

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z 21-30 DATE OF READING 12-21-2021
REZONE FROM A-1 TO I-1 light industrial

APPLICANT InLight Real Estate Acquisitions LLC

OWNER Mark Wayne + Heather Leanne Peugh

LOCATION OF PROPERTY 1300 Gardner Springs Rd
Adairsville

DESCRIPTION OF PROPERTY
5.20 +/- ACRES

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

1. Approval

STIPULATIONS:

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
DECEMBER 13, 2021**

The Gordon County Planning Commission held a Public Hearing on Monday, December 13, 2021 at 6:00 p.m. in the 3rd Floor Courtroom of the Gordon County Courthouse for the purpose of hearing variance and zoning change requests. Members present were:

Randy Rule
Jerry Lovelace

Sabrina Poole
Nathan Serritt

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 November 8, 2021. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

**VARIANCE APPLICATION #V21-18 & REZONING APPLICATION #Z21-29,
INLIGHT REAL ESTATE ACQUISITIONS, LLC (appl) D&D INVESTMENT
PROPERTIES, LLC (owner)** (Tabled from November 8, 2021)

Chairman Rule read variance application #V21-18 and rezoning application #Z21-29, InLight Real Estate Acquisitions, LLC (appl) and D&D Investment Properties, LLC (owner). Terry Brumlow, a local attorney, represented the requests and stated that he was withdrawing the variance request #V21-18, since InLight Real Estate Acquisitions had acquired adjoining properties the variance was no longer needed. Mr. Brumlow stated that this was a 133 acre tract located at Gardner Springs Road with frontage on Union Grove Road, Adairsville and would like to rezone from A-1 to I-1 to build an industrial building. Chuck Dobbins, broker for InLight Real Estate Acquisitions, stated that any houses will be torn down and removed and the septic tanks will be filled. Scott Martin, a concerned citizen spoke with concerns of traffic issues if the entrance was from Gardner Springs Road. Terry Brumlow stated that the access to the site will be from Dodd's Avenue. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z21-29 from A-1 to I-1. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**VARIANCE APPLICATION #V21-19 & REZONING APPLICATION #Z21-30,
INLIGHT REAL ESTATE ACQUISITIONS, LLC (appl) MARK WAYNE & HEATHER
LEANNE PEUGH (owner)** (Tabled from November 8, 2021)

Chairman Rule read variance application #V21-19 and rezoning application #Z21-30, InLight Real Estate Acquisitions, LLC (appl) and Mark Wayne and Heather Leanne Peugh (owner). Terry Brumlow, a local attorney, represented the requests and stated that he was withdrawing the variance request #V21-19, since InLight Real Estate Acquisitions had acquired adjoining properties the variance was no longer needed.

Mr. Brumlow stated that this was a 5.20 acre tract located at 1300 Gardner Springs Road, Adairsville and would like to rezone from A-1 to I-1 build an industrial building. All adjoining property owners had been notified.

Sabrina Poole made the motion to approve the rezoning application identified as #Z21-30 from A-1 to I-1. Jerry Lovelace seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

**REZONING APPLICATION #Z21-34, INDUSTRIAL VI ENTERPRISES, LLC (appl.)
JOHNNIE DOBSON AND LAURA DOBSON – CO-EXECUTORS FOR THE ESTATE
OF MELVIN DOBSON (owner) (Tabled from November 8, 2021)**

Chairman Rule read rezoning application #Z21-34, Industrial VI Enterprises, LLC (appl.) and Johnnie Dobson and Laura Dobson – co-executors for the estate of Melvin Dobson (owner), requesting to rezone a 76.17 acre tract located South of the intersection of Union Grove Road and Hwy. 53, Adairsville from A-1 to I-1. William Valentine with Industrial VI Enterprises, LLC requested that the rezoning request again be tabled until the next meeting. All adjoining property owners had been notified.

Jerry Lovelace made the motion to table the request until the January 10, 2022 meeting. Sabrina Poole seconded the motion. All voted aye. The rezoning request was tabled until the January 10, 2022 meeting.

REZONING APPLICATION #Z21-35, RALPH E. BEAUCHAMP

Chairman Rule read rezoning application #Z21-35, Ralph E. Beauchamp requesting to rezone a 1.60 acre tract located at Bud Hardy Rd., Calhoun from R-1 to A-1. Mr. Beauchamp had contacted Ursula Richardson, Zoning Administrator, and wanted to table the request until the January meeting due to illness.

Nathan Serritt made the motion to table the request until the January 10, 2022 meeting. Jerry Lovelace seconded the motion. All voted aye. The rezoning request was tabled until the January 10, 2022 meeting.

REZONING APPLICATION #Z21-36, DAVID W. BIGGS

Chairman Rule read rezoning application #Z21-36, David W. Biggs, requesting to rezone a 4.0 acre tract located at 4898, Lot C, Fairmount Hwy., Calhoun from R-1 to RA-1. Mr. Biggs explained that he would like to place a mobile home with permanent foundation at this site for his son. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z21-36 from R-1 to RA-1. Nathan Serritt seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

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

Rezoning Proposal

Date of Report: November 24, 2021

Application # Z21-30

Applicant/Property Owner: InLight Real Estate Acquisitions, LLC (appl.) Mark & Heather Peugh (owner)

Location of Property: 1300 Gardner Springs Rd., Adairsville, GA 30103

Property Frontage: 152 +/- Feet **Tract Size:** 5.20 +/- Acres

Directions to property: Proceed east on Hwy 53 twds. Fairmount, turn right onto Union Grove Church Rd. and then turn right on Gardner Springs Rd. and the property is the 10th house on the right.

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

Reasons for Proposed Action: Combine tract with parcel 059A-008A for future industrial use.

Future Development Map Classification: Emerging Mixed-Use Community

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 with variance or rezoning.

Building Inspection Department: N/A

Fire Department: Fire protection: The placement of fire hydrants within a subdivision or parcel of land deemed necessary for the protection of buildings, homes, facilities, or other property types shall be required, with hydrant placement at locations such that each structure is not further than five hundred (500) feet from such hydrant. When six-inch public water lines are available within one thousand (1,000) feet from any portions of that subdivision, the developer/property owner shall assume all costs of extending such lines to the subdivision such that no structure within the subdivision is more than five hundred (500) feet from a hydrant. Refer to the current edition of the International Fire Code, Appendix B, for minimum fire-flow requirements. OK with Fire Department.

Gordon County School System: N/A

Public Works Department: If approved, will require a commercial/industrial driveway entrance. Sid driveway must be approved by the Public Works Dept.

Georgia Dept. of Transportation: N/A

Water & Sewer (City of Calhoun): This area of Gardner Springs Rd is served by a 4" 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 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 further proposed zoning of this property is not compatible with the surrounding area. The properties on this side of Union Grove Rd. and Gardner Springs Rd. are primary smaller residential zoned lots. However, we have received notice that Union Grove Rd and Gardner Springs Rd will not have any entrances for said property.

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 as long as the buffer strip is met.

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/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 Mixed-Use Community on the Gordon County Future Development Map. This classification supports land uses intended for Commercial (30%), residential (40%), multi-family residential (20%), Industrial (10%).

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 compatible as long as there is no entranceway from Union Grove Rd and Gardner Springs Rd. and the buffer strips are maintained and vegetated. .

Planning Staff's Recommendation

The Rezoning Application #Z21-30 is recommended for approval subject to recommendations and comments from the Regional Commission's DRI report. At this time we have not received the DRI report, therefore, we have no knowledge, positive or negative of the impact that this rezoning may have. Also, 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

Cover Sheet
Proposal for Land Use Action

Application Number: ~~221-20~~ Present Zoning: A-1 Proposed Zoning: I-1

Date of Planning Commission Meeting: 10/11/21

Date of Board of Commissioners' Meeting: 10/19/21

Applicant: InLight Real Estate Acquisitions, LLC

Property Owner: (if different from applicant) Mark Wayne & Heather Leanne Peugh

Property Address: 1300 Gardner Springs Rd SE Adairsville GA

Said Property having a frontage of 152[±] feet and containing 5.20 acres.

Future Development Map Classification: Emerging Mixed-Use Community

Current Zoning Map Classification: A-1, Agricultural

Proposed Action: I-1 designation sought for the property as applicant would combine with parcel 059A-008A for future industrial use.

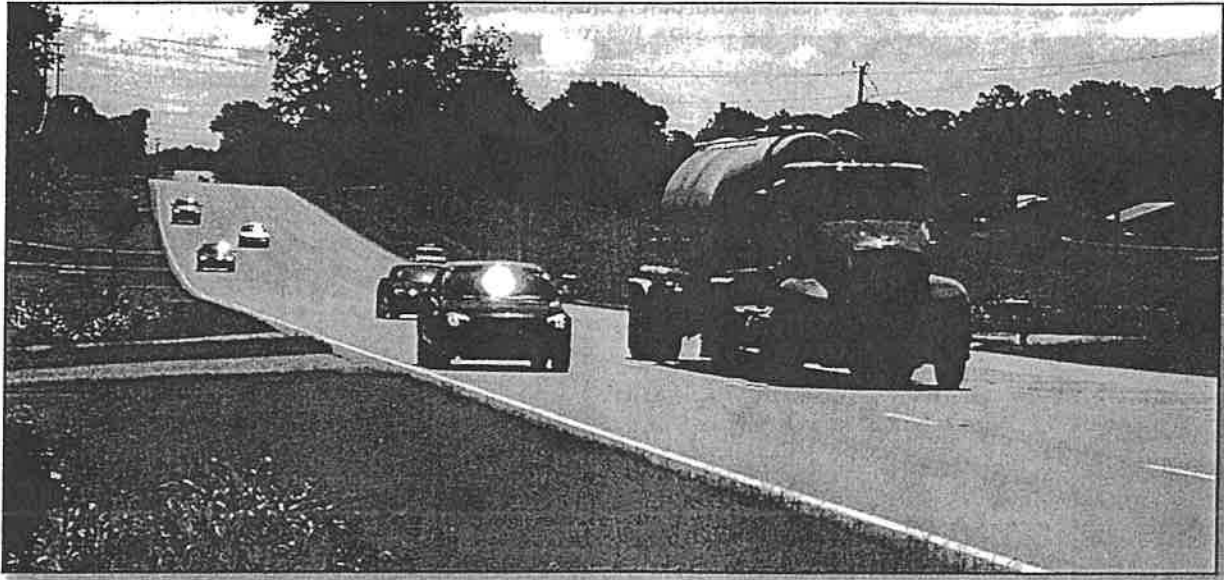
Reason for Proposed Action: Property is under contract and applicant request zoning changed to I-1 designation as applicant intends to build industrial building(s) for major development for local industry in Gordon County

Directions to Property: Proceed East on Hwy 53 towards Fairmount, turn right onto Union Grove Church Rd SE and then turn right on Gardner Spring and property is the 10th house on the right.

EMERGING MIXED-USE COMMUNITY

Description:

These are areas that are likely to see an increase in commercial, industrial and residential. This category occurs in the area near the Union Grove Interchange on I-75, as well as in the Sonoraville area on Hwy 53 (near Sonoraville High School) and in the Red Bud Road area. The Sugar Valley area in Northwest Gordon County is also expected to see more mixed-use development.



SR 53 Sonoraville (Dollar General on Right).

Development Strategies/Policies:

- ❖ Infrastructure: Some of these areas are rural than traditional mixed-use communities that typically occur in more urbanized areas. Ensure that all necessary infrastructure is in place to support such development.
- ❖ Zoning: Zoning (and other necessary ordinances and regulations) is crucial to the proper development of mixed-use communities. Care has to be taken when combining commercial and residential as some commercial businesses can be loud, clog streets or take up all available parking. There are numerous other possible pitfalls as well, if not properly thought out
- ❖ Development of Housing: Housing in these areas is of particular interest to younger generations and younger families, including millennials who prefer to live, work and play in the same community. Housing should be encouraged that is quality, affordable and include amenities.
- ❖ Pedestrian-friendly: These areas should walkable and include sidewalks, trails, bike lanes and Streetscapes.
- ❖ Greenspace/Recreation: These areas should have access to parks, playgrounds and natural areas, especially because housing in these areas tend to have smaller lot sizes, if any outdoor space at all.
- ❖ Public Services: These areas should have access to schools, medical care and other services.

Land Uses: Commercial (30%), residential (40%), multifamily residential (20%), industrial (10%)

Recorded 07/10/2012 8:45
Doc: MD Rcpt#: 291251
TRANSFER TAX: 173.50
TRANSFER TAX ID: 0642012001373
Brian Brannon, C.S.C.
GORDON County, Ga
DEED Bk: 1772 Pg: 369

Return Recorded Document to:
Cox, Byington, Corwin, Brumlow & Twyman, LLP
1287 Curtis Parkway
Calhoun, GA 30703
File #: 0612G380

STATE OF GEORGIA,
COUNTY OF GORDON

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

This Indenture made this 29th day of June, 2012 between Clinton N Smith, Mary Lee Smith and Joey Smith, of the County of Gordon, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Mark Wayne Peugh and Heather Leanne Peugh, 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 lying and being in Land Lot 214 of the 15th District and 3rd Section of Gordon County, Georgia; and being Tract 18A, containing 5.20 acres according to a plat of survey recorded in Plat Book 42, Page 131, Gordon County, Georgia Records, which plat by reference is incorporated herein and made a part hereof.

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:
Angela White

Witness

Clinton N Smith (Seal)

Clinton N Smith

Mary Lee Smith (Seal)

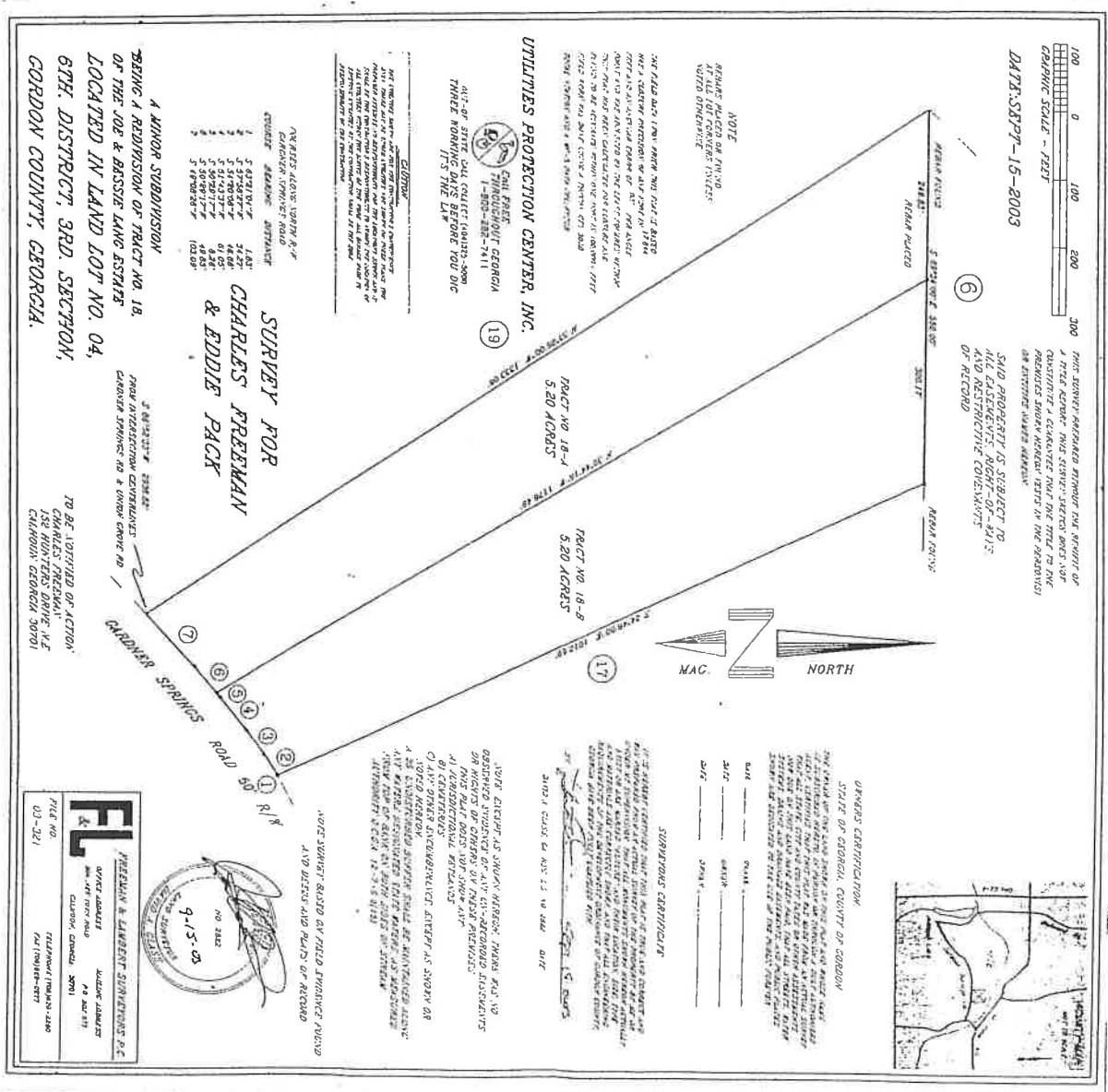
Mary Lee Smith

Joey C Smith (Seal)

Joey C Smith

Notary Public





Application Number: 221-30

Proposal Information (cont.)

If proposing a **Future Development Map** amendment, please provide the following information:

Present Map classification: _____

Proposed classification: _____

Present Map classifications of abutting property to the subject property:

Reason for the Map amendment: _____

If proposing an **Official Zoning Map** amendment (*rezoning of property*), please provide the following information:

Present zoning district: A-1, Agricultural

Proposed zoning district: I-1, Light Industrial

Future Development Map classification: Emerging Mixed-Use Community

Reason for the Zoning Map amendment: Combine tract with parcel 059A - 008A for future industrial use.

[Signature]
Applicant's Signature

9-13-2021
Date

[Signature]
Property Owner's Signature (*If different*)

13 Sept 2021
Date

Signed and sealed in the presence of
[Signature]
Notary Public

5/15/2024
Commission Expires



DEPARTMENTAL REVIEW -- ENVIRONMENTAL HEALTH

Application # ²²¹⁻³⁰ V21-19 Peugh A-1 to I-1

Date: 9/17/21

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/ variance

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # 221-30 Tragh A-1 to I-1
V21-19

Date: 9-15-2021

Reviewed by: Ron Chance Greg Hasty

FIRE DEPARTMENT

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

6.03.03 Fire Protection

A.Fire protection. The placement of fire hydrants within a subdivision or parcel of land deemed necessary for the protection of buildings, homes, facilities, or other property types shall be required, with hydrant placement at locations such that each structure is not further than five hundred (500) feet from such hydrant. When six-inch public water lines are available within one thousand (1,000) feet from any portion of the subdivision, the developer/property owner shall assume all costs of extending such lines to the subdivision such that no structure within the subdivision is more than five hundred (500) feet from a hydrant. Refer to the current edition of the International Fire Code, Appendix B, for minimum fire-flow requirements.

Also Fire Department Access Roads will be required around all buildings.

Ron Chance

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # 221-30
V21-19 Peugh A-1 to I-1

Date: Sept. 24, 2021

Reviewed by: Rusty Hogan

PUBLIC WORKS DEPARTMENT

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

If approved, will require a commercial/Industrial driveway entrance. Said driveway must be approved by the Gordon County Public Works Dept.

CITY OF CALHOUN

WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z21-30
APPLICATION NAME InLight Real Estate
TYPE OF ZONING: A-1 to I-1
DATE: 9/22/2021
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area of Gardner Springs Road is served by a 4" 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.