

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z18-22 DATE OF READING 11-20-18

REZONE FROM A-1 TO Conditional Use

APPLICANT John Ross + Brandon Ross

OWNER Robin, Biddy, Susan, Holcomb + Sheila Hailey

LOCATION OF PROPERTY Blalock Rd.

Adairsville

DESCRIPTION OF PROPERTY

90.34 ACRES

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

- Approval

STIPULATIONS:

Driveway must be approved by Public Works Dept. and owner of the dry litter poultry operation and his successors or assigns must comply with all standards and requirements in the U.L.D.C. 4.03.02 (I), (J), and (K).

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

The Gordon County Planning Commission held a Public Hearing on Monday, November 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	Eddie Smith
Jerry Lovelace	Nathan Serritt

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 October 8, 2018. Eddie Smith seconded the motion. All voted aye. The minutes were approved as written.

**REZONING APPLICATION #Z18-22, JOHN ROSS & BRANDON ROSS (applicant)  
Robin S. Biddy, Susan S. Holcomb, & Shelia S. Hailey (owners)**

Chairman Rule read rezoning application #Z18-22, John Ross and Brandon Ross, requesting to rezone a 90.34 acre tract located on Blalock Road, Adairsville from A-1 to Conditional-Use. Terry Brumlow, attorney for the applicants, represented the request explaining that the Ross Family wanted to purchase this acreage to build a 6 new poultry houses, 50x600 feet each. Mr. Brumlow went on to explain that John Ross already had poultry houses nearby and that his son, Brandon Ross, now wanted to get into the poultry farming business. By using new techniques, there would be a minimal amount of trees removed, leaving a heavy buffer surrounding the new houses to contain the smell and noise. These will not be the mega houses and now they store the dead chickens in freezers to await pickup instead of burning or burying, and with all the other poultry houses in the area a few more trucks in the area would not be a nuisance. Mr. John Ross explained that the trucks come in from Canton, mainly at night when very little traffic is on the roads, from a route off Highway 140, to Plainview Road to Erwin Hill Road to deliver feed to his existing houses about once a week. They are regulated by the State on how they must store the dead chickens and handle the liter. Mr. Brandon Ross stated he wants to join the business since he had grew up around the farms and feels like most young people these days do not want to get into farming.

Area property owners and other concerned citizens spoke in opposition to this rezoning request, with concerns of increased traffic from the trucks, increased noise, smell, rodents, flies, mosquitoes, decreased property values, water/soil pollution, the toxic ammonia that pollutes the air and being a safety risk to humans, as well as to the honey bees that will leave the area because of the toxic ammonia, and the honey bee farm on the adjoining property is Mr. Marvin Blalock's livelihood, as well as the honey bees are needed to pollinate gardens in the area.

Those speaking and who stood in opposition were: Marvin Blalock, Tina Collins, Marie Roberts, Larry Roberts, Steve Bradshaw, Linda Dorsey, Charlene Hendrix, Betty Payne, Larry Dempsey, David Evans, Howard Ralston, Marvin Hayes, Jacob Rakestraw, Roger Mathis, Kenny McCoy, Gary Ralston, James Youngblood, and Anthony Dutton. Shelia Hailey spoke in favor of the request, stating that she and her sisters had inherited this property from her grandfather with the hope that it could be used to help with the great grandchildren's college cost. Chairman Rule thanked all the speakers for being patient and courteous to each another, and told the speakers that now the applicants would have an opportunity to address some of the concerns that had been mentioned.

Mr. Brumlow stated that we are going to continue to have Chick-Fil-A's, Zaxby's, and Church's. It is going to happen and if we were here to talk about a sub-division on this property, the issue would be narrow roads for the buses and overcrowding in the schools. After the moratorium was lifted and these new rules were put in place for chicken houses, the Ross Family has complied with all of them. The poultry business has evolved with new technology to minimize a lot of these issues mentioned tonight and because they want to be good corporate neighbors. Mr. John Ross spoke stating that as a crow flies his current chicken houses are only  $\frac{3}{4}$  mile from where the new houses will be and he still has honey bees around his house and his pond has plenty of fish, so there has not been any airborne toxin that has created any issues. His children have grown up on the chicken farm and have not had any health issues. They use to put 40,000 chickens in a house and now they have cut that to 25,000-26,000 chickens because the federal government has got involved and we have to have more square feet per bird, all this to meet anti-biotic free requirements. They only keep the birds no more than 40 days, because they grow for Chick-fil-a and Zaxby and they want small birds. They only do 5 flocks a year. Chick-Fil-A requires at least a 16 day break in between flocks or Pilgrims could lose their contract with Chick-Fil-A and they do not want to lose that contract, so they are very strict. This operation will cost us \$3.5 million to build, not including the land, leaving as many trees as possible for a buffer and hunting. There will be a retention pond, and we have not had any issues with the EPA when it comes to erosion and run-off in 21 years. These new houses will not be visible from the road. Mr. Brandon Ross spoke again stating that he has grown up around this industry and he has a passion and love for the business and it's not for the money, because if it was everyone would be trying to get in the poultry business. It is about providing food for everyone. The average age of the American farmer in 2017 was 67 years old and people like them are needed to fill their shoes. He added that growing up around this industry has given him a hard work ethic by seeing these baby chicks grow in 40 days and go out and feed our country is very satisfying. All adjoining property owners had been notified.

Ursula Richardson, Zoning Administrator for Gordon County, recommended that the rezoning request identified as Application #Z18-22 for conditional use be approved with the conditions that the driveway be approved by the Public Works Department and the Owner of the Dry Litter Poultry Operation and his successors or assigns must comply with all standards and requirements in the U.L.D.C. 4.03.02 (I), (J), and (K).

Chairman Rule then explained the process of how the Planning Commission comes up with a decision, using the U.L.D.C., future land use map and other checklist.

Eddie Smith abstained from voting. Nathan Serritt made the motion to approve the rezoning application identified as #Z18-22 from A-1 to Conditional use with the conditions that the driveway be approved by the Public Works Department and the Owner of the Dry Litter Poultry Operation and his successors or assigns must comply with all standards and requirements in the U.L.D.C. 4.03.02 (I), (J), and (K). Jerry Lovelace seconded the motion. Randy Rule voted with the motion. The vote was 3-0 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 November 20, 2018 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 7:27 p.m.

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Zelda Gregg, Secretary

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Randy Rule, Chairman  
Butch Layson, Vice-Chairman

**Cover Sheet**  
**Proposal for Land Use Action**

Application Number: 218-22 Present Zoning: A-1 Proposed Zoning: Conditional Use DLPO

Date of Planning Commission Meeting: November 12, 2018

Date of Board of Commissioners' Meeting: November 20, 2018

Applicant: John Ross and Brandon Ross

Property Owner: (if different from applicant) Robin S. Biddy, Susan F. Holcomb & Sheila S. Hailey

Property Address: Blalock Road, Adairsville, GA 30103 90.34 acres

Said Property having a frontage of 2,018.51 feet and containing 90.34 acres.

Official Zoning Map Classification: A-1, Agricultural - Rural/Agricultural Reserve

Proposed Conditional Use: DRY LITTER POULTRY OPERATION UNDER ULDC 4.03.02

Building 6 chicken houses, 50' x 600'

Directions to Property: Proceed East on State Highway 53 East from its intersection

with I-75 and in approximately 4 miles turn right onto Plainview Road SE,  
proceed approximately 2.1 miles and then turn left onto Erwin Hill Road SE,  
proceed approximately 0.6 miles and then turn right onto Blalock Road SE,  
the property will be on the left beginning 0.2 miles after the final turn  
onto Blalock Road

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

**Date of Report:** October 26, 2018                      **Application #** Z18-22

**Applicant:** John Ross and Brandon Ross **Legal Representative:** Terry Brumlow, Att. at Law

**Property Owner:** Robin S. Bidy, Susan F. Holcomb & Sheila S. Hailey

**Location of Property:** Blalock Rd., Fairmount, GA 30139

**Property Frontage:** 2,017.51+/- Feet                      **Tract Size:** 90.34

**Proposed Action:** Proposed for the development of a dry litter 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:** Nothing needed from EH.
- **Fire Department:** OK
- **Gordon County School System:** NA
- **Road Department:** Driveway access would have to be approved by Public Works Dept. Driveway would have to meet ULDC Standards. See attached note for concerns about truck routes to property: Four routes to this property were reviewed. The **first route** reviewed is the intersection of Erwin Hill Rd. and Plainview Rd. This approach would have trucks turning onto Erwin Hill Rd. at a blind hill, then turning onto Blalock Rd. via a narrow intersection. The **second route** reviewed is the intersection of Blalock Rd. and Plainview Rd. This intersection is narrow and steep. The **third route** reviewed is Erwin Hill Rd. via State Route 53. Erwin Hill Rd. is 18 foot wide and has four subdivisions that feed into it. The **fourth route** reviewed is Erwin Hill Church Rd. via Shope Lake Rd. This approach would have trucks using Erwin Hill Church Rd which is seventeen foot wide and cuts through a small community of several homes. Then either the trucks would continue on Erwin Hill Church Rd. to Blalock Rd. and encounter two narrow intersections or turn onto Erwin Hill Rd. and encounter one narrow intersection.
- **Water & Sewer (City of Calhoun):** This property can be served by a 4" water line running along Blalock Road. A line extension may be required to serve the entire property. 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 is a subdivision to the East zoned R-1, Residential. There are 6 other active poultry operations located in the vicinity of the subject property. Two (2) are less than one mile, two (2) are almost two (2) miles away and two (2) are almost three (3) miles to this property. The property is rural and very heavily, 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 large lot residential, agricultural, agribusiness, conservation 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. The surrounding area is very rural.

**Planning Staff's Recommendation:** The rezoning request for Conditional Use #Z18-22 is recommended for approval with the conditions that the driveway is approved the Public Works Dept. and the Owner of the Dry Litter Poultry Operation and his successors or assigns must comply with all standards and requirements in the ULDC 4.03.02 (I), (J) and (K).

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



## Application Submittal Requirements for Dry Litter Poultry Operation

A) *Development and Design Plan.* A comprehensive, detailed site plan showing and identifying significant onsite and proposed features, to include:

- (1) The boundaries of the parcel of land by survey.
- (2) Any existing and proposed structures on the property.
- (3) Any water impoundments and/or waterways on the property.
- (4) Any existing and proposed septic systems.
- (5) Any existing and proposed screening.
- (6) Any public roadways directly serving the parcel of land.
- (7) Required setbacks. See ULDC S 4.03.02
- (8) Required buffer zones as described in ULDC S 4.03.02(J)
- (9) Any existing and proposed utility lines.
- (10) Existing and proposed topographic contours at vertical intervals of five feet maximum. (U.S.G.S. topographic maps may be used for existing contours).
- (11) The design of the chicken houses, stack houses and operations should minimize the impacts of the poultry house on adjacent properties. For example, the ventilation fan exhausts should be directed away from the closest property lines of adjoining properties.

B) *Nutrient (Waste) Management Plan.* The Design and Development Plan shall include a Nutrient (Waste) Management Plan (NMP) that establishes the methods by which waste generated as part of the Dry Litter Poultry Operation will be managed and disposed of including any temporary storage of such waste if managed on-site. The NMP shall, at a minimum, include best management practices and procedures necessary to implement applicable effluent limitations and standards. A copy of the plan must be maintained on site and available for inspection by the Ordinance Officer upon his request.

**DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH**

Application # 218-22 Ross Conditional Use

Date: 10/16/18

Reviewed by: Christy Blair

**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 # 218-22 ROSS Conditional Use

Date: 10/16/18

Reviewed by: JOEY JORDON 10/17/18

**FIRE DEPARTMENT**

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

O.K.  
  
10/17/18



# *Gordon County*

## *Department of Public Works*

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Re: Departmental Review for Rezoning/Variance Application, Blalock Rd

Four Routes to this property were reviewed:

The first route reviewed is the intersection of Erwin Hill Rd and Plainview Rd. This approach would have trucks turning onto Erwin Hill Rd at a blind hill, then turning onto Blalock Rd via a narrow intersection.

The second route reviewed is the intersection of Blalock Rd and Plainview Rd. This intersection is narrow and steep.

The third route reviewed, is Erwin Hill Rd via State Route 53. Erwin Hill Rd is 18 foot wide and has four subdivisions that feed into it.

The fourth route reviewed, is Erwin Hill Church Rd via Shope Lake Rd. This approach would have truck using Erwin Hill Church Rd which is seventeen foot wide and cuts through a small community of several homes. Then either the trucks would continue on Erwin Hill Church Rd to Blalock Rd and encounter two narrow intersection or turn on to Erwin Hill Rd and encounter one narrow intersection.

**DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT**

Application # Z18-22 Ross Conditional Use

Date: 10/16/18

Reviewed by: Rusty Hogan

**PUBLIC WORKS DEPARTMENT**

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

- Driveway access would have to be approved by the Gordon County Public Works Dept. Driveway would have to meet ULDC Standards.
- see attached note for concerns about truck routes to property.



CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-22  
APPLICATION NAME John & Brandon Ross  
TYPE OF ZONING: A-1 to Conditional Us  
DATE: 10/26/2018  
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This property can be served by a 4" water line running along Blalock Road. A line extension may be required to serve the entire property.

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.

Recorded 11/12/2014 1:21  
Doc: MD RCF#: 305478  
TRANSFER TAX ID: 064001999  
Grant W/ Raven: C.S.C.  
GORDON County, Ga  
DEED Bl: 1919 Ps: 401

- 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 12<sup>th</sup> day of November in the Year of Our Lord Two Thousand Fourteen between Karen Swafford and Jerry Paul Moore of the County of Gordon and State of Georgia of the first part, and Robin S. Biddy, Susan S. Holcomb and Sheila S. Hailey of the County of Gordon and State of Georgia of the second part:

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of Ten Dollars, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, have granted, bargained, sold and conveyed, and by these presents do grant, bargain, sell and convey unto the said party of the second part, their heirs and assigns, all the following described property, to wit:

All that tract or parcel of land lying and being in the 6<sup>th</sup> District and 3<sup>rd</sup> Section of Gordon County, Georgia, and being 109 acres, more or less, off of Land Lot 91 thereof, and being the entire South half of said Land Lot 91 and 30 acres, more or less, off of the Northwest corner of said Land Lot 91 and tract being bounded as follows: On the North by the land of Jesse Cochran; on the East by the land of O. Z. Goss and the land of the J. L. Erwin Estate; on the South by land of Dutton and Tolley Blalock; and on the East by land of the R.T. Dempsey Estate.

LESS and EXCEPT the following tracts of land:

*copied*

- Tract I - Deed from J. B. Moore to William R. Yates, dated October 27, 1978 recorded in Gordon County Georgia Deed Book 170, page 649;
- Tract II - Deed from J. B. Moore to James C. Owens and Alesia J. Owens, dated April 8, 1989 recorded in Gordon County Georgia Deed Book 308, page 46; and
- Tract III - Deed from J. B. Moore to Susan S. Holcomb, dated December 29, 1997 recorded in Gordon County Georgia Deed Book 532, page 96.

TO HAVE AND TO HOLD, 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 the said parties of the second part, their heirs and assigns forever in Fee Simple.

And the said parties of the first part, for their heirs, executors and administrators, will warrant and forever defend the right and title to the above-described property unto the said parties of the second part, their heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said parties of the first part have hereunto set their hands and affixed their seals the day and year first above written.

Signed, sealed and delivered in presence of:

*Carmie* N.P. SEAL AFFIXED  
Witness

*Karen Swafford* (Seal)  
KAREN SWAFFORD

*Sheila Hailey*  
Notary Public  
My commission expires 6/27/17

*Diane Bockholt*  
Witness

*Jerry Paul Moore* (Seal)  
JERRY PAUL MOORE

*Sheila Hailey*  
Notary Public  
My commission expires 6/27/17

N.P. SEAL AFFIXED