



Cherokee County Planning Commission Public Hearing AGENDA

April 5, 2016
Cherokee Hall 7:00 PM

CALL TO ORDER

ZONING CASES

1. 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.

2. 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.

3. 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.

4. 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.

5. 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.

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

1. March 1, 2016 Minutes

2. March 21, 2016 Minutes

ADJOURN



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>250.00</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:

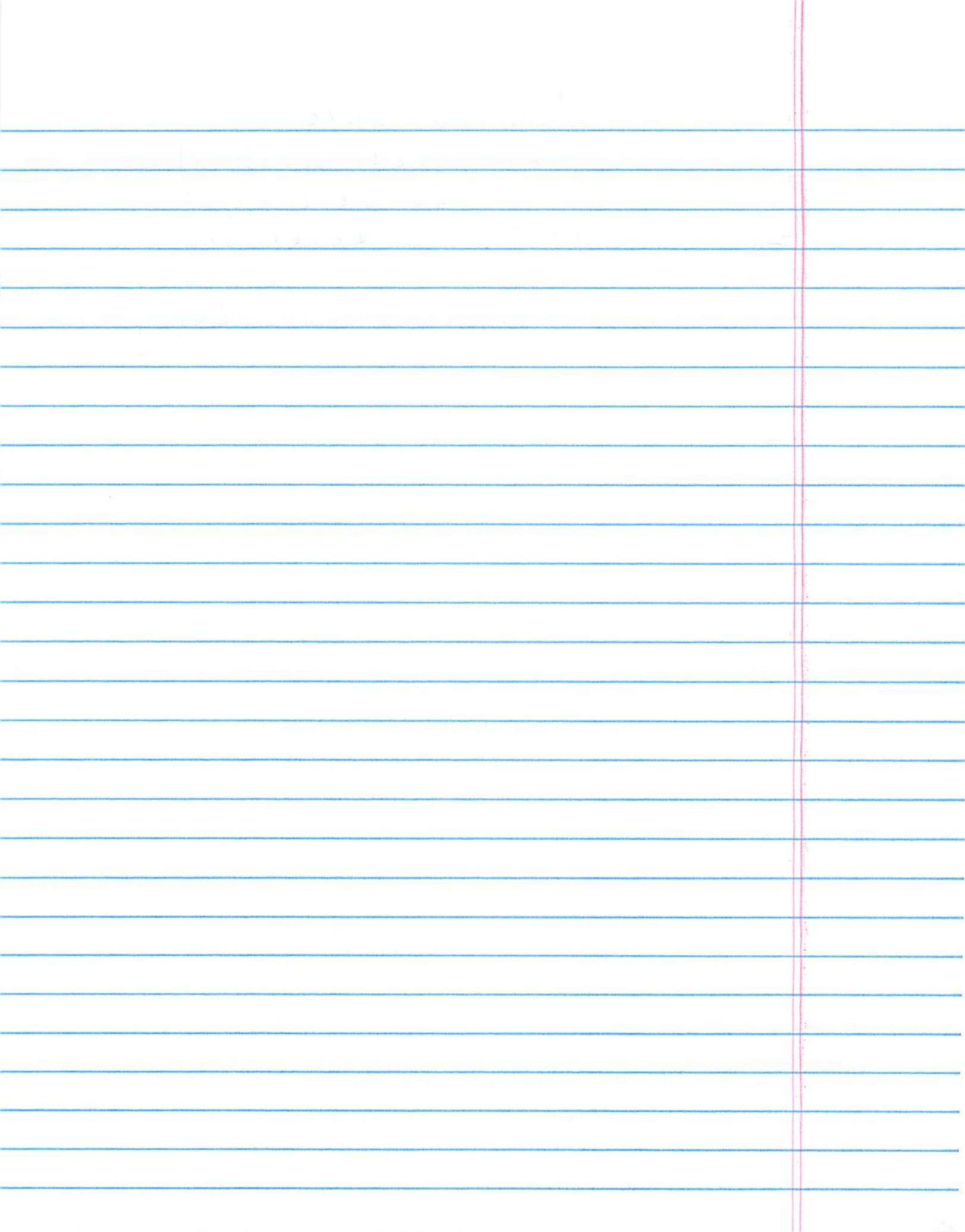
* Residential land uses are calculated based on the number of residential units. Commercial and industrial land uses are typically calculated based on square feet (sqft) of floor area for the use.

+ 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
#5049
Return Recorded Document to:
YEARSON & ASSOCIATES, P.C.
475 Triple Gap Road, Suite 302
Cumming, GA 30040
File No. 89-0244

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:

Linda Dwyer
Witness

Scott Wilbanks (Seal)
SCOTT WILBANKS

Angela Wilbanks (Seal)
ANGELA WILBANKS

(Seal)

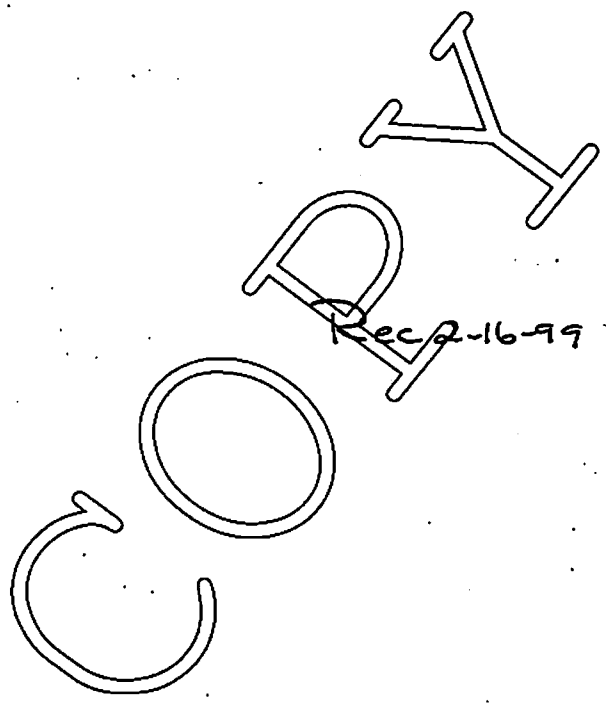


EXHIBIT "A"

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



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.

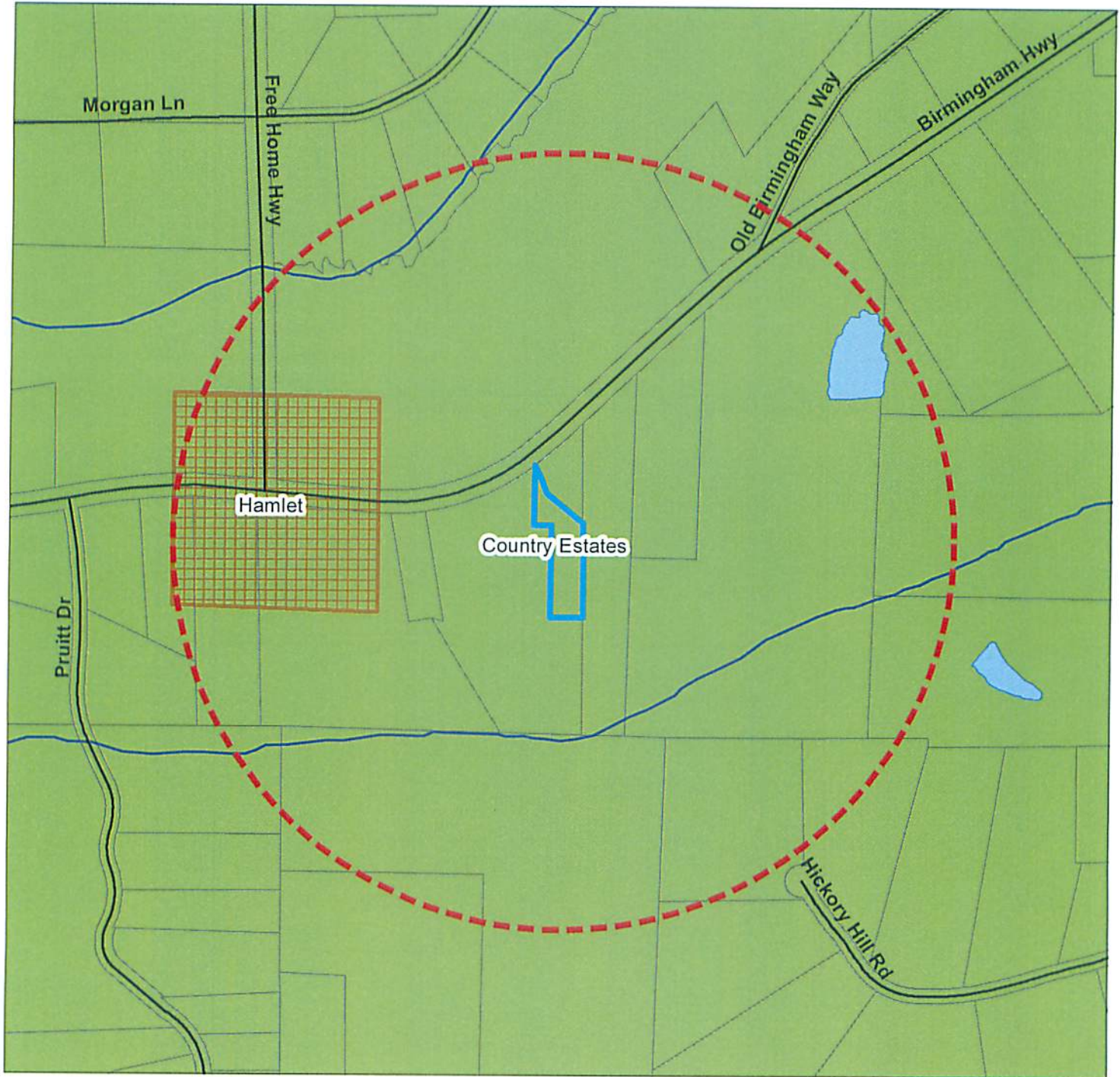


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 16, 2016



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

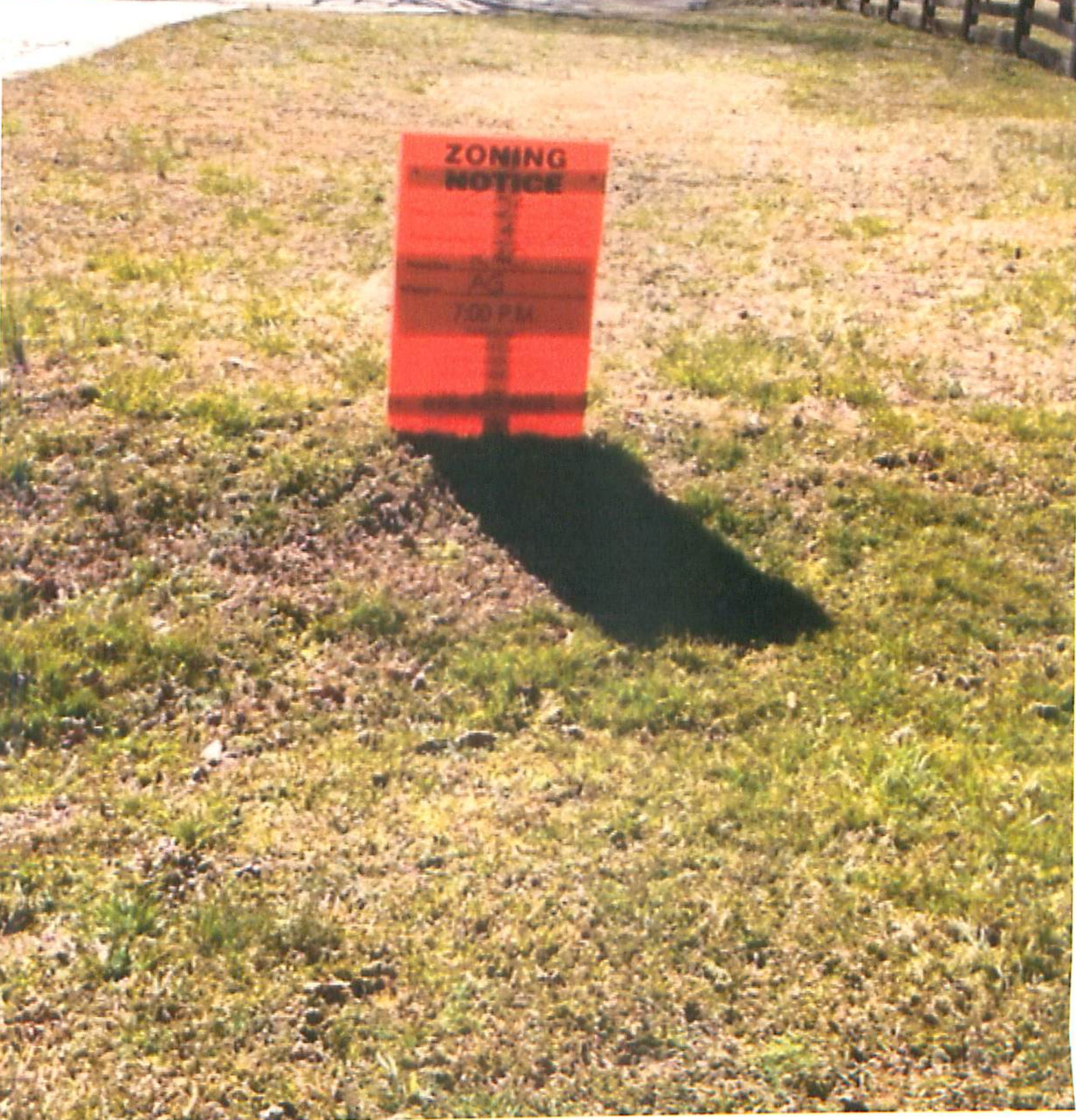




**ZONING
NOTICE**

4

7:00 PM





Cherokee County, Georgia
Agenda Request

Item#: 2.

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

MEETING DATE:
4/5/2016

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:

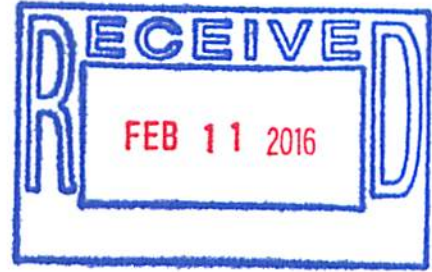
ADMINISTRATIVE RECOMMENDATION:

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:

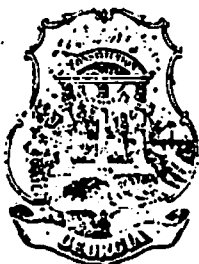
TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A POINT LOCATED AT THE NORTHWEST CORNER OF LAND LOT 839;

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 MINUTES 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

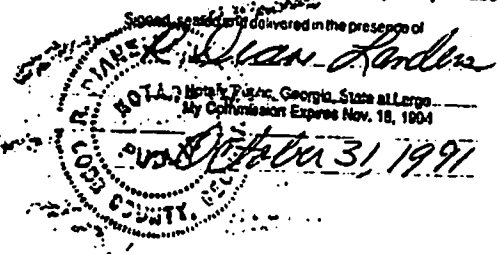
Clyde A. Fleming
CLERK OF SUPERIOR COURT

8048
4,198,700
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)

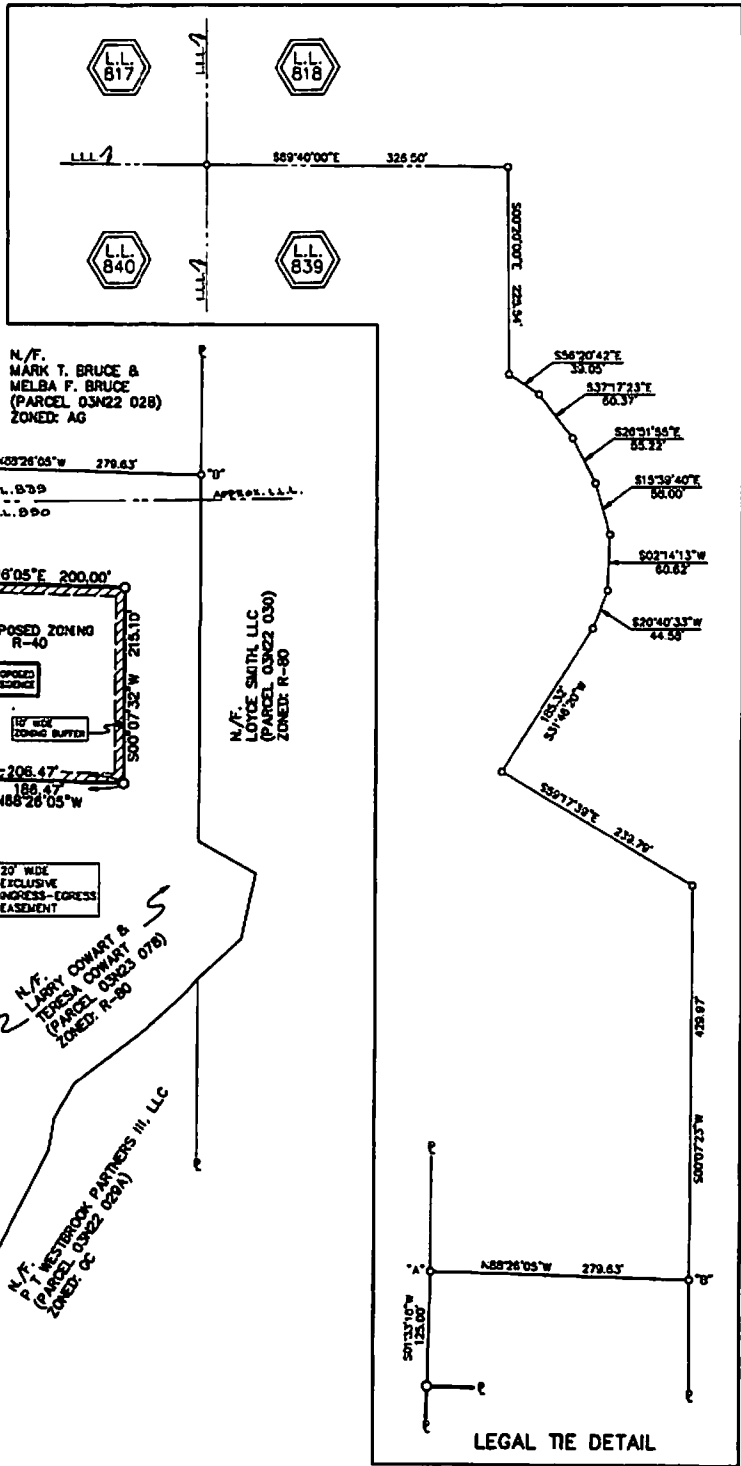
_____ (Seal)

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

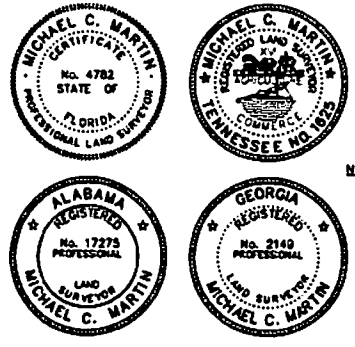
N./F.
 JOHN R. HOLBROOK &
 MARTHA L. HOLBROOK
 (PARCEL 03N23 077)
 ZONED: R-80

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. WESTBROOK 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.

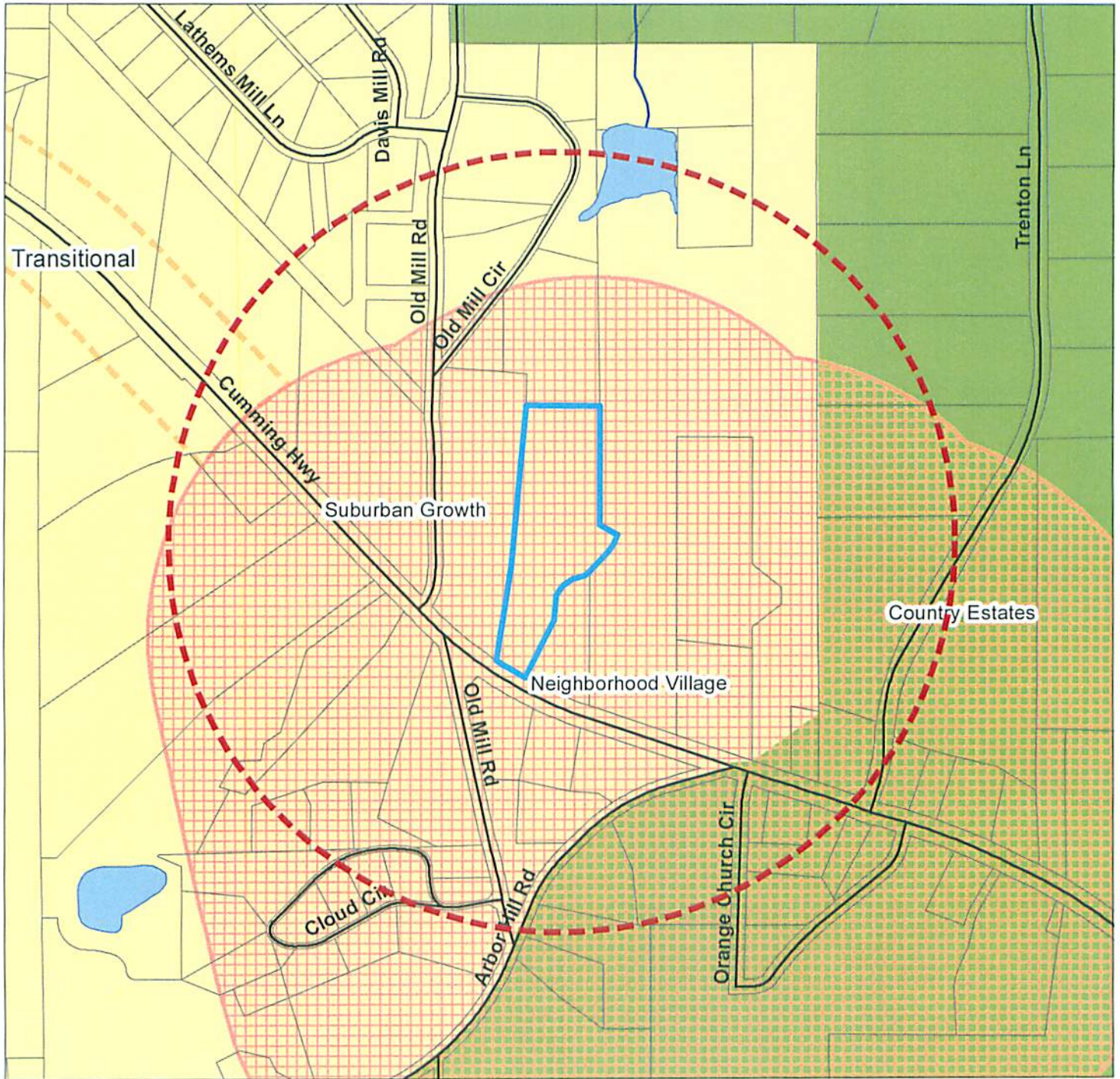
CHEROKEE HALL,
CHEROKEE COUNTY
ADMINISTRATION BUILDING
1130 BLUFFS PARKWAY, CANTON

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.

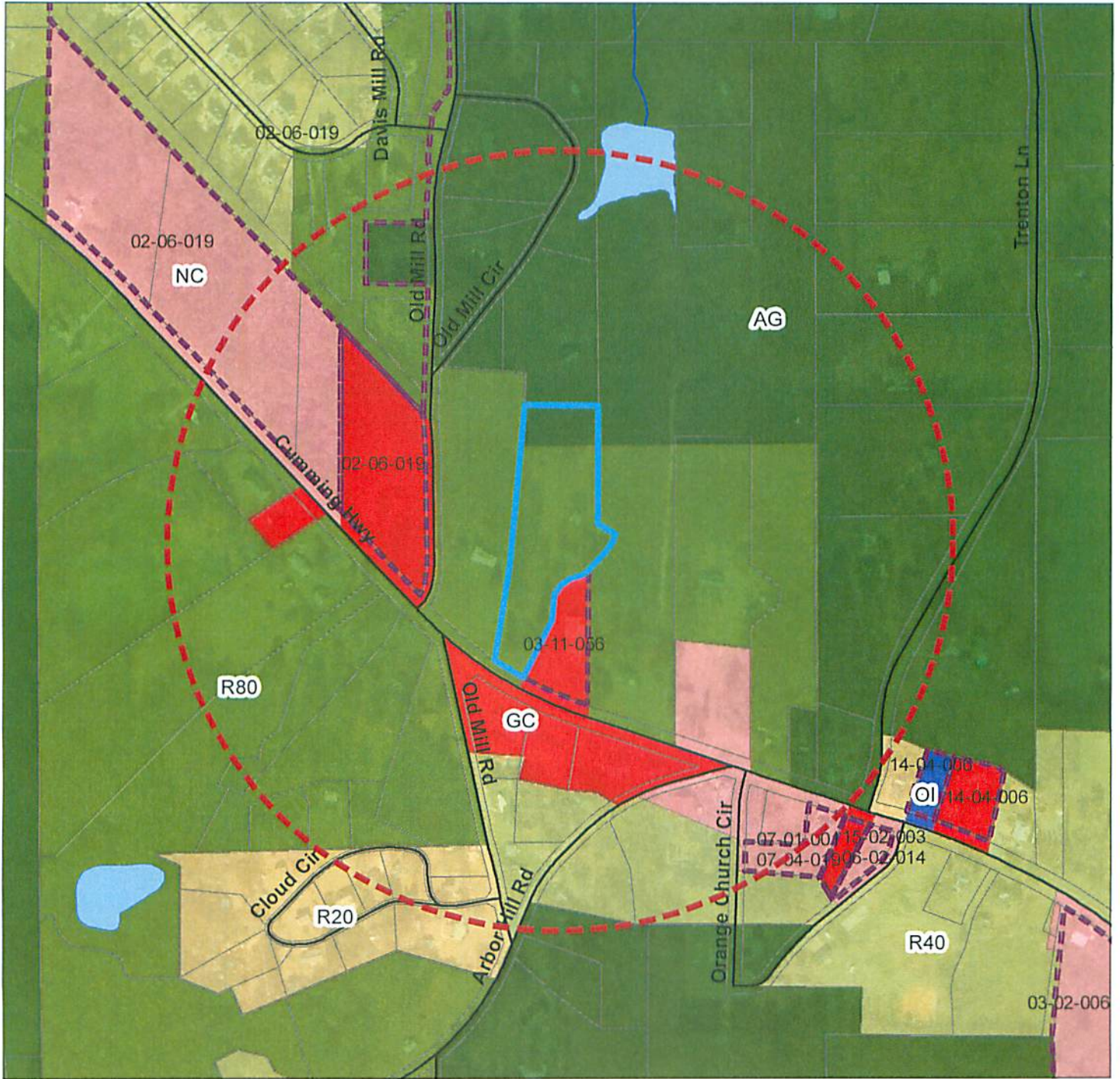


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 24, 2016



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#: 3.

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

MEETING DATE:
4/5/2016

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:	

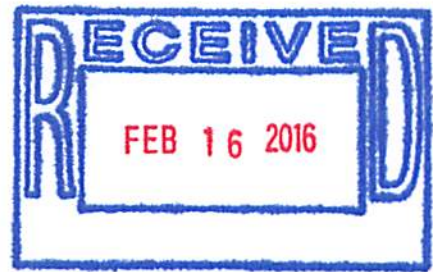
ADMINISTRATIVE RECOMMENDATION:

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:

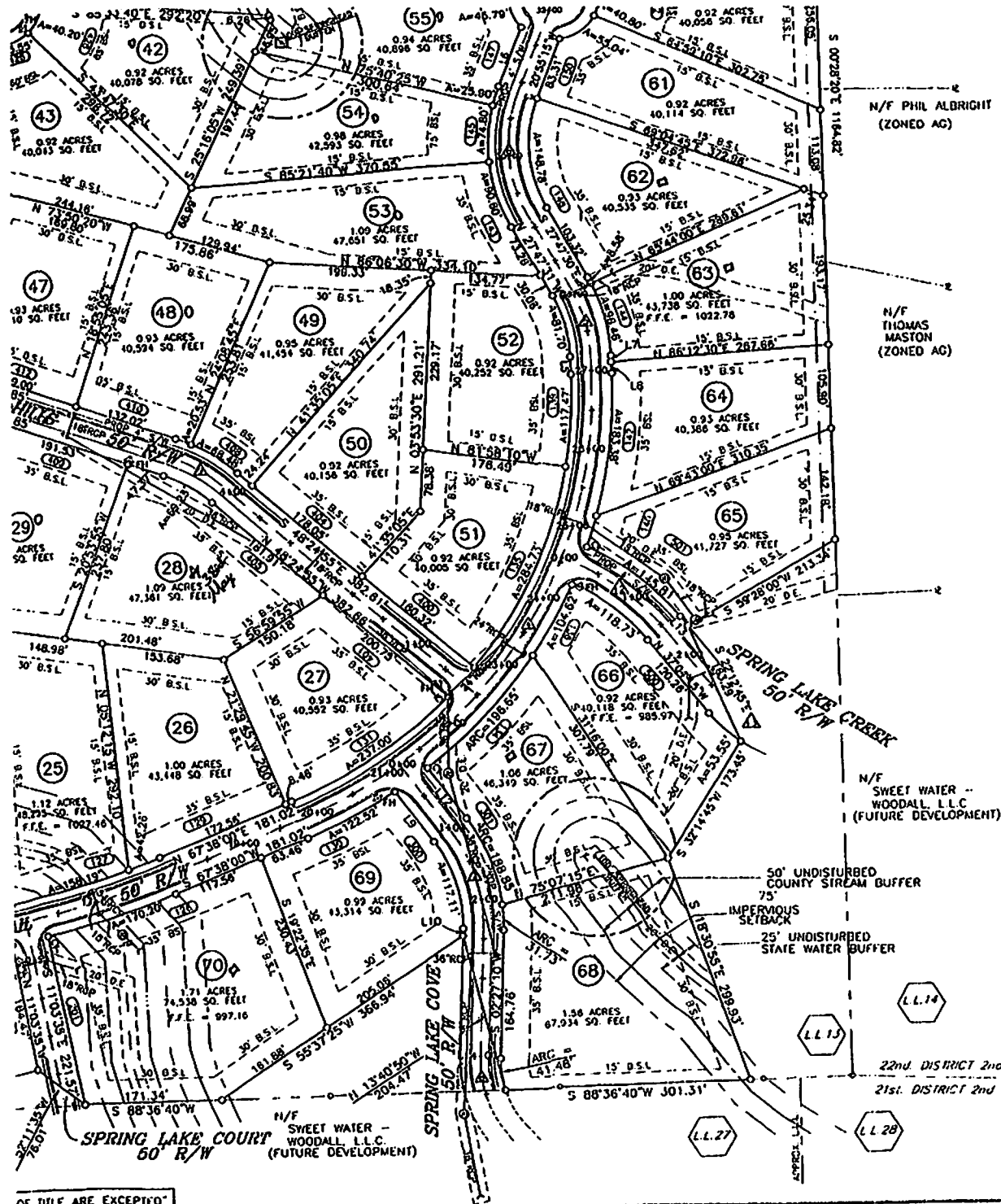
We are requesting that our property be rezoned because it consists of two parcels, each of which is zoned differently. We would like to combine the two parcels into one 6 acre parcel and have the new parcel rezoned Agricultural.

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



9-12-07

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

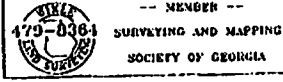
FINAL SUBDIVISION PLAT OF.

**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 --



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.

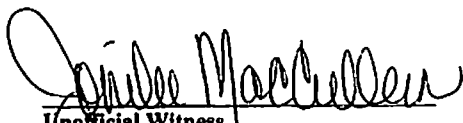
AND THE SAID GRANTOR will warrant and forever defend the right and title to the above-described property unto the said Grantee against the claims of all persons whomsoever.

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

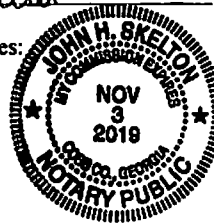

Unofficial Witness

Sworn to me and subscribed this 3rd day of

January, 2016.


Notary Public

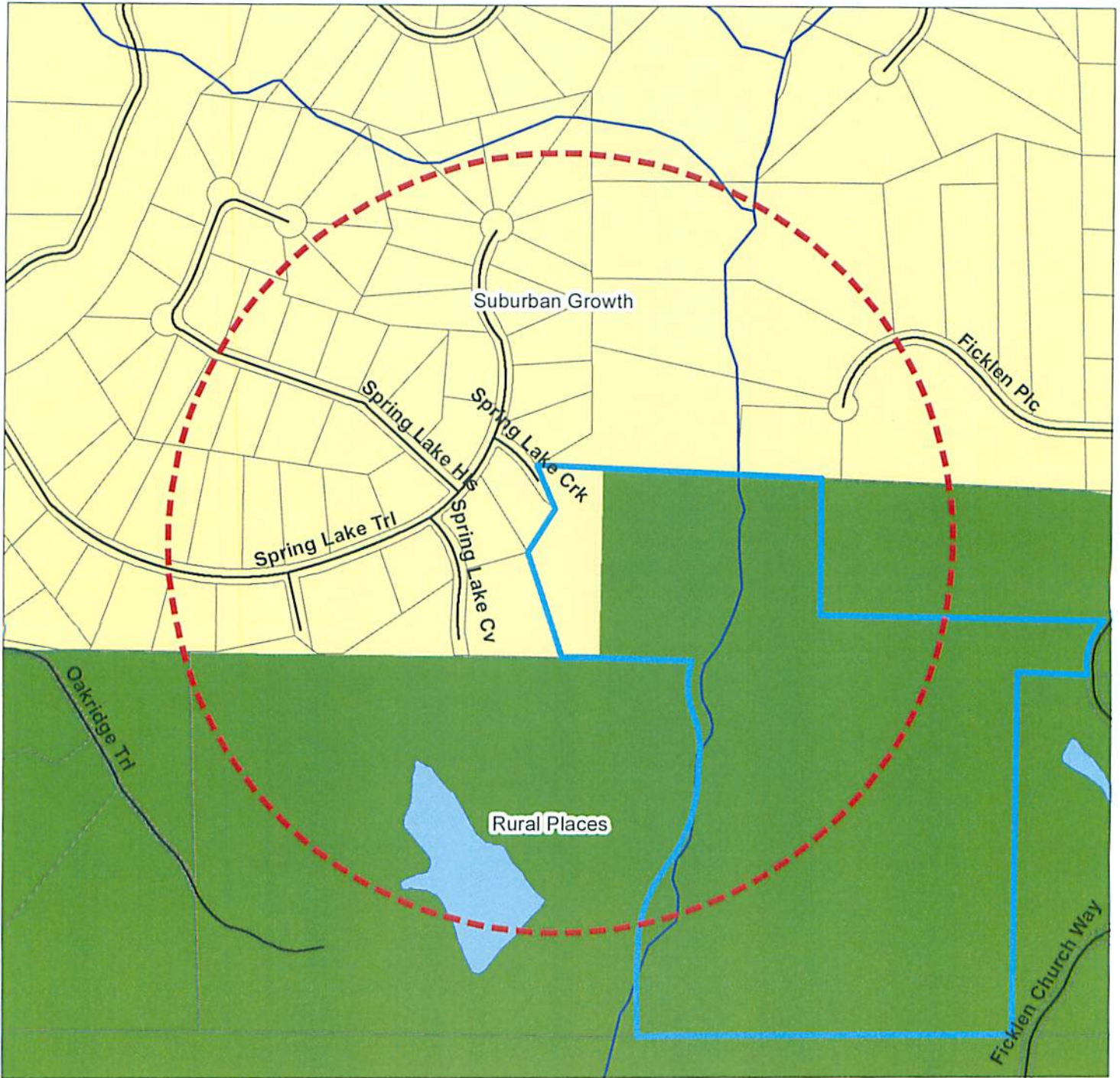
My commission expires:



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. HARRIS ST. SUITE 100
CHEROKEE, GA 30706

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 DRIVE

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 |



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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.

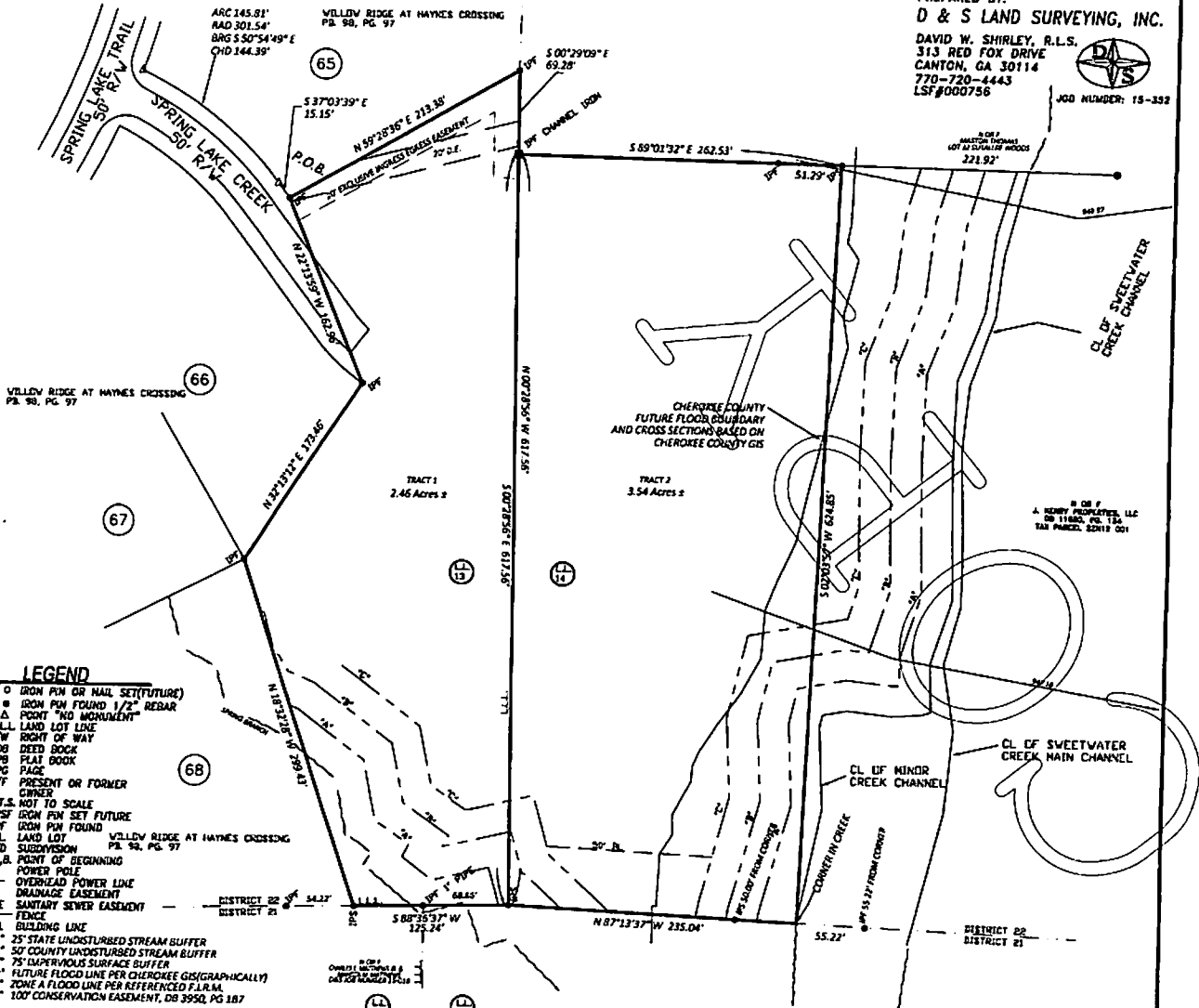
A Finished Construction FEMA elevation certificate will be required for any structure located within fifty horizontal feet of floodplain.

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

The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 150-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67

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



Plat Book 116 Pg 19
Filed 02/11/2016 12:59 PM
24-2016-000035
Party Submitter
Chief of Superior Court Cherokee Co., GA

Plat Book 116 Pg 19
Filed 02/11/2016 12:59 PM
24-2016-000035
Chief of Superior Court Cherokee Co., GA

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)



**Cherokee County, Georgia
Agenda Request**

Item#: 4.

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

MEETING DATE:
4/5/2016

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:

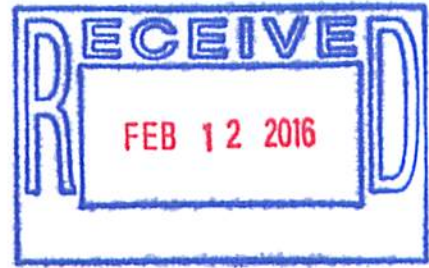
ADMINISTRATIVE RECOMMENDATION:

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>vtaylor 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>



Office of the
Director of Public Health

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The following information was received from the
Department of Health and Human Services
on February 15, 2018. The information was
provided to the Department of Health and Human
Services on February 15, 2018. The information
was provided to the Department of Health and Human
Services on February 15, 2018.

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1000

1000

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.

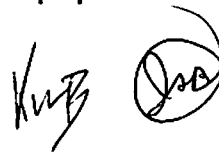
A thirty (30) foot buffer through the center of the owners' property would severely impact the enjoyment of the property and the land use plan by rendering a sizeable portion of the land unusable.

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.



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

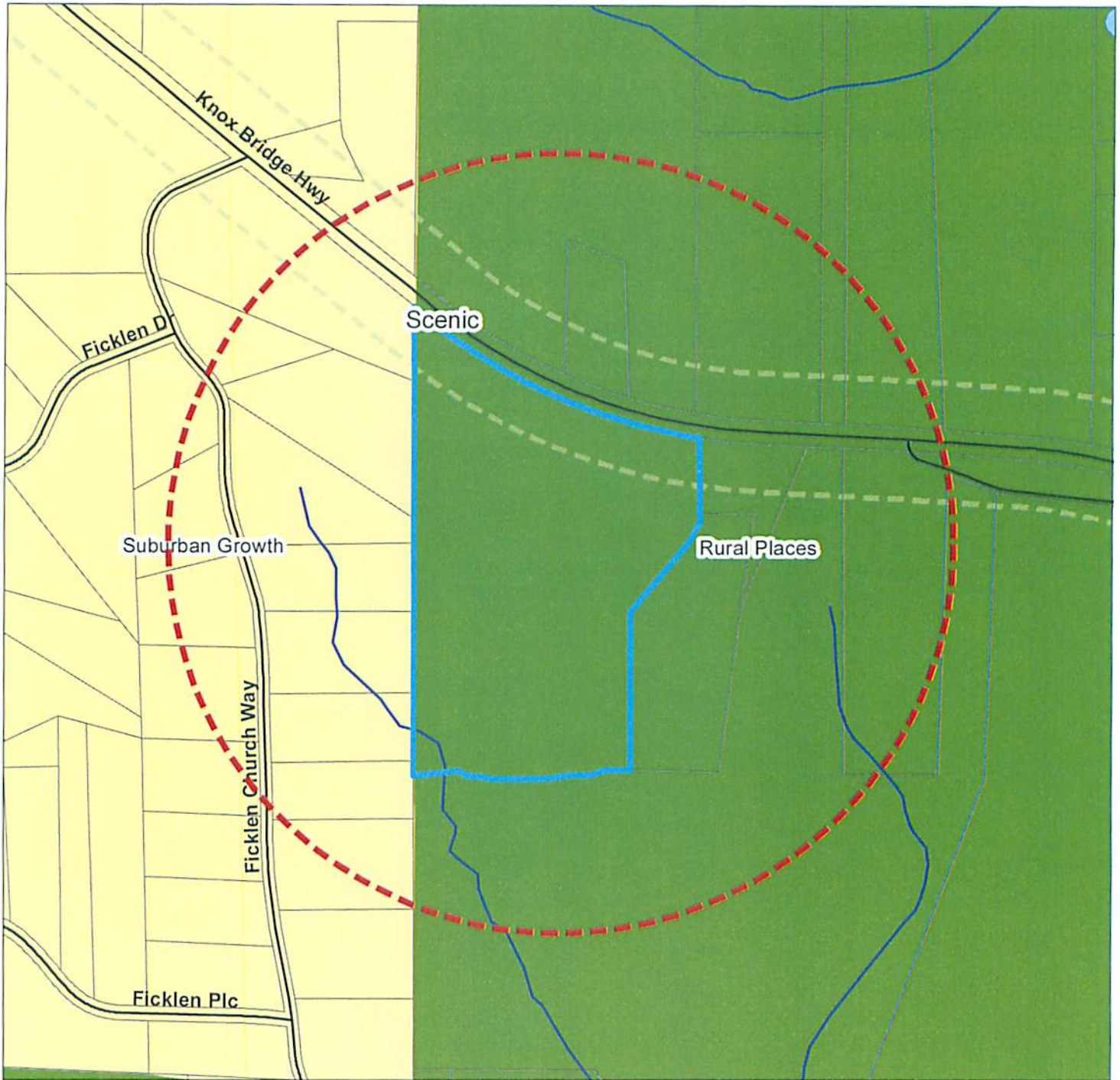
ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 15 OF THE 22nd DISTRICT, 2nd SECTION, CHEROKEE COUNTY GEORGIA. COMMENCING AT THE INTERSECTION FORMED BY THE SOUTHERN RIGHT-OF-WAY OF STATE ROUTE 20 AND THE EASTERN PROPERTY LINE OF THE TRACT BEING AN IRON PIN; SAID POINT BEING THE POINT OF BEGINNING.

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: katiwerk@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.



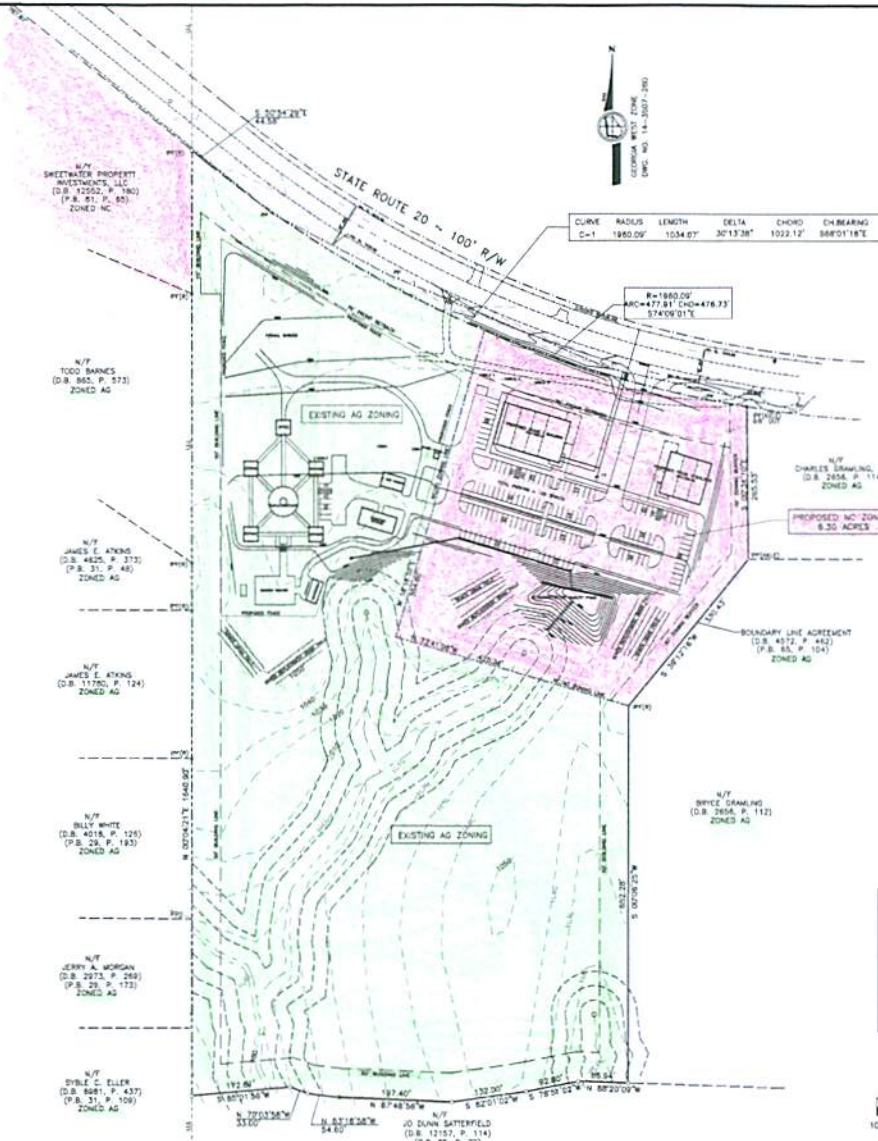
Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
February 24, 2016



- LEGEND**
- 1) L.P.S. - IRON PIN SET (D.M.)
 - 2) P.F. - IRON PIN FOUND
 - 3) A - REMAINING BAR
 - 4) A - ARC
 - 5) RAD - RADII
 - 6) R - RADIUS
 - 7) R/O - RADIAL
 - 8) W/P - NOT RADIAL
 - 9) W/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.H. - FIRE HYDRANT
 - 14) L.L.L. - LAND LOT LINE
 - 15) C.B. - CHORD BEARING
 - 16) C.D. - CHORD DISTANCE
 - 17) R/W - 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) E - CENTERLINE
 - 23) P - PROPERTY LINE
 - 24) --- OVERHEAD POWER LINE
 - 25) --- OVERHEAD PHONE LINE
 - 26) --- FENCE (APPROX. LOC.)
 - 27) --- & STREAM (APPROX. LOC.)
 - 28) --- & 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 2200 DATED 3-28-08 SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.



ZONING LEGAL DESCRIPTION

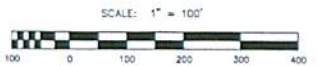
ALL THAT TRACT OF LAND LYING AND BEING IN LAND LOT 15 OF THE 22ND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, COMMENCING AT THE INTERSECTION FORMED BY THE SOUTHERN RIGHT-OF-WAY OF STATE ROUTE 20 AND THE EASTERN PROPERTY LINE OF THE TRACT BEING AN IRON PIN, SAID POINT BEING THE POINT OF BEGINNING.

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

SAID TRACT OF LAND CONTAINING 6.30 ACRES (274,400 S.F.)

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. AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF GEORGIA. I HEREBY CERTIFY THAT I AM THE DESIGNER OF THESE DRAWINGS AND I AM NOT PROVIDING ENGINEERING SERVICES TO ANY OTHER PARTY.

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 FLINTCROCK WAY
WOODSTOCK - GEORGIA 30188 - PHONE: (770) 356-1675

NO.	DESCRIPTION	DATE

TAX MAP REF. 22N12 064

STAMPS

PRELIMINARY SITE PLAN

DATE: 04/20/08
BY: BJB
CHECKED BY: BJB
DATE: 04/20/08

C-1

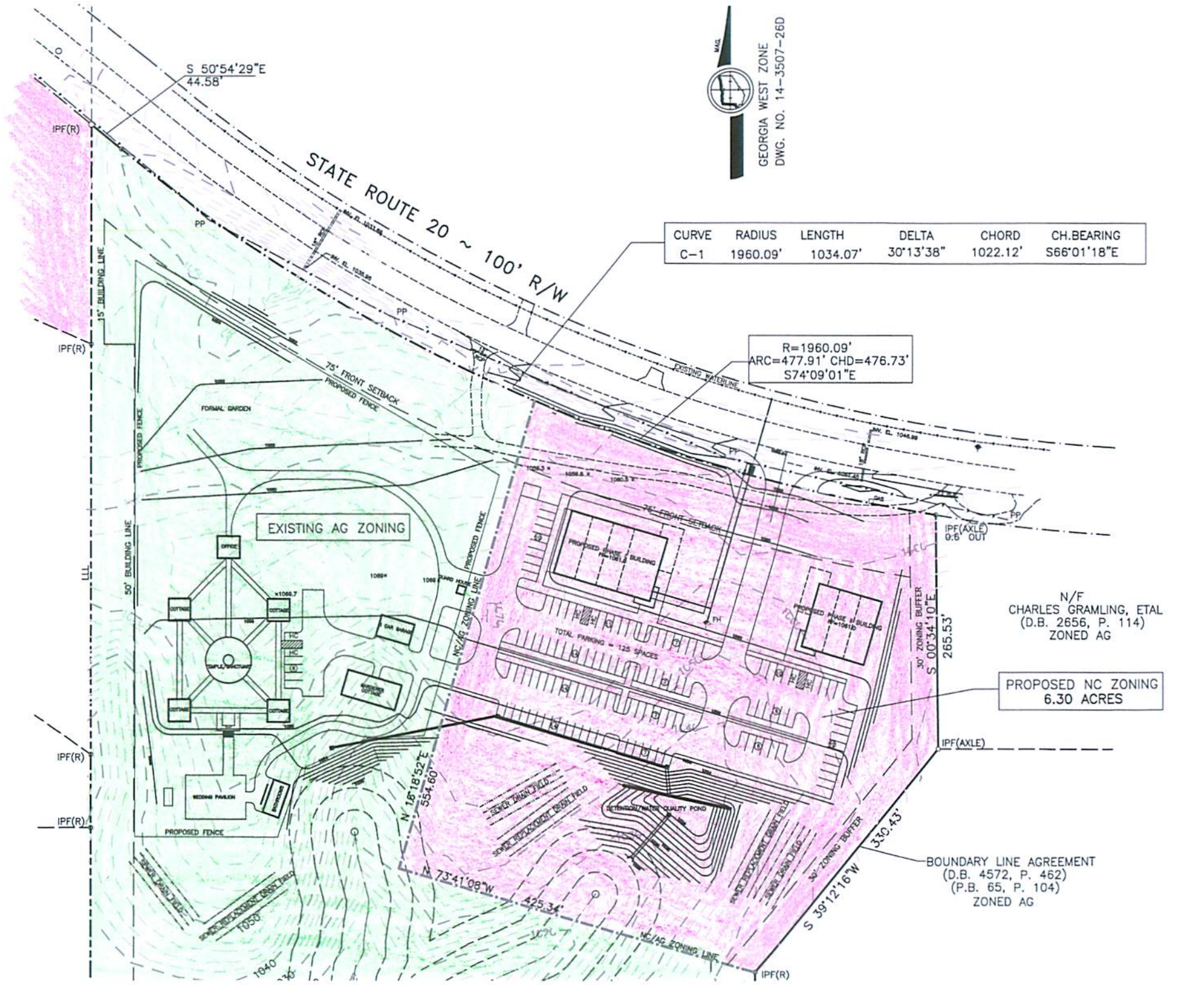
1-81-18



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

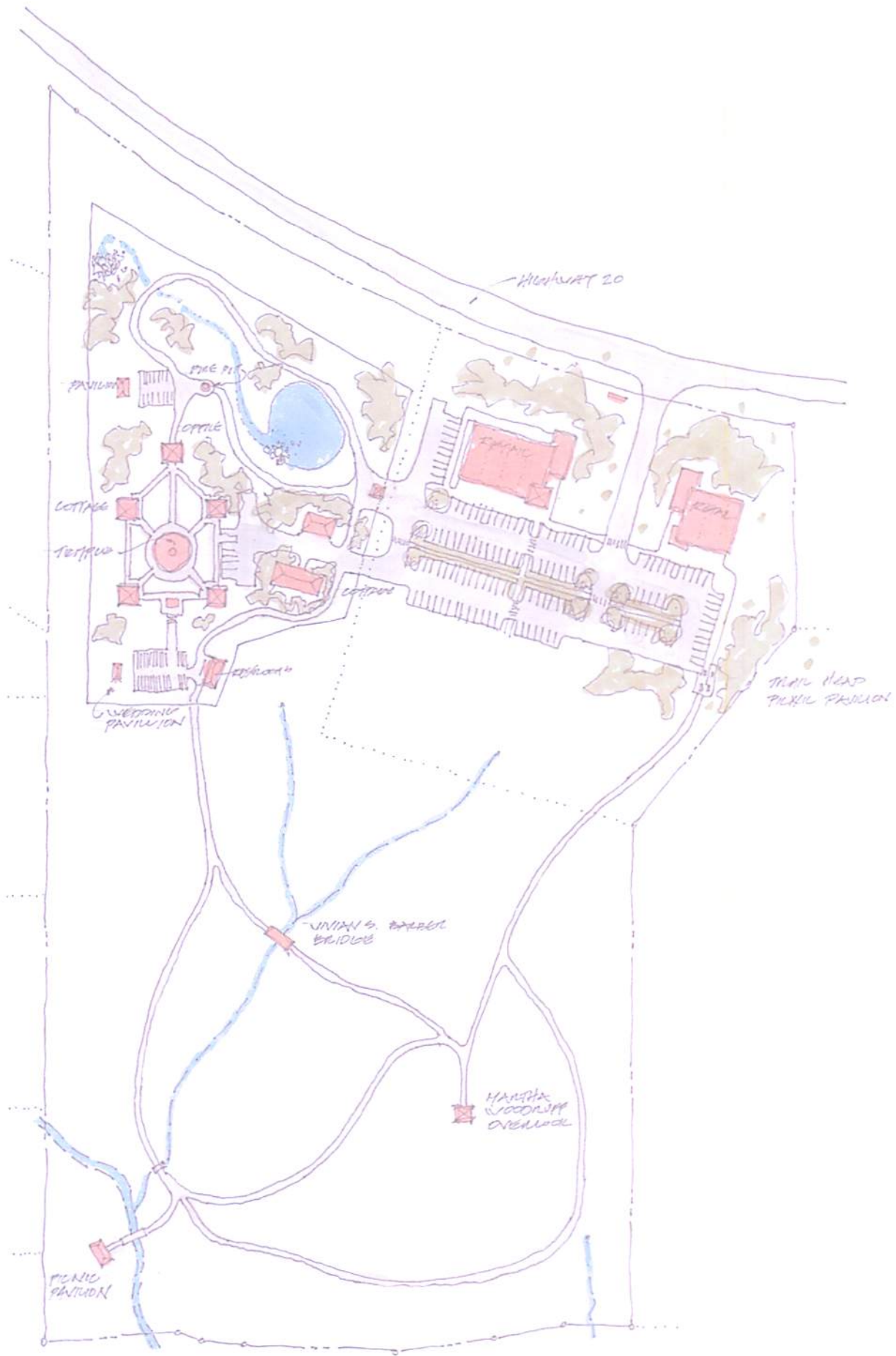
R=1960.09'
ARC=477.91' CHD=476.73'
S74°09'01"E



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



HIGHWAY 20

PAVILION

STONE PILE

OFFICE

LOTTING

TENTPIL

LOTTING

WEDDING PAVILION

RESTROOM

TRAIL HEAD PUBLIC RESTROOM

UNION & BARBER BRIDGE

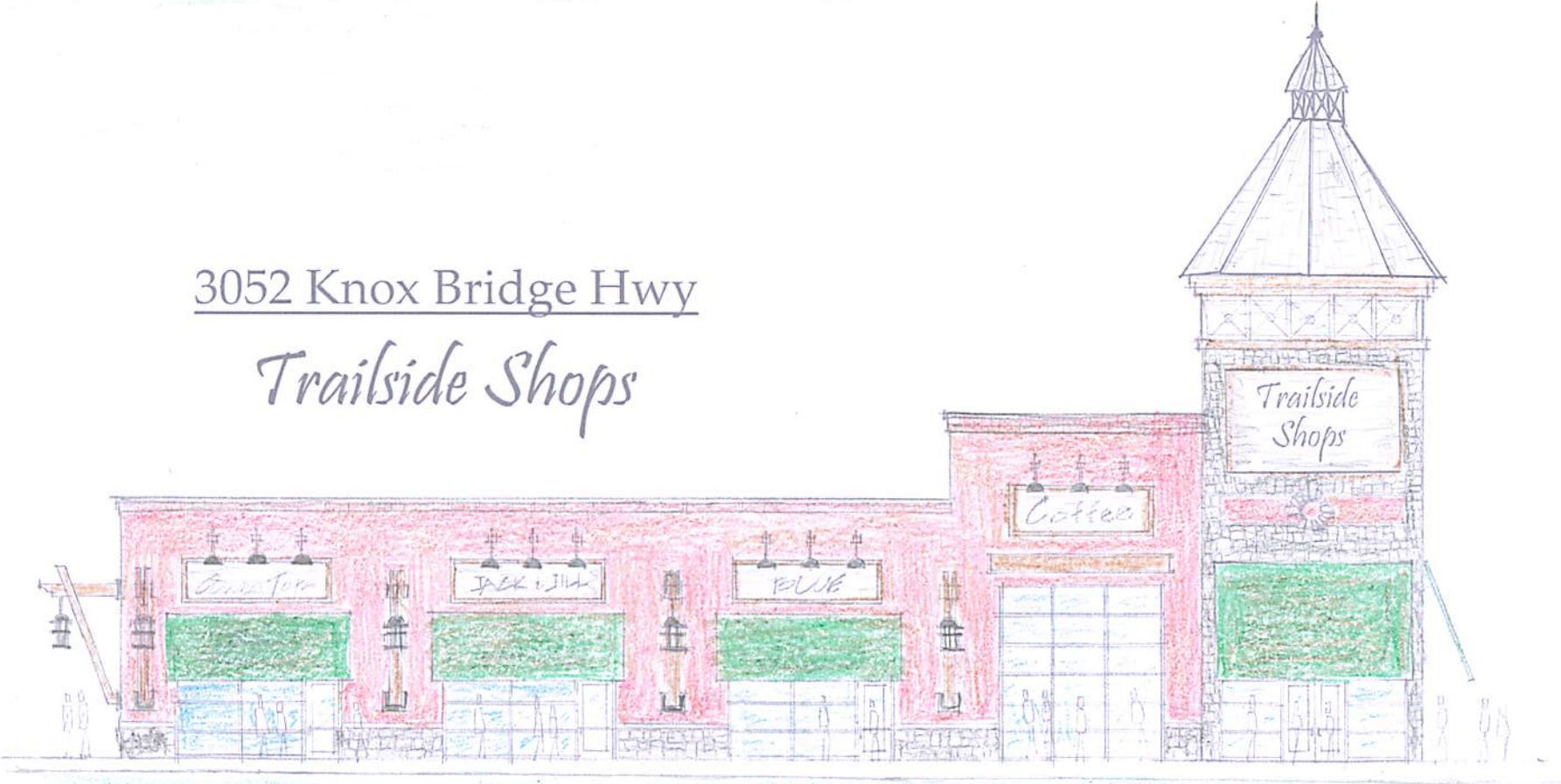
HARPER WOODS OVERLOOK

PARKING PAVILION



3052 Knox Bridge Hwy

Trailside Shops





Cherokee County, Georgia
Agenda Request

Item#: 5.

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

MEETING DATE:
4/5/2016

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>PL 20160000189</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

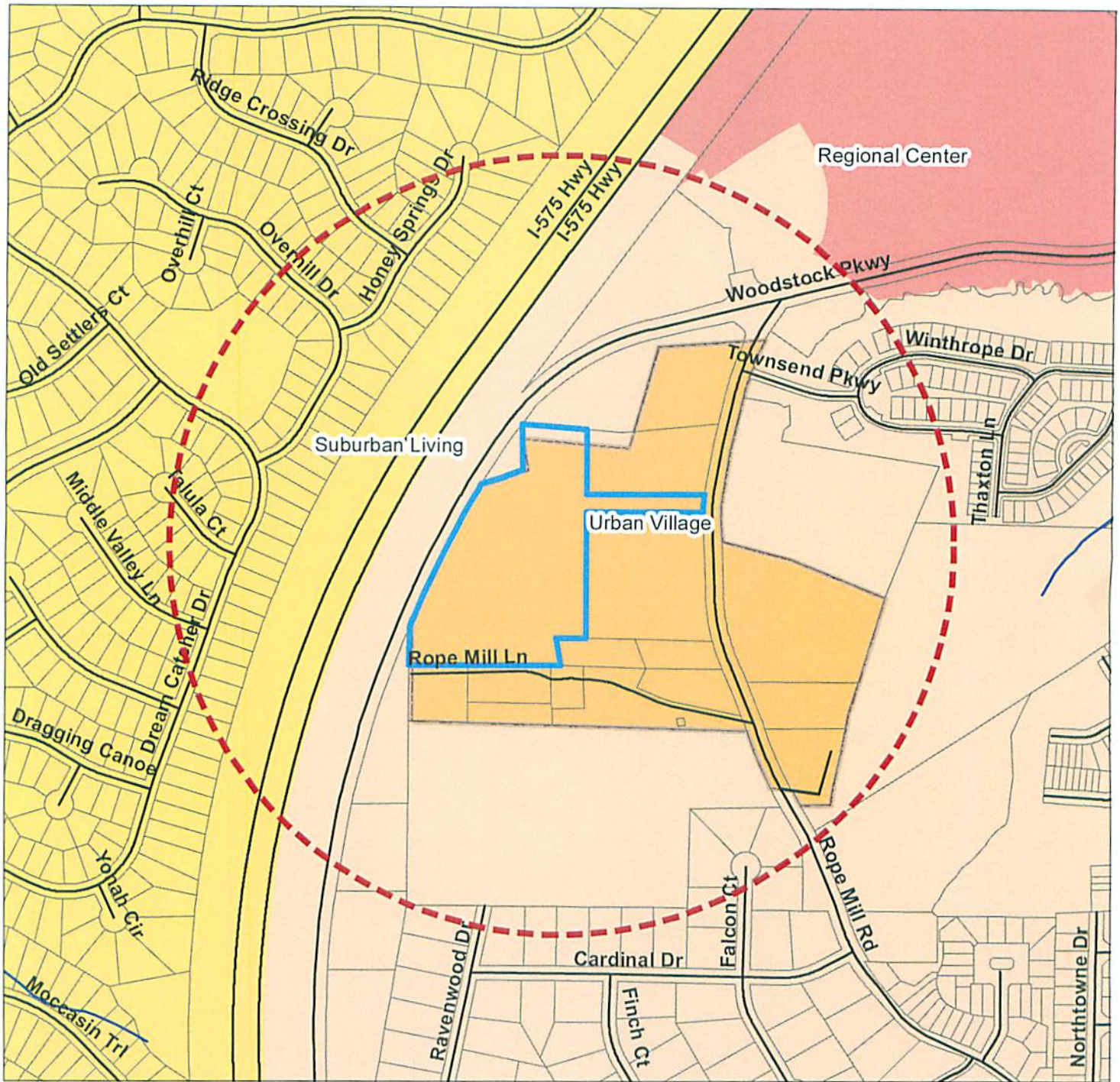
To Whom It May Concern,

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	Bells Ferry LCI	Transitional Corridor	Neighborhood Village
	Urban Core	Development Corridor	Community Village
	Workplace Center		Urban Core
	Regional Center		Regional Center
	Waste Management		Workplace Center
			Transit Oriented Development



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

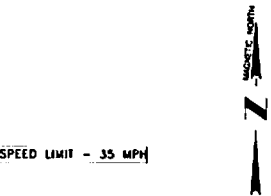
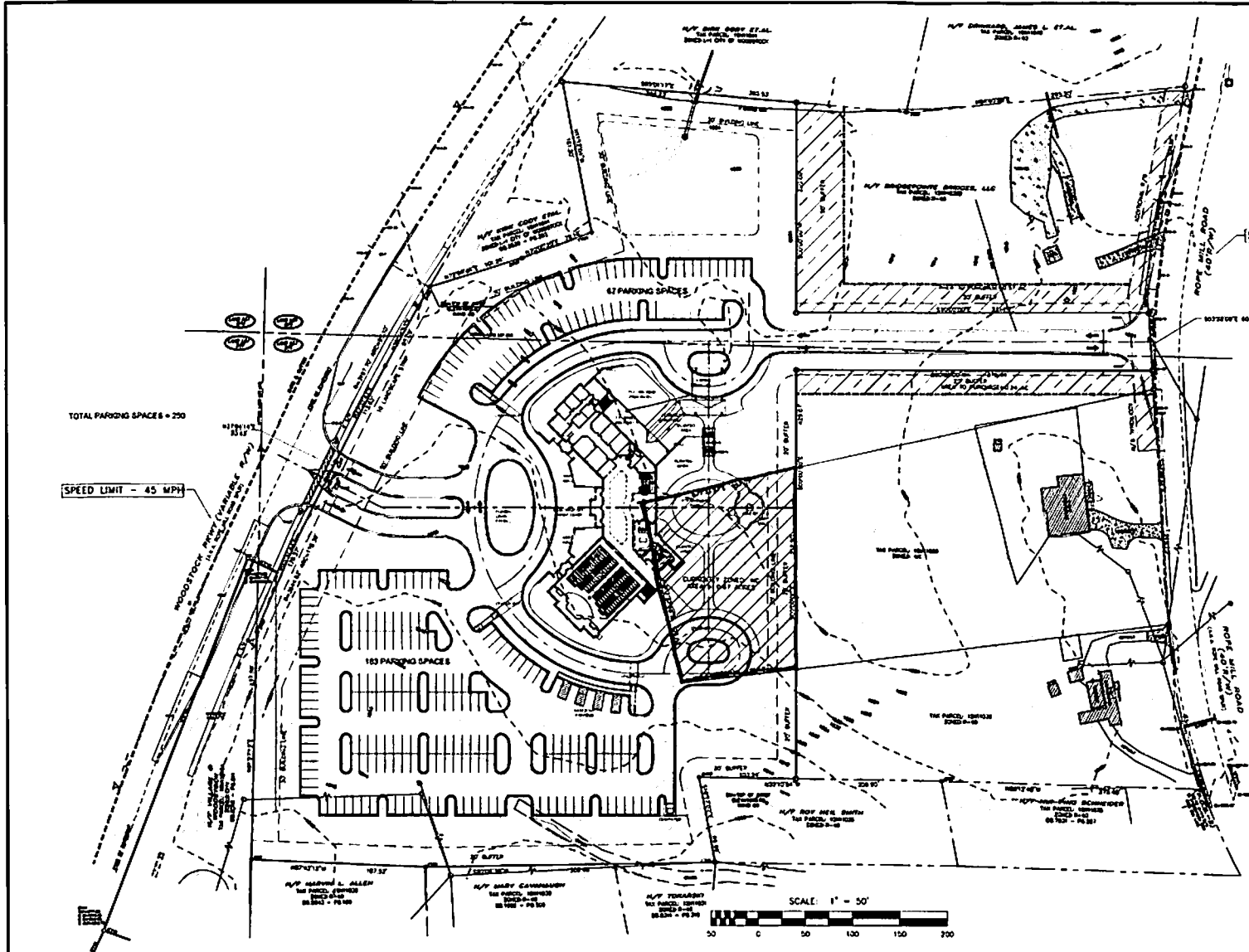


ZONING LEGAL DESCRIPTION

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 HORN 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.

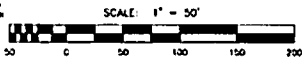
FROM THE POINT-OF-BEGINNING THUS ESTABLISHED, THENCE CONTINUING SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (S00°00'00") FOR A DISTANCE OF 312.90 TO AN IRON PIN THENCE TURNING AND CONTINUING SOUTH 83 DEGREES 00 MINUTES 11 SECONDS WEST (S83°00'11") FOR A DISTANCE OF 122.87 TO AN IRON PIN THENCE TURNING AND CONTINUING NORTH 11 DEGREES 37 MINUTES 40 SECONDS WEST (N11°37'40") FOR A DISTANCE OF 199.87 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



NOTE: SERVICES ARE PROVIDED IN ACCORDANCE WITH THE PROFESSIONAL SEAL OF A REGISTERED PROFESSIONAL ENGINEER IN THE STATE OF GEORGIA. THE ENGINEER'S SEAL IS REQUIRED FOR ALL PLANS AND SPECIFICATIONS. THE ENGINEER'S SEAL IS NOT VALID UNLESS IT IS ACCOMPANIED BY THE ENGINEER'S SIGNATURE.

BRADFOR ENGINEERING, INC.
CONSULTING ENGINEERS
278 WOODSTOCK DR.
CANTON, GA 30115
OFFICE / FAX (770) 478-0170

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)

REVISIONS		
NO.	DESCRIPTION	DATE

TAX MAP REF. 15A11035A

SEAL OF GEORGIA PROFESSIONAL ENGINEER

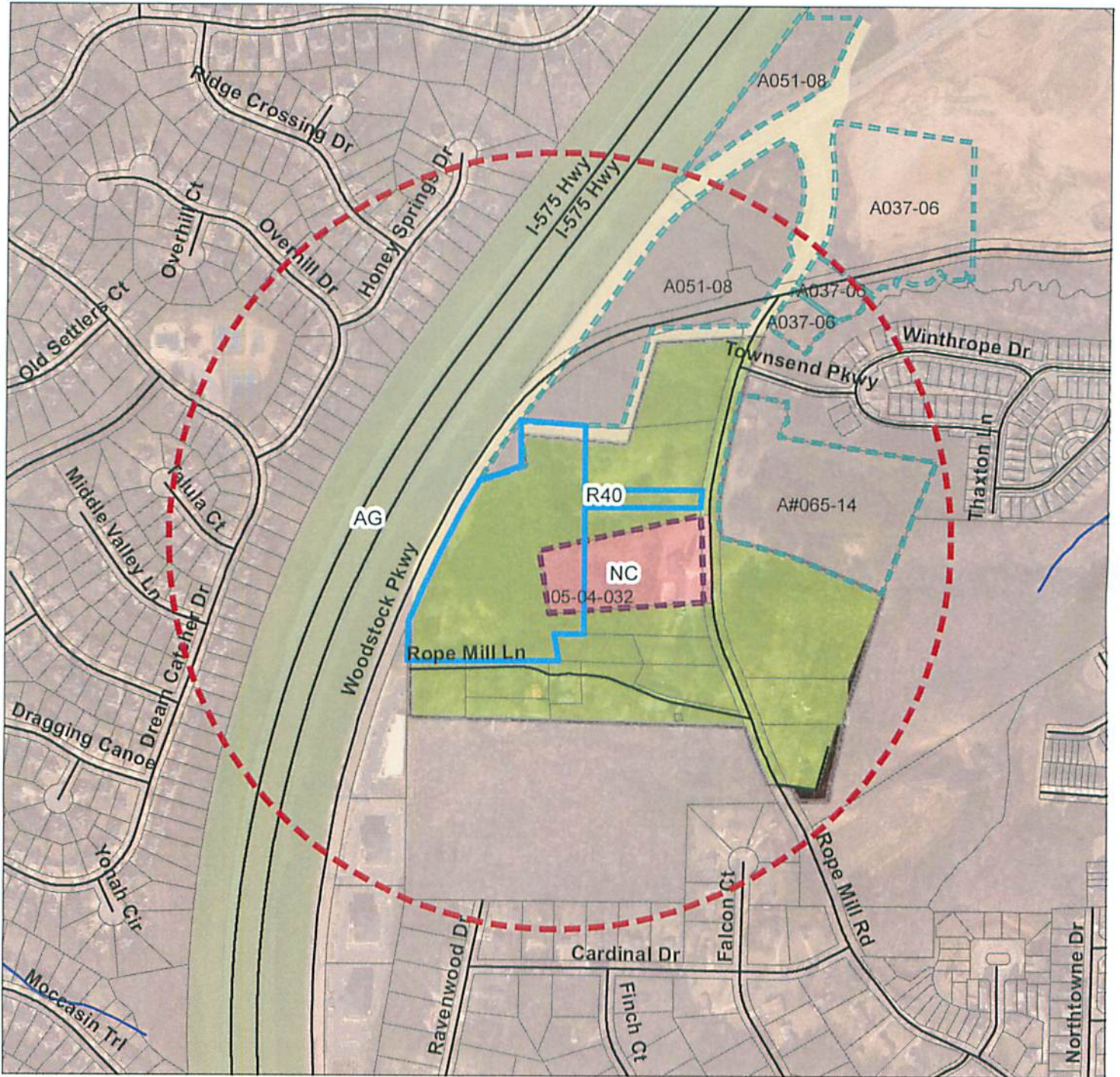
ZONING SITE PLAN

DATE: 10/16/10

C~1

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#: 1.

SUBJECT: **Public Hearing on an Amendment to Article 16.1 Highway 92 Village Ordinance**
MEETING DATE: 4/5/2016

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.



**Cherokee County, Georgia
Agenda Request**

Item#: 1.

SUBJECT:
March 1, 2016 Minutes

MEETING DATE:
4/5/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:



**Cherokee County, Georgia
Agenda Request**

Item#: 2.

SUBJECT:
March 21, 2016 Minutes

MEETING DATE:
4/5/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:
