

INFORMATION SHEET FOR REZONING REQUESTS

Application # 221-12 DATE OF READING 7-6-2021

REZONE FROM A-1 TO I-2 Heavy Industrial

APPLICANT DWR, LLC

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

LOCATION OF PROPERTY US Hwy 41 South

Adairsville, GA

DESCRIPTION OF PROPERTY
48.51 (+-) ACRES

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

- Approval

STIPULATIONS:

VARIANCE APPLICATION #V21-11 & REZONING APPLICATION #Z21-12, OWR, LLC (appl.) William L. Hulsey, Jr. (owner)

Chairman Rule read variance application #V21-11 and rezoning application #Z21-12, OWR, LLC, applicant and William L. Hulsey, Jr., owner for a 48.51 acre tract located on 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 this was nearing the end of all the development in this area and that the buffer in the back of this property would be large because of it being so low. All adjoining property owners had been notified.

On variance application #V21-11, 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. Eddie Smith seconded the motion. All voted aye. The variance was granted. The thirty-(30) day appeal period was explained.

On rezoning application #Z21-12, Eddie Smith made the motion to approve the rezoning request from A-1 to I-2. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z21-13, TOA QUOC NGUYEN, (applicant); SPRINGBANK, LLC(owner)

Chairman Rule read rezoning application #Z21-13, Toa Quoc Nguyen (appl.), Springbank, LLC (owner), requesting to rezone 517.17 acres located on Evergreen Road, Resaca from A-1 to Conditional Use. Mr. Nguyen, along with his wife, represented the request explaining that they would like to purchase this property in order to build 24 broiler chicken houses to begin with and then as many as will comply with the ULDC regulations. The applicants were asked if they had placed the sign up and they stated that they had placed the sign on Evergreen Road near the church.

Chairman Rule read statements from area property owners who were unable to be in attendance to their opposition to this rezoning. Ursula Richardson read a Resolution prepared by the City of Resaca and the mayor with concerns of the extra traffic that would be routed through the City of Resaca and were opposed as well. Attorney, Robert Walker, representing Al and Elizabeth Stone who live in close proximity to the referenced property, spoke stating that the proposed development would cause extremely high susceptibility for ground water pollution. Additionally, Gordon County's own Joint Comprehensive Plan for 2018-2028 makes it clear that this property is in an "Environmentally Sensitive Area" known as the Water Supply Watershed for Gordon County and the surrounding area. Finally, the potential environmental impacts of the proposed large Concentrated Animal Feeding Operation (CAFO), the traffic implications of the development, and the effect of property values in the immediate vicinity of the proposed development were included in a letter from Bruce Penn, a certified general appraiser licensed by the State of Georgia with almost 40 years of experience in appraising property across the State. Mr. Penn notes that the subject property is well suited for less intensive agricultural and residential use consistent with similar properties in the area such that the subject property's value would not be impacted by denial of the condition use permit application and that homes and properties in close proximity of the subject property will be diminished by 20% to 50%, thereby negatively impacting the tax base of Gordon County.

Cover Sheet
Proposal for Land Use Action

Application Number: 221-12 Present Zoning: A-1 Proposed Zoning: I-2

Date of Planning Commission Meeting: June 14, 2021

Date of Board of Commissioners' Meeting: July 6, 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: US HWY 41 SOUTH, ADARISVILLE, GA 30103

Said Property having a frontage of 920 feet and containing 48.51+- 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 US HWY 41 SOUTH APPROXIMATELY 4.9 MILES SOUTH OF THE INTERSECTION OF US HWY 41 SOUTH AND HWY 53.

**Planning Staff Report
To the
Gordon County Planning Commission**

Rezoning Proposal

Date of Report: May 27, 2021

Application # Z21-12

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

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

Property Frontage: 920 Feet Tract Size: 48.51 +/- Acres

Directions to property: Proceed south on US Hwy 41 South towards Adairsville. Property is located on the West side of US Hwy 41 South approximately 4.9 miles south of the intersection of US Hwy 41 South and Hwy 53.

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

Reasons for Proposed Action: 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: I'm assuming this new industry would be on City sewer? Nothing needed from EH.

Building Inspection Department: N/A

Fire Department: All structures built on this property will require adequate water supply and fire hydrants for fire fighting operations.

Gordon County School System: N/A

Public Works Department: N/A

Georgia Dept. of Transportation: N/A

Water & Sewer (City of Calhoun): This area is served by a 12" water line running along Hwy 41. No city sewer service to this property currently. The property has an easement for a sewer fore main line running through it.

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 proposed zoning is compatible with the surrounding area. The property is suitable for accommodating new industry with the rail services 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 because they are already zoned Heavy Industrial.

3. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The subject property can be further developed as currently zoned because it 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 Mixed 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 opportunity for workforce housing.

Planning Staff's Recommendation

The Rezoning Application #Z21-12 is recommended for approval with the stipulation that all applicable state and local regulations shall be complied with, including but not limited to Gordon County appearance standards for structures in industrial zoning districts, landscaping and buffer requirements and sign requirements.

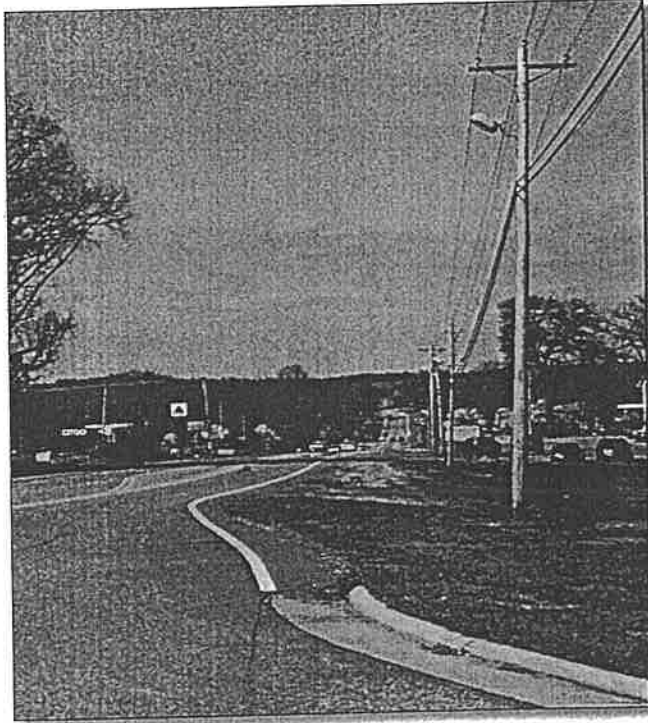
This report is a part of the official record of the subject application

EMERGING MIXED USE

Description:

This type of development typically occurs along highways and other well-traveled roads, as well as around major intersections. Examples include the area along Georgia Highway 53, near the proposed southern bypass (southwest section of the county).

The Sonoraville area, along Georgia Highway 53, does include industrial properties including Pine Hall Brick, but future trends will favor dense suburban residential and commercial development. The area is



Highway 53, Sonoraville.

expected to continue to accommodate light industrial development, but buffers and other screening devices will have to be put in place to protect residential uses.

The US 411 Corridor is anticipated to go from agricultural to commercial and industrial uses, with the expansion of rail usage and the Appalachian Regional Port in Murray County as drivers.

Development Strategies/Policies:

- ❖ Infrastructure: Development pressure in these areas will result in an increased need for electricity, water, sewer and fiber optics.

- ❖ Transportation Planning: This type of development will undoubtedly lead to an increase in vehicular traffic. Intersection upgrades or road-widenings should be prepared for in advance in an effort to avoid traffic congestion. Consider roundabouts as

opposed to traffic lights in an effort to keep traffic moving. Sidewalks and pedestrian facilities should also be

incorporated into transportation improvement plans.

- ❖ Zoning: Developing business, mixed use residential, or commercial properties in this area instantly becomes more appealing if the area is already zoned for such use.
- ❖ Walkability: Ordinances can be developed to ensure that future development will include quality sidewalks, installed by developers, as opposed to being taxpayer funded. These are particularly important to low income residents, the elderly, and others who might not drive.

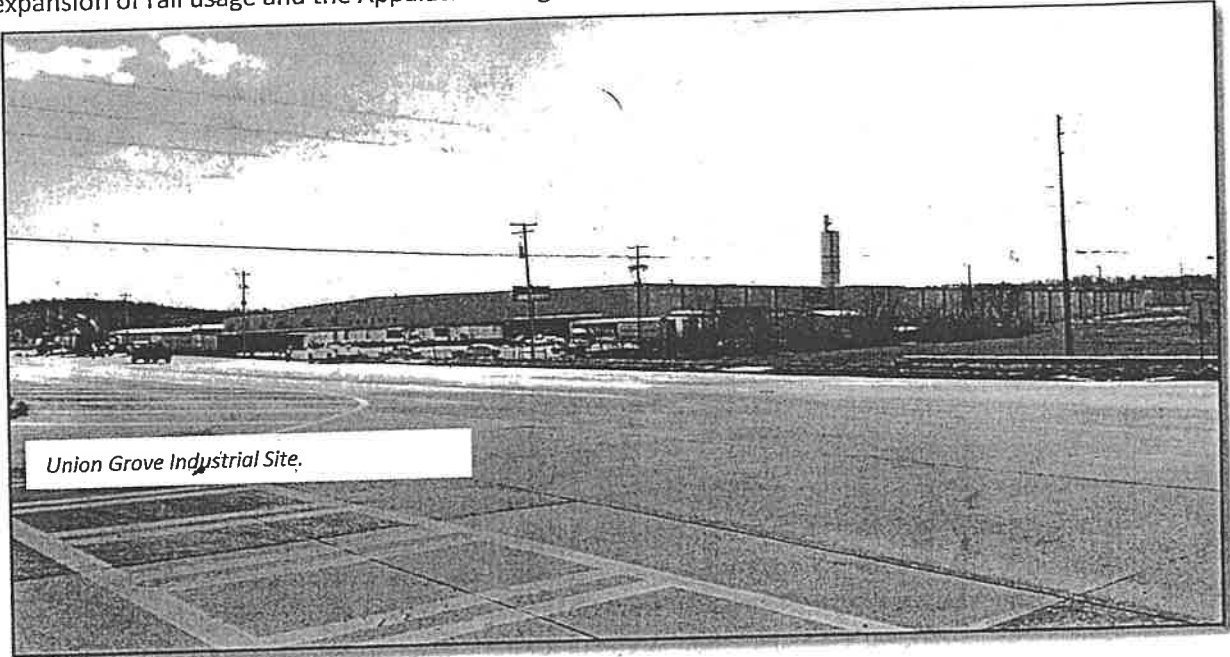
Land Uses:

Commercial (40%), multi-family residential (40%), light industrial (20%)

INDUSTRIAL

Description:

Gordon County has a significant amount of industrial/advanced manufacturing employers and that number is expected to rise in the future. Current development exists along Hwy 41 primarily south of Calhoun, with smaller developments appearing on the northern side of Calhoun and throughout the County. Attractors include access to Interstate 75, as well as Hwy 41, and to CSX and Norfolk Southern rail lines. Additional industrial and commercial development is anticipated along US 411 due to the expansion of rail usage and the Appalachian Regional Port in Murray County.



Development Strategies/Policies:

- ❖ Infrastructure: The County should continue infrastructure upgrades to allow for future growth, providing access to water, sewer, electricity, gas, fiber optic, interstates/highways, rail access.
- ❖ Property identification/acquisition: Identify sites for acquisition and development.
- ❖ Marketing/recruitment: The Chamber of Commerce and Development Authority are skilled and experienced at marketing these properties and preparing incentive packages for the recruitment of interested parties.
- ❖ Zoning/design guidelines: Industrial/advanced manufacturing developments can create noise, light, odors or traffic impacts. Zoning and development guidelines can be created to mitigate these issues through requiring buffers, stormwater controls and other measures.
- ❖ Recreation: Incoming industries can sometimes be convinced to develop trails across their large properties as part of marketing campaigns or employee wellness programs.
- ❖ Food/gas: Nearby dining opportunities and convenience stores should be allowed for the purpose of serving employees of these industries during their breaks.

Land Uses: Industrial (light and heavy), commercial of various intensities, civic uses and other vehicle-driven uses.

22φ12

4/25/2012 AFF DEED BK 1759 PG 274

Recorded 07/30/2008 3:26
Doc# 50 Rec#167 269347
TRANSFER TAX TO: 064031325
Brian Hulseay, C.S.C.
GORDON County, Ga
DEED BK: 1544 Page: 246-247

Please return to:
James H. Turner, P.C.
Attorney at Law
4396 Earney 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. Hulseay, Jr., of the State of Georgia and County of Cherokee of the first part, and William L. Hulseay, Jr., as Trustee of the William L. Hulseay, 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. Hulseay, 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.

221-121

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:

[Signature]
Witness

[Signature]
W. L. Hulsey, Jr.

[Signature]
Notary Public



FAUSERMANWORDWishes, Teddy - Cherokee Co., 2009, doc

221-12

Recorded 04/07/2021 9:49
Doc: WD Rcpt#: 344842
TRANSFER TAX: 245.00
TRANSFER TAX ID: 0642021000789
Grant Walraven, C.S.C.
GORDON County, Ga
DEED Bk: 2459 Pg: 41

Return Recorded Document to:
Brumlow, Corvin & Delashmit, P.C.
1287 Curtis Parkway SE
Calhoun, GA 30701
File #0321G441

STATE OF GEORGIA
COUNTY OF GORDON

WARRANTY DEED

This Indenture made this 31st day of March, 2021 between HUGH W. GREESON, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and OWR, LLC, as party or parties 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).

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 receipt 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 Grantee,

ALL THAT TRACT OR PARCEL OF LAND, lying and being in Land Lots 157 and 174 of the 15th Section and 3rd District of Gordon County, Georgia containing 2.508 acres as described in Plat of Survey by Massey Land Surveying dated June 24, 1998 incorporated herein for a full and complete description thereof and being of record in Deed Book 558 Page 396 of Gordon County Deed of Records. Said property being more particularly described as; BEGINNING at the intersection of the West right of way of U.S. Hwy 41 with the Northeast corner of Land Lot 157 thence proceeding along said right of way 2580.28 feet to a point being the TRUE POINT OF BEGINNING, thence from the TRUE POINT OF BEGINNING proceed North 89 degrees 09 minutes 39 seconds West a distance of 714.20 feet to an iron pin, thence North 89 degrees 09 minutes 34 seconds West a distance of 244.03 feet to an iron pin, thence South 00 degrees 00 minutes 00 seconds West a distance of 117.34 feet to an iron pin, thence North 88 degrees 24 minutes 03 seconds East a distance of 244.10 feet to an iron pin, thence continuing along the approximate Southern land lot line of Land Lots 157 and 174 South 88 degrees 29 minutes 49 seconds East a distance of 694.05 feet more or less to an iron pin on the West right of way of U.S. Hwy 41, thence along said right of way North 08 degrees 25 minutes 26 seconds West a distance of 119.19 feet more or less to the True Point of Beginning


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 behoof of the said Grantee forever in FEE SIMPLE.

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, 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

 (Seal)

HUGH W. GREESON



Notary Public



DEPARTMENTAL REVIEW - ENVIRONMENTAL HEALTH

Application # ²²¹⁻¹² V21-11 OWR A-1 to I-2
Variance

Date: 4/24/21

Reviewed by: CB Blair

ENVIRONMENTAL HEALTH

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

I'm assuming this new industry would be on city sewer?
Nothing needed from EH.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z 21-12 OWR A-1 to I-2
V 21-11 variance

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:

All structures built on this property will require adequate water supply and fire hydrants for fire fighting operations

Ron CE

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z21-12
APPLICATION NAME OWR
TYPE OF ZONING: A-1 to I-2, Variance
DATE: 5/19/2021
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by a 12" water line running along Hwy. 41.

SEWER COMMENTS:

No sewer service to this property currently. The property has an easement for a sewer fore main line running through it.

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.