variance application identified as #V18-15, Nathan Serritt made the motion to approve the variance as requested to access the commercial property through an existing 20 foot easement. Jerry Lovelace seconded the motion. Eddie Smith voted with the motion. Butch Layson was opposed to the motion. The vote was 3-1. The variance was granted. The thirty-(30) day appeal period was explained.

On the rezoning application identified as #Z18-21, Nathan Serritt made the motion to approve the rezoning request for 2 acres from A-1 to C-H with the stipulation that when the business ceases to be operational from this property, the zoning shall revert back to A-1. Jerry Lovelace seconded the motion. Eddie Smith voted with the motion. Butch Layson abstained from the vote. The vote was 3-0 to approve. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V18-16, JUAN JESUS LEMUS GARCIA

Chairman Rule read variance application #Z18-16, Juan Jesus Lemus Garcia, requesting a variance for a 0.812 acre tract located at 1409 Hwy. 41, North, Calhoun. Brenda Jaramillo represented the request to interpret explaining that Mr. Garcia would like to be allowed to reduce the buffer strip to 20 feet on side and rear of property line. Flipper McDaniel spoke up and said that he was an adjoining property owner and had not been notified due to it being a recent purchase the records were not up to date in the tax assessor's office. Mr. McDaniel stated he needed to speak with his partners about this request to make sure it would not be an issue with their plans. All other adjoining property owners had been notified.

Jerry Lovelace made the motion to table variance application #V18-16 until the October 8, 2018 meeting. Eddie Smith seconded the motion. All voted aye. The variance request was tabled until the October meeting.

ADDITIONAL BUSINESS

There being no additional business, Eddie Smith made the motion to adjourn. Jerry Lovelace seconded the motion. All voted aye. The meeting was adjourned at 7:01 p.m.

Zelda Gregg, Secretary

Randy Rule, Chairman
Butch Layson, Vice-Chairman

**Cover Sheet
Proposal for Land Use Action**

Application Number: 218-21 Present Zoning: A-1 Proposed Zoning: C-H

Date of Planning Commission Meeting: Sept 10, 2018

Date of Board of Commissioners' Meeting: Sept. 18, 2018

Applicant: William Bruce Stocks

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

Property Address: 640 Newtown Rd NE Calhoun Ga.

Said Property having a frontage of 20 feet and containing 2.00 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A1, Agricultural

Proposed Action: Rezone 2 acres in order to
store material. Rezone 2 acres of
the 21.39. Leave balance of property zoned
A1

Reason for Proposed Action: Store material in my barn,
unload and load off trucks going to jobsites.
To comply with UDC 2-03.02-04. Storage of
construction material to be distributed.

Directions to Property: Hwy 156 West to red light at
Food Lion (Newtown Church Rd.) turn left
onto Newtown Church Rd. turn left at
4 way crossing of Newtown Church and
Newtown Rd. Property is 1st driveway on the right.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: August 24, 2018

Application # Z18-21

Applicant/Property Owner: William Bruce Stocks

Location of Property: 640 Newtown Rd. NE. Calhoun, GA 30701

Property Frontage: 20 Lot Feet **Tract Size:** 2.00 acres

Proposed Action: Rezone from A-1, Agricultural District to C-H, Highway Commercial.

Reasons for Proposed Action: I would like to rezone the existing barn and land in order to comply with the ULDC and be able to use the barn and equipment for multiple purposes.

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:* Nothing needed from EH.
- *Building Department:* N/A
- * *Fire Department:* O.K.
- * *Gordon County School System:* N/A
- * *Road Department:* The actual driveway in question is the one Mr. Stock uses for his residence and under these circumstances will meet Public Works ULDC qualifications. The other driveway on Mr. Stock property is only permitted for residential.
- * *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.

The immediate surrounding properties are primarily residential with A-1, Agricultural zoning with a large tract to the north, which is also owned by Mr. Stock, that is currently zoned R-1, Low density residential.

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 will not generate additional vehicular traffic and/or 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 Emerging Suburban on the Gordon County Future Development Map. This classification supports land uses intended for residential, light commercial and parks/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 type of business that is being conducted at the property is basically storing construction material that will be distributed and the unloading and loading of trucks going to jobsites.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z18-21 is recommended for approval with the stipulation that when the business ceases to be operational from this property, the zoning shall revert back to A-1, Agricultural zoning.

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

STATE OF GEORGIA
COUNTY OF GORDON

FILED & RECORDED
TIME 11:40
DATE 3-29-99
BOOK 608 PAGE 489
LEWIS COUCH
GORDON COUNTY, GA
I99-3264

QUIT CLAIM DEED

THIS INDENTURE MADE THIS 24TH DAY OF MARCH, 1999, BY AND BETWEEN BRUCE STOCKS PARTY OR PARTIES OF THE FIRST PART, HEREINAFTER REFERRED TO AS "GRANTOR", AND CONNIE STOCKS, PARTY OR PARTIES OF THE SECOND PART HEREINAFTER REFERRED TO AS "GRANTEE", THE WORDS "GRANTOR" AND "GRANTEE" TO INCLUDE THE NEUTER, MASCULINE AND FEMININE GENDERS, THE SINGULAR AND THE PLURAL;

WITNESSETH:

FOR AND IN CONSIDERATION OF THE SUM OF ONE DOLLAR AND OTHER GOOD AND VALUABLE CONSIDERATION DELIVERED TO GRANTOR BY GRANTEE AT AND BEFORE THE EXECUTION, SEALING AND DELIVERY HEREOF, THE RECEIPT AND SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, THE GRANTOR HAS AND HEREBY DOES REMISE, RELEASE, CONVEY AND FOREVER QUIT CLAIM UNTO GRANTEE AND THE HEIRS, LEGAL REPRESENTATIVE, SUCCESSORS AND ASSIGNS OF GRANTEE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 14TH DISTRICT AND 3RD SECTION OF GORDON COUNTY, GEORGIA, AND BEING A PART OF LAND LOT NO. 160 THEREOF AND BEING MORE PARTICULARLY DESCRIBED ACCORDING TO A PLAT PREPARED BY FREEMAN AND LAMBERT SURVEYORS, ENTITLED 'SURVEY FOR BRUCE STOCKS' DATED APRIL 23, 1991 AND RECORDED IN PLAT BOOK 24, PAGE 152 OF THE RECORDS OF CLERK OF SUPERIOR COURT OF GORDON COUNTY, SAID TRACT CONTAINING 26.399 ACRES. REFERENCE IS HEREBY MADE TO SUCH PLAT FOR A FULL AND COMPLETE DESCRIPTION OF THE PROPERTIES HEREIN CONVEYED.
LESS AND EXCEPT 5 ACRES.

TO HAVE AND TO HOLD SAID TRACT OR PARCEL OF LAND IN ORDER THAT NEITHER THE GRANTOR NOR ANY PERSON CLAIMING UNDER GRANTOR SHALL AT ANY TIME, BY ANY MEANS OR WAYS, HAVE, CLAIM OR DEMAND ANY RIGHT OR TITLE TO SAID LAND OR ANY OF THE RIGHTS, MEMBERS, AND APPURTENANCES THEREOF.

IN WITNESS WHEREOF, THE GRANTOR HAS SIGNED AND SEALED THIS DEED, THE DAY AND YEAR FIRST ABOVE WRITTEN.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

[Handwritten signature]
WITNESSED BY

[Handwritten signature]
BRUCE STOCKS



N. P. SEAL AFFIXED

LEWIS COUCH, CSC

SIGN	D.I.	DROP INLET
MANHOLE	Y.I.	YARD INLET
POWER POLE	W.I.	WEIR INLET
FIRE HYDRANT	M.H.	MANHOLE
LIGHT POLE	CO	CLEANOUT
IRRIGATION CONTROL VALVE	WM	WATER METER
SITE PHOTO DIR. INDICATOR	WV	WATER VALVE
POWER TRANSFORMER (PAD)	GW	GUY WIRE



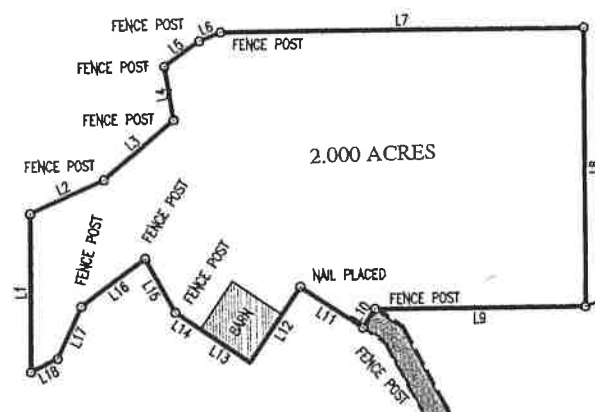
STATE PLANE GRID NORTH G.
BY LEICA SMARTNET GNSS N

PROPER PERMITTING.
8. NO FLOOD HAZARD BOUNDARY DETE...
9. THE CERTIFICATION AS SHOWN HERE...
PROFESSIONAL OPINION BASED ON KNOW...
AND FIELD AND DOCUMENTARY EVIDENCE...
NOT AN EXPRESSED NOR IMPLIED WARR...
10. THIS SURVEY COMPLIES WITH BOTH...
OF REGISTRATION FOR PROFESSIONAL ID...
BY THE OFFICIAL CODE OF GEORGIA AND...
IN THAT WHERE A CONFLICT EXISTS B...
THOSE TWO SETS OF SPECIFICATIONS, I

SURVEY DATA
TOTAL AREA: 2,000 ACRES
CLOSURE PRECISION PLAT: 1" IN 115;
CLOSURE PRECISION PLAT: 1" IN 25.3
ANGULAR ERROR: 3" PER ANGLE
ADJUSTED BY: LEAST SQUARES R
EQUIPMENT USED: NIKON 500 SERIES
TDS RANGING DATA
LEICA GPS SYSTEM
FIELD WORK COMPLETED ON: AUG-09
REFERENCES: PLAT BOOK: 24 PAGE 5

N/F BRUCE & CONNIE STOCKS PROPERTY
DEED BOOK 806, PAGE 287
PLAT BOOK 24, PAGE 52
MAP 066 PARCEL 143

N/F BRUCE & CONNIE STOCKS PROPERTY
DEED BOOK 806, PAGE 287
PLAT BOOK 24, PAGE 52
MAP 066 PARCEL 143



P.O.B. N33°09'36"W 996.44'
FROM INTERSECTION CENTERLINES
NEW TOWN RD. & NEW TOWN CHURCH RD.

N/F BRUCE & CONNIE STOCKS PROPERTY
DEED BOOK 806, PAGE 287
PLAT BOOK 24, PAGE 52
MAP 066 PARCEL 143

TABLE **

Distance
126.26'
65.33'
73.02'
43.47'
34.42'
18.26'
290.81'
222.91'
168.85'
17.89'
59.44'
72.65'
48.50'
23.87'
49.80'
63.70'
45.52'
23.90'

PROPOSED (PRIVATE) 20' WIDE EASEMENT
FOR INGRESS & EGRESS
ALONG EXISTING PAVED DRIVE

NEW TOWN ROAD 80' R/W

Revised Plat
8/15/18

CERTIFICATION
I, G.A. SECTION 16-6-67, THIS SURVEYOR AND APPROVED BY ALL RECORDING AS EVIDENCED BY AMPS, OR STATEMENTS HEREON. IT SHALL BE CONFIRMED WITH THE ANY PURCHASER AS TO THE MORE, THE UNDERSIGNED LAND SURVEYOR IMPLIES WITH THE MINIMUM SURVEYS IN GEORGIA AS SET OF THE GEORGIA BOARD OF SURVEYORS AND LAND SURVEYORS AND 8-67.

LAND SURVEYOR NUMBER 2822



DEPARTMENTAL REVIEW - ENVIRONMENTAL HEALTH

Application # 218-21 Stocks A1 to G-H
V18-15 Variance

Date: 8/23/18

Reviewed by: Christy Blain

ENVIRONMENTAL HEALTH

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

Nothing needed from EH

DEPARTMENTAL REVIEW – FIRE DEPARTMENT


Application # Z 18-21 Stocks A-1 to C-H
V18-15 variance

Date: 8/22/18

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.  8/22/18

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # 218-21 Stocks A1 to C-H
V18-15 Variance

Date: 8-23-2018

Reviewed by: Steve / Rusty

PUBLIC WORKS DEPARTMENT

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

A 20' easement will not allow
for a commercial Driveway
that meets Current ULDC
Requirements.



The actual driveway in question is the one
Mr. Stocks uses for his residence and under these
circumstances will meet Public Works' ^{ULDC} qualifications.
The other driveway on Mr. Stocks Property is only
permitted for residential.



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-21
APPLICATION NAME Bruce Stocks
TYPE OF ZONING: A-1 to C-H
DATE: 8/24/2018
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.