

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 20-16 DATE OF READING 8-18-20

REZONE FROM A-1 TO R-1

APPLICANT Flipper McDaniel

OWNER The Landlord, Inc.

LOCATION OF PROPERTY 380 Johnson Rd.

Adairsville, GA

DESCRIPTION OF PROPERTY

6.55 ACRES

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

1. Approval

STIPULATIONS:

REZONING APPLICATION #Z20-16, FLIPPER McDANIEL (appl)
THE LANDLORD, INC. (owner)

Chairman Rule read rezoning application #Z20-16, Flipper McDaniel applicant and The Landlord, Inc. owner, requesting to rezone a 6.55 acre tract located at 380 Johnson Road, Adairsville from A-1 to R-1. Terry Brumlow, a local attorney, represented the request explaining that Mr. McDaniel would like to divide this property to sell the existing house separate from the additional land and create two tracts of less than 5 acres each and leaving the additional land for future new dwellings. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the rezoning application identified as #Z20-16 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.

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 6:32 p.m.

Zelda Gregg, Secretary

Randy Rule, Chairman
Jerry Lovelace, Vice-Chairman

**Cover Sheet
Proposal for Land Use Action**

Application Number: 220-16 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: AUGUST 10, 2020

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

Applicant: FLIPPER MCDANIEL

Property Owner: (if different from applicant) THE LANDLORD, INC.

Property Address: 380 JOHNSON RD. - ADAIRSVILLE GA

Said Property having a frontage of 807 feet and containing 6.55 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: DIVIDE PROPERTY TO SELL EXISTING
HOUSE SEPERATE FROM ADDITIONAL LAND.
CREATES TWO TRACTS OF LESS THAN
5 ACRES EACH.

Reason for Proposed Action: ↑

Directions to Property: UNION GROVE CHURCH ROAD TO
LEFT ON JOHNSON ROAD SUBJECT PROPERTY
ON RIGHT @ 380

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: July 27, 2020

Application # Z20-16

Applicant/Property Owner: Flipper McDaniel (appl) The Landlord, Inc (owner)

Location of Property: 380 Johnson Rd., Adairsville, GA 30103

Property Frontage: 807+/- Feet **Tract Size:** 6.55 Acres

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

Reasons for Proposed Action: Divide property to sell existing house separate from additional land. Creates two tracts of less than 5 acres each. Want the R-1 zoning in case someone wanted to build a couple houses on the larger tract.

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:** See attached septic record. Be sure existing drainfield will not be crossing new property line. Be sure there will be enough room for future repairs. This house is also on a well which requires 100' radius to new drainfield.
- * **Building Inspection Department:** N/A.
- * **Fire Department:** OK with Fire Department.
- * **Gordon County School System:** N/A
- * **Public Works Department:** Property owner must consult with Gordon County Public Works Department to bring their driveway entrance into compliance with the ULDC.
- * **Georgia Dept. of Transportation:** No Comments.
- * **Water & Sewer (City of Calhoun):** This area is served by a 10" 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 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 is located in an area which is primarily A-1 zoning with dwellings.

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 for A-1 zoning but does not have the potential to be developed any further.

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 in compliance with our Future Development Map.

Planning Staff's Recommendation

The Rezoning Application #Z20-16 is recommended for approval.

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

Recorded 06/17/2020 10:32
Doc: ESTD Rcpt#: 337652
TRANSFER TAX: 60.00
TRANSFER TAX ID: 0642020001134
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2341 Pg: 176

Return Recorded Document for:
Bramlow, Corwin & DeSchantz, P.C.
1287 Cards Parkway SE
Calhoun, GA 39701
File #0329G541

STATE OF GEORGIA
COUNTY OF GORDON

ADMINISTRATOR'S DEED

THIS INDENTURE, made this the 15th day of June, 2020, JEFFREY CLEMENTS, ADMINISTRATOR OF THE DAVID E. COCHRAN AKA DAVID ERNEST COCHRAN ESTATE,, late of the State of Georgia, and County of Gordon, Party of the First Part, (hereinafter called "Grantor") and THE LANDLORD, INC., of the State of Georgia, County of Gordon, Party 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 also including the neuter, masculine and feminine genders, the singular and the plural:

WITNESSETH: That the Grantor, acting under and by virtue of the power and authority granted by the Probate Court of Gordon County, Georgia Estate #2016-8139, has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the said Grantee the following:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 30 of the 6th District and 3rd Section of Gordon County, Georgia; and being Tract 4 of the Johnson Farm containing 6.56 acres, as per plat recorded in Plat Book 5, Page 259, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof. Being a part of the lands conveyed to Mrs. W. A. Johnson by Harold and Thelma Abernathy by deed dated October 12, 1940 and recorded in Deed Book 14, Page 96, Gordon County, Georgia Records.

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

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 behalf of the said Grantee forever, IN FEE SIMPLE: in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the said deceased.

IN WITNESS WHEREOF, the Grantor herein has hereunto set his hand and seal, the day and year first above written.

Signed, seal and delivered in the presence of

Unofficial Witness

Notary Public

JEFFREY CLEMENTS, ADMINISTRATOR
THE DAVID E. COCHRAN AKA DAVID
ERNEST COCHRAN ESTATE

(SEAL)



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.

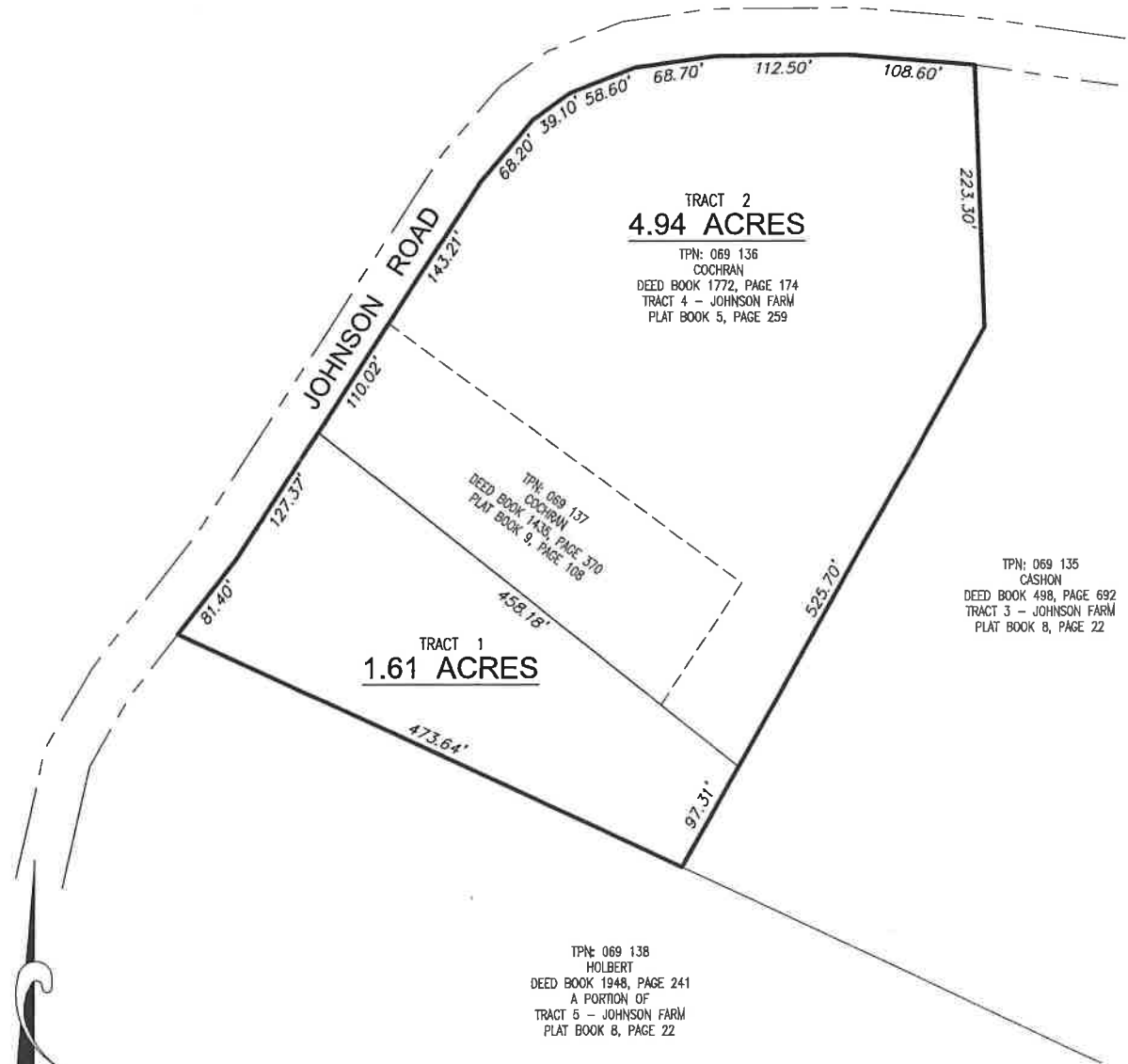


Single family residential, Newtown Church Rd.

Land Uses: Residential, light commercial, parks/recreation

REZONING DRAWING FOR:
FLIPPER McDANIEL
 LOCATED IN LAND 30
 6th DISTRICT, 3rd SECTION
 GORDON COUNTY, GEORGIA
 DATE: JULY 11, 2020

SITE DATA:
 TOTAL ACREAGE: ±6.55 ACRES
 CURRENT ZONING: A-1
 REQUESTED ZONING: R-1



TPN: 069 138
 HOLBERT
 DEED BOOK 1948, PAGE 241
 A PORTION OF
 TRACT 5 - JOHNSON FARM
 PLAT BOOK 8, PAGE 22

TPN: 069 135
 CASHON
 DEED BOOK 498, PAGE 692
 TRACT 3 - JOHNSON FARM
 PLAT BOOK 8, PAGE 22



MASSEY SURVEYING
 INCORPORATED
 P.O. Box 2821
 Calhoun, Georgia 30703
 Phone: 706-629-0045
 email: greg@masseysurveying.com
 LSF001004
 PROFESSIONAL LAND SURVEYING SERVICES

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 220-110 McDaniel A-1 to R-1

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:

See attached septic record. Be sure existing drainfield will not be crossing new property line. Be sure there will be enough room for future repairs. This house is also on a well which requires 100' radius to new drainfield.

**APPLICATION FOR ON-SITE SEWAGE MANAGEMENT SYSTEM
(REPAIR PERMIT)**

GORDON COUNTY HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH SECTION
318 N. RIVER STREET - CALHOUN, GA. 30701

PHONE NUMBER
(706) 624-1440
(706) 624-1442 (fax)

DATE 5-3-99
PERMIT NUMBER
64R-0245

PROPERTY OWNER: Inez Cochran

PHONE NUMBER 625-4413

APPLICANT _____

PHONE NUMBER _____

CONSTRUCTION ADDRESS 380 Johnson Rd Adairsville, GA. 30103

DIRECTIONS TO CONSTRUCTION SITE

Hwy 53 toward Senoraville, right on Mason Rd, right on Johnson Rd, 4th drive on left

Possible Problem: sewage on ground

I hereby apply for a permit to repair a sewage disposal system and agree that the system will be installed to conform to the requirements of the rules and regulations of the Georgia Department of Human Resources Public Health, Chapter 290-5-26. I understand that final inspection is required and will notify the Health Department upon completion of construction and before applying final cover. This permit is not valid unless properly signed below. Issuance of a repair permit for an on-site sewage management system and subsequent approval of same by representatives of the Georgia Department of Human Resources or County Board of Health shall not be construed as a guarantee that such system will function satisfactorily for a given period of time; furthermore, said representatives do not, by any action taken in effecting compliance with these rules, assume liability for damages which are caused, or which may be caused, by malfunction of such systems. This application requires (2) twelve months from this date

AUTHORIZED SIGNATURE (OWNER/APPLICANT) Inez Cochran

DATE 5/3/99

TYPE OF FACILITY

House 2 # Bedrooms 30+ Age of System
 Mobile Home Garbage disposal 1 # Occupants

SOIL CONDITIONS

Soil Type _____
Perc. Rate _____

WATER SOURCE

Public
 Individual

RECOMMENDATIONS:

Septic Tank Capacity _____ Gal. Dosing Chamber Capacity _____ Gal. Trench Depth 24 in. Trench Width 36

HEALTH AUTHORITY Jim Allen TITLE EHCM DATE 5-3-99

COMMENTS: check - outlet of S/T for "T" - Rec. installing min. 100' of drainfield.

*** STAY 100' FROM WELL OR FILL ***
MAINTAIN A MINIMUM OF 100 FEET FROM ALL EXISTING WELLS

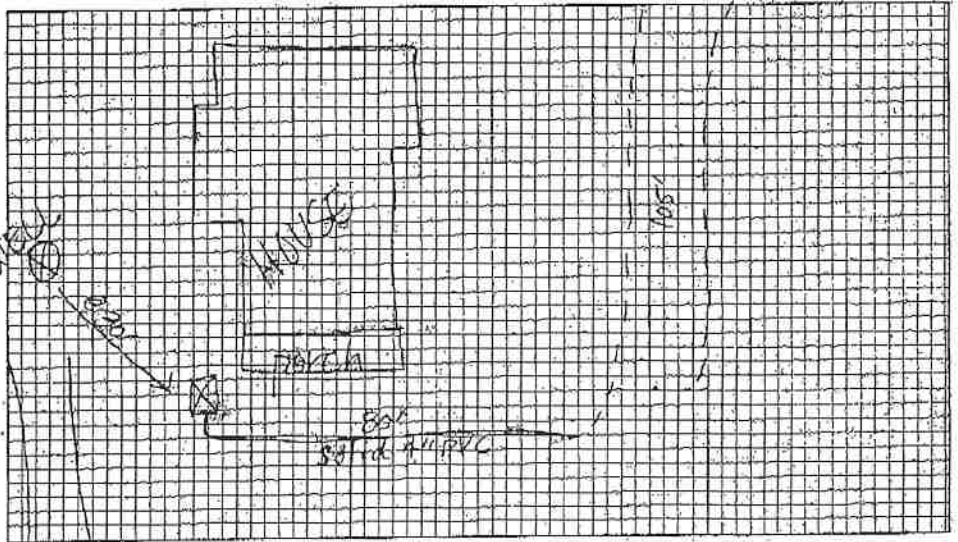
ON-SITE SEWAGE MANAGEMENT SYSTEM INSPECTION REPORT

PRIMARY TREATMENT:

Ex
Septic Tank 500 Gal.
Dosing Chamber N/A Gal.
Distance Tank from Well 230 ft.

SECONDARY TREATMENT:

Field Layout Method LEVEL
Total Linear Feet 100
Total Square Feet 300
Trench Depth Avg. 18-24
Distance from Building 80 ft.
Distance from Well 110' ft



COMMENTS:

PVC ok - rare out of 5' perforated - ditch longer
new install - may need additional JOHNSON ROAD field line

INSPECTOR Christy Blair CONTRACTOR Davia Baker DATE 6/11/99

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z20-16 McDaniel A-1 to R-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 # 220-16 McDaniel A-to R-1

Date: 7-15-20

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 their Driveway entrance into Compliance with the ULDC.

TJA

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-16
APPLICATION NAME: Flipper McDaniel
TYPE OF ZONING: A-1 to R-1
DATE: 7/22/2020
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 10" 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.

Disclosure
of
Financial Interests

Application # Z20-16

Applicant: Flipper McDaniel

Property Owner (if different from applicant): The Landlord, Inc

Subject Property Location: 300 Johnson Rd, Adairsville GA 30701

Each Gordon County Commissioner and each member of the Gordon County Planning Commission must complete the following:

In accordance with O.C.G.A. 36-67A-2, any local government official considering a rezoning action must disclose if he or she knew or reasonably should have known of having any of the following interests:

1. A property interest in any real property affected by this rezoning action. Yes ___ No ___
2. A financial interest in any business entity having a property interest in any real property affected by this rezoning action. Yes ___ No ___
3. A member of the family (spouse, mother, father, brother, sister, son, or daughter) having any interest described in paragraph (1) or (2) above. Yes ___ No ___

If the answer is Yes to any of the statements above, the local government official shall immediately disclose the nature and extent of such interest, in writing, to the governing authority of the local government in which the local government official is a member. The local government official who has an interest as defined in paragraph (1) or (2) above shall disqualify himself or herself from voting on the rezoning action. The disqualified local government official shall not take any other action on behalf of himself or herself or any other person to influence action on the application for rezoning. The disclosures provided for in this report shall be a public record and available for public inspection at any time during normal working hours.

Local Government Official

Position (Gordon County, Georgia)