

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 20-14 DATE OF READING 8-18-20

REZONE FROM R-2 TO R-1

APPLICANT Terry Joe Rusting + Whitney Rae-Ann Rusting

OWNER _____

LOCATION OF PROPERTY Tucker Hollow Rd

Calhoun, GA

DESCRIPTION OF PROPERTY

3.0 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: Z20-14 Present Zoning: R-2 Proposed Zoning: R-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 Rd. Calhoun, GA

Said Property having a frontage of 525 feet and containing 3 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: R-2, Medium Density Residential

Proposed Action: Re-zone to R-1 to subdivide off
4 lots.

Reason for Proposed Action: to accommodate septic systems.
to build 4 houses.

Directions to Property: Boone Ford Rd. Turn right
onto Tucker Hollow Rd., just past the last
house on the left.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: July 27, 2020

Application # Z20-14

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

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

Property Frontage: 525+/- Feet **Tract Size:** 3.00 Acres

Proposed Action: Rezone from R-2, Medium Density Residential to R-1, Low Density Residential

Reasons for Proposed Action: We would like to subdivide the 3 acres for 4 lots to accommodate septic systems for houses.

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:** This division would be a subdivision and must comply with all Rules & Regulations under DPH 511-3-1. A subdivision means “any division of a tract or parcel of land into 5 or more lots – these lots being less than 9 acres...” Please have owners come see EH for all pre-development requirements. REDUCED LOTS, DOES NOT HAVE TO MEET ABOVE COMMENTS. OK PER EH
- * **Building Inspection Department:** N/A
- * **Fire Department:** Requires water for fire protection, however, there are hydrants located at each of the subdivided area placing all lots within required distance. 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 next to 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 as currently zoned R-2, Medium Density Residential for lack of sewage in the area.

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 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 #Z20-14 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

Recorded 07/08/2020 11:21
Doc: WD Rcpt#: 338051
TRANSFER TAX ID: 0642020001265
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Blk: 2348 Pg: 346

Return Recorded Document to:
Brumlow, Corwin & Delashmit, P.C.
1287 Curtis Parkway SE
Calhoun, 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 of the 14th District and 3rd Section of Gordon County, Georgia and being Tracts 1, 2, 3, 4, and 5 each containing 0.60 Acres and 3.00 Acres total and more particularly described according to a plat prepared by Michael Paul Bunch dated May 6, 2020, entitled "Boundary Survey for Terry J. Rushing II and Whitney Raeann Rushing" a copy of which is recorded in Plat Book 57, Page 92, 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.

Paxton Hamby, CEO (Seal)
Paxton Hamby, CEO

(Corporate Seal)



REVISED PLAT

BOUNDARY SURVEY

FOR

Terry J. Rushing II & Whitney Raeann Rushing

GORDON County, Georgia

LOCATED IN LAND LOT 271, 14th DISTRICT & 3rd SECTION OF GORDON COUNTY, GEORGIA

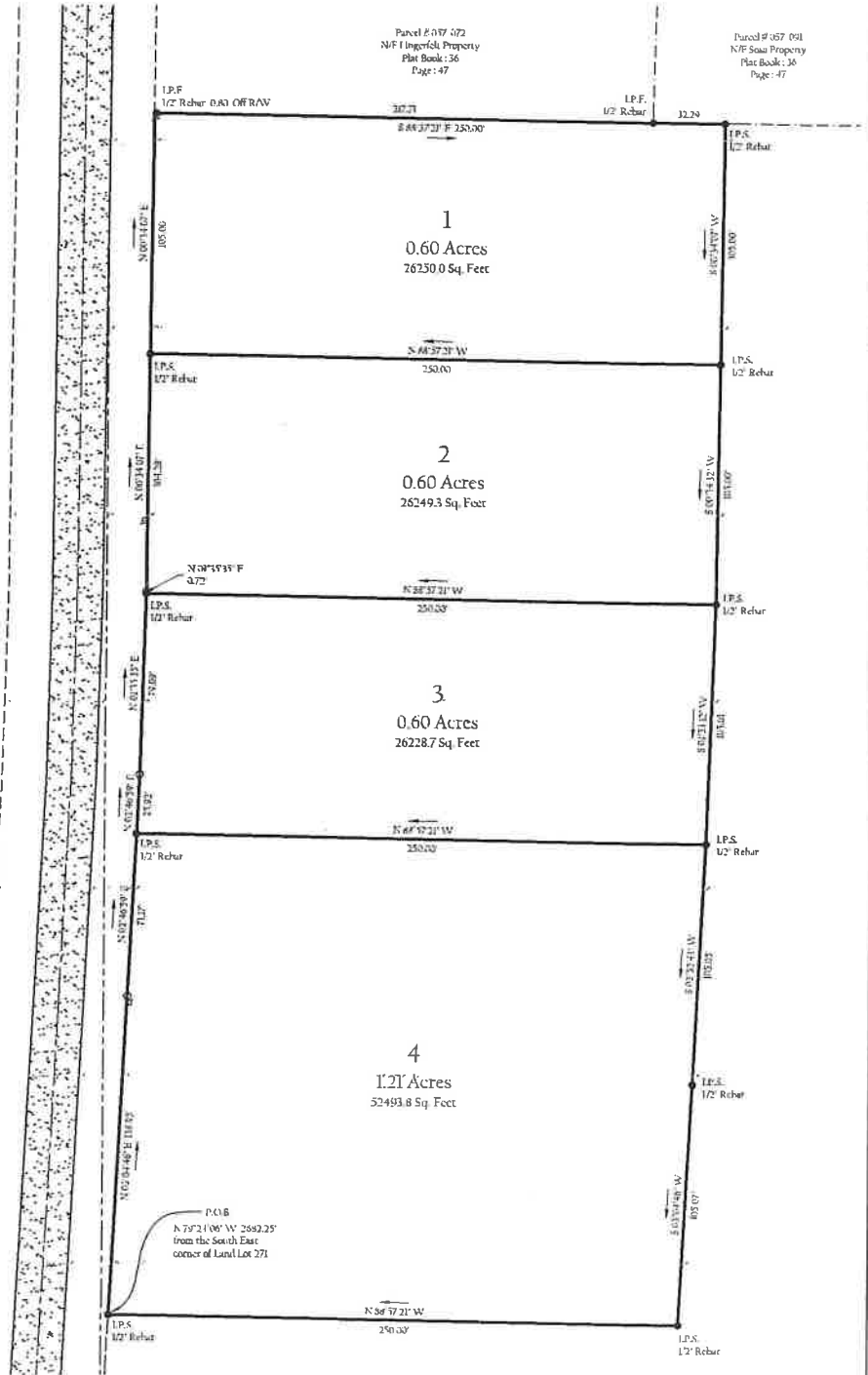


Date of field work: 5/ 4-5 / 2020
Date of plat: 7/31/2020

Current Zoning: R-2



Tucker Hollow Road 60' R/W



LEGEND

- I.P.F. - IRON PIN FOUND
- I.P.S. - IRON PIN SET
- R/W - RIGHT OF WAY
- PL - PROPERTY LINE
- LL.L. LAND LOT LINE
- ⊕ - POWER POLE
- ⊕ - CENTER LINE
- X - X - X - FENCE LINE
- ⊗ - CONC. R/W MARKER
- E - E - E - ELECTRIC LINE

NOTE

THIS PROPERTY IS NOT IN A FLOOD HAZARD AREA ACCORDING TO MAPS FURNISHED BY F.F.M.A. COMMUNITY PANEL NUMBER 1329C 2650

SURVEYORS CERTIFICATION

As required by subsection (3) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements herein. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-57.



Michael Paul Burch GA RLS #3350 7/31/2020

THIS PLAT SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY.

THIS PLAT HAS BEEN CALCULATED TO HAVE A CLOSURE OF 1 IN 100,000.

THE PLAT IS A UPON WHICH THIS PLAT IS BASED HAS A HORIZONTAL PRECISION OF 0.03 FEET AND A VERTICAL PRECISION OF 0.04 FEET AND WAS OBTAINED BY USING THE SOKKIA GRX-1 BASE STATION AND ROVER UNIT TO PRODUCE A R.T.K. NETWORK SURVEY.

FIELD WORK WAS DONE BY USING A SOKKIA GRX-1 GPS SYSTEM & CARLSON DATA COLLECTOR.



J-3576D

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 220-14 Rushing R-2 to R-1

Date: 20JUL2020

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:

Requires water for fire protection, however there are hydrants located at each end of the subdivided area placing all lots within required distance.

OK with Fire Department

Greg Hasty

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # 220-14 Rushing R-2 to R-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 for driveways /
culverts, etc. will require a permit and
approval from the Public Works Department.



CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-14
APPLICATION NAME Terry Joe Rushing
TYPE OF ZONING: R-2 to R-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.

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z-20-14 Rushing R-2 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:

This division would be a subdivision and must comply to all Rules & Regulations under DPH 511-3-1. A subdivision means "any division of a tract or parcel of land into 5 or more lots ~ these lots being less than 3 acres..."

Please have owners come see EH for all pre-development requirements.

per
Christy
Blair

DO NOT HAVE MEET ABOVE COMMENTS
SINCE THEY REDUCED NUMBER OF LOTS.
OK WITH EH. 8/3/20