



Cherokee County Planning Commission Work Session AGENDA

March 21, 2016

Business Center Conference Room 6:30 PM

CALL TO ORDER

ZONING CASES

1. Case #16-03-009 Quinton and Sandra Vaughn (BOC District 1)

Applicant is requesting to rezone 2.0 acres at 225 Key Drive from R-40 to GC for commercial uses. The public comment has been closed therefore the case is open only for consideration and a vote.

2. Case#16-04-010 Royston Bagby (BOC Dist. 1)

Applicant is requesting to rezone 1.0 +/- acres at 19005 Birmingham Hwy from R-40 to AG for residential uses.

3. Case #16-04-011 Teresa and Larry Cowart (BOC Dist. 1)

Applicant is requesting to rezone 1.0 +/- acres at 11337 Cumming Hwy from R-80 to R-40 for residential uses.

4. Case #16-04-012 James L. Jr. and Melissa Hutcheson (BOC Dist. 3)

Applicant is requesting to rezone 6.0 +/- acres at 547 and 550 Spring Lake Creek from R-40 and R-80 to AG for residential uses.

5. Case #16-04-013 Jay and Katherine Barber (BOC Dist. 3)

Applicant is requesting to rezone 6.30 acres at 3052 Knox Bridge Hwy from AG to NC for neighborhood commercial uses.

6. Case #16-04-014 Faith Community Church (BOC Dist. 4)

Applicant is requesting to rezone 0.67 acres at 287 Rope Mill Road from NC to R-40 for a church.

7. Case #16-04-015 Little River Farms, LLC (BOC Dist. 1)

Applicant is requesting to rezone 40.9 +/- acres at the corner of State Route 372 and Birmingham Hwy from AG to R-40 for a single family residential subdivision.

****Postponed until May Public Hearing****

OTHER BUSINESS

1. Public Hearing on an Amendment to Article 16.1 Highway 92 Village Ordinance

Hold a Public Hearing on an amendment to Article 16.1 Highway 92 Overlay at the April 5, 2016 Planning Commission meeting.

APPROVAL OF MINUTES

ADJOURN



Cherokee County, Georgia
Agenda Request

Item#: 1.

SUBJECT:

Case #16-03-009 Quinton and Sandra Vaughn
(BOC District 1)

MEETING DATE:

3/21/2016

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 2.0 acres at 225 Key Drive from R-40 to GC for commercial uses. The public comment has been closed therefore the case is open only for consideration and a vote.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-40 to GC
Location: 225 Key Drive
Tax Map and Parcel No: 14N23C, 029B
Acres: 2.0
Proposed Development: Commercial Uses
Future Development Map: Neighborhood Village over Suburban Growth

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"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Notice Sign	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Resolution	Exhibit
<input type="checkbox"/> Exhibits to Resolution	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: BEN KEY Phone: 404.644.8909
 Email: Key.benjamin@gmail.com

Applicant's Information:

Name: QUINTON + SANDRA VAUGHN
 Address: 225 KEY DR. Phone: 770.891.9730
 City, State, Zip: CANTON, GA 30115

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:	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: _____
Case: <u>16-03-009</u>	PC Work Session Date: _____
CityView # <u>PL 2016-083</u>	Planning Commission Hearing: _____
Received by: _____	Board of Commissioners: _____
Fee Paid: \$ _____	Zoning Board of Appeals: _____
Date: <u>1-15-16</u>	Other: _____
<u>1 SIGN</u>	

SECTION II

Property Information:

Location: 225 KEY DRIVE CANTON, GA 30115

Current Zoning: R40 Proposed Zoning: GC Total Acreage: 2.0

Tax Map #: 14 N 23C Parcel #: 029B Land Lot(s): 267 District: 14

Future Development Map Designation: NEIGHBORHOOD VILLAGE

Adjacent Zonings: North GC South R40 East GC West R40

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

APPLICANT SEEKS TO REZONE THE PROPERTY TO GENERAL COMMERCIAL IN ORDER TO MEET THE CURRENT MARKET DEMAND FOR COMMERCIAL ZONED LAND FOR DEVELOPMENT.

Proposed Use(s) of Property:

COMMERCIAL DEVELOPMENT

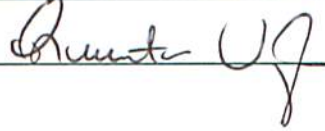
Applicant Affidavit:

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, QUINTON VAUGHN, 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 14th day of JANUARY, 20 16.

Print Name QUINTON VAUGHN

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?

THERE IS AN APPROVED SEWER LINE ALONG COMMING HWY THAT UPON COMPLETION WILL SERVE THIS SITE.

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

If yes, what is the projected increase? N/A students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	0	0.725	0
Multi Family (Attached) Home	0	0.287	0

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	0	9.57	0
220	Apartment	0	6.63	0
820	SHOPPING CENTER	5,000 SF		

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: _____

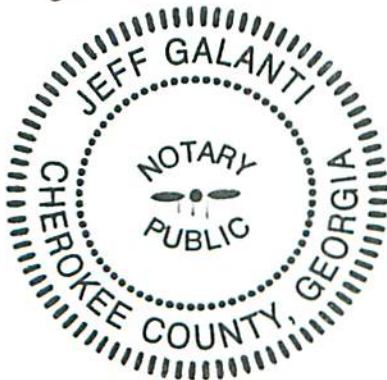
Date of Contribution: _____

Signature of Applicant: Quinton J Date: 1/14/16
Print Name: QUINTON VAUGHN

Sworn to and Subscribed before me this: 14th day of January, 2016.

Notary Signature: Jeff Galanti

(Notary Seal)



**My commission expires
June 21, 2017**

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.

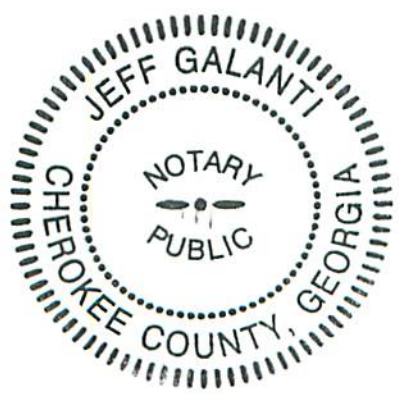
Signature of Applicant: Quintera Vaughn Date: 1/14/16
Print Name: Quintera Vaughn

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

Sworn to and Subscribed before me this: 14 day of January, 2016.

Notary Signature: Jeff Galanti

(Notary Seal)



My commission expires
June 21, 2017

AUTHORIZATION OF PROPERTY OWNER

I, QUINTON VAUGHN, 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: QUINTON VAUGHN

Address: 225 KEY DRIVE Phone: 770.891.9730

City, State, Zip: CANTON, GA 30115

Property Owner's Information:

Name: QUINTON VAUGHN

Address: 225 KEY DRIVE Phone: 770.891.9730

City, State, Zip: CANTON, GA 30115

Signature of Owner: *Quinton Vaughn* Date: 1-14-16

Print Name: QUINTON VAUGHN

Sworn to and Subscribed before me this: 14 day of January, 2016.

Notary Signature: *Jeff Galanti*

(Notary Seal)



My commission expires
June 21, 2017

APPLICANT RESPONSE STATEMENT – REZONING

1. The applicant seeks to rezone 2.0 acres located at 225 Key Drive Canton, GA 30115 from R-40 to General Commercial.
2. This zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
3. This zoning proposal will not adversely affect the existing use or usability of the adjacent and nearby property.
4. The property does not have a reasonable economic use as currently zoned and developed.
5. The proposed zoning will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property will utilize a new signalized entrance from Cumming Hwy (GA SR 20) once the eminent GDOT widening project is complete.
6. This proposal is in conformity with the policy and interest of the land use plan.
7. The area along Cumming Hwy between I-575 and Scott Road is experiencing a rapid transformation from a residential area to a regional commercial and medical center. This proposal will meet the current demand for additional land zoned for commercial uses.

02577
0269

96EB5781
WARRANTY DEED

BK PG

1/2 SELLERS & WARREN 2577 269
8681 Highway 92, Suite 200
#12 Woodstock, GA 30189

STATE OF GEORGIA
COUNTY OF CHEROKEE

THIS INDENTURE, made this 12th day of December in the
year of our Lord One Thousand Nine Hundred and NINETY SIX between
LEANNE HARRINGTON

of the State of Georgia and County of Cherokee, hereinafter
referred to as GRANTOR, and
QUINTON VAUGHN AND SANDRA VAUGHN

of the State of Georgia and County of Cherokee, hereinafter
referred to as GRANTEE.

WITNESSETH: That the said GRANTOR, for and in consideration of the sum of TEN AND OTHER

GOOD AND VALUABLE CONSIDERATION----- (\$10.00--) DOLLARS
and other good and valuable consideration in hand paid, at and before the sealing and delivery of these presents, the
receipt of which is hereby acknowledged, has granted, bargained, sold and conveyed, and by these presents does grant,
bargain, sell and convey unto the said GRANTEE (the terms "GRANTOR" and "GRANTEE" include the respective heirs,
successors and assigns of each where the context requires or permits), the following described real property, to wit:
SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE
THERETO.

SUBJECT TO ALL EASEMENTS, RESTRICTIONS AND PROTECTIVE COVENANTS OF RECORD.

Georgia, Cherokee County
Filed in office this 12 day of Dec 1996
at 1:30 PM Recorded in Book 2577 Page 269
this 12 day of Dec 1996
James M. Brown
Clerk Superior Court

CHEROKEE COUNTY, GA
REAL ESTATE TRANSFER TAX
PAID \$75.00
DATE 12-17-96
James M. Brown
CLERK OF SUPERIOR COURT

#12
48569

Subject to easements and restrictions of record.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances
thereof, to the same being, belonging, or in anywise appertaining to the only proper use, benefit and behoof of the said
GRANTEE, forever, in FREE SIMPLE.

AND THE SAID GRANTOR will warrant and forever defend the right and title to the above described property, unto
the said GRANTEE against the claims of all persons whomsoever.

IN WITNESS WHEREOF, GRANTOR has signed and sealed this deed the day and year above written.

Signed, sealed and delivered
in the presence of:

Kim Seale UNOFFICIAL WITNESS
Leanne Harrington (SEAL)
LEANNE HARRINGTON

Shirah A. Allard NOTARY PUBLIC (SEAL)
NOTARY PUBLIC

BK PG
2577 270

EXHIBIT " A "

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 287 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

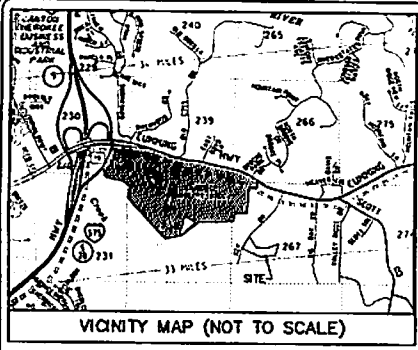
BEGINNING AT AN IRON PIN FOUND ON THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD (HAVING A 24 FOOT RIGHT OF WAY) 576.83 SOUTHWESTERLY, AS MEASURED ALONG THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD, FROM THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD WITH THE SOUTHERLY RIGHT OF WAY OF STATE ROUTE NO. 20; THENCE SOUTHWESTERLY RIGHT OF WAY OF KEY ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 44 DEGREES 24' 10" WEST, 79.44 FEET TO A POINT; SOUTH 45 DEGREES 49' 00" WEST, 92.04 FEET TO A POINT; THENCE SOUTH 44 DEGREES 03' 50" WEST, 28.52 FEET TO A POINT; THENCE LEAVING THE RIGHT OF WAY OF KEY ROAD, SOUTH 68 DEGREES 17' 17" EAST, 330.00 FEET TO A POINT; THENCE SOUTH 86 DEGREES 05' 43" EAST, 289.59 FEET TO A POINT; THENCE NORTH 02 DEGREES 03' 37" WEST, 255.50 FEET TO AN IRON PIN FOUND; THENCE SOUTH 53 DEGREES 15' 12" WEST, 173.94 FEET TO AN IRON PIN FOUND; THENCE NORTH 88 DEGREES 12' 36" WEST, 135.45 FEET TO AN IRON PIN FOUND; THENCE NORTH 49 DEGREES 59' 03" WEST, 196.17 FEET TO AN IRON PIN FOUND ON THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD AND THE POINT OF BEGINNING; CONTAINING 2.0 ACRES ACCORDING TO THAT CERTAIN PLAT OF SURVEY DATED 9/22/95, PREPARED BY A. O. CARLILE, LAND SURVEYOR, FOR DONNIE AND LEANNE HARRINGTON, WHICH SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

This Deed is given subject to all easements and restrictions of record, if any. Subject to all state and county ad valorem taxes not yet due and payable.

COPIES

ANNE M. REBEAU
CLERK, SUPERIOR COURT OF CHEROKEE COUNTY

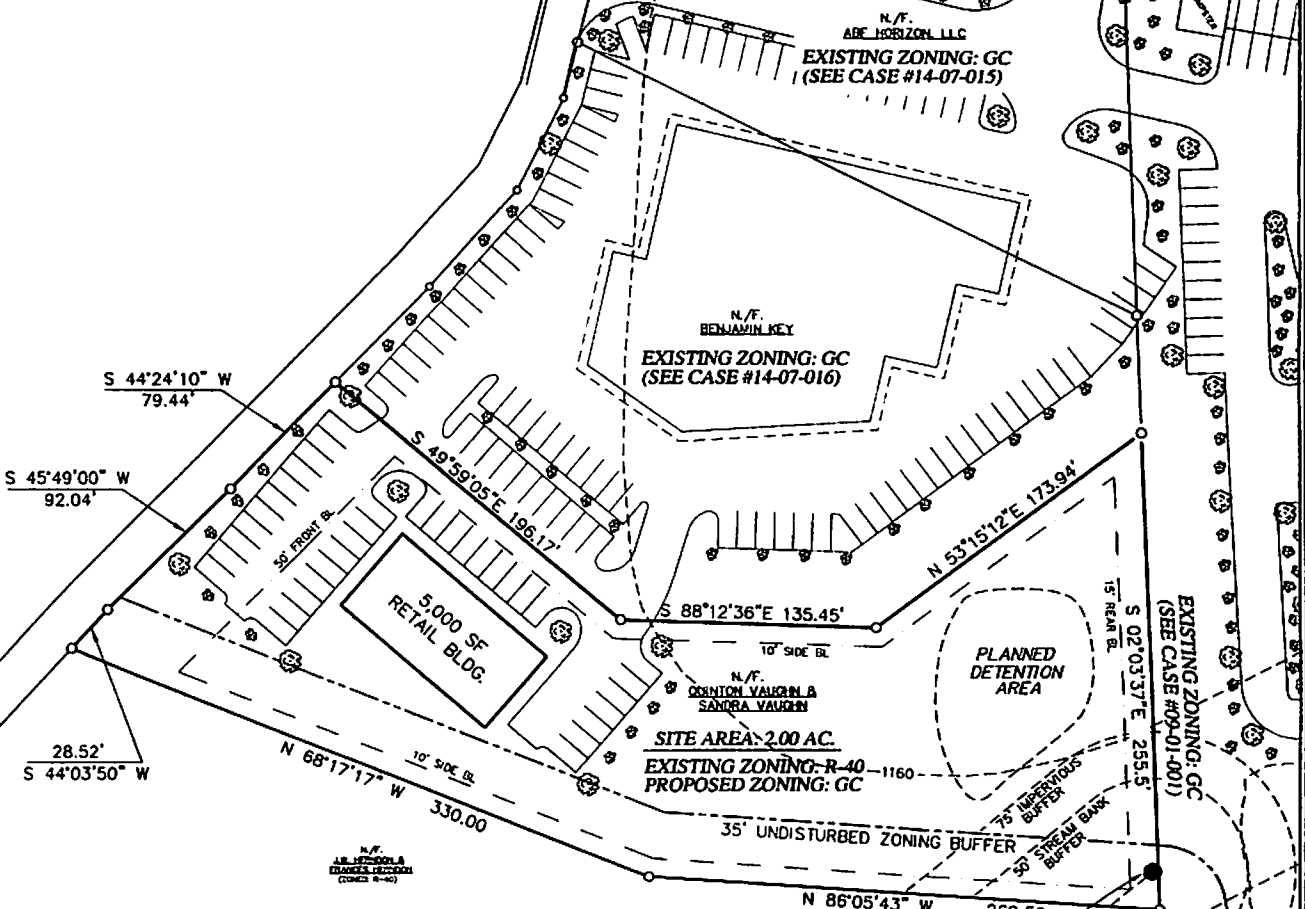
Rec. 12-18-96



FIELD BOOK: N/A, PAGE: N/A, PLOT: N/A

LEGEND

- 1) U.S. - 1/8" PER 1/4" (1/4")
- 2) U.P. - 1/8" PER FOOT
- 3) A. - CONFORMING BAY
- 4) - AC
- 5) R.C. - RADIAL
- 6) (3) - RADIAL
- 7) (4) - NOT RADIAL
- 8) M.A. - MANHOLE
- 9) S.L. - DUMP SOIL
- 10) S.L. - DRAINAGE LINE
- 11) R/W - RIGHT OF WAY
- 12) J.A. - JUNCTION BOX
- 13) F.A. - FIRE HYDRANT
- 14) L.L. - LAND LOT LINE
- 15) C.A. - CHORD BEARING
- 16) C.A. - CHORD DISTANCE
- 17) A.P. - AIR OR FORMERLY
- 18) S.P. - SURVEY POINT
- 19) S.S. - SURVEY POINT
- 20) P.P. - POWER & TELEPHONE POLE
- 21) O.E. - ORANGE EASEMENT
- 22) E. - EASEMENT
- 23) P.L. - PROPERTY LINE
- 24) O.P.L. - OVERHEAD POWER LINE
- 25) O.F.L. - OVERHEAD PHONE LINE
- 26) F.A.L. - FENCE (APPROX. LOC.)
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- 100) S.L. - STREAM (APPROX. LOC.)



"F.E.M.A. OFFICIAL FLOOD HAZARD MAP" COMMUNITY NO. 130423, PAGE 252D, DATED 9-20-09, SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

APPLICANT
 QUINTON AND SANDRA VAUGHN
 CONTACT: BEN KEY AT
 404-844-8902

PROJECT SUMMARY
 PLANNED RETAIL SPACE:
 5,000 SQUARE FEET
 TOTAL NUMBER OF PARKING SPACES: 38

PRESENT ZONING: R-40
 PROPOSED ZONING: GC

NOTES:
 1) UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN.
 2) SOME FENCE LINES ARE NOT SHOWN.

DEVELOPMENT ENTRANCE WILL BE SHOWN IN DETAIL ON CONSTRUCTION PLANS AND WILL BE PERMITTED THROUGH THE GEORGIA DEPARTMENT OF TRANSPORTATION.

ALL ZONED AND STREAM BUFFERS WILL BE SHOWN ON CONSTRUCTION PLANS.

THIS PLAN IS SUBJECT TO ALL LOCAL LAWS, ORDINANCES AND RIGHTS OF WAY, BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXPENSES.

ALL CONSTRUCTION IS SUBJECT TO CHerokee COUNTY TREE ORDINANCE.

TOPOGRAPHICAL INFORMATION SHOWN WAS TAKEN FROM THE U.S.G.S. QUADRANGLE.

ALL LOT, STREET, DRIVE, UTILITY, STORMWATER MANAGEMENT, ETC. WILL BE DESIGNED PER COUNTY STANDARDS ON CONSTRUCTION PLANS.

THIS PROJECT WILL UTILIZE PUBLIC SANITARY SEWER.



ZONING PLAN FOR
 QUINTON AND SANDRA VAUGHN

LAND LOTS - 887
 DISTRICT - 14, SECTION - 2
 CITY - Cherokee County, Georgia
 PROJECT: QUANTON AND SANDRA VAUGHN
 DRAWN BY: JAMES
 DATE FILED: VAUGHN ZONING
 2013 JUL 25 10:50

DO NOT RECORD

RECEIVED

12/14/15

S&K PROPERTY ADVISORS, LLC
270 E. MAIN STREET, SUITE H
CANTON, GA 30114

December 12, 2015

RE: Notice of Public Participation Meeting Regarding the Proposed Rezoning
Request of 2.0 Acres Located at 225 Key Drive Canton, GA 30115

Dear Neighbor,

This letter is to inform you of the Public Participation Meetings being held on December 18, 2015 at the Trammel Carmichael Community Services Center in Hickory Flat, which is located at 7675 Vaughn Road Canton, GA 30114.

The meeting will begin at 6:30 PM and will last approximately one hour. Although your attendance at this meeting is not mandatory by any means, we would like to hear your comments and concerns regarding our proposed rezoning application.

Best regards,



Benjamin Key
Representative for the Applicants, Quinton & Sandra Vaughn
S&K Property Advisors, LLC
404.644.8909

received
1/8/16/ MHS

S&K PROPERTY ADVISORS, LLC

121 E. MAIN STREET, SUITE 201, CANTON, GA 30114

January 7, 2016

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

RE: Public Participation Meeting Regarding Upcoming Rezoning Application of
225 Key Drive Canton, GA 30115, Map/Parcel 14N23C-029B

Dear Planning and Zoning Staff Members,

In accordance with the requirements set forth in the upcoming rezoning application, this letter is meant to serve as a summary of the Public Participation Meeting that was held on December 18, 2015 at the Trammel Carmichael Community Services Center in Hickory Flat. The meeting was held in the community room beginning at 6:30 PM, and lasted approximately 45 minutes. This meeting was advertised to all property owners within 750 feet of the subject property, as well as all of the "interested parties." The meeting had three (3) attendees (see attached sign-in sheet). None of the attendees were against the proposed rezoning, and all were encouraged about the potential to gain access to a traffic signal.

The proposed site plan, site resource, current zoning, and future land use maps were all available for review at the meeting.

Best regards,



Benjamin Key
S&K Property Advisors, LLC
Representative for the Applicants, Quinton & Sandra Vaughn
404.644.8909



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This email was Anti Virus checked by Sophos Security Gateway. <http://www.sophos.com>



**RESOLUTION NO. 2016- R-
CASE # 16-03-009
APPLICANT: Quinton and Sandra Vaughn**

A resolution concerning the following described property:

2.0 acres located in Land Lot 267 of the 14th District, 2nd Section of Cherokee County, Georgia, and indicated as Parcel 029B on Tax Map 14N23C.

WHEREAS, it is hereby found and determined that Ben Key filed a petition for Quinton and Sandra Vaughn to change the zoning of the property described above from R-40 to GC on January 14, 2016; and

WHEREAS, it is found that Quinton and Sandra Vaughn, owner of said property, did authorize Ben Key to file such petition on their behalf; and,

WHEREAS, the petition to change the zoning proposes commercial uses on the property shown on site plan attached hereto as **Exhibit A**; and,

WHEREAS, O.C.G.A. 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and,

WHEREAS, the notice of public hearing, a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference, was published more than 15 days prior to the public hearing; and,

WHEREAS, the Planning Commission held a public hearing March 1, 2016 upon this request for change of zoning in the Commission Chambers of the Cherokee County Administration Building; and,

WHEREAS, the recommendation of the Planning Commission, attached hereto as **Exhibit C**, has been received regarding the subject property as described on **Exhibit D** attached hereto and incorporated herein by reference; and,

WHEREAS, the Cherokee County Board of Commissioners have considered the proposed petition in contemplation of the Comprehensive Plan as adopted and interpreted by the Planning Commission; and, has examined the views expressed at the public hearing, the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia.

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the petition for a change of zoning from R-40 to GC is hereby declared to be **Approved/Denied**, and the Cherokee County Zoning Administrator hereby is directed to make any necessary change to the zoning district maps to affect the zoning on the subject property.

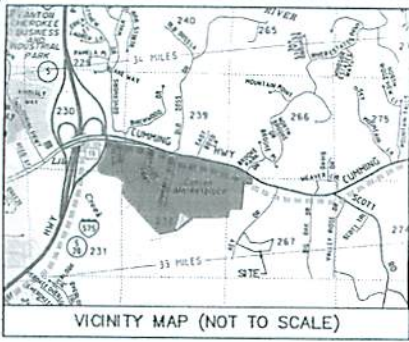
SO RESOLVED, this 15th day of March, 2016.

CHEROKEE COUNTY BOARD OF COMMISSIONERS

L.B. Ahrens, Chairman

ATTEST:

Christy Black, County Clerk

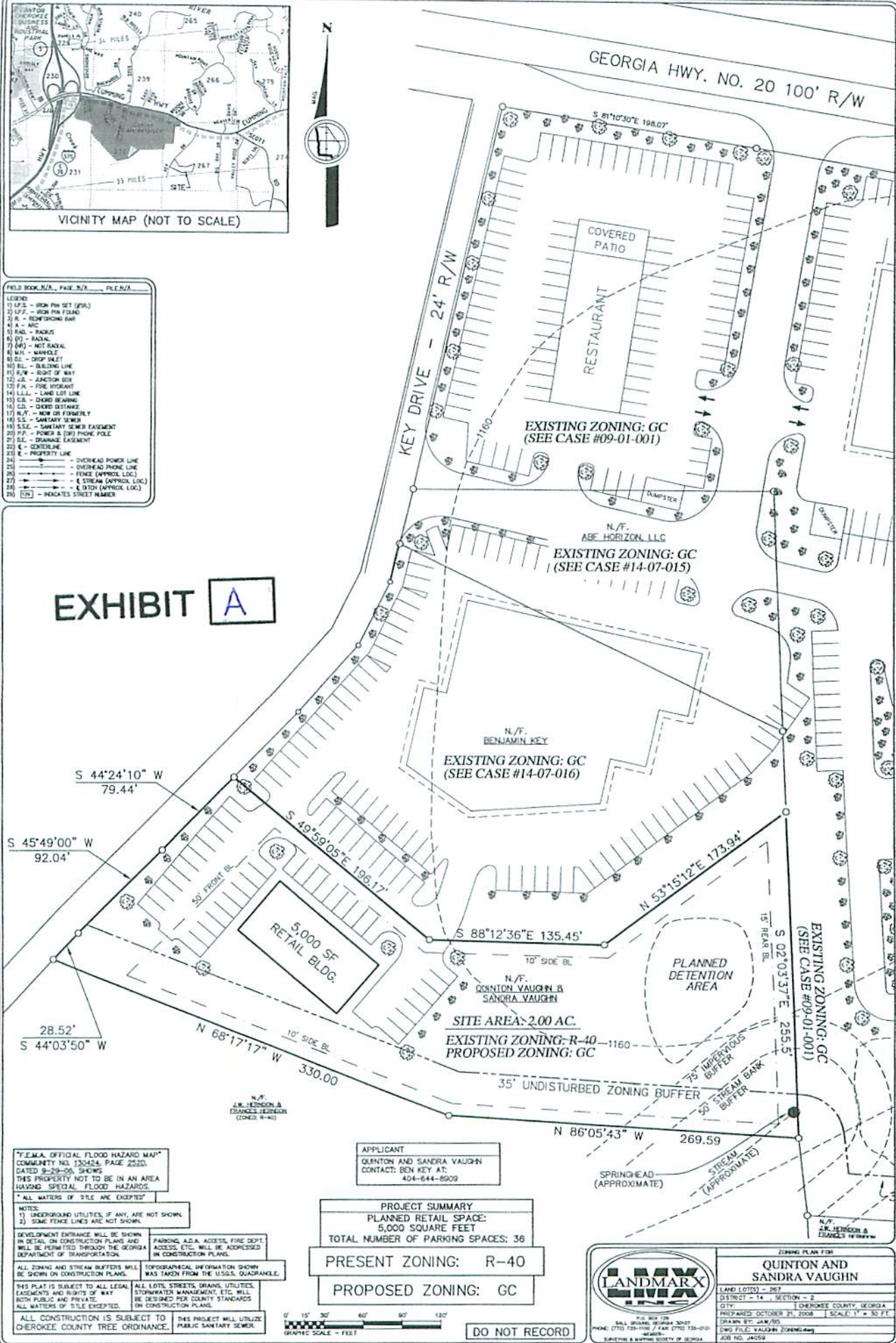


FIELD BOOK NO. PAGE NO. FILE NO.

LEGEND:

- 1) U.P.S. - IRON PIN SET (SPR)
- 2) U.P.S. - IRON PIN FOUND
- 3) R. - REINFORCING BAR
- 4) A - ARC
- 5) R.A.L. - RADIUS
- 6) (R) - RADIAL
- 7) (M) - MET RAZEL
- 8) M.H. - MANHOLE
- 9) D.I. - DROP INLET
- 10) B.L. - BUILDING LINE
- 11) R/W - RIGHT OF WAY
- 12) S.E. - SECTION BEE
- 13) F.A. - FIRE HYDRANT
- 14) L.L.L. - LAND LOT LINE
- 15) C.B. - CORNER BEARING
- 16) C.D. - CORNER DISTANCE
- 17) N.F. - NEW OR FORMERLY
- 18) S.S.E. - SANITARY SEWER EASEMENT
- 19) P.P. - POWER & (OR) PHONE POLE
- 20) D.E. - DRAINAGE EASEMENT
- 21) E - EASEMENT
- 22) P.L. - PROPERTY LINE
- 23) O.P.L. - OVERHEAD POWER LINE
- 24) O.P.L. - OVERHEAD PHONE LINE
- 25) F. - FENCE (APPROX. LOC.)
- 26) S. - STREAM (APPROX. LOC.)
- 27) S. - STREAM (APPROX. LOC.)
- 28) S. - STREAM (APPROX. LOC.)
- 29) S. - STREAM (APPROX. LOC.)
- 30) S. - STREAM (APPROX. LOC.)

EXHIBIT A



"F.E.M.A. OFFICIAL FLOOD HAZARD MAP" COMMUNITY NO. 130424, PAGE 252D, DATED 9-29-00, SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

* ALL MATTERS OF TITLE ARE EXCEPTED *

NOTES:
1) UNDERGROUND UTILITIES, IF ANY, ARE NOT SHOWN.
2) SOME FENCE LINES ARE NOT SHOWN.

DEVELOPMENT ENTRANCE WILL BE SHOWN IN DETAIL ON CONSTRUCTION PLANS AND WILL BE PERMITTED THROUGH THE GEORGIA DEPARTMENT OF TRANSPORTATION.

ALL ZONING AND STREAM BUFFERS WILL BE SHOWN ON CONSTRUCTION PLANS.

THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXCEPTED.

ALL CONSTRUCTION IS SUBJECT TO CHEROKEE COUNTY TREE ORDINANCE.

PARKING, A.C.A. ACCESS, FIRE DEPT. ACCESS, ETC. WILL BE ADDRESSED IN CONSTRUCTION PLANS.

TOPOGRAPHICAL INFORMATION SHOWN WAS TAKEN FROM THE U.S.G.S. QUADRANGLE.

ALL LOT, STREET, DRAIN, UTILITIES, STORMWATER MANAGEMENT, ETC. WILL BE DESIGNED PER COUNTY STANDARDS ON CONSTRUCTION PLANS.

THIS PROJECT WILL UTILIZE PUBLIC SANITARY SEWER.

APPLICANT
QUINTON AND SANDRA VAUGHN
CONTACT: BEN KEY AT:
404-644-8909

PROJECT SUMMARY
PLANNED RETAIL SPACE:
5,000 SQUARE FEET
TOTAL NUMBER OF PARKING SPACES: 36

PRESENT ZONING: R-40

PROPOSED ZONING: GC



DO NOT RECORD



STAMP PLAN FOR
QUINTON AND SANDRA VAUGHN
LAND LOTS - 267
DISTRICT - 14 - SECTION - 2
CHEROKEE COUNTY, GEORGIA
G.T.Y.
PREPARED OCTOBER 21, 2008 | SCALE: 1" = 30 FT.
DRAWN BY: JAW/BS
CHECK FILE: WALKER_ZONING.dwg
JOB NO. 24059

EXHIBIT B

CHEROKEE TRIBUNE
521 East Main Street ♦ Canton, Georgia 30114
PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA - County of Cherokee

Before me, the undersigned; a Notary Public, this day personally came **Otis Brumby III**, who, being duly sworn, according to law, says that he is the **General Manager** of *Times Journal, Inc.*, publishers of the *Cherokee Tribune*, official newspaper published in said county and State, and that the publication, of which the annexed is a true copy, was published in said paper on the 12th day of February, 2016, as provided by law.



Subscribed and sworn to before me this 12th day of February, 2016.


Notary Public

My commission expires September 15, 2018.



Z-1212
NOTICE OF PUBLIC HEARING
Quinton and Sandra Vaughn
CASE# 16-03-009

Quinton and Sandra Vaughn has submitted a petition to the Cherokee County Board of Commissioners requesting that the official zoning map of Cherokee County be amended to rezone property from R-40 to GC. If rezoned, the property will be utilized for commercial uses. The property owned by Quinton and Sandra Vaughn is located at 225 Key Drive in Land Lot 267 of the 14th District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 029B on Tax Map 14N23C. A total of 2.0 acres is sought to be rezoned.

An exact legal description of the property is on file at the Cherokee County Planning and Land Use Office, 1130 Bluffs Parkway, Canton, Georgia and may be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m. Monday through Friday. Information about this case is also available at www.cherokeega.com through the CherokeeStatus page.

The Cherokee County Municipal Planning Commission will hold a Work Session at the Cherokee County Administration Building, 1130 Bluffs Parkway on Monday, February 15, 2016 at 6:30 p.m.

The Cherokee County Municipal Planning Commission will conduct a joint public hearing with the Cherokee County Board of Commissioners on the request at its meeting on Tuesday, March 1, 2016 at 7:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton. The Planning Commission will forward its recommendation to the Cherokee County Board of Commissioners based upon information presented at the public hearing.

The Cherokee County Board of Commissioners may consider this request at its meeting on Tuesday, March 15, 2016 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton.

Meetings of the Planning Commission and the Board of Commissioners are open to the public.

Note: Georgia Law requires that all parties who have made campaign contributions to any member of the Cherokee County Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desires to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution disclosure with the Cherokee County Planning and Land Use Department.

As set forth in the Americans with Disabilities Act of 1992, the Cherokee County government does not discriminate on the basis of disability, and will assist citizens with special needs, and will be given seven (7) working days advance notice.

For information, please call 678-493-6101.

2:12

RECEIVED

FEB 19 2016



EXHIBIT C

**Department of Planning and Land Use
1130 Bluffs Pkwy • Canton, GA 30114 • (678) 493-6101**

DATE: March 3, 2016

TO: Board of Commissioners
Jerry Cooper, County Manager
Angela E. Davis, County Attorney
Christy Black, County Clerk

FROM: Vicki Taylor Lee, AICP, Zoning Administrator

RE: Recommendation of Planning Commission

CASE NUMBER:	16-03-009
APPLICANT:	Quinton and Sandra Vaughn
ZONING CHANGE:	R-40 to GC
LOCATION:	225 Key Drive
MAP & PARCELS:	14N23C, 029B
ACRES:	2.0 acres
PROPOSED DEVELOPMENT:	Commercial Uses
COMMISSION DISTRICT:	1
FUTURE DEVELOPMENT MAP:	Neighborhood Village

As a result of the public hearing held on March 1, 2016, the Cherokee County Planning Commission had no recommendation of zoning case 16-03-009 Quinton and Sandra Vaughn to rezone from R-40 (Single Family Residential) to GC (General Commercial) on 2.0 acres for commercial uses.

BK PG
2577 270

EXHIBIT D

EXHIBIT " A "

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 267 OF THE 14TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN FOUND ON THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD (HAVING A 24 FOOT RIGHT OF WAY) 576.83 SOUTHWESTERLY, AS MEASURED ALONG THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD, FROM THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD WITH THE SOUTHERLY RIGHT OF WAY OF STATE ROUTE NO. 20; THENCE SOUTHWESTERLY RIGHT OF WAY OF KEY ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 44 DEGREES 24' 10" WEST, 79.44 FEET TO A POINT; SOUTH 45 DEGREES 49' 00" WEST, 92.04 FEET TO A POINT; THENCE SOUTH 44 DEGREES 03' 50" WEST, 28.52 FEET TO A POINT; THENCE LEAVING THE RIGHT OF WAY OF KEY ROAD, SOUTH 68 DEGREES 17' 17" EAST, 330.00 FEET TO A POINT; THENCE SOUTH 86 DEGREES 05' 43" EAST, 289.59 FEET TO A POINT; THENCE NORTH 02 DEGREES 03' 37" WEST, 255.50 FEET TO AN IRON PIN FOUND; THENCE SOUTH 53 DEGREES 15' 12" WEST, 173.94 FEET TO AN IRON PIN FOUND; THENCE NORTH 88 DEGREES 12' 36" WEST, 135.45 FEET TO AN IRON PIN FOUND; THENCE NORTH 49 DEGREES 59' 03" WEST, 196.17 FEET TO AN IRON PIN FOUND ON THE SOUTHEASTERLY RIGHT OF WAY OF KEY ROAD AND THE POINT OF BEGINNING; CONTAINING 2.0 ACRES ACCORDING TO THAT CERTAIN PLAT OF SURVEY DATED 9/22/85, PREPARED BY A. O. CARLILE, LAND SURVEYOR, FOR DONNIE AND LEANNE HARRINGTON, WHICH SAID PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

This Deed is given subject to all easements and restrictions of record, if any. Subject to all state and county ad valorem taxes not yet due and payable.

C O R R E C T I O N

ANNE M. REHEAU
CLERK, SUPERIOR COURT OF CHEROKEE COUNTY

Rep. 12-18-96



Cherokee County, Georgia
Agenda Request

Item#: 2.

SUBJECT: **Case#16-04-010 Royston Bagby (BOC Dist. 1)** **MEETING DATE:** 3/21/2016
SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 1.0 +/- acres at 19005 Birmingham Hwy from R-40 to AG for residential uses.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-40 to AG
Location: 19005 Birmingham Hwy
Tax Map and Parcel No: 03N24, 103
Acres: 1.0 +/-
Proposed Development: Residential use
Future Development: 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"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Notice Sign	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: Royston Bagby Phone: 770-887-2087
 Email: _____

Applicant's Information:

Name: Royston Bagby

Address: 19005 Birmingham Rd Phone: 770-887-2087

City, State, Zip: Alpharetta, GA 30004

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:	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: <u>N/A</u>
Case: <u>16-04-010</u>	PC Work Session Date: <u>March 21, 2016</u>
CityView # <u>AL2016-156</u>	Planning Commission Hearing: <u>April 5, 2016</u>
Received by: _____	Board of Commissioners: <u>April 19, 2016</u>
Fee Paid: \$ <u>250⁰⁰</u>	Zoning Board of Appeals: <u>N/A</u>
Date: <u>pd 2/23/15</u>	Other: <u>N/A</u>

SECTION II

Property Information:

Location: 19005 Birmingham Rd Hwy

Current Zoning: R.40 Proposed Zoning: AG Total Acreage: 1.0±

Tax Map #: 03 N24 Parcel #: 103 Land Lot(s): 1267 District: 3rd

Future Development Map Designation: Country Estates

Adjacent Zonings: North AG South AG East AG West AG

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

Rezone portion of property currently R.40 back to AG in order to combine w/ AG and subdivide

#98-01-002

Proposed Use(s) of Property:

residential

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, Frankie and Royston Bagby, 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 12 day of February, 20 16.

Print Name Royston Bagby Frankie Bagby

Applicant Signature Royston Bagby Frankie Bagby

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: CCWSA

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? 10 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	<u>1</u>	9.57	<u>9.57</u>
220	Apartment		6.63	

Notes:

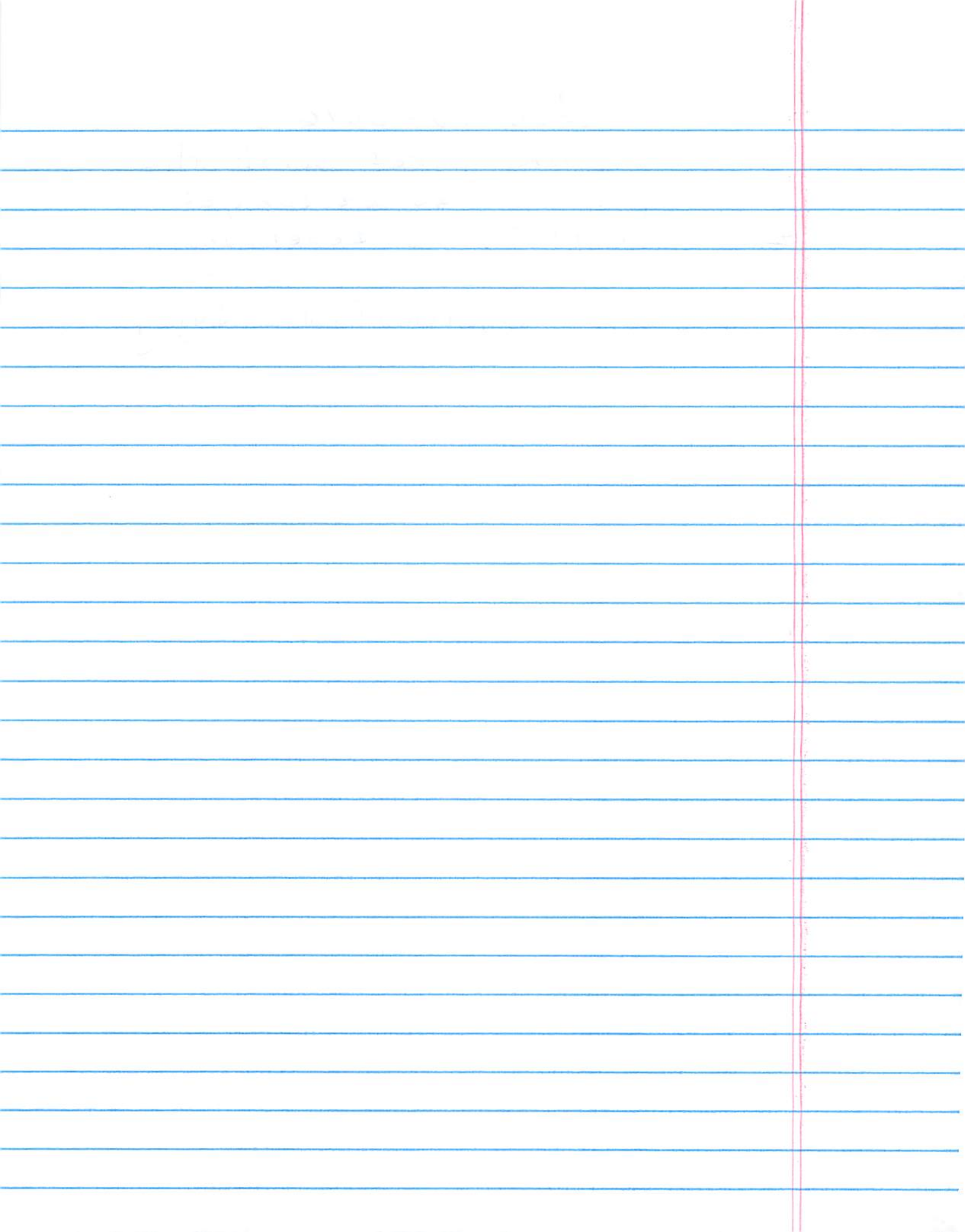
* Residential land uses are calculated based on the number of residential units. Commercial and industrial land uses are typically calculated based on square feet (sqft) of floor area for the use.

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

Feb. 12 - 2016

To get (1) acre joined with the
other property. So we can get
day exemption. No developing.

Royston + Frankie Bagby



BK PG
3503 078

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA.

99 FEB 15 PM 2:02

BOOK 3503 PAGE 078

Anne M. Bureau

CHEROKEE COUNTY, GA.
REAL ESTATE TRANSFER TAX
PAID 0
DATE Feb. 15, 1999
Anne M. Bureau
CLERK OF SUPERIOR COURT

3/3
\$12.00
#549
Return Recorded Document for:
YEARSON & ASSOCIATES, P.C.
475 Triple Gap Road, Suite 302
Cumming, GA 30040
File No. 99-0244

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF FORSYTH

This Indenture made this 18th day of January, in the year One Thousand Nine Hundred Ninety-Nine, between SCOTT WILBANKS and ANGELA WILBANKS, of the County of CHEROKEE, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and ROYSTON BAGBY and FRANKIE BAGBY, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" 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 making and delivery of these presents, the receipt 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 Grantee,

See Exhibit "A" attached hereto and made a part hereof by this reference.

This Deed is given subject to all easements and restrictions of record, if any.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomsoever.

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

Signed, sealed and delivered in the presence of:

Lynnda D. ...
Witness

Scott Wilbanks (Seal)
SCOTT WILBANKS

Angela Wilbanks (Seal)
ANGELA WILBANKS

____ (Seal)



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 1267 of the 3rd District, 2nd Section of Cherokee County, Georgia, being 1.00 acre, according to plat of survey prepared for Royston Bagby, dated 5/6/88, by Richard Webb & Associates, Registered Land Surveyors, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the intersection of the southeasterly right-of-way of Birmingham Highway (60-foot right-of-way) and the east line of Land Lot 1267; run thence South 46 degrees 23 minutes 26 seconds West along the southeasterly right-of-way of Birmingham Highway 452.72 feet to an iron pin found and the TRUE POINT OF BEGINNING; running thence South 13 degrees 13 minutes 04 seconds West 130.89 feet to a light pole; thence South 51 degrees 50 minutes 58 seconds East 185.49 feet to an iron pin set; thence South 00 degrees 00 minutes 27 seconds East 266.33 feet to an iron pin set; thence South 89 degrees 59 minutes 32 seconds West 119.55 feet to an iron pin set; thence North 00 degrees 00 minutes 28 seconds West 298.84 feet to an iron pin set; thence South 89 degrees 35 minutes 03 seconds West 54.72 feet to an iron pin set; thence North 00 degrees 24 minutes 57 seconds West 209.92 feet to an iron pin found on the southeasterly right-of-way of Birmingham Highway and the TRUE POINT OF BEGINNING.

AW
SW

COOPY
Rec 2-16-99

Case # 16-04-010 Royston Bagby

Current Cherokee County Zoning Map



Legend

Rezoning Parcels	Cherokee Zoning	RTH
Streets	AG	RM10
1/4 mile radius	R80	RM16
Recent Zoning Cases	R60	TND
	R40	PUD
	R30	OI
	R20	NC
	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.

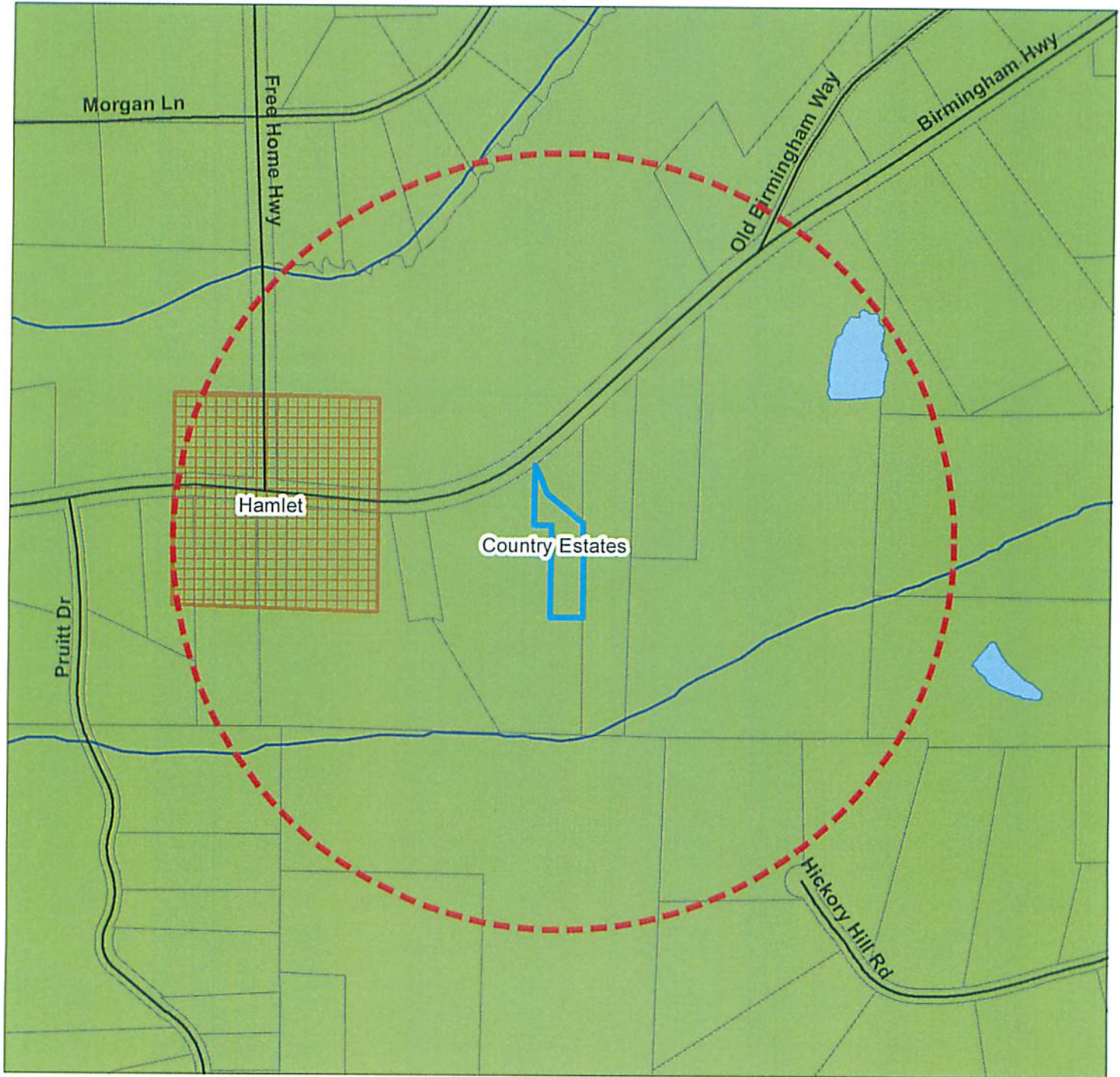


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 16, 2016



Case # 16-04-010 Royston Bagby

Future Development Map from the Comprehensive Plan



Legend

- | | | |
|---------------------|------------------------|--------------------------|
| Rezoning Parcels | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/4 mile radius | Rural Places | Hamlet |
| 100 Year Flood Zone | Country Estates | Neighborhood Village |
| | Suburban Growth | Community Village |
| | 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
February 16, 2016





**ZONING
NOTICE**

4

AS

7:00 PM





Cherokee County, Georgia
Agenda Request

Item#: 3.

SUBJECT:
Case #16-04-011 Teresa and Larry Cowart
(BOC Dist. 1)

MEETING DATE:
3/21/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 1.0 +/- acres at 11337 Cumming Hwy from R-80 to R-40 for residential uses.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-80 to R-40
Location: 11337 Cumming Hwy
Tax Map and Parcel No: 03N23, part of parcel 078
Acres: 1.0 +/-
Proposed Development: Residential uses
Future Development Map: Neighborhood Village over Suburban Growth

BUDGET:

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

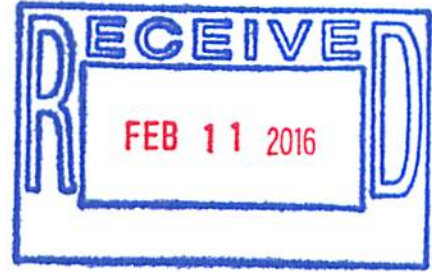
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Notice Sign	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	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: Teresa Cowart Phone: 404-394-0479
 Email: trcowart@bellsouth.net

Applicant's Information:

Name: Teresa and Larry Cowart
 Address: 11337 Cumming Hwy Phone: 404-394-0479 cell 770-889-9865 home
 City, State, Zip: Canton, Ga. 30115

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:	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: <u>u/a</u>
Case: <u>116-04-011</u>	PC Work Session Date: <u>3-21-16</u>
CityView #: <u>PL2016-177</u>	Planning Commission Hearing: <u>4-5-16</u>
Received by: <u>RH</u>	Board of Commissioners: <u>4-19-16</u>
Fee Paid: \$ <u>250⁰⁰</u>	Zoning Board of Appeals: <u>u/a</u>
Date: _____	Other: <u>u/a</u>

SECTION II

Property Information:

Location: x 11337 Cumming Hwy
 Current Zoning: R-80 Proposed Zoning: R-40 Total Acreage: ~~0.000~~ 1.0 +/-
 Tax Map #: 03 N 23 Parcel #: 078 (part of) Land Lot(s): 890 District: 03
 Future Development Map Designation: Neighborhood Village over Suburban Growth
 Adjacent Zonings: North AG South GC East GC + R-80 West R-80

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

To rezone 1 acre of the property to R-40 for the purpose
of deeding to child for a single family residence

Proposed Use(s) of Property:

single family residential

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, Teresa Cowart, 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 11 day of February, 20 16.

Print Name Teresa Cowart.

Applicant Signature Teresa Cowart.

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: CCWSA

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.

SECTION V

APPLICANT RESPONSE STATEMENT - REZONINGS AND AMENDMENTS / MODIFICATIONS TO ZONING CONDITIONS

The applicant finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to unrestricted use of property and shall govern the exercise of the zoning power.

If this application is in response to an annexation and/or rezoning, please respond to the following standards in the form of a written narrative:

1. Explain the intent of the requested zoning.
2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
3. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.
4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.
5. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.
7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning.

1. Single family residence for a family member. Applicant is disabled and desires family nearby
2. Use is suitable. Property is located on Highway 20 and zoning in the area is GC and NC. Dollar General abuts the property
3. Zoning will not adversely affect any surrounding property
4. Unknown.
5. It is a single family residence and will not have any burdensome impact on streets, utilities, schools or transportation
6. Zoning is in conformity with the land use plan
7. There are none that I know of.

1. The intent of the rezoning is for a single family residence for a family member. The Applicant is disabled and desires to have family living on the property.
2. The use is suitable in conjunction with the use and development nearby. The property is located on Highway 20 and zoning in the area includes G.C. and N.C.
3. The zoning will not adversely affect any surrounding property.
4. Unknown
5. There will not be any excessive burden on streets, utilities or schools. The use will be a single family residence, housing 1 family.
6. Zoning is in conformity with the land use plan.
7. I am unaware of any existing or changing conditions that would affect the use and development of the property

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 890 OF THE 3RD DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

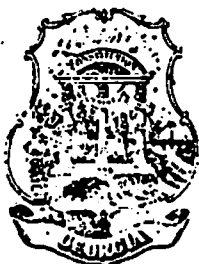
TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE NORTHWEST CORNER OF LAND LOT 839;

THENCE SOUTH 89 DEGREES 40 MINUTES 00 SECONDS EAST FOR 326.50 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 20 MINUTES 00 SECONDS EAST FOR 225.54 FEET TO A POINT;
THENCE SOUTH 56 DEGREES 20 MINUTES 42 SECONDS EAST FOR 39.05 FEET TO A POINT;
THENCE SOUTH 37 DEGREES 17 MINUTES 23 SECONDS EAST FOR 60.37 FEET TO A POINT;
THENCE SOUTH 26 DEGREES 51 MINUTES 55 SECONDS EAST FOR 55.22 FEET TO A POINT;
THENCE SOUTH 15 DEGREES 39 MINUTES 40 SECONDS EAST FOR 58.00 FEET TO A POINT;
THENCE SOUTH 02 DEGREES 14 MINUTES 13 SECONDS WEST FOR 60.62 FEET TO A POINT;
THENCE SOUTH 20 DEGREES 40 MINUTES 33 SECONDS WEST FOR 44.58 FEET TO A POINT;
THENCE SOUTH 31 DEGREES 46 MINUTES 20 SECONDS WEST FOR 185.32 FEET TO A POINT;
THENCE SOUTH 59 DEGREES 17 MINUTES 39 SECONDS EAST FOR 239.79 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 07 MINUTES 23 SECONDS WEST FOR 429.97 FEET TO A POINT;
THENCE NORTH 88 DEGREES 26 MINUTES 05 SECONDS WEST FOR 279.63 FEET TO A POINT;
THENCE SOUTH 01 DEGREES 33 MINUTES 18 SECONDS WEST FOR 125.00 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE SOUTH 88 DEGREES 26 MINUTES 05 SECONDS EAST FOR 200.00 FEET TO A POINT;
THENCE SOUTH 00 DEGREES 07 MINUTES 32 SECONDS WEST FOR 215.10 FEET TO A POINT;
THENCE NORTH 88 DEGREES 26 MINUTES 05 SECONDS WEST FOR 206.47 FEET TO A POINT;
THENCE NORTH 01 DEGREES 54 MINUTES 29 SECONDS EAST FOR 179.54 FEET TO A POINT;
THENCE NORTH 01 DEGREES 33 MINUTES 18 SECONDS EAST FOR 35.50 FEET TO THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 1.00 ACRE.

STANDARD WARRANTY DEED



STATE OF GEORGIA,

CHEROKEE County.

THIS INDENTURE, made this 30 day of OCTOBER

In the year of our Lord One Thousand Nine Hundred and

between LARRY COWART

of the State of GEORGIA and County of CHEROKEE of the first part

and TERESA COWART

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 DOLLARS

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged has granted, bargained, sold and conveyed and by these presents do grant, bargain, sell and convey unto the said party of the second part, HER heirs and assigns, all that tract or parcel of land lying and being in Land Lots 839 and 890 of the 3rd District,

2nd Section, Cherokee County, Georgia and being designated as Tract I containing 4.76 acres as per plat of survey for Larry Cowart prepared by Mize Brothers, Inc. dated August 1, 1985, recorded in Plat Book 29, page 43, Cherokee County, Georgia Records.

There is excepted from said tract a tract of land designated on said plat of survey as Tract I-A containing 1.12 acres and having located thereon the existing residence of the grantor herein. The remaining tract conveyed herein constitutes 3.64 acres as shown on said plat of survey.

This conveyance is made to release the above described property from the lien of that certain deed to secure debt from grantees herein to grantor herein dated October 5, 1985 and being recorded in Deed Book 486, page 594, Cherokee County, Georgia Records.

Georgia, Cherokee County
Filed in office this 1 day of Nov 1991
at 2:00 PM Recorded in Book 1078 Page 263
this 4 day of November 1991
Clyde A. Fleming
Clerk Superior Court

CHEROKEE COUNTY, GA.
REAL ESTATE TRANSFER TAX
PAID 10.00
DATE 11-1-91

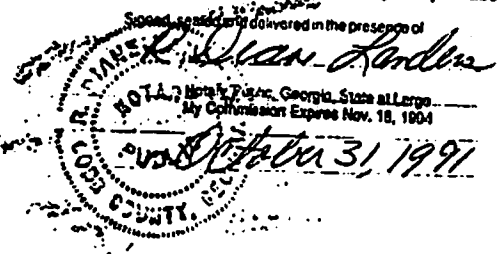
Clyde A. Fleming
CLERK OF SUPERIOR COURT

8048
* 4,192,700
for Teresa Cowart
Route 14, Box 200
Canton Ga 30114

TO HAVE AND TO HOLD the said bargained premises, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining, to the only proper use, benefit and behoof of _____ the said part y_____ of the second part, HER_ heirs and assigns forever, IN FEE SIMPLE.

And the said part y_____ of the first part, for _____ HIS_____ heirs, executors and administrators will warrant and forever defend the right and title to the above described property unto the said part y_____ of the second part, HER_ heirs and assigns, against the lawful claims of all persons whomsoever.

IN WITNESS WHEREOF, The said part y_____ of the first part has _____ hereunto set HER_ hand _____ and affixed _____ seal _____ the day and year above written.



Larry Covert _____ (Seal)

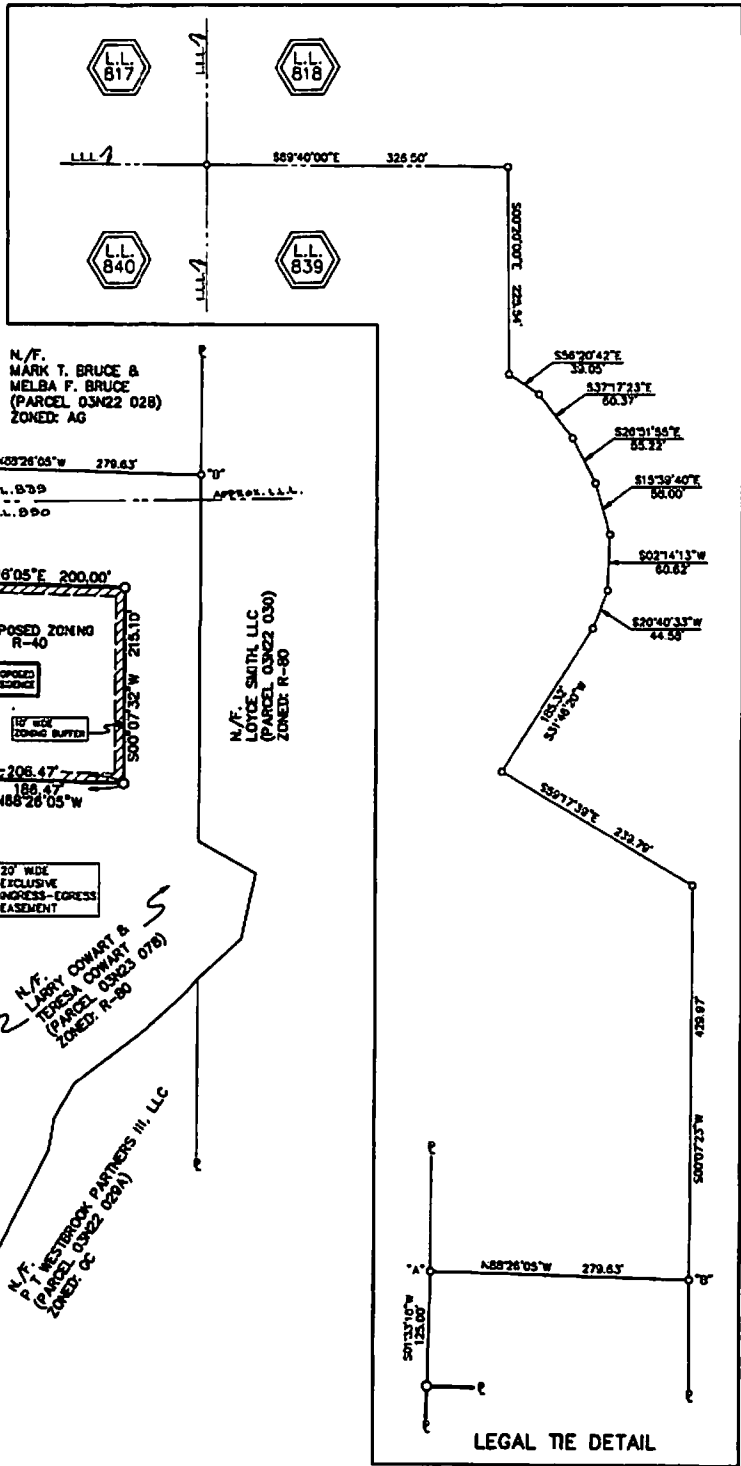
_____ (Seal)

Rec. 11-4-91

WARRANTY DEED
FROM _____
TO _____
Georgia, _____ County
Clerk's Office, Superior Court.
Filed for Record at _____ o'clock _____ M.
Recorded in Book _____ Folio _____
19_____
Clerk _____

ANNETTE FLEMING
Clerk, Superior Court of Cherokee County

REFERENCE MATERIALS:
 1) PLAT BOOK 29, PAGE 43.
 2) DEED BOOK 1078, PAGE 263.



ADDRESS:
 11337 CUMMING HWY.
 CANTON, GEORGIA 30115

SUBJECT PROPERTY:
 TAX MAP 03N23 078

EXISTING ZONING: R-80
 PROPOSED ZONING: R-40

PROPOSED BUILDING SETBACKS
 FRONT: 50 FEET
 SIDE: 15 FEET
 REAR: 30 FEET

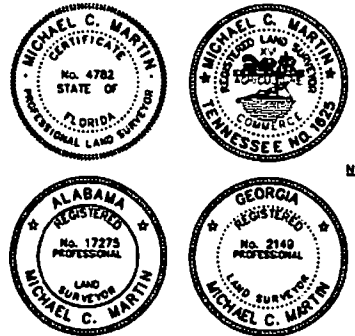
N./F. JOHN R. HOLBROOK & MARTHA L. HOLBROOK (PARCEL 03N23 077) ZONED: R-80

N./F. MARK T. BRUCE & MELBA F. BRUCE (PARCEL 03N22 028) ZONED: AG

N./F. LOYCE SMITH, LLC (PARCEL 03N22 030) ZONED: R-80

N./F. LARRY COWART & TERESA COWART (PARCEL 03N23 078) ZONED: R-80

N./F. HOLBROOK PARTNERS III, LLC (PARCEL 03N22 029A) ZONED: CC



0' 50' 100' 200' 300' 400'
 GRAPHIC SCALE - FEET

GEORGIA811
 Utilities Protection Center, Inc.
 Know what's below.
 Call before you dig.

AREA = 1.00 ACRES

MARTIN LAND SURVEYING, P.C.
 MICHAEL C. MARTIN, R.L.S.
 LICENSE NO. LS9021038
 104 HAYWOOD DRIVE
 WOODSTOCK, GEORGIA 30188
 PHONE: (770) 926-0200

MCM LAND SURVEYING
 DESIGNERS
 LAND PLANNERS

MEMBER - SURVEYING & MAPPING SOCIETY OF GEORGIA
 AND AMERICAN CONGRESS ON SURVEYING & MAPPING

- LEGEND:
- 1) I.P.S. - IRON PIN SET
 - 2) I.F.J. - IRON PIN FOUND
 - 3) R. OR REBAR - REINFORCING BAR
 - 4) D.E. - DRAINAGE EASEMENT
 - 5) L.L.L. - LAND LOT LINE
 - 6) R/W - RIGHT OF WAY
 - 7) C - CENTERLINE
 - 8) P - PROPERTY LINE
 - 9) P.P. - POWER & (OR) PHONE POLE
 - 10) --- OVERHEAD POWER LINE
 - 11) --- FENCE (APPROX. LOC.)
 - 12) --- STREAM (APPROX. LOC.)
 - 13) --- DITCH (APPROX. LOC.)
 - 14) I.P. - IRON PIN

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN N/A FEET AND AN ANGULAR ERROR OF N/A 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 N/A FEET.

EQUIPMENT USED FOR MEASUREMENTS:
 LEICA TC1610 AND/OR GEODIMETER 608 ROBOTIC.

"ALL MATTERS OF TITLE ARE EXCEPTED"

- ZONING PLAN FOR -
LARRY COWART & TERESA COWART

LAND LOT(S) - 890, DISTRICT - 3, SECTION - 2
 CITY: [CHEROKEE COUNTY, GEORGIA]
 DATE OF FIELD WORK: N/A
 PLAT PREPARED: FEBRUARY 3, 2010

REVISIONS:
 DRAWN BY: MIKE HUGHES, R.L.S. SCALE: 1" = 100 FT.
 JOB NO. 18-8563-DTC DWG FILE: 556301C.dwg

ZONING NOTICE

Case # 16-04-0177

Public Hearing Date 4-5-2016

Present Zone R80

Change To R40

7:00 P.M.

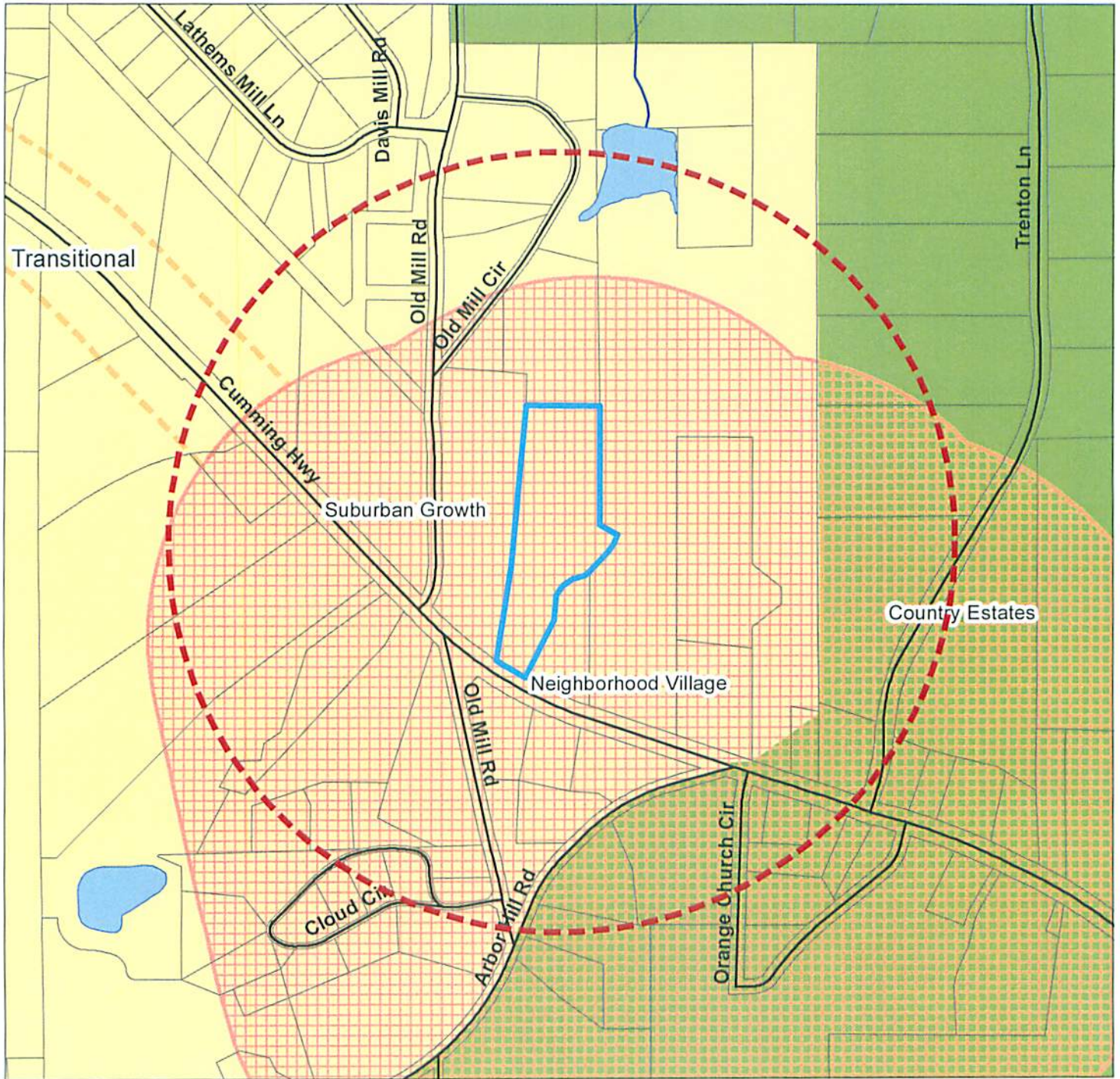
CHEROKEE HALL,
CHEROKEE COUNTY
ADMINISTRATION BUILDING
1130 BLUFFS PARKWAY, CANTON

678-493-6101

www.cherokeega.com

Case # 16-04-011 Teresa & Larry Cowart

Future Development Map from the Comprehensive Plan



Legend

- | | | |
|---------------------|------------------------|--------------------------|
| Rezoning Parcels | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/4 mile radius | Rural Places | Hamlet |
| 100 Year Flood Zone | Country Estates | Neighborhood Village |
| | Suburban Growth | Community Village |
| | 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.

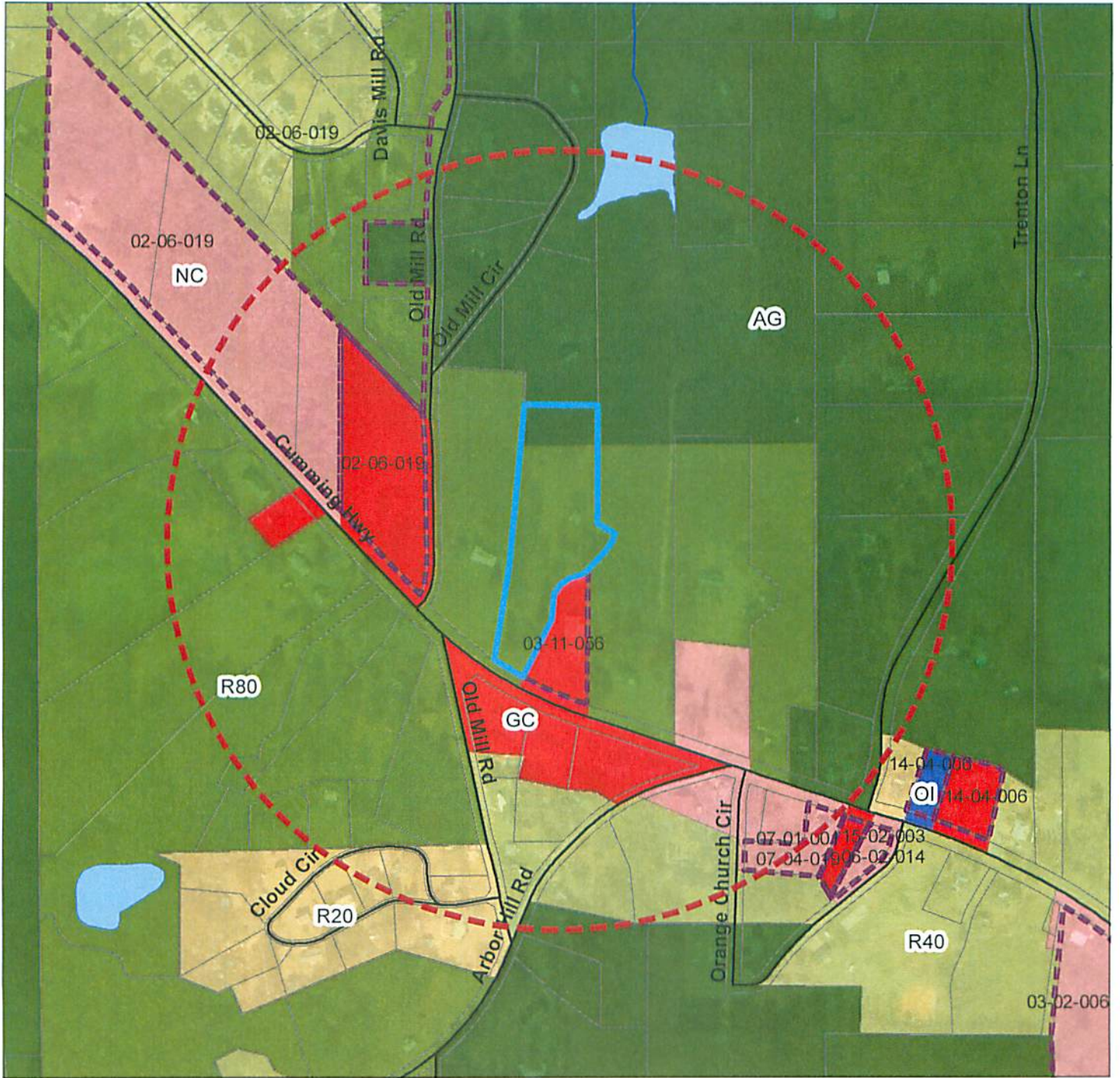


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 24, 2016



Case # 16-04-011 Teresa & Larry Cowart

Current Cherokee County Zoning Map



Legend

- | | | |
|---------------------|------------------------|---------------------|
| Rezoning Parcels | Cherokee Zoning | RTH |
| Streets | AG | RM10 |
| 1/4 mile radius | R80 | RM16 |
| Recent Zoning Cases | R60 | TND |
| 100 Year Flood Zone | R40 | PUD |
| | R30 | OI |
| | R20 | NC |
| | 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
February 24, 2016





Cherokee County, Georgia
Agenda Request

Item#: 4.

SUBJECT:
Case #16-04-012 James L. Jr. and Melissa
Hutcheson (BOC Dist. 3)

MEETING DATE:
3/21/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 6.0 +/- acres at 547 and 550 Spring Lake Creek from R-40 and R-80 to AG for residential uses.

FACTS AND ISSUES:

Commission District:	3
Zoning Change:	R-40 and R-80 to AG
Location:	547 and 550 Spring Lake Creek
Tax Map and Parcel No:	22N12, Part of Parcel 001
Acres:	6.0 +/-
Proposed Development:	Residential Uses
Future Development Map:	Suburban Growth and Rural Places

BUDGET:

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

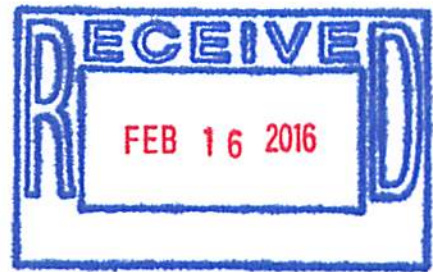
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Additional Information	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Notice Sign	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Survey	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: Jim Hutcheson Phone: (678) 758-3995
 Email: jim@90degreeinc.com

Applicant's Information:

Name: James L. & Melissa Hutcheson

Address: 550 Spring Lake Creek Phone: _____

City, State, Zip: White, GA 30184

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:	PUBLIC HEARING SCHEDULE:
Commission District: <u>3</u>	Public Participation Meeting: <u>N/A</u>
Case: <u>16-04-012</u>	PC Work Session Date: <u>3-21-16</u>
CityView #: <u>PL2016-184</u>	Planning Commission Hearing: <u>4-5-16</u>
Received by: _____	Board of Commissioners: <u>4-19-16</u>
Fee Paid: \$ <u>250⁰⁰</u>	Zoning Board of Appeals: <u>N/A</u>
Date: _____	Other: <u>N/A</u>



RECEIVED
FEB 16 2018

Faint, illegible text, possibly a header or introductory paragraph.

Main body of faint, illegible text, likely the primary content of the document.

Bottom section of faint, illegible text, possibly a signature block or footer.

SECTION II

Property Information:

Location: 547 and 550 Spring Lake Creek

Current Zoning: R-40-R-80 Proposed Zoning: AG Total Acreage: 6 +/- ac

Tax Map #: 22 N12 Parcel #: part of 001 Land Lot(s): 13 & 14 District: 22nd

Future Development Map Designation: Suburban Growth and Rural Places

Adjacent Zonings: North R-40 & AG South R-80 East R-80 West R-40

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

The two parcels owned have two different zoning designations and we desire to rezone to AG and combine.

Proposed Use(s) of Property:

Residential

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, _____, 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 23 day of Feb., 20 16.

Print Name Jim Hutcherson.

Applicant Signature [Signature].

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: CCWSA

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.

February 16, 2016

From: Jim and Melissa Hutcheson

To: The Cherokee County Board of Commissioners:

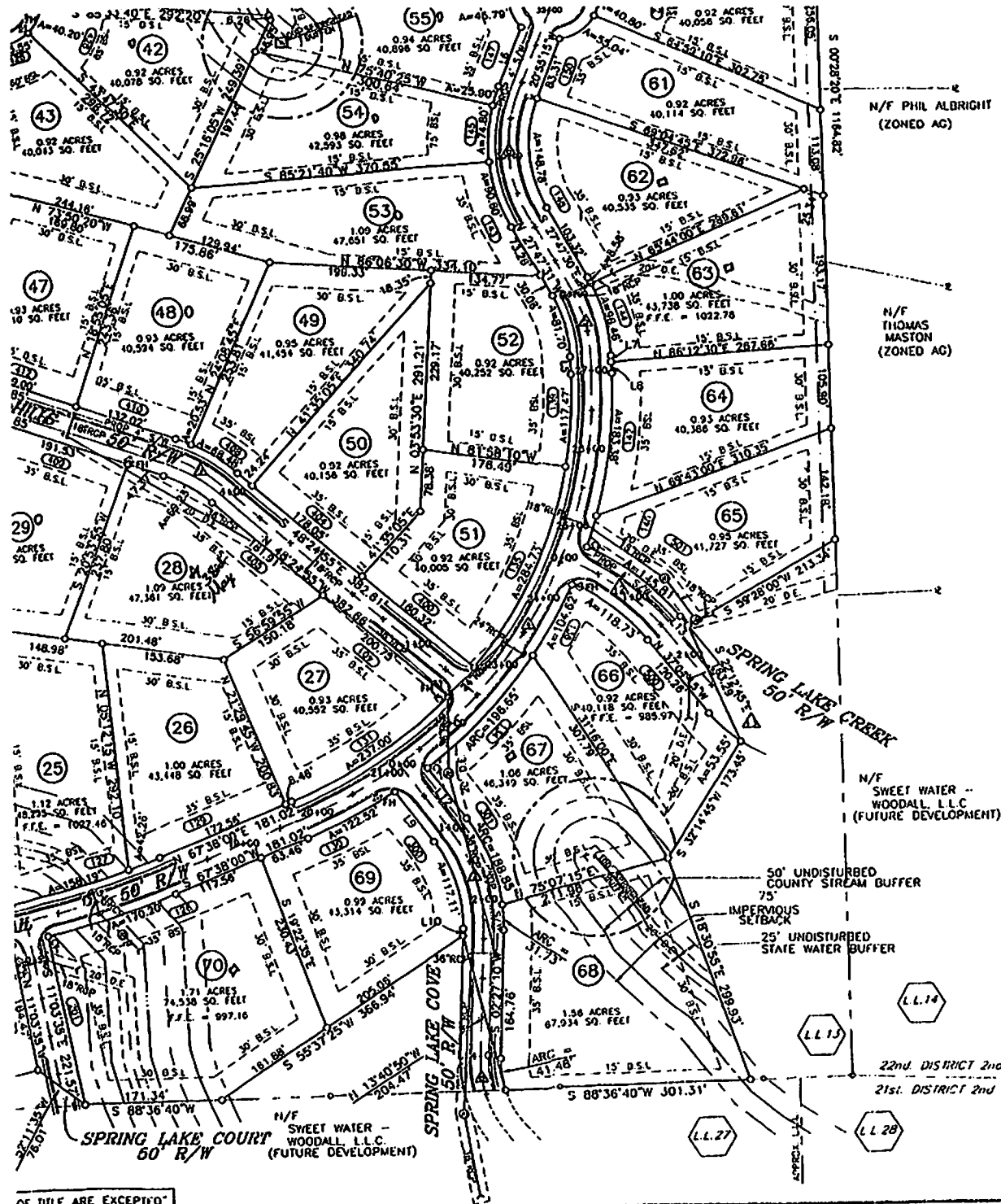
We are requesting that our property be rezoned because it consists of two parcels, each of which is zoned differently. We would like to combine the two parcels into one 6 acre parcel and have the new parcel rezoned Agricultural.

Our property backs up to "Rural Places" land and the zoning would not adversely affect any nearby property nor would it cause any excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

We appreciate your consideration in this matter.

Sincerely,

Jim and Melissa Hutcheson



OWNER/DEVELOPER
 DEAN WOODALL COMMUNITIES INC.
 302 PEBBLE BROOKE TRACE
 CANTON GEORGIA 30115
 24 HR. CONTACT: DEAN WOODALL
 PHONE (404) 314-1000

FINAL SUBDIVISION PLAT OF:
**WILLOW RIDGE @
 HAYNES CROSSING PHASE IIB**
 F.K.A. SPRING LAKE @ HAYNES CROSSING

LOCATED IN LAND LOT(S): 13
 DISTRICT - 22, SECTION - 2
 CHEROKEE COUNTY, GEORGIA

PREPARED: FEBRUARY 02, 2007
 SCALE: 1" = 100'

BY: WIKLE LAND SURVEYING, P.C.
 P.O. BOX 1164
 CANTON, GEORGIA 30160
 PHONE: (770) 479-8364
 -- MEMBER --
 SURVEYING AND MAPPING
 SOCIETY OF GEORGIA

DWG. NO. SPRING LAKE FP
 JOB NO. 07-2071-05D

OF TITLE ARE EXCEPTED

Return to: Skelton & Blackstone Attorneys, LLC
301 Washington Avenue
Marietta, GA 30060-2025

Deed Book **13666** Pg **89**
Filed 01/21/2016 10:39 AM
28-2016-001978
Transfer Tax 78.00
Penalty 0.00
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF COBB

THIS INDENTURE, made the 8th day of JANUARY in the year Two Thousand Sixteen

J. Henry Properties, LLC, a Georgia limited liability company

as party of the first part, hereinafter called Grantor, and

Jim Hutcheson and Melissa Hutcheson

as party of the second part, hereinafter called Grantees (the words "Grantors" 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 dollars (\$10.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents has granted, bargained, sold, aliened, conveyed, and by these presents does grant, bargain, sell, convey and confirm unto the said Grantees,

All that tract or parcel of land lying and being in Land Lots 13 and 14 of the 22nd District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

To find the POINT OF BEGINNING begin at the southwestern corner of Land Lot 14; thence run along the South land lot line of Land Lot 13 S 88°36'37" W a distance of 125.24 feet to an iron pin set; thence running N 18°32'28" W a distance of 299.43 feet to an iron pin found; thence running N 32°13'12" E a distance of 173.46 feet to an iron pin found; thence running N 22°13'59" W a distance of 162.96 feet to an iron pin found on the right-of-way of Spring Lake Creek (50-foot right-of-way); thence running N 59°28'36" E a distance of 213.38 feet to an iron pin found on the eastern land lot line of Land Lot 13; thence running along said land lot line S 00°29'09" E a distance of 69.28 feet to an iron pin found; thence run S 89°01'32" E a distance of 262.53 feet to an iron pin set; thence run S 02°03'57" W a distance of 624.85 feet to an iron pin set on the south land lot line of Land Lot 14; thence run along said land lot line of Land Lot 14 N 87°13'37" W a distance of 235.04 feet to the POINT OF BEGINNING.

Being a tract of 6.00 acres more or less and more particularly shown on Plat of Boundary Survey for J. Henry Properties, LLC completed December 22, 2015 by David R. Shirley, GA Registered Land Surveyor No. 2670.

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting the above-described property.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

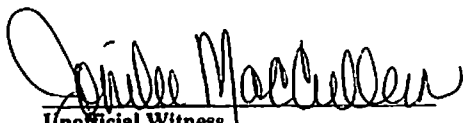
AND THE SAID GRANTOR will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

Signed, sealed and delivered in the presence of:

J. Henry Properties, LLC


John Bearden, Manager

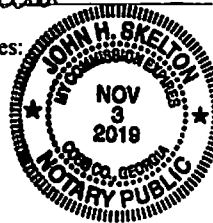

Unofficial Witness

Sworn to me and subscribed this 3rd day of

January, 2016.


Notary Public

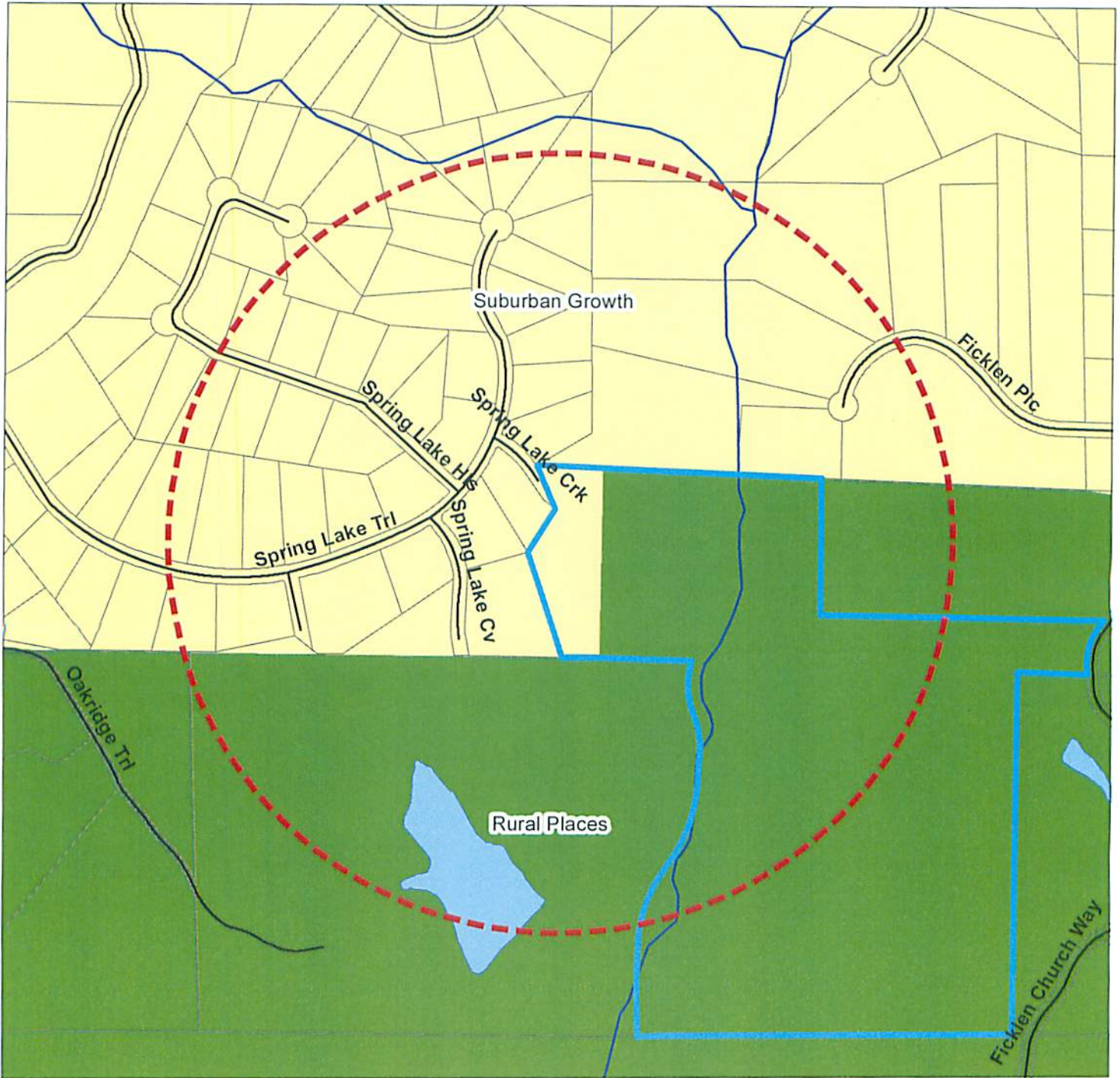
My commission expires:



COOPY

Case # 16-04-012 James & Melissa Hutcheson

Future Development Map from the Comprehensive Plan



Legend

- | | | |
|---------------------|------------------------|--------------------------|
| Rezoning Parcels | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/4 mile radius | Rural Places | Hamlet |
| 100 Year Flood Zone | Country Estates | Neighborhood Village |
| | Suburban Growth | Community Village |
| | 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
February 24, 2016



**ZONING
NOTICE**

Case # 604-02

Public Hearing Date 4-5-2016

Present Zoning R-CER80

Change To AG

7:00 P.M.

CHEROKEE HILL
COMMUNITY DEVELOPMENT
121 W. WILSON ST. SUITE 100
CHEROKEE, GA 30513

678-493-6101

www.cherokeehill.com

**ZONING
NOTICE**

Case # 16-04-02

Public Hearing Date 5/20/16

Present Zone R-40 & R-80

Change To AG

7:00 P.M.

CHEROKEE HALL
CHEROKEE COUNTY
ADMINISTRATION BLDG. 100
100 SOUTH PARKWAY CENTER
678-493-6101
www.cherokee.ga.gov

Case # 16-04-012 James & Melissa Hutcheson

Current Cherokee County Zoning Map



Legend

- | | | |
|---------------------|-----------------|---------------------|
| Rezoning Parcels | Cherokee Zoning | RTH |
| Streets | AG | RM10 |
| 1/4 mile radius | R80 | RM16 |
| Recent Zoning Cases | R60 | TND |
| 100 Year Flood Zone | R40 | PUD |
| | R30 | OI |
| | R20 | NC |
| | 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
February 24, 2016



THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. EDITING OR REPRODUCTION WITHOUT THE CONSENT OF THE SURVEYOR IS PROHIBITED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXCEPTED.

THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXCEPTED. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 52256 FEET AND AN ANGULAR ERROR OF 18.4" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 291076 FEET.

LINE	BEARING	DISTANCE
L1	S 14° 13' 03" W	71.40'
L2	S 06° 53' 28" W	50.96'
L3	S 19° 13' 27" W	60.08'
L4	S 05° 27' 47" W	54.94'
L5	S 01° 39' 42" E	76.96'
L6	S 00° 25' 57" W	50.61'
L7	S 14° 55' 53" W	49.42'
L8	S 09° 27' 44" E	55.32'
L9	S 04° 37' 18" W	66.62'
L10	S 15° 28' 38" W	102.47'

A United States Army Corps of Engineers Proconstruction Notification and erosion permit is required for any piped stream crossings in state waters.

A Georgia Registered Design Professional shall design and permit all storm drainage on these properties.

Any habitable structure shall be a minimum of 3.0' above the 100 year FEMA BFE, or 1.0' above the Cherokee County Future Conditions BFE, whichever is higher.

Accessory structures within the floodplain must meet all criteria set forth in the current Cherokee County Floodplain Ordinance.

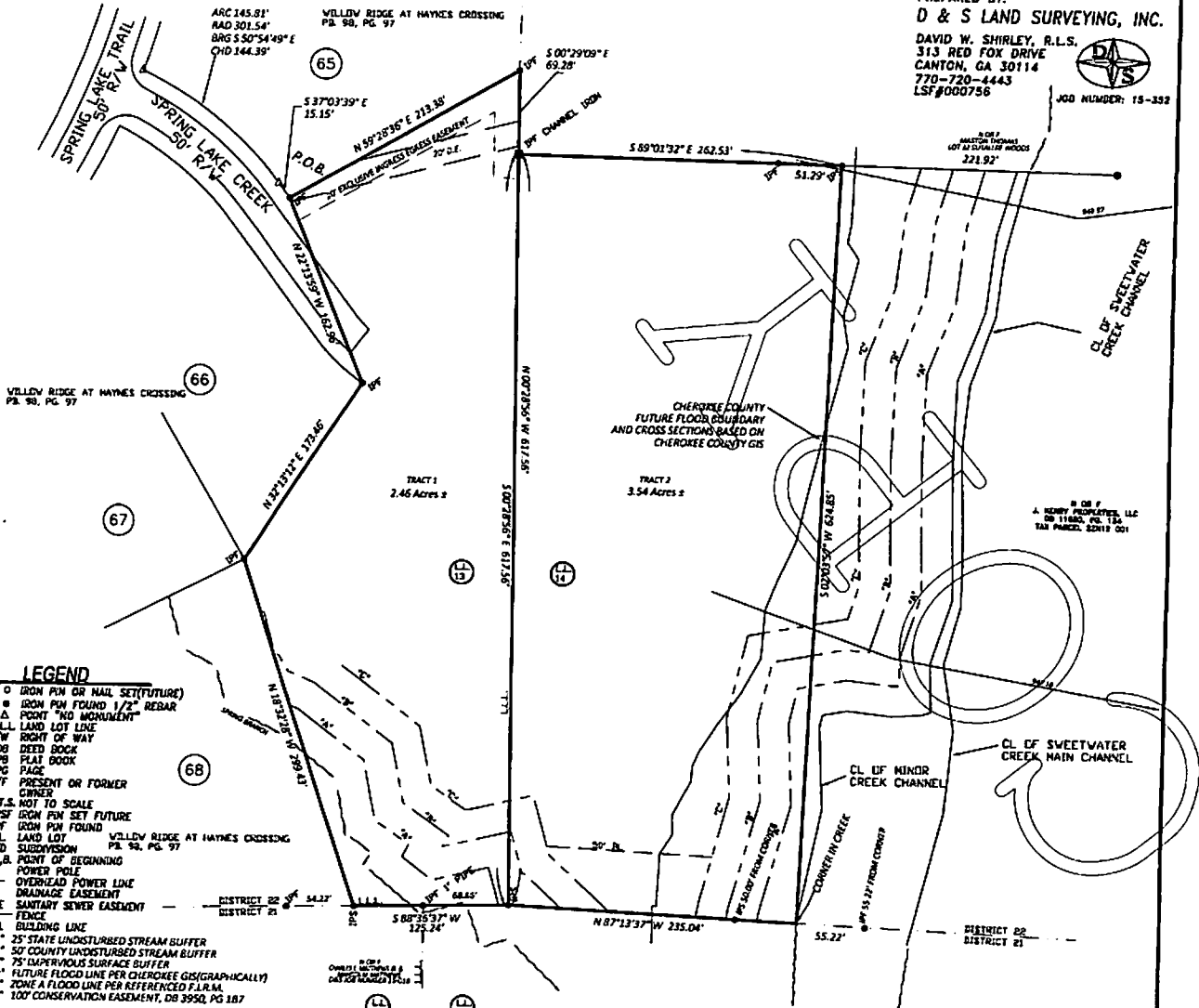
A Finished Construction FEMA elevation certificate will be required for any structure located within fifty horizontal feet of floodplain.

PREPARED BY:
D & S LAND SURVEYING, INC.

DAVID W. SHIRLEY, R.L.S.
313 RED FOX DRIVE
CANTON, GA 30114
770-720-4443
LSF#000756



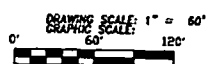
JGD NUMBER: 18-352



- LEGEND**
- IRON PIN OR NAIL SET (FUTURE)
 - IRON PIN FOUND 1/2" REBAR
 - ▲ POINT "NO MONUMENT"
 - LLL LAND LOT LINE
 - R/W RIGHT OF WAY
 - DB DEED BOOK
 - PB PLAT BOOK
 - PG PAGE
 - N/F PRESENT OR FORMER OWNER
 - N.T.S. NOT TO SCALE
 - PSF IRON PIN SET FUTURE
 - IPF IRON PIN FOUND
 - LL LAND LOT
 - S/D SUBDIVISION
 - P.O.B. POINT OF BEGINNING
 - POWER POLE
 - OVERHEAD POWER LINE
 - DE DRAINAGE EASEMENT
 - SSS SANITARY SEWER EASEMENT
 - FENCE
 - EL BUILDING LINE
 - *A* 25' STATE UNDISTURBED STREAM BUFFER
 - *B* 50' COUNTY UNDISTURBED STREAM BUFFER
 - *C* 75' UNDISTURBED SURFACE BUFFER
 - *D* FUTURE FLOOD LINE PER CHEROKEE GIS (GRAPHICALLY)
 - *E* ZONE A FLOOD LINE PER REFERENCED F.I.R.M.
 - *F* 100' CONSERVATION EASEMENT, DB 3950, PG 187

EQUIPMENT USED FOR FIELD MEASUREMENTS:
ANGULAR - LEICA TS02
LINEAR - ELECTRONIC DISTANCE METER.
DRAWN AND FIELDWORK BY: D. SHIRLEY
ALL IRON PINS FOUND AND SET ARE 1/2" REBAR
UNLESS OTHERWISE NOTED.

FLOOD NOTE:
NO PORTION OF THIS PARCEL OF LAND LIES IN A FLOOD HAZARD AREA PER F.E.M.A. / F.I.R.M. MAP 13057002300 DATED 9/29/06

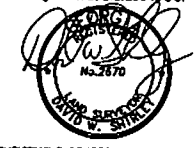


REFERENCE: DB 13666, PG. 89

BOUNDARY SURVEY FOR:
JIM HUTCHESON & MELISSA HUTCHESON

LAND LOTS 13 & 14, 22nd DISTRICT, 2nd SECTION
CHEROKEE COUNTY, GEORGIA

DATE OF FIELDWORK: 12/22/2015 MAP DATE: 02/10/2016



IN ANY OPINION THIS PLAT DOES NOT REQUIRE APPROVAL FOR RECORDING BY A CONVEYING AUTHORITY AND IS NOT SUBJECT TO GEORGIA CODE SECTION 15-6-67 (D)

Plot Book 116 Pg 19
Filed 02/11/2016 12:39 PM
24-2016-000035
Party Subor
Chf of Superior Court Cherokee Co., GA

Plot Book 116 Pg 19
Filed 02/11/2016 12:39 PM
24-2016-000035
Chf of Superior Court Cherokee Co., GA



Cherokee County, Georgia
Agenda Request

Item#: 5.

SUBJECT:
Case #16-04-013 Jay and Katherine Barber
(BOC Dist. 3)

MEETING DATE:
3/21/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 6.30 acres at 3052 Knox Bridge Hwy from AG to NC for neighborhood commercial uses.

FACTS AND ISSUES:

Commission District: 3
Zoning Change: AG to NC
Location: 3052 Knox Bridge Hwy
Tax Map and Parcel No: 22N12, Parcel 064
Acres: 6.30
Proposed Development: Commercial Uses
Future Development Map: Rural Places

BUDGET:

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

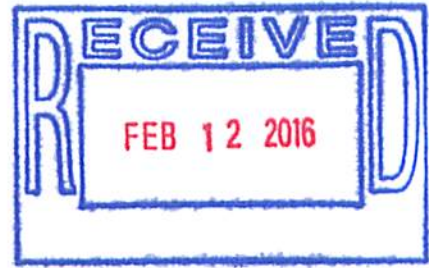
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Notice Sign	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Site Plan	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: Katherine "Katie" Barber Phone: c. 770-356-1675
 Email: katiework@comcast.net

Applicant's Information:

Name: Jay and Katherine Barber
 Address: 416 Flintrock Way Phone: 678-540-3766
 City, State, Zip: Woodstock, GA 30188

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

Name: Jay and Katherine Barber
 Address: 3052 Knox Bridge Hwy Phone: c. 770-356-1675
 City, State, Zip: Canton, GA 30114

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>3</u>	Public Participation Meeting: <u>2.4.16</u>
Case: <u>16-04-013</u>	PC Work Session Date: <u>3.21.16</u>
CityView #: <u>PL20160000186</u>	Planning Commission Hearing: <u>4.5.16</u>
Received by: <u>v.taylor lee</u>	Board of Commissioners: <u>4.19.16</u>
Fee Paid: \$ <u>750⁰⁰</u>	Zoning Board of Appeals: <u>N/A</u>
Date: <u>1.16.16</u>	Other: <u>N/A</u>



U.S. DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

RECEIVED
FEB 15 2018

Dear Mr. [Name]:

On [Date], the [Agency] received your letter regarding [Subject]. We are currently reviewing your request and will respond to you as soon as possible.

Sincerely,
[Signature]

[Name]
[Title]

[Address]
[City, State, ZIP]

This document is confidential and intended solely for the individual named.

cc:

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

[Name]

SECTION II

Property Information:

Location: 3052 Knox Bridge Hwy, Canton, GA 30114

Current Zoning: AG Proposed Zoning: NC Total Acreage: ~~26.58~~ 6.30

Tax Map #: 22 N 12 Parcel #: 2247 064 Land Lot(s): 15 District: 22

Future Development Map Designation: AG

Adjacent Zonings: North AG South AG East AG West NC

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

It is our desire to rezone the northern
acres of the lot to NC. We would leave
the southern and remaining acres AG. Waiver of
the 30 foot zoning buffer along the south and west lines of the NC
parcel.

Proposed Use(s) of Property:

The plan for the re-zoned area would ~~be~~ be to build a
4-unit set of shops (3 retail + 1 restaurant/coffee shop), a 2 acre
garden wedding venue, and an adjoining bed and breakfast in
the garden.

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, Jay and Katherine Barber, 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 16th day of December, 2015.

Print Name Jay and Katherine Barber

Applicant Signature Jay Barber Katherine Barber

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: Cherokee County

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 N/A

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.

Section V
Applicant Response Statement

1. The intent of the requested zoning is to rezone the northernmost 6.30 acres located at 3052 Knox Bridge Hwy. from AG to NC to build a small retail structure (4 units), a ~2 acre garden, and a wedding venue with an adjoining bed and breakfast. An asphalt parking lot will also be put in place to support both areas.

2. It is our opinion that the rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The choice of NC, keeping the buildings under 10,000 square feet, will fit nicely with the nearby property which consists of undeveloped AG zoned land, residences, and another NC zoned lot to the west.

3. The rezoning will not adversely affect the existing use or usability of adjacent or nearby property. It will, in actuality, provide recreational use to the nearby properties with the shops and garden (which will be free and open to the public). The wedding venue will also positively affect the community, providing a location to get married. The appropriate zoning buffers, left natural forest, between 3052 Knox Bridge Hwy and its nearby lots will also maintain privacy for the property's neighbors.

4. The property does not have a reasonable economic use as currently zoned. It needs to be rezoned NC, so that we can operate business from the location, in accordance with existing laws.

5. The proposed rezoning will not result in a use which will or could cause an excessive or burdensome use of exiting streets, transportation facilities, utilities, or schools. Shown on the site plan, one should note the acceleration/deceleration lanes to alleviate traffic congestion.

6. The proposed zoning is in conformity with the policy and interest of the land use plan. The current future development plan, provided to us by the county, shows the property in rural areas. However, the property borders a proposed suburban growth area and will compliment such a plan, as the area along Hwy 20 continues to grow.

7. According to what we were told in a pre-planning meeting with Cherokee County, our proposed plans for the land and the structures that are going to be built on it will fit nicely with the county's future plans for the area and should work in favor of the proposed rezoning being approved. The proposed site plan and the businesses that will operate on the rezoned area will provide both economic growth and recreation for the community.

Applicant Response Statement - Variance

1) Explain requested variance.

The request is to waive the thirty (30) foot zoning buffer along the south and west lines of the Neighborhood Commercial parcel, the reasoning being that both parcels are owned by the same persons. The western parcel was left Agricultural for land use purposes - specifically the construction of a residence on the property, which is not allowed in Neighborhood Commercial.

2) There are exceptional and extraordinary conditions pertaining to this particular piece of property in question, due to its size, shape, or topography.

There are no physical irregularities in the piece of property that require a variance. The variance is required for the owners' use of the land and the construction of a residence on the premises.

3) The application of these regulations to this particular piece of property would create a practical difficulty or unnecessary hardship.

The normal thirty (30) foot buffer between Agricultural and Neighborhood Commercial is unnecessary, as both parcels of land are owned by the same persons and would eat up areas needed for the land use plan and the development of the property.

4) Such conditions are peculiar to the particular piece of property involved.

Both parcels of land are owned by the same persons but the land use plan for the entire property necessitates a partial rezoning so that a residence can be built on site.

5) A literal interpretation of this ordinance would deprive the applicants of any rights that others in the same district are allowed.

The thirty (30) foot buffer would prevent the use of an unreasonable portion of the land in the interior of the property, greatly interfering with the land use plan.

6) Relief, if granted, would not cause substantial detriment to the public good, or impair the purposes and intent of this ordinance.

The public good will not be affected by the elimination of the thirty (30) foot buffer, as it would not touch the properties of anyone other than the owners themselves. The intent of the ordinance is to provide a sufficient space between pieces of property owned by different individuals, not to impair the land use of a single piece of land owned by the same person(s).

7) Special circumstances or conditions applying to the building or land or building and land in question are peculiar to such premises and do not apply generally to other land or buildings in the vicinity.

The special circumstances of the land's use by the owners' does not apply to other land or buildings in the vicinity owned by others, because the thirty (30) foot buffer does not touch land owned by other parties.

8) Granting of the application is necessary for the preservation and enjoyment of a property right and not merely to serve as a convenience to the applicant.

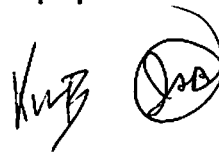
A thirty (30) foot buffer through the center of the owners' property would severely impact the enjoyment of the property and the land use plan by rendering a sizeable portion of the land unusable.

9) The condition from which relief or a variance is sought did not result from willful action by the applicant.

The variance was sought only for the land use issue of building a residence on the property, necessitating the land to be zoned in two different ways.

10) Authorizing the variance will not impair adequate supply of light and air to adjacent property or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding area or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the county.

Adjacent properties will not be adversely affected by omitting a buffer in the middle of property owned by the same persons. The same amount of light and air will be available to adjacent properties. There will be no additional congestion of public streets or risk of fire.

Handwritten signatures in black ink, including a stylized signature and a circular stamp.

Deed Book **13584** Pg **382**
Filed **11/19/2015 10:05 AM**
28-2015-039189
TransferTax **300.00**
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

Commitment Number: RFGA-15649

After Recording, Return To:
Title Forward
1628 JFK Blvd 8 Penn Center
Suite 700
Philadelphia PA 19103

This instrument prepared by:
Jay A. Rosenberg, Esq., Member Georgia Bar; Bar Number 507571; Rosenberg LPA, Attorneys
At Law, 3805 Edwards Road, Suite 550, Cincinnati, Ohio 45209 (513) 247-9605 Fax: (866) 611-
0170.

PROPERTY APPRAISAL (TAX/APN) PARCEL IDENTIFICATION NUMBER
22N12 064

LIMITED WARRANTY DEED

Barbara Mahony and Christine A. McLeod, as joint tenants with right of survivorship, hereinafter grantors, of Fulton County, for \$300,000.00 (Three Hundred Thousand Dollars and Zero Cents) in consideration paid, grant with covenants of limited warranty to **Katherine W. Barber and Jay S. Barber**, joint tenants with rights of survivorship, hereinafter grantees, whose tax mailing address is **3052 Knox Bridge Hwy, Canton, GA 30114**, the following real property:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 15 of the 22nd District, 2nd Section of Cherokee County Georgia and being 26.58+/- acres as shown on that plat of survey of record in Plat Book 13, Page 64, Cherokee County, Georgia records, which plat is incorporated herein for a more complete and accurate description. Subject to that certain Boundary Line Agreement of record in Deed Book 4512, Page 462, aforesaid records. Parcel ID/Folio: 22N12 064 Commonly known as: 3052 Knox Bridge Hwy, Canton, GA 30114

The real property described above is conveyed subject to the following: All easements, covenants, conditions and restrictions of record; All legal highways; Zoning, building and other laws, ordinances and regulations; Real estate taxes and assessments not yet due and payable; Rights of tenants in possession.


TO HAVE AND TO HOLD the same together with all and singular the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title interest, lien equity and claim whatsoever of the said grantors, either in law or equity, to the only proper use, benefit and behalf of the grantees forever.

Prior instrument reference: **Official Records Book 13052, Page 150**

Signed this 16 day of Nov., 2015:



Barbara Mahony




Christine A. McLeod

State of GA
County of Fulton

Signed this 16 day of Nov., 2015

in the presence of:



Pamela O'Connor Smith
(Unofficial Witness)





Notary Public (My Commission expires 3-5-17) (Notary Public Seal Affixed)

Property located at: 3052 Knox Bridge Hwy, Canton, GA 30114

Cherokee County

ZONING LEGAL DESCRIPTION

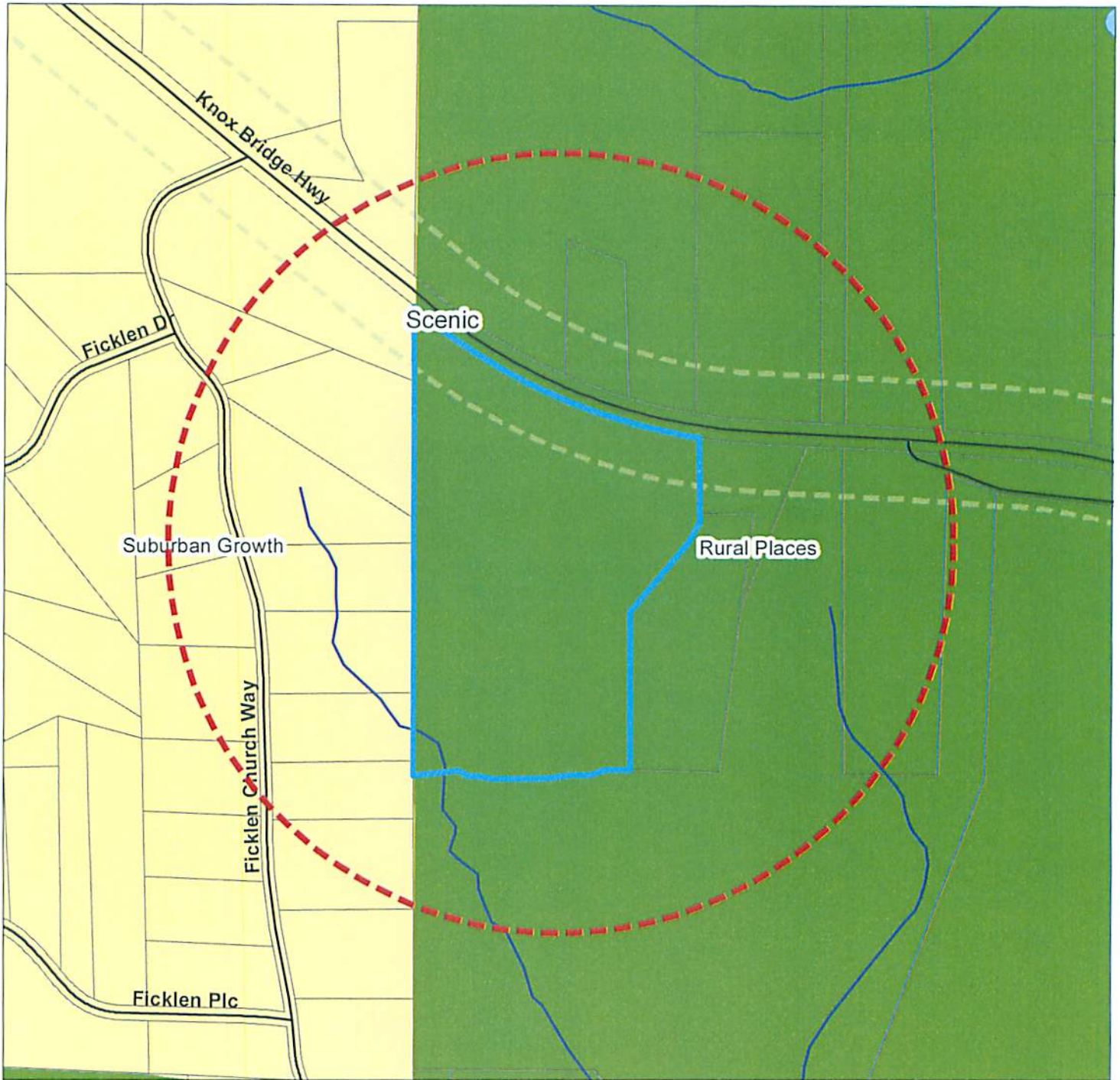
ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 15 OF THE 22nd DISTRICT, 2nd SECTION, CHEROKEE COUNTY GEORGIA. COMMENCING AT THE INTERSECTION FORMED BY THE SOUTHERN RIGHT-OF-WAY OF STATE ROUTE 20 AND THE EASTERN PROPERTY LINE OF THE TRACT BEING AN IRON PIN; SAID POINT BEING THE POINT OF BEGINNING.

FROM THE POINT-OF-BEGINNING THUS ESTABLISHED, THENCE SOUTH 00 DEGREES 34 MINUTES 10 SECONDS EAST (S00°34'10"E) FOR A DISTANCE OF 265.53' TO A IRON PIN FOUND; THENCE SOUTH 39 DEGREES 12 MINUTES 16 SECONDS WEST (S39°12'16"W) FOR A DISTANCE OF 330.43' TO A IRON PIN FOUND; THENCE TURNING AND CONTINUING NORTH 73 DEGREES 41 MINUTES 08 SECONDS WEST (N73°41'08"W) FOR A DISTANCE OF 425.34' TO A POINT; THENCE TURNING AND CONTINUING NORTH 16 DEGREES 18 MINUTES 52 SECONDS EAST (N16°18'52"E) FOR A DISTANCE OF 554.60' TO A POINT ON THE SOUTHERN RIGHT-OF-WAY OF STATE ROUTE 20; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1960.09' AND AN ARC LENGTH OF 477.91', SAID CURVE BEING SUBTENDED BY A CHORD BEARING OF SOUTH 74 DEGREES 09 MINUTES 01 SECONDS EAST (S74°09'01"E) FOR A CHORD DISTANCE OF 476.73' TO A IRON PIN, SAID IRON PIN BEING THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 6.30 ACRES (274,405 S.F.)

Case # 16-04-013 Jay & Katherine Barber

Future Development Map from the Comprehensive Plan



Legend

Rezoning Parcels	Character Areas	Development Nodes
Streets	Natural Preserve	County Crossroads
1/4 mile radius	Rural Places	Hamlet
100 Year Flood Zone	Country Estates	Neighborhood Village
	Suburban Growth	Community Village
	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
February 24, 2016



ZONING NOTICE

Case # 16-04-013

Public Hearing Date 4-5-2016

Present Zone AG

Change To NC

7:00 P.M.

CHEROKEE HALL,
CHEROKEE COUNTY
ADMINISTRATION BUILDING
1130 BLUFFS PARKWAY, CANTON

678-493-6101
www.cherokee

Public Participation Report
3052 Knox Bridge Hwy, Canton, GA 30114
Trailside Shops

Owners: Jay and Katherine Barber

Contact Number: 770-356-1675

Email: katiework@comcast.net

*Public Participation Meeting Date: 7pm Thursday, February 4th
Community Room of Bridgemill Fire Station No. 22*

February 5th, 2016

Fifteen people attended our public participation meeting. Most were neighbors and one realtor and his client came to see what we had in mind for the property. As required by the Public Participation guidelines, we provided the following at the meeting: Cherokee County Development Map and Current Zoning in the area, an enlarged site plan, a sheet to take home with our contact information and our Public Participation Plan, Procedure and Contact information provided by Cherokee County, and the application as submitted. Not a single person looked at the application. All eyes were on the Future Development Map and our site plan.

Only one neighbor, a Mr. Glawson, was disgruntled, having moved into his home just two weeks previously and thought he had moved to the country vs. an area under development. He was most unhappy to see the county's future plan for the area and all the lots that had already been rezoned at the intersection of 108 and SR 20, just two lots west of our property. He did not even realize that the lot west of us and above his neighborhood is already zoned Neighborhood Commercial. In response to his apprehension, we did our best to be encouraging in regards to our development plan, stressing that the western edge of the property, where he lives, would be the quietest and furthest from the parking lot noise and shops. His seven acre property would back up to our wedding pavilion area. Despite their initial irritated entrance, Mr. Glawson was quiet towards the end of the meeting. His wife, Cindy Glawson, was even acting excited about the plans as they left the meeting, speaking happily with another lady about doing a vow renewal and fond wedding memories; it appeared she had come around and warmed to our development plan. She was unconcerned about the shops, where we are rezoning, by the end of the meeting and also voiced that she was pleased something bigger like a grocery store was not going in behind their house. In an effort to appease the Glawsons, we offered to - if needed - add more trees in the 30 ft buffer area on our side of the property and continue the planned solid wall down the entire length of the garden (vs. just posts and a Hardie privacy fence). They seemed pleased with that suggestion, so we will follow through when we begin construction.

The realtor, Darren Nofziger, and his client, Bud Porter, hold the two acre property across SR 20 from our property. They have been having trouble selling their property for residential purposes due to the heavy fast-paced traffic on SR 20 and the difficulty of safely turning into their lot. At the meeting, they were hopeful that our deceleration and acceleration lanes would slow down traffic and make their lot safer to enter. The realtor, Darren, was suggesting to his client to rezone their property to Neighborhood Commercial as well to complement our property. Darren was pleased with our plans and thought that the value of their property would increase due to our development project.

Along those lines, another neighbor, who I sadly did not get his name (I believe the last name was Satterfield), was asking if our development would positively affect the residential property values of those parcels around the shops and garden. We responded that we believed that property values would increase based on the evidence that our own property increased in value almost \$100,000 in less than a year. The previous owners of 3052 Knox Bridge Hwy purchased the property for \$225,000 on Nov 1, 2014, and it appraised at \$300,000 when we purchased the land on Nov 16, 2015. Our purchase price was exactly \$300,000. In just a year, the land increased in value by exactly \$75,000, a 33% increase from the \$225,000 figure.

We spoke a long time to Bradley Gramling, son of Charles Gramling/owner of the property on the eastern edge of our land. He was very positive and had no issues with our plan. His daughter was excited about the shops and that she might find employment there and could walk to work. Mr. Gramling did request that we call him when construction begins as a heads up. We will do so. He is interested to see if he'll have an easier or harder time getting out of his driveway as well. He is hopeful that the deceleration and acceleration lanes on our side of the road will ease traffic and that the people turning into the parking lot will slow traffic down to allow him to exit his driveway with less trouble. Apparently, pulling out of his driveway is scary at times with the high speed traffic on SR 20.

After everyone pursued the provided documents and plans, they sat down and asked questions of us, our architect, and our engineer for the required thirty minutes. It was a much more productive way to answer questions as a group vs. the initial individual conversations; everyone heard the answers and we didn't have to repeat ourselves so much. There was only one request that we would not grant; a neighbor asked for written permission to hunt deer on the property before construction began. We denied his request for safety reasons. At the end of the meeting, we made sure everyone got a copy of our Public Participation Plan with our contact information on it so that they could contact us if any issues arose or could email/call us with in additional questions. Overall, the meeting went smoothly with minimal objection. I feel that the meeting was informative and settled most of the concerns of our surrounding neighbors.

Thank you for your time.

- Katie Barber

Case # 16-04-013 Jay & Katherine Barber

Current Cherokee County Zoning Map



Legend

- | | | |
|---------------------|------------------------|----------------------|
| Rezoning Parcels | Cherokee Zoning | RTH |
| Streets | AG | RM10 |
| 1/4 mile radius | R80 | RM16 |
| Recent Zoning Cases | R60 | TND |
| 100 Year Flood Zone | R40 | PUD |
| | R30 | OI |
| | R20 | NC |
| | R15 | GC |
| | RD3 | LI |
| | R10 | HI |
| | RZL | Bell's 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.



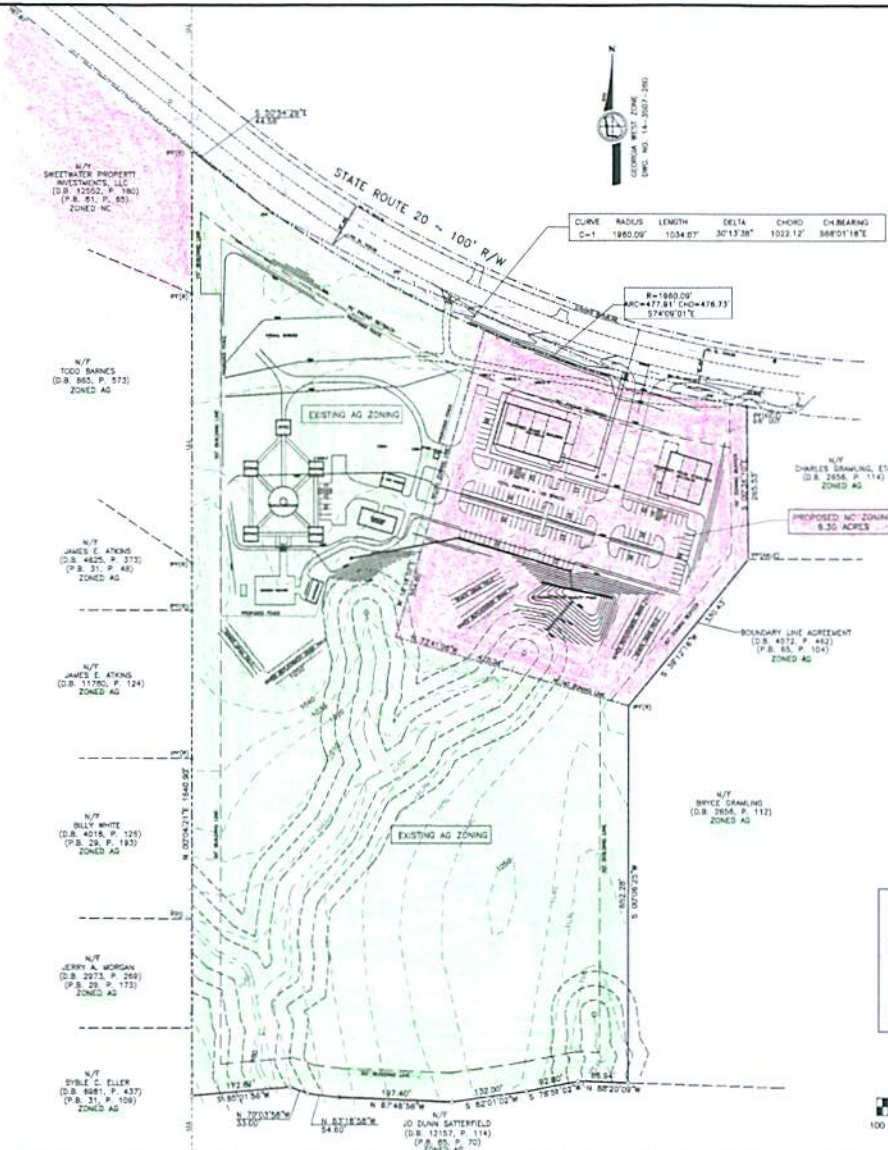
Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 24, 2016



- LEGEND**
- 1) I.P.S. - IRON PIN SET (D.M.)
 - 2) I.P.F. - IRON PIN FOUND
 - 3) A - REMAINING BAR
 - 4) A - ARC
 - 5) RAD - RADII
 - 6) R - RADIUS
 - 7) R(2) - RADIAL
 - 8) R(2) - NOT RADIAL
 - 9) M.P. - MANDIBLE
 - 10) E.A. - DROP ELET
 - 11) B.L. - BUILDING LINE
 - 11) R/W - RIGHT OF WAY
 - 12) J.B. - JUNCTION BOX
 - 13) F.V. - FIRE HYDRANT
 - 14) L.L.L. - LAND LOT LINE
 - 15) C.B. - CHORD BEARING
 - 16) C.D. - CHORD DISTANCE
 - 17) R.F. - ROW OR FORMERLY
 - 18) S.S. - SANITARY SEWER
 - 19) S.S.E. - SANITARY SEWER EASEMENT
 - 20) P.P. - POWER & (OR) PHONE POLE
 - 21) D.E. - DRAINAGE EASEMENT
 - 22) P. - PROPERTY LINE
 - 23) P. - OVERHEAD POWER LINE
 - 24) P. - OVERHEAD POWER LINE
 - 25) P. - FENCE (APPROX. LOC.)
 - 26) P. - FENCE (APPROX. LOC.)
 - 27) P. - STREAM (APPROX. LOC.)
 - 28) P. - DITCH (APPROX. LOC.)

- NOTES**
- 1) ALL MATTERS OF TITLE ARE EXCEPTED.
 - 2) REFERENCE PLAT PLAT FOR APPLE DRAWING, PREPARED BY P & P SURVEYING, DATED MAY 25, 1977, RECORDED IN PLAT BOOK 13, PAGE 64 (WHICH IS THIS TRACT)

"F.E.M.A. OFFICIAL FLOOD HAZARD MAP" COMMUNITY NO. 13262 PAGE 2000 DATED 8-28-08 SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.



ZONING LEGAL DESCRIPTION

ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 15 OF THE 22ND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, COMMENCING AT THE INTERSECTION FORMED BY THE SOUTHERN RIGHT-OF-WAY OF STATE ROUTE 20 AND THE EASTERN PROPERTY LINE OF THE TRACT BEING AN IRON PIN, SAID POINT BEING THE POINT OF BEGINNING.

FROM THE POINT-OF-BEGINNING THUS ESTABLISHED, THENCE SOUTH 00 DEGREES 34 MINUTES 10 SECONDS EAST (S00°34'10\"/>

TOTAL AREA = 26.50 ACRES

- ZONING NOTES**
1. CURRENT ZONING: AG
 2. SITE AREA: 26.50 ACRES
 3. AREA TO BE ZONED NC: 6.30 ACRES
 4. REQUIRED PARKING: RETAIL - 11,250 S.F./200 = 56 SPACES
RESTAURANT - 3,000 S.F./100 = 30 SPACES
REASONING PARKING - 100 SEATS/4 = 25 SPACES
COTTAGES - 4 UNITS X 1.25 = 5 SPACES
OFFICE - 875 S.F./285 = 3 SPACES
TOTAL = 119 SPACES
 5. PROPOSED PARKING: 131 SPACES
 6. ONE STORY BUILDING, 20 FEET HIGH



THESE DRAWINGS ARE PREPARED BY ME OR UNDER THE SUPERVISION OF BRADFORD ENGINEERING, INC. I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF GEORGIA. I HAVE REVIEWED THESE DRAWINGS AND I HEREBY CERTIFY THAT THEY COMPLY WITH ALL APPLICABLE CODES AND REGULATIONS. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

BRADFORD ENGINEERING, INC.
CONSULTING ENGINEERS
278 STONEYBROOK DR.
CANTON, GA. 30119
OFFICE / FAX (770) 479-0122

PROJECT TITLE/NO:
TRAILSIDE SHOPS
3052 - KNOX BRIDGE HIGHWAY
LAND LOT 15, DISTRICT 22, SECTION 2
CHEROKEE COUNTY, GEORGIA
OWNER/DEVELOPER:
KATHERINE BARBER - 418 FLINTTUCK WAY
WOODSTOCK - GEORGIA 30188 - PHONE: (770) 356-1675

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP REF. 22N12 064

STAMPS

PRELIMINARY SITE PLAN

DATE: 04/20/11
BY: BJB
CHECKED BY: BJB
DATE: 04/20/11
SCALE: 1" = 100'

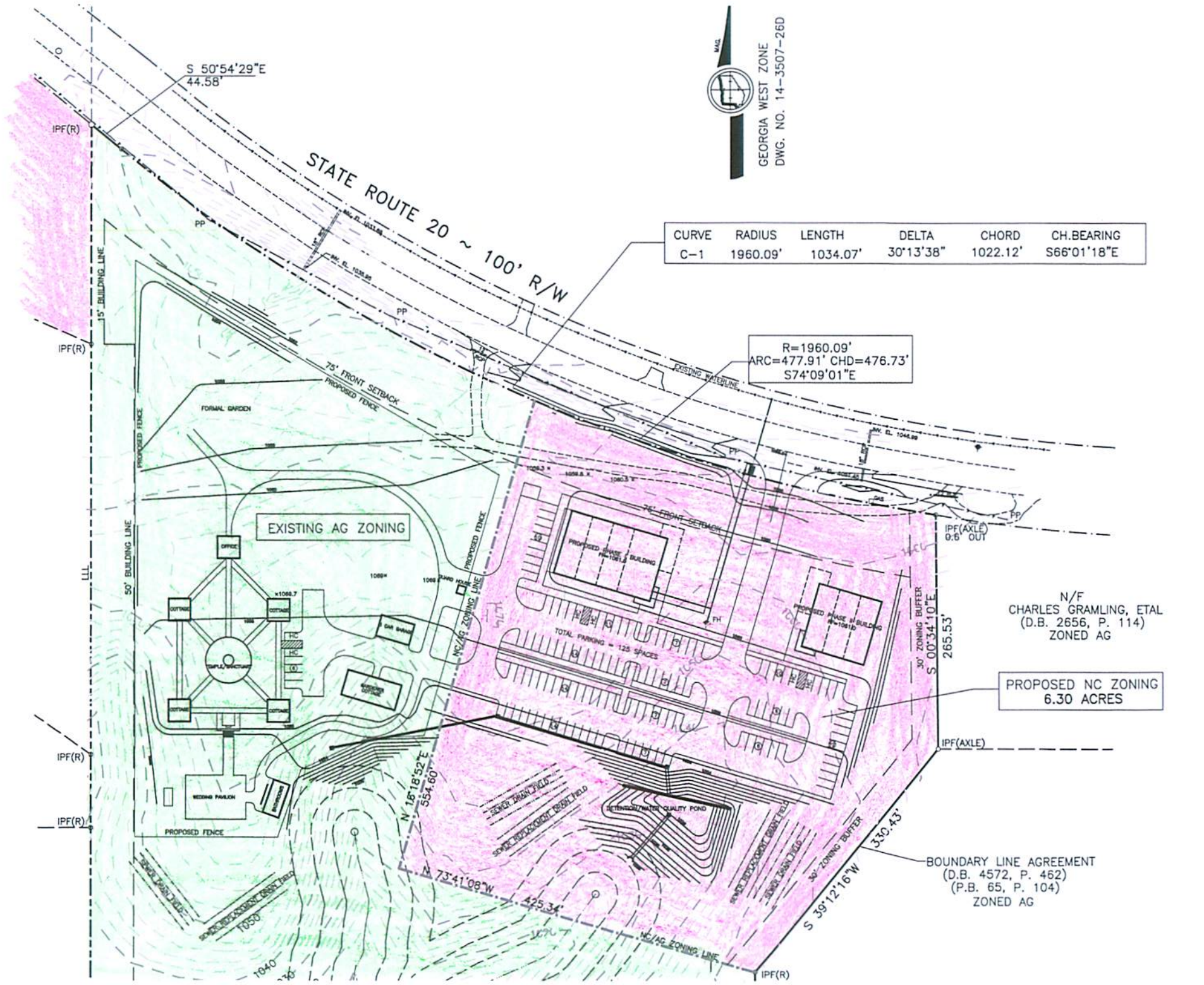
C-1



GEORGIA WEST ZONE
DWG. NO. 14-3507-26D

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
C-1	1960.09'	1034.07'	30°13'38"	1022.12'	S66°01'18"E

R=1960.09'
ARC=477.91' CHD=476.73'
S74°09'01"E



S 50°54'29"E
44.58'

STATE ROUTE 20 ~ 100' R/W

EXISTING AG ZONING

N/F
CHARLES GRAMLING, ETAL
(D.B. 2656, P. 114)
ZONED AG

PROPOSED NC ZONING
6.30 ACRES

BOUNDARY LINE AGREEMENT
(D.B. 4572, P. 462)
(P.B. 65, P. 104)
ZONED AG

15' BUILDING LINE
50' BUILDING LINE

75' FRONT SETBACK
PROPOSED FENCE

TOTAL PARKING = 125 SPACES

WEDDING PARLOR

SEWER DRAIN FIELD
SOURCE REPLACEMENT CREST FIELD
DETENTION/WATER QUALITY POND
POND RECYCLING/BIOMETHANE FIELD
SOURCE TREATMENT FIELD

OFFICE

PROPOSED PHASE I BUILDING

PROPOSED PHASE II BUILDING

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

PROPOSED FENCE

N 18°18'52"E
354.60'

N 73°41'08"W
425.34'

IPF(AXLE)
0.6' OUT

30' ZONING BUFFER
S 00°34'10"E
265.55'

IPF(AXLE)

30' ZONING BUFFER
330.43'
S 39°12'16"W

IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)

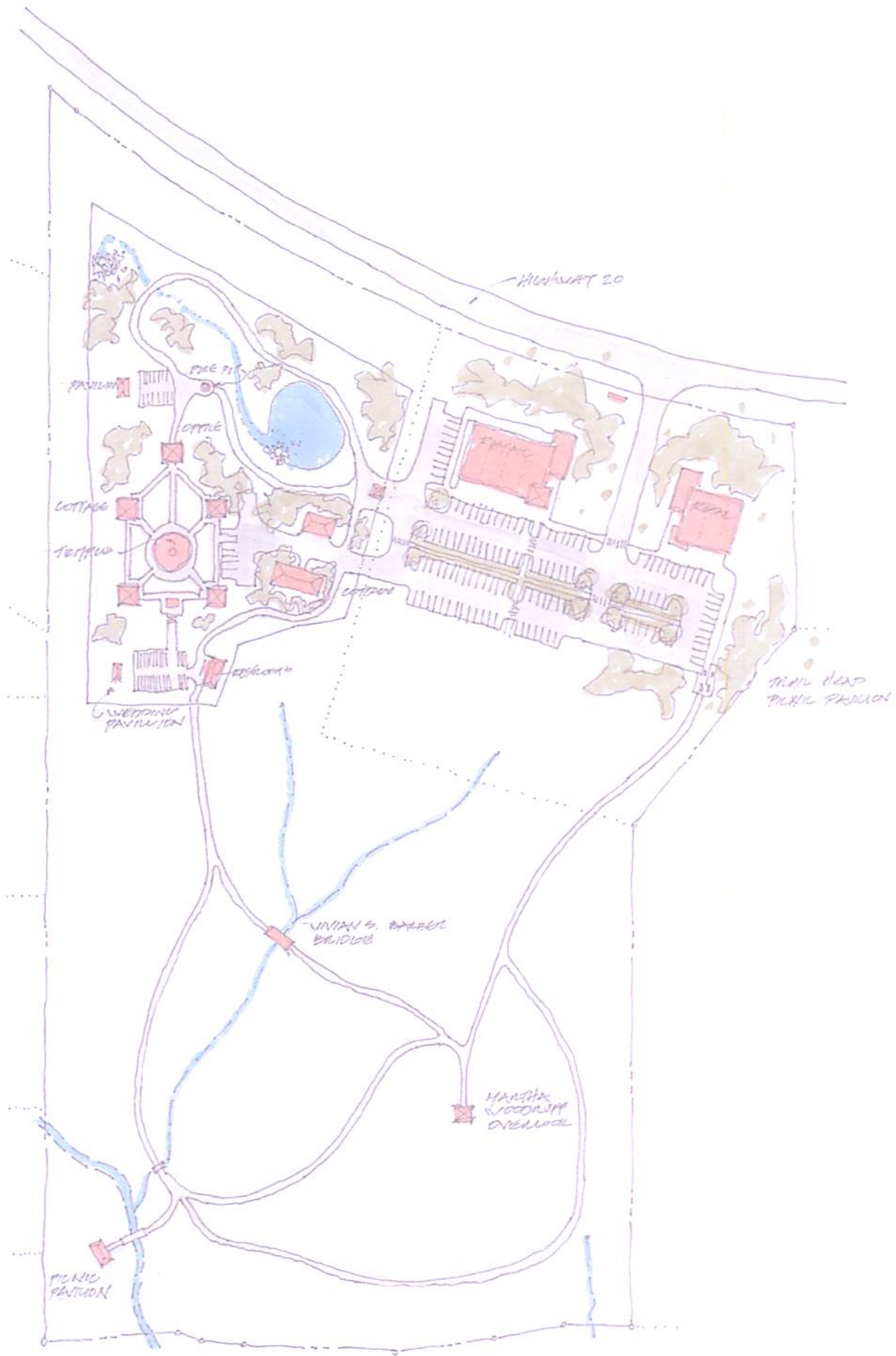
IPF(R)

IPF(R)

IPF(R)

IPF(R)

IPF(R)



HIGHWAY 20

PAVILION

TREE PIT

COTTAGE

COTTAGE

TENT

COTTAGE

WEDDING PAVILION

TRAIL HEAD PUBLIC RESTROOM

UNION & BARBER BRIDGE

HARPER WOODS OVERLOOK

PUBLIC RESTROOM



3052 Knox Bridge Hwy

Trailside Shops





Cherokee County, Georgia
Agenda Request

Item#: 6.

SUBJECT:
Case #16-04-014 Faith Community Church
(BOC Dist. 4)

MEETING DATE:
3/21/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 0.67 acres at 287 Rope Mill Road from NC to R-40 for a church.

FACTS AND ISSUES:

Commission District: 4
Zoning Change: NC to R-40
Location: 287 Rope Mill Road
Tax Map and Parcel No: 15N11, Part of 038A
Acres: 0.67
Proposed Development: Church
Future Development Map: Urban 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"/> Future Development Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Notice Signs	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: Randy Cook Phone: 770-317-4492
 Email: randy.cook@faithcommunitychurch.org

Applicant's Information:

Name: Faith Community Church

Address: 110 Village Trail Ste 110 Phone: 770-516-1996

City, State, Zip: Woodstock, GA 30188

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:	PUBLIC HEARING SCHEDULE:
Commission District: <u>4</u>	Public Participation Meeting: <u>Not required</u>
Case: <u>16-04-14</u>	PC Work Session Date: <u>3-21-16</u>
CityView # <u>PL20160000189</u>	Planning Commission Hearing: <u>4-5-16</u>
Received by: _____	Board of Commissioners: <u>4-19-16</u>
Fee Paid: \$ <u>250⁰⁰</u>	Zoning Board of Appeals: <u>N/A</u>
Date: <u>12-15-15</u>	Other: _____

SECTION II

Property Information:

Location: 287 Rope Mill Road Woodstock, GA 30188

Current Zoning: NC Proposed Zoning: R-40 Total Acreage: ^{0.67} ~~0.90~~ 0.90 acres

Tax Map #: 15 N 11 Parcel #: 038A (part of) Land Lot(s): 926 District: 15th

Future Development Map Designation: Urban Village

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

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

The majority of the lot is zoned R-40, however, a minor portion of the lot is zoned "NC" from previous mapping.

We request that the NC portion of the property be rezoned to R-40.

Proposed Use(s) of Property:

Church

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, Shane Koehler, 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 14th day of December, 20 15.

Print Name Shane Koehler

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?

Public Sewer

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.



2/23/2016

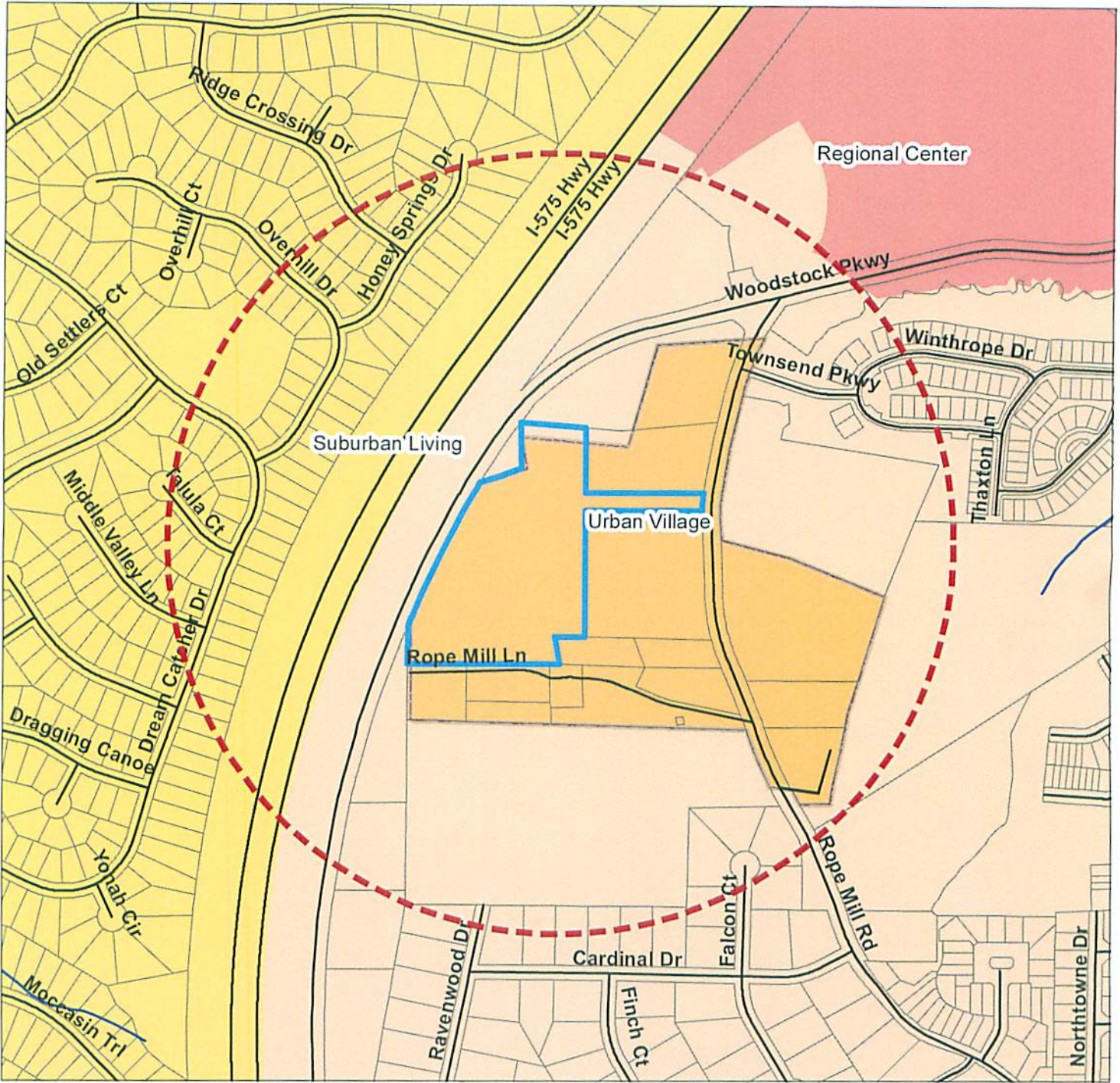
To Whom It May Concern,

Pursuant to our request for a zoning variance our intent is as follows: Our intent is to rezone the portion of the property from NC to R40 to comply with the counties request. This portion is an overlay created from the original 8.43-acre purchase that was subdivided from the original parcel.

Shane Koehler
Faith Community Church

Case # 16-04-014 Faith Community Church

Future Development Map from the Comprehensive Plan



Legend

Rezoning Parcels	Character Areas	Development Nodes	Woodstock Character Areas
Streets	Natural Preserve	County Crossroads	Natural Preserve
1/4 mile radius	Rural Places	Hamlet	Community Facilities
100 Year Flood Zone	Country Estates	Neighborhood Village	Suburban Living
Ball Ground	Suburban Growth	Community Village	Traditional Neighborhood
Canton	Suburban Living	Corridors	Neighborhood Living
Nelson	Neighborhood Living	Scenic Corridor	Urban Village
Woodstock	Bell's 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
February 24, 2016

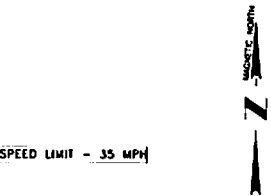
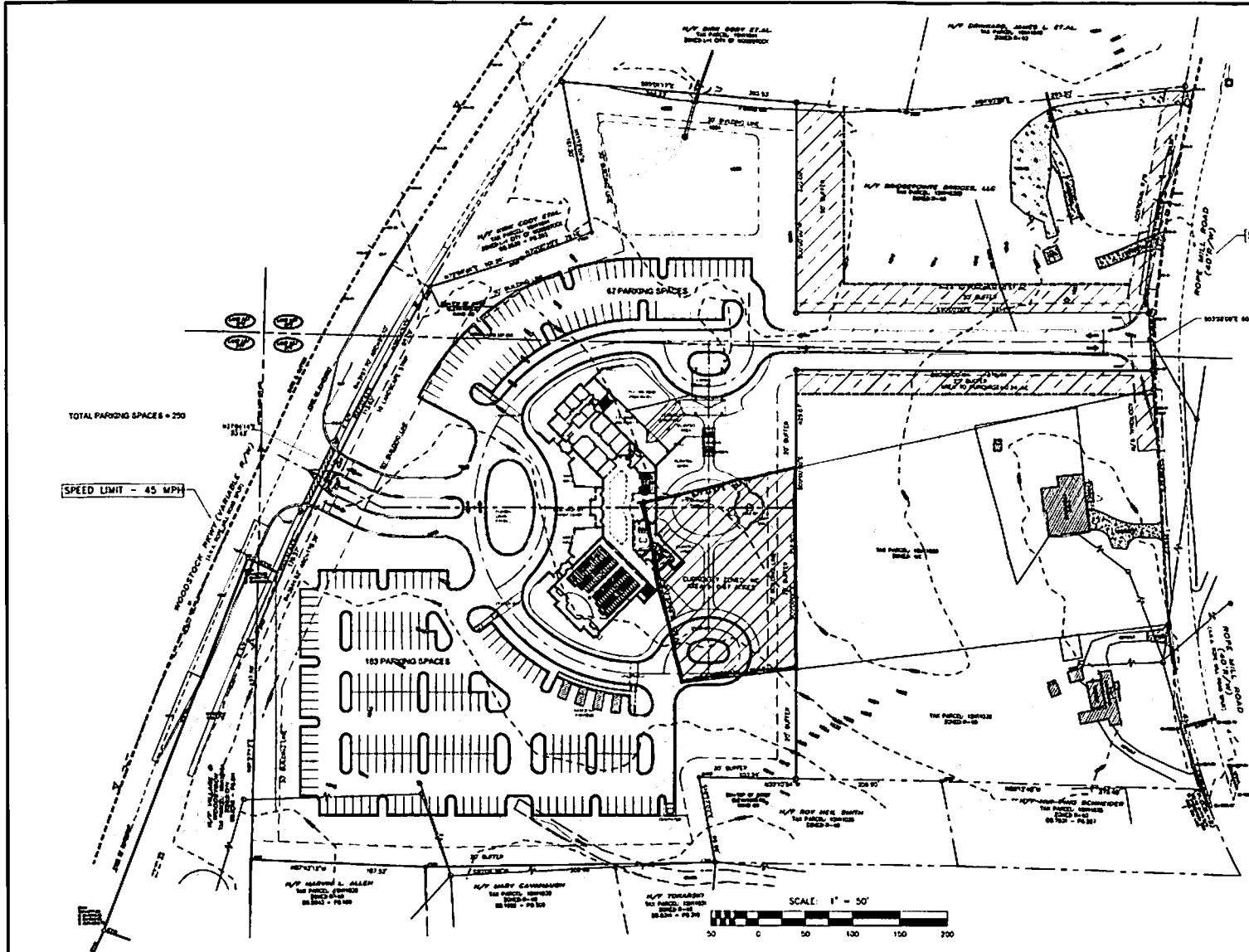


ZONING LEGAL DESCRIPTION

ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 926 OF THE 15th DISTRICT, 2nd SECTION, CHEROKEE COUNTY GEORGIA. COMMENCING AT THE INTERSECTION FORMED BY THE WESTERN RIGHT-OF-WAY OF ROPE MILL ROAD AND THE SOUTHERN PROPERTY LINE OF THE OVERALL TRACT; THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST (S90°00'00"W) FOR A DISTANCE OF 375.44' TO AN IRON PIN; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (S00°00'00"E) FOR A DISTANCE OF 102.83' TO AN IRON PIN; SAID POINT BEING THE POINT OF BEGINNING.

FROM THE POINT-OF-BEGINNING THUS ESTABLISHED, THENCE CONTINUING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (S00°00'00"E) FOR A DISTANCE OF 212.50' TO AN IRON PIN; THENCE TURNING AND CONTINUING SOUTH 83 DEGREES 05 MINUTES 11 SECONDS WEST (S83°08'11"W) FOR A DISTANCE OF 122.63' TO AN IRON PIN; THENCE TURNING AND CONTINUING NORTH 11 DEGREES 37 MINUTES 48 SECONDS WEST (N11°37'48"W) FOR A DISTANCE OF 195.83' TO A IRON PIN, THENCE TURNING AND CONTINUING NORTH 77 DEGREES 35 MINUTES 57 SECONDS EAST (N77°35'57"E) FOR A DISTANCE OF 165.07' TO AN IRON PIN; SAID IRON PIN BEING THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.67 ACRES (29,096 S.F.)



ZONING LEGAL DESCRIPTION

ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 826 OF THE 15th DISTRICT, 2nd SECTION, CHEROKEE COUNTY, GEORGIA, COMMENCING AT THE INTERSECTION FORMED BY THE WESTERN RIGHT-OF-WAY OF HOME HILL ROAD AND THE SOUTHERN PROPERTY LINE OF THE OBERNA TRACT; THENCE SOUTH 80 DEGREES 00 MINUTES 00 SECONDS WEST (S80°00'00") FOR A DISTANCE OF 375.64 TO AN IRON PIN; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (S00°00'00") FOR A DISTANCE OF 102.85 TO AN IRON PIN; SAID POINT BEING THE POINT OF BEGINNING.

FROM THE POINT-OF-BEGINNING THUS ESTABLISHED, THENCE CONTINUING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (S00°00'00") FOR A DISTANCE OF 312.90 TO AN IRON PIN; THENCE TURNING AND CONTINUING SOUTH 83 DEGREES 00 MINUTES 11 SECONDS WEST (S83°00'11") FOR A DISTANCE OF 123.87 TO AN IRON PIN; THENCE TURNING AND CONTINUING NORTH 11 DEGREES 37 MINUTES 40 SECONDS WEST (N11°37'40") FOR A DISTANCE OF 195.87 TO A IRON PIN; THENCE TURNING AND CONTINUING NORTH 71 DEGREES 23 MINUTES 31 SECONDS EAST (N71°23'31") FOR A DISTANCE OF 143.27 TO AN IRON PIN; SAID IRON PIN BEING THE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINING 0.87 ACRES (79,096 S.F.)

ZONING NOTES

1. CURRENT ZONING R-40/NC
2. SITE AREA 8.73 ACRES
3. AREA TO BE ZONED FROM NC TO R-40 0.67 ACRES

TOTAL AREA = 8.73 ACRES

PROJECT TITLE/NO
FAITH COMMUNITY CHURCH
LAND LOTS 875 & 826, DISTRICT 15, SECTION 2
CHEROKEE COUNTY, GEORGIA

OWNER/DEVELOPER
 FAITH COMMUNITY CHURCH - 110 VILLAGE TRAIL - SUITE 110
 WOODSTOCK - GEORGIA 30180 (770)

CONSULTANT
BRADFORD ENGINEERING, INC.
 CONSULTING ENGINEERS
 278 WOODBRIDGE DR
 CANTON, GA 30110
 OFFICE / FAX (770) 478-0170

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP REF. 15A11035A

ZONING SITE PLAN

10-18-10

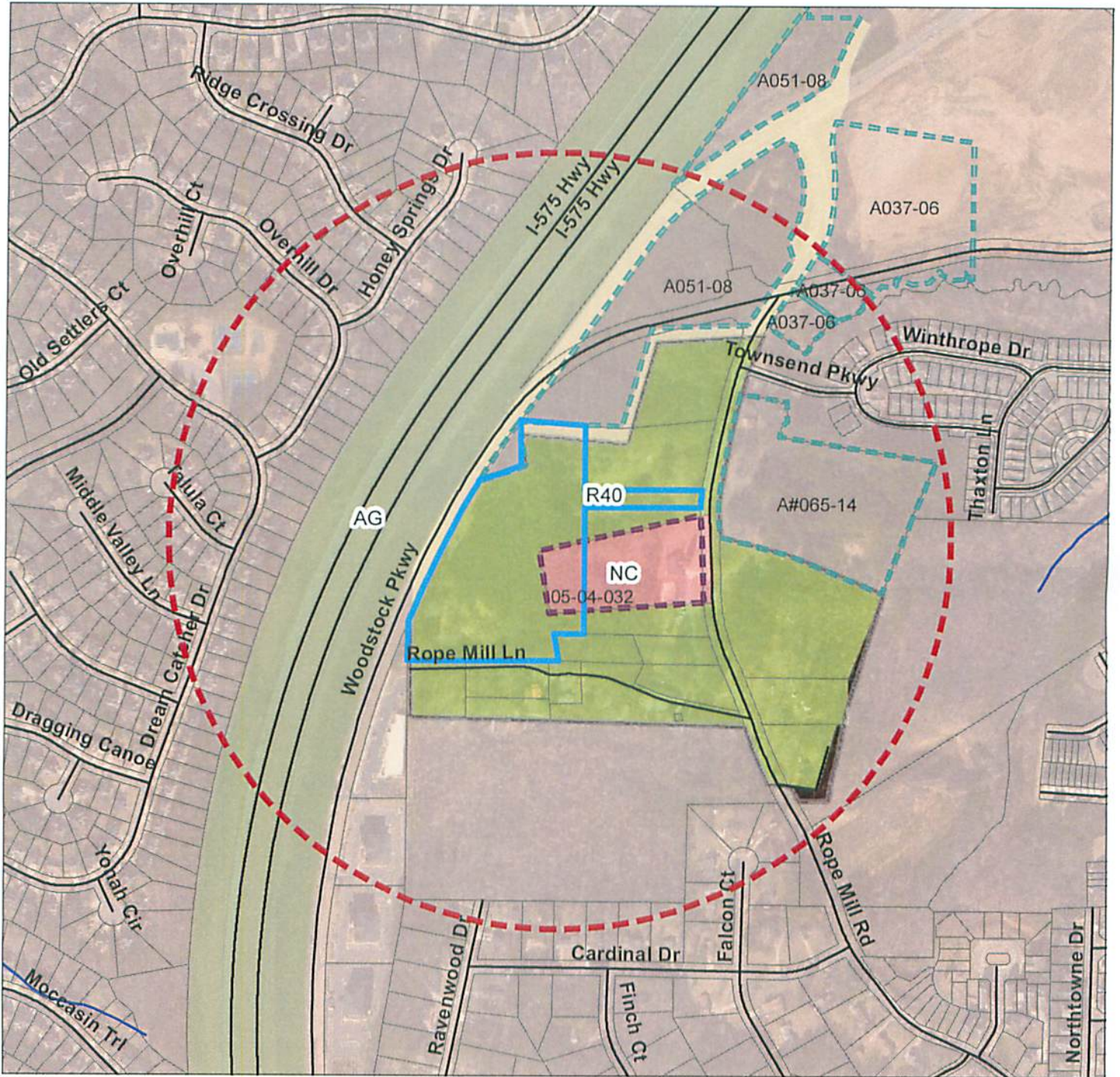
THIS PLAN AND SPECIFICATIONS ARE HEREBY ADOPTED AS THE BASIS FOR THE ISSUANCE OF PERMITS. THE CITY AND COUNTY ENGINEERS SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

BRADFORD ENGINEERING, INC. SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT. THE CLIENT SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED BY THE CLIENT.

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Case # 16-04-014 Faith Community Church

Current Cherokee County Zoning Map



Legend

Rezoning Parcels	Cherokee Zoning	RTH
Streets	AG	RM10
1/4 mile radius	R80	RM16
Recent Zoning Cases	R60	TND
City Annexations	R40	PUD
100 Year Flood Zone	R30	OI
Ball Ground	R20	NC
Canton	R15	GC
Nelson	RD3	LI
Woodstock	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
February 24, 2016



ZONING NOTICE

Case # 16-04-014
Public Hearing Date 4-5-2016
Present Zone NC
Change To R-40

7:00 P.M.

CHEROKEE HALL
CHEROKEE COUNTY
ADMINISTRATION BUILDING
1130 BLUFFS PARKWAY, CANTON

678-493-6101
www.cherokeega.com



ZONING NOTICE

Case # 16-04-014

Public Hearing Date 4-5-2016

Present Zone NC

Change To R-40

7:00 P.M.

CHEROKEE HALL
CHEROKEE COUNTY
ADMINISTRATION BUILDING
1330 BLUFFS PARKWAY, CANTON

678-493-6101
www.cherokeega.com



Cherokee County, Georgia
Agenda Request

Item#: 7.

SUBJECT: **MEETING DATE:**
Case #16-04-015 Little River Farms, LLC (BOC 3/21/2016
Dist. 1)

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 40.9 +/- acres at the corner of State Route 372 and Birmingham Hwy from AG to R-40 for a single family residential subdivision.

****Postponed until May Public Hearing****

FACTS AND ISSUES:

Commission District: 1
Zoning Change: AG to R-40
Location: SR372 and Birmingham Hwy
Tax Map and Parcel No: 03N24, Parcel 129
Acres: 40.9 +/-
Proposed Development: Single Family Residential
Future Development Map: Hamlet and Country Estates

BUDGET:

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

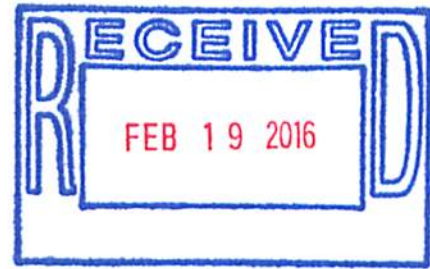
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Notice Sign	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: Ben Key Phone: 404.644.8909
 Email: key.benjamin@gmail.com

Applicant's Information:

Name: Little River Farms, LLC
 Address: 7 South Main St. Phone: 770.390.2555
 City, State, Zip: Alpharetta, GA 30009

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

Name: Freeham Property Company, LLC
 Address: 980 Birmingham Rd. Ste 501-373 Phone: 678.240.0299
 City, State, Zip: Milton, GA 30004

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:

Commission District: 1
 Case: 16-04-15
 CityView #: PL20160000190
 Received by: RH
 Fee Paid: \$ 500.00
 Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: _____
 PC Work Session Date: _____
 Planning Commission Hearing: _____
 Board of Commissioners: _____
 Zoning Board of Appeals: _____
 Other: _____

SECTION II

Property Information:

Location: NORTHEAST CORNER OF INTERSECTION OF GA 372 & BIRMINGHAM HWY

Current Zoning: AG Proposed Zoning: R-40 Total Acreage: 40.9 +/-

Tax Map #: 03 N 24 Parcel #: 129 Land Lot(s): 1254, 1255
1266, 1267 District: 3rd

Future Development Map Designation: HAMLET & COUNTRY ESTATES

Adjacent Zonings: North AG South AG & R-40 East AG West AG

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

Applicant seeks to rezone the property to R-40.

Proposed Use(s) of Property:

A subdivision of single family detached homesites.

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, PHILIP GAUBREATH, 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 17th day of FEBRUARY, 20 16.

Print Name PHILIP GAUBREATH

Applicant Signature [Signature]

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: CCWSA

How is sewage from this site to be managed?

Individual septic systems.

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

If yes, what is the projected increase? 25 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	34	0.725	24.65
Multi Family (Attached) Home	N/A	0.287	N/A

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? 326 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends ⁺	Number of Trips
210	Single Family Home/ Townhome	34	9.57	325.38
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.

LITTLE RIVER FARMS, LLC

7 SOUTH MAIN STREET ALPHARETTA, GA 30009

February 18, 2016

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

RE: APPLICANT RESPONSE STATEMENT - REZONING

Dear Planning and Zoning Department,

Please allow this letter to serve as our "Applicant Response Statement" and letter of intent to seek a rezoning of the 40.9 acre tract known as Map/Parcel 03N24-129 from AG to R-40.

This zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. This zoning proposal will not adversely affect the existing use or usability of the adjacent and nearby property. The property does not have a reasonable economic use as currently zoned. The proposed zoning will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

Although the future land use map classifies this property as a Hamlet and Country Estates, we believe there is little to no demand for commercially zoned property in this location. While our request for R-40 is not a suggested zoning district within the Country Estates and Hamlet character areas, we feel our request is within reason and denying this request would be an infringement upon the property owner's constitutional rights, as there is R-40 zoned property adjacent to and in very close proximity to this property.

Thank you for your consideration.

Best regards,



Benjamin Key
Representative for the Applicant, Little River Farms, LLC
404.644.8909
key.benjamin@gmail.com

#7681 2/2 10.00

This instrument prepared by:
Dana M. Thompson
Dana M. Thompson & Associates, P.C.
341 E. Main St., P.O. Box 1847
Canton, GA 30114
770-479-1844

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA

03 FEB 13 PM 1:21

BOOK 5886 PAGE 063

STATE OF GEORGIA

CHEROKEE COUNTY *m. Lonsan*

LIMITED WARRANTY DEED

This Indenture, made February 13, 2003, between James Richard. Ousley, of the County of Cherokee in the State of Georgia as party or parties of the first part, hereinafter called Grantor, and Freeham Property Company, LLC, a limited liability company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" 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 NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, 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 Grantee,

ALL THAT TRACT AND PARCEL OF LAND LYING AND BEING IN LAND LOTS 1254, 1255, 1266, AND 1267 OF THE 3RD DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, AS SHOWN ON THAT PLAT OF SURVEY PREPARED FOR FREEHAM PROPERTY COMPANY, LLC, BY DIXON-ROSS SURVEYING, INC., CERTIFIED BY KENNETH L. STALCUP, R. L. S. NO. 2779, DATED JANUARY 27, 2003, AND RECORDED IN PLAT BOOK 72, PAGE 161, IN THE SUPERIOR COURT OF CHEROKEE COUNTY, AND INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

THIS CONVEYANCE is made subject to all zoning ordinances, easements and restriction of record affecting said described property.

TO HAVE AND TO HOLD the said described property, with all and singular the rights, members appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the said described property unto the said Grantee against the claims of all persons owning, holding or claiming by, through or under the Grantor.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

[Signature]
Unofficial Witness

[Signature]
James Richard Ousley (Seal)

[Signature]
NOTARY PUBLIC:
My commission expires:



(Seal)

CHEROKEE COUNTY, GA.
REAL ESTATE TRANSFER TAX
PAID \$1036.00
DATE 2-13-05
[Signature]
CLERK OF SUPERIOR COURT

After Recording, Return To:
Brandon Barron
Boling Rice LLC
P.O. Box 244
Cumming, GA 30028
#67825

"LESS & EXCEPT" DEED
& LEGAL

LIMITED WARRANTY DEED
State of Georgia, Forsyth County

THIS INDENTURE is made as of August 27, 2013, between Freeham Property Company, LLC (hereinafter referred to as "Grantor") and Keith Marshall (hereinafter referred to as "Grantee"), ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and does hereby grant, bargain, sell, alien, convey and confirm unto Grantee the following:

All that tract or parcel of land lying and being in Land Lot 1255 of the Third District, Second Section of Cherokee County, Georgia, and being designated as Tract 2, containing 5.014 acres as shown on a survey for Keith Marshall dated August 13, 2013, prepared by Richard Webb and Associates, RLS No. 2507, being more particularly described in Exhibit "A" attached hereto and made a part hereof.

Access to the subject property from Freehome Road will be over and across property already owned by Grantee herein. No access is being conveyed by the Grantor.

TO HAVE AND TO HOLD, the Land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee, forever in FEE SIMPLE.

AND GRANTOR WILL WARRANT and forever defend the right and title of the above described property unto Grantee against the claims of all persons claiming by, through or under Grantor.

EXECUTED under seal as of the date above.

Signed, sealed and delivered
in the presence of:

Freeham Property Company, LLC
By: Myrick Partners, LLLP, Manager
By: MYFP, LLC, General Partner

Signature of Witness
Witness

Signature of Richard S. Myrick (SEAL)
By: Richard S. Myrick, Member & Manager

Notary Public
(SEAL)

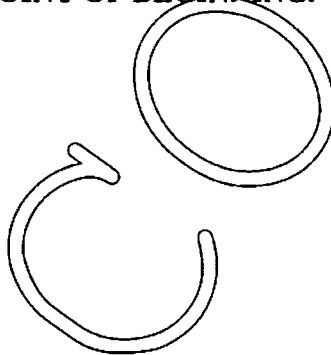


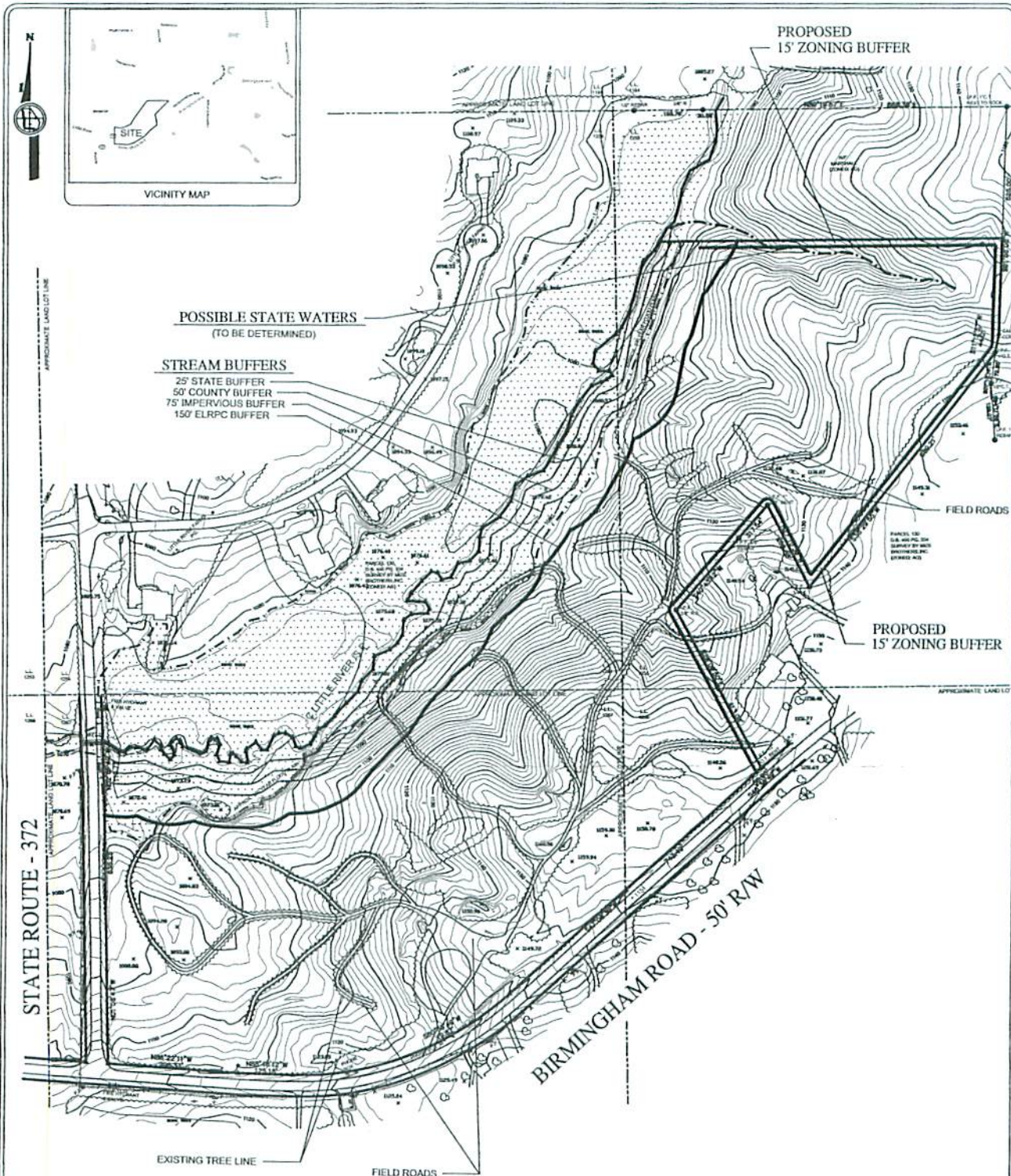
Exhibit "A"

Legal Description

All that tract or parcel of land lying and being in Land Lot 1255 of the Third District, Second Section of Cherokee County, Georgia, and being 5.014 acres as shown on a survey for Keith Marshall dated August 13, 2013, prepared by Richard Webb and Associates, RLS No. 2507, being more particularly described as follows:

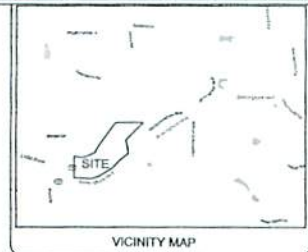
TO FIND THE POINT OF BEGINNING, commence a rock located at the northeast corner of Land Lot 1255, said corner being common to Land Lots 1255, 1256, 1193 & 1194 of the Third District and Second Section of Cherokee County, Georgia; thence along the northern land lot line of Land Lot 1255, North 88 degrees, 20 minutes, 53 seconds West 417.73 feet to an iron pin found, being the **TRUE POINT OF BEGINNING**; thence leaving the northern land lot line of Land Lot 1255, South 02 degrees, 56 minutes, 22 seconds West 305.66 feet to an iron pin set; thence North 89 degrees, 39 minutes, 32 seconds West 788.52 feet to a point located at the centerline of a creek; thence following the meanderings of the creek, North 36 degrees, 53 minutes, 28 seconds East 61.12 feet to a point; thence North 17 degrees, 30 minutes, 10 seconds East 36.25 feet to a point; thence North 08 degrees, 47 minutes, 13 seconds East 57.69 feet to a point; thence North 42 degrees, 13 minutes, 04 seconds East 58.88 feet to a point; thence North 85 degrees, 57 minutes, 24 seconds East 14.32 feet to a point; thence North 60 degrees, 43 minutes, 26 seconds East 15.39 feet to a point; thence North 15 degrees, 34 minutes, 13 seconds East 22.69 feet to a point; thence North 13 degrees, 34 minutes, 16 seconds East 44.90 feet to a point; thence North 06 degrees, 01 minutes, 54 seconds West 39.42 feet to a point; thence North 34 degrees, 21 minutes, 45 seconds East 8.72 feet to a point located on the northern land lot line of Land Lot 1255; thence leaving the centerline of the creek, along the northern land lot line of Land Lot 1255, South 89 degrees, 39 minutes, 32 seconds East 663.10 feet to an iron pin found being the **POINT OF BEGINNING**.





STATE ROUTE - 372

BIRMINGHAM ROAD - 50' R/W



POSSIBLE STATE WATERS
(TO BE DETERMINED)

STREAM BUFFERS
25' STATE BUFFER
50' COUNTY BUFFER
75' IMPERVIOUS BUFFER
150' ELRPC BUFFER

PROPOSED 15' ZONING BUFFER

PROPOSED 15' ZONING BUFFER

EXISTING TREE LINE
FIELD ROADS

AREA = 41 AC. ±



ADJACENT LAND USE

WEST: THE PROPERTY BORDERS SR-372 ON THE WEST.
NORTH: THIS AREA IS UNDEVELOPED WITH SIMILAR SITE CHARACTERISTICS AS THE SUBJECT PROPERTY.
NORTHWEST: THE LANDS TO THE NORTHWEST OF THE SITE ARE DEVELOPED INTO A RESIDENTIAL SUBDIVISION NAMED, LITTLE RIVER FARMS.
SOUTHEAST: THE LANDS TO THE SOUTHEAST OF THE SITE, INCLUDING THE PARCELS ACROSS BIRMINGHAM ROAD, ARE TYPICAL ESTATE TYPE HOMES MOSTLY RURAL IN NATURE.

WETLANDS:

WETLAND AREA ON THIS SITE ARE TYPICAL, AND LIE WITHIN THE FLOODPLAIN AREA OF LITTLE RIVER. LITTLE RIVER IS A TYPICAL "RED AND BANK" WETLAND CONSISTENT WITH FLOWING CHANNELS. NO OFFICIAL WETLAND DELINEATION HAS BEEN PREPARED AT THIS TIME.

EXISTING SOILS:

A LEVEL-1 SOILS INVENTORY HAS BEEN PREPARED BY GEOSCIENCES ENGINEERING, INC. THE MAJORITY OF THE SITE IS UPLANDS WITH PACOLET AND MADISON SOIL TYPES IN THE 0-15% SLOPE RANGE.

EXISTING UTILITIES:

1. WATER SERVICE: THE SITE WILL BE SERVED BY A CONNECTION TO THE EXISTING WATERMAIN LOCATED IN THE ADJACENT R/W OF SR-372.
2. SANITARY SEWER SERVICE: EACH LOT WILL BE SERVED BY AN ON-SITE SEWAGE DISPOSAL SYSTEM (SEPTIC TANK).

EXISTING SITE VEGETATION

THE LOW LYING AREA OF THE SITE IS TYPICAL FLOODPLAIN CONSISTING OF GRASSY MARSH WITH SCATTERED OVERSTORY SPECIES. THE MAJORITY OF THE SITE IS WOODED WITH DENSE UNDERSTORY SPECIES.

HISTORIC, ARCHEOLOGICAL, CULTURAL FEATURES

THIS FIRM HAS NO KNOWLEDGE OF THE PRESENCE OF HISTORIC, ARCHEOLOGICAL, OR CULTURAL FEATURES LOCATED ON THIS SITE.

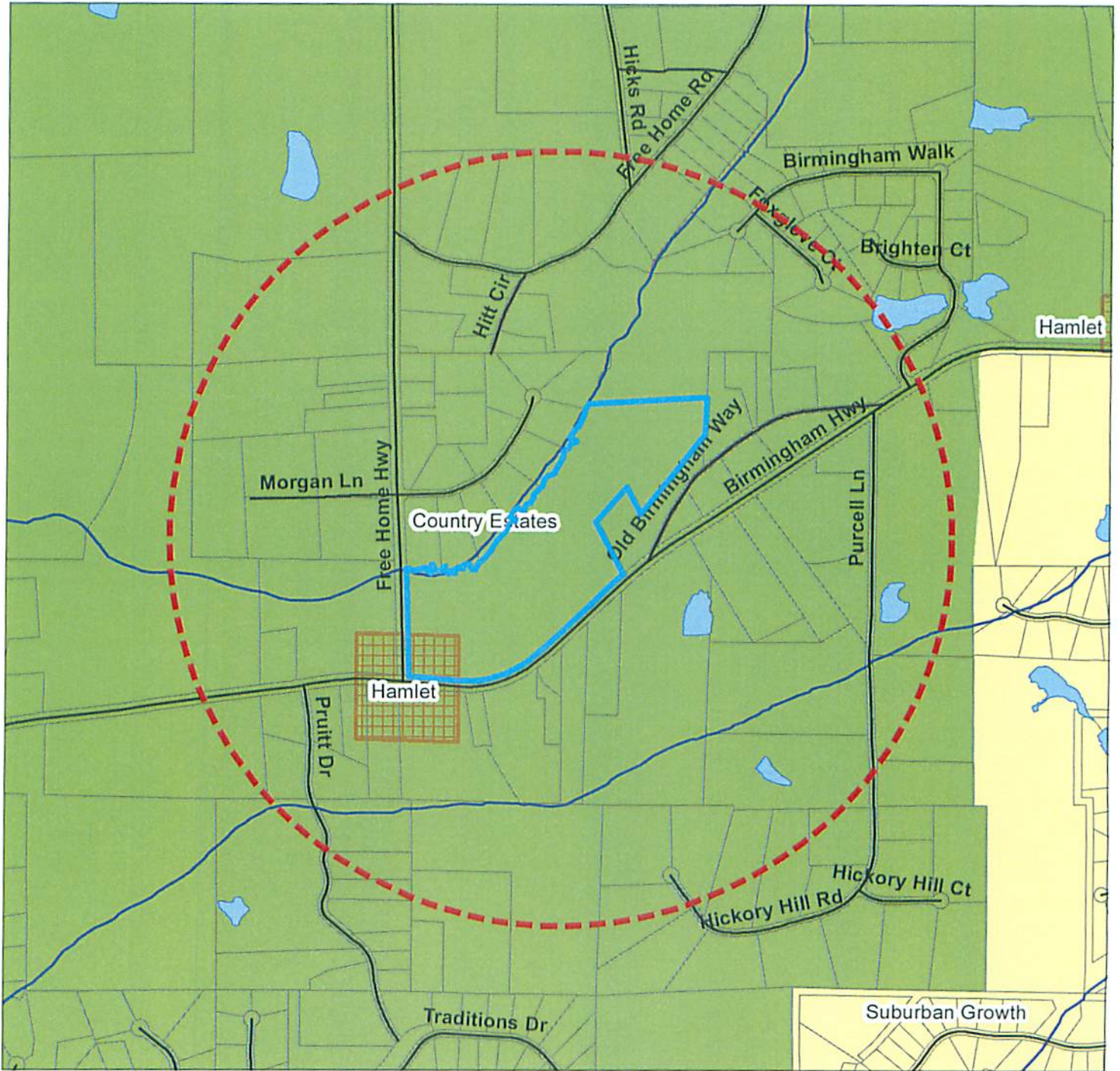
EXISTING SITE RESOURCES MAP
OF
BIRMINGHAM ROAD AT
SR-372 TRACT

LAND LOTS) - 125A, 125B, 125C & 1267
DISTRICT - 3 SECTION - 2
CITY: GWINNEC COUNTY, GA
PREPARED FEBRUARY 18, 2016 SCALE: 1" = 100 FT
DRAWN BY: JAW
CADD FILE: J:\PROJECTS\2016\SR372\SR372.dwg
JOB NO. 24300

1100 WENDEL AVENUE ROAD / P.O. BOX 138
BRIAR CLIFF, GEORGIA 30107
PHONE: 770.370.1200 / FAX: 770.370.0500
SURVEYING & MAPPING SOCIETY OF GEORGIA

Case # 16-04-015 Little River Farms, LLC

Future Development Map from the Comprehensive Plan



Legend

- | | | |
|---------------------|------------------------|--------------------------|
| Rezoning Parcels | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/2 mile radius | Rural Places | Hamlet |
| 100 Year Flood Zone | Country Estates | Neighborhood Village |
| | Suburban Growth | Community Village |
| | 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.

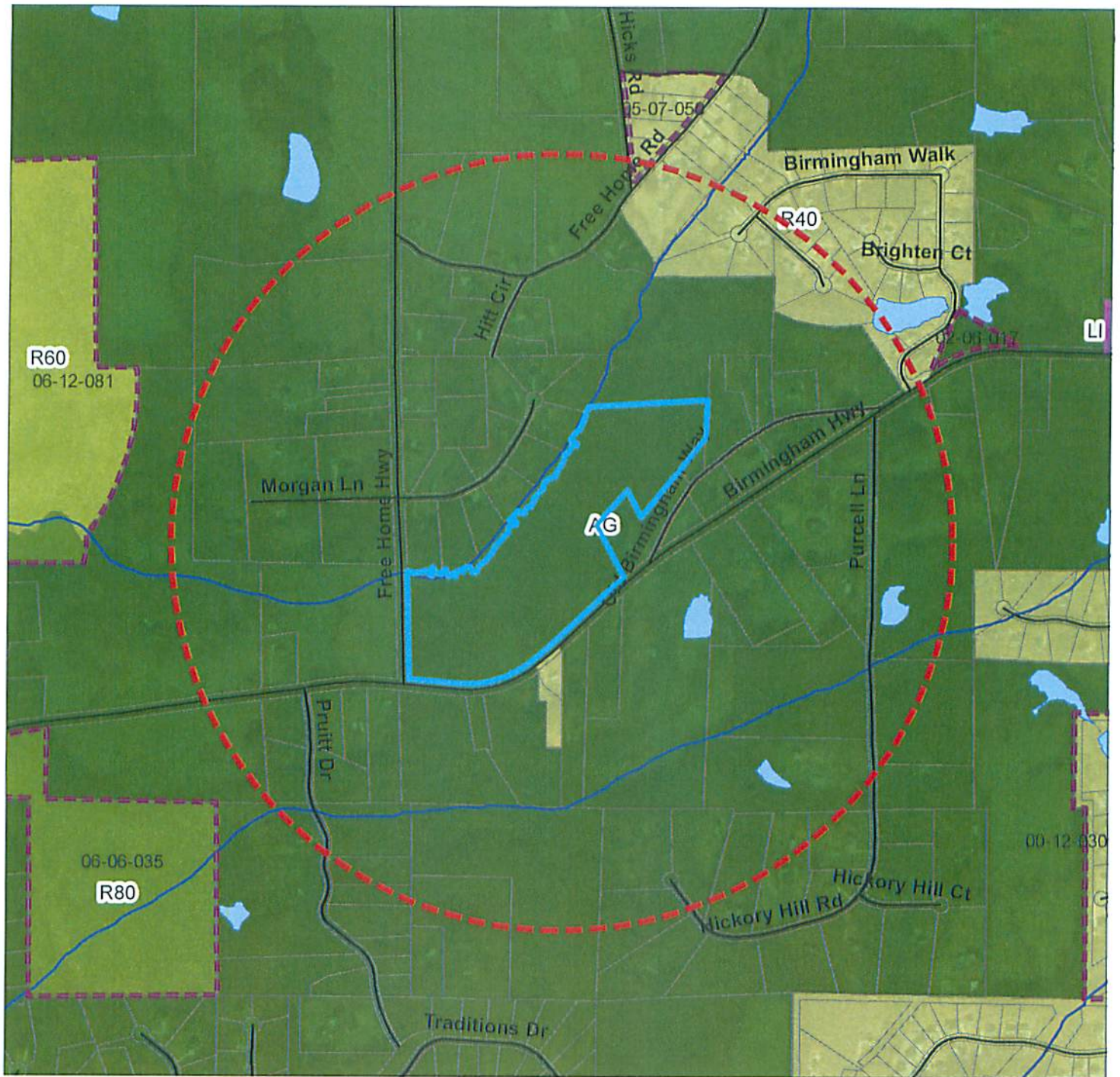


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 24, 2016



Case # 16-04-015 Little River Farms, LLC

Current Cherokee County Zoning Map



Legend

- | | | |
|---------------------|------------------------|---------------------|
| Rezoning Parcels | Cherokee Zoning | RTH |
| Streets | AG | RM10 |
| 1/2 mile radius | R80 | RM16 |
| Recent Zoning Cases | R60 | TND |
| City Annexations | R40 | PUD |
| 100 Year Flood Zone | R30 | OI |
| | R20 | NC |
| | R15 | GC |
| | RD3 | LI |
| | R10 | HI |
| | RZL | Bells Ferry Overlay |
| | RA | Hwy 92 Overlay |

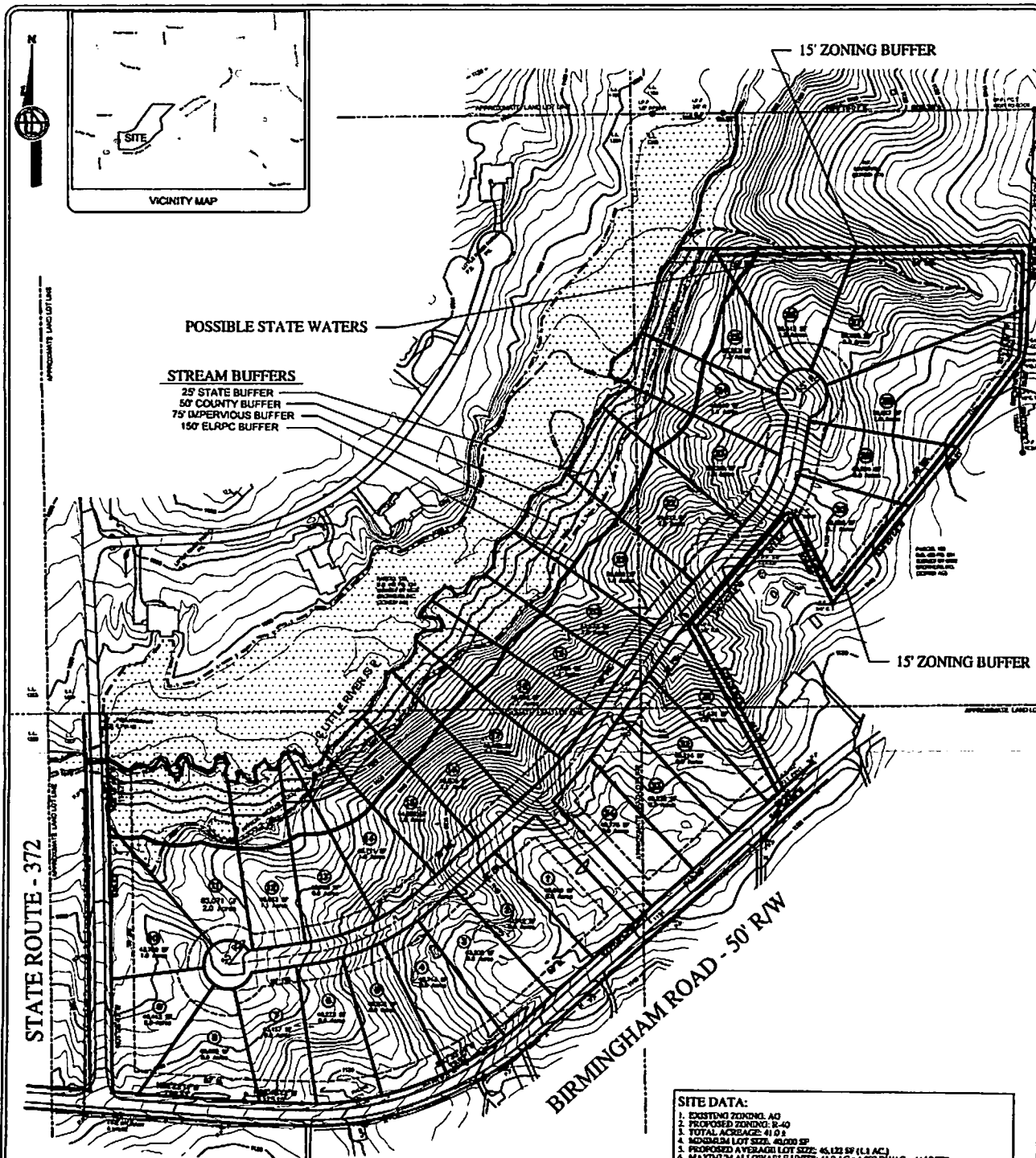


This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 24, 2016





SITE DATA:

- EXISTING ZONING: AO
- PROPOSED ZONING: R-40
- TOTAL ACRES: 41.0 ±
- MINIMUM LOT SIZE: 40,000 SF
- PROPOSED AVERAGE LOT SIZE: 45,122 SF (1.3 AC)
- MAXIMUM ALLOWABLE UNITS: 41.0 AC ÷ 1.09 DU/AC = 44 UNITS
- PROPOSED LOTS: 34
- PROPOSED DENSITY: 0.83 DU/AC
- BOUNDARY INFORMATION IS COMPILED FROM PLATS FOR FREEHAM PROPERTY BY: DEKOR-GROSS SURVEYING, INC.
- WETLAND, STREAM BUFFER AND FLOODPLAIN SHOWN IS APPROXIMATE.
- THE PROPOSED ZONING SHALL NOT BE SITE PLAN SPECIFIC TO THIS LAYOUT.
- A SITE VISIT TO DETERMINE THE PRESENCE OF ADDITIONAL STATE WATERS IS RECOMMENDED PRIOR TO FINALIZING THE LOT LAYOUT.

SITE HYDROLOGY
 DETENTION AND/OR WATER QUALITY REQUIREMENTS WILL BE ADDRESSED BY UTILIZING ON-SITE PONDS(S), BIO-SWALES, ETC. ADDITIONAL INFORMATION WILL BE PROVIDED AS SOIL TESTING IS COMPLETE.

EXISTING UTILITIES:

- WATER SERVICE: THE SITE WILL BE SERVED BY A CONNECTION TO THE EXISTING WATERMAIN LOCATED BY THE ADJACENT R/W OF SR-372.
- SANITARY SEWER SERVICE: EACH LOT WILL BE SERVED BY AN ON-SITE SEWAGE DISPOSAL SYSTEM (SEPTIC TANK).

ON-SITE SEWAGE DISPOSAL

- 0.529 AC. OF USABLE SOIL IS REQUIRED ON EACH LOT TO SERVE A THREE-BEDROOM HOME. ADDITIONAL SPACE IS REQUIRED FOR LARGER HOMES.
- A LEVEL-1 SOIL STUDY OF THE PROJECT SHALL BE PREPARED TO DETERMINE THE EXISTENCE OF NON-USABLE SOILS.
- THE TOTAL NUMBER OF LOTS WILL FLUCTUATE PENDING THE SOIL SURVEY.

EXISTING SITE VEGETATION
 THE LOW LYING AREA OF THE SITE IS PRIMARILY WETLANDS CONSISTING OF GRASSY MARSH WITH SCATTERED PASTORAL SPECIES. THE MAJORITY OF THE SITE IS WOODED WITH DENSE UNDERSTORY SPECIES.

HISTORIC, ARCHEOLOGICAL, CULTURAL FEATURES
 THIS FIRM HAS NO KNOWLEDGE OF THE PRESENCE OF HISTORIC, ARCHEOLOGICAL, OR CULTURAL FEATURES LOCATED ON THIS SITE.

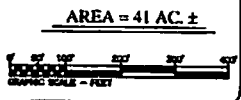


Table 7.5A: Wetland Districts Developmental Standards

WETLAND DISTRICT	SOIL TYPE	MINIMUM DISTANCE	MINIMUM WIDTH	MINIMUM DEPTH	MINIMUM BUFFER	MINIMUM BUFFER	MINIMUM BUFFER	MINIMUM BUFFER	MINIMUM BUFFER	MINIMUM BUFFER	MINIMUM BUFFER
W1	W1	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W2	W2	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W3	W3	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W4	W4	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W5	W5	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W6	W6	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W7	W7	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W8	W8	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W9	W9	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W10	W10	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W11	W11	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W12	W12	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W13	W13	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W14	W14	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W15	W15	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W16	W16	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W17	W17	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W18	W18	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W19	W19	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W20	W20	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W21	W21	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W22	W22	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W23	W23	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W24	W24	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W25	W25	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W26	W26	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W27	W27	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W28	W28	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W29	W29	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W30	W30	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W31	W31	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W32	W32	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W33	W33	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W34	W34	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W35	W35	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W36	W36	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W37	W37	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W38	W38	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W39	W39	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W40	W40	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W41	W41	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W42	W42	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W43	W43	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W44	W44	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W45	W45	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W46	W46	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W47	W47	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W48	W48	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W49	W49	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'
W50	W50	100'	10'	10'	10'	10'	10'	10'	10'	10'	10'

CONCEPTUAL LOT LAYOUT
BIRMINGHAM ROAD AT SR-372 TRACT
 LOTS 1-34
 PREPARED BY: DEKOR-GROSS SURVEYING, INC.
 DATE: 08/12/2010
 PROJECT: BIRMINGHAM ROAD AT SR-372 TRACT

LANDMARK SURVEYING
 1000 W. 10th Street, Suite 100, Oklahoma City, OK 73106
 PHONE: (405) 521-1111 FAX: (405) 521-1112
 WWW.LANDMARKSURVEYING.COM

MOUNT VERNON REALTY

February 12, 2016

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

RE: Public Participation Meeting Regarding Upcoming Rezoning Application of 40.9
Acres at Freehome Hwy & Birmingham Hwy, Map/Parcel 03N24-129

Dear Planning and Zoning Staff Members,

In accordance with the requirements set forth in the upcoming rezoning application, this letter is meant to serve as a summary of the Public Participation Meeting that was held on February 4, 2016 at the Free Home Community Services Center. The meeting was held in the community room beginning at 6:30 PM, and lasted approximately one hour. This meeting was advertised to all property owners within 750 feet of the subject property and all of the "interested parties." The meeting had approximately twelve (12) attendees (see attached sign-in sheet).

The people in attendance were generally unopposed to the proposed 34 lot plan, but a recommendation was made that Four-Board horse fencing be placed along the road frontage of the neighborhood in order to keep with the overall feel of the area. Attendees were interested in what type of homes would be built in the subdivision and we informed them that we felt the market supported homes in the \$400,000 - \$500,000 price range. I did receive one phone call yesterday from a resident on Morgan Lane that stated those proposed homes were about 1/3 of the value of her home, and she was worried about her property value going down.

The proposed site plan, site resource, current zoning, and future land use maps were all available for review at the meeting.

Best regards,



Benjamin Key
Representative for the Applicant, Little River Farms, LLC
404.644.8909



**ZONING
NOTICE**

7:00 PM

578-493-6303



**Cherokee County, Georgia
Agenda Request**

Item#: 1.

SUBJECT: **Public Hearing on an Amendment to Article 16.1 Highway 92 Village Ordinance**
MEETING DATE: 3/21/2016

SUBMITTED BY:
Margaret Stallings, Principal Planner

COMMISSION ACTION REQUESTED:

Hold a Public Hearing on an amendment to Article 16.1 Highway 92 Overlay at the April 5, 2016 Planning Commission meeting.

FACTS AND ISSUES:

Section 16.1 - Highway 92 Village Ordinance does not address the development of industrial property within the corridor. Considering the significant industrial development taking place in the SW corner of the county, it is prudent to amend this ordinance. This amendment helps to maintain the Highway 92 site design standards while allowing more flexibility on the building architecture and materials that is appropriate for the size and scale of the industrial development.

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

Hold the public hearing at the April 5, 2016 Planning Commission meeting and make a recommendation to the Board of Commissioners.

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Proposed Ordinance Language	Backup Material

Proposed Revisions to Article 16 – Overlay Zoning District Regulations

16.1.10 Relationship to Existing Underlying Zoning

Nothing contained herein shall be construed to replace or supersede existing underlying zoning classifications of properties within the Highway 92 Corridor. ~~It is, however, the intent of the governing authority to require that all properties developed under this Ordinance shall meet all of the requirements outlined herein.~~ It is further the intent of the governing authority that ~~previously zoned~~ properties shall ~~retain the permitted land uses of the respective zoning districts but shall be developed~~ using the development standards and regulations outlined in this ordinance, found in Section 16.1.5 Minimum Development Standards and Development Regulations for the Corridor, plus any other relevant county ordinances and development regulations. Industrial land uses on LI and HI zoned property shall be exempt from the requirements of Section 16.1.5(C)3 Architecture and 16.1.5(C)4 Building Materials. In addition, industrial land uses on LI and HI zoned property without any road frontage along Highway 92 shall be exempt from all requirements of Section 16.1.5 Minimum Development Standards and Development Regulations for the Corridor.