

INFORMATION SHEET FOR REZONING REQUESTS

Application # 220-13 DATE OF READING 8-18-20

REZONE FROM R-2 TO A-1

APPLICANT Terry Joe Rushing + Whitney Rae-Ann Rushing

OWNER _____

LOCATION OF PROPERTY Tucker Hollow Rd

Calhoun, GA

DESCRIPTION OF PROPERTY

24.4 ACRES

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

1. Approval

STIPULATIONS:

REZONING APPLICATION #Z20-13 & #Z20-14, TERRY JOE & WHITNEY RAE-ANN RUSHING

Chairman Rule read rezoning application #Z20-13 and #Z20-14, Terry Joe and Whitney Rae-Ann Rushing, requesting to rezone a 24.40 acre tract from R-2 to A-1 and another adjoining 3 acre tract from R-2 to R-1 located on Tucker Hollow Road, Calhoun. Mr. Rushing represented the request explaining that the 24.40 acres adjoins his current property on Allen Loop and he would like to rezone this back to agricultural and put cattle on the property, and on the 3 acre tract he would like to be able to subdivide into 4 lots for future home sites. He added that his parents are going to build on one of the lots, but there are not any future plans for the other 3 lots. All adjoining property owners had been notified.

On rezoning application #Z20-13, Jerry Lovelace made the motion to approve the rezoning request from R-2 to A-1 for a 24.40 acre tract. Eddie Smith seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

On rezoning application #Z20-14, Nathan Serritt made the motion to approve the rezoning request from R-2 to R-1 for a 3 acre tract. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V20-09 & REZONING APPLICATION #Z20-15, OWR, LLC (appl) Con-onaula Farms L.L.L.P. (owner)

Chairman Rule read variance application #V20-09 and rezoning application #Z20-15, OWR, LLC, applicant and Con-onaula Farms L.L.L.P., owner on a combined 50.80 acre tract located at Trimble Hollow Road, Adairsville. Terry Brumlow, a local attorney, represented the request stating that the variance request is to reduce the buffer strip from 250 feet as follows: Tract 1, 20 feet on the North and East, 0 feet on the West, and 70 feet on the South. On Tract 2, 20 feet on the North, East, and West, 70 feet on the South. The existing buffer standard would cause a hardship as all adjoining properties lying North and West has been rezoned to I-2 and this is what this property is designated to be on the Future Land Use Map. The adjoining homeowners to the South were in agreement with the 70 feet for a buffer strip. Also the rezoning request is to rezone this property from A-1 to I-2. Governor Kemp has announced that CFL Flooring Solutions will be constructing a manufacturing and distribution center at this site that will create 300 jobs in Gordon County. All adjoining property owners had been notified.

On variance application #V20-09, Eddie Smith made the motion to approve the variance as requested to reduce the county buffer requirements from 250 feet as follows: Tract 1, 20 feet on the North and East, 0 feet on the West, and 70 feet on the South. On Tract 2, 20 feet on the North, East, and West, 70 feet on the South. Nathan Serritt seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning application #Z20-15, Jerry Lovelace made the motion to approve the rezoning request from A-1 to I-2. Eddie Smith seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**Cover Sheet
Proposal for Land Use Action**

Application Number: 220-13 Present Zoning: R-2 Proposed Zoning: A-1

Date of Planning Commission Meeting: August 10, 2020

Date of Board of Commissioners' Meeting: August 18, 2020

Applicant: Terry Joe Rushing II / Whitney Rae-ann Rushing

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

Property Address: Tucker Hollow

Said Property having a frontage of 421 feet and containing 24.40 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: R2 - Medium Density Residential

Proposed Action: Re-zone to A-1

Reason for Proposed Action: we would like to put cattle on our land and use the property for agricultural purposes. Our land adjoins this property.

Directions to Property: Boone Ford Rd. trt onto Tucker Hollow Rd, go @ 1500 ft on Lt.

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

Rezoning Proposal

Date of Report: July 27, 2020

Application # Z20-13

Applicant/Property Owner: Terry Rushing II / Whitney Rae-ann Rushing

Location of Property: Tucker Hollow Rd., Calhoun, GA 30701

Property Frontage: 421+/- Feet Tract Size: 24.40 Acres

Proposed Action: Rezone from R-2, Medium Density Residential to A-1, Agricultural District

Reasons for Proposed Action: We would like to put cattle on our land and use this property for agricultural purpose also, our land adjoins this property.

Future Development Map Classification: Emerging Suburban

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 with making this land Agricultural. Acreage may need to change if they want to continue development of subdivision. Those lots must be a minimum of 150 feet in width.
- * *Building Inspection Department:* N/A
- * *Fire Department:* OK with Fire Department.
- * *Gordon County School System:* N/A
- * *Public Works Department:* Any crossing of County ROW will require a permit and approval for driveways/culvert from the Public Works Department.
- * *Georgia Dept. of Transportation:* No Comments.
- * *Water & Sewer (City of Calhoun):* This area is served by an 8" 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 subject property is located near the subdivision of Chelcy Glen however, there are small and large lots with homes zoned Agricultural and farming in the area.

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 currently zoned A-1, Agricultural for a cattle farm.

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 Emerging Suburban on the Gordon County Future Development Map. This classification supports land uses intended for residential, light commercial, parks/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 more suitable to the location because there are already a few farms in the area. The land has been zoned R-2 for several years standing vacant because there is no city sewage available in this area, which would be a requirement.

Planning Staff's Recommendation

The Rezoning Application #Z20-13 is recommended for approval.

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

EMERGING SUBURBAN

Description:

Most of these areas have historically been agricultural properties, including family farms and family land now being sold to housing developers. Northwest Georgia is benefitting from lower housing costs and a more affordable cost of living, which is causing development pressure for additional housing.

Development Strategies/Policies:

- ❖ **Infrastructure:** Agricultural or rural residential areas historically had minimal infrastructure, served by wells, septic tanks and narrow roads. As additional housing is developed and population density increases, a need for water, sewer, fiber optic and road improvement arises.
- ❖ **Zoning:** Zoning and other ordinances (design guidelines, code enforcement, etc.) should be in place in advance to prevent the construction of neighborhoods that are unlikely to retain their value. This can also be used to prevent over-development which will cause vehicular gridlock.
- ❖ **Pedestrian-friendly:** Housing is more marketable in areas that appear vibrant and thriving. Younger generations are looking for active communities that encourage residents to get out and interact with neighbors. Developers can be encouraged or incentivized to include sidewalks, crosswalks, bike lanes, trails, especially connecting neighborhoods to amenities.
- ❖ **Encourage traditional neighborhood development:** Offer incentives for developers to develop neighborhoods with various price points (entry-level to executive). Incentives can also be provided to encourage development of grid pattern neighborhoods, as opposed to the typical subdivisions that are comprised of a series of cul-de-sacs with a single point of entry/exit.
- ❖ **School Placement:** Historically schools have been placed where land values are lower, typically on sites accessible only by vehicular traffic, rather than neighborhood schools in walkable areas. Consider planning for future schools in areas that are likely to see significant residential growth.



Single family residential, Newtown Church Rd.

Land Uses: Residential, light commercial, parks/recreation

Z20-13

Recorded 06/17/2020 10:32
Doc: WD Rept#: 337651
TRANSFER TAX: 164.30
TRANSFER TAX ID: 0642020001135
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2341 Pg: 168

Return Recorded Document to:
Brumlow, Corwin & Delashml, P.C.
1287 Curtis Parkway SE
Cathoun, GA 30701
File #0420G408

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

**STATE OF GEORGIA,
COUNTY OF Gordon**

This Indenture made this 16th day of June, 2020 between Northpointe Church of Adairsville, Inc., a State of Georgia Incorporation, as party or parties of the first part, hereinafter called Grantor, and Terry Joe Rushing, II and Whitney Raeann Rushing, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" 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 receipts 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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land situated, lying and being in Land Lots 271 and 272 of the 14th District and 3rd Section of Gordon County, Georgia and being 24.40 acres more particularly described according to a plat prepared by Michael Paul Bunch dated May 8, 2020, entitled "Boundary Survey for Terry J. Rushing II and Whitney Raeann Rushing" a copy of which is recorded in Plat Book 57, Page 91, in the Office of the Clerk of the Superior Court of Gordon County, Georgia, reference to which plat is incorporated herein.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

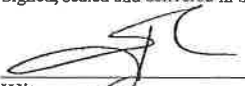
TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoove of the said Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in **FEE SIMPLE**, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

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.

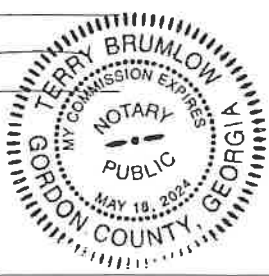
IN WITNESS WHEREOF, the Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:



Witness

Notary Public



Northpointe Church of Adairsville, Inc.



(Seal)
Paxton Hamby, CEO

(Corporate Seal)

CORP. SEAL AFFIXED

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z20-13 Rushing R-2 to A1

Date: 7/27/2020

Reviewed by: Christy Blair

ENVIRONMENTAL HEALTH

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

No issues with making this land Agricultural.

Acevage may need to change if they want to continue development of subdivision.

Those lots must be a minimum of 150' in width.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 220-13 Rushing R-2 to A-1

Date: 20JULY2020

Reviewed by: G. Hasty / R. Chance

FIRE DEPARTMENT

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

OK with Fire Department

Greg Hasty

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # 220-13 Rushing R-2 to A-1

Date: 7-15-2020

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:

Any crossing of county ROW will require a permit and approval for driveways/culverts from the Public Works Department.

SP

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-13
APPLICATION NAME Terry Joe Rushing
TYPE OF ZONING: R-2 to A-1
DATE: 7/22/2020
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by an 8" water line.

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.