

INFORMATION SHEET FOR REZONING REQUESTS

Application # 220-20 DATE OF READING 2-23-2021

REZONE FROM A-1 TO I-2 Heavy Industrial

APPLICANT DWR, LLC

OWNER William L. Hulsey, Jr. Trustee of the William L. Hulsey Jr Living Trust

LOCATION OF PROPERTY 3569 US Hwy 41 South

Adairsville

DESCRIPTION OF PROPERTY

33.20 ACRES

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

- Approval

STIPULATIONS:

**VARIANCE APPLICATION #V20-12 & REZONING APPLICATION #Z20-20,
OWR, LLC (appl) William L. Hulsey, Jr. (owner)**

Chairman Rule read variance application #V20-12 and rezoning application #Z20-20, OWR, LLC, applicant and William L. Hulsey, Jr., owner for a 33.20 acre tract located at 3569 U.S. Hwy. 41, South, Adairsville. 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 the North, South, East, and West boundaries of the property. The rezoning request is to rezone this property from A-1 to I-2. Mr. Brumlow also added that he could not disclose the potential buyer but that they were a high end commercial builder and that the building would be 250,000 square feet or larger. Mr. Hulsey spoke and stated that he had lived on this property for 31 years and that these 33.20 acres was only a piece of his original 180 acres. All adjoining property owners had been notified.

On variance application #V20-12, Nathan Serritt made the motion to approve the variance as requested to reduce the county buffer requirements from 250 feet to 20 feet on the North, South, East, and West boundaries of the property. Jerry Lovelace seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning application #Z20-20, Nathan Serritt 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.

**REZONING APPLICATION #Z20-21, CHL CAPITAL GROUP, LLC (appl.)
PAMELA SHEAE WYATT (owner)**

Chairman Rule read rezoning application #Z20-21, CHL Capital Group, LLC, applicant and Pamela Sheae Wyatt, owner requesting to rezone 8.214 acres located at the intersection of Hwy. 53 and Maplewood Dr., Calhoun from A-1 to C-G. Terry Brumlow, a local attorney, represented the request stating that the sale of this property was contingent upon acquiring the rezoning and that CHL Capital Group would like to build a stor-all facility and have an on-site signage company as well. Laurens Vermaas, a representative with CHL Capital Group, LLC spoke in agreement with Mr. Brumlow's comments. Tim Gray, an adjoining property owner, spoke with concerns of flood issues from water backup in their home. He was not opposed to the business just concerned with flooding. Mr. Brumlow spoke to Mr. Gray's concerns that the area would be mainly a gravel lot and that the site work would address any run-off issues. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z20-21 from A-1 to C-G. Nathan Serritt 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: 220-20 Present Zoning: A-1 Proposed Zoning: I-2

Date of Planning Commission Meeting: 12/14/2020

Date of Board of Commissioners' Meeting: 1/5/2021

Applicant: OWR, LLC

Property Owner: (if different from applicant) WILLIAM L HULSEY, JR. TRUSTEE OF THE WILLIAM L HULSEY, JR. LIVING TRUST

Property Address: 3569 US HWY 41 SOUTH, ADAIRSVILLE, GA 30103

Said Property having a frontage of 1,700 (approx) feet and containing 33.2 acres.

Future Development Map Classification: Emerging Mixed Use & Industrial

Current Zoning Map Classification: A-1

Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDING(S) FOR MAJOR DEVELOPMENT FOR LOCAL INDUSTRY IN GORDON COUNTY.

Reason for Proposed Action: REZONE PROPERTY TO BUILD INDUSTRIAL BUILDING(S) FOR MAJOR DEVELOPMENT FOR LOCAL INDUSTRY IN GORDON COUNTY

Directions to Property: PROCEED SOUTH ON US HWY 41 SOUTH TOWARDS ADAIRSVILLE, PROPERTY IS LOCATED ON THE WEST SIDE OF UN HWY 41 SOUTH APPROXIMATELY 4.8 MILES SOUTH ON THE INTERSECTION OF US HWY 41 SOUTH and HWY 53.

**Planning Staff Report
To the
Gordon County Planning Commission

Rezoning Proposal**

Date of Report: November 25, 2020

Application # Z20-20

Applicant/Property Owner: OWR, LLC (appl.) William L. Hulsey, Jr. Trustee of the William L. Hulsey, Jr. Living Trust (owner)

Location of Property: 3569 US Hwy 41 South, Adairsville, GA 30103

Property Frontage: 1700 +/- Feet **Tract Size:** 33.2 Acres

Directions to property: Proceed south on US Hwy 41 twds. Adairsville, property is located on the west side of US Hwy 41 South approximately 4.8 miles south of the intersection of Hwy 41 and Hwy 53.

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

Reasons for Proposed Action: We would like to rezone property to build industrial building(s) for major development for local industry in Gordon County.

Future Development Map Classification: Industrial/Emerging Mixed Use

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/EH. Industry will need to tie onto city sewer.

Building Inspection Department: A survey by a registered engineer or land surveyor showing the proposed location of any new structures and the delineation of the floodplain on the property shall be provided. An elevation certificate shall be required. Any structure within the floodplain shall comply with the requirements of the Gordon County Unified Land Development Code regarding FEMA floodplain requirements.

Fire Department: OK with Fire Department.

Gordon County School System: N/A

Public Works Department: N/A

Georgia Dept. of Transportation: No comment.

Water & Sewer (City of Calhoun): This area is served by a 12" water line. No sewer service to this property at this time. The Developer is working with the City of Calhoun to obtain sewer service for 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.

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 directly across the street 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 and Emerging Suburban Use on the Gordon County Future Development Map. This classification supports land uses intended for Industrial (light and heavy) Commercial of various intensities, Multi-family residential and civil 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 #Z20-19 is recommended for approval.

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

220-20

Recorded 07/30/2008 9:26
Doc: 50 Ref: 269347
TRANSFER TAX ID: 064031325
Brien Barlow, C.S.C.
GORDON County, Ga
DEED BK: 1754 Post: 246-247

Please return to:
James H. Turner, P.C.
Attorney at Law
4396 Carney Road
Woodstock, GA 30188

WARRANTY DEED

Deed Service Only / No Certification as to Title

State of Georgia
Gordon County

THIS INDENTURE, made this 24th day of July, 2008 between W. L. Hulsey, Jr., of the State of Georgia and County of Cherokee of the first part, and William L. Hulsey, Jr., as Trustee of the William L. Hulsey, Jr. Living Trust dated July 24, 2008, of the State of Georgia and County of Cherokee, as party of the second part.

WITNESSETH: That the said party of the first part for and in consideration of the sum of One Dollar and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed unto the said party of the second part its heirs and assigns, all that tract or parcel of land described as follows:

A fifty percent (50%) undivided interest in and to:

All that tract or parcel of land lying and being in Land Lots 144, 157, & 174 of the 15th District, 3rd Section, of Gordon County, Georgia, being that property consisting of 173.89 acres as described in the plat prepared by Jerry D. Lambert, Registered Land Surveyor No. 2147, dated October 3, 1989, and recorded in Plat Book 22, Page 157, in the office of Clerk of Superior Court of Gordon County, Georgia; said Plat being incorporated by reference herein.

Subject to a life estate in favor of Roy M. Greeson as specified in the Last Will and Testament of Clara B. Greeson.

This is the same property as was conveyed from Roy M. Greeson and W. L. Hulsey, Jr., Executors of the Estate of Clara B. Greeson by Executor's Deed dated December 31, 1989 and recorded in the Gordon County, Georgia deed records.

Less and except any conveyances of record in the Gordon County, Georgia deed records.

This conveyance is made subject to all restrictive covenants and easements of record.

TO HAVE AND TO HOLD, the said bargained premises together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the other proper use, benefit and behoof of the said party of the second part, its heirs and assigns, forever in Fee Simple Absolute.

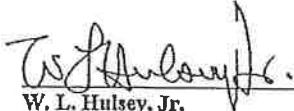
AND THE SAID party of the first part, for his successors and assigns, will warrant and forever defend the right and title to the above described property, unto the said party of the second part, its heirs and assigns, against the claims of all person claiming by, through or under party of the first part.

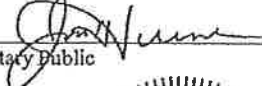
22020

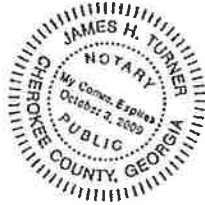
IN WITNESS WHEREOF, the said party of the first part has hereunto set his hand and affixed his seal the day and year above written.

Signed, sealed and delivered
in the presence of:

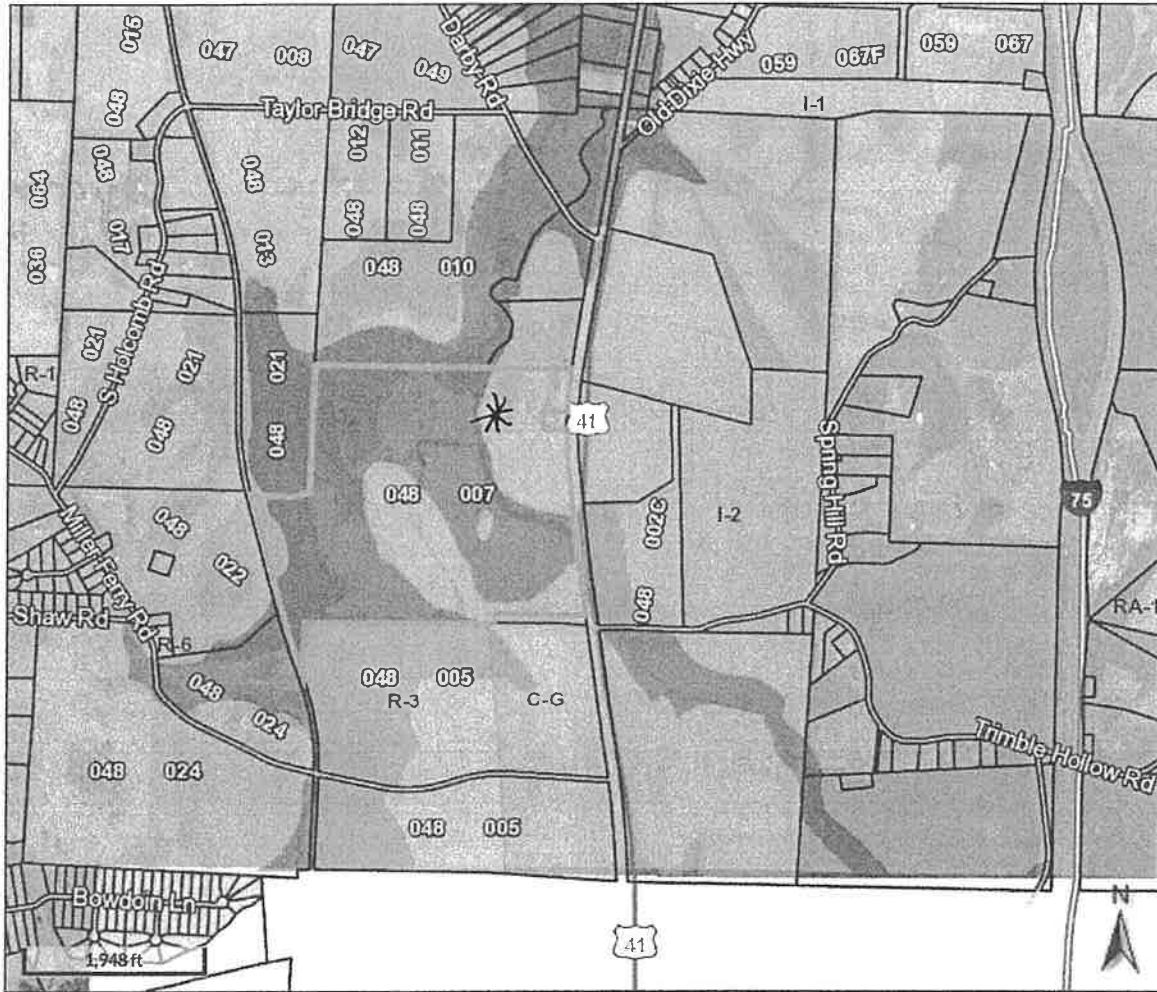

Witness


W. L. Hulsey, Jr.


Notary Public



22020



Overview

Legend

- ☐ Parcels
- Roads
- City Labels
- Zoning
- <all other values>
- A-1
- C-C
- C-G
- C-H
- CU
- I-1
- I-2
- M-U
- O-I
- R-1
- R-2
- R-3
- R-4
- R-5
- R-6
- R1-Sp
- RA-1
- RC-1
- SPC11

Flood Map

- <blank>
- A - 100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Base Flood Elevations (BFE) have not been determined.
- AE - 100 Year Flood Area - Areas of 1% annual chance flood also known as the base flood. Determined by

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 220-20 CWR A-1 to I-2
220-12 variance

Date: 11/24/2020

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 w/ EH.

Industry will need to tie onto city sewer.

DEPARTMENTAL REVIEW – BUILDING INSPECTION DEPARTMENT

Application # 220-20 OWR, LLC A-1 to I-2
20-12 Variance

Date: 11/17/20

Reviewed by: Tom Boy

BUILDING INSPECTION DEPARTMENT

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

A portion of this property is located within the floodplain. In order to obtain a building permit the following shall be met:

- A survey by a registered engineer or land surveyor showing the proposed location of any new structures and the delineation of the floodplain on the property shall be provided.
- An elevation certificate shall be required.
- Any structures located within the floodplain shall comply with the requirements of the Gordon County Unified Land Development Code regarding FEMA floodplain requirements.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 220-20 120-12 OWR A-1 to I-2
Variance

Date: 18NOV2020

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

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z20-20
APPLICATION NAME OWR, LLC
TYPE OF ZONING: A-1 To I-2
DATE: 11/23/2020
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 12" water line.

SEWER COMMENTS:

No sewer service to this property at this time. The Developer is working with the City of Calhoun to obtain sewer service for 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.



Exhibit

HULSEY
TRACT 1
33.2 AC ±