

INFORMATION SHEET FOR REZONING REQUESTS

Application # 222-19 DATE OF READING 12-6-22
REZONE FROM A-1 TO R-1 low density residential

APPLICANT Neftaly Ortiz

OWNER _____

LOCATION OF PROPERTY _____

DESCRIPTION OF PROPERTY
2.04 ACRES

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

1. Approval
- _____

STIPULATIONS:

Approval as it meets the issues from
Environmental Health

**GORDON COUNTY PLANNING COMMISSION
PUBLIC HEARING
NOVEMBER 14, 2022**

The Gordon County Planning Commission held a Public Hearing on Monday, November 14, 2022 at 6:00 p.m. in the Conference Room of the Gordon County Administration Building for the purpose of hearing variance and zoning change requests. Members present were:

Randy Rule
Jerry Lovelace
Sabrina Poole

Tommy Hibberts
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 October 17, 2022. Nathan Serritt seconded the motion. All voted aye. The minutes were approved as written.

REZONING APPLICATION #Z22-19, NEFTALY ORTIZ (owner), ELEAZAR DE GRACIA (legal representative)

Chairman Rule read rezoning application #Z22-19, Neftaly Ortiz (owner), Eleazar De Gracia (legal representative), requesting to rezone a 2.04 acre tract located at 1215 Highway 41, North from A-1 to R-1. Mr. Gracia represented the request explaining that they would like to divide the property into 2 tracts with existing house and sell the other tract. It was explained that there were some issues with Environmental Health that would have to be addressed. All adjoining property owners had been notified.

Jerry Lovelace made the motion to approve the rezoning application identified as #Z22-19 from A-1 to R-1 as long as it meets the issues from Environmental Health. Tommy Hibberts seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z22-20, WHEELHOUSE HOLDINGS, LLC – TREVOR & LAURA HOLBERT

Chairman Rule read rezoning application #Z22-20, Wheelhouse Holdings, LLC – Trevor and Laura Holbert, requesting to rezone an 11.43 acre tract located at 2777 Nickelsville Road, Resaca from A-1 to Conditional Use. The Holbert's represented the request explaining that they would like use the land as a wedding venue and renovate the barn for a ceremony/recreation area for the venue. They plan to keep the house strictly as an Air BNB, which will not be included with the wedding venue but will be offered as an add-on option. All adjoining property owners had been notified.

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

Rezoning Proposal

Date of Report: October 28, 2022

Application # Z22-19

Applicant/Property Owner: Neftaly Ortiz (owner), Eleazar De Gracia (legal representative)

Location of Property: 1215 Hwy 41N, Calhoun, GA 30701

Property Frontage: 159.22 +/- Feet **Tract Size:** 1.04 +/- Acres

Directions to property: Corner of Hwy 41N and Thor Rd. across from Thatcher's Barbecue Grill Restaurant, it's a stone house.

Proposed Action: Rezone from A-1, Agricultural District to R-1, Low Density Residential

Reasons for Proposed Action: Dividing the property into 2 tracts with existing house, would like to sell the other tract.

Future Development Map Classification: Emerging Suburban

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: New property line must be a minimum of 5 feet from existing drainfield for #1215 (see attached). #1215 must also have an area for 100% future repair maintaining a 100 feet distance from the well. Tract 2 will need a level 3 soil study. Drainfield must also maintain 100 feet distance from well on #1215.

Building Inspection Department: N/A

Fire Department: Okay with Fire Department

Gordon County School System: N/A

Public Works Department: This location will need to be inspected for sight distance for new driveway and subject for approval if coming from County Roads.

Georgia Dept. of Transportation: I wanted to comment that it is not likely to obtain a driveway along US 41 due to spacing requirements.

Water & Sewer (City of Calhoun): This area is served by an 8" water line located along Hwy 41 and a 2" line running along Thor Rd. 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 subject property has an existing house that is used as residential, there is a mixture of housing and commercial properties located on Hwy 41N in that location.

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 of there is an existing house already there and the property behind on Thor Rd. is a residential subdivision.

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

The property is going to be subdivided into 2 tracts, it will provide another lot that can be used for constructing a house.

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 Emerging Suburban on the Gordon County Future Development Map. This classification supports land uses intended for Residential, light commercial, parks/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 compatible with the Future Land Use Map.

Planning Staff's Recommendation

The Rezoning Application #Z22-19 is recommended for approval as long as its meets the issues from Environmental Health.

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

EMERGING SUBURBAN

Description:

Most of these areas have historically been agricultural properties, including family farms and family land now being sold to housing developers. Northwest Georgia is benefitting from lower housing costs and a more affordable cost of living, which is causing development pressure for additional housing.

Development Strategies/Policies:

- ❖ Infrastructure: Agricultural or rural residential areas historically had minimal infrastructure, served by wells, septic tanks and narrow roads. As additional housing is developed and population density increases, a need for water, sewer, fiber optic and road improvement arises.
- ❖ Zoning: Zoning and other ordinances (design guidelines, code enforcement, etc.) should be in place in advance to prevent the construction of neighborhoods that are unlikely to retain their value. This can also be used to prevent over-development which will cause vehicular gridlock.
- ❖ Pedestrian-friendly: Housing is more marketable in areas that appear vibrant and thriving. Younger generations are looking for active communities that encourage residents to get out and interact with neighbors. Developers can be encouraged or incentivized to include sidewalks, crosswalks, bike lanes, trails, especially connecting neighborhoods to amenities.
- ❖ Encourage traditional neighborhood development: Offer incentives for developers to develop neighborhoods with various price points (entry-level to executive). Incentives can also be provided to encourage development of grid pattern neighborhoods, as opposed to the typical subdivisions that are comprised of a series of cul-de-sacs with a single point of entry/exit.
- ❖ School Placement: Historically schools have been placed where land values are lower, typically on sites accessible only by vehicular traffic, rather than neighborhood schools in walkable areas. Consider planning for future schools in areas that are likely to see significant residential growth.



Single family residential, Newtown Church Rd.

Land Uses: Residential, light commercial, parks/recreation

**Cover Sheet
Proposal for Land Use Action**

Application Number: Z22-19 Present Zoning: A-1 Proposed Zoning: R-1

Date of Planning Commission Meeting: NOV. 14, 2022

Date of Board of Commissioners' Meeting: DEC. 6, 2022

Applicant: Neftaly Ortiz

Property Owner: (if different from applicant) _____

Property Address: 1215 U.S. Hwy 41 N. Calhoun, GA 30701

Said Property having a frontage of 173.54 feet and containing 2.04 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A-1

Proposed Action: To divide the 2.04 acres lot, into two lots. #1 of one acre lot, and #2 of 1.04 Acre.

NOTE: According with the survey, the lot #2 will have two entrances. The entrance from Rt. 41 is an official entrance to the lot.

Reason for Proposed Action: To sell it.

Directions to Property: One mile from Red Bud Rd. going north in front of Thatcher's Barbecue Grill Restaurant. Stone House.

FILED & RECORDED
TIME: 12:00
DATE: 10-7-03
BOOK 1009 PAGE 453
LEWIS COUCH, C.S.C.
GORDON COUNTY, GA.
T03-11694

STATE OF GEORGIA
COUNTY OF GORDON

WARRANTY DEED

THIS INDENTURE, made this 1 day of Oct. in the year of our Lord Two
Thousand and Three, between

NEFTALY ORTIZ and NANCY ORTIZ
as Grantor, and

NEFTALY ORTIZ and NANCY ORTIZ REVOCABLE LIVING TRUST
DATED SEPTEMBER 23, 2003

the Grantee.

In this deed, where the context so requires, the masculine gender includes feminine and/or neuter and the singular number includes the plural. Wherever herein a verb, pronoun or other part of speech is used in the singular, and there be more than one Grantor or Grantee, said singular part of speech shall be read as the plural, and each Grantor shall always be jointly and severally liable for the performance of every promise and agreement made herein. Wherever herein Grantor or Grantee is used, the same shall be considered to mean as well, the heirs, executors, administrators, successors, representatives and assigns of the same.

WITNESSETH: That the GRANTOR, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS, in hand paid at and before the sealing and delivery of these presents, the receipt of which is acknowledged, has bargained and sold, and by these presents does grant, bargain, sell and convey unto the GRANTEE, the following described property:

All that tract or parcel of land lying and being in the 14th District and 3rd Section of Gordon County, Georgia, being part of Land Lot No. 157 thereof, and being more particularly described according to a plat of survey entitled "Platted for Rudolph Skoretz" prepared by Carl F. Freeman, Jr., Freeman & Lambert Surveyors, of date February 11, 1988, a copy of said plat of survey being recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia in Plat Book 19, Page 264, to which said plat and the record thereof, reference is hereby made for a full and complete description of the lands herein conveyed.

TO HAVE AND TO HOLD the said tract of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in any wise appertaining, to the only proper use, benefit and behoof of the said GRANTEE, his heirs and assigns, forever, in Fee Simple..

AND THE SAID GRANTOR, for himself, his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property, unto the said GRANTEE, his heirs and assigns, against the lawful claims of all persons.

IN WITNESS WHEREOF, the said GRANTOR has hereunto set his hand and seal, the day and year first above written.

Signed, sealed and delivered
in the presence of:

Colleen Hagan
WITNESS

Linda L. Davis
NOTARY PUBLIC

MY COMM. EXPIRES June 2, 2007

[Signature] (SEAL)
NEFTALY ORTIZ

[Signature] (SEAL)
NANCY ORTIZ

N.P. SEAL AFFIXED



FILED & RECORDED 10-7-03 LEWIS COUCH, CSC



DATE OF SURVEY: 3-05-10
 DATE OF PLAT: 3-11-10

Call Before You Dig !!



Utilities Protection Center
 (800) 282-7411
 out-of-state, call collect (404) 375-6900
 THREE WORKING DAYS BEFORE YOU DIG.
 IT'S THE LAW

NOTE: LINES ADJOINING STREETS WERE SURVEYED USING A LEICA SERIES 1200 GPS RTK ROVER, AND LEICA SMARTNET GNSS NETWORK.

NOTE: EXCEPT AS SHOWN HEREON, THERE WAS NO OBSERVED EVIDENCE OF ANY UN-RECORDED EASEMENTS OR RIGHTS OF OTHERS ON THESE PREMISES. THIS PLAT DOES NOT SHOW ANY:

- A) JURISDICTIONAL WETLANDS
 - B) CEVETERIES
 - C) ANY OTHER ENCUMBRANCE, EXCEPT AS SHOWN OR NOTED HEREON.
- A 25' UNDISTURBED BUFFER SHALL BE MAINTAINED ALONG ANY WATERS DESIGNATED STATE WATERS, AS MEASURED FROM WRESTED VEGETATION OF STREAM. AUTHORITY: O.C.G.A. 12-7-6 b(15)



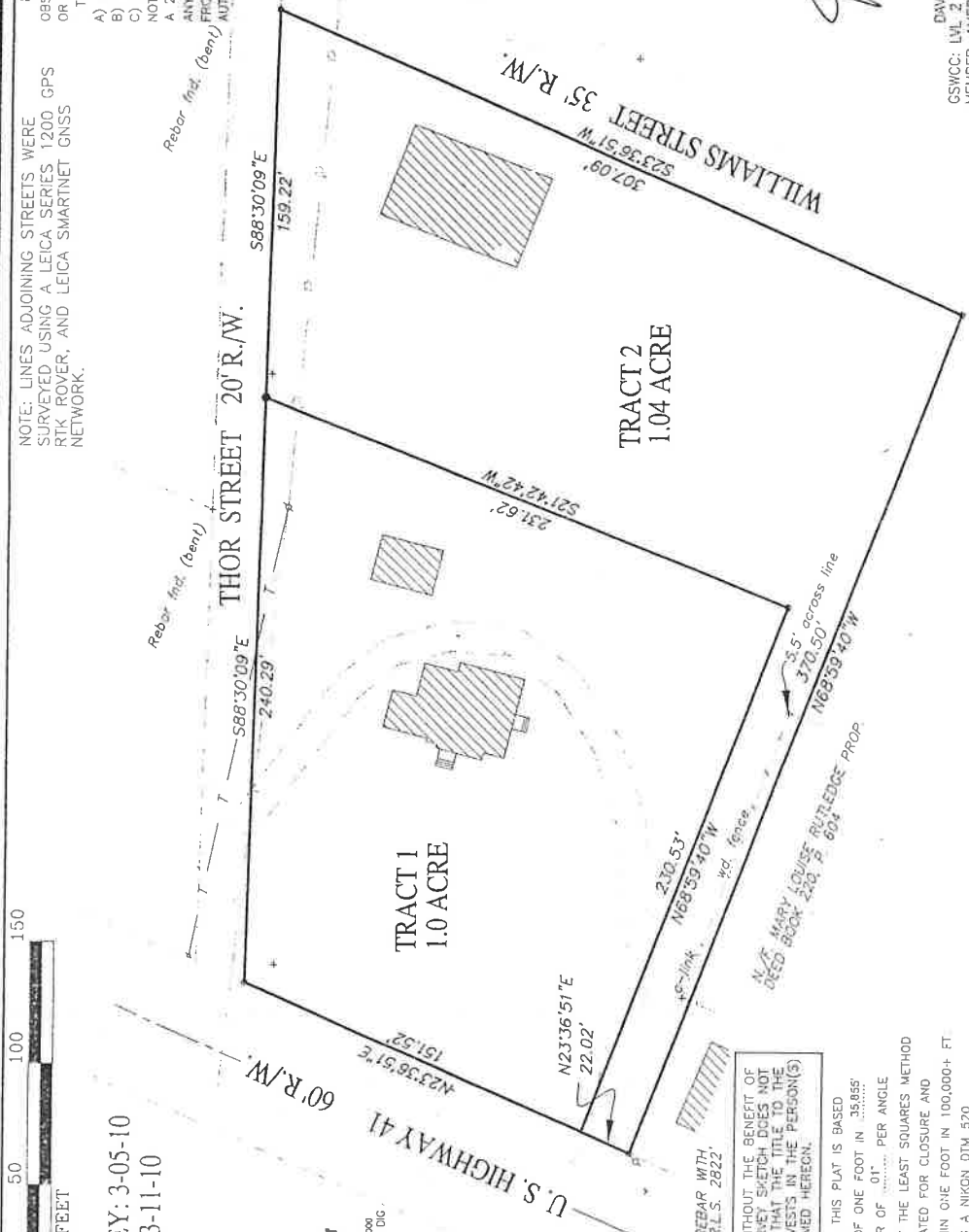
GA STATE PLANE GRID NORTH, WEST ZONE, BY LEICA SMARTNET GNSS

REFERENCE: PLAT FOR RUDOLPH SKOBEZ, BY CARL F. FREEMAN, JR. DATED 2-11-88.



DAVID A. GLASS, I.S. NO. 2822
 GSWCC: LVL 2 CERTIFIED DESIGN PROFESSIONAL NO. 4450
 MEMBER: AMERICAN CONGRESS ON SURVEYING AND MAPPING
 NATIONAL SOCIETY OF PROFESSIONAL SURVEYORS
 SURVEYING & MAPPING SOCIETY OF GEORGIA

FREEMAN & LAMBERT SURVEYORS P.C.
 LICENSED LAND SURVEYING FIRM, LICENSE NO. L5F000058
 OFFICE ADDRESS: 204 NEW TOWN ROAD, CALHOUN, GA. 30703
 MAILING ADDRESS: P.O. BOX 873, CALHOUN, GA. 30703
 FILE NO. 10275
 TELEPHONE: 706-629-2260
 TELECOPIER: 706-629-0277



SURVEY FOR Neftaly Ortiz

BEING IN THE CITY OF CALHOUN, &
 LOCATED IN LAND LOT NO. 157,
 14TH. DISTRICT, 3RD. SECTION,
 GORDON COUNTY, GEORGIA.

THIS SURVEY PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THIS SURVEY SKETCH DOES NOT CONSTITUTE A GUARANTEE THAT THE TITLE TO THE PREMISES SHOWN HEREON VESTS IN THE PERSON(S) OR ENTITIES NAMED HEREON.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 35,055 FEET AND AN ANGULAR ERROR OF PER ANGLE POINT AND WAS ADJUSTED BY THE LEAST SQUARES METHOD THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000+ FT. FIELD WORK WAS DONE USING A NIKON DTM 520 TOTAL STATION AND A TDS RANGER DATA COLLECTOR.

Said property is subject to all easements, right-of-ways, and restrictive covenants of record.

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # Z-22-19 Ortiz A-1 to R-1

Date: 10/19/22

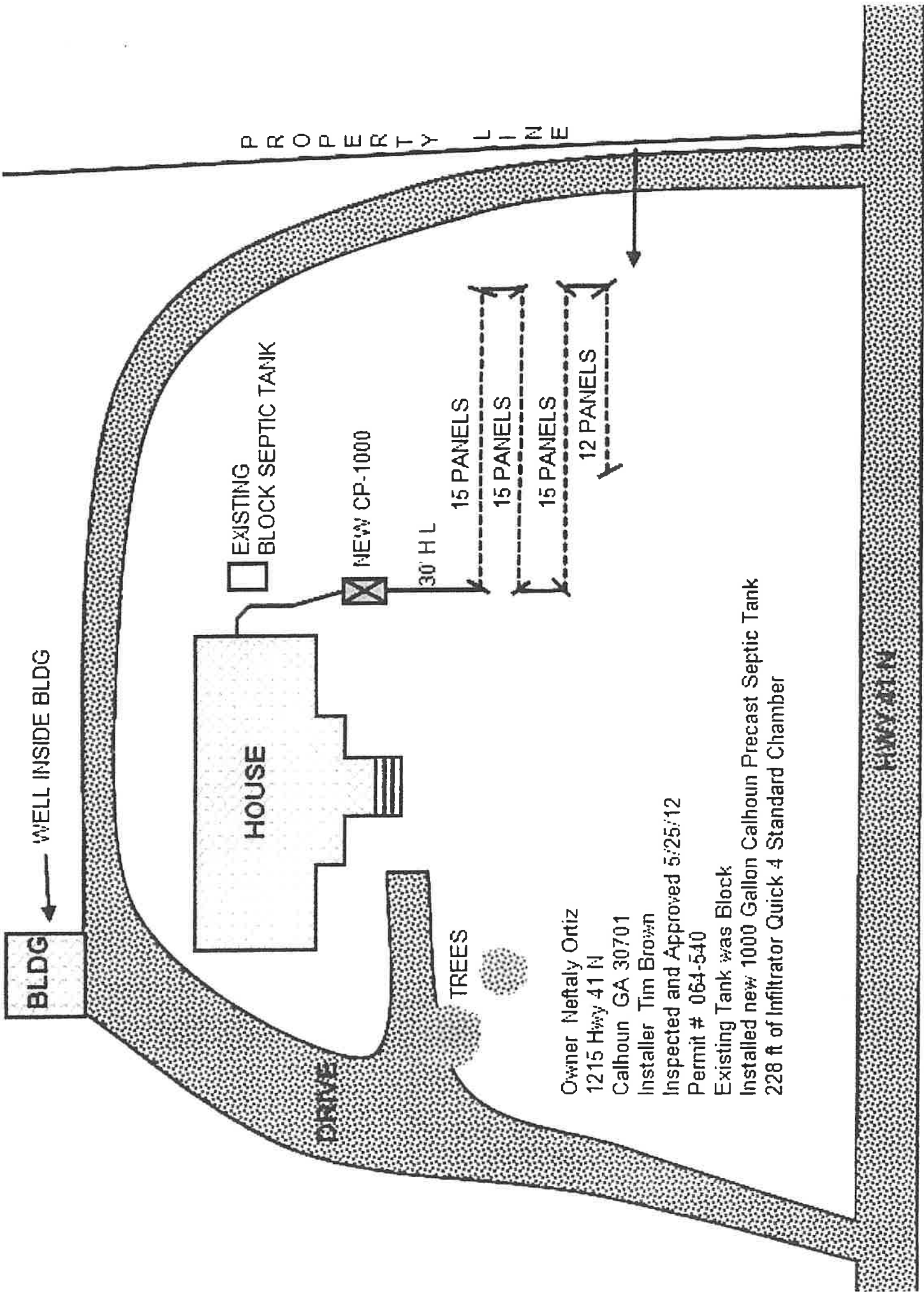
Reviewed by: Christy Blair

ENVIRONMENTAL HEALTH

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

New property line must be a minimum of 5' from existing drainfield for #1215 (see attached). #1215 must also have an area for 100% future repair maintaining a 100' distance from the well

Tract 2 will need a level 3 soil study. Drainfield must also maintain 100' distance from well on #1215.



Owner Neftaly Ortiz
 1215 Hwy 41 N
 Calhoun GA 30701
 Installer Tim Brown
 Inspected and Approved 5/25/12
 Permit # 064-540
 Existing Tank was Block
 Installed new 1000 Gallon Calhoun Precast Septic Tank
 228 ft of Infiltrator Quick 4 Standard Chamber

DEPARTMENTAL REVIEW – PUBLIC WORKS DEPARTMENT

Application # Z22-19 Ortiz A-1 to R-1

Date: 10-23-22

Reviewed by: Steve

PUBLIC WORKS DEPARTMENT

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

This location will need to be inspected for sight distance for new driveways and subject for approval if coming from County Rd's

Steve

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z22-19
APPLICATION NAME Neftaly Ortiz
TYPE OF ZONING: A-1 to R-1
DATE: 10/26/2022
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This property is served by an 8" water line running along Hwy. 41 and a 2" line running along Thor Road.

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.



Attached Image

Raymond, Christopher <craymond@dot.ga.gov>
To: Ursula Richardson <urichardson@gordoncounty.org>
Cc: "Waldrop, Grant" <gWaldrop@dot.ga.gov>

Mon, Oct 31, 2022 at 8:14 AM

Good Morning Ursula,

I see we are based the deadline, but I wanted to comment that application Z22-19 is not likely to obtain a driveway along US 41 due to spacing requirements.

There is insufficient frontage to place a commercial drive between the existing drive to the south and Thor St.

Chris Raymond, PE

District Traffic Engineer



District 6

30 Great Valley Pkwy


White, GA 30184

O: 678.721.5240

C: 404.326.6097

[Quoted text hidden]

Georgia is a state of natural beauty. And it's a state that spends millions each year cleaning up litter that not only mars that beauty, but also affects road safety, the environment and the economy. Do your part to **KEEP IT CLEAN GEORGIA** – don't litter. How can you play an active role in protecting the splendor of the Peach State? Find out at <http://keepgaclean.com/>.

 **3495_001.pdf**
1079K

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z22-19 Ortiz A-1 to R-1

Date: 10/19/2022

Reviewed by: R. Chance & G. Hasty

FIRE DEPARTMENT

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

Okay with Fire Department

Ron Chance