

INFORMATION SHEET FOR REZONING REQUESTS

Application # 219-10 DATE OF READING 7-16-19

REZONE FROM A-1 TO R-6

APPLICANT MK Holdings, LLC Michael + Kelly Viel

OWNER \_\_\_\_\_

LOCATION OF PROPERTY 207 Hensley Rd

Adairsville

DESCRIPTION OF PROPERTY

11.98 ACRES

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

1. Approval

STIPULATIONS:

Nathan Serritt made the motion to approve the rezoning application identified as #Z19-09 from A-1 to R-1. Eddie Smith seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z19-10, MK HOLDINGS, LLC  
MICHAEL & KELLY VIEL**

Chairman Rule read rezoning application #Z19-10, MK Holdings, LLC/Michael and Kelly Viel, requesting to rezone 11.98 acres located at 207 Hensley Road, Adairsville from A-1 to R-6. Ms. Viel represented the request explaining that she and her husband had bought this property in 2017 that was already a mobile home community and that they would like to bring it into compliance with its current use. She added that they had been making improvements to the area and would like to potentially add new homes. Ms. Viel stated that she knew that they would have to comply with the stipulations required by the Gordon County Public Works Department and the Environmental Health Service concerning septic issues before any new homes could be added. All adjoining property owners had been notified.

Eddie Smith made the motion to approve the rezoning application identified as #Z19-10 from A-1 to R-6. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z19-11, MANNINGTON MILLS, INC.**

Chairman Rule read rezoning application #Z19-11, Mannington Mills, Inc., requesting to rezone 10.5 acres located at 115 Old Belwood Road, Calhoun from C-G to I-1. Ursula Richardson, Zoning Administrator for Gordon County, stated that this construction had already been started when it was discovered that the property was actually in the county not the city, and now it will require rezoning. Someone from Mannington Mills will be present at the Board of Commissioners meeting on July 16, 2019 to answer the questions from Environmental Health and Georgia D.O.T. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the rezoning application identified as #Z19-11 from C-G to I-1. Jerry Lovelace seconded the motion. Eddie Smith voted against the motion. The vote was 3-1 to approve. The recommendation for approval was sent to the Board of Commissioners.

**ADDITIONAL BUSINESS**

There being no additional business, Jerry Lovelace made the motion to adjourn. Eddie Smith seconded the motion. All voted aye. The meeting was adjourned at 6:26 p.m.

**Cover Sheet  
Proposal for Land Use Action**

Application Number: 219-10 Present Zoning: A-1 Proposed Zoning: R-6

Date of Planning Commission Meeting: July 8, 2019

Date of Board of Commissioners' Meeting: July 16, 2019

Applicant: MK Holdings, LLC / Michael and Kelly Viel

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

Property Address: 207 Hensley Road Adairsville, Ga. 30103

Said Property having a frontage of 1171.50 ± feet and containing 11.98 acres.

Future Development Map Classification: Emerging Mixed Use

Current Zoning Map Classification: A-1 Agricultural District

Proposed Action: Rezone property from A-1 to R-6

Manufactured Housing Development District to

bring property into compliance with its current

use. It has been a mobile home community for many years.

Reason for Proposed Action: Help Gordon County reach goals

of providing needed housing during economic growth.

This will bring property into compliance with zoning.

Owners desire to upgrade and potentially add new homes.

Directions to Property: \_\_\_\_\_

Take US-41 / Ga-3 / S. Wall Street South for

approximately 5.5 miles, turn left onto Hensley

road. Property is located on the right.

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

**Date of Report:** May 21, 2019

**Application #** Z19-10

**Applicant/Property Owner:** RMK Holdings, LLC / Michael & Kelly Viel

**Location of Property:** 207 Hensley Rd., Adairsville, GA 30103

**Property Frontage:** 1.17.50 +/- Lot Feet    Tract Size: 11.98 acres

**Proposed Action:** Rezone from A-1, Agricultural District to R-6, Manufactured Housing

**Reasons for Proposed Action:** To rezone the property to bring it into compliance with its current use. It has been a mobile home community for many years. Also, to help Gordon County reach goals of providing needed housing during economic growth, we desire to upgrade and potentially add new homes.

**Future Development Map Classification:** Emerging Mixed Use

**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:*** Zoning compliance is OK w/EH. Adding new homes to property – NO.
- \* ***Building Department:*** N/A
- \* ***Fire Department:*** OK.
- \* ***Gordon County School System:*** N/A
- \* ***Road Department:*** Property owner must consult with the Gordon County Public Works Dept. to bring driveway entrance into compliance with the ULDC.
- \* ***Georgia Dept. of Transportation:*** N/A.
- \* ***Water & Sewer (City of Calhoun):*** This area is served by a 12” 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 proposed property has Commercial Zoning to the West which fronts Hwy 41S and what appears to be rental property across the street on Hensley Rd which is currently zoned Agricultural. The neighborhood is also currently zoned Agricultural with both mobile homes and houses.

***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 expand the mobile home community as currently zoned because it was in existence before zoning started and must be brought into compliance 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 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 Mixed Use on the Gordon County Future Development Map. This classification supports land uses intended for Commercial (40%) Multi-family residential (40%), Light industrial (20%).

***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 is in compliance Gordon County Future Development Map and the existing Mobile Home Community.

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

The rezoning request identified as Application #Z19-10 is recommended for approval.

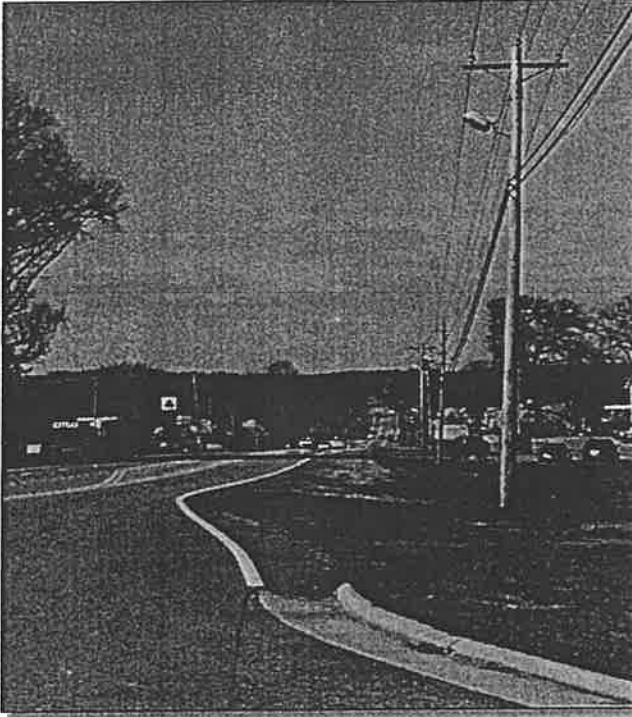
***This report is a part of the official record of the subject application***

## EMERGING MIXED USE

## Description:

This type of development typically occurs along highways and other well-traveled roads, as well as around major intersections. Examples include the area along Georgia Highway 53, near the proposed southern bypass (southwest section of the county).

The Sonoraville area, along Georgia Highway 53, does include industrial properties including Pine Hall Brick, but future trends will favor dense suburban residential and commercial development. The area is



*Highway 53, Sonoraville.*

expected to continue to accommodate light industrial development, but buffers and other screening devices will have to be put in place to protect residential uses.

The US 411 Corridor is anticipated to go from agricultural to commercial and industrial uses, with the expansion of rail usage and the Appalachian Regional Port in Murray County as drivers.

## Development Strategies/Policies:

- ❖ **Infrastructure:** Development pressure in these areas will result in an increased need for electricity, water, sewer and fiber optics.

- ❖ **Transportation Planning:** This type of development will undoubtedly lead to an increase in vehicular traffic. Intersection upgrades or road-widenings should be prepared for in advance in an effort to avoid traffic congestion. Consider roundabouts as

opposed to traffic lights in an effort to keep traffic moving. Sidewalks and pedestrian facilities should also be

incorporated into transportation improvement plans.

- ❖ **Zoning:** Developing business, mixed use residential, or commercial properties in this area instantly becomes more appealing if the area is already zoned for such use.
- ❖ **Walkability:** Ordinances can be developed to ensure that future development will include quality sidewalks, installed by developers, as opposed to being taxpayer funded. These are particularly important to low income residents, the elderly, and others who might not drive.

## Land Uses:

Commercial (40%), multi-family residential (40%), light industrial (20%)

Recorded 1/17/2017 10:10  
Doc: WD Rct#: 317130  
TRANSFER TAX: 535.00  
TRANSFER TAX ID: 0642017000073  
Grant Walraven, C.S.C.  
GORDON County, Ga  
DEED Bk: 2050 Pas: 377-378

This space above this line is for recording purposes.

After recording, please return to:  
J. Tracy Ward  
Sponcier & Tharpe, LLC  
P. O. Box 398  
Dalton, Georgia 30722-0398  
File No. 2016090609

STATE OF GEORGIA,

GORDON COUNTY.

**WARRANTY DEED**

**THIS INDENTURE**, made the 13th day of January, 2017, between **FLETCHER PROPERTY RENTALS, LLC**, a Georgia Limited Liability Company (hereinafter, whether singly or more than one, the "Grantor"), and **MK HOLDINGS, LLC** a Georgia Limited Liability Company (hereinafter, whether singly or more than one, the "Grantee"):

**WITNESSETH**

That in consideration of Ten Dollars (\$10.00), and other good and valuable considerations, the receipt and sufficiency of which are hereby acknowledged, Grantor by these presents does hereby grant, bargain, sell, and convey unto the said Grantee the following described real property, together with the appurtenances thereto belonging, to-wit:

Tract 1:

All that tract or parcel of land lying and being in the 15th District and 3rd Section of Gordon County, Georgia, in Land Lot No. 177 thereof, being 2.35 acres, according to a plat of survey recorded in the Office of the Clerk of the Superior Court of Gordon County, Georgia, in Plat Book 35, page 185, reference to said plat being herein made for a more complete description.

Tract 2:

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 15th District and 3rd Section of Gordon County, Georgia, in Land Lot No. 177 thereof, being 15.03 acres according to a plat of survey entitled "Survey for Q.R. Hester Estate" prepared by Freeman & Lambert Surveyors, dated June 11, 1981 and being recorded in the office of the Clerk of Superior Court of Gordon County, Georgia, in Plat Book 12, Page 277, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed. Said property being the same property conveyed to Q.R. Hester, Sr. by C.E. King, Sr. by three (3) separate warranty deeds described as follows: Warranty deed dated 4-20-55 recorded in Deed Book 35, Page 437, Gordon County, Georgia deed records; Warranty Deed dated 2-23-57 recorded in Deed Book 38, Page 235, Gordon County, Georgia deed records; and Warranty Deed dated 7-19-58 recorded in Deed Book 41, Page 363, Gordon County, Georgia deed records. Subject to general utility easement from R.F. Hogan to Georgia Power Company dated 5-27-49 and recorded in Deed Book 24, Page 330, Gordon County, Georgia deed records.

LESS AND EXCEPT ALL THAT TRACT OR PARCEL OF LAND lying and being in the 15th District and 3rd Section of Gordon County, Georgia, in Land Lot No. 177 thereof, being 2.35 acres according to a plat of survey recorded in the office of the Clerk of Superior Court of Gordon County, Georgia, in Plat Book 35, Page 185, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed.

LESS AND EXCEPT ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 177 of the 15th District and 3rd Section of Gordon County, Georgia, and being more particularly described at Deed Book 1100, Page 177, Gordon County, Georgia Records, which deed by reference is hereby incorporated herein for a full and complete description of aforesaid property.

LESS AND EXCEPT ALL THAT TRACT OR PARCEL OF LAND lying and being in the 15th District and 3rd Section of Gordon County, Georgia, in Land Lot No. 177 thereof, being 0.70 acres according to a plat of survey recorded in the office of the Clerk of Superior Court of Gordon County, Georgia, in Plat Book 35, Page 184, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed.

**TO HAVE AND TO HOLD**, all and singular the above described premises, unto the said Grantee, and to the heirs, legal representatives, successors and assigns of the said Grantee forever, in fee simple.

**AND THE SAID GRANTOR**, and the heirs, legal representatives, successors and assigns of the Grantor will **WARRANT** and **DEFEND** all right, title and interest in and to the said premises and the quiet and peaceable possession thereof, unto the said Grantee, and to the heirs, legal representatives, successors and assigns of the Grantee, against all acts and deeds of the said Grantor, against all acts and deeds of the Grantor, and of every person lawfully claiming thereunder.

**SUBJECT, HOWEVER**, to all easements, rights-of-way, covenants and restrictions which may lawfully affect the above-described property.

**IN WITNESS WHEREOF**, the Grantor has signed, sealed and delivered this Deed on the day and year first above written.

Signed, sealed and delivered in the presence of:

FLETCHER PROPERTY RENTALS, LLC

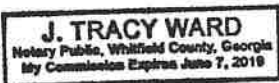
*Amelia Gensley*  
Unofficial Witness

BY: *Freddie Fletcher* (SEAL)  
Freddie Fletcher, President

*J. Tracy Ward*  
Notary Public

My Commission Expires: \_\_\_\_\_

[Notary Seal]





Hensley Road 40' R/W

L.P.F.  
2' Open Top

S 86°33'55" E 164.80'

S 87°31'03" E 105.05'

S 13°43'31" E  
41.32'



BS 77°24'51" E  
C46.00'  
A46.25'  
R126.78'

BS 36°54'11" E  
C48.58'  
A50.02'  
R60.01'

BS 19°24'25" E  
C92.11'  
A92.32'  
R392.23'

Parcel# 047B-015  
N/F Smith Property

CG

96°55'

N 51°12' E 40N

L.P.F.  
1/2' Rebar

Parcel# 047B-059  
N/F Smith Property

99°69'

N 51°12' E 40N

L.P.F.  
1/2' Rebar

Parcel# 047B-016  
N/F Andrade Property

99°24'

N 51°12' E 40N

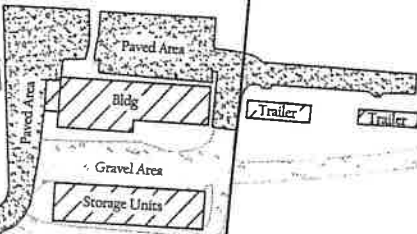
L.P.F.  
1/2' Rebar

N 78°17'41" E  
300.35'

L.P.F.  
5/8' Rebar

Bldg  
CG

05°40' E  
N 77°55' E 40N



N 86°40'24" W  
521.06'

Parcel# 047B-010  
N/F Bozeman Property

L.P.F.  
1-1/2" Angle Iron

Parcel# 047B-010  
N/F Bozeman Property

L.P.F.  
1/2' Open Top

Area  
~~10.25~~ Acres  
577067.6 Sq. Feet

11.98



S 28°28'07" E  
44.54'

S 31°28'26" E  
21.31'

S 38°35'2" E  
19.10'

BS 45°10'21" E  
C16.43'  
A16.45'  
R84.25'

L.P.F.  
1/2' Open Top  
15.99' off R/W

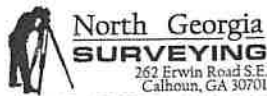
S 07°33'47" W  
161.84'

P:  
N/F

AY.  
F1 IN 100,000'-  
1/8" AS A HORIZONTAL  
0.04 FEET AND WAS  
AND ROVER UNIT



IN MY OPINION THIS PLAT IS A  
CORRECT REPRESENTATION OF  
THE LAND PLATTED AND HAS  
BEEN PREPARED IN CONFORMITY



North Georgia  
SURVEYING  
262 Erwin Road S.E.  
Calhoun, GA 30701

**DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH**

Application # 219-10 MK Holdings LLC A-1 to R-6

Date: 6/18/19

Reviewed by: Christy Blair

**ENVIRONMENTAL HEALTH**

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

Zoning compliance is OK w/ EH.

Adding new homes to property - NO.

**DEPARTMENTAL REVIEW – FIRE DEPARTMENT**

Application # 219-10 MK Holdings LLC A-1 to R-6

Date: 6/18/19

Reviewed by: JOEY JORDON

**FIRE DEPARTMENT**

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

O.K. 

**DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT**

Application # Z19-10 MK Holdings LLC A-1 to R-6

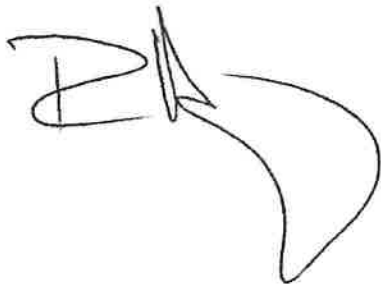
Date: June 14, 2019

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:**

Property owner must consult with the Gordon County, Public Works Dept. to bring driveway entrance into compliance with the ULDC.



CITY OF CALHOUN  
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z19-10  
APPLICATION NAME MK Holdings, LLC  
TYPE OF ZONING: A-1 to R-6  
DATE: 6/12/2019  
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by 12" water lines.

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.