



Cherokee County Planning Commission Public Hearing AGENDA

November 3, 2015

1130 Bluffs Parkway, Canton GA 30114 7:00 PM

PLANNING COMMISSION PUBLIC HEARING

CALL TO ORDER

ZONING CASES

1. Case #15-11-026 Don and Katherine Edwards (BOC Dist. 4)

Applicant is requesting to rezone 1.88 +/- acres at 7946 Highway 92 from R-40 to LI for a pest control business.

2. Case #15-11-027 Chris and Michelle Coyne (BOC Dist. 3)

Applicant is requesting to rezone 1.0 +/- acres at 6375 Holly Springs Pkwy from GC to LI for a pest control office.

3. Case #15-11-029 Charles C. Fryer (BOC Dist. 1)

Applicant is requesting to rezone 0.941 +/- acres from R-40 to OI at 183 Scott Road from R-40 to OI for an Assisted/Sr. Living Facility.

OTHER BUSINESS

APPROVAL OF MINUTES

1. September 1, 2015 Minutes

2. October 6, 2015 Minutes

ADJOURN



Cherokee County, Georgia Agenda Request

SUBJECT:
Case #15-11-026 Don and Katherine Edwards
(BOC Dist. 4)

MEETING DATE:
11/3/2015

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 1.88 +/- acres at 7946 Highway 92 from R-40 to LI for a pest control business.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: R-40 to LI
Location: 7946 Highway 92
Tax Map and Parcel No: 15N06, 295
Acres: 1.88 +/-
Proposed Development: Pest Control Business
Future Development Map: Neighborhood Living

BUDGET:

Budgeted Amount:	Account Name:
Amount Encumbered:	Account #:
Amount Spent to Date:	Remaining Budget:
Amount Requested:	

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Current Zoning Map	Exhibit
<input type="checkbox"/> FDM	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Dept Comments	Exhibit



CHEROKEE COUNTY
Application for Public Hearing

Important Notes:

1. Please check all information supplied on the following pages to ensure your response is complete and accurate before signing this form. This page should be the first page of your completed application package.
2. All required documents for this application shall be submitted at the same time as the application. An application for a Public Hearing will not be scheduled unless and until it is complete.
3. Please contact the Planning and Land Use Department at 678-493-6101 if you have questions regarding your application package or the public hearing process for your application.

SECTION I

Contact Person: DON EDWARDS Phone: 678-778-7265
 Email: DON.BUGOFF@GMAIL.COM

Applicant's Information:

Name: DON & KATHERINE EDWARDS
 Address: 127 MILL STREET Phone: _____
 City, State, Zip: WOODSTOCK GA 30188

Property Owner's Information: same as above see attached authorization forms (multiple properties)

Name: WILLIAM & GERALDINE CAMPBELL
 Address: _____ Phone: _____
 City, State, Zip: _____

Requested Public Hearing (check all that apply):

- Rezoning Amendment / Modification of Zoning
 Variance / Appeal Other: _____

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>4</u>	Public Participation Meeting: <u>9.16.15</u>
Case: <u>15-11-026</u>	PC Work Session Date: <u>10.19.16</u>
CityView # <u>PL2015-0439</u>	Planning Commission Hearing: <u>Nov 3</u>
Received by: _____	Board of Commissioners: <u>Nov 17</u>
Fee Paid: \$ <u>750.00</u>	Zoning Board of Appeals: <u>N/A</u>
Date: <u>9-18-15</u>	Other: <u>9.8.15 pre-file</u>

SECTION II

Property Information:

Location: 7946 Highway 92, Woodstock GA 30189

Current Zoning: R-40 Proposed Zoning: LI Total Acreage: 1.88

Tax Map #: 15 N 206 Parcel #: 295 Land Lot(s): 1220 District: 15th

Future Development Map Designation: _____

Adjacent Zonings: North LI South R-40 East GC West GC

Applicant's Request (Itemize the Proposal, including code sections for Variance requests):

Proposed Use(s) of Property:

PEST CONTROL BUSINESS

Applicant Affidavit:

Upon receipt of the completed application package, the Planning and Land Use Department shall notify the applicant of scheduled date, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, DON EDWARDS, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 18 day of September, 20 15.

Print Name Don Edwards

Applicant Signature [Signature]

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: _____

How is sewage from this site to be managed?

SEPTIC

Will this proposal result in an increase in school enrollment? ~~__Yes __ No~~

If yes, what is the projected increase? ~~_____ students~~

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
Multi Family (Attached) Home		0.287	

Traffic Generation:

A traffic impact study prepared by a registered engineer will be required if the proposed subdivision exceeds 250 dwelling units; the non-residential development contains more than 25,000 square feet of floor area; or at the discretion of the County Engineer. If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? 15 trips *per day*

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends'	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment		6.63	

Notes:

* Residential land uses are calculated based on the number of residential units. Commercial and industrial land uses are typically calculated based on square feet (sqft) of floor area for the use.

+ Residential daily trip ends per unit are shown. Contact Planning and Land Use staff about rates for other land uses.

CAMPAIGN DISCLOSURE STATEMENT

Nothing in Chapter 36 of OCGA shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

No, I have not made any campaign contribution to County Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

Signature of Applicant: *Don Edwards* Date: 9-18-15

Print Name: DON EDWARDS

Sworn to and Subscribed before me this: 18 day of September, 2015.

Notary Signature: *Cheyl F. Guenther*



SECTION IV

CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a zone change has complied with the O.C.G.A. § 36-67A, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

Signature of Applicant: *W Edwards* Date: 9-18-15

Print Name: DON EDWARDS

~~Signature of Applicant's Attorney: _____ Date: _____~~

~~Print Name: _____ Title: _____~~

Sworn to and Subscribed before me this: 18 day of September, 2015.

Notary Signature: *C Cheryl F. Guenther*



AUTHORIZATION OF PROPERTY OWNER

William & Geraldine Campbell

I, _____, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Don & Katherine EDWARDS

Address: 127 Mill Street Phone: 678-778-7265

City, State, Zip: WOODSTOCK, GA 30108

Property Owner's Information:

Name: William & Geraldine Campbell

Address: 3022 Golf Crest Ln Phone: 770-337-0552

City, State, Zip: WOODSTOCK, GA 30109

Signature of Owner: *William J Campbell & Geraldine Campbell* Date: 9-8-2015

Print Name: WILLIAM J CAMPBELL & GERALDINE S CAMPBELL

Sworn to and Subscribed before me this: 8 day of September, 2015.

Notary Signature: *Pamela K Barnaby*

(Notary Seal)



**Cherokee County Rezoning and Amendments
Applicant Response Statement**

We, Don and Katherine Edwards, are currently under contract to purchase the property located at 7946 Highway 92, Woodstock, GA 30189. The property is currently zoned R-40 and we are requesting a rezoning to light industrial.

We own Bug-Off Exterminators, Inc. and our business requires zoning of light industrial in Cherokee County. The properties nearby are currently zoned light industrial, heavy industrial, and neighborhood commercial. There are several residential properties behind the property. We will be using the property primarily for office space and plan to park larger vehicles inside.

Our company has been in Woodstock since 1986 and we have many customers in the community. We actually service customers near the property. We currently have seventeen employees, so this should not impact the traffic in the area. Our route technicians take their trucks home in the evenings, so no vehicles should be parked outside after hours or on the weekends.

This location will give us additional visibility to the community and we hope to service more customers in Woodstock and the surrounding areas.

Cherokee County Planning & Land Use Development
1130 Bluffs Parkway
Canton, GA 30114

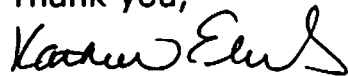
Re: Rezoning 7946 Highway 92, Woodstock, GA 30189

As requested by the planning commission the following items have been addressed.

1. Attached are copies of the property plat.
2. A slab-on-grade thickness test was performed in the gym building by Construction Testing & Analysis, Inc. A copy of their findings is attached.
3. We contacted Curtis Powell at the Cartersville DOT. He verified that the driveway is one way exit only.
4. Attached is a copy of a fire exit plan provided by the sellers.

Please let me know if you need any additional information on these items.

Thank you,



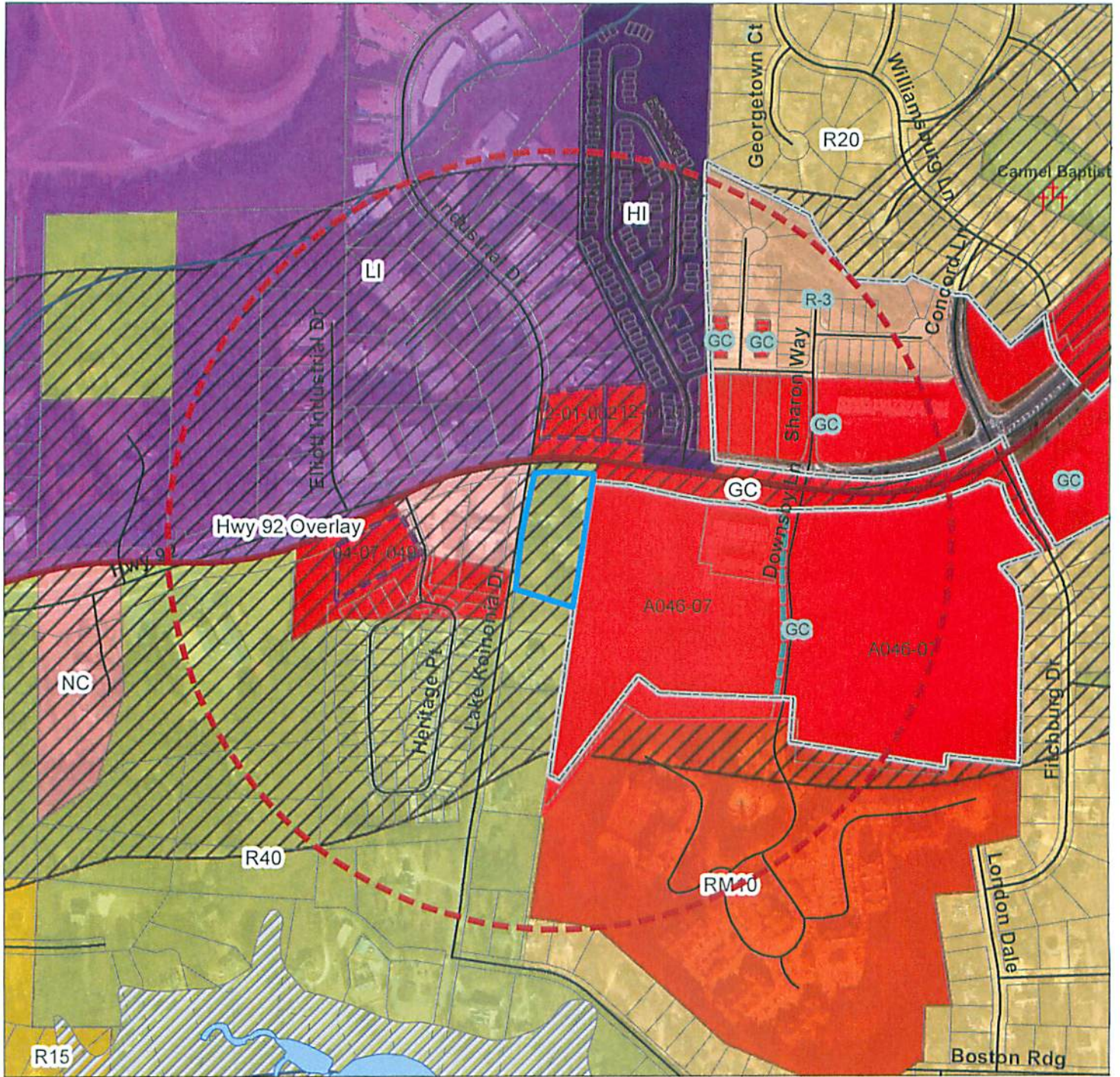
Katherine Edwards

Existing Site



Case # 15-11-026 - Don & Katherine Edwards

Current Cherokee County Zoning Map



Legend

- Rezoning Parcels
- Cemeteries
- Major Roads
- Streets
- 1/4 mile radius
- Recent Zoning Cases
- City Annexations
- 100 Year Flood Zone

- ### Cherokee Zoning
- AG
 - R80
 - R60
 - R40
 - R30
 - R20
 - R15
 - RD3
 - R10
 - RZL
 - RA

- RTH
- RM10
- RM16
- TND
- PUD
- OI
- NC
- GC
- LI
- HI
- Bells Ferry Overlay
- Hwy 92 Overlay

- ### Woodstock Zoning
- GC
 - NC
 - OSI
 - PUD
 - R-1
 - R-2
 - R-3
 - R-4



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.

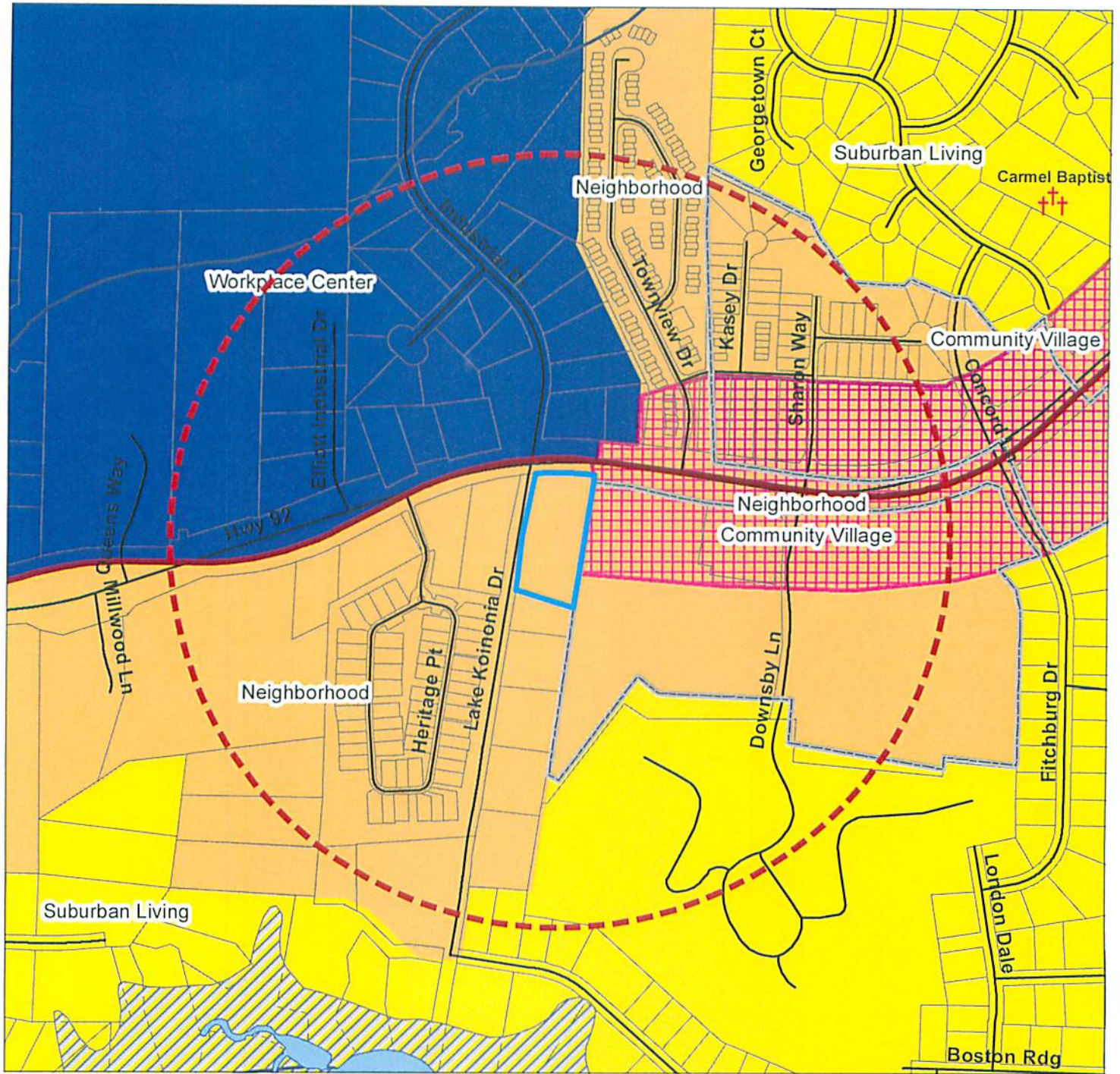


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
September 30, 2015



Case # 15-11-026 - Don & Katherine Edwards

Future Development Map from the Comprehensive Plan



Legend

- | | | | |
|---------------------|------------------------|--------------------------|----------------------------------|
| Rezoning Parcels | Character Areas | Development Nodes | Woodstock Character Areas |
| Cemeteries | Natural Preserve | County Crossroads | Natural Preserve |
| Major Roads | Rural Places | Hamlet | Community Facilities |
| Streets | Country Estates | Neighborhood Village | Suburban Living |
| 1/4 mile radius | Suburban Growth | Community Village | Traditional Neighborhood |
| 100 Year Flood Zone | Suburban Living | Corridors | Neighborhood Living |
| | Neighborhood Living | Scenic Corridor | Urban Village |
| | Bells Ferry LCI | Transitional Corridor | Neighborhood Village |
| | Urban Core | Development Corridor | Community Village |
| | Workplace Center | | Urban Core |
| | Regional Center | | Regional Center |
| | Waste Management | | Workplace Center |
| | | | Transit Oriented Development |

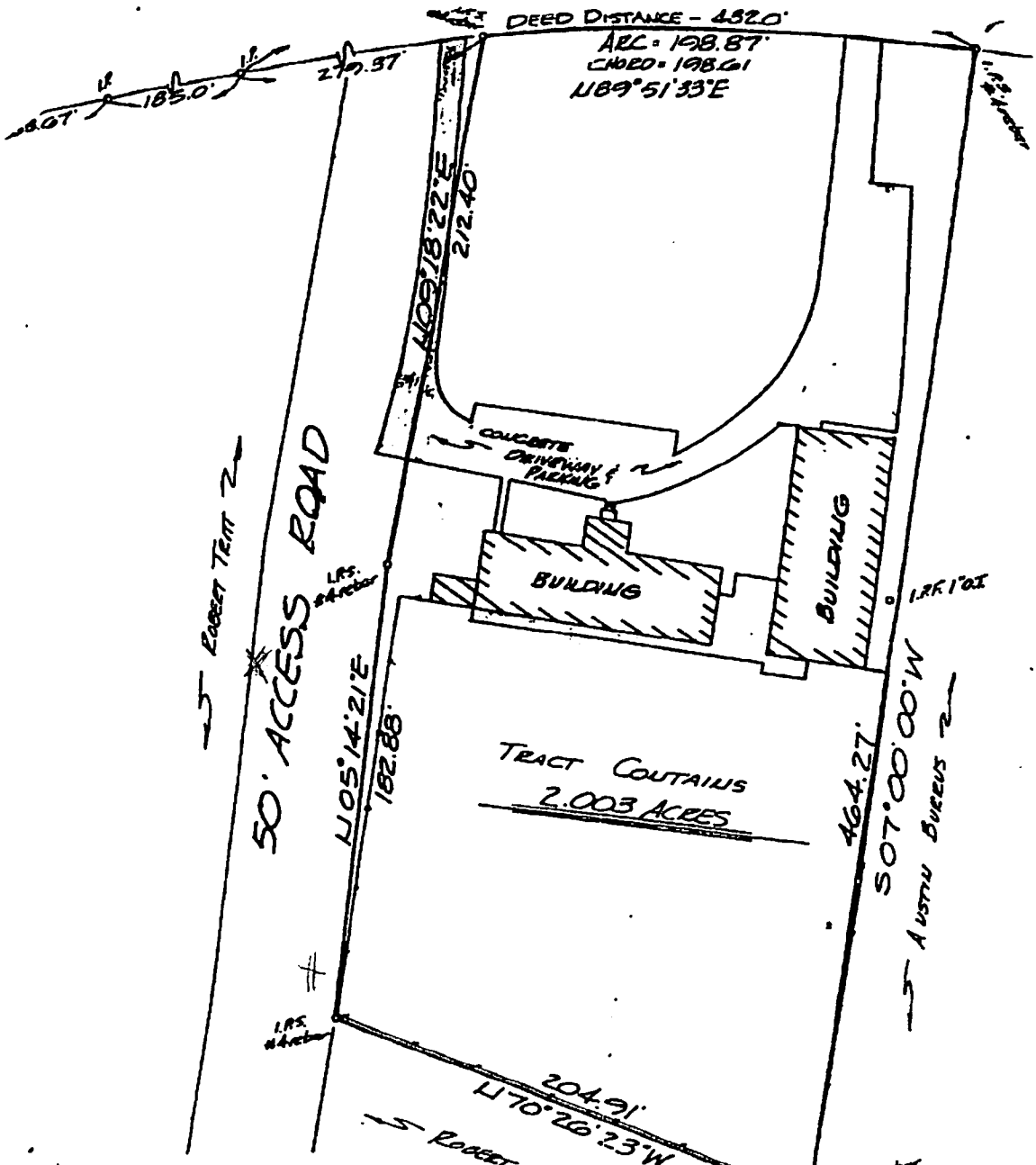


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Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
September 30, 2015



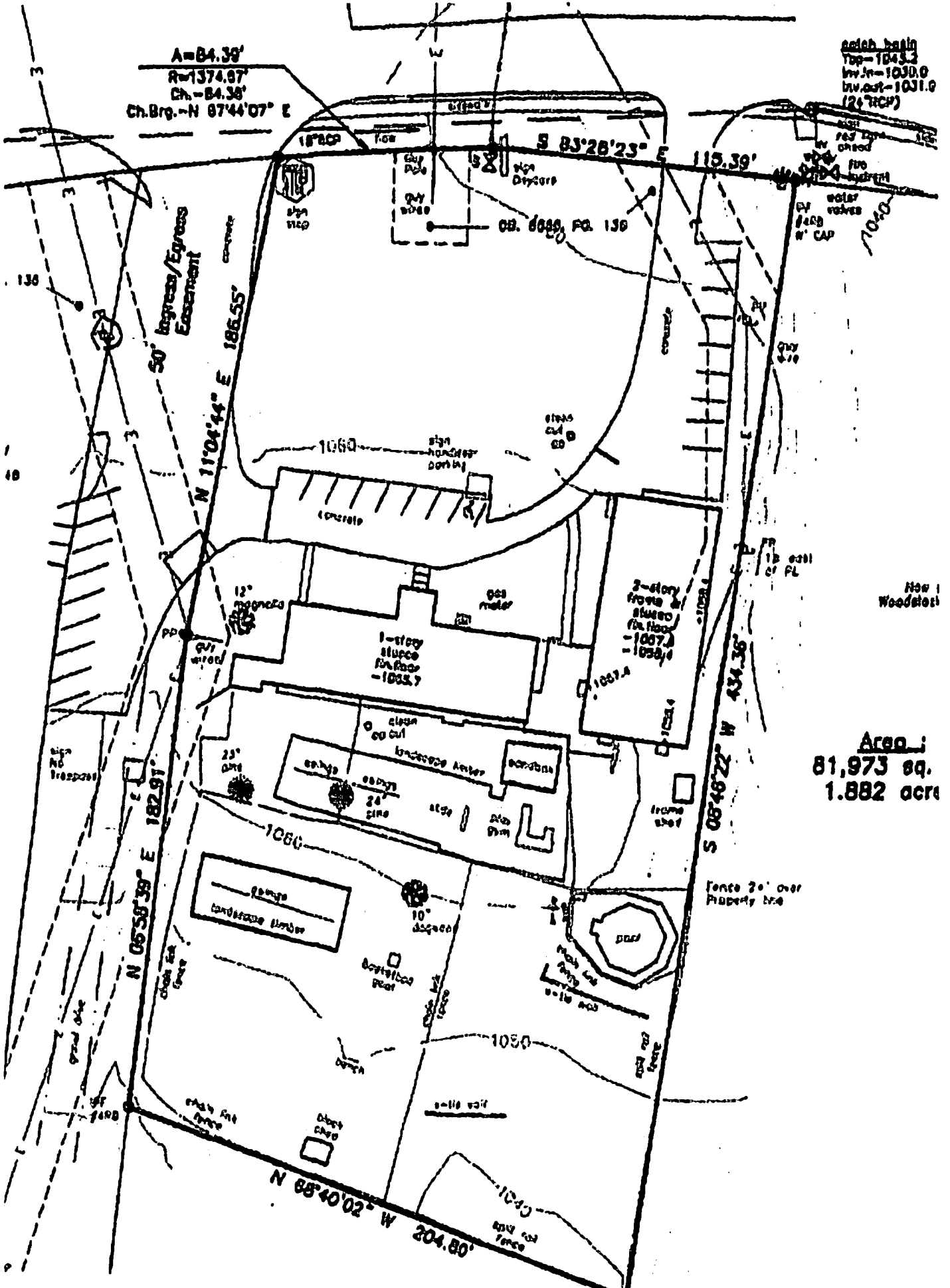


SURVEY FOR
WILLIAM J. CAMPBELL AND
GERALDINE S. CAMPBELL
 PROPERTY LOCATED IN L.L. 1220, 15TH DISTRICT, 2ND SECTION
 CHEROKEE COUNTY, GEORGIA
 DATE: MAY 7, 1980

SCALE: 1" = 50'



1.1. RE 1" O.T.
 1.1. RE 1" O.T.
 1.1. RE 3/4" PIPE



A=84.36'
R=1374.97'
Ch.=84.38'
Ch. Brg.=N 07°44'07" E

sech. basin
Top=1043.3
Inv. In=1030.0
Inv. out=1031.0
(24' RCP)

Area:
81,973 sq.
1.882 acre

Now of Farmers

DEED DISTANCE - 432.0'

ARC = 198.87'
CHORD = 198.61'
118°51'33"E

279.37'

N09°18'22"E
212.40'

50' ACCESS ROAD

1 P.S.
#4 rebar

N05°14'21"E
182.88'

CONCRETE DRIVEWAY & PARKING

BUILDING

BUILDING

1 P.F. 1" O.I.

TRACT CONTAINS
2.003 ACRES

464.27'

S07°00'00"W

AUSTIN BUREAU

1 P.S.
#4 rebar

204.91'
N70°7'

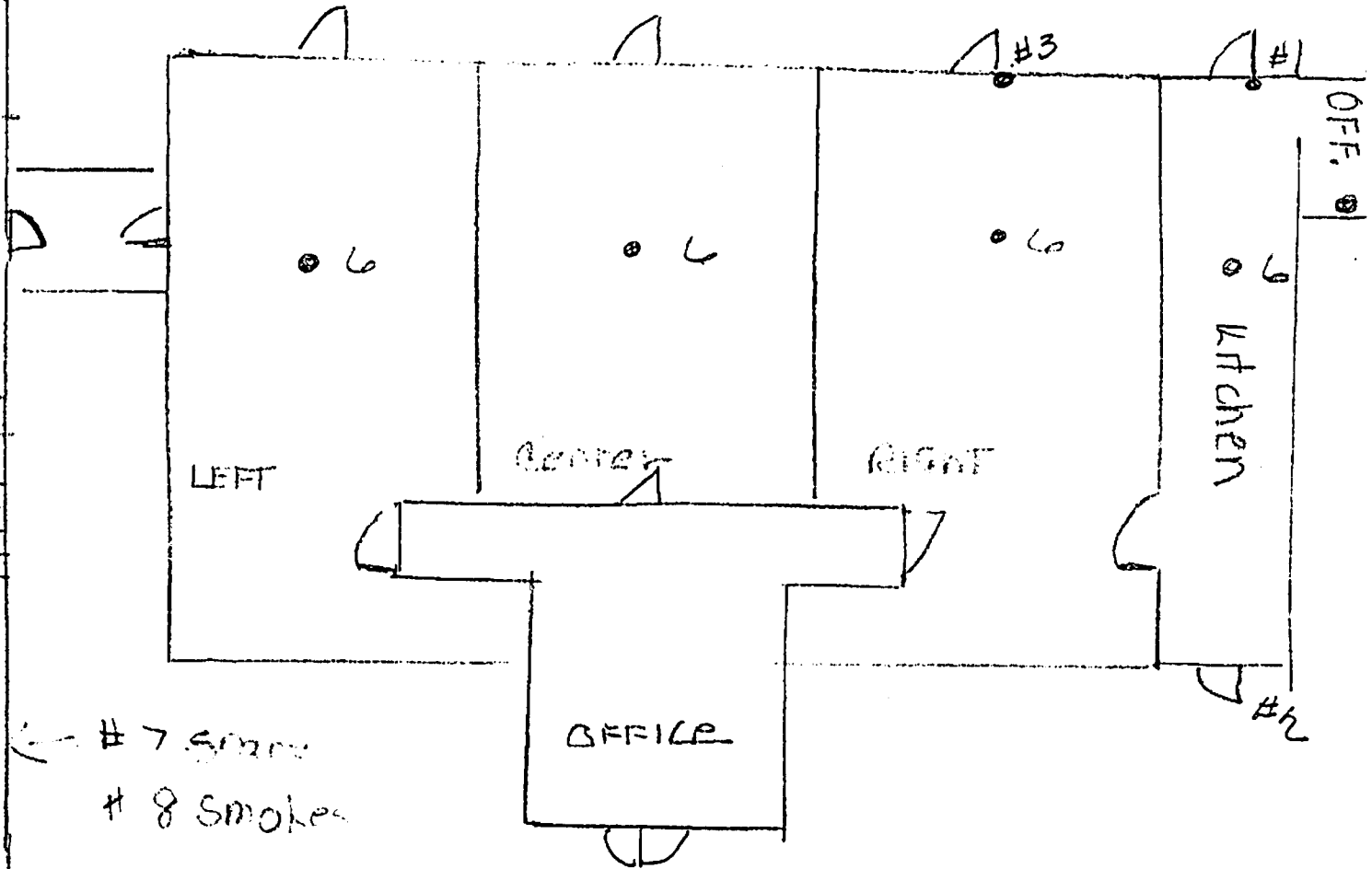
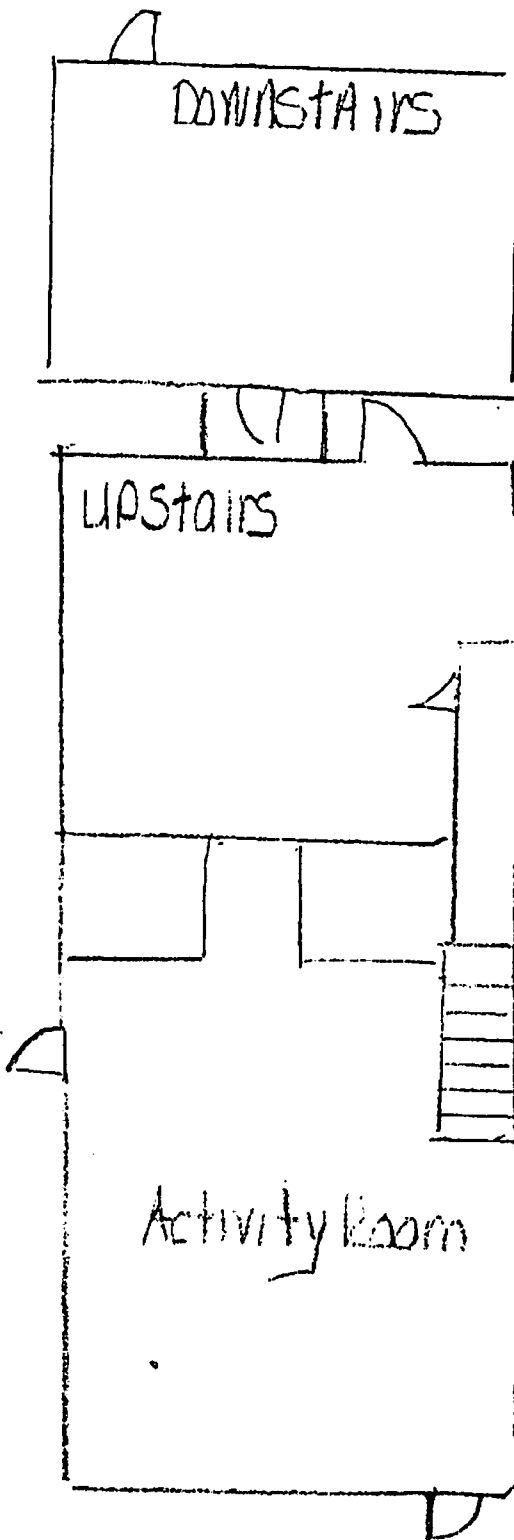
FIRE EXIT PLAN

~~Map to use~~

- 1- Back Door
- 2- Kit Door
- 3- Right classroom doors kit
- 4- classroom

5. Manual Pulls

6. Smokes



#7 Smokes
#8 Smokes

CONSTRUCTION TESTING & ANALYSIS INCORPORATED

September 16, 2015

Bug Off Extermintaors, Inc.
127 Mill Street
Woodstock, Georgia 30188

ATT: Don Edwards

RE: 7946 Highway 92
Woodstock, Georgia
Project# 15-186-1

Dear Mr. Edwards:

As requested, an engineer from Construction Testing & Analysis, Inc. visited the above mentioned site on September 16, 2015 in order to check the slab-on-grade thickness.

It is our understanding that it is proposed to create two bays in the existing structure to provide storage of light duty vehicles and for loading and unloading supplies. At the time of our visit, the slab was covered with a thin carpet.

Utilizing a $\frac{3}{4}$ inch diameter bit on a hammer drill, two areas of the slab were drilled to check the thickness of the existing concrete. The slab was drilled in each of the two proposed bay areas. For purposes of this report, the bays are identified as Bay 1 and Bay 2. Bay 1 is on the left and Bay 2 is on the right as one faces the building from the street.

The thickness of the existing concrete ranged from 5.1 inches in Bay 2 to 6.25 inches in Bay 1. There were no voids between the slab and the underlying soils. The underlying soils consisted of stiff residual red-brown sandy silts. The residual soils exhibited an allowable soil bearing pressure of 5000PSF.

Based on the thickness of the existing slab-on-grade and the soil bearing pressures, the slab is adequate to support typical loaded $\frac{1}{2}$ to 1 ton pick-up trucks and vans.

We have enjoyed working with you on this project. If you have any questions or we can be of further service, please feel free to contact this office.

CONSTRUCTION TESTING & ANALYSIS, INC.



Charles T. Almand, P.E.
President

STATE OF GEORGIA, County of Cherokee

THIS INDENTURE, Made this 9th day of May in the Year of Our Lord One Thousand Nine Hundred and Eighty between Robert L. Tritt and Ima Jean Tritt

of the State of Georgia and County of Cherokee of the first part, and Geraldine S. Campbell and William J. Campbell

of the State of Georgia and County of Cobb of the second part.

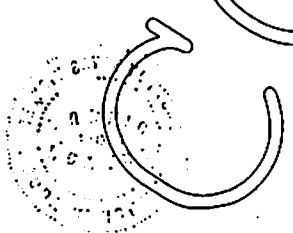
WITNESSETH: That the said part ies of the first part, for and in consideration of the sum of 100 Dollars,

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 do es grant, bargain, sell and convey unto the said part ies of the second part, their heirs and assigns, all that tract or parcel of land lying in L.L. 1220, 15th District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

BEGINNING at a point where the south right-of-way of S.R. 92 (being a 100' R/W) intersects the east land lot line of L.L. 1221 and the west land lot line of L.L. 1220, thence running northeasterly along said right-of-way 748.04' to a point; said point being the north west corner of the subject property and the point of beginning; thence running N89°51'33"E, ARC 198.87 feet (Chord 198.61 feet) to a point; thence running S07°00'00"W, 464.27 feet to a point; thence running N70°26'23"W, 204.91 feet to a point that intersects the east side of a fifty foot wide access road running northward to S.R. 92; thence running N05°14'21"E, 182.88 feet to a point, thence running N09°18'22"E, 212.4 feet to the south side of the right-of-way of S.R. 92 and the point of beginning.

Said property being 2.003 Acres and being more particularly described by a survey made for William J. Campbell and Geraldine S. Campbell, by Thomas M. Cinn, Sr., Registered Surveyor #1549, dated May 7, 1980. Said survey being made a part of this instrument by reference herein as Exhibit A. Said subject property herein shall include the right to continuous, uninterrupted and perpetual use of a fifty foot access road that is located on the west side of the property herein and said access road shall extend from S.R. 92 south to the end of the subject property. Said perpetual use shall run with the land and shall extend to all heirs, successors and assigns in title.

Said property is a portion of a larger parcel of land as set out in Deed Book 125, Page 659, and said subject property is conveyed subject to a superior outstanding debt in favor of First National Bank of Cobb County, as set out in Deed Book 225, Page 663.



Cherokee County, Georgia
Real Estate Transfer Tax
Paid \$ 275.00
Date 7-10-80
Christina J. Fleming
Clerk of Superior Court

76

288-76

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereto, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said part... of the second part, heirs and assigns, forever, in Fee Simple.

AND THE SAID part... of the first part, for... their heirs, executors and administrators, with warrant and forever defend the right and title to the above described property, unto the said part... of the second part, their heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the said part... of the first part has hereunto set their hand and seal... the day and year above written.

Witnesses and delivered in presence of:

[Signature]
Notary Public, State of Georgia
My Comm. Expires May 22, 1990

[Signature]
ROBERT L. TRITT
(Seal)

[Signature]
Notary Public, State of Georgia
My Comm. Expires May 22, 1990

[Signature]
T.M. JEAN TRITT
(Seal)



Rec. 7-10-80

WARRANTY DEED
(Long Form)

FROM

TO

GEORGIA, County of *Cherokee*

Clerk's Office, Superior Court

Filed for Record at *9:15* o'clock *A*. M.

Recorded in Deed Book *288* Folio *25*

Annette Fleming, Clerk

4.50 pr
Cady Holman Properties

ANNETTE FLEMING
Clerk, Superior Court of Cherokee County

Public Participation Report

We, Don and Katherine Edwards, held a public participation meeting Wednesday, September 16th, 2015 at the Cherokee County Community Services Center, 100 Ridgemill Court, Acworth, GA 30102 at 6:30 pm.

We mailed 107 on Friday, September 11th, 2015 to the interested parties given to us by Cherokee County Planning and Land Use Department. We invited property owners and interested parties to attend so we could address any questions or concerns they may have.

Those in attendance were the buyers, Don Edwards and Katherine Edwards; the sellers, William and Geraldine Campbell; agent for the buyers, Joe Porter; and agent for the sellers, Peter Psareas. Please find an attached sheet with the names and signatures of those present.

The meeting began at 6:30 pm and commenced at 7:20 pm. There were no concerns, issues or problems presented at the meeting. Please find attached the certificate of mailing for those property owners with the public participation target area.

Public Participation Meeting
September 16, 2015

Rezoning 7946 Highway 92, Woodstock, GA 30189

Please sign & print your name below:

- 1. Don Edwards DON EDWARDS
- 2. Katherine Edwards KATHERINE EDWARDS
- 3. Joe Porter Joe Porter
- 4. William J Campbell WILLIAM J CAMPBELL
- 5. Geraldine S Campbell GERALDINE S CAMPBELL
- 6. Peter Barcum Peter Barcum
- 7. _____
- 8. _____
- 9. _____
- 10. _____
- 11. _____
- 12. _____
- 13. _____
- 14. _____
- 15. _____
- 16. _____
- 17. _____
- 18. _____
- 19. _____
- 20. _____



Staff Report

Case No: 15-11-026
Applicant Name: Don and Katherine Edwards
Location: 7946 Highway 92
(15N06, 295)
From/To: R-40 to LI
Proposed Use: Pest Control Business
Commission Post: 4

	Existing Zoning	Existing Land Use
North	GC and LI	Multi-Tenant Building and Entrance to South Cherokee Industrial Park.
South	R-40	Vacant Lot
East	GC	City of Woodstock (Vacant and RaceTrac)
West	NC	Multi-Tenant Building across Lake Koinonia Drive

Future Development Map

Character Area/Node/Corridor	Description
Neighborhood Living	Urbanized and growth oriented areas, adjacent to identified activity centers with higher densities. Various types of residential dwellings, and mixed use developments.

Analysis and Comment

The subject parcel totals 1.88 acres and lies on the south side of Highway 92 at Koinonia Drive. The Public Participation Meeting was held on September 16, 2015 with no attendees other than those associated with the application. A Site Resource Map was not required we have received no letters in support of or in opposition to this petition. The application is not consistent with the Future Development Map designation of Neighborhood Living.

1 Findings

1.1 Engineering Department

- SR 92 is a four-lane divided arterial roadway. In 2014, the Georgia DOT recorded a daily traffic volume of approximately 30,000 vehicles per day on SR 92 near the location of this application. The site is currently an existing day care center with existing access driveways onto SR 92. There are currently no planned improvements to this section of SR 92. The Georgia Department of Transportation would approve any modifications to the existing site access onto SR 92. It is the opinion of the Cherokee County Engineering Department that SR 92 should be able to handle the traffic generated by this application.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA did not send a report.

1.3 Cherokee County Board of Education

- No report received.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #15-11-026 Community Agenda Analysis	
Section 1 – Community Vision	
Community	Woodstock - Highway 92 (near Dixie Speedway)
Vision: <ul style="list-style-type: none"> - Natural beauty and diversity make Cherokee County a desirable and sustainable community. - Commitment to grow responsibly from a rich agricultural foundation through careful community design. - Responsible stewardship of Lake Allatoona and Etowah River for water supply and recreational opportunities. - Balance needed between housing, employment, education, recreation, infrastructure and community services. 	
<i>This rezoning would permit the expansion of an existing, local business.</i>	
Section 2 - Core Issues	
Project Supports	
Diverse Economic Opportunities	This proposal supports the expansion of an existing business.
Planning for Sustainable Growth	This property is on a major arterial. There is water and sewer available here.
Designing with the Environment	The proposal does not show significant land disturbance or grading.
Preserve and Enhance Sense of Place	All buildings will be renovated for this new use but no major exterior changes.
Project is Neutral	
Aging in Place	No evidence of impact.
Housing Choice	No evidence of impact.
Land Use Patterns that Promote Connectivity and Mobility	From the previous use, the property already has a circular commercial drive from both road frontages. No opportunities at this time for additional connections. Good location for service business.
Project Neglects	
Section 3 – Character Area Description	
Character Area	Neighborhood Living
<p><i>Neighborhood Living is intended to be predominately residential but may include neighborhood shopping or small retail and professional uses. The requested LI is not one of the suggested zoning districts in this area but the proposed land use is consistent.</i></p> <p>Things to Consider:</p> <ul style="list-style-type: none"> - Existing commercial day care use on the property. - LI land uses across Hwy 92. - This is primarily an office use with few parked vehicles associated with the business. 	
Node or Corridor	N/A

COUNTY ENGINEER

CASE NUMBER: 15-11-026
APPLICANT: Don & Katherine Edwards
PRESENT ZONING: R-40
PROPOSED ZONING: LI

What is the primary public access to this application and is it adequate?
State Route 92 is the primary public access for this application.

What is the current condition of the primary access road to this application? (ie: traffic volumes, geometry, accident history, etc.)
SR 92 is a four-lane divided arterial roadway. In 2014, the Georgia DOT recorded a daily traffic volume of approximately 30,000 vehicles per day on SR 92 near the location of this application. The site is currently an existing day care center with existing access driveways onto SR 92.

List any specific improvements planned for the primary access road and the estimated date scheduled.
There are currently no planned improvements to this section of SR 92.

Should the application be approved to proceed, what specific transportation improvements, if any, will be required to be in place by the time the project is in operation in order to maintain an acceptable level of service?
The Georgia Department of Transportation would approve any modifications to the existing site access onto SR 92.

Is the property in the 100-year floodplain or a probable wetland?
No

Percentage?
Not Applicable

What tributary or stream will the surface runoff eventually enter?
Tate Creek

In what basin is the project located?
Alatoona Reservoir

General remarks/comments:
None

Conclusion:
It is the opinion of the Cherokee County Engineering Department that SR 92 should be able to handle the traffic generated by this application.



Cherokee County, Georgia Agenda Request

SUBJECT:
Case #15-11-027 Chris and Michelle Coyne
(BOC Dist. 3)

MEETING DATE:
11/3/2015

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 1.0 +/- acres at 6375 Holly Springs Pkwy from GC to LI for a pest control office.

FACTS AND ISSUES:

Commission District: 3
Zoning Change: GC to LI
Location: 6375 Holly Springs Pkwy
Tax Map and Parcel No: 15N16, 103
Acres: 1.0 +/-
Proposed Development: Pest Control Office
Future Development Map: Suburban Living/Neighborhood Village

BUDGET:

Budgeted Amount: Account Name:
Amount Encumbered: Account #:
Amount Spent to Date: Remaining Budget:
Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Current Zoning Map	Exhibit
<input type="checkbox"/> FDM	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Notice Sign	Exhibit
<input type="checkbox"/> Dept Comments	Exhibit



CHEROKEE COUNTY
Application for Public Hearing

Important Notes:

- 1. Please check all information supplied on the following pages to ensure your response is complete and accurate before signing this form. This page should be the first page of your completed application package.
2. All required documents for this application shall be submitted at the same time as the application. An application for a Public Hearing will not be scheduled unless and until it is complete.
3. Please contact the Planning and Land Use Department at 678-493-6101 if you have questions regarding your application package or the public hearing process for your application.

SECTION I

Contact Person: Michelle Coyne Phone: 678-232-8673
Email: mmgcoyne@gmail.com

Applicant's Information:

Name: Chris & Michelle Coyne
Address: 248 Highlands Dr Phone: 678-232-8673
City, State, Zip: Woodstock GA 30188

Property Owner's Information: [] same as above [] see attached authorization forms (multiple properties)

Name: Grace Fountain
Address: 372 Lawson Drive Phone: 770-479-3305
City, State, Zip: Canton GA 30115

Requested Public Hearing (check all that apply):

- [X] Rezoning [] Amendment / Modification of Zoning
[] Variance / Appeal [] Other: _____

STAFF USE ONLY:

Commission District: 3
Case: 15-11-027
CityView # PL2015-0440
Received by:
Fee Paid: \$ 750.00
Date: 9.18.15

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 9.17.15
PC Work Session Date: 10.19.15
Planning Commission Hearing: 11.3.15
Board of Commissioners: 11.17.15
Zoning Board of Appeals: N/A
Other: Prefile 9/8/15

SECTION II

Property Information:

Location: 6375 Holly Spring Parkway, Woodstock GA 30188

Current Zoning: GC Proposed Zoning: LI Total Acreage: 1 A ±

Tax Map #: 15 N 16 Parcel #: 103 Land Lot(s): 775 District: 15

Future Development Map Designation: _____

Adjacent Zonings: North GC South GC East R40/AG West City of Holly Springs

Applicant's Request (Itemize the Proposal, including code sections for Variance requests):

Rezone From GC to LI

Proposed Use(s) of Property:

Pest Control Office

Applicant Affidavit:

Upon receipt of the completed application package, the Planning and Land Use Department shall notify the applicant of scheduled date, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, Michelle Coyne, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 18th day of September, 20 15.

Print Name Michelle Coyne

Applicant Signature Michelle Coyne



Paige Sims 9/18/15
Paige Sims

SECTION III

Infrastructure Information:

Is water available to this site? Yes No Jurisdiction: _____

How is sewage from this site to be managed?

Septic

Will this proposal result in an increase in school enrollment? Yes No

If yes, what is the projected increase? _____ students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
Multi Family (Attached) Home		0.287	

Traffic Generation:

A traffic impact study prepared by a registered engineer will be required if the proposed subdivision exceeds 250 dwelling units; the non-residential development contains more than 25,000 square feet of floor area; or at the discretion of the County Engineer. If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? _____ trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment		6.63	

Notes:
 * Residential land uses are calculated based on the number of residential units. Commercial and industrial land uses are typically calculated based on square feet (sqft) of floor area for the use.
 + Residential daily trip ends per unit are shown. Contact Planning and Land Use staff about rates for other land uses.

CAMPAIGN DISCLOSURE STATEMENT

Nothing in Chapter 36 of OCGA shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

No, I have not made any campaign contribution to County Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

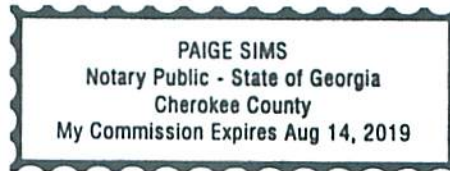
Signature of Applicant: Michelle Coyne Date: 9/18/15

Print Name: Michelle Coyne

Sworn to and Subscribed before me this: 18th day of September, 20 15.

Notary Signature: Paige Sims
Paige Sims

(Notary Seal)



SECTION IV

CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a zone change has complied with the O.C.G.A. § 36-67A, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

Signature of Applicant: Michelle Coyne Date: 9-17-15

Print Name: Michelle Coyne

Signature of Applicant's Attorney: n/a Date: _____

Print Name: _____ Title: _____

Sworn to and Subscribed before me this: 18th day of September, 20 15.

Notary Signature: Paige Sims
Paige Sims

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, Grace W. Fountain, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

- Rezoning
- Variance / Appeal
- Amendment / Modification of Zoning Conditions
- Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Michelle & Chris Coyne
 Address: 248 Highlands Drive Phone: 678-232-8673
 City, State, Zip: Woodstock GA 30188

Property Owner's Information:

Name: Grace W. Fountain
 Address: 6375 Holly Springs Parkway Phone: 770-479-3305
 City, State, Zip: Woodstock . GA 30188

* Signature of Owner: Grace W. Fountain Date: 9/18/2015
 Print Name: Grace W. Fountain

Sworn to and Subscribed before me this: 18 day of September, 2015.

Notary Signature: Patsy R. Headrick



**Rezoning Application
For
6375 Holly Springs Parkway
Woodstock GA 30188
Michelle and Chris Coyne
Coyne Pest Control LLC
September 18, 2015**

Section V

- 1. We would like to purchase this piece of property and use the existing building for a Pest Control Business as our home office no longer meets our expanding business needs.**
- 2. The said property is between an accounting office and a Pool Supply business. There is an industrial park less than .5 miles down the road. There is currently an excavation lot on the other side of the Pool Supply Business. We feel that with the type of business we have, our office would fit perfectly with the surrounding businesses.**
- 3. The location is not currently in use. Our Business and the proposed rezoning of this property would not adversely affect usability of adjacent or nearby property.**
- 4. The property could have a reasonable economic use as currently zoned but has not been occupied for almost a year and prior to the last 8 month business for several years.**
- 5. The proposed zoning will not result in a use which will or could cause an excessive or burdensome use of existing resources. Our business will get very little "foot traffic" as would most other businesses operating under light industrial. The less than one acre space also does not provide the ability to grow a light industrial business to a level that would tax the local resources.**
- 6. Yes.**
- 7. We are aware of no existing or changing conditions affecting the use and development of the property which give supporting grounds for disapproval of the proposed zoning. We believe having a thriving, occupied building with owners who expect to make improvements in the future would support approval of the proposed rezoning.**



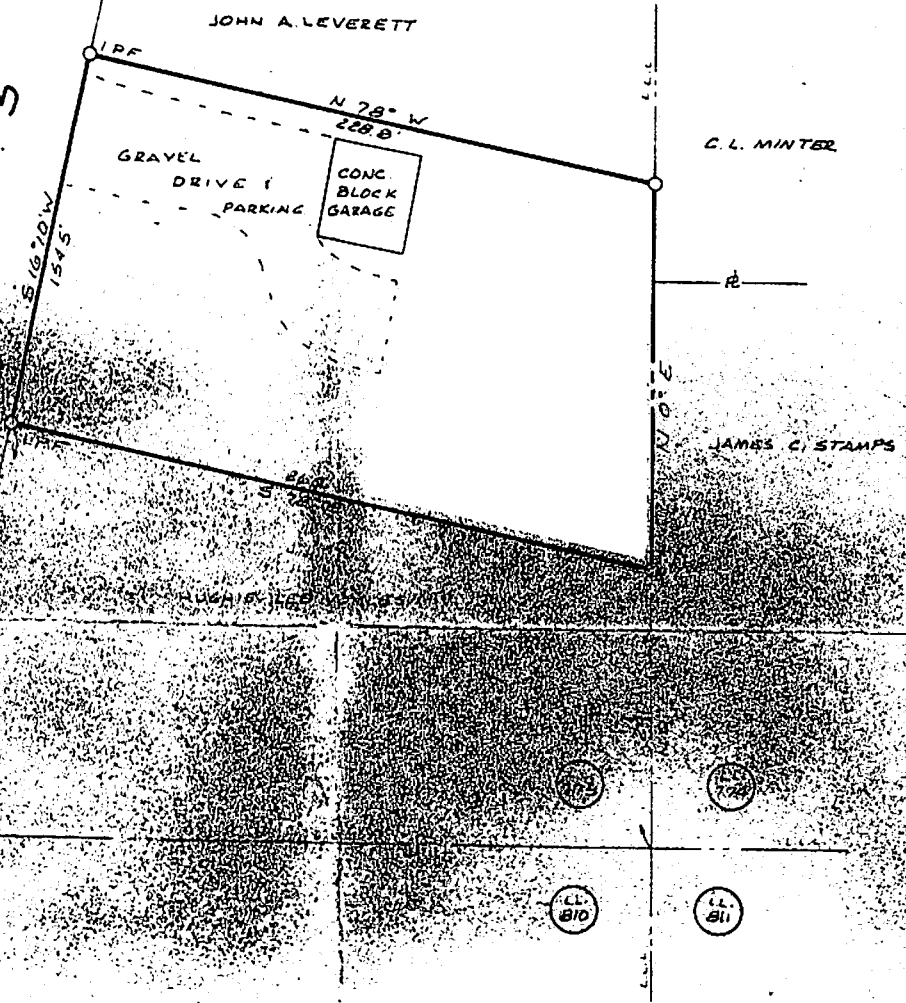




NOTES
 1) BOUNDARY LINES OF THIS TRACT
 SECURE DEED OF JERRY THACKER
 AND EMMETT FOUNTAIN DATED 11/11/83
 RECORDED IN DEED BOOK 137 PAGE 340
 CHEROKEE COUNTY CLERK OF SUPERIOR
 COURT RECORDS.

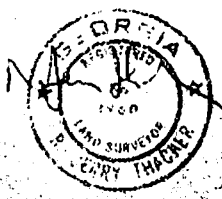
- 2) ALL MATTERS OF TITLE ARE EXCEPTED
- 3) NO BOUNDARY WORK DONE BY JERRY THACKER & ASSOC'S FIELD WORK CONSISTS OF IMPROVEMENT LOCATION ONLY

HWY. NO. 5



THIS PLAT NOT TO BE RECORDED

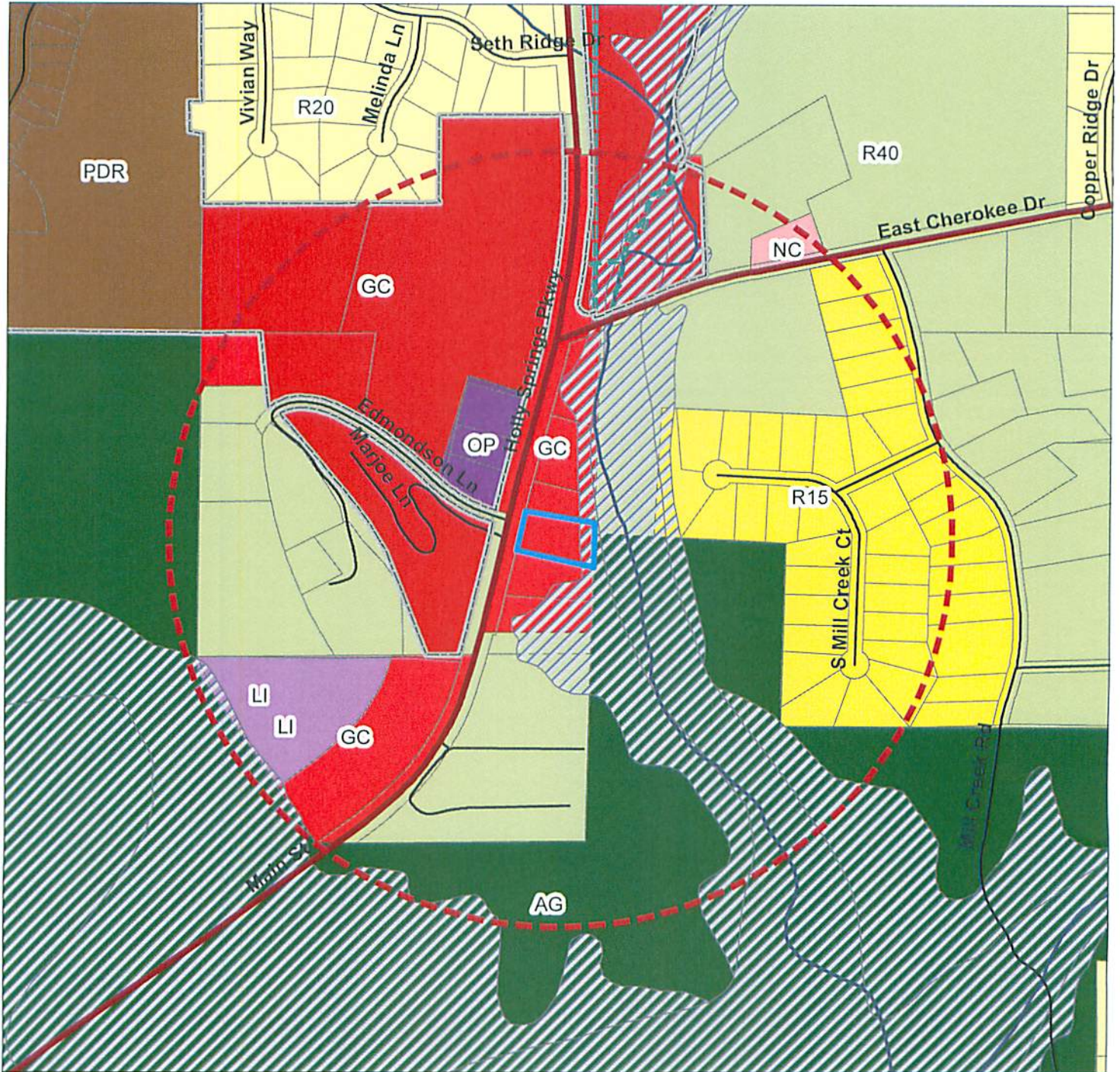
JOB NO. 83-5002-154E



LEGEND		TYPE OF SURVEY: LOCATION	
1. IPP - IRON PIN PLACED (1/2" REINFORCING BAR)		SUBDIVISION:	
2. IPF - IRON PIN FOUND		SURVEY FOR:	
3. CT - CRIMP TOP PIN		EMMETT FOUNTAIN	
4. OT - OPEN TOP PIN		MORTGAGE:	
5. LLL - LAND LOT LINE		LAND LOT(S) 775	DISTRICT 15, SECTION 2
6. R/W - RIGHT OF WAY		CITY:	CHEROKEE CO., GEORGIA
7. R - PROPERTY LINE		SCALE: 1 IN. = 50 FT.	REVISION DATES:
8. C - CENTERLINE		PREPARED 8-25-83 BY:	
9. -X- FENCE LINE		JERRY THACKER & ASSOCIATES	
10. ● PINS PLACED ON LINE		CONSULTING CIVIL ENGINEERING	
II.		LAND SURVEYING COMPUTER SERVICES	
FIELD BOOK 125 PAGE 28		26 E. MAIN STREET CANTON, GEORGIA 30115	
FIELD WORK BY R/T		404-497-4971 CANTON, GEORGIA 30115	
DRAWN BY R/T		404-497-7268 (ATL. NO.)	
DATE OF PLOT		404-894-0720 NORWELL	
JOB NO. 83-5002-154E			

Case # 15-11-027 - Chris & Michelle Coyne

Current Cherokee County Zoning Map



Legend

- Rezoning Parcels
- Cemeteries
- Canton Growth Boundary
- Major Roads
- Streets
- 1/4 mile radius
- Recent Zoning Cases
- City Annexations
- 100 Year Flood Zone

Cherokee Zoning

- AG
- R80
- R60
- R40
- R30
- R20
- R15
- RD3
- R10
- RZL
- RA

Holly Springs Zoning

- RTH
- RM10
- RM16
- TND
- PUD
- OI
- NC
- GC
- LI
- HI
- Bells Ferry Overlay
- Hwy 92 Overlay

Other Zoning

- GC-General Commercial
- NC-Neighborhood Commercial
- LI-Light Industrial
- OI-Office Institutional
- PDR-Planned Development Residential
- TND-Traditional Neighborhood Development
- PUD-Planned Unit Development
- R-40-Single Family Residential Est
- R-20-Single Family Residential
- RD-20-Single Family and Duplex
- RM-Multi-Family Residential
- HDMFR-High Density Multi-Family



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.

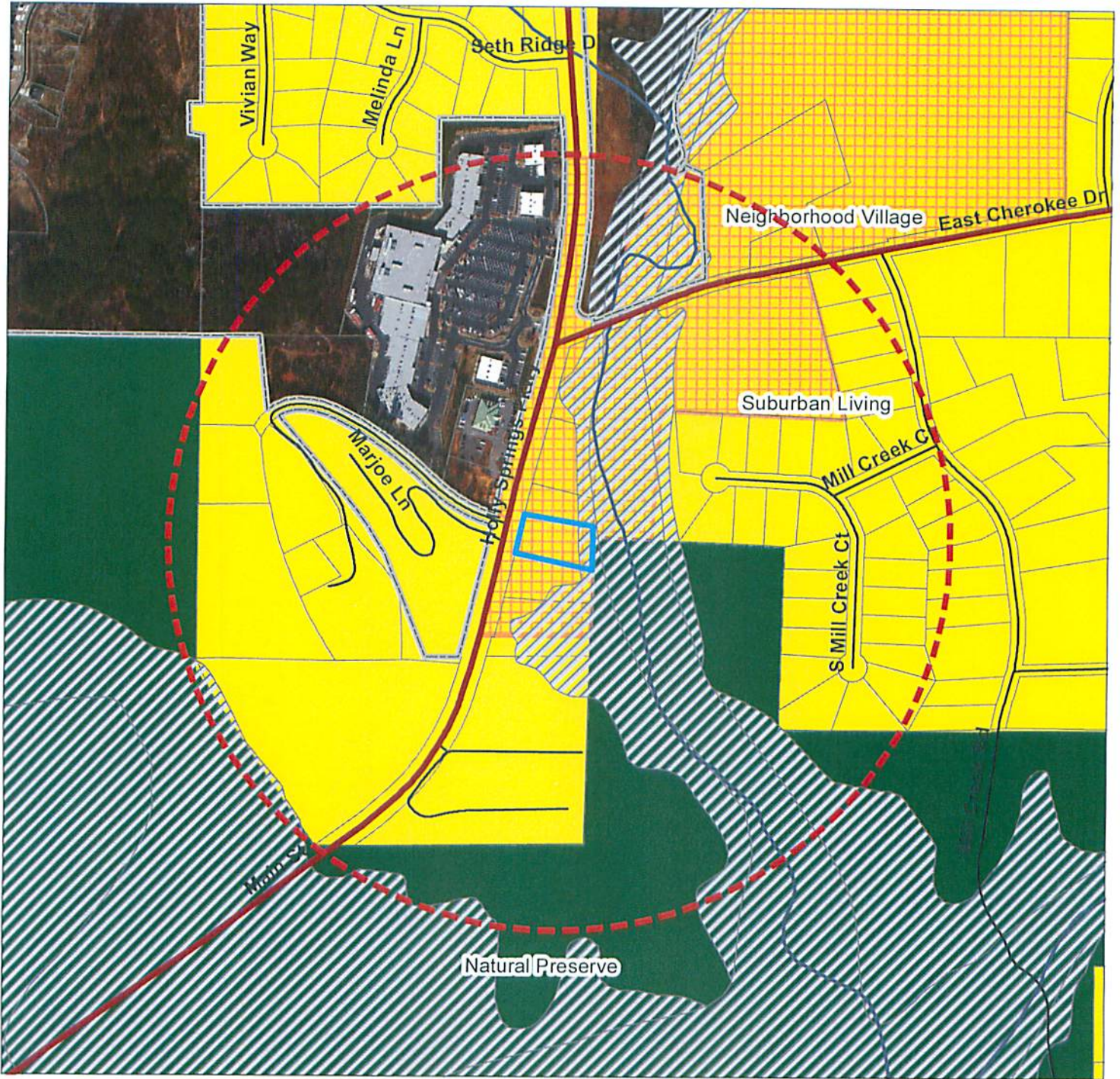


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
September 30, 2015



Case # 15-11-027 - Chris & Michelle Coyne

Future Development Map from the Comprehensive Plan



Legend

- | | | |
|------------------------|---------------------|-----------------------|
| Rezoning Parcels | Natural Preserve | County Crossroads |
| Cemeteries | Rural Places | Hamlet |
| Canton Growth Boundary | Country Estates | Neighborhood Village |
| Major Roads | Suburban Growth | Community Village |
| Streets | Suburban Living | Corridors |
| 1/4 mile radius | Neighborhood Living | Scenic Corridor |
| 100 Year Flood Zone | Bells Ferry LCI | Transitional Corridor |
| | Urban Core | Development Corridor |
| | Workplace Center | |
| | Regional Center | |
| | Waste Management | |



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
September 30, 2015



Transfer Tax \$0.00
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

QUITCLAIM DEED

E. Benson Chambers
Bray & Johnson
P. O. Box 1649
Canton, GA 30114

**STATE OF GEORGIA,
COUNTY OF CHEROKEE**

THIS INDENTURE, made this 5th day of January, in the Year of Our Lord Two Thousand and Ten, between **DIANE FOUNTAIN KELLEY** of the State of Georgia and County of Hall, of the first part, and **GRACE FOUNTAIN** of the State of Georgia and County of Cherokee, 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 GOOD AND VALUABLE CONSIDERATIONS**, in hand paid, the receipt whereof is acknowledged, has bargained, sold, and by these presents does remise, convey and forever quitclaim to the said party of the second part, her heirs and assigns,

All that tract or parcel of land lying and being in Land Lot No. 775, 15th District, and 2nd Section of Cherokee County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin located on the original East line of said Land Lot 775 a distance of 240 feet North 0 Degrees East from an iron pin located at the original Southeast corner of said Land Lot; thence along said original line North 0 Degrees East 154.5 feet to a point; thence North 78 Degrees West 228.8 feet to an iron pin located on the Easterly right of way line of State Highway Number 5; thence along said right of way South 16 Degrees 10 Minutes West 154.5 feet to an iron pin, which iron pin is located 312 feet North 16 Degrees 10 Minutes from the intersection of the East right of way line of said highway with the South line of said Land Lot Number 775; thence South 78 Degrees 30 Minutes East 260 feet to the point of beginning.

Being the same property described in that certain Warranty Deed recorded at Deed Book 3170, Page 272, Cherokee County Deed Records.

Grantor herein conveys any and all interest in the above described property as an heir at law of Emmett Fountain.

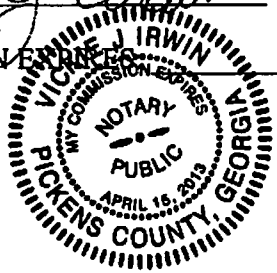
TO HAVE AND TO HOLD the said described premises to the said party of the second part, so that neither the said party of the first part nor her heirs, nor any other person or persons claiming under her shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid described premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, the said party of the first part has hereunto set her hand and his seal, the day and year above written.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF:


WITNESS
 (SEAL)
DIANE FOUNTAIN KELLEY


NOTARY PUBLIC
MY COMMISSION EXPIRES _____



COPY

Michelle and Chris Coyne
248 Highlands Drive
Woodstock GA 30188

September 18, 2015

Cherokee County Planning and Zoning Department
1130 Bluffs Parkway
Canton GA 30114

RE: Public Participation Meeting Regarding Upcoming Rezoning Application of Property Located at
6375 Holly Springs Parkway, Woodstock GA 30188

In order to comply with the requirements set forth in the rezoning application, this letter is meant to serve as a summary of the Public Participation Meeting that was held on September 17, 2015, in the Community Room at Cherokee County Recreation and Parks Agency in Woodstock GA.

The meeting was held at 6:30 pm and lasted until 7:05 pm. All property owners within 750 feet of the subject property were invited to attend the meeting via US Mail (Certificates of Mailing). We, the applicants, were available from 6:30 pm until 7:05 pm with no participants participating during that time.

We did receive two phone calls from neighbors prior to the meeting asking what type of business we intended to put on the property. We explained that we were applying to rezone the property from General Commercial to Light Industrial in order to operate our Pest Control business out of the existing building on the property. No further questions were asked and the neighbors did not express any opposition to our plan.

Thank you for your consideration of our request for rezoning.

Best Regards,

A handwritten signature in black ink that reads "Michelle Coyne". The signature is written in a cursive, flowing style.

Michelle and Chris Coyne
Coyne Pest Control LLC
678-232-8673

September 11, 2015

RE: Notice of Public Participation Meeting regarding the approximate 1 acre Rezoning Request of 6375 Holly Springs Parkway, Woodstock GA 30188, from General Commercial to Light Industrial

Dear Neighbor,

This letter is to inform you of the Public Participation Meeting being held on September 17, 2015, at the Cherokee County Recreation and Parks Agency which is located at 7545 Main Street, Building 200, Woodstock GA 30188.

The meeting will begin at 6:30 PM in the Community Room and will last approximately one hour. Although your participation in this meeting is not mandatory by any means, we would like to answer any questions you may have regarding our proposed rezoning application.

Warm Regards,

A handwritten signature in black ink that reads "Michelle Coyne". The signature is written in a cursive, flowing style.

Michelle and Chris Coyne
Applicant
248 Highlands Drive
Woodstock GA 30188
678-232-8673



ZONING
NOTICE



Staff Report

Case No: 15-11-027
Applicant Name: Michelle Coyne
Location: 6375 Holly Springs Parkway
(15N16, 103)
From/To: GC to LI
Proposed Use: Pest Control Business
Commission Post: 3

	Existing Zoning	Existing Land Use
North	GC	Offices
South	GC	North Metro Pool and Spa
East	R-40 and AG	Single Family Residential and USACOE
West	GC and O-I	City of Holly Springs-Vacant

Future Development Map

Character Area/Node/Corridor	Description
Neighborhood Village Node Suburban Living	Small-scaled commercial designated to serve a single neighborhood with access and size restrictions (50,000 sf maximum). May be part of a residential development. Established residential neighborhoods with potential infill and redevelopment opportunities.

Analysis and Comment

The subject parcel totals 1.0 acre and lies on the east side of Holly Springs Parkway across from Edmondson Lane. The Public Participation Meeting was held on September 17, 2015 with no attendees other than those associated with the application. A Site Resource Map was not required we have received no letters in support of or in opposition to this petition. The application is not consistent with the Future Development Map designation of Neighborhood Living.

1 Findings

1.1 Engineering Department

- Old Highway 5/Holly Springs Parkway is a minor arterial. In 2014, the Georgia DOT recorded a daily traffic volume of approximately 15,000 vehicles per day on Old Highway 5/Holly Springs Parkway near the location of this application. There are currently plans to improve the intersection of Old Highway 5/Holly Springs Parkway and East Cherokee Drive just to the north of this application. Those improvements consist of the following:
 1. Dual left turn lanes from southbound Hwy 5 to eastbound East Cherokee Drive.
 2. Add a receiving lane on eastbound East Cherokee Drive starting at Old Hwy 5 and ending in a right-turn lane to Mill Creek Road.
 3. Additional storage capacity/length of right turn lane from westbound East Cherokee Drive to northbound Hwy 5.
 4. Shared left/thru lane with additional left turn lane on westbound East Cherokee to southbound Hwy 5.
 5. Split phased traffic signal to handle above.
 6. Add receiving lane and taper on southbound Hwy5 for approximately 1400 feet.

The County is currently in the process of purchasing necessary right-of-way and construction easements required for the construction of this intersection improvement project. The project is currently scheduled to receive bids for construction in late spring of 2016. This section of Old Highway 5/Holly Springs Parkway is under the jurisdiction of the City of Holly Springs. The City will be making the call on what is required of the applicant during the site plan development review process. As a minimum, the intersection improvement project is already providing a commercial curb-cut for this parcel.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA did not send a report.

1.3 Cherokee County Board of Education

- No report received.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #15-11-027 Community Agenda Analysis	
Section 1 – Community Vision	
Community	Holly Springs Parkway near East Cherokee Drive
Vision: <ul style="list-style-type: none"> – Natural beauty and diversity make Cherokee County a desirable and sustainable community. – Commitment to grow responsibly from a rich agricultural foundation through careful community design. – Responsible stewardship of Lake Allatoona and Etowah River for water supply and recreational opportunities. – Balance needed between housing, employment, education, recreation, infrastructure and community services. 	
<i>This rezoning would permit the expansion of an existing, local business.</i>	
Section 2 - Core Issues	
Project Supports	
Diverse Economic Opportunities	This proposal supports the expansion of an existing business.
Planning for Sustainable Growth	This property is on a major arterial. There is water and sewer available here.
Designing with the Environment	The proposal does not show significant land disturbance or grading.
Preserve and Enhance Sense of Place	The building will be renovated for this new use but no major exterior changes.
Project is Neutral	
Aging in Place	No evidence of impact.
Housing Choice	No evidence of impact.
Land Use Patterns that Promote Connectivity and Mobility	No opportunities at this time for additional connections. Good location for service business.
Project Neglects	
Section 3 – Character Area Description	
Character Area	Suburban Living
<i>Suburban Living is intended to be residential except where there is a node or corridor.</i>	
Node or Corridor	Neighborhood Village
<p><i>Each Neighborhood Village is envisioned to be a compact assortment of retail establishments, professional services and local institutions that serve the surrounding neighborhoods. The requested LI is not one of the suggested zoning districts in this area but the proposed land use is consistent.</i></p> <p>Things to Consider:</p> <ul style="list-style-type: none"> - <i>Small property will naturally limit the size, scale and impact of any land use on this property.</i> - <i>LI zoned property across Holly Springs Parkway.</i> - <i>This is primarily an office use with few parked vehicles associated with the business.</i> 	

COUNTY ENGINEER

CASE NUMBER: 15-11-027
APPLICANT: Chris & Michelle Coyne
PRESENT ZONING: GC
PROPOSED ZONING: LI

What is the primary public access to this application and is it adequate?

Old Highway 5/Holly Springs Parkway is the primary public access for this application.

What is the current condition of the primary access road to this application? (ie: traffic volumes, geometry, accident history, etc.)

Old Highway 5/Holly Springs Parkway is a minor arterial. In 2014, the Georgia DOT recorded a daily traffic volume of approximately 15,000 vehicles per day on Old Highway 5/Holly Springs Parkway near the location of this application.

List any specific improvements planned for the primary access road and the estimated date scheduled.

There are currently plans to improve the intersection of Old Highway 5/Holly Springs Parkway and East Cherokee Drive just to the north of this application. Those improvements consist of the following:

- Dual left turn lanes from southbound Hwy 5 to eastbound East Cherokee Drive.
- Add a receiving lane on eastbound East Cherokee Drive starting at Old Hwy 5 and ending in a right-turn lane to Mill Creek Road.
- Additional storage capacity/length of right turn lane from westbound East Cherokee Drive to northbound Hwy 5.
- Shared left/thru lane with additional left turn lane on westbound East Cherokee to southbound Hwy 5.
- Split phased traffic signal to handle above.
- Add receiving lane and taper on southbound Hwy5 for approximately 1400 feet.

The County is currently in the process of purchasing necessary right-of-way and construction easements required for the construction of this intersection improvement project. The project is currently scheduled to receive bids for construction in late spring of 2016.

Should the application be approved to proceed, what specific transportation improvements, if any, will be required to be in place by the time the project is in operation in order to maintain an acceptable level of service?

This section of Old Highway 5/Holly Springs Parkway is under the jurisdiction of the City of Holly Springs. The City will be making the call on what is required of the applicant during the site plan development review process. As a minimum, the intersection improvement project is already providing a commercial curb-cut for this parcel.

Is the property in the 100-year floodplain or a probable wetland?

There is a floodplain located along the rear portion of the parcel; where it borders Badger Creek.

Percentage?

Approximately 20%

What tributary or stream will the surface runoff eventually enter?

Badger Creek

In what basin is the project located?

Alatoona Reservoir

General remarks/comments:

None

Conclusion:

It is the opinion of the Cherokee County Engineering Department that Old Highway 5/Holly Springs Parkway should be able to handle the traffic generated by this application.

Margaret Stallings

From: Geoff Morton
Sent: Tuesday, October 20, 2015 10:58 AM
To: Margaret Stallings
Subject: FW: Rezoning on Holly Springs Parkway - south of East Cherokee Drive

FYI

From: Nancy Moon [mailto:nmoon@hollyspringsga.us]
Sent: Monday, October 12, 2015 2:47 PM
To: Geoff Morton <gmorton@cherokeega.com>
Subject: RE: Rezoning on Holly Springs Parkway - south of East Cherokee Drive

We're okay since you are adding the commercial entrance with the widening project.

Thanks.

Nancy Moon

Community Development Director
City of Holly Springs
(770)345-5533
nmoon@hollyspringsga.us

From: Geoff Morton [mailto:gmorton@cherokeega.com]
Sent: Monday, October 12, 2015 11:01 AM
To: Nancy Moon
Subject: Rezoning on Holly Springs Parkway - south of East Cherokee Drive

Nancy:

The County has a request on rezoning a parcel on Old Highway 5/Holly Springs Parkway that is in your jurisdiction for roadway review.

I have attached the County's comments – anything else that I should add?

The intersection improvement project will actually improve the access for this parcel.

Let me know if I need to add anything.

Thanks

Geoff

Geoffrey E. Morton, P.E.
Public Works Agency Director
Cherokee County
1130 Bluffs Parkway
Canton, Georgia 30114
678-493-6077
gmorton@cherokeega.com

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Cherokee County, Georgia Agenda Request

SUBJECT:

Case #15-11-029 Charles C. Fryer (BOC Dist. 1)

MEETING DATE:

11/3/2015

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 0.941 +/- acres from R-40 to OI at 183 Scott Road from R-40 to OI for an Assisted/Sr. Living Facility.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-40 to OI
Location: 183 Scott Road
Tax Map and Parcel No: 14N24, 151
Acres: 0.941 +/-
Proposed Development: Assited/Sr. Living Facility
Future Development Map: Country Estates

BUDGET:

Budgeted Amount: Account Name:
Amount Encumbered: Account #:
Amount Spent to Date: Remaining Budget:
Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Current Zoning Map	Exhibit
<input type="checkbox"/> FDM	Exhibit
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Notice Signs	Exhibit
<input type="checkbox"/> Dept Comments	Exhibit



CHEROKEE COUNTY
Application for Public Hearing

Important Notes:

1. Please check all information supplied on the following pages to ensure your response is complete and accurate before signing this form. This page should be the first page of your completed application package.
2. All required documents for this application shall be submitted at the same time as the application. An application for a Public Hearing will not be scheduled unless and until it is complete.
3. Please contact the Planning and Land Use Department at 678-493-6101 if you have questions regarding your application package or the public hearing process for your application.

SECTION I

Contact Person: Charles (Chris) Fryer Phone: 770-329-0288
 Email: cfryer@CCLASSOCIATES.com

Applicant's Information:

Name: Charles C. Fryer
 Address: 2502 Macy Dr. Phone: 678-352-0595 (office)
 City, State, Zip: Roswell, GA 30076 770-329-0288 (cell)

Property Owner's Information: same as above see attached authorization forms (multiple properties)

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

- Rezoning Amendment / Modification of Zoning
 Variance / Appeal Other: _____

STAFF USE ONLY:

Commission District: 1
 Case: 15-11-029
 CityView # PL2015-0442
 Received by: _____
 Fee Paid: \$ 750.00
 Date: 10-1-15

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 9.8.15
 PC Work Session Date: 10.19.15
 Planning Commission Hearing: 11.3.15
 Board of Commissioners: 11.17.15
 Zoning Board of Appeals: N/A
 Other: _____

SECTION II

Property Information:

Location: 183 Scott Road Canton, GA

Current Zoning: R40 Proposed Zoning: OI Total Acreage: 0.941

Tax Map #: 14 N 24 Parcel #: 151 Land Lot(s): 235 District: 14th District

Future Development Map Designation: _____

Adjacent Zonings: North _____ South _____ East _____ West _____

Applicant's Request (Itemize the Proposal, including code sections for Variance requests):

Rezone to OI For future development

Proposed Use(s) of Property:

Part of a proposed Assisted/Sr. Living facility

Applicant Affidavit:

Upon receipt of the completed application package, the Planning and Land Use Department shall notify the applicant of scheduled date, times, and locations of the public meetings/hearings. The applicant or a representative must be present to answer any questions that may be asked. In the event that an application is not complete, the case may be delayed or postponed at the discretion of the department.

This form is to be executed under oath. I, Charles C. Fryer, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 8 day of September, 20 15.

Print Name Charles C. Fryer.

Applicant Signature _____


SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: City of Canton

How is sewage from this site to be managed?
TBD

Will this proposal result in an increase in school enrollment? Yes No

If yes, what is the projected increase? _____ students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
Multi Family (Attached) Home		0.287	

Traffic Generation:

A traffic impact study prepared by a registered engineer will be required if the proposed subdivision exceeds 250 dwelling units; the non-residential development contains more than 25,000 square feet of floor area; or at the discretion of the County Engineer. If a traffic study is not required as part of this application, complete the following charts to estimate traffic generated by the proposal. Information for additional residential and all commercial/industrial development shall follow the summary of ITE Trip Generation Rates published in the Transportation Planning Handbook by the Institute of Transportation Engineers.

What is the estimated number of trips generated? _____ trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends+	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment		6.63	

Notes:
 * Residential land uses are calculated based on the number of residential units. Commercial and industrial land uses are typically calculated based on square feet (sqft) of floor area for the use.
 + Residential daily trip ends per unit are shown. Contact Planning and Land Use staff about rates for other land uses.

CAMPAIGN DISCLOSURE STATEMENT

Nothing in Chapter 36 of OCGA shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.


No, I have not made any campaign contribution to County Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

Signature of Applicant:  Date: 9-8-2015
Print Name: Charles C. Fryer

Sworn to and Subscribed before me this: 8th day of September, 2015.

Notary Signature: 

(Notary Seal)



SECTION IV

CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a zone change has complied with the O.C.G.A. § 36-67A, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

Signature of Applicant: *[Handwritten Signature]* Date: 9-8-2015
Print Name: Charles C. Fryer

Signature of Applicant's Attorney: _____ Date: _____
Print Name: _____ Title: _____

Sworn to and Subscribed before me this: 8th day of September, 20 15.

Notary Signature: *[Handwritten Signature]*

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, Paul W. Harrison, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

- Rezoning
- Amendment / Modification of Zoning Conditions
- Variance / Appeal
- Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Charles C. Fryer
Address: 2502 Macy Dr. Phone: 678-352-0595
City, State, Zip: Roswell, GA 30076 770-329-0288 (cell)

Property Owner's Information:

Name: Paul W. Harrison
Address: 830 Scott Road Phone: 770-364-6122
City, State, Zip: Canton GA 30115

X Signature of Owner: *Paul W. Harrison* Date: 9-9-15
Print Name: PAUL W. HARRISON

X Sworn to and Subscribed before me this: 9th day of September, 2015.
Notary Signature: *Brittany Lauren Mason*

(Notary Seal)



AUTHORIZATON OF PROPERTY OWNER

I, Paul W. Harrison, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Charles C. Fryer

Address: 2502 Macy Dr. Phone: 678-352-0595

City, State, Zip: Roswell, GA 30076 770-329-0288 (cell)

Property Owner's Information:

Name: Paul W. Harrison

Address: 830 Scott Road Phone: 770-364-6122

City, State, Zip: Canton GA 30115

Signature of Owner: _____ Date: _____

Print Name: Paul W. Harrison

Sworn to and Subscribed before me this: _____ day of _____, 20____.

Notary Signature: _____

(Notary Seal)

September 10, 2015

Mrs. Vicki Taylor Lee, AICP
Zoning Administrator
1130 Bluffs Parkway,
Canton, GA 30114

Regarding: Map 24, Parcel 151, Land Lot 235, District 14 / 183 Scott Road, Canton GA 30188

Dear Vicki,

We are requesting to rezone the property at 183 Scott Road from R-40 to OI (Map 24 Parcel 151, Land Lot 235, District 14). We propose to change the zoning to allow CCL Associates, LLC to remove the current structures and develop a commercial building on the property.

Please review the attached preliminary proposed site plan and give me a call with any comments or questions you may have. We look forward to hearing from you and if I can be of further assistance, please don't hesitate to contact me at 678-352-0595 (office) or 770-329-0288 (cell).

Sincerely,

CCL ASSOCIATES, LLC



Charles C. Fryer

rs

FIELD BOOK N/A, PAGE N/A, FILE #081

- LEGEND:**
- 1) I.P.S. - IRON PIN SET (P.A.)
 - 2) I.P.F. - IRON PIN FOUND
 - 3) R. - REINFORCING BAR
 - 4) A. - ARC
 - 5) RAD. - RADIUS
 - 6) [Symbol] - RADIAL
 - 7) [Symbol] - NOT SOCIAL
 - 8) W.H. - WAREHOLE
 - 9) D.L. - DROP SILET
 - 10) S.L. - BUILDING LINE
 - 11) R/W - RIGHT OF WAY
 - 12) J.B. - JUNCTION BOX
 - 13) F.H. - FIRE HYDRANT
 - 14) L.L.L. - LAND LOT LINE
 - 15) C.B. - CHORD BEARING
 - 16) C.D. - CHORD DISTANCE
 - 17) N.P. - NON DE FORMERLY
 - 18) S.S. - SANITARY SEWER
 - 19) S.S.E. - SANITARY SEWER EASEMENT
 - 20) P.F. - POWER & (OR) PHONE POLE
 - 21) D.E. - DRAINAGE EASEMENT
 - 22) [Symbol] - CENTERLINE
 - 23) [Symbol] - PROPERTY LINE
 - 24) [Symbol] - OVERHEAD POWER LINE
 - 25) [Symbol] - OVERHEAD PHONE LINE
 - 26) [Symbol] - FENCE (APPROX. LOC.)
 - 27) [Symbol] - [Symbol] - STREAM (APPROX. LOC.)
 - 28) [Symbol] - [Symbol] - DITCH (APPROX. LOC.)
 - 29) [Symbol] - EXISTING CONTOUR ELEV.
 - 30) [Symbol] - SPOT ELEV.
 - 31) [Symbol] - CROSSWALK SIGNAL POLE
 - 32) [Symbol] - METAL TRAFFIC POLE
 - 33) [Symbol] - TRAFFIC BOX

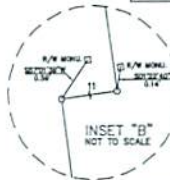
GENERAL POSITIONING SYSTEMS ACCURACY STATEMENT:
 CERTAIN DATA SHOWN ON THIS PLAN WAS OBTAINED USING GPS. THE EQUIPMENT USED TO OBTAIN THIS DATA WAS A TRIMBLE 5800 GPS RECEIVER WITH A TRIMBLE TSC2 DATA COLLECTOR RECORDING THE COORDINATES VIA AN INTERNET CONNECTION WITH WIRELESS MOBILE PHONE NETWORK. THE TECHNIQUE USED WAS RTK CORRECTED MEASUREMENTS FROM THE TRIMBLE WIRELESS NETWORK OPERATED BY WIRE NETWORK, INC. THE RELATIVE POSITIONING ACCURACY OBTAINED ON THE POINTS UTILIZED IN THIS SURVEY WERE 0.05 FEET HORIZONTAL, AND 0.07 FEET VERTICAL, AT THE 95% CONFIDENCE LEVEL.

F.E.M.A. NATIONAL FLOOD INSURANCE PROGRAM (N.F.I.P.), OFFICIAL FLOOD INSURANCE RATE MAP, MAP NO. 13025700224L, REVISED 09-22-06, SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

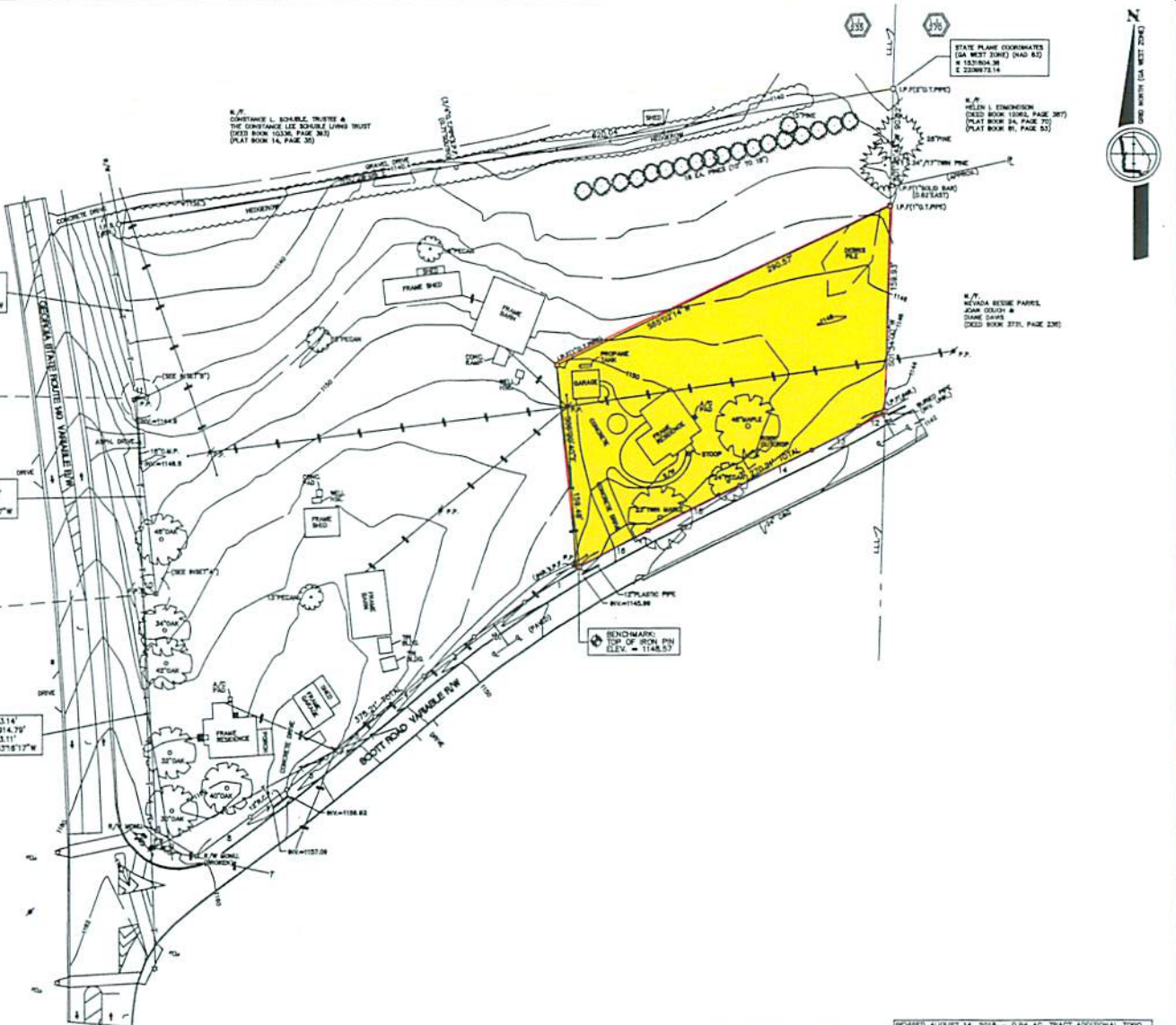
- NOTES:**
- 1) SOME UNDERGROUND UTILITIES AND UTILITY EASEMENTS, IF ANY, MAY NOT BE SHOWN.
 - 2) THIS SURVEY IS SUBJECT TO ALL RIGHTS-OF-WAY AND EASEMENTS, BOTH RECORDED AND UN-RECORDED.
 - 3) OVERHEAD UTILITY EASEMENTS, IF ANY, MAY NOT BE SHOWN.
 - 4) SOME EXISTING IMPROVEMENTS MAY NOT BE SHOWN.
 - 5) SOME FENCES MAY NOT BE SHOWN.

- REFERENCE PLATS:**
- 1) BOUNDARY SURVEY FOR PETER GARCIA & SALLY GARCIA DATED FEBRUARY 14, 1978, REVISED, FEBRUARY 28, 1978, BY JERRY THACKER & ASSOCIATES, JOB NO. 75-108-118, RECORDED IN PLAT BOOK 14, PAGE 35.
 - 2) GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT OF WAY MAPS, PROJECT NO. STP-187-(12)7-DORNOCK COUNTY, DATED: APRIL 01, 2003, REVISED LAST: APRIL 27, 2004, SHEETS 1, 2 & 3.
 - 3) COMPOSITE PLAT FOR HAL W. HELFENSON & LESLIE W. HELFENSON, DATED: APRIL 18, 1994, BY JERRY THACKER & ASSOCIATES, JOB NO. 84-554-318, RECORDED IN PLAT BOOK 24, PAGE 70.
 - 4) SURVEY FOR FRANCES MARSON, DATED: AUGUST 25, 2004, BY ROGER S. LEE, R.L.S. NO. 2234, RECORDED IN PLAT BOOK 81, PAGE 53.
 - 5)

- REFERENCE DEEDS:**
- 1) DEED BOOK 14, PAGE 506.
 - 2) DEED BOOK 7092, PAGE 181.
 - 3) DEED BOOK 3865, PAGES 228-229.



ORDER	BEARING	DISTANCE
1	S57°59'55"W	51.07'
2	S85°40'08"W	47.68'
3	S52°23'54"W	49.84'
4	S50°40'19"W	49.56'
5	S50°54'52"W	46.81'
6	S52°18'30"W	40.47'
7	S53°18'28"W	35.24'
8	S54°21'28"W	52.04'
9	N57°23'31"W	38.88'
10	N57°23'31"W	38.88'
11	N57°23'31"W	10.00'
12	S61°07'12"W	23.47'
13	S62°53'41"W	41.71'
14	S54°18'50"W	63.50'
15	S63°56'09"W	79.88'
16	S63°52'31"W	81.87'



GEORGIA811
 Utility Protection Center, Inc.
 Stop Work Before You Dig
 Call before you dig.

0' 20' 40' 80' 120' 160'

GRAPHIC SCALE - FEET

© COPYRIGHT 2014-2015 ACCESS CONSULTANTS

BOUNDARY INFORMATION SHOWN WAS TAKEN FROM "BOUNDARY SURVEY FOR SCOTT ROAD MOB, OWNER CCL ASSOCIATES, LLC" BY ACCESS CONSULTANTS, PLAT DATED JANUARY 08, 2014, JOB NO. 14-5461-020.

THE SURVEYOR'S CERTIFICATION ON THIS TOPOGRAPHIC SURVEY EXTENDS ONLY TO THE TOPOGRAPHIC ASPECTS. THIS TOPOGRAPHIC SURVEY DOES NOT CONSTITUTE A BOUNDARY SURVEY AND IS NOT TO BE RECORDED OR USED TO CONVEY PROPERTY.



ACCESS CONSULTANTS

104 HAYWOOD DRIVE
 WOODSTOCK, GA 30189
 TELEPHONE: (770)960-8848

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 45,000 FEET AND AN ANGULAR ERROR OF 3" PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 228,318 FEET.

EQUIPMENT USED FOR MEASUREMENTS:
 LEICA TOTAL STATION FOR BENCHMARK
 "ALL MATTERS OF TITLE ARE EXCEPTED"

REVISION AUGUST 14, 2015 - 0.94 AC. TRACT ADDITIONAL TOPO.

TOPOGRAPHIC SURVEY FOR -
SCOTT ROAD MOB
 - OWNER -
CCL ASSOCIATES, LLC

LAND LOT - 235
 DISTRICT - 14, SECTION - 2
 CITY - GOROKEE COUNTY, GEORGIA
 SURVEYED AND PREPARED: JANUARY 08, 2014
 DRAWN BY: WIRE HUBBER, R.L.S. SCALE: 1" = 40 FT.
 DWG FILE: 8461020.dwg
 JOB NO. 14-5461-020



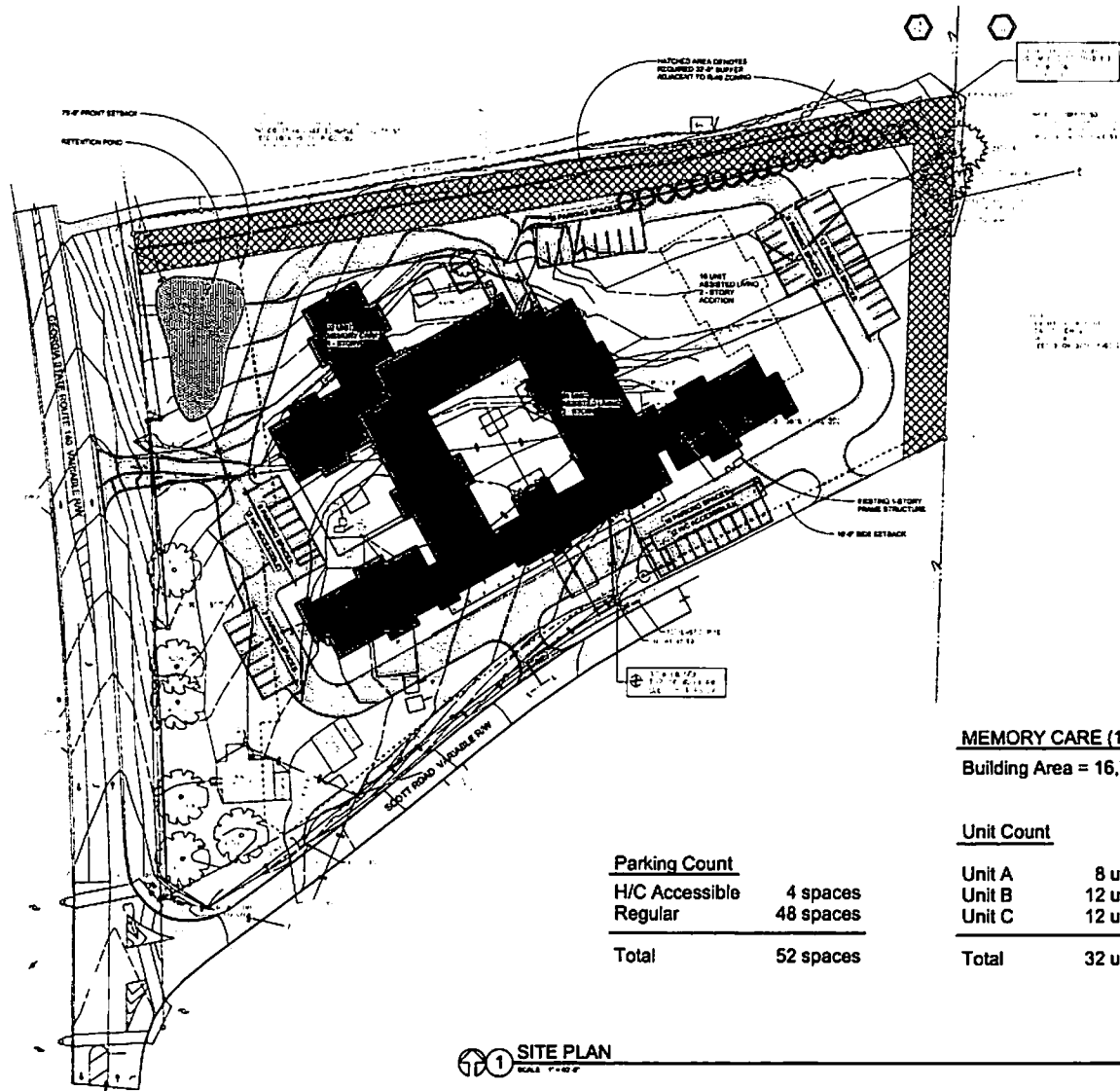
Front Rendering

Legacy Village of Forsyth County
Post Road Prototype
Cumming, Georgia

18 september 2013



franklin architects



ASSISTED LIVING

Building Area

First Floor	= 23,957 s.f.
Second Floor	= 33,733 s.f.
Total	= 57,690 s.f.

First Floor Unit Count

Two Bedroom	2 units
One Bedroom	8 units
Studio	10 units
Total	20 units

Second Floor Unit Count

Two Bedroom	2 units
One Bedroom	13 units
Studio	26 units
Total	41 units

MEMORY CARE (1st Floor)

Building Area = 16,713 s.f.

Unit Count

Unit A	8 units
Unit B	12 units
Unit C	12 units
Total	32 units

Parking Count

H/C Accessible	4 spaces
Regular	48 spaces
Total	52 spaces

Total Unit Count

Two Bedroom	4 units
One Bedroom	21 units
Studio	36 units
Total	61 units

SITE PLAN
SCALE 1"=40'



Legacy Senior Services, LLC
Assisted Living Facility
Canton, Georgia

Schematic Design
Site Plan 1"=40'



RETURN RECORDED DEED TO:
2865-228

JENKINS & BURNS, L.L.C.
4463 TOWNE LAKE PARKWAY, SUITE 100
WOODSTOCK, GEORGIA 30189

JENKINS & BURNS, L.L.C.
4463 TOWNE LAKE PARKWAY
STE 100
WOODSTOCK, GA 30189

**JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED**

CHEROKEE COUNTY, GA.
REAL ESTATE TRANSFER TAX
PAID _____
DATE Oct 15, 2014
Chas M. Gibson
CLERK OF SUPERIOR COURT

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA.
59 OCT 15 PM 3:12
BOOK 382 PAGE 220
Chas M. Gibson

STATE OF GEORGIA,
COUNTY OF CHEROKEE

This Indenture made this 23rd day of December, in the year One Thousand Nine Hundred Ninety-Eight, between J.L. FRICE, of the County of CHEROKEE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and PAUL W. HARRISON, JR. and DEIDRE HARRISON, as joint tenants with survivorship and not as tenants in common as parties of the second part, hereinafter called Grantees (the words "Grantee" 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 consequence remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

ALL THAT TRACT OF PARCEL OF LAND LYING AND BEING IN LAND LOT 236, 14TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT THE INTERSECTION OF THE NORTHWESTERLY RIGHT-OF-WAY OF SCOTT ROAD (VARIABLE RIGHT OF WAY) WITH THE EAST LAND LOT LINE OF LAND LOT 236 (ALSO BEING THE WEST LAND LOT LINE OF LAND LOT 270); RUN THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT-OF-WAY OF SCOTT ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 59 DEGREES 47 MINUTES 44 SECONDS WEST A DISTANCE OF 49.56 FEET TO A POINT; SOUTH 61 DEGREES 35 MINUTES 21 SECONDS WEST A DISTANCE OF 50.02 FEET TO A POINT; SOUTH 61 DEGREES 54 MINUTES 28 SECONDS WEST A DISTANCE OF 49.97 FEET TO A POINT; SOUTH 62 DEGREES 08 MINUTES 32 SECONDS WEST A DISTANCE OF 50.09 FEET TO A POINT; SOUTH 59 DEGREES 56 MINUTES 10 SECONDS WEST A DISTANCE OF 70.43 FEET TO A 1/2-INCH REBAR SET AND THE TRUE POINT OF BEGINNING; RUNNING THENCE NORTH 8 DEGREES 44 MINUTES 34 SECONDS WEST A DISTANCE OF 159.41 FEET TO A 1/2-INCH REBAR SET; RUNNING THENCE NORTH 62 DEGREES 41 MINUTES 00 SECONDS EAST A DISTANCE OF 296.60 FEET TO A REBAR SET LOCATED ON THE EAST LAND LOT LINE OF LAND LOT 235 (ALSO BEING THE WEST LAND LOT LINE OF LAND LOT 270); RUNNING THENCE SOUTH 60 DEGREES 59 MINUTES 30 SECONDS WEST A DISTANCE OF 270.00 FEET TO A REBAR SET; RUNNING THENCE SOUTH 0 DEGREES 46 MINUTES 37 SECONDS EAST A DISTANCE OF 160.00 FEET TO A 1/2-INCH REBAR AND THE TRUE POINT OF BEGINNING; SAID PROPERTY CONTAINING 0.087 ACRES, AND BEING MORE PARTICULARLY SHOWN ON SURVEY PREPARED BY D & S LAND SURVEYING, INC., DATED OCTOBER 12, 1998.

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 thereto, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof 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 consequence remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Annotated 44-5-19, 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 Grantees against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Grantor has hereunto set granter's hand and seal this day and year first above written.

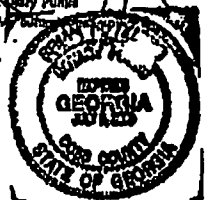
7.92

Signed, sealed and delivered in the presence of:

Morris H. Lodge
 Who

J. Louis Price (Seal)
 J.L. PRICE

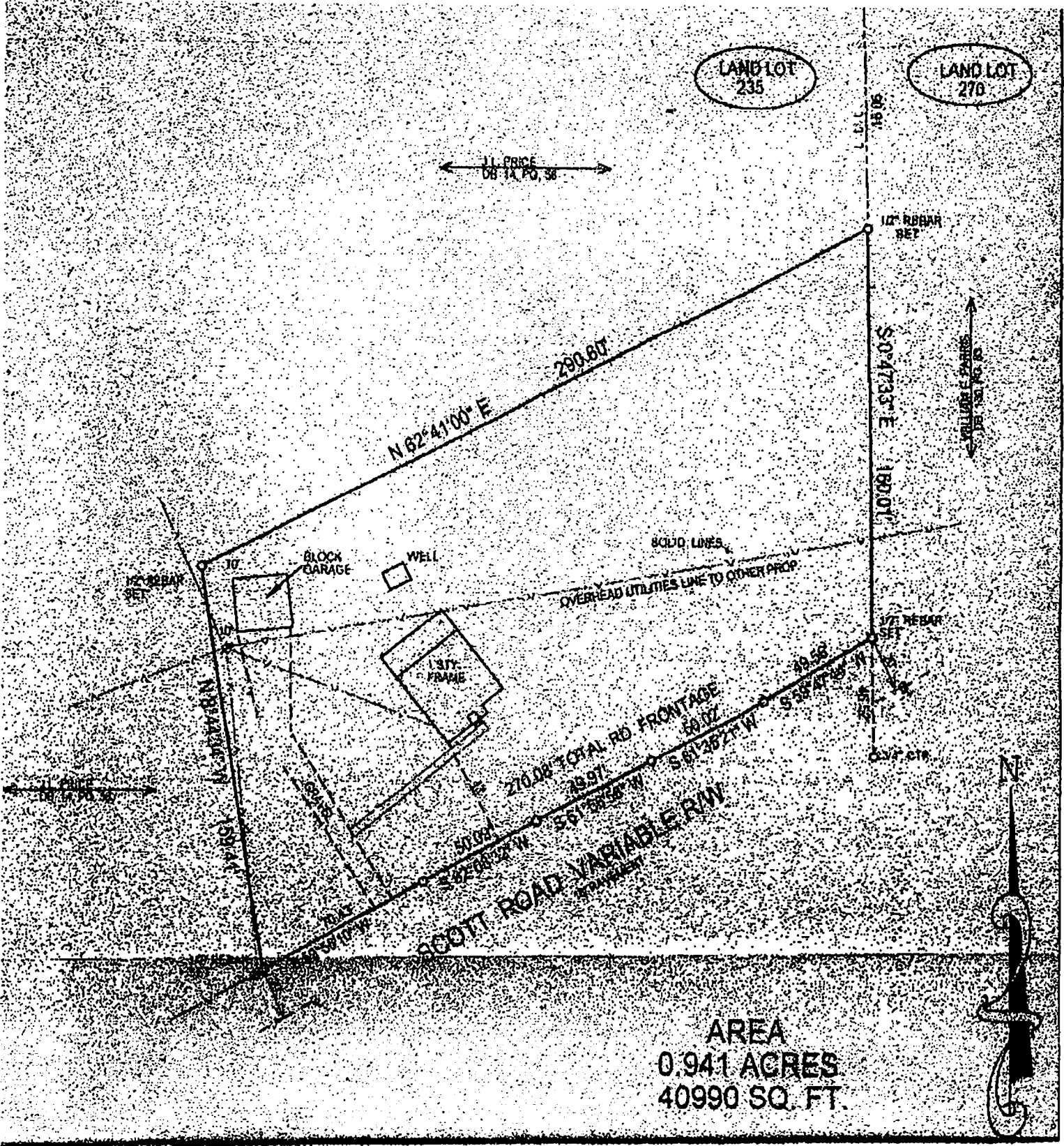
Notary Public

Notary Seal: 

_____ (Seal)

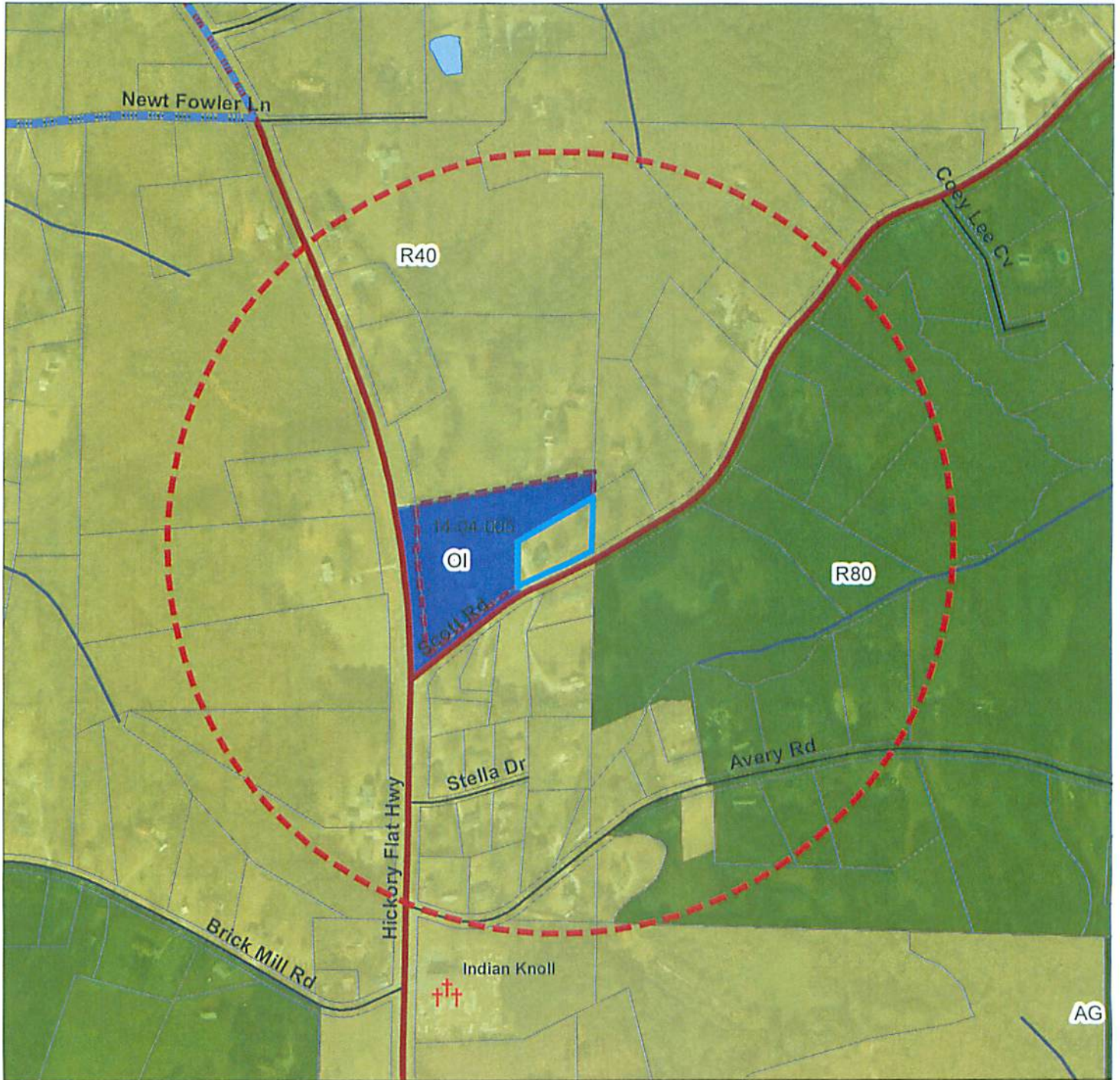
_____ (Seal)

REC-10-18-19



Case # 15-11-029 - CCL Associates, LLC

Current Cherokee County Zoning Map



Legend

Rezoning Parcels	Cherokee Zoning	RTH
Cemeteries	AG	RM10
Canton Growth Boundary	R80	RM16
Major Roads	R60	TND
Streets	R40	PUD
1/4 mile radius	R30	OI
Recent Zoning Cases	R20	NC
100 Year Flood Zone	R15	GC
	RD3	LI
	R10	HI
	RZL	Bells Ferry Overlay
	RA	Hwy 92 Overlay



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.

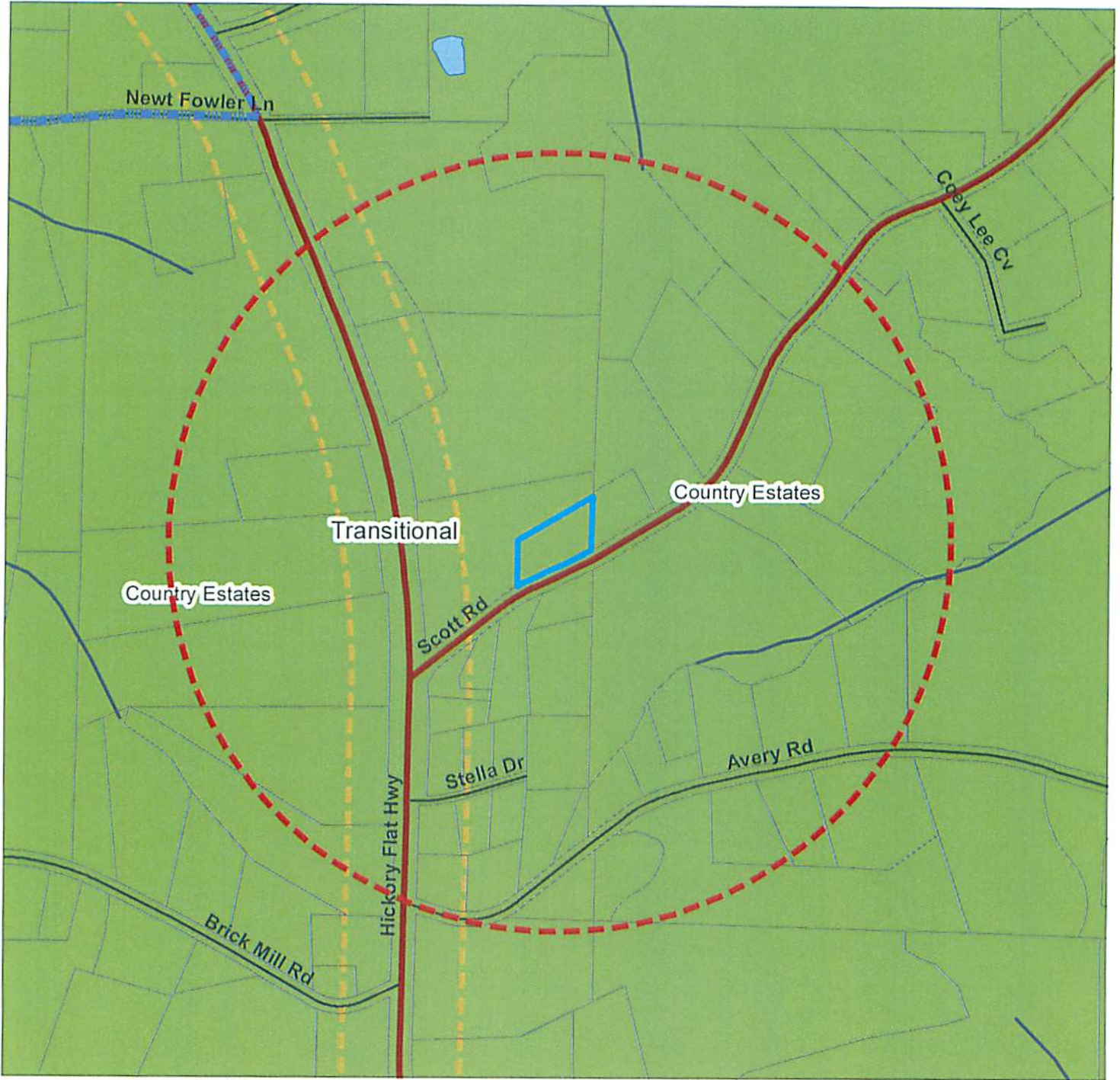


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
September 30, 2015



Case # 15-11-029 - CCL Associates, LLC

Future Development from the Comprehensive Plan



Legend

- | | | |
|------------------------|------------------------|--------------------------|
| Rezoning Parcels | Character Areas | Development Nodes |
| Canton Growth Boundary | Natural Preserve | County Crossroads |
| Major Roads | Rural Places | Hamlet |
| Streets | Country Estates | Neighborhood Village |
| 1/4 mile radius | Suburban Growth | Community Village |
| 100 Year Flood Zone | Suburban Living | Corridors |
| | Neighborhood Living | Scenic Corridor |
| | Bells Ferry LCI | Transitional Corridor |
| | Urban Core | Development Corridor |
| | Workplace Center | |
| | Regional Center | |
| | Waste Management | |



This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
September 30, 2015



MEETING MINUTES

Canton Property Rezoning
Public Participation Meeting
Canton, GA

September 8, 2015 / 6:30 pm

ATTENDEES:

Paul Harrison	183 Scott Road
Ronnie Price	373 Scott Road
Billy Adeniran	2739 Hickory Flat Hwy

Chris Fryer-CCL
Kirby Jones-CCL

Meeting Notes:

1. Meeting was held at Indian Knoll Elementary School in Canton Georgia.
2. 6:25 School cafeteria was opened by custodian.
3. 6:30 Sign in Sheet and Materials put on tables for all to use.
4. 6:40 Meeting Started and Q&A began.
5. Question: Wasn't the other property showing a medical office building? Why has that changed?
Response: A senior living facility fits the current market demand better than an MOB.
6. Question: Why do we need the additional piece of property? Resonse: It makes the layout more feasible. It also allows the entry off of Scott Road to be farther away from the light, thus creating less congestion on Scott Road.
7. Question: Is this the final drawing? Response: It is not the final approved layout/design, but general size and layout will not change unless dictated by building code or development authority.
8. All attendees had left by 7:00 pm. CCL remained at the meeting until 7:15 pm to allow for any late arriving parties. At 7:15 no additional attendees had arrived so CCL departed as well.

End of Meeting Minutes.

CCL ASSOCIATES

Chris &
Kirby

Arrived at 6:30
for Meeting

Canton Senior Living
Canton, Georgia
September 8, 2015
6:30 PM

All Attendees Left Before
7:00 PM - CCL Left
at 7:15

SIGN-IN SHEET

	<u>Name</u>	<u>Address</u>	<u>Email</u>	<u>Proximity to Proposed Project</u>
1.	Ronny Price	373 Scott Rd Canton, GA.		1/4 mile down Rd.
2.	Billy Adeniran	2739 Hickory Flat Hwy		own prop on 140. 28 ⁷³ 49
3.	Paul Harrison	183 Scott Rd		owner
4.				
5.				
6.				
7.				
8.				

**ZONING
NOTICE**

Address: 11111
City: 11111
County: 11111
Parcel: 11111
Map: 11111

7:00 P.M.

678-485-6101

www.freshstart.com



Staff Report

Case No: 15-11-029
Applicant Name: Charles Fryer for CCL
Location: 183 Scott Road
 (14N24, 151)
From/To: R-40 to O-1
Proposed Use: Assisted Living Facility
Commission Post: 1

	Existing Zoning	Existing Land Use
North	O-1	Residential
South	R-40	Residential
East	R-40	Residential
West	O-1	Residential

Future Development Map

Character Area/Node/Corridor	Description
Country Estates	And area of low intensity land use with a mixture of single-family housing on large lots and farms.

Analysis and Comment

The subject parcel is 0.941 acres and lies at the north side of Scott Road approximately 520 feet east of Hickory Flat Highway (State Route 140). A Public Participation Meeting was held on September 8, 2015 with three (3) attendees and 2 representative of CCL. An Existing Site Resource Map is present in the case file. There are no letters in support of or in opposition to this rezoning request on file. The application is not consistent with the Future Development Map.

1 Findings

1.1 Engineering Department

- The primary public access for the property in this application is State Route 140 with secondary access on Scott Road. State Route 140 is a minor arterial. The roadway is approximately 24 feet wide and has a recorded traffic volume of 12,784 vehicles per day in 2014. Scott Road is a local street and is approximately 24 feet wide with a recorded traffic volume of 2,120 vehicles per day in 2014. There are no specific improvements planned for Scott Road or SR 140 at this time other than routine maintenance. The Georgia DOT will determine any necessary improvements to SR 140 when the applicant applies for access along that route. Cherokee County will determine any necessary improvements to Scott Road when the applicant applies for access along that route. The applicant should plan on a left-turn lane and a deceleration lane at both entrances. The final determination will be made during development plan review. It is the opinion of the Cherokee County Engineering Department that State Route 140 and Scott Road should be able to handle the traffic generated by this application.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA did not submit a report, however, this address is in the City of Canton service area for water and the nearest public sewer is nearly one mile away.

1.3 Cherokee County Board of Education

- CCBOE did not submit a report.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #15-11-029 Community Agenda Analysis

Section 1 – Community Vision

Community	Canton / Hickory Flat Hwy (at Scott Road)
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Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from a rich agricultural foundation through careful community design.
- Responsible stewardship of Lake Allatoona and Etowah River for water supply and recreational opportunities.
- Balance needed between housing, employment, education, recreation, infrastructure and community services.

This rezoning would support the development of an assisted living facility.

Section 2 - Core Issues

Project Supports

Diverse Economic Opportunities	This proposal supports the development of a new institution.
Planning for Sustainable Growth	This property is on a major arterial. There is water available here.
Aging in Place	This proposal would offer opportunities for Cherokee residents to remain in the community as they age.

Project is Neutral

Housing Choice	No evidence of impact.
Land Use Patterns that Promote Connectivity and Mobility	No opportunities at this time for additional connections.

Project Neglects

Designing with the Environment	The proposal will involve significant clearing and grading of the property.
Preserve and Enhance Sense of Place	None of the existing structures would remain.

Section 3 – Character Area Description

Character Area	Country Estates
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Country Estates is intended as a mixture of active agriculture and large-lot residences. This proposal is not consistent with the character area but the surrounding parcel is in the Transitional Corridor along Hickory Flat Highway. The surrounding parcel is already zoned OI.

Things to Consider:

- Location near to Hickory Flat Hwy
- OI zoning on surrounding parcel.

Node or Corridor	N/A
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COUNTY ENGINEER

CASE NUMBER: 15-11-029
APPLICANT: Charles C. Fryer
PRESENT ZONING: R-40
PROPOSED ZONING: OI

What is the primary public access to this application and is it adequate?

The primary public access for the property in this application is State Route 140 with secondary access on Scott Road.

What is the current condition of the primary access road to this application? (ie: traffic volumes, geometry, accident history, etc.)

State Route 140 is a minor arterial. The roadway is approximately 24 feet wide and has a recorded traffic volume of 12,784 vehicles per day in 2014. Scott Road is a local street and is approximately 24 feet wide with a recorded traffic volume of 2,120 vehicles per day in 2014.

List any specific improvements planned for the primary access road and the estimated date scheduled.

There are no specific improvements planned for Scott Road or SR 140 at this time other than routine maintenance.

Should the application be approved to proceed, what specific transportation improvements, if any, will be required to be in place by the time the project is in operation in order to maintain an acceptable level of service?

The Georgia DOT will determine any necessary improvements to SR 140 when the applicant applies for access along that route. Cherokee County will determine any necessary improvements to Scott Road when the applicant applies for access along that route. The applicant should plan on a left-turn lane and a deceleration lane at both entrances. The final determination will be made during development plan review.

Is the property in the 100-year floodplain or a probable wetland?

No.

What tributary or stream will the surface runoff eventually enter?

Unnamed tributary of Canton Creek.

In what basin is the project located?

Alatoona Basin

General remarks/comments:

None.

Conclusion:

It is the opinion of the Cherokee County Engineering Department that State Route 140 and Scott Road should be able to handle the traffic generated by this application.



Cherokee County, Georgia Agenda Request

SUBJECT:
September 1, 2015 Minutes

MEETING DATE:
11/3/2015

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> September Minutes	Exhibit



Cherokee County, Georgia Agenda Request

SUBJECT:
October 6, 2015 Minutes

MEETING DATE:
11/3/2015

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> October Minutes	Exhibit

Cherokee County Planning Commission
Public Hearing Minutes
Tuesday, October 6, 2015
7:00 p.m.

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, October 6, 2015 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Richard Weatherby, Bill Dewrell, Bob Whitaker, Rick Whiteside, Scott Barnes, Thais Escondo, Ken Smith and Tom Ware. Jerald Hill was not in attendance. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator, Jeff Watkins, Development Director and Tamala Davis, Planning Technician.

The meeting was called to order at 7:26 p.m.

Zoning Cases

Case #15-10-020 Pulte Home Corporation (BOC Dist. 2)

Applicant is requesting to rezone 19.68 +/- acres on Trickum Road from R-80 (Estate Residential) to R-15 (Single Family Residential) for a conservation subdivision.

Ms. Lee stated the applicant is requesting this case be postponed.

Parks Huff, representative for Pulte Home Corporation stated they are requesting this case be postponed until next public hearing for them to reach out to the concerned neighbors.

Dr. Whiteside made a motion to continue this case until next month. Seconded by Mr. Dewrell. Unanimous approval.

Case #15-09-017 Kenneth Neal Covington (BOC Dist. 2)

Applicant is requesting to rezone 5.5 acres at 6096 Union Hill Road from R-80 to AG to continue a tree service.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated a public participation meeting and existing site resources map was not required. She stated this application is in compliance with the Future Development Map.

No one was present to represent this case. Ms. Lee stated she has had conversations with the applicant's attorney all week. She stated signs were posted and it was re-advertised. Ms. Lee stated she was not informed by his attorney that he would not be here.

Mr. Dewrell made a motion to table this case for 30 days contingent on the applicant providing documentation for reason of not attending that meets the requirements in Article 18, Section 18.3-9(e). Seconded by Mr. Barnes. Unanimous approval.

Case #15-10-021 Evans Cook Road Fifty, LLC (BOC Dist. 1)

Applicant is requesting to rezone 47.9 +/- acres at Evans Cook Road from AG (Agricultural) and R-40 (Single Family Residential) to R-40 (Single Family Residential) for a single family residential subdivision.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated a public participation meeting was held with 19 attendees and an existing site resources map was received. She stated she has received several letters in opposition to this case as well as a petition signed by 93 homeowners. She stated this application is not in compliance with the Future Development Map.

Benson Chambers represented this case. Mr. Chambers stated when zoning came about in Cherokee County this property was designated AG (Agricultural) however it has never been used for livestock or crops. He stated the Frady's started with 81 acres and there were no commercial and R-40. He stated now they have 47 acres left. Mr. Chambers stated the Frady's have never complained of a rezone near their property. He stated there are other properties on Evans Cook Road that are zoned R-40 with some less than one (1) acre. He stated part of this property is already zoned R-40, is adjacent to general commercial, adjacent to 240 homes zoned R-40, has sewer available and Engineering has determined the road is adequate.

Mr. Whitaker asked if there was anyone to speak in support of or in opposition to this request.

Tucker Fowler spoke in opposition. Mr. Fowler stated he lives at 569 William Bobo Lane and discussed his concerns with sight distance issues. He stated this zoning would adversely affect the community and increase traffic. Mr. Fowler stated his main concern is traffic.

Jim Hill spoke in opposition. Mr. Hill stated he lives at 550 Adams Road and stated this proposal is too dense for this area and is not in compliance with the Future Development Map.

Nathan Mills at 491 Adams Road spoke in opposition. Mr. Mills discussed his traffic concerns with this proposed development.

Tom Hill at 938 Evans Cook Road spoke in opposition. He stated the homeowners in this area have invested into a country estates lifestyle. Mr. Hill stated this development would adversely affect surrounding properties and is not appropriate for this area.

Edna Altard at 502 Henson Way spoke in opposition. Ms. Altard stated the entrance will be near Adams Road and the increase in traffic will cause problems.

Benson Chambers spoke in rebuttal. Mr. Chambers stated Mr. Frady plans to continue to live on this property. He stated other properties used to be Country Estates and have been developed. He stated Engineering has already commented that this road is adequate for this development.

Mr. Whitaker closed public comment.

Ms. Escondo stated this is not in compliance with the future development map and cannot support this rezone request. She stated this application is not appropriate as presented.

Dr. Whiteside stated in 2014 the Planning Commission voted to recommend R-80 and the case was withdrawn before going to Board of Commissioners. He stated he doesn't see anything has changed since their recommendation at the 2014 meeting. He stated no new information or data has been presented.

Mr. Ware stated he was not on the Board in 2014 however this proposal would interfere with residents and cannot support R-40 zoning. He stated this is not the highest and best use for this property.

Mr. Weatherby made a motion to recommend R-80. Seconded by Ms. Escondo. Seven (7) in favor, one (1) opposed. Mr. Dewrell opposed this recommendation.

Case #15-10-023 Maureen Penniman (BOC Dist. 3)

Applicant is requesting to rezone 2.85 acres at 7607 Bells Ferry Road from AG (Agricultural) to NC (Neighborhood Commercial) for commercial uses.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated a public participation meeting with 9 attendees and existing site resources map is on file. She stated this application is in compliance with the Future Development Map.

Maureen Penniman represented this case. Ms. Penniman stated there is a small house currently on the property she will use for her retail food to go and catering business. She stated she is currently located 3 miles down the road. She stated she had good feedback from the public participation meeting and had no opposition.

Mr. Whitaker asked if there was anyone to speak in favor or in opposition to this request. There being none, he closed public comment.

Mr. Dewrell made a motion to recommend approval. Seconded by Mr. Barnes. Seven (7) in favor, one (1) opposed. Mr. Ware opposed this recommendation.

Case #15-10-025 N & P Acquisitions, LLC (BOC Dist. 1)

Applicant is requesting to rezone 28.10 acres on Cumming Highway from NC (Neighborhood Commercial) and R-40 (Single Family Residential) to GC (General Commercial) for a retail center with free standing restaurants and retail stores.

Ms. Vicki Lee presented this case. She discussed staff comments, location, surrounding zoning and uses. Ms. Lee stated a public participation meeting with 7 attendees and existing site resources map is on file. She stated this application is not in compliance with the Future Development Map. Ms. Lee also discussed comments from City of Canton.

Benson Chambers represented this case. Mr. Chambers stated a portion of this property is already zoned General Commercial. He stated this project with multiple buildings would total 194,000 square feet. He stated the applicant is aware of the restrictions on the Race Trac property and has consulted with County Staff on this proposed project. Mr. Chambers stated this is an intense commercial area and traffic is being addressed.

Mr. Whitaker asked if there was anyone to speak in support of or in opposition to this request.

John Bost, Chairman of the Estates of Brooke Park spoke in favor. He stated he is representing the homeowners of this subdivision and stated they have no issues with this request and support this application.

Greg Cowart spoke in opposition. Mr. Cowart stated he is representing his parents who live on Old Doss Drive. He stated he would like to protect the residential setting on Old Doss Drive. He stated if this application is approved they would like entrance to be adjacent to Race Trac entrance, restrictions on lighting with screening of some sort and to provide buffers that are not wiped out with the road widening. He stated they have been in contact with the current property owner that has verbally agreed to uphold these stipulations.

Harris Tessler spoke in opposition. Mr. Tessler from 336 Old Doss Drive discussed his concerns with run off and how the amount of impervious area being created would affect the creek.

Mr. Whitaker stated an Engineer design is not required for rezoning.

Mr. Chambers spoke in rebuttal. He stated the applicant does expect to meet the same requirements placed on the Race Trac.

Mr. Hasty stated he has had verbal communications with the Cowart's and agree to those stipulations Mr. Cowart stated.

Ms. Escondo asked Staff about the entrance being adjacent to Race Trac. Ms. Lee stated she can encourage that.

Ms. Escondo stated the same conditions on Race Trac will need to apply to this property.

Ms. Lee stated there will be a 35 foot zoning buffer required adjoining residential property as well as meeting the requirements of the Lighting and Road Glare Ordinance.

Dr. Whiteside stated this will create 20 percent more traffic and this road is not equipped to handle this even with the improvements they have.

Mr. Whitaker stated there are already traffic problems on Highway 20.

Mr. Weatherby made a motion to approve with the conditions to include no access to Old Doss Drive until realigned, lighting, buffer issues be resolved to protect Cowart Family in accordance with their informal agreement, attempt to consolidate entrance off Old Doss Drive,

Canton streetscape requirements be adhered to that is permissible by project review and permitting.

Mr. Barnes stated that he would like to add curfews to be imposed from 7 pm to 7 am for deliveries, trash pick-up and other deliveries that may create excessive noise.

Mr. Dewrell asked would all these conditions be accepted by the applicant. Mr. Chambers stated he is not sure.

Discussion ensued regarding conditions.

Motion was seconded by Ken Smith. Seven (7) in favor, (1) opposed. Mr. Dewrell opposed .

Dr. Whiteside made a motion to adjourn. Seconded by Mr. Dewrell. Unanimous approval.

The meeting adjourned at 8:55 p.m.