

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z18-24 DATE OF READING 12-18-18

REZONE FROM A-1 TO R-1

APPLICANT David Millsaps

OWNER _____

LOCATION OF PROPERTY 8354 Red Bud Rd

Ranger

DESCRIPTION OF PROPERTY

1.97 ACRES

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

1. denial

STIPULATIONS:

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
DECEMBER 10, 2018**

The Gordon County Planning Commission held a Public Hearing on Monday, December 10, 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:

Butch Layson Eddie Smith
Jerry Lovelace

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

REZONING APPLICATIONS #Z18-23 & Z18-24, ALICE TRIPPLETT & DAVID MILLSAPS

Vice-Chairman Layson read rezoning applications #Z18-23 & #Z18-24, Alice Tripplett and David Millsaps, requesting to rezone 1.67 acres and 1.97 acres, each with existing homes, located at 8354 Red Bud Road, Ranger from A-1 to R-1 to bring into compliance with zoning. Environmental Health Services noted for both applications that a septic permit was issued to Ms. Tripplett on 10/12/10 on the 1.67 acre tract and she was instructed that this property was NEVER to fall under 3 acres. There are no septic records for the mobile home for Mr. Millsaps request, so no information on drain field location if it goes over the proposed line. The division is not approved by Environmental Health. Ursula Richardson, Zoning Administrator for Gordon County, stated that the applicants were suppose to come in and withdraw their applications but had not prior to the meeting and advised the Planning Commission that they should just deny both applications since the applicants could not proceed as far as Environmental Health was concerned.

On rezoning application #Z18-23, Jerry Lovelace made the motion to deny the rezoning request. Eddie Smith seconded the motion. All voted aye. The recommendation for denial was sent to the Board of Commissioners.

On rezoning application #Z18-24, Jerry Lovelace made the motion to deny the rezoning request. Eddie Smith seconded the motion. All voted aye. The recommendation for denial was sent to the Board of Commissioners.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 218-24 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: December 10, 2018

Date of Board of Commissioners' Meeting: December 18, 2018

Applicant: David Millsaps

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

Property Address: 8354 Red Bud Rd., Ranger, GA 30134

Said Property having a frontage of 457.71 feet and containing 1.97 acres.

Future Development Map Classification: Rural / Agricultural Reserve

Current Zoning Map Classification: A-1 / Agricultural

Proposed Action: To bring into compliance w/ Zoning

Reason for Proposed Action: Property was subdivided into
2 tract w/ 2 existing homes

Directions to Property: Go out Red Bud Rd 13 miles
on left. Corner of Pack Rd. Road frontage
on Pack Rd., entrance from Red Bud Rd.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: November 26, 2018

Application # Z18-24

Applicant/Property Owner: David Millsaps

Location of Property: 8354 Red Bud Road, Ranger, GA 30734

Property Frontage: 457.71 Lot Feet **Tract Size:** 1.97 acres

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

Reasons for Proposed Action: The property was subdivided and I would like to rezone the existing home and land in order to comply with the ULDC, also, to leave the existing mobile home on the property which is being used as a caretaker dwelling. Family property.

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 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:** The following notes are for both Z18-23 and Z18-24: The septic permit issued to Ms. Tripplett on 10/12/2010 instructed that this property was NEVER to fall under 3 acres. (See attached septic permit and inspection). There are no septic records for the mobile home for Mr. Millsaps, so no information on drainfield location if it goes over the proposed property line. Do these 2 SFR share the same 911 address?? Division not approved by EH.

• **Building Department:** N/A

* **Fire Department:** O.K.

* **Gordon County School System:** N/A

* **Road Department:** If entrance will be coming off of Pack Rd. the property owner will need to pick up permit form Public Works Dept.

* **Georgia Dept. of Transportation:** Contact GDOT for driveway access, on SR156 if needed.

* **Water & Sewer (City of Calhoun):** This property is served by a 2" water line located along Pack Road. and an 8" water line along Red Bud Road. 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 surrounding properties are primarily residential with some farming on A-1, Agricultural zoning on large and small tracts.

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 cannot be further developed as currently zoned because it is less than the minimum five (5) acre lot size requirements for A-1 zoning.

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 Rural/Agricultural on the Gordon County Future Development Map. This classification supports land uses intended for large lot residential, agricultural, agribusiness, conservation, 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 property was recently subdivided and needs to be brought into compliance.

Planning Staff's Recommendation:

The rezoning request identified as Application #Z18-24 is recommended for denial until applicant gets approval from Environmental Health.

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

RURAL/AGRICULTURAL RESERVE

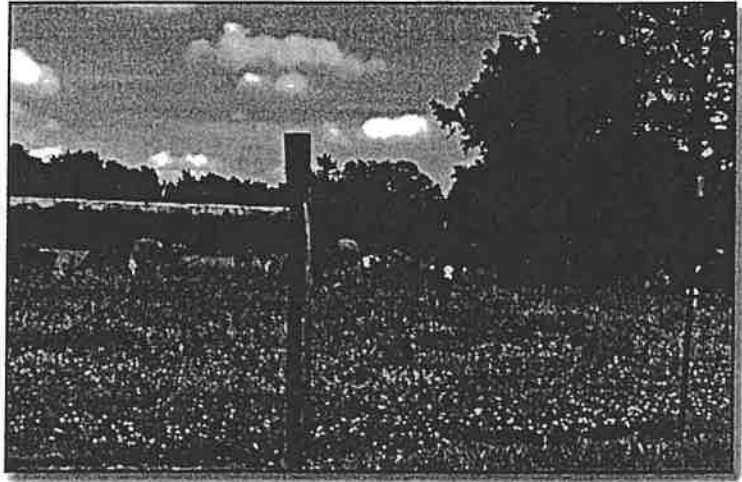
Description:

These are rural areas, away from Interstate 75 and the Calhoun Metropolitan Area. This part of the county consists of rural residential homes and family farms typically not served by sewer. The poultry industry has also seen tremendous growth in these parts of the county. Much of the County's floodplain lies within these areas providing for potential greenspace and recreational development.

Development

Strategies/Policies:

- ❖ **Infrastructure:** Limiting expansion of sewer to these areas will prevent over development if the county hopes to retain the rural character of this area. However, internet access in these areas is becoming increasingly important, particularly for students doing school assignments. Roads should only be widened when absolutely necessary. Zoning is another opportunity to prevent sprawl and over development.
- ❖ **Conservation Easements:** Many properties in these areas could take advantage of conservation easements. These are an opportunity to protect greenspace and natural resources. Conservation efforts are especially important along rivers and creeks.
- ❖ **Agribusiness development:** There is a growing market for locally produced products, whether fruits and vegetables, meats and cheeses, or even local wine production. North Georgia has seen explosive growth in the development of wineries and vineyards. Ensure that zoning and local ordinances allow for the development of such opportunities. These can also be tourism draws.
- ❖ **Zoning:** Protect the character of this area by zoning it for large lot residential and agricultural. Agribusiness properties should allow for enough of a buffer to prevent things like manure odors and insecticide overspray from adversely affecting the quality of life for neighboring residences.



Cows and calves, Highway 53.

Land Uses:

Large lot residential, agricultural, agribusiness, conservation, passive recreation (i.e. fishing, hunting)

218-24

Recorded 01/05/2018 3:19
Doc: WD Rcpt#: 322445
TRANSFER TAX ID: 064000019
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2114 Pg: 264

Return Recorded Document to:
Brumlow, Corwin & Delashmit, P.C.
1287 Curtis Parkway
Calhoun, GA 30701
File#

STATE OF GEORGIA
COUNTY OF GORDON

**DEED ONLY NO TITLE OPINION
WARRANTY DEED**

This Indenture made this 20 day of December, 2017 between ALICE TRIPPLETT, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and DAVID MILLSAPS, 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 145 of the 24th District and 2nd Section of Gordon County, Georgia, and being Tract 2, containing 1.97 acres as per plat recorded at Plat Book 54, Page 121, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof. **SUBJECT TO** restrictions for said land as recorded in Deed Book 609, Page 326, aforesaid records. **INCLUDED WITH THIS CONVEYANCE** is an easement for ingress and egress along the existing drive as shown on the above-referenced plat of survey. The grantor herein acknowledges that the grantee, his heirs, successors and assigns shall be allowed to use said driveway for ingress and egress.

TOGETHER WITH that certain 1986 Statler II mobile home, ID #GDWSGA038634195, which is located on the above described property.

This Deed is given subject to all easements and restrictions of record, if any.

Preparer makes no warranties or representations as to the status of the title to the property described herein, other than that the description has been properly prepared from the information provided to the preparer.

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:

[Signature]
(Unofficial Witness)

[Signature]
(Notary Public)

[Signature] (SEAL)
ALICE TRIPPLETT
ELAINE T. GILBERT
NOTARY
EXPIRES
GEORGIA
APR 4, 2020
PUBLIC
GORDON COUNTY

TRACT DIVISION
FOR
Tract 1: Alice Tripplett
Tract 2: David Millsaps

GORDON County, Georgia

LOCATED IN LAND LOT 145, 24th DISTRICT &
2nd SECTION OF GORDON COUNTY, GEORGIA

BEING A TRACT DIVISION OF TRACT 10 IN PB:19 PG:320

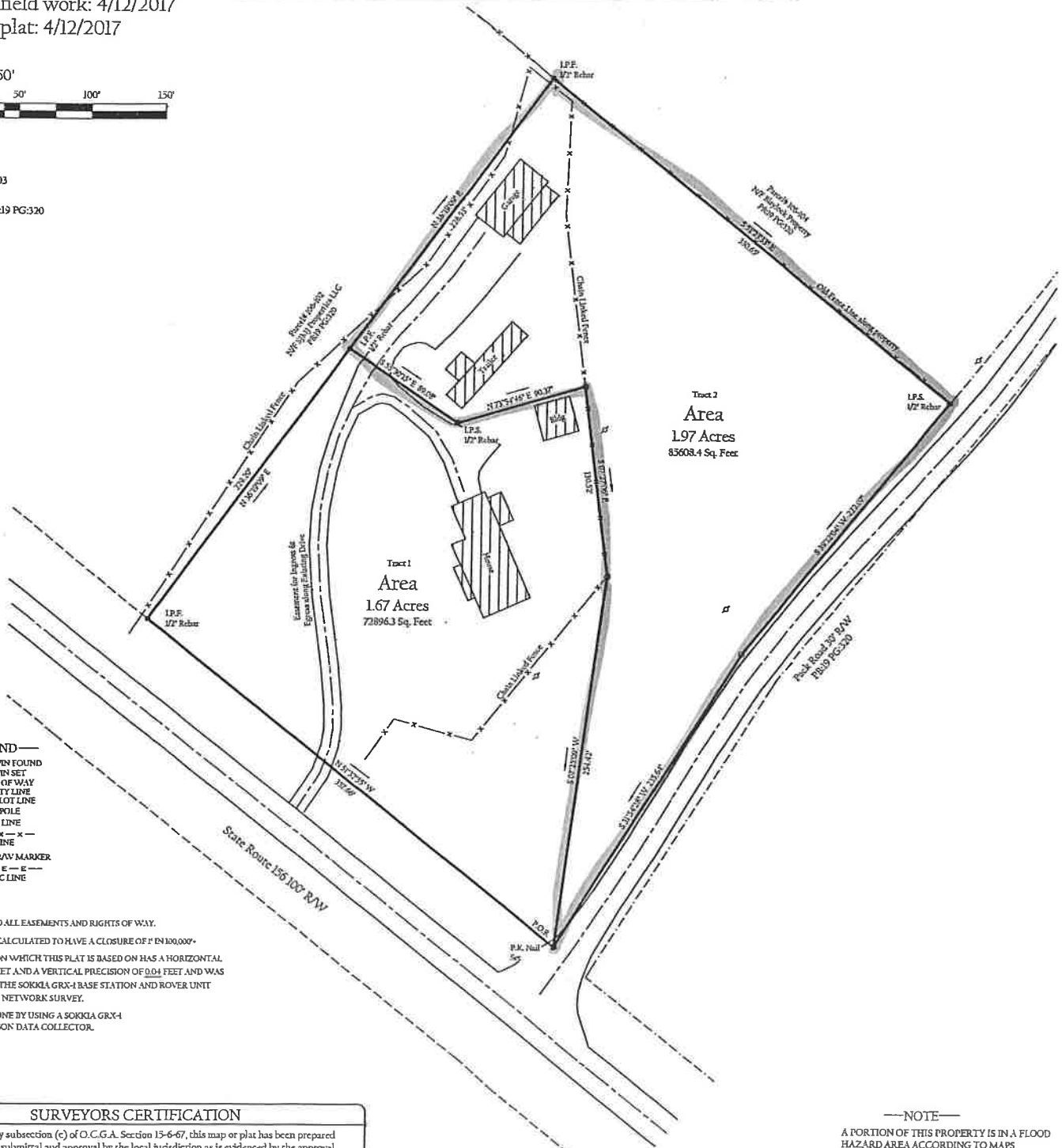


Date of field work: 4/12/2017
Date of plat: 4/12/2017

Scale: 1"=50'



Parcel# 106-103
Zoning: A-1
Reference: PB:19 PG:320



- LEGEND —
- L.P.F. - IRON PIN FOUND
 - L.P.S. - IRON PIN SET
 - R.O.W. - RIGHT OF WAY
 - PL - PROPERTY LINE
 - L.L.L. - LAND LOT LINE
 - ⊙ - POWER POLE
 - ⊕ - CENTER LINE
 - x-x-x-x-
 - FENCE LINE
 - ⊠ - CONC. RAW MARKER
 - e-e-e-
 - ELECTRIC LINE

THIS PLAT SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY.
THIS PLAT HAS BEEN CALCULATED TO HAVE A CLOSURE OF 1 IN 100,000.
THE FIELD DATA UPON WHICH THIS PLAT IS BASED ON HAS A HORIZONTAL PRECISION OF 0.03 FEET AND A VERTICAL PRECISION OF 0.04 FEET AND WAS OBTAINED BY USING THE SOKKIA GRX-1 BASE STATION AND ROVER UNIT TO PRODUCE A R.T.K. NETWORK SURVEY.
FIELD WORK WAS DONE BY USING A SOKKIA GRX-1 GPS SYSTEM & CARLSON DATA COLLECTOR.

SURVEYORS CERTIFICATION

As required by subsection (c) of O.C.G.A. Section 15-6-67, this map or plat has been prepared and issued for submittal and approval by the local jurisdiction as is evidenced by the approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of the survey or map as to intended use of any parcel. Further, the undersigned land surveyor certifies that this map, plat, or plan complies with the minimum technical standards for property surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67.

Michael Paul Bunch

Michael Paul Bunch G.A. RLS #3350

4/12/2017



— NOTE —
A PORTION OF THIS PROPERTY IS IN A FLOOD HAZARD AREA ACCORDING TO MAPS FURNISHED BY FEMA.
COMMUNITY PLAN NUMBER: 11252C - 0152D



DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # 218-24 Mill saps A-1 to R-1

Date: 11-20-18

Reviewed by: Steve Parris

PUBLIC WORKS DEPARTMENT

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

*If entrance will be coming off of Pack rd
Property owner will need to pick up permit
from Public Works dept.*

Steve Parris

DEPARTMENTAL REVIEW – STATE OF DEPARTMENT TRANSPORTATION

Application # 218-24 Millsaps A-1 to R-1

Date: 11/19/18

Reviewed by: Donna Tucker

STATE DEPARTMENT OF TRANSPORTATION

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

Contact GDOT for driveway access on SR 156 if needed.

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z18-24
APPLICATION NAME David Millsaps
TYPE OF ZONING: A-1 to R-1
DATE: 11/20/2018
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 2" water line located along Pack Road and an 8" water line along Red Bud 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.

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z18-24 Millsaps A-1 to B-1

Date: 11/24/10

Reviewed by: Christy Blair

ENVIRONMENTAL HEALTH

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

Please see notes on Z18-23.

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 218-24 Tripplett A-1 to B-1

Date: 11/24/18

Reviewed by: Christy Blair

ENVIRONMENTAL HEALTH

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

The following notes are for both 218-23 AND 218-24:

The septic permit issued to Ms Tripplett on 10/12/2010 instructed that this property was NEVER to fall under 3 acres. (See attached septic permit and inspection).

There are no septic records for the mobile home for Mr Millsaps, so no information on drainfield location if it goes over the ^{proposed} property line.

Do these 2 SFR share the same 911 address??

Division not approved by EH.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 218-24 Millsaps A-1 to R-1

Date: 11/19/18

Reviewed by: JOEY JORTON

FIRE DEPARTMENT

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

O.K.

 11/19/18