

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 21-11 DATE OF READING 7-6-2021  
REZONE FROM A-1 TO Conditional Use

APPLICANT Devin Oesterle

OWNER Springbank, LLC

LOCATION OF PROPERTY Hightower Loop + Jim Tom Rd.  
Ranger, GA

DESCRIPTION OF PROPERTY  
111.0 ACRES

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

- Approval

STIPULATIONS:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**GORDON COUNTY PLANNING COMMISSION  
PUBLIC HEARING  
JUNE 14, 2021**

The Gordon County Planning Commission held a Public Hearing on Monday, June 14, 2021 at 6:00 p.m. in Calhoun's Gem Theater across from the Gordon County Administration Building for the purpose of hearing variance and zoning change requests. Members present were:

Randy Rule	Eddie Smith
Jerry Lovelace	Nathan Serritt
Sabrina Poole	

Randy Rule called the meeting to order and advised all present of the sign-up sheets available for those who wish to address the Planning Commission on any of the zoning or variance change applications.

**APPROVAL OF MINUTES**

A motion was made by Jerry Lovelace to approve the minutes of the previous meeting of May 10, 2021. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

**REZONING APPLICATION #Z21-11, DEVIN OESTERLE (appl)  
SPRINGBANK, LLC (owner)**

Chairman Rule read rezoning application #Z21-11, Devin Oesterle (applicant) Springbank, LLC (owner), requesting to rezone a 111 acre tract located at the intersection of Hightower Loop and Jim Tom Road, Ranger from A-1 to Conditional Use. Mr. Oesterle represented the request explaining that they would like to buy this property to build 8 new poultry houses and his own personal residence. He also added that he currently has 6 poultry houses in the Sonoraville area and has no problems with them, the houses will be built 600 feet from the road, and access will be from Hightower Loop. Jamison Pass, an adjoining property owner, spoke with concerns if access was to be from Jim Tom Road the bridge is only a 26 ton weight limit, but was not opposed if the access was from Hightower Loop. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z21-11 from A-1 to Conditional Use to build 8 poultry houses. Sabrina Poole seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z21-14, D & D INVESTMENT PROPERTIES, LLC**

Chairman Rule read rezoning application #Z21-14, D & D Investment Properties, LLC, requesting to rezone 133 acres located at Gardner Springs Road with frontage on Union Grove Road and Gardner Springs, Adairsville from A-1 to I-1. Terry Brumlow, attorney asks to table this request until the July 12, 2021 meeting. Jerry Lovelace made the motion to table the request until the July 12, 2021 meeting. Nathan Serritt seconded the motion. All voted aye. The application was tabled until the July 12, 2021 meeting.

**Application for Conditional Use  
Gordon County, Georgia**

Application Date: <u>5/17/21</u>	Application Number: <u>221-11</u>
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*(Office Use)*

Application is hereby made to the Gordon County Planning Commission for the purpose of seeking approval of a Conditional Use in accordance with Article VII; Section 7.15.2 of the Official Zoning Ordinance of Gordon County, Georgia.

The Planning Commission will hear this application on June 14, 2021  
with Final Action by the Board of Commissioners on July 6, 2021.

*(Please Print or Type)*

Applicant: Devin Oesterle

Address: 8150 Fairmount Highway SE, Fairmount, GA 30139

Property Owner: Springbank LLC

Address: *(If different from Above)* 14120 Ballantyne Corporate Place, Suite 525. Charlotte, NC 28277

Phone Number: 404-848-2000 E-Mail: \_\_\_\_\_

Agent or Legal Representative: *(If applicable)* \_\_\_\_\_

Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ E-Mail: \_\_\_\_\_

*(The applicant and/or representative must be present at all public hearings)*

***Proposal Information***

Location of Property: intersection of Hightower Loop and Jim Tom Rd - Ranger, Ga 30734  
*(street address, intersecting roads, etc.)*

Land Lot(s): 88 & 93 District(s): 7th

Section(s): 3rd Acreage: 111

County Tax Map & Parcel #: 095 003 (split)

**Cover Sheet**  
**Proposal for Land Use Action**

Application Number: 221-11 Present Zoning: A1 Proposed Zoning: CU

Date of Planning Commission Meeting: June 14, 2021

Date of Board of Commissioners' Meeting: July 6, 2021

Applicant: Devin Oesterle

Property Owner: *(if different from applicant)* Springbank LLC

Property Address: intersection of Hightower Loop and Jim Tom Rd Ranger, Ga 30734

Said Property having a frontage of 3,100 feet and containing 111 acres.

Official Zoning Map Classification: Agricultural A1

Proposed Conditional Use: 8 broiler poultry houses

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Directions to Property: drive EAST on Highway 156 towards Highway 411

Approximately 1/4 mile past Salacoa Park on left is intersection of Hightower Loop and Highway 156

Turn left on Hightower Loop

Drive approximately 1/4 mile, Jim Tom will be on left, property is west side of Jim Tom Rd

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**Planning Staff Report  
to the  
Gordon County Planning Commission  
Conditional Use Proposal**

**Date of Report:** May 27, 2021

**Application #** Z21-11

**Applicant:** Devin Oesterle **Property Owner:** Spring Bank, LLC

**Location of Property:** Intersection of Hightower Loop and Jim tom Rd., Ranger, GA 30734

**Directions:** Drive east on Hwy 156 towards Hwy 411. Approximately ¼ mile past Salacoa Park turn left onto Hightower Loop. Drive approx. ¼ mile turn left onto Jim Tom Rd. property is west side of Jim Tom Rd.

**Property Frontage:** 3,100 Feet

**Tract Size:** 111 acres

**Proposed Action:** Proposed for the development of a dry litter poultry operation.

**Reason for Proposed Action:** I would like to purchase this property in order to build eight (8) broiler chicken houses approx. 42" x 600".

**Future Development Map Classification:** Rural/Agricultural Reserve

**Departmental Reviews**

**It shall be understood that the following Departmental Review requirements, if any, shall be satisfied by the Applicant prior to the issuance of any building permit and/or certificate of occupancy, whichever is applicable, relating to the subject proposal if said proposal is approved by the Gordon County governing authority.**

- ***Environmental Health Services:*** Nothing needed from EH. Will his chicken company require staff restroom?
- ***Fire Department:*** OK with Fire Department.
- ***Gordon County School System:*** NA
- ***Road Department:*** One major concern is that this road does not meet ULDC standards. The road is 14 feet wide at best, with no base or drainage. Depending on where developer wants to put the entrance it may not meet County code. Would require inspection before issuing a permit.
- ***Water & Sewer (City of Calhoun):*** Part of this property can be served by a 6" water line running along Hightower Loop. A water line may be extended along Jim Tom Road once the County right of way is defined and cleared. No City sewer service in this area.
- ***Zoning Division:*** *A Notice of Public Hearing has been properly advertised in the local newspaper and posted on the Property and zoning application fees have been paid.*

### Planning Staff Findings & Recommendations

The following standards from Section 10.03.02 (D) 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.*

Subject property is surrounded by agricultural zoning. Very rural area.

*2. Whether the proposed zoning will adversely affect the existing use of usability of adjacent of nearby property.*

The proposed zoning may 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 will generate additional vehicular traffic and may 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 Rural/Agricultural Reserve on the Gordon County Future Development Map. The primary land uses are large lot residential, agricultural, agribusiness, conservation and passive 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 consistent with the Future Land Development Map.

**Planning Staff's Recommendation:** The rezoning request for Conditional Use #Z21-11 is recommended for approval with the stipulations that Mr. Oesterle or his successors or assigns must comply with all standards and requirements in ULDC 4.03.02 (I) (J) and (K). Also, need to satisfy the concerns of the Public Works Dept. and City of Calhoun Water Dept.

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

Cross Ref:  
VD 1227/71  
D CD 1227/75  
VFF 1286/206  
VFF 1286/210  
VGRE 1610/203  
VFF 1757/441  
VFF 1757/442  
DOVE 1785/267  
D 1911/394  
ANC 2152/508  
ANC 2153/66  
ANC 2153/72  
L 2170/508

FILED & RECORDED  
TIME: 8:30  
DATE: 6-10-03  
BOOK 964 PAGE 20250  
LEWIS COUCH, C.S.C.  
GORDON COUNTY, GA.  
103-6536

After recording return to:  
Calloway Title & Escrow, LLC  
Attn: David Dudley 2-14249(60)  
4800 Ashford Dunwoody Rd. Ste. 240  
Atlanta, Georgia 30338

GORDON COUNTY GEORGIA  
REAL ESTATE TRANSFER TAX  
22,277.40  
6-10-03  
*For Cash*  
LEWIS COUCH, CLERK OF SUPERIOR COURT

THIS INSTRUMENT PREPARED BY  
AND AFTER RECORDING RETURN TO:

Stephen B. Schrock, Esq.  
Powell, Goldstein, Frazer & Murphy LLP  
191 Peachtree Street, N.E.  
16<sup>th</sup> Floor  
Atlanta, Georgia 30303

**LIMITED WARRANTY DEED**

THIS INDENTURE is made as of May 20, 2003 by and between BOWATER INCORPORATED, a Delaware corporation (hereinafter referred to as "Grantor") and SPRINGBANK, LLC, a Delaware limited liability company (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective successors, legal representatives and assigns where the context requires or permits).

**WITNESSETH:**

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, has GRANTED, BARGAINED, SOLD, ALIENED, CONVEYED and CONFIRMED, and does hereby GRANT, BARGAIN, SELL, ALIEN, CONVEY and CONFIRM unto Grantee all that tract or parcel of land lying and being in Gordon County, Georgia (hereinafter referred to as the "Property") as more particularly described in Exhibit "A" attached hereto and incorporated herein by this reference.

RESERVING unto Grantor the right to harvest and remove on or prior to June 30, 2004 all merchantable timber located on a portion of the Property being more particularly described on Exhibit "B" attached hereto and by reference made a part hereof (the "Reserved Timber") together with the right expiring on June 30, 2004 of ingress and egress to and from the Reserved Timber over and across the existing roadways on the Property more particularly described on Exhibit "B".

TO HAVE AND TO HOLD the Property, 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 behoof of Grantee forever in FEE SIMPLE.

CONTINUED

**EXHIBIT "A"**

**TRACT NO. 316  
GORDON COUNTY, GEORGIA**

All that tract or parcel of land lying and being in the Seventh (7<sup>th</sup>) District and Third (3<sup>rd</sup>) Section of Gordon County, Georgia being lot of land No. Eighty-eight (88) containing one hundred sixty (160) acres, more or less; also twenty-five (25) acres, more or less, off the North side of lot of land no. Ninety-three (93), and described as follows, to-wit: A strip of land two hundred (200) yards wide running entirely across the North side of said lot.

Being the same property as conveyed to Bowaters Southern Paper Corporation by Deed from Mrs. Monroe Craig dated August 5, 1952 recorded in Book 30, Page 450, in the Office of the Clerk of Superior Court for Gordon County, Georgia.

**LESS AND EXCEPT FROM THE ABOVE DESCRIBED PROPERTY THE FOLLOWING PARCEL OF LAND:** Conveyed to C.P. Childers by deed recorded in Book 31, Page 2, described as follows:

All that tract or parcel of land lying and being in the Seventh District and Third Section of Gordon County, Georgia, described as follows:

Being a part of lot Eighty-eight (88) Seventh District and Third Section of Gordon County, Georgia described as follows: Beginning in the "V" of the road intersection, said "V" being located at or near the southern line of said lot eighty-eight (88); thence Northwardly along the Westernmost road, three hundred (300) feet, more or less, to an established corner; thence Eastwardly, parallel to the southern line of said lot, one hundred (100) feet to an established corner; thence Southwardly parallel to the eastern line of said lot, two hundred (200) feet to the northwestern line of the road that forms the eastern branch of the "V"; thence Southwestwardly, along the northwestern line of said road, one hundred fifty (150) feet, more or less, to the point of beginning, containing one (1) acre more or less.

**FURTHER LESS AND EXCEPT FROM THE ABOVE DESCRIBED PROPERTY** the following parcel of land: Conveyed to Noah Webb Ralston by Deed recorded in Deed Book 33, Page 448, described as follows:

All that tract or parcel of land lying and being in the Seventh District and Third Section of Gordon County, Georgia, as described as follows:

Being a part of lot Eighty-eight (88) in said District and Section and described as follows: Beginning at the northwest corner of said lot eighty-eight (88); thence south along the west original line of said lot eighty-eight (88) a distance of six hundred fifty (650) feet to a stake at the base of a ridge; thence in an easterly direction, meandering the base of said ridge, a distance of thirteen hundred (1300) feet to a public road; thence crossing said road in a northeasterly direction following the meander of the base of said ridge, a distance of nine hundred (900) feet to a stake in the north original line of said lot eight-eight (88); thence westwardly with said line



eighteen hundred fifty (1850) feet to the northwest corner of said lot eight-eight (88) the point of beginning, containing twenty (20) acres.

Being a portion of the property conveyed to Hiwassee Land Company by Deed from Bowaters Southern Paper Corporation dated December 21, 1973 recorded in Book 128, Page 141, in the Office of the Clerk of Superior Court for Gordon County, Georgia.

TOGETHER WITH any property conveyed to Bowater Incorporated in that certain Boundary Line Agreement dated July 1, 1994 recorded in Deed Book 429, Page 123.

FURTHER LESS AND EXCEPT any property conveyed to Jim Tom Hightower in that certain Boundary Line Agreement dated July 1, 1994 recorded in Deed Book 429, Page 123.



**EXHIBIT "A"**

**TRACT NO. 700  
GORDON COUNTY, GEORGIA**

All that tract or parcel of land lying and being in the Seventh District and Third Section of Gordon County, Georgia, described as follows:

Being a part of lot Ninety three (93) in the Seventh District and Third Section of Gordon County, Georgia, described as follows: Beginning in the western line of the public road leading Northwardly and Southwardly through said lot ninety three (93) at its intersection with the northern line of the forty (40) acre tract belonging, now or formerly, to C.P. Childers; thence Westwardly, along the northern line of said C.P. Childers' tract, one thousand (1000) feet, more or less, to the northwestern corner of said tract; thence Southwardly, parallel to the western line of said lot, eight hundred fifty (850) feet, more or less, to an established corner in said road four hundred (400) feet Southwardly along said road from the point of beginning; thence Northwardly along said road, four hundred (400) feet more or less, to the point of beginning, and containing fifteen (15) acres, more or less.

Being the same property as conveyed to Bowaters Southern Paper Corporation by Deed from C.P. Childers dated December 4, 1952 recorded in Book 31, Page 1, in the Office of the Clerk of Superior Court for Gordon County, Georgia.

Being a portion of the property conveyed to Hiwassee Land Company by Deed from Bowaters Southern Paper Corporation dated December 21, 1973 recorded in Book 128, Page 141, in the Office of the Clerk of Superior Court for Gordon County, Georgia.

**EXHIBIT "A"**

**TRACT NO. 6178  
GORDON COUNTY, GEORGIA**

All of the following tract or parcel of land lying and being in the 7<sup>th</sup> District and 3<sup>rd</sup> Section of Gordon County, Ga.

Being a part of the West ½ of land lot 89 of said District and Section, and being described as follows: Beginning at the southwest corner of said Lot 89; thence North following the west line of said lot 400 feet to a 4 inch pine tree; thence due North four hundred eighty (480) feet to an eight inch hickory tree; thence in a Northerly direction following a fence 297 feet to a stake in fence; thence North 21 degrees East 133 feet to a 4 inch tree; thence east 18 degrees North 115 feet to a stake; thence due east 77 feet to a stake; thence East 12 degrees South 158 feet to a stake; thence East 7 degrees South 105 feet to a stake; thence due South 1960 feet to a stake in the south line of said lot #89; thence West following the south line of said lot 1390 feet to the point of beginning, containing 35 acres more or less.

Being the same property as conveyed to Northumberland Corporation by Deed from M.A. Hightower dated October 14, 1955 recorded in Book 37, Page 06, in the Office of the Clerk of Superior Court for Gordon County, Georgia.

Parcel 094 063  
Zoning: A-1

Dry Creek

Dry Creek

200' Setback

Poultry House 42' x 600'

Poultry House 42' x 600'

Poultry House 42' x 600'

Poultry House 42' x 600'

A Portion of  
Parcel 095 003  
Zoning: A-1

Area  
36.15 Acres  
1574533.9 Sq. Feet

Jim Tom Road

200' Setback

200' Setback

200' Setback

A Portion of  
Parcel 095 003  
Zoning: A-1

Area2  
72.17 Acres  
3143749.2 Sq. Feet

200' Setback

Poultry House 42' x 600'

Poultry House 42' x 600'

Poultry House 42' x 600'

Poultry House 42' x 600'

300' Residential Setback

Residence

Jim Tom Road

Parcel 095 007  
Zoning: A-1

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DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z21-11 Oesterle A-1 to Cond. Use

Date: 4-24-21

Reviewed by: CBlain

ENVIRONMENTAL HEALTH

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

Nothing needed from EH.

Will his chicken company require a staff restroom?

**DEPARTMENTAL REVIEW – FIRE DEPARTMENT**

Application # Z21-11 Oesterle A-1 to Cond. Use

Date: \_\_\_\_\_

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

Ron 

**DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT**

Application # Z 21-11 Oesterle A1 to Cord. Use

Date: 5-24-21

Reviewed by: Steve

**PUBLIC WORKS DEPARTMENT**

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

One major concern is that this road does not meet U.L.D.C. standards the road is 14 feet wide at best, with no base or drainage.

Depending on where developer want to put the entrance it may not meet County Code.

Would require inspection before issuing a permit.

*Steve*

CITY OF CALHOUN  
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z21-11  
APPLICATION NAME Devin Oesterle  
TYPE OF ZONING: A-1 to Conditional  
DATE: 5/19/2021  
REVIEWED BY: Mark Williamson

WATER COMMENTS:

Part of this property can be served by a 6" water line running along Hightower Loop. A water line may be extended along Jim Tom Road once the County right of way is defined and cleared.

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.