

INFORMATION SHEET FOR REZONING REQUESTS

Application # 219-18 DATE OF READING 12-17-19

REZONE FROM A-1 TO Conditional Use

APPLICANT Thong To

OWNER Liemt Nguyen

LOCATION OF PROPERTY 335 North Goat Rd

Resaca

DESCRIPTION OF PROPERTY

64.638 ACRES

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

1. Denial

STIPULATIONS:

Jerry Lovelace made the motion to approve the rezoning application identified as #Z19-19 from A-1 to R-1. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z19-20, PRESTON EDWARDS and MALLORY HENSON, (applicant); JAMES HENSON, (owner)

Chairman Rule read rezoning application #Z19-20, Preston Edwards and Mallory Henson (appl.), James Henson (owner), requesting to rezone a 1.267 acre tract located at 224 Knight Bottom Road, Ranger from A-1 to R-1. Mr. Edwards represented the request explaining that his fiancé's grandfather would like to subdivide the 1.267 acres from his property for his granddaughter, Mallory Henson, to build a home and keep the remaining 10 acres in the Conservation Use. All adjoining property owners had been notified.

Eddie Smith made the motion to approve the rezoning application identified as #Z19-19 from A-1 to R-1. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z19-18, THONG TO, (applicant); LIEMT NGUYEN, (owner)

Chairman Rule read rezoning application #Z19-18, Thong To (appl.), Liemt Nguyen (owner), requesting to rezone a 64.638 acre tract located at 335 North Goat Road, Resaca from A-1 to Conditional Use. Mr. To represented the request explaining that he has purchased the property in order to build an additional 6 chicken houses, 50 x 600 feet each. He owns the property to the north with 8 chicken houses already.

~~Area property owners spoke in opposition to this rezoning request with concerns of increased traffic and road damage from the trucks, increased noise, odor, flies, decreased property values, water/soil pollution, the toxins that pollutes the air and being a safety concern. These will be industrial style/mega houses. There are already 650 chicken houses in Gordon County and 6% of chicken consumed in this country comes from Gordon County. Other concerns were the loss of quality of life due to not being able to enjoy outdoor activities such as grilling, swimming, children playing, jogging, etc., enough is enough, and many other statistics were presented, even a letter from the CDC about the concerns of airborne illnesses such as the bird flu. Other comments were that if you can see the air coming at you it can't be healthy, all had bought their homes before the other poultry houses were built to be able to enjoy the quiet rural area and the county needs to protect them and their property values. Others feel that Mr. To does not follow guidelines to protect the environment and has been shut down and fined in the past. Those speakers who were strongly opposed to this application were: Doug Jones, Jeff Worley, Jim Tibbs, Clay Brown, Russell Bryant, Jeremy Tatum, Michael Bankhead, Carrie Wilson, Howard Jones, Perry Gammon, Argle West, Rusty Hopper, Dr. Warren Thomas, Shelly Bryson, Greg Bryson, Darla Langston, and Dave Atchison for Jerry Jones.~~

The Planning Commission members, with the exclusion of Eddie Smith, then had Mr. To, along with Guam Nguyen to interpret for him, answer some questions and concerns that the group of people who had spoken in opposition. Mr. To's answers to the issues were that he was new to this business and didn't realize some of the mistakes he had made when he began a few years ago but now does things right and didn't mean to hurt the community. He was just trying to make a living. He will add a retention pond to collect the run-off and has only been fined and shut down one time. This will be the last chicken houses he intends to build and plans to build and move his family to this property. He is using a different poultry house builder this time with new technology and equipment that will contain the smell better. All adjoining property owners had been notified.

Butch Layson made the motion to deny the rezoning application identified as #Z19-18 from A-1 to Conditional Use. Jerry Lovelace seconded the motion. Eddie Smith abstained from voting. Nathan Serritt voted with the motion. The vote was 3-0 to deny. The recommendation for denial was sent to the Board of Commissioners.

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 7:30 p.m.

Zelda Gregg, Secretary

Randy Rule, Chairman
Jerry Lovelace, Vice-Chairman

Cover Sheet
Proposal for Land Use Action

Application Number: 219-18 Present Zoning: A-1 Proposed Zoning: COND. USE

Date of Planning Commission Meeting: December 9, 2019

Date of Board of Commissioners' Meeting: December 17, 2019

Applicant: T Hong TO

Property Owner: (if different from applicant) Liemt Nguyen

Property Address: 3310 N. Goat Rd., Resaca, GA 30735

Said Property having a frontage of 1100.62 ± feet and containing 64.638 acres.

Official Zoning Map Classification: A-1, Agricultural

Proposed Conditional Use: I would like to purchase this property to build an additional 6 chicken houses, 50 x 600. I own the property next door with 8 existing chicken houses already.

Directions to Property: go 75 North take Exit 320 turn left on 136 go straight about 2 miles take a left on N goat Rd. about 1000ft. the properties is on the Right,

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

Date of Report: November 22, 2019

Application # Z19-18

Applicant: Thong To **Property Owner:** Liemt Nguyen

Location of Property: 336 North Goat Rd., Resaca, GA 30735

Property Frontage: 1,100.62 +/- Feet

Tract Size: 64.638 acres

Proposed Action: Proposed for the development of a dry litter poultry operation.

Reason for Proposed Action: I would like to purchase this property in order to build an additional 6 chicken houses, 50 x 600 square feet a piece. I own the property to the north with 8 existing chicken houses already.

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:*** Recommend Fire Hydrant if available water.
- ***Gordon County School System:*** NA
- ***Road Department:*** If approved, will require a commercial driveway entrance. Said driveway must be approved by the Gordon County Public Works Dept.
- ***Water & Sewer (City of Calhoun):*** This area is served by a 2" water line. Applicant must contact Calhoun Utilities to discuss cost to upgrade this line to serve 6 new chicken houses. 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. Russell Hills Estate Subdivision as well as Russell Hill Church is located to the West of the property. The south is densely populated with low density residential dwellings. There are currently 24 active chicken houses within ¼ of a mile to this property.

2. Whether the proposed zoning will adversely affect the existing use of usability of adjacent of nearby property.

The proposed zoning will 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 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. However, because of the concentrated amount of existing chicken houses it would most likely create more odor to the property owners in the area, also, the tractor trailers traffic could possibly be a detriment.

Planning Staff's Recommendation: The rezoning request for Conditional Use #Z19-18 is recommended for denial.

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.

Cross Ref:
COVE 2188/45

Recorded 09/24/2015 2:09
Doc: QCD Rpt#: 310108
TRANSFER TAX ID: 064001648
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 1969 Pg: 65

Return Recorded Document to:
Brumlow, Corwin & Delashmit, P.C.
1287 Curtis Parkway
Calhoun, GA 30703
File #0815G652

STATE OF GEORGIA, COUNTY OF Gordon

QUITCLAIM DEED

THIS INDENTURE, Made the 14th day of September, 2015, between **Ronald F Chance III** and **James K Chance** of the State of Georgia, as party or parties of the first part, hereinafter called Grantor, and **Liem T Nguyen and Nhung Cam T Nguyen** of the State of Georgia, 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 one dollar (\$1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, convey and forever **QUITCLAIM** unto the said Grantee,

All that tract or parcel of land lying and being in Land Lot 43 in the 14th District and 3rd Section of Gordon County, Georgia, being more particularly described as Tract 1, containing 64.638 acres and Tract 2, containing 9.441 acres as shown per plat of survey entitled "Survey for Ronald F. Chance, Sr. Estate" of date August 18, 2008 as prepared by David A. Glass, GRLS #2822 which plat is recorded in Plat Book 49, Page 4 in the office of the Clerk of Superior Court of Gordon County, Georgia and reference is hereby made to said plat for a more full and complete description of the lands herein conveyed.

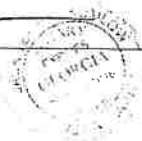
TO HAVE AND TO HOLD the said described premises to grantee, so that neither grantor nor any person or persons claiming under grantor shall at any time, by any means or ways, have, claim or demand any right to title to said premises or appurtenances, or any rights thereof.

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:


(Official witness)

(Notary Public)



 (Seal)
Ronald F Chance III

 (Seal)
James K Chance

Nov-11 / 2019

Application for Conditional Use
Gordon County, Georgia

Application Date: 10/21/19 Application Number: 219-18
(Office Use)

Application is hereby made to the Gordon County Planning Commission for the purpose of seeking approval of a Conditional Use in accordance with Article VII; Section 7.15.2 of the Official Zoning Ordinance of Gordon County, Georgia.

The Planning Commission will hear this application on Dec. 9, 2019
with Final Action by the Board of Commissioners on Dec. 17, 2019.

(Please Print or Type)

Applicant: THONG TO

Address: 211 WESTFORD DR. CALHOUN, GA 30701

Property Owner: LIEM T NGUYEN (LARRY)

Address: (If different from Above) 408 APPALOOSA DR, DALTON GA 30720

Phone Number: 706 483 1923 E-Mail: _____

Agent or Legal Representative: (If applicable) _____

Address: _____

Phone Number: _____ E-Mail: _____

(The applicant and/or representative must be present at all public hearings)

Proposal Information

Location of Property: 336 Nash GOAT RD, Resala GA 30735
(street address, intersecting roads, etc.)

Land Lot(s): 43 District(s): 14

Section(s): 3 Acreage: 64.638

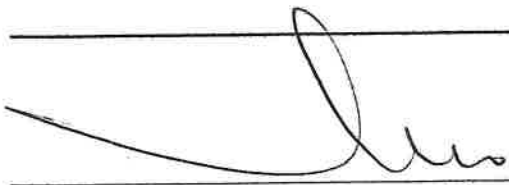
County Tax Map & Parcel #: 030 050

Application Number: 219-18

A copy of a current boundary survey indicating all existing site improvements and floodplain (if any), prepared and sealed by a valid registered architect, engineer, landscape architect or land surveyor, must be submitted with this application.

Present zoning district: Agriculture

Proposed Conditional Use: I like to purchase this land to build add on 6 chicken house. 50 x 600



Applicant's Signature

10-18-2019

Date



Property Owner's Signature (if different)

10-21-2019

Date

Signed and sealed in the presence of:

Ursula Richardson

Notary Public

2/24/21

Commission Expires

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application# 219-18 Nguyen A-1 to Conditional Use

Date: 11-14-19

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 # 219-18 Nguyen A-1 to Conditional Use

Date: 21 NOV 19

Reviewed by: 

FIRE DEPARTMENT

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

RECOMMEND FIRE HYDRANT IF
AVAILABLE WATER.

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # 219-18 Nguyen A-1 to Conditional Use
Date: Nov. 22, 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:

If approved, will require a commercial driveway entrance. Said driveway must be approved by the Gordon County Public Works Dept.

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z19-18
APPLICATION NAME Liemt Nguyen
TYPE OF ZONING: A-1 to Cond. Use
DATE: 11/20/2019
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is seved by a 2" water line. Applicant must contact Calhoun Utilities to discuss cost to upgrade this line to serve 6 new chicken houses.

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.

GRAPHIC SCALE - FEET
 0 200 400 600
 INCH = 200 FEET

DATE OF SURVEY: AUGUST 16, 2008
 DATE OF PLAT: AUGUST 18, 2008
 REVISÉD: SEPTEMBER 11, 2008 (SHOWS TRACT 2)



THE SURVEY PREPARED UNDER THE EMBLEM OF PROFESSIONAL SURVEYING IS A GUARANTEE THAT THE TITLE TO THE PROPERTY SHOWN ON THIS PLAT IS CORRECT AND ACCORDS WITH THE RECORDS OF THE PUBLIC RECORDS OF THE STATE OF GEORGIA.

DEPARTMENT OF REVENUE
 1-800-332-7111
 1-404-389-3200
 1-404-389-3201
 1-404-389-3202
 1-404-389-3203
 1-404-389-3204
 1-404-389-3205
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 1-404-389-3220

DAVID H. HAYES
 D.P.S. NO. 112
 T.D. NO. 112

P.O. B. CONK
 NORTH LOT NO. 28

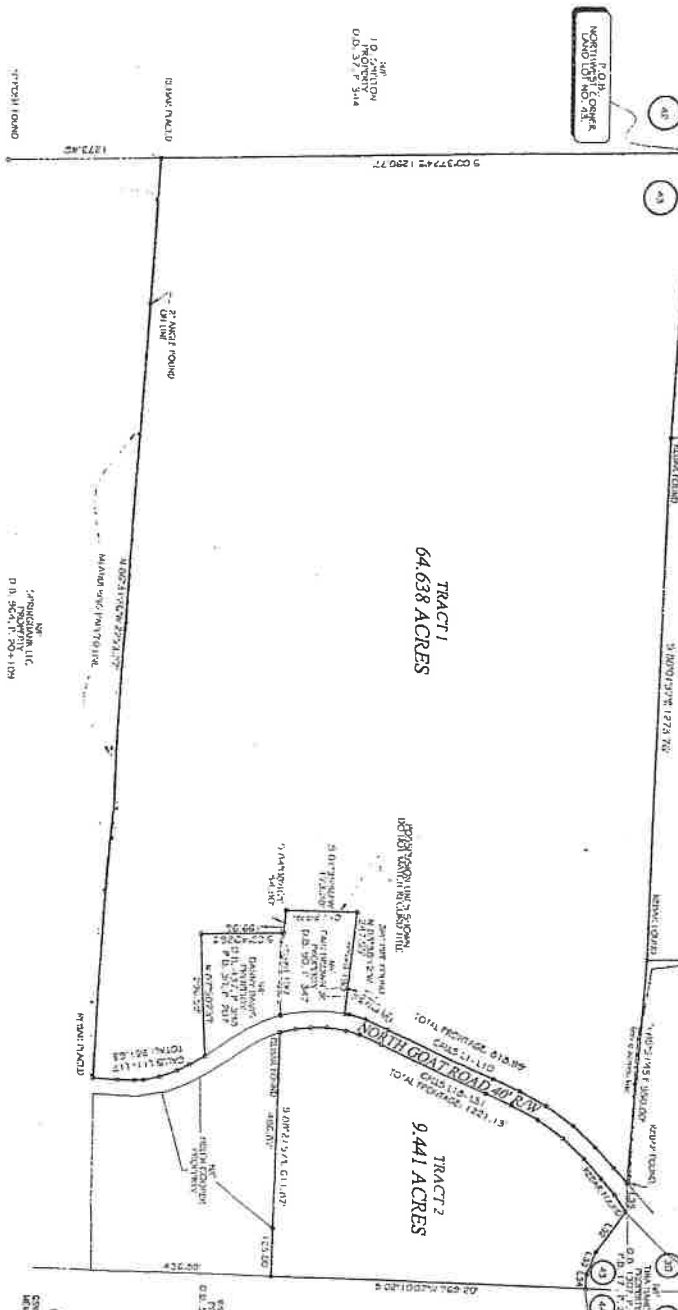
I.D. CONLON
 O.D. NO. 214

SAID PROPERTY IS SUBJECT TO SAID EASEMENT AND RESTRICTIVE COVENANTS OF RECORD
 LOCATED IN LAND LOT NO. 43, 14TH DISTRICT, 3RD SECTION, GORDON COUNTY, GEORGIA.

SURVEY FOR
RONALD F. CHANCE SR.
 ESTATE

TRACT 1
 64.638 ACRES

TRACT 2
 9.441 ACRES



CHAINS ALONG ROAD

CHAIN NO.	STARTING POINT	ENDING POINT	DISTANCE
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RECORDED 08/29/2008 2:15
 Book First Part 2704/48
 Brian Brannon, C.S.C.
 BRIDGES COUNTY, GA
 PLAN BR 49 Part 4

FILE NO.
 08129

TELEPHONE: 706-428-2240
 TELECOOPER: 706-428-0277



Opposition to Conditional Use Application 219-18

1 message

Jeff Worley <jw.worley.engineer@gmail.com>
To: urichardson@gordoncounty.org
Cc: James Ledbetter <jledbetter@gordoncounty.org>

Mon, Nov 25, 2019 at 9:18 PM

Dear Gordon County Planning Commission,

I am writing to formally communicate my opposition to the Conditional Use Application for 336 N Goat Road, Resaca, GA. This conditional use application requests approval for six additional commercial poultry houses totaling 180,000 square feet on said property. I have attached a scanned copy of my "Opponent of Rezoning Action Campaign Disclosure Report" as required by Georgia State Law.

As a nearby resident, I consider the existing eight poultry houses to be a nuisance. I have made numerous complaints to Gordon County code enforcement related to poultry farm odors originating from poultry operations near my residence. I strongly oppose the construction of additional poultry houses on the property.

I would like to formally request an opportunity to speak in front of the Gordon County Commission during the December 9, 2019 meeting.

Sincerely,
Jeffrey W Worley, PE
179 Russell Hill Estates Dr NW
Sugar Valley, GA 30746

 **Opposition to Zoning 219-18.pdf**
1426K

Dec 5 2019

- To Planning and Development Department

We AS residents of 429 N. Great Rd
Resaca, Ga, 30705 are against
the building of the chicken houses
due to Rat infestation of the already
existing chicken houses already existing
I am currently at work so I mailed
in my response so I could be heard
where I wasnt at the meeting.

- Any questions or commits
call me at 706-483-7449

Thanks,

~~X Debra Cordell~~

Printed Debra Cordell

Witnesses

~~X Barry Dutton~~

706 483 6544

December 5, 2019

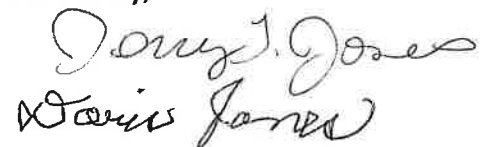
Gordon County GA
Planning and Development Department
200 S. Wall St.
Calhoun, GA 30701

To whom it my concern,

We live at 942 Goat Road NW in Resaca, Georgia since 2010 which was a beautiful residential area until the onset of many chicken houses being built in the immediate area. We are extremely concerned about these chicken houses as well as the possibility of more! We've seen our neighbors' pond contaminated, we experience the strong smells many days a week, and are concerned about potential health issues both short-term and long-term based on this contamination. Additionally, we are very concerned about real estate values and the fact that other potential home owners and builders will look elsewhere when buying and building homes.

We urge you to stop this scourge on our community!

Sincerely,

Handwritten signatures of Jerry and Doris Jones. The signature for Jerry is written in a cursive style, and the signature for Doris is also cursive and positioned below Jerry's.

Jerry and Doris Jones
942 Goat Rd. NW
Resaca, GA 30735

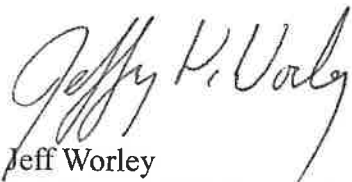
Gordon County Planning and
Development Department
200 S. Wall St.
Calhoun, GA 30701

November 26, 2019

Dear Planning & Development,

I hereby request to speak at the December 9, 2019, hearing regarding Conditional Use Application 219-18. I am opposed to the action requested by the Applicant. Please find the enclosed notice and my completed "Opponent of Rezoning Action Disclosure Report".

Thank you,

A handwritten signature in cursive script that reads "Jeff Worley".

Jeff Worley
179 Russell Hill Estates Dr NW
Sugar Valley, GA 30746