

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 20-03 DATE OF READING Z-25-2020

REZONE FROM A-1 TO I-2 Heavy Industrial

APPLICANT DWR, LLC

OWNER CON-ONAKLA FARMS, LL

LOCATION OF PROPERTY 3538 US Hwy 41 S.

Calhoun

DESCRIPTION OF PROPERTY

36.6 ACRES

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

1. Approval

STIPULATIONS:

VARIANCE APPLICATION #V20-01 & REZONING APPLICATION #Z20-03,
OWR, LLC (appl.) CON-ONLA FARM L.L.L.P. (owner)

Chairman Rule read variance application #V20-01 and rezoning application #Z20-03; OWR, LLC, applicant and Con-onaula Farms L.L.L.P., owner for a 36.6 acre tract located at 3538 US Hwy. 41 South, Calhoun. Terry Brumlow, a local attorney, represented the request stating that the variance request is to reduce the buffer strip from 250 feet to 20 feet on north and east, 40 feet on west that fronts Highway 41, and 30 feet on the south end of property that fronts Trimble Hollow Rd. and also to rezone property from A-1 to I-2. OWR, LLC has a verbal contract to buy the existing building on the previous structure that was built if this variance and rezoning is granted. There have been several other tracts of land that has been granted the same variances and rezoning in the past and also property in the area lies in an area designated for future land use as I-2 Industrial zoning. Steve Williams, an attorney representing an adjoining property owner, Alberta Lewis Jones and Louise Morris, spoke in opposition for his clients. The concern is that if the variance is granted on the east side of this property it would be right beside their property and in future developments as well. They would like for the setback to be increased from their property line. Mr. Brumlow stated that he could not disclose who the potential buyer was at this time and could not definitely say how close to the property line they would build until they actually had a contract, it might be a greater setback than they were asking for. All adjoining property owners had been notified.

On rezoning application #Z20-03, Butch Layson made the motion to approve the rezoning request from A-1 to I-2. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

On variance application #V20-01, Butch Layson made the motion to table the variance, then with the lack of a second, the motion dies. Nathan Serritt then made another motion to approve the variance as requested to reduce the county buffer requirements from 250 feet down to 20 feet on the north and east side of property, 40 feet on the west that fronts Highway 41, and 30 feet on the south end of property that fronts Trimble Hollow Rd. Jerry Lovelace seconded the motion. Eddie Smith voted with the motion. Butch Layson voted in opposition to the motion. The vote was 3-1 to approve. The variance was granted. The thirty-(30) day appeal period was explained.

ADDITIONAL BUSINESS

There being no additional business, Nathan Serritt made the motion to adjourn. Butch Layson seconded the motion. All voted aye. The meeting was adjourned at 6:35 p.m.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 220-03 Present Zoning: A-1 Proposed Zoning: I-2 Heavy Industrial

Date of Planning Commission Meeting: 2/10/2020

Date of Board of Commissioners' Meeting: 2/25/2020

Applicant: OWR, LLC

Property Owner: (if different from applicant) CON-ONAULA FARMS, L.L.L.P.

Property Address: 3538 US HIGHWAY 41 SOUTH, CALHOUN, GA

Said Property having a frontage of 1,239.00 feet and containing 36.6 acres.

Future Development Map Classification: Emerging Mixed Use/Industrial

Current Zoning Map Classification: A-1

Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDINGS FOR MAJOR DEVELOPMENT FOR LOCAL INDUSTRY

Reason for Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDINGS FOR MAJOR DEVELOPMENT FOR LOCAL INDUSTRY

Directions to Property: PROCEED SOUTH ON US HIGHWAY 41 TOWRDS ADAIRSVILLE AND PROPERTY IS LOCATED ON THE LEFT APPROXIMATELY 4.3 MILES SOUTH OF THE INTERSECTION OF HIGHWAY 52 and HIGHWAY 41. PROPERTY IS SITUATED ON THE EAST SIDE OF HIGHWAY 41 AT THE INTERSECTION OF TRIMBLE HOLLOW ROAD AND HWY 41.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: January 24, 2020

Application # Z20-03

Applicant/Property Owner: OWR, LL (Appl.) Con-onaula Farms, L.L.L.P. (Owner)

Location of Property: 3538 US Hwy 41 South, Calhoun, GA 30701

Property Frontage: 1,239 Feet **Tract Size:** 36.60 acres

Proposed Action: Rezone from A-1, Agricultural District to I-2, Heavy Industrial

Reasons for Proposed Action: Three adjacent parcels have been rezoned to I-2 over the past three years and the future development plan of Gordon County has called for the area in general to be rezoned emerging mixed use as well as industrial

Future Development Map Classification: Emerging Mixed Use/Industrial

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:** No issues w/variance. Proposed development will have to tie onto new sewer line.

* **Building Inspection Department:** For Informational Purposes: A portion of this property fronting Hwy 41S is located within Zone A - No Base Flood Elevation determined floodplain. Therefore, the following will be required before issuance of any building permits:

- * A survey will be required showing the location of the proposed structure to be located outside the floodplain.
- * An elevation certificate will be required after the first finished floor elevation has been determined.

Should it be determined that the structure will be located anywhere within the floodplain an engineered flood resistant foundation will be required with the plans submitted for permitting and the first finished floor shall be a minimum of three (3) feet above the highest adjacent ground.

Another option would be for the engineer of surveyor to determine if a LOMA (Letter of Map Amendment) can be submitted to have the property removed from the floodplain. FEMA would have to approve the LOMA prior to issuance of a building permit or all of the above requirements would be required until such time as the approved LOMA is submitted.

* **Fire Department:** OK with Fire Department.

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

* **Public Works Department:** As before, driveway entrance(s) must meet ULDC standards. Plans must be submitted to the Gordon County Public Works Dept. for approval.

- * **Georgia Dept. of Transportation:** For a commercial drive access please call Emma Mejia at 678-721-5272.
- * **Water & Sewer (City of Calhoun):** This area is served by a 12” water line. This area served by a new 12” sewer line.
- * **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 Pubic 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 subject property has Heavy Industrial zoning to the north and east of it and is in close proximity to the LG Chem Plant. The property is suitable for accommodating new industry with the rail service along the western edge, I-75 on the eastern boundary and the nearby Tom B. David Airport. .

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 de 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 may 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/Industrial on the Gordon County Future Development Map. This classification supports land uses intended for Commercial, Industrial.

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 important to the economic health of the County with attracting new industry also, within proximity to residential growth areas which is compatible with our Future Land Development Map, to provide opportunities for workforce housing.

Planning Staff’s Recommendation:

The rezoning request identified as Application #Z20-03 is recommended for approval.

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

Recorded 11/12/2009 2:35
Doc: QCD Rpt#: 276854
TRANSFER TAX ID: 064001598
Brian Brannon, C.S.C.
GORDON County, Ga
DEED Bk: 1623 Pas: 92-93

STATE OF GEORGIA

COUNTY OF Gordon

QUITCLAIM DEED

A. Kel Long, III
A. KEL LONG, III, P.C.
3060 Peachtree Road, Suite 1725
Atlanta, Georgia 30305
TITLE NOT EXAMINED

THIS INDENTURE is made this 22nd day of August, 2009, between GUS G. MOORE (herein referred to as "Grantor"), and CON-ONAUULA FARMS, L.L.L.P., a Georgia limited liability limited partnership (herein referred to as "Grantee").

WITNESSETH:

That Grantor, for and in consideration of the sum of TEN DOLLARS (\$10.00) and other valuable consideration, cash in hand paid by Grantee to Grantor, the receipt of which is hereby acknowledged by Grantor, has bargained, sold and does by these presents bargain, sell, remise, release and forever quitclaim to Grantee, its successors and assigns, all the right, title, interest, claim or demand which Grantor has or may have had in and to ALL THAT TRACT or parcel of land lying and being in Gordon County, Georgia, more particularly described as follows (the "Property").

ALL that tract or parcel of land lying and being in Land Lots 174 and 175, in the 15th District and 3rd Section of Gordon County, Georgia, being more particularly described as follows:

BEGINNING at the northeast corner of said Land Lot No. 174; running thence South 1° 25' West, along the eastern boundary line of said Land Lot No. 174, a distance of

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2177 feet, to the point where the northern side of the Owen Road intersects the said eastern boundary line; running thence South 37° 35' West, along the north side of said Owen Road 150 feet; running thence South 74° 55' West, along the north side of the Owen Road 1145 feet; running thence South 89° 58' West, along the north side of the Owen Road 979 feet to the east side of U.S. Highway No. 41, also known as Georgia Highway No. 3; running thence North 9° 35' West, along the east side of said Highway No. 41, a distance of 1744 feet; running thence North 0° 35' East, along the east side of said Highway No. 41, a distance of 1148 feet; running thence North 6° 35' East along the east side of said Highway No. 41, a distance of 1262 feet; running thence South 76° 10' East 1200 feet; running thence South 19° 10' East 1265 feet; running thence South 88° 25' East 770 feet to the point of beginning.

Together with all rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the property unto Grantee, its successors and assigns, so that neither Grantor nor its successors, nor any other person claiming under it shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

IN WITNESS WHEREOF, Grantor has signed, sealed and delivered this quitclaim deed the day and year first above written.

Signed, sealed and delivered
this 2nd day of August
2009, in the presence of:

GRANTOR:

[Signature]
Witness

[Signature] (SEAL)
GUS G. MOORE

[Signature]
Notary Public (AFFIX SEAL)

My commission expires:



My Commission Expires
July 2, 2010

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Tomd Under*

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ZONING SKETCH FOR:
OWR, LLC

LOCATED IN LAND LOT 174
15th DISTRICT, 3rd SECTION
GORDON COUNTY, GEORGIA

OWR

TAX PARCEL:
OWR, LLC
DB2136, PG374
PB55, PG95

*Hutsay,
Barry, Beckley
J William
as for work*

S.R. 3 - HIGHWAY 41
REF: PLAT BOOK 2, PAGES 152-153
190' R/W

TAX PARCEL: 048 002
CON-ONALLA FARMS, LLLP
DB29, PGS11-12

±36.6 ACRES

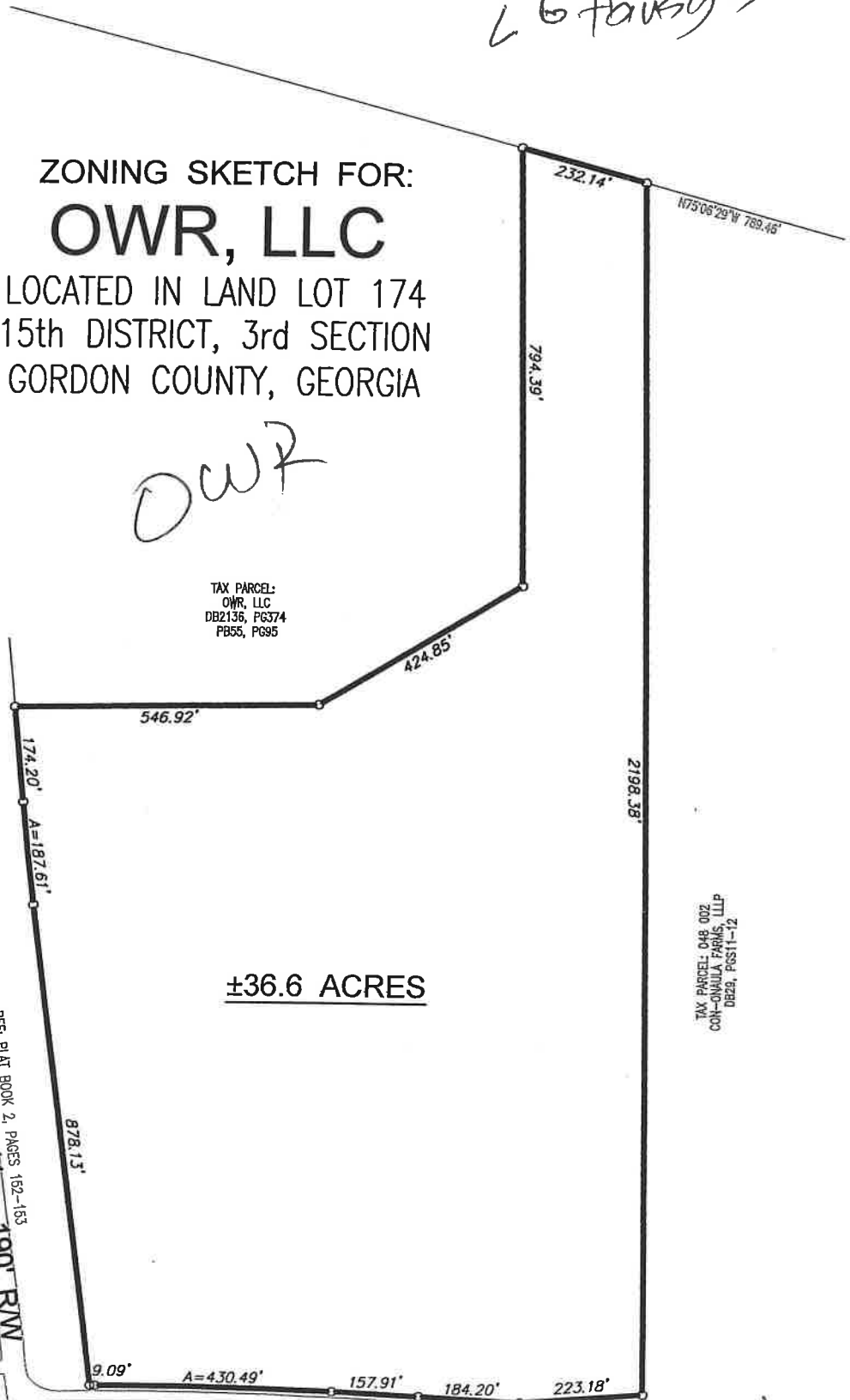
*Everson, Hush
W.*

DMP INV.

TRIMBLE HOLLOW ROAD

Timothy I Moore

*Alfred
Morris*



V20-01
220-03

DEPARTMENTAL REVIEW – BUILDING INSPECTION DEPARTMENT

Application # 219-14 OWR, LLC A-1 to I-2
Date: 7/16/19 1/15/20
Reviewed by: Tom Burgess

BUILDING INSPECTION DEPARTMENT

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

For Informational Purposes:

A portion of this property fronting Hwy 41S is located within Zone A – No Base Flood Elevation determined floodplain. Therefore, the following will be required before issuance of any building permits:

- A survey will be required showing the location of the proposed structure to be located outside the floodplain.
- An elevation certificate will be required after the first finished floor elevation has been determined.

Should the it be determined that the structure will be located anywhere within the floodplain an engineered flood resistant foundation will be required with the plans submitted for permitting and the first finished floor shall be a minimum of three (3) feet above the highest adjacent ground.

Another option would be for the engineer or surveyor to determine if a LOMA (Letter of Map Ammendment) can be submitted to have the property removed from the floodplain. FEMA would have to approve the LOMA prior to issuance of a building permit or all of the above requirements would be required until such time as the approved LOMA is submitted.

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # V20-01
Z20-03 OWR, LLC Variance
A-1 to I-2

Date: 1/14/20

Reviewed by: C Blair

ENVIRONMENTAL HEALTH

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

No issues w/ variance.

Proposed development will have to tie onto new sewer line.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # V20-01 220-03 OWR, LLC Variance A-1 to I-2

Date: 24JAN2020

Reviewed by: G. HASTY

FIRE DEPARTMENT

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

OK WITH FIRE DEPARTMENT



DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # ✓20-01 220-03 OWR, LLC Variance
A-1 to I-2

Date: Jan. 14, 2020

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:

As Before, driveway entrance(s) must meet ULDC Standards. Plans must be submitted to the Gordon County Public Works Dept. for Approval.



DEPARTMENTAL REVIEW – STATE OF DEPARTMENT TRANSPORTATION

Application # ^{V 20-01} 220-03 OWR, LLC ^{Variance} A-1 to I-2

Date: 1/14/20

Reviewed by: Dorovan W. Jacobson

STATE DEPARTMENT OF TRANSPORTATION

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

For commercial drive access please call Emma Mejia @ 678-721-5272

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-03
APPLICATION NAME OWR, LLC
TYPE OF ZONING: A-1 to I-2
DATE: 1/24/2020
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 12" water line.

SEWER COMMENTS:

This area is served by a new 12" sewer line.

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.