

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z20-15 DATE OF READING 2-23-2021

REZONE FROM A-1 TO I-2 Heavy Industrial

APPLICANT DWR, LLC

OWNER CO-DONAHUA FARMS, LLLP

LOCATION OF PROPERTY Trimble Hollow Rd

Adairsville

DESCRIPTION OF PROPERTY

26.7 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.

BRUMLOW, CORWIN & DELASHMIT, P.C.

ATTORNEYS AT LAW
EMAIL: BRUMLOW1@BELLSOUTH.NET

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CALHOUN, GEORGIA 30703

1287 CURTIS PARKWAY
CALHOUN, GEORGIA 30701

TEL (706) 625-0872
FAX (706) 625-1731

January 5, 2021

VIA HAND DELIVERY

Gordon County Board of Commissioners
201 North Wall Street
Calhoun, GA 30701


Re: Rezoning request of Terry Brumlow on behalf of
OWR, LLC regarding 41.6 acre tract,
Application # Z20-15

To the Board of Commissioners:

On behalf of my client, I respectfully submit this letter as an amendment of the zoning action filed on July 13, 2020 and tabled on July 21, 2020. The amendment is to reduce the amount of acreage submitted for rezoning from the initial amount of 41.6 acres to 26.7 acres as shown on the attached drawing which is made a part hereof by reference and designated as Tract 2 thereon. Based on this I respectfully request that on behalf of my client, and after an exchange of emails with the attorney for the county, that the same be brought back up after proper motion and consideration and heard at the meeting of the commissioners on January 5, 2021.

Thank you for your consideration in this matter.

Sincerely,



Terry Brumlow
Attorney at Law

attachment of drawing

Administrator Ledbetter read application #Z20-13 for Terry Joe and Whitney Rushing's request to rezone from R-2 to A-1. They want to have cattle on their property. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. No one signed to speak for or against the rezoning application.

Commissioner Steward made a motion to approve zoning application Z20-13. Commissioner Cunningham seconded the motion and Commissioners Steward, Cunningham, Owens, and Sexton voted aye. Motion passed.

Application #20-14 Terry Joe & Whitney Rushing's Request to Rezone from R-2 to R-1

Administrator Ledbetter read application Z20-14 Terry Joe and Whitney Rushing's request to rezone from R-2 to R-1. They want to subdivide off four lots on 3 acres to accommodate septic systems to build four houses. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. No one signed to speak for or against the rezoning application.

Commissioner Cunningham made a motion to approve zoning application Z20-14. Commissioner Owens seconded the motion and Commissioners Cunningham, Owens, Steward, and Sexton voted aye. Motion passed.

~~Application #20-15 OWR, LLC's Request to Rezone from A-1 to I-2~~

Administrator Ledbetter read application Z20-15 OWR, LLC's request to rezone from A-1 to I-2. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. Attorney Terry Brumlow came before the Board to explain the rezoning request and to answer any questions. Mr. Brumlow advised that the applicants wish to rezone 10.19 acres at this time.

Commissioner Cunningham made a motion to approve the zoning application Z20-15. Commissioners Steward seconded the motion and Commissioners Cunningham, Steward, Owens, and Sexton voted aye. Motion passed.

Application #20-16 Flipper McDaniel's Request to Rezone from A-1 to R-1

Administrator Ledbetter read application Z20-16 Flipper McDaniel's request to rezone from A-1 to R-1. He wants to create two tracks of less than 5 acres. This comes to the Board of Commissioners from the Planning Commission with their recommendations for approval. No one signed to speak for or against the rezoning application.

Commissioner Owens made a motion to approve the rezoning application Z20-16. Commissioner Sexton seconded the motion and Commissioners Owens, Sexton, Cunningham, and Steward voted aye. Motion passed.

Commissioner Owens made a motion to close the Public Hearing for Zoning. Commissioner Sexton seconded the motion and all vote aye.

CONSIDERATION OF UNFINISHED BUSINESS

None

**Cover Sheet
Proposal for Land Use Action**

Application Number: 220-15 Present Zoning: A-1 Proposed Zoning: I-2

Date of Planning Commission Meeting: August 10, 2020

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

Applicant: OWR, LLC

Property Owner: (if different from applicant) Con-oncuk Farms, LLC

Property Address: Trimble Hollow Road, Adairsville, GA

Said Property having a frontage of Tr. 1: 183 feet feet and containing Tr. 1: 9.2 Tr. 2: 41.6 acres. 50.8

Future Development Map Classification: 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 Hwy 41 towards Adairsville, turn left on Trimble Hollow Road, property is situated north of Trimble Hollow Road and begins 1000 feet east of intersection of Trimble Hollow Road and US Hwy 41.

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 proposed zoning has Heavy Industrial zoning to the north and west 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 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 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 Industrial on the Gordon County Future Development Map. This classification supports land uses intended for Industrial (light and heavy), commercial of various intensities, civic uses and other vehicle driven uses.

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 compliance with our Future Development Map, to provide opportunities for workforce housing.

Planning Staff's Recommendation

The Rezoning Application #Z20-15 is recommended for approval.

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

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: July 27, 2020

Application # Z20-15

Applicant/Property Owner: OWR, LLC (appl) Con-naula Farms LLLP (owner)

Location of Property: Trimble Hollow Rd., Adairsville, GA 30103

Property Frontage: 1485+/- Feet **Tract Size:** 50.80 Acres

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

Reasons for Proposed Action: Four adjacent parcels have been rezoned to I-2 over the past several years. The Future Development Plan of Gordon County has called for the area to be Industrial. We are rezoning to build industrial buildings for major developments for local industry.

Future Development Map Classification: 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:*** Nothing needed for EH. I'm sure all properties will be on city sewage?
- * ***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 for driveways/culverts will require a permit and approval from the Public Works Department.
- * ***Georgia Dept. of Transportation:*** No Comments.
- * ***Water & Sewer (City of Calhoun):*** This area is served by a 4" water line. No City sewer service currently to this property.
- * ***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.

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 Pgs: 92-93

STATE OF GEORGIA

COUNTY OF Gordon

QUITCLAIM DEED

A. Kai Long, III
A. KEL LONG, III, P.C.
3050 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-ONLA FARM, 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

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

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-15
APPLICATION NAME OWR, LLC
TYPE OF ZONING: A-1 to I-2
DATE: 7/22/2020
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This property is served by a 4" water line.

SEWER COMMENTS:

No City sewer service currently to this property.

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 – PUBLIC WORKS DEPARTMENT

Application # V20-09 220-15 OWR, LLC Variance A-1 to I-2

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 will require a permit and approval from the Public Works Department.

Steve

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 120-09 220-15 OWR, LLC A-1 to I-2 variance

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:

OK with Fire Department

Greg Hasty

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 220-15 OWR, LLC Variance
A-1 to I-2

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:

Nothing needed from EH.

I'm sure all properties will be on city sewer?

THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

TAX PARCEL: 048 0028
LG HAUNTS AMERICA, INC.
062124, PGS311-384
P855, P873

1/2" CRP
MASSEY
S 75°16'29" E CRBS
205.36'

TAX PARCEL: 048 002
CFL HOLDINGS USA, LLC
062346, P8178

10.19 ACRES

TAX PARCEL: 048 002
CON-OMALA FARMS, LLLP
0629, PGS11-12

N 01°24'30" W 2228.45'
S 01°24'30" E 2022.04'

P.O.D.: BEARS FROM THE RIGHT OF WAY INTERSECTION OF TRIBBLE HOLLOW ROAD AND HIGHWAY 41

1/2" CRP MASSEY

TRIMBLE HOLLOW ROAD - 40' RW

S 72°24'37" W 58.91'

A=145.05' R=432.09'
CHD BRGS 82°01'37" W CHD=144.37'

GRID NORTH
GEORGIA WEST ZONE - NAD83

SURVEYORS CERTIFICATION

As required by subsection (d) of O.C.G.A. Section 15-8-87, 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 hereon. 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 the 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 15-8-87.

Reference: Deed Book 2340, Page 178

H. Gregory Massey - PL02713

AUGUST 11, 2020

Dated:



MASSEY SURVEYING INCORPORATED

Calhoun, Georgia 30703
Phone: 706-628-0045
email: greg@masseysurveying.com
LSF001004
PROFESSIONAL LAND SURVEYING SERVICES

GENERAL NOTES

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PROVISION OF 1" IN 35,250 FEET AND AN ANGULAR ERROR OF XX" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE METHOD.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN 1" IN 1,035,816 FEET.
3. EQUIPMENT USED: SOKKIA TOTAL STATION WITH DATA COLLECTOR WAS USED TO OBTAIN ANGULAR AND DISTANCE MEASUREMENTS.
4. TRIMBLE R-5, MODEL 4 DUAL FREQUENCY GPS UNIT WAS USED FOR ESTABLISHING INITIAL CONTROL. A NETWORK ADJUSTED RTK SURVEY WERE OBTAINED BY USE OF THE REAL TIME NETWORK OPERATED BY eGPS SOLUTIONS.
5. ALL HORIZONTAL DISTANCES SHOWN ARE GROUND DISTANCES.
6. MEASURING UNITS OF THIS SURVEY ARE IN U.S. FEET.
7. PROPERTY IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY, RECORDED AND UNRECORDED.
8. THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. SUBJECT AND ADJACENT PROPERTY OWNERS DEED REFERENCES WERE OBTAINED FROM CLERK OF SUPERIOR COURT RECORDS AND ARE NOT GUARANTEED AS TO ACCURACY OR COMPLETENESS.
9. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS SURVEY DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS CERTIFICATION BY THE SURVEYOR NAMING SAID PERSON, PERSONS OR ENTITY.
10. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED O.C.G.A. 15-6-87 AS AMENDED BY HB1004(2016), IN THAT WHERE A CONFLICT EXISTS BETWEEN THOSE TWO SETS OF SPECIFICATIONS, THE REQUIREMENTS OF LAW PREVAIL.

MINOR SUBDIVISION FOR:

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



LEGEND

RSF	- REBAR FOUND	-X-	- FENCE LINE
CRBS	- CAPPED REBAR SET	PP	- POWER POLE
OTF	- OPEN TOP PIPE	R	- RADIALS
CTP	- CRUMPED TOP PIPE	CHD	- CHORD LENGTH
DB	- DEED BOOK	A	- ARC LENGTH
FB	- FLAT BOOK	R/W	- RIGHT OF WAY
PC	- PACE	PL	- PROPERTY LINE
TPN	- TAX PARCEL NUMBER	CL	- CENTER LINE
MFP	- METAL FENCE POST	BL	- BUILDING LINE
CM	- CONCRETE MOUND	LL	- LAND LOT
-ORU-	- OVERHEAD UTILITY LINE	LL.L	- LAND LOT LINE

CRS - CAPPED 1/2" REBAR SET WITH A BRASS CAP BEARING - MASSEY LOGGED PLACED AT ALL CORNERS UNLESS NOTED OTHERWISE.

TRIMMING DATE:
AUGUST 11, 2020
DATE OF PLAT:
AUGUST 18, 2020
DRAWN:
HGM
RECHECK:
200 HCS
1422