

INFORMATION SHEET FOR REZONING REQUESTS

Application # Z22-21 DATE OF READING 12-6-22
REZONE FROM A-1 TO RA-1 Residential Agricultural
District

APPLICANT Celia Hurd

OWNER _____

LOCATION OF PROPERTY 3585 Redbud Rd NE
Calhoun

DESCRIPTION OF PROPERTY
8.24 ACRES

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

- Approval

STIPULATIONS:

Nathan Serritt made the motion to approve the rezoning application identified as #Z22-20 from A-1 to Conditional Use as long as it meets the issues with Environmental Health. Sabrina Poole seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

REZONING APPLICATION #Z22-21, CELIA HURD (appl.), JOHN BRUCE HURD AND/OR CELIA ANNETTE HARRIS HURD, AS TRUSTEES OF THE JOHN BRUCE HURD & CELIA ANNETTE HARRIS HURD REVOCABLE LIVING TRUST(owner)

Chairman Rule read rezoning application #Z22-21, Celia Hurd (appl.), John Bruce Hurd and/or Celia Annette Harris Hurd, as Trustees of the John Bruce Hurd and Celia Annette Harris Hurd Revocable Living Trust (owner), requesting to rezone 8.24 acres located at 3585 Red Bud Road from A-1 to RA-1. Ms. Hurd represented the request explaining that she would like to subdivide and rezone the tract with an existing house to sell the other tract and bring the property in compliance. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the rezoning application identified as #Z22-21 from A-1 to RA-1. Sabrina Poole seconded the motion. All voted aye. The recommendation for approval was sent to the Board of Commissioners.

VARIANCE APPLICATION #V22-16, QUANG NGUYEN

Chairman Rule read variance application #V22-16, Quang Nguyen requesting a variance on a 61.15 acre tract located at 149 S. Airport Circle, NW, Resaca. Mr. Nguyen represented the request explaining that he has 10 – 42’ x 500’ chicken houses and he would like to tear down and rebuild 7 new – 54’x500’ houses approximately 135 feet to the property line. Existing houses are about 50 feet to the property line now. He would like a variance to reduce the requirement of rebuilding chicken houses from 200 feet to 135 feet to property line on east side. Concerned citizens David MacKnight and Meg Reidy spoke in opposition to the variance because it will not meet the ULDC guidelines. Adjoining property owners, Jimmy Fowler, John Walls, Darrell Fowler, and Greg Fowler all spoke in opposition with concerns of run-off to the nearby creek and lake. Mr. Nguyen stated that the existing chicken houses had been unused until he bought the farm and upgraded to operate them. He could continue operating the old houses if he can not acquire the variance. All adjoining property owners had been notified.

Nathan Serritt made the motion to approve the variance application identified as #V22-16 to allow demolition and rebuilding 7 new chicken houses 135 feet from east side of property line. Sabrina Poole seconded the motion. All voted aye. The variance was granted. The thirty (30) day appeal period was explained.

REZONING APPLICATION #Z22-23, LOIS JANE REECE & MONICA GREEN (owner), HIBBYMO PROPERTIES – SUGAR VALLEY, LLC (appl.)

Chairman Rule read rezoning application #Z22-23, Lois Jane Reece and Monica Green (owner), Hibbymo Properties – Sugar Valley, LLC (appl.), requesting to rezone a 2.07 acre tract located at 2873 Sugar Valley Rd, Sugar Valley from A-1 to C-G. Mark Momon with Hibbymo Properties represented the request explaining that they would like to develop a 10,640 square foot Dollar General Store.

Cover Sheet
Proposal for Land Use Action

Application Number: 222-21 Present Zoning: A1 Proposed Zoning: RA1

Date of Planning Commission Meeting: 11/14/2022

Date of Board of Commissioners' Meeting: 12/06/2022

Applicant: Celia Hurd

Property Owner: (if different from applicant) John Bruce Hurd and/or Celia Annette Harris Hurd, as Trustees of the John Bruce Hurd and Celia Annette Harris Hurd Revocable Living Trust

Property Address: 3585 Red Bud Road, NE, Calhoun, GA 30701

Said Property having a frontage of 422.69 feet and containing 8.24 acres.

Future Development Map Classification: Emerging Suburban

Current Zoning Map Classification: A1, Agricultural District

Proposed Action: Rezone from A1 to RA1 to subdivide property into 2 tracts with existing house.

Reason for Proposed Action: To bring into compliance with zoning

Directions to Property: From I-75 travel east on Red Bud Rd, Hwy 156, for approximately four miles. Property is located on right before Charleston Place.

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

Rezoning Proposal

Date of Report: October 28, 2022

Application # Z22-21

Applicant/Property Owner: Celia Hurd (appl.), John Bruce Hurd and/or Celia Annette Harris Hurd, as Trustees of the John Bruce Hurd and Celia Annette Harris Hurd (owner)

Location of Property: 3585 Red Bud Rd. NE, Calhoun, GA 30701

Property Frontage: 422.69 +/- Feet **Tract Size:** 8.24 +/- Acres

Directions to property: From I-75 travel east on Red Bud Rd., Hwy 156, for approximately 4 miles. Property is located on the right just before Charleston Place.

Proposed Action: Rezone from A-1, Agricultural District to RA-1, Residential Agricultural District.

Reasons for Proposed Action: Rezone tract with an existing house to sell the other tract, bringing the property into compliance.

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: No septic records for #3585 – built @ 1940. Shouldn't have any issues with these large tracts.

Building Inspection Department: N/A

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 property can be served by an 8" water line. No City sewer service to 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 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 is compatible with the surrounding area. The adjacent properties to the north, east and west are zoned R-1, subdivisions.

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, since there is already one house on the 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: 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 to the surrounding area and is in compliance with the Future Land Development Map.

Planning Staff's Recommendation

The Rezoning Application #Z22-21 is recommended for approval.

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

Please return to:
Thomas E. Shanahan
112 Court Street
Calhoun, GA 30701

Recorded 05/21/2014 12:25
Doc: MD Rct#: 302994
TRANSFER TAX: 72.50
TRANSFER TAX ID: 0642014000894
Grant Malraven, C.S.C.
GORDON County, Ga
DEED Bk: 1893 Pgs: 44-45

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF GORDON

THIS INDENTURE, made this 20th day of May, in the year of our Lord Two Thousand and Fourteen (2014) between **LARRY DAVIS and LAUREN DAVIS, as Trustees of the Larry and Lauren Davis Irrevocable Trust Dated March 4, 2011**, of the State of Georgia and the County of Gordon, as party or parties of the first part, hereinafter referred to as "Grantor", and **JOHN BRUCE HURD and/or CELIA ANNETTE HARRIS HURD, as Trustees of the John Bruce Hurd and Celia Annette Harris Hurd Revocable Living Trust dated August 12, 2003**, of the State of Georgia and the County of Gordon, as party or parties of the second part, hereinafter referred to as "Grantee" (the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural);

WITNESSETH: That Grantor, for and in consideration of the sum of TEN (\$10.00) DOLLARS AND OTHER VALUABLE CONSIDERATIONS in hand paid at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed and by these presents does grant, bargain, sell and convey unto Grantee, himself and his heirs and assigns, the following described property, to-wit:

All that tract or parcel of land lying and being in Land Lot No. 141 and Land Lot No. 148 of the 7th District and 3rd Section of Gordon County, Georgia, being 8.24 acres, and being more particularly described according to a plat of survey thereof entitled "Boundary Survey for Bruce & Celia Hurd" prepared by Allen Dale Hall, GRLS No. 2609, of North Georgia Surveying, Calhoun, Georgia, dated April 29, 2014, a copy of said plat being recorded in the office of the Clerk of the Superior Court of Gordon County, Georgia, in Plat Book 51, at page 184, to which said plat and the record thereof reference is hereby made for a full and complete description of the land herein conveyed.

Grantor and Grantee herein hereby agree to pay its pro rata share of the 2014 Gordon County ad valorem taxes on the property described herein upon receipt by Grantor of the 2014 ad valorem tax bill for the parcel which includes the property described herein.

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the

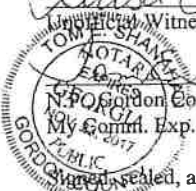
Z22-21

rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining to the only proper use, benefit and behoof of Grantee, his heirs and assigns forever, in FEE SIMPLE.

And Grantor, for himself and his heirs, executors and administrators, will warrant and forever defend the right and title to the above described property unto Grantee, his heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has hereunto set his hand and affixed his seal, the day and year above written.

Signed, sealed, and delivered in the presence of:

Laura Crown
Witness

[Signature]
Gordon County, GA
My Comm. Exp. _____

Larry Davis (SEAL)
LARRY DAVIS, As Trustee Foresaid

Signed, sealed, and delivered in the presence of:

Laura Crown
Unofficial Witness
[Signature]

Gordon County, GA
My Comm. Exp. _____

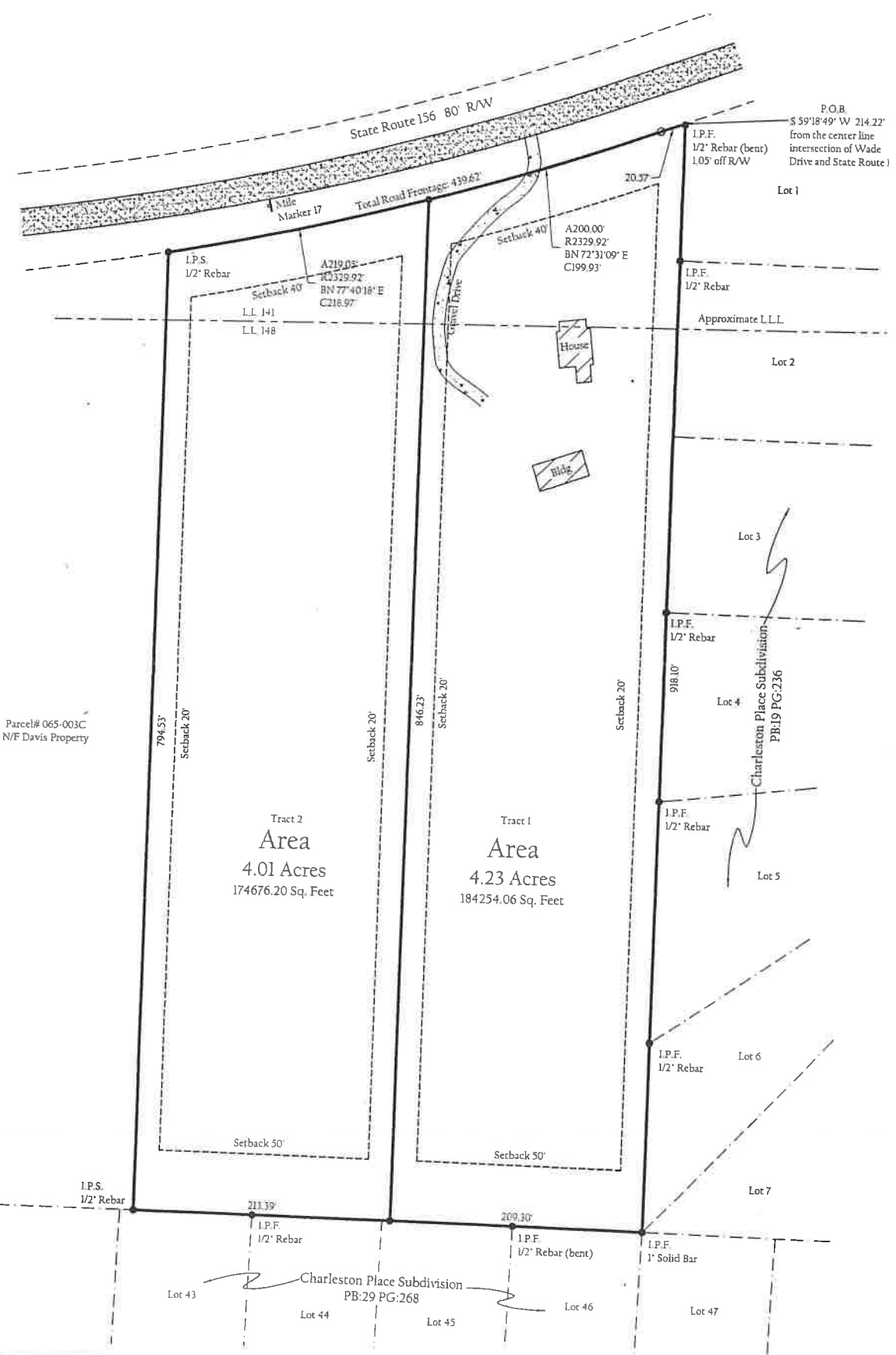
Lauren Davis (SEAL)
LAUREN DAVIS, As Trustee Foresaid



LOCATED IN LAND LOTS 141 & 148, 7th DISTRICT &
3rd SECTION OF GORDON COUNTY, GEORGIA

r Court.

: 4/26/2014
2022



RIGHTS OF WAY.
A CLOSURE OF 1" IN 100,000.
IS BASED ON HAS A CLOSURE
AND AN ANGULAR ERROR OF
USING THE COMPASS RULE.

NDTM-520
ATA COLLECTOR.

CERTIFICATION
Section 15-6-67, this plat has been prepared
licable local jurisdictions for recording as evidenced by
statements hereon. Such approvals or affirmations
governmental bodies by any purchaser or user of this
ermore, the undersigned land surveyor
inimum technical standards for
rules and regulations of the Georgia Board of

DEPARTMENTAL REVIEW – ENVIRONMENTAL HEALTH

Application # 222-21 Hurd A-1 to RA-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:

No septic records for #3585 ~ built @ 1940.
Shouldn't have any issues with these large tracts.

DEPARTMENTAL REVIEW – FIRE DEPARTMENT

Application # Z22-21 Hurd A-1 to RA-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

CITY OF CALHOUN
WATER AND SEWER DEPARTMENTAL REVIEW

APPLICATION NUMBER: Z22-21
APPLICATION NAME Celia Hurd
TYPE OF ZONING: A-1 to RA1
DATE: 10/26/2022
REVIEWED BY: Mark Williamson

WATER COMMENTS:

This area is served by an 8" 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.