

REZONING REPORT

To: Stephens County Board of Commissioners

From: Stephens County Planning Commission

Item: #7

Date: July 3, 2024

A. General Information

1. **Owner of Property:** RLP Investments, LLC
2. **Applicant:** Owner
3. **Applicant's Agent:** Rick Phillips
4. **Street Address of Property:** Coker Road, Toccoa, GA 30577 (034 108A)
5. **Size:** 6.75 Acres
6. **Current Land Use of Property:** Undeveloped
7. **Current Zoning of Property:** Agricultural Residential (AR)

B. Information Concerning the Request

1. **Proposed Use of Property:** Residences
2. **Proposed Zoning of Property:** Residential Single (RS)
3. **Surrounding Land Use:** Agricultural, Residential
4. **Surrounding Zoning:** AI, RS

C. Zoning History (list rezoning activity at or adjacent to the proposed site):

1. N/A

D. Analysis

1. This property is currently undeveloped.
2. The property owner would like to rezone so that the parcel can be subdivided for single-family residential dwellings.
3. The property is presently zoned for personal agricultural uses, and with existing single-family dwellings on nearby parcels, rezoning to Residential Single (RS), the least intense use in the County's Land Use Ordinance, will help to provide additional buffering and potential nuisance protection than would be by remaining under its current use.
4. Assuming that all subdivided parcels had direct or easement access to the existing public road, up to 6 additional homes could be constructed in this area based solely on acreage.
5. More than likely, this parcel could also be utilized to provide easement or road access to the interior portion of 034 104A, which is also requesting rezoning to RS.
6. This rezoning would better serve the area and the existing and present use of the property.
7. There should be no adverse impact upon the neighborhood.
8. The rezoning aligns with adopted plans.

E. Recommendation: Approval.

F. Attachments:

1. Application
2. Parcel Map Showing Adjacent Land Use Zoning



Application for **Rezoning**

P.O. Box 386 Toccoa, Georgia 30577

Phone: (706)886-9491 Fax: (706)886-2185

Please type or print legibly. Attach additional sheets, if necessary, to fully answer any of the following sections. Incomplete applications will not be accepted for processing by the Stephens County Planning Commission (SCPC) until deficiencies are corrected. Additional instructions, information and important dates are located on pages 6.

I. GENERAL INFORMATION

Petitioner Information (Note: If the property owner(s) will have an agent serve on his or her behalf, the owner(s) must complete the attached Letter of Authorization.)

Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone No.: (____) _____ Fax No.: (____) _____

E-mail Address: _____

Property Owner Information, if different from Petitioner

Name: RLP Investments, LLC

Address: 125 East Doyle St City: Toccoa State: GA Zip: 30577

Telephone No.: (706) 491-9888 Fax No.: (____) _____

E-mail Address: rickphillips@jrphillips.com

Agent Information, if different from Petitioner or Owner (Note: A signed, notarized statement of authorization from the property owner is required and must be attached if this section applies. If the agent changes after submitting the application and the agent is not the property owner, a new authorization form will be required.)

Name: Rick Phillips

Address: 125 East Doyle St City: Toccoa State: GA Zip: 30577

Telephone No.: (706) 491-9888 Fax No.: (____) _____

E-mail Address: rick-phillips@jrphillips.com

II. ACTION REQUESTED

(A) Application History

Have any previous applications been made to rezone or request a special use for the subject property?

Yes ___ No If yes, please provide the file number(s):

(Note: In accordance with Section 1602, an application for rezoning cannot be accepted if a rezoning petition for the same property was denied by the Stephens County Board of Commissioners less than six (6) months before the date of filing this application. Likewise, if a previous rezoning petition was not acted upon by the Stephens County Board of Commissioners but was denied by SCPC less than six (6) months before the date of filing this application, the application cannot be processed.)

(B) Rezoning (Zoning Map Amendment)

1. Existing zoning district(s) for the subject property:

Agriculture Residential (AR)

2. Proposed zoning district(s) for the subject property:

Residential Single (RS)

(Note: Only one district should be proposed unless there is an extenuating circumstance. If more than one district is desired, please provide supporting rationale. A zoning district must be identified or the application will not be processed.)

3. Street address(es) of the subject property: Coker Road

4. Property Identification Number(s) of the subject property. *(Note: Attach a boundary survey, recorded or proposed plat, tax map or scaled plot plan to identify the property boundary lines.)*

Parcel 034 108A

5. Total acreage of the subject property: 6.75 AC

6. Existing land use(s) for the subject property (e.g., undeveloped, restaurant, auto repair shop, multi-family residence):

Undeveloped

7. List all proposed land use(s) and land use number(s) in accordance with the Zoning Ordinance. *(Note: Refer to Zoning Ordinance Section 300 or the list of allowed uses within the desired zoning district. If your desired use is not listed in either source, contact the County Planning Director for a use determination. If the proposed use is a combination of uses such as warehouse with a retail showroom and outdoor storage, please describe the proposed operation. The Planning Director is located in the Stephens County Annex building at 802 E. Doyle Street or can be contacted at 706-886-9491.)*

Single Family Residential homes

III. Items required to be submitted with an Application for Rezoning (Map Amendment).

All applications must include the following:

- A. Application.** A completed original application form and one copy.
- B. Submittal Fee.** \$100.00 to be paid at the time the application is submitted.
- C. Notarized Authorization Form.** If the property owner will not represent the petition, a signed, notarized statement from the property owner authorizing the petitioner / agent to act on his behalf is required.
- D. Disclosure Form.** Disclosure of Campaign Contribution Form (to be filed within 10 days of filing this application).
- E.** A scaled or dimensioned boundary survey, tax map, plot plan or sketch showing the subject property.

Petitioner states that she/he has read, understands and has completed this application. Approval of an application for rezoning by the Stephens County Board of Commissioners does not constitute a waiver from any applicable local, state or federal regulations.

DocuSigned by:

Rick Phillips

Signature of

Petitioner or Petitioner's Agent

Rick Phillips 6/6/24

Printed Name

Date

	CONTACT INFORMATION	
County Clerk	P. O. Box 386 Toccoa, GA 30577	706-886-9491
Planning Director	P.O. Box 386 Toccoa, GA 30577	706-886-9491
Stephens County Planning Commission	P. O. Box 386 Toccoa, GA 30577	706-886-9491

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS
Stephens County

The Conflict of Interest in Zoning Actions Act (O.C.G.A. § 36-67A) requires that a petitioner for a **map amendment / rezoning action** must disclose campaign contributions in the amount of \$250 or more that have been made to local government officials who will consider the application. This requirement also applies to agents, including attorneys, who may represent the petitioner.

In compliance with the Act, this form must be completed and filed with the local governing authority within ten (10) days after the application for the rezoning request is filed. Failure to comply with the provisions of this act is a misdemeanor.

1. Within two years preceding the filing this application, have you and your agent (if applicable) made a campaign contribution in the amount of \$250 or more to any of the local government officials listed below?
Yes No If you answered "Yes", please complete Question 2.

STEPHENS COUNTY BOARD OF COMMISSIONERS	
Dennis Bell	Chuck Wright
Tara Simmons	Debbie Whitlock
Chris Rickman	

STEPHENS COUNTY PLANNING COMMISSION	
Bo Dotson	Scott Stroud
Brett Ivester	Greg McFarlin
Cody Cobb	

2. If you checked "Yes" to Question 1, complete the section below.

CONTRIBUTION			
Name of Official to Whom Contribution was Made	Official Position at Time of Contribution	Date of Contribution	Description & Dollar Amount of Contribution

Signature of Petitioner or Petitioner's Agent

John R. Phillips
Printed Name

6/14/24

Date

Letter of Authorization

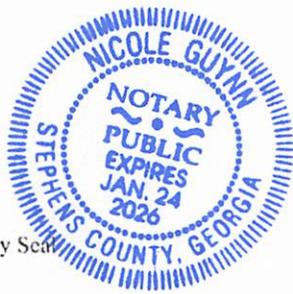
As fee simple owner of the subject property that is identified as Property Identification Numbers 034 108 A, I (we) authorize Rick Phillips (Agent Name) of RLP Investments, LLC (Firm or Agency, if applicable) to serve as agent on my (our) behalf for the purpose of making and executing this application for the proposed request. I (we) understand that any representations(s) made on my (our) behalf, by my (our) authorized representative, shall be legally binding upon the subject property.

DocuSigned by:
Rick Phillips
Owner Name (Signature)

RLP Investments, LLC
Owner Name (Print)

6/6/24
Date

Nicole Guynn
Signature of Notary



Notary Seal

INSTRUCTIONS / INFORMATION FOR THE PETITIONER
(Retain This Page for Your Records)

1. The petitioner and/or agent is encouraged to speak with SCPC staff prior to submitting an application for rezoning (map amendment) or special use.
2. If the project is a Development of Regional Impact (DRI), the project must first be found "in the best interest of the State" before a rezoning application can be reviewed by the Planning Commission. SCPC staff will notify the petitioner or agent when a request qualifies as a DRI.
3. Submit the completed original application and one copy to the County Clerk. Faxed applications will not be accepted.
4. The petitioner or agent may include exhibits (e.g., letters or photos) to support the request. If a signed petition is to be submitted, please provide the original at the Planning Commission meeting and make a copy to be retained for your records.
5. Once the application is deemed complete, SCPC staff will schedule the petition for review by the Planning Commission and prepare a recommendation. You will receive a letter acknowledging receipt of the petition and notifying you of the Planning Commission meeting date and time. The staff recommendation will be sent to you. A schedule of SCPC and Stephens County Board of Commissioner meetings is available online at www.stephenscountyga.com.
6. The petitioner must erect a sign(s) announcing the petition on each street frontage of the subject property at least 15 DAYS PRIOR TO THE SCPC MEETING. The sign(s) must be posted no more than five (5) feet from the property line. If the property does not abut a public right-of-way, at least one (1) sign shall be placed on the property at the access point and additional sign(s) shall be placed on the nearest public right-of-way. If the sign is not erected in a timely manner, the petition will be rescheduled to the next scheduled SCPC meeting. The sign shall remain in place until a Planning Commission recommendation is made. Changes to signs shall be made by the applicant to reflect the correct dates and any other changing information involving a petition that has been postponed or continued at least ten (10) days prior to the revised public meeting or hearing date.

The sign must be obtained from the Stephens County Planning and Zoning Department, 802 E. Doyle Street. The petitioner will be contacted when the sign is ready to be picked up.

7. The Planning Commission will make a recommendation to the Stephens County Board of Commissioners regarding the petition. The Planning Commission may approve, deny or recommend an alternative to the request. The petitioner will be notified of the date and time of the Stephens County Board of Commissioner hearing. **The sign(s) for the Stephens County Board of Commissioner meeting must be obtained from Stephens County Planning and Zoning Department. The petitioner must erect the sign(s) AT LEAST 15 DAYS PRIOR TO A COMMISSION MEETING. Posting requirements are the same as the requirements for the SCPC meeting. The sign(s) shall remain in place until a Commissioner decision has been made.** The petitioner shall remove the sign(s) within 10 days of the decision.
8. The Stephens County Board of Commissioners must have at least two meetings for the petition for approval: a zoning hearing and then the first and second readings of the amendment or special use. If a motion is made at the hearing to approve the request, the following meeting(s) will be to hear the first and second readings of the amendment. Notification of the decision of the Stephens County Board of Commissioners will be sent to the petitioner or agent.
9. The petitioner or petitioner's agent should be in attendance at all Planning Commission and Stephens County Board of Commissioner meetings. If no one is present to represent the petition, it may be denied.

BK:18 PG:272-272

FILED IN OFFICE
CLERK OF COURT
04/04/2017 11:19 AM
TIMOTHY QUICK, CLERK
SUPERIOR COURT
STEPHENS COUNTY, GA

WARNING CONVEYANCE
As a public instrument of G.O.A. under G.S. 46-11, the recipient and necessary parties to this deed hereby acknowledge that they have read and understand the contents of this deed and that they have executed this deed voluntarily and without any fraud, duress, or coercion, and that they are not under any legal disability, and that they are not being induced or influenced in any way to execute this deed, and that they are fully aware of the contents of this deed and of the consequences of its execution, and that they are executing this deed for the purposes and consideration herein expressed.

The following governmental body has signed this deed, in its own name:
Public Agent: 02 - March - 2017
Signature: [Signature]
Date: 02 - March - 2017

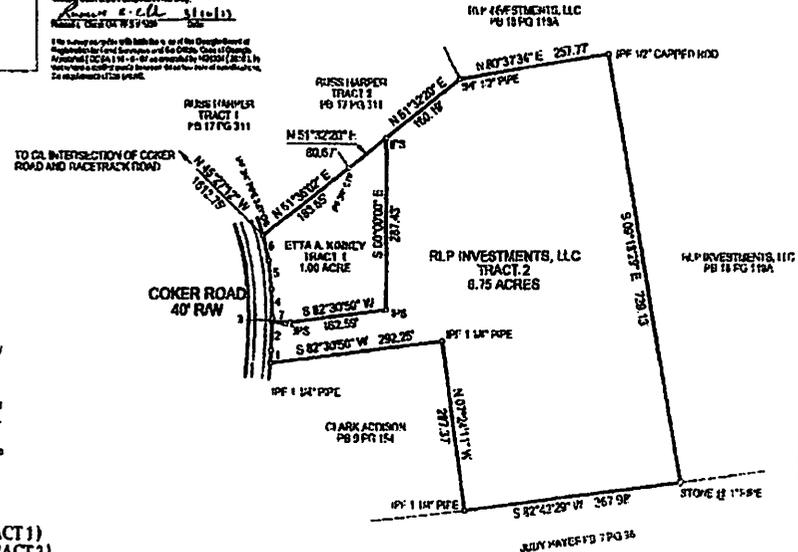
back signature of the recipient shall constitute an acknowledgment of the deed by the recipient as to the contents of the deed, and the deed shall be deemed to have been accepted by the recipient as to the contents of the deed, and the deed shall be deemed to have been accepted by the recipient as to the contents of the deed, and the deed shall be deemed to have been accepted by the recipient as to the contents of the deed.

Russell L. Cheek (10/11)
Notary Public for the State of Georgia

This property is subject to any valid and enforceable easements, restrictions, and rights of way, utility or otherwise.



- ABBREVIATIONS:**
- CL = centerline
 - CAF = concrete retaining wall
 - CTP = capped top pipe
 - DB = dead bush
 - EP = iron pin flag
 - FS = iron pin with 1/4" capped pipe
 - DL = delineator
 - OTF = open top pipe
 - OS = offset
 - MA = old appurtenant
 - PI = steel pipe
 - MP = man or manhole
 - RS = right of way
 - RAW = right of way



The field equipment used for this survey was a Topcon GPT 320W total station. The field data upon which this plat was based was a closure traverse of one full to 17.156 feet and an angle error of 0.1 seconds per angle point and was adjusted using the collimation rule.

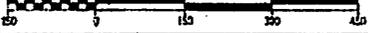
The plat has been calculated for closure and found to be accurate within one foot to 1/100,000 accuracy. level

THIS IS A SURVEY OF THE DIVISION OF THE ETTA ALENE KINNEY PROPERTY AS SHOWN ON SURVEY RECORDED IN PG 14 PG 122A. THIS PROPERTY IS ALSO CURRENTLY IDENTIFIED AS TAX MAP 034 PARCEL 102.

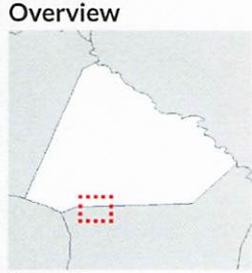
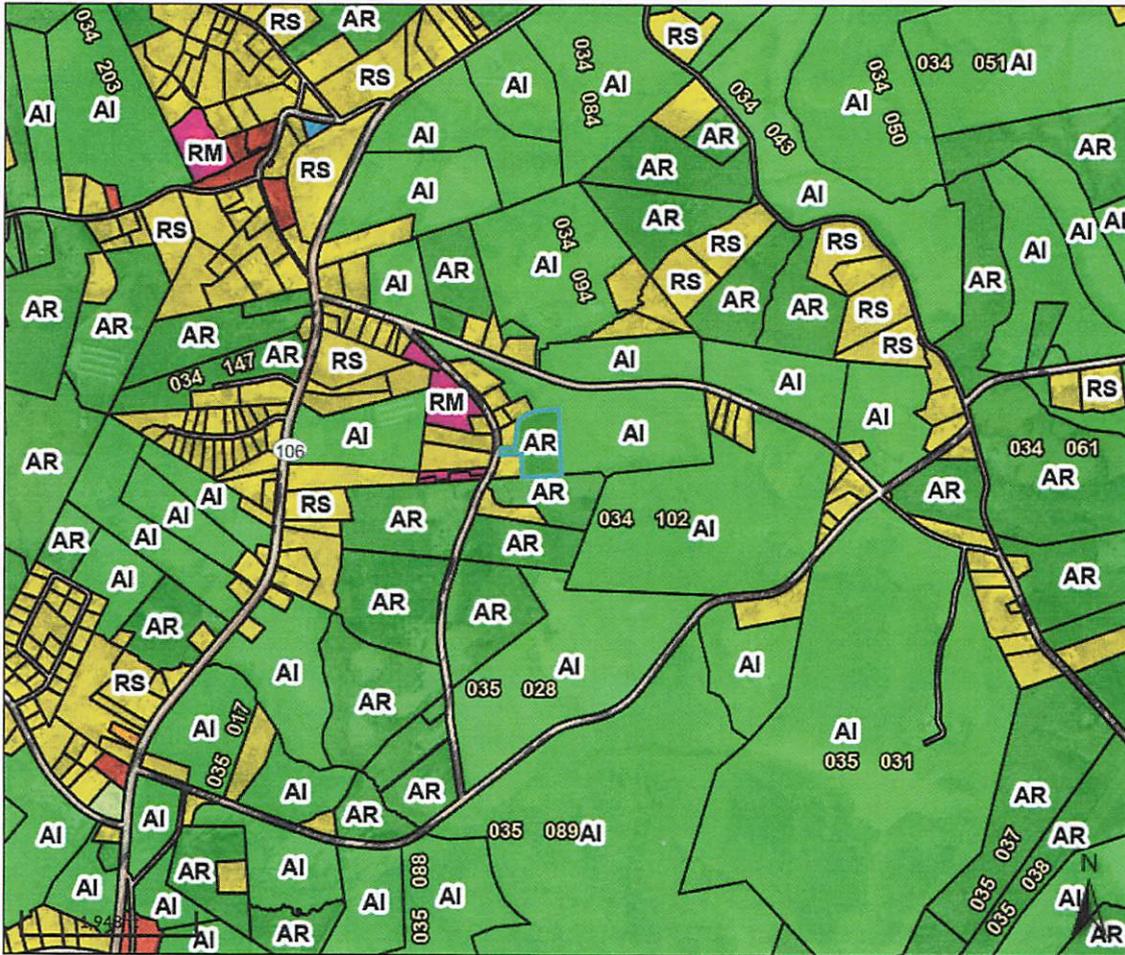
Division survey for:
ETTA ALENE KINNEY (TRACT 1)
RLP INVESTMENTS, LLC (TRACT 2)
Located in 1473 G.M.D. Stephens County, Georgia
Date: 05 - December - 2014 Act No 141286 Rk. 23
Revisions: none
Field work completed: 05 - December - 2014
Scale: 1 inch = 150 feet File: Collins Shirley

Id	Bearing	Distance
1	N 02° 48' 40" E	21.92
2	N 02° 22' 25" E	48.75
3	N 02° 24' 05" E	5.00
4	N 01° 50' 25" W	48.54
5	N 00° 04' 52" W	49.32
6	N 12° 51' 10" W	42.05
7	S 82° 43' 28" E	29.25

SURVEYED BY:
RUSSELL L. CHEEK
163 AL CUMBERBER LAURE
TODDGA, GA 30577
PHONE: 706-858-8536



REFERENCE: PG 14 PG 383



- Legend**
- Parcels
 - Parcel Numbers
 - Roads
 - County Zoning**
 - AB - Agriculture Business
 - AI - Agriculture Intensive
 - AR - Agriculture Residential
 - CC - Commercial Community
 - CG - Commercial General Business
 - CI - Commercial Industrial
 - GV - US Government
 - LK - US Corps of Engineers Lake
 - PUD - Planned Unit Development
 - RM - Residential Multi-Family
 - RS - Residential Single-Family

Parcel ID 034 108A
 Class Code Consv Use
 Taxing District STEPHENS COUNTY
 Acres 6.75

Owner RLP INVESTMENTS, LLC
 P O BOX 1123
 TOCCOA, GA 30577
 Physical Address COKER RD
 Assessed Value Value \$31185

Last 2 Sales		Reason	Qual
Date	Price		
4/7/2017	\$20250	LM	Q
n/a	0	n/a	n/a

(Note: Not to be used on legal documents)

Date created: 6/6/2024
 Last Data Uploaded: 6/6/2024 12:29:42 AM

