



# Cherokee County Planning Commission Public Hearing AGENDA

May 3, 2016  
Cherokee Hall 7:00 PM

## **CALL TO ORDER**

## **ZONING CASES**

- 1. 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.
- 2. Case #16-04-015 Little River Farms, LLC (BOC Dist. 1)**  
Applicant is requesting to rezone 46 +/- acres at the corner of State Route 372 and Birmingham Hwy from AG to R-40 for a single family residential subdivision.
- 3. Case #16-05-016 Peter Pauline (BOC Dist. 1)**  
Applicant is requesting to rezone 0.4 acres at 11582 Cumming Highway from GC to NC for neighborhood commercial uses.
- 4. Case #16-05-017 Richard and Stephen Deal (BOC Dist. 4)**  
Applicant is requesting to rezone 0.51 acres at 5455 Bells Ferry Road from NC to GC for a retail carpet and flooring contractor.
- 5. Case #16-05-018 Leonard Jacklett (BOC Dist. 1)**  
Applicant is requesting to rezone 7.72 acres at 9211 Freehome Highway from AG to LI for a general contractor's shop and heavy equipment repair.

## **OTHER BUSINESS**

## **APPROVAL OF MINUTES**

- 1. April 5, 2016 Minutes**

## **ADJOURN**



Cherokee County, Georgia  
Agenda Request

---

Item#: 1.

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

**MEETING DATE:**  
5/3/2016

**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
<input type="checkbox"/> Staff Report	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: \_\_\_\_\_

<b>STAFF USE ONLY:</b>	<b>PUBLIC HEARING SCHEDULE:</b>
Commission District: <u>4</u>	Public Participation Meeting: <u>Not required</u>
Case: <u>16-04-14</u>	PC Work Session Date: <u>3-21-16</u>
CityView # <u>PL20160000189</u>	Planning Commission Hearing: <u>4-5-16</u>
Received by: _____	Board of Commissioners: <u>4-19-16</u>
Fee Paid: \$ <u>250<sup>00</sup></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: <sup>0.67</sup> ~~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 14<sup>th</sup> 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 <sup>+</sup>	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

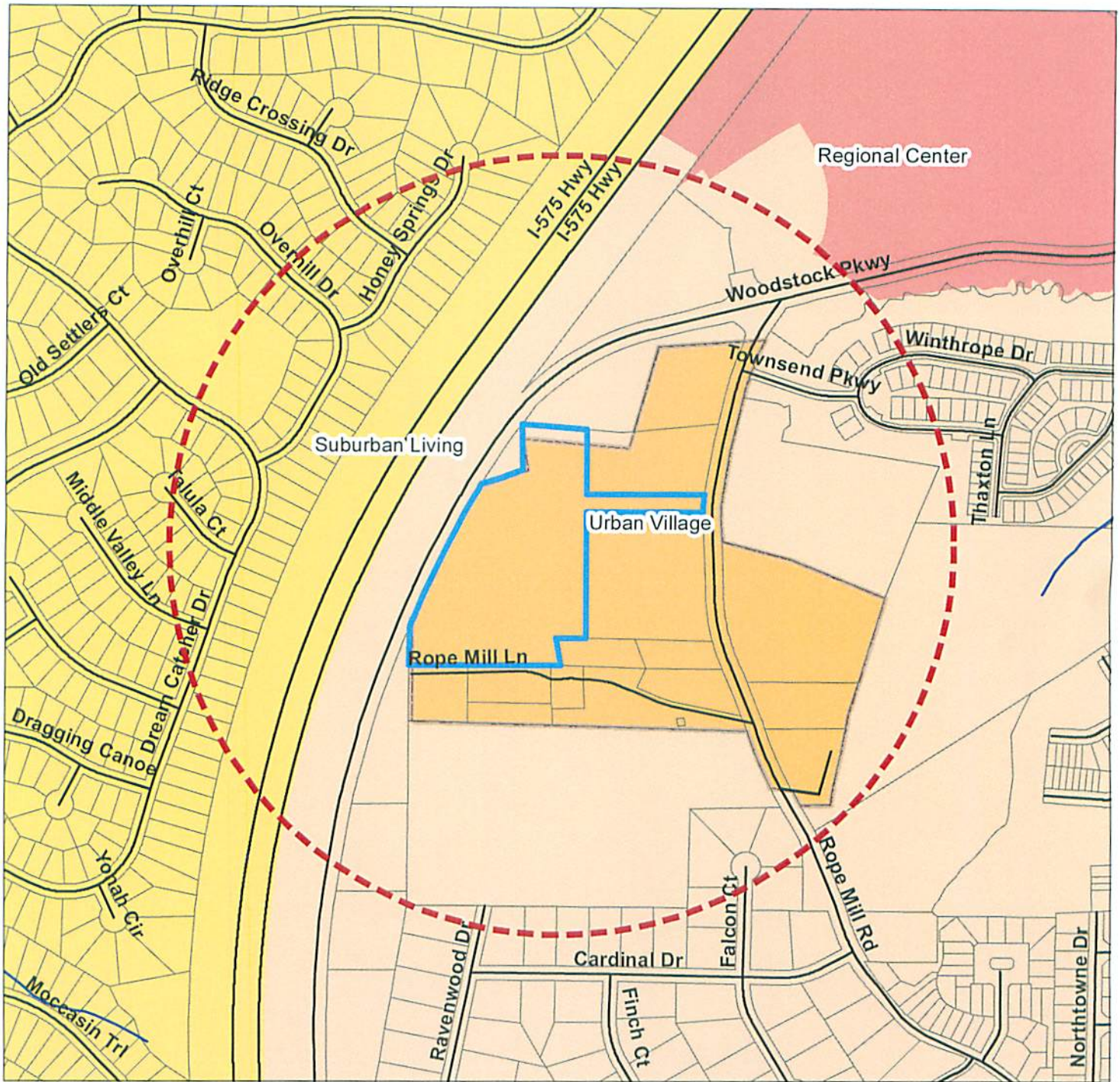
To Whom It May Concern,

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	<b>Character Areas</b>	<b>Development Nodes</b>	<b>Woodstock Character Areas</b>
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	<b>Corridors</b>	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



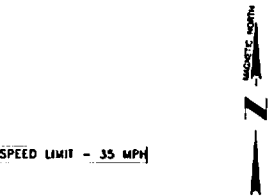
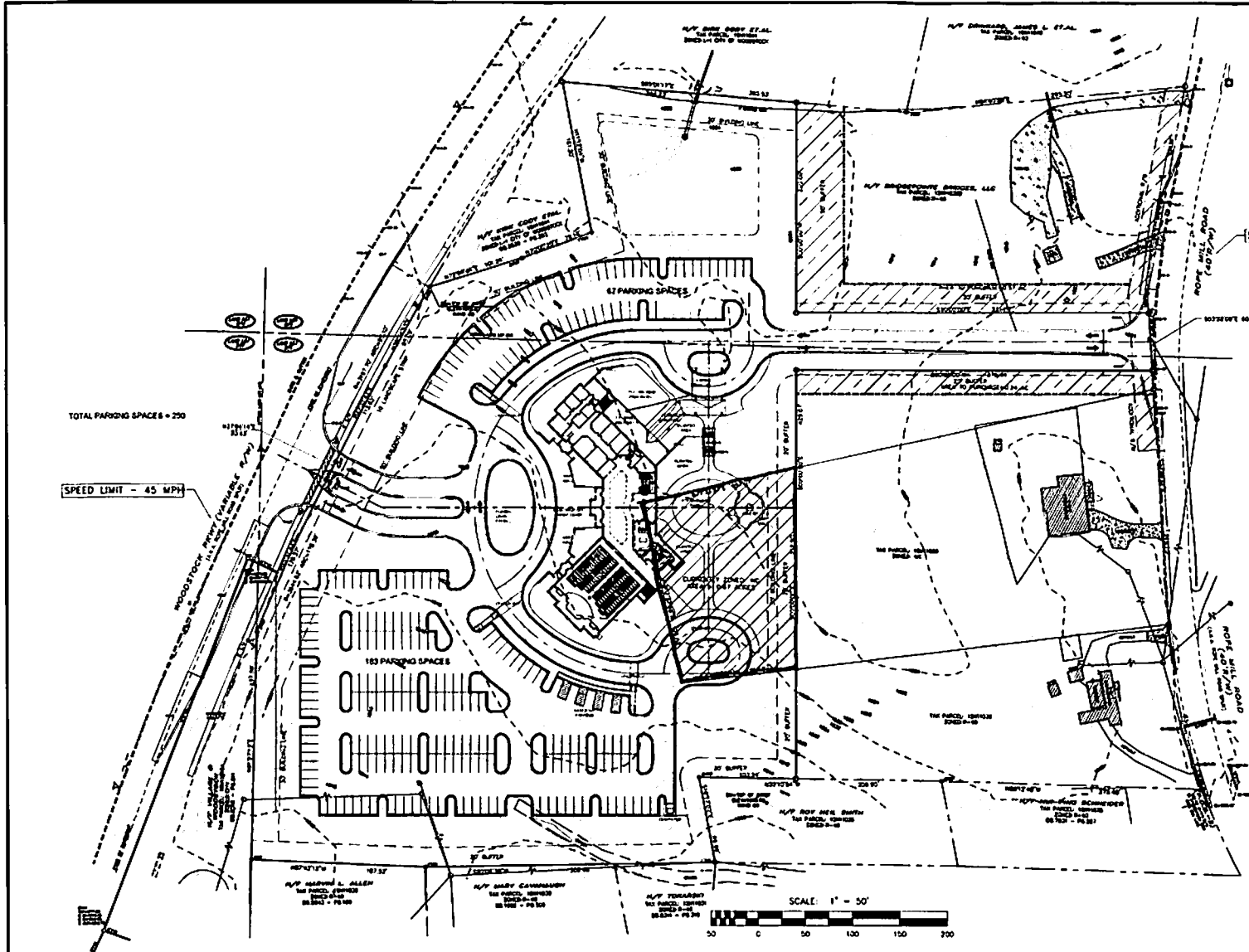
## ZONING LEGAL DESCRIPTION

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 (80°00'00") FOR A DISTANCE OF 375.64 TO AN IRON PIN THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST (00°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 (00°00'00") FOR A DISTANCE OF 312.90 TO AN IRON PIN THENCE TURNING AND CONTINUING SOUTH 83 DEGREES 00 MINUTES 11 SECONDS WEST (83°00'11") FOR A DISTANCE OF 123.87 TO AN IRON PIN THENCE TURNING AND CONTINUING NORTH 11 DEGREES 37 MINUTES 40 SECONDS WEST (11°37'40") FOR A DISTANCE OF 195.87 TO A IRON PIN THENCE TURNING AND CONTINUING NORTH 71 DEGREES 23 MINUTES 31 SECONDS EAST (71°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 VALID FOR THE STATE OF GEORGIA ONLY. THE ENGINEER'S SEAL IS NOT VALID FOR ANY OTHER STATE OR COUNTRY.

BRADFORD ENGINEERING, INC.  
CONSULTING ENGINEERS  
278 WOODSTOCK DR  
CANTON, GA 30110  
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

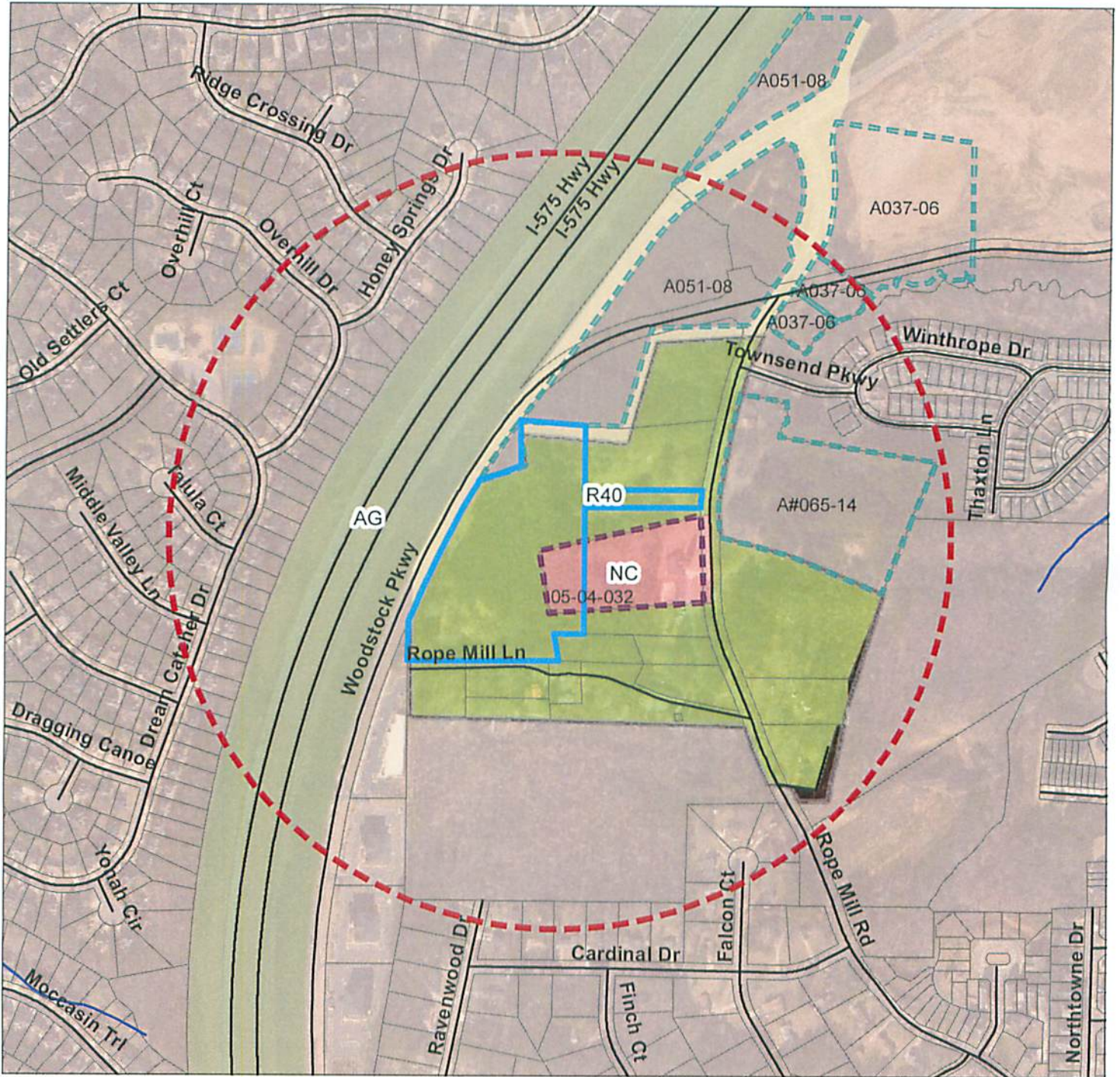
ZONING SITE PLAN

DATE: 10/16/10

**C~1**

# Case # 16-04-014 Faith Community Church

## Current Cherokee County Zoning Map



### Legend

- |                     |                    |                     |
|---------------------|--------------------|---------------------|
| Rezoning Parcels    | Cherokee Zoning AG | RTH                 |
| Streets             | R80                | RM10                |
| 1/4 mile radius     | R60                | RM16                |
| Recent Zoning Cases | R40                | TND                 |
| City Annexations    | R30                | PUD                 |
| 100 Year Flood Zone | R20                | OI                  |
| Ball Ground         | R15                | NC                  |
| Canton              | RD3                | GC                  |
| Nelson              | R10                | LI                  |
| Woodstock           | RZL                | HI                  |
|                     | RA                 | Bells Ferry Overlay |
|                     |                    | 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](http://www.cherokeega.com)



# ZONING NOTICE

Case # 16-04-014

Public Hearing Date 4-5-2016

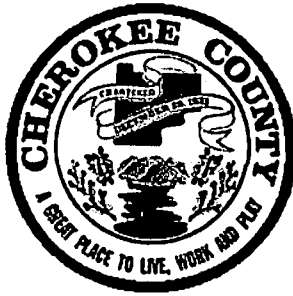
Present Zone NC

Change To R-40

7:00 P.M.

CHEROKEE HALL  
CHEROKEE COUNTY  
ADMINISTRATION BUILDING  
1330 BLUFFS PARKWAY, CANTON

678-493-6101  
[www.cherokeega.com](http://www.cherokeega.com)



## Staff Report

---

**Case No:** 16-04-014  
**Applicant Name:** Faith Community Church  
**Location:** 287 Rope Mill Road  
 (15N11, a part of 038)  
**From/To:** NC to R-40  
**Proposed Use:** Church  
**Commission Post:** 4

---

	Existing Zoning	Existing Land Use
North	R-40	Vacant / Church Owned
South	R-40	Vacant / Church Owned
East	R-40	Church Owned Food and Clothing Center
West	R-40	Vacant / Church Owned

### Future Development Map

Character Area/Node/Corridor	Description
City of Woodstock Urban Village	Similar to the County's designation of Neighborhood Living. Urbanized and growth oriented areas, adjacent to identified activity centers with higher densities. Various types of residential dwellings, and mixed-use developments.

## **Analysis and Comment**

The subject parcel is 0.67 acres of an 8.73 acre tract on the west side of Rope Mill Road approximately 800 feet south of the intersection with Woodstock Parkway. A Public Participation Meeting was not required (Article 18, Section 18.3-7, 5) c.). An Existing Site Resource Map was not required (Article 18, Section 18.3-2, a) 6.3). We have received no letters in opposition to or in support of this petition. The application is consistent with the Future Development Map designation of Woodstock's Urban Village.

---

### **1 Findings**

#### **1.1 Engineering Department**

- The primary public access for the property in this application is Woodstock Parkway and secondary access on Rope Mill Road. Both Woodstock Parkway and Rope Mill Road are two lane local roadways along the frontage to this property. The roadways are approximately 24 feet wide. The geometry of the road at the location of this application is generally good. There are no improvements planned for this section of Woodstock Parkway or Rope Mill Road. Any improvements would be permitted through the City of Woodstock. It is the opinion of the Cherokee County Engineering Department that Woodstock Parkway and Rope Mill Road should be able to handle the traffic generated by this application.

#### **1.2 Cherokee County Water and Sewerage Authority**

- CCWSA did not submit a report.

#### **1.3 Cherokee County Board of Education**

- The Board of Education did not submit a report.

#### **1.4 Fire Marshal's Office**

- No report received.

#### **1.5 Sheriff's Office**

- No report received.

<b>Case #16-04-014 - Community Agenda Analysis</b>	
<b>Section 1 – Community Vision</b>	
Community	Woodstock
<b>Vision:</b> <ul style="list-style-type: none"> <li>– Natural beauty and diversity make Cherokee County a desirable and sustainable community.</li> <li>– Commitment to grow responsibly from a rich agricultural foundation through careful community design.</li> <li>– Responsible stewardship of Lake Allatoona and Etowah River for water supply and recreational opportunities.</li> <li>– Balance needed between housing, employment, education, recreation, infrastructure and community services.</li> </ul>	
<i>This rezoning would allow the property to be used more easily for a church.</i>	
<b>Section 2 - Core Issues</b>	
<b>Project Supports</b>	
Planning for Sustainable Growth	This property is located where there is water and all types of other infrastructure.
Land Use Patterns that Promote Connectivity and Mobility	This church plans to eventually connect to both Woodstock Parkway and Rope Mill Road to distribute traffic at peak times.
<b>Project is Neutral</b>	
Housing Choice	No evidence of impact.
Aging in Place	No evidence of impact.
Diverse Economic Opportunities	No evidence of impact.
Preserve and Enhance Sense of Place	There are no existing structures on the property.
<b>Project Neglects</b>	
Designing with the Environment	There will be a significant amount of clearing and grading for this use. Property was mostly pasture in 1993 so only limited hardwoods/specimen trees.
<b>Section 3 – Character Area Description</b>	
Character Area	Neighborhood Living / Urban Village
<p><i>The Neighborhood Living and Urban Village character areas are envisioned as urbanized areas that are adjacent to activity centers with higher densities of residential and mixed-use development. Public and institutional uses are secondary land uses within this area. The purpose of this rezoning application is only intended to give the whole property one consistent zoning district to allow the development of a church.</i></p>	
Node or Corridor	N/A



Cherokee County, Georgia  
Agenda Request

---

Item#: 2.

**SUBJECT:** **MEETING DATE:**  
Case #16-04-015 Little River Farms, LLC (BOC 5/3/2016  
Dist. 1)

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 46 +/- acres at the corner of State Route 372 and Birmingham Hwy from AG to R-40 for a single family residential subdivision.

---

**FACTS AND ISSUES:**

Commission District: 1  
Zoning Change: AG to R-40  
Location: Birmingham Hwy  
Tax Map and Parcel No: 03N24, Parcel 129 and 130  
Acres: 46 +/-  
Proposed Development: Single Family Residential  
Future Development Map: Hamlet and Country Estates

---

**BUDGET:**

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

---

**ADMINISTRATIVE RECOMMENDATION:**

---

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Deed	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Staff Report	Exhibit



# MOUNT VERNON REALTY

February 12, 2016

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

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

Dear Planning and Zoning Staff Members,

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

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

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

Best regards,



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



**CHEROKEE COUNTY**  
**Application for Public Hearing**

**Important Notes:**

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

**SECTION I**

Contact Person: Ben Key Phone: 404.644.8909  
 Email: key.benjamin@gmail.com

**Applicant's Information:**

Name: Little River Farms, LLC  
 Address: 7 South Main St. Phone: 770.390.2555  
 City, State, Zip: Alpharetta, GA 30004

Property Owner's Information:  same as above  see attached authorization forms (multiple properties)  
 Name: Freeham Property Company, LLC (Parcel 129) & James T. Braswell (Parcel 130)  
 Address: 980 Birmingham Rd. Ste 501-373 Phone: 678.240.0299  
 City, State, Zip: Milton, GA 30004

**Requested Public Hearing (check all that apply):**

- Rezoning  Amendment / Modification of Zoning  
 Variance / Appeal  Other: \_\_\_\_\_

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: <u>2/4/16</u>
Case: <u>16-04-015</u>	PC Work Session Date: <u>4.18.16</u>
CityView #: <u>PL 2016-190</u>	Planning Commission Hearing: <u>5.3.16</u>
Received by: <u>RH</u>	Board of Commissioners: <u>5.17.16</u>
Fee Paid: \$ <u>500.00</u>	Zoning Board of Appeals: <u>N/A</u>
Date: _____ Pd <u>2/22/16</u>	Other: _____

(4 signs)

SECTION II

Property Information:

Location: 19120 Birmingham Hwy Alpharetta, GA 30004

Current Zoning: AG Proposed Zoning: R-40 Total Acreage: 46.0 +/-

Tax Map #: 03 24 Parcel #: 129 & 130 Land Lot(s): 1254, 1255, 1266, 1267 District: 3rd

Future Development Map Designation: Hamlet & Country Estates

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

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

The applicant seeks to rezone the property to R-40.

Proposed Use(s) of Property:

A subdivision of single family detached homesites.

Applicant Affidavit:

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

Phillip Galbreath

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 21st day of MARCH, 20 16.

Print Name PHILLIP GALBREATH

Applicant Signature [Handwritten Signature]

**SECTION III**

**Infrastructure Information:**

Is water available to this site?  Yes  No

Jurisdiction: CCWSA

How is sewage from this site to be managed?

Individual septic systems.

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

If yes, what is the projected increase? 26 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	35	0.725	25.37
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? 335 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends <sup>+</sup>	Number of Trips
210	Single Family Home/ Townhome	35	9.57	334.95
220	Apartment		6.63	

Notes:

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

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

**LITTLE RIVER FARMS, LLC**  
7 SOUTH MAIN STREET ALPHARETTA, GA 30009

March 22, 2016

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

RE: APPLICANT RESPONSE STATEMENT - REZONING

Dear Planning and Zoning Department,

Please allow this letter to serve as our "Applicant Response Statement" and letter of intent to seek a rezoning of the 40.9+/- acre tract known as Map/Parcel 03N24-129 & the 5.1+/- acre tract known as 03N24-130 from AG to R-40.

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

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

Thank you for your consideration.

Best regards,



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

#7681 2/2 10.00

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

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
CHEROKEE COUNTY, GA

03 FEB 13 PM 1:21

BOOK 5886 PAGE 063

STATE OF GEORGIA

CHEROKEE COUNTY *M. Lanson*

LIMITED WARRANTY DEED

This Indenture, made February 13, 2003, between James Richard. Ousley, of the County of Cherokee in the State of Georgia as party or parties of the first part, hereinafter called Grantor, and Freeham Property Company, LLC, a limited liability company, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

Witnesseth: That Grantor for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE CONSIDERATION, in hand paid at and before the sealing and delivery of these presents, the receipts whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

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

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

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

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

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

Signed, sealed and delivered in the presence of:

*[Signature]*  
Unofficial Witness

*[Signature]*  
James Richard Ousley (Seal)

*[Signature]*  
NOTARY PUBLIC:  
My commission expires:



\_\_\_\_\_ (Seal)

CHEROKEE COUNTY, GA  
REAL ESTATE TRANSFER TAX  
PAID \$1036.00  
DATE 2-13-05

*[Signature]*  
CLERK OF SUPERIOR COURT



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

"LESS & EXCEPT" DEED  
& LEGAL

**LIMITED WARRANTY DEED**  
**State of Georgia, Forsyth County**

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

WITNESSETH:

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

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

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

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

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

EXECUTED under seal as of the date above.

Signed, sealed and delivered  
in the presence of:

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

*Shirley Bradley*  
Witness

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

Notary Public

(SEAL)



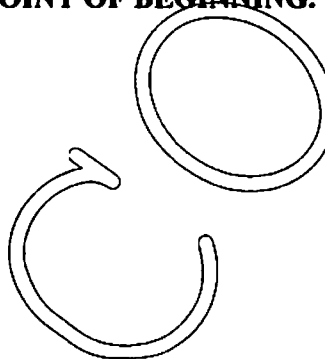


**Exhibit "A"**

**Legal Description**

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

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



455-334

Form No. BS-511 WARRANTY DEED

STATE OF GEORGIA, CHEROKEE COUNTY

THIS INDENTURE, Made this 22 day of April in the year of our Lord One Thousand Nine Hundred and eighty-five between GAIL S. BRASWELL

of the State of Georgia and County of Cherokee of the first part, and JAMES T. BRASWELL

of the State of Georgia and County of Cherokee of the second part:

WITNESSETH That the said part Y of the first part, for and in consideration of the sum of TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS 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 part Y of the second part his heirs and assigns

A one-half undivided interest in and to: All that tract or parcel of land lying and being in Land Lot 1255, 3rd District, 2nd Section, Cherokee County, Georgia, being 5.10 acres, as per plat recorded in Plat Book 11, Page 181, Cherokee County Records, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at the common corner of Land Lots 1193, 1194, 1255 and 1256; run thence North 88° 18' West along the North line of Land Lot 1255 a distance of 417.8 feet to a point; run thence South 03° 42' West a distance of 568.60 feet to an iron pin and THE TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING, run thence South 10° 07' West a distance of 73.30 feet to an iron pin; run thence South 04° 13' East a distance of 129.20 feet to an iron pin; run thence South 04° 13' East a distance of 23.60 feet to a point on the centerline of Old Birmingham Road (15 feet wide); run thence Southwesterly along the centerline of Old Birmingham Road the following courses and distances: South 48° 27' West a distance of 57.20 feet, South 43° 47' West a distance of 58.80 feet, South 37° 04' West a distance of 69.10 feet, South 33° 07' West a distance of 90.80 feet, South 32° 30' West a distance of 129.70 feet, South 25° 02' West a distance of 282.30 feet to an iron pin at the intersection of the centerline of Old Birmingham Road with the Northwesterly side of Birmingham Road (50 foot right of way); run thence Southwesterly along the Northwesterly side of Birmingham Road a distance of 238.40 feet to an iron pin; run thence North 27° 08' West a distance of 413.30 feet to an iron pin; run thence North 41° 44' East a distance of 317.50 feet to an iron pin; run thence South 26° 14' East a distance of 208.90 feet to an iron pin; run thence North 39° 37' East a distance of 689.40 feet to an iron pin at THE TRUE POINT OF BEGINNING; being improved property having a house located thereon, as shown on survey prepared by Eaton Pendley & Assoc., Inc., dated April 6, 1984.

CLERK OF SUPERIOR COURT  
CHEROKEE COUNTY, GA.  
1985 MAY -3 AM  
Boob  
455  
Page  
334  
ANNETTE FLEMING

Cherokee COUNTY, GA.  
REAL ESTATE TRANSFER TAX  
PAID none  
DATE 5-3-85  
Annette Fleming  
CLERK OF SUPERIOR COURT

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 anywise appertaining to the only proper use, benefit and behoof of James T. Braswell the said part Y of the second part, his heirs and assigns forever in Fee Simple

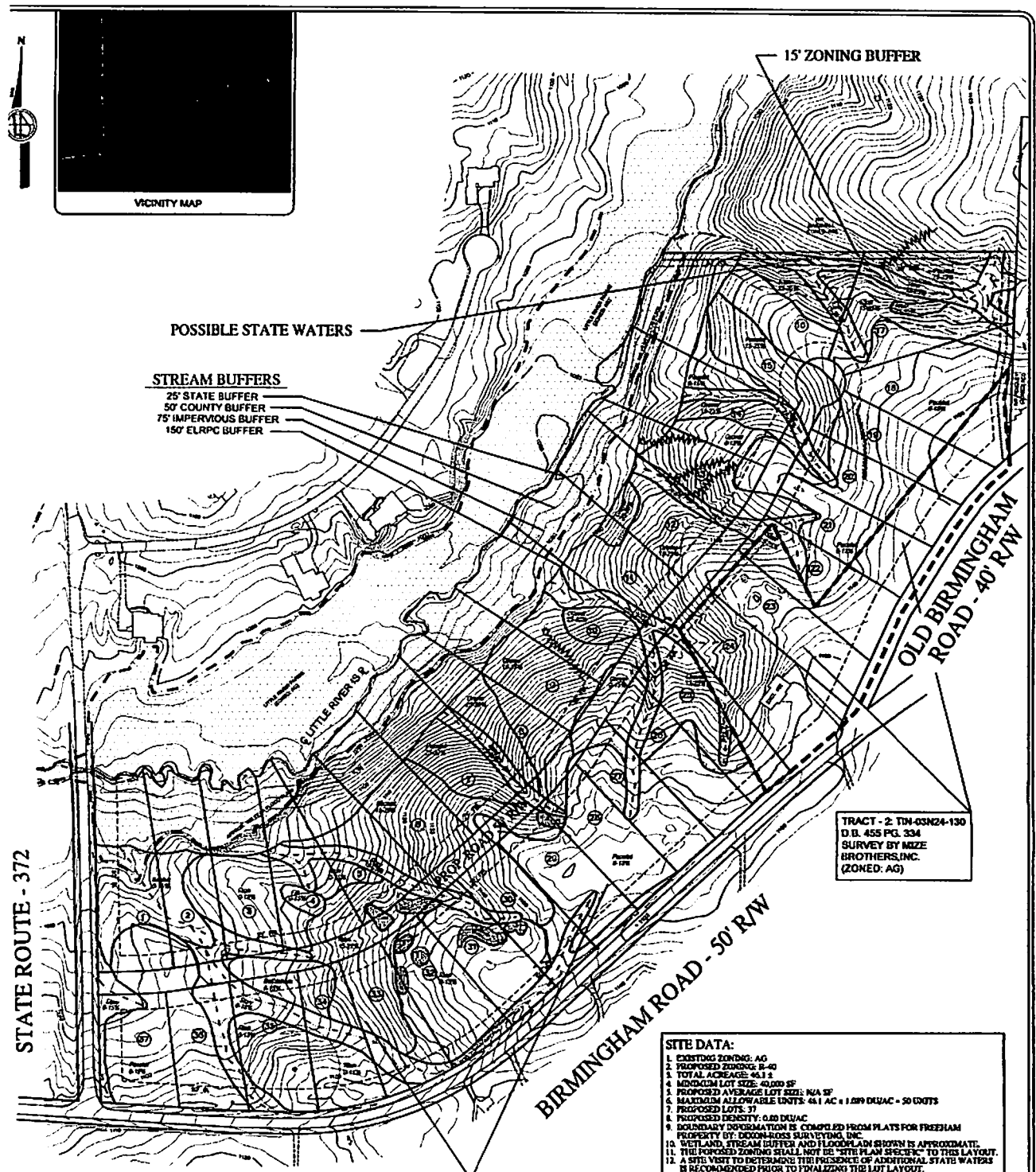
And the said part Y of the first part, for her heirs, executors and administrators, will warrant and forever defend the right and title to the above described property unto the said part Y of the second part his heirs and assigns, against the claims of all persons whomsoever.

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

Signed, sealed and delivered in presence of: [Signature] GAIL S. BRASWELL (Seal) [Signature] (Seal)

NOTARY PUBLIC, GA, STATE AT LARGE





POSSIBLE STATE WATERS

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

15' ZONING BUFFER

STATE ROUTE - 372

BIRMINGHAM ROAD - 50' R/W

OLD BIRMINGHAM ROAD - 40' R/W

TRACT - 2 TH 03N24-130  
 D.B. 455 PG. 334  
 SURVEY BY NITZE  
 BROTHERS, INC.  
 (ZONED: AG)

TRACT - 1 TH 03N24-129  
 D.B. 455 PG. 334  
 SURVEY BY DOLOM-  
 ROSS, INC.  
 (ZONED: AG)

**SITE DATA:**  
 1. EXISTING ZONING: AG  
 2. PROPOSED ZONING: B-40  
 3. TOTAL ACREAGE: 46.1 ±  
 4. MINIMUM LOT SIZE: 40,000 SF  
 5. PROPOSED AVERAGE LOT SIZE: 864 SF  
 6. MAXIMUM ALLOWABLE UNITS: 46.1 AC ÷ 1,000 DU/AC = 50 UNITS  
 7. PROPOSED LOTS: 37  
 8. PROPOSED DENSITY: 0.80 DU/AC  
 9. BOUNDARY INFORMATION IS COMPILED FROM PLATS FOR FREEHAM PROPERTY BY GEORGIANESS SURVEYING, INC.  
 10. WETLAND, STREAM BUFFER AND FLOODPLAIN SHOWN IS APPROXIMATE.  
 11. THE PROPOSED ZONING SHALL NOT BE THE FINAL SPECIFIC TO THIS LAYOUT.  
 12. A SITE VISIT TO DETERMINE THE PRESENCE OF ADDITIONAL STATE WATERS IS RECOMMENDED PRIOR TO FINALIZING THE LOT LAYOUT.

TRACT-1 AREA = 41 AC. ±  
 TRACT-2 AREA = 5.1 AC. ±  
 TOTAL AREA = 46.1 AC. ±

**SITE HYDROLOGY**  
 DETENTION AND/OR WATER QUALITY REQUIREMENTS WILL BE ADDRESSED BY UTILIZING ON SITE PONDS & BIRD SWALES, ETC. ADDITIONAL INFORMATION WILL BE PROVIDED AS SOIL TESTING IS COMPLETE.

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

**ON-SITE SEWAGE DISPOSAL**  
 1. 0.625 AC. OF USABLE SOIL IS REQUIRED ON EACH LOT TO SERVE A THREE BEDROOM HOME. ADDITIONAL SPACE IS REQUIRED FOR LARGER HOMES.  
 2. A LEVEL-3 SOIL STUDY OF THE PROJECT SHALL BE PREPARED TO DETERMINE THE EXISTENCE OF NON-DESABLE SOILS.  
 3. SOILS INFORMATION SHOWN HEREON IS TAKEN FROM A LEVEL 2 SOIL SURVEY BY: GEOSCINENCES ENGINEERING, INC. DATED: 3-25-16.

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

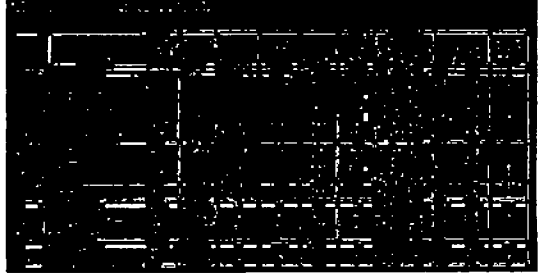
**HISTORIC, ARCHEOLOGICAL, CULTURAL FEATURES**  
 THIS FIRM HAS NO KNOWLEDGE OF THE PRESENCE OF HISTORIC, ARCHEOLOGICAL, OR CULTURAL FEATURES LOCATED ON THIS SITE.



ZONING E88037  
 OF  
**BIRMINGHAM ROAD AT  
 SR-372 TRACT**  
 LAND LOTS - 125A, 125B, 125C & 1257  
 DISTRICT - 3 - SECTION - 2  
 CITY: CHERRY CREEK, GA  
 PREPARED: MARCH 25, 2016 | SHEET # 1 - 108 FT  
 DRAWN BY: JMB  
 DWG FILE: JMS000CEPPLAN LAYOUT.DWG  
 ACD NO. J43300

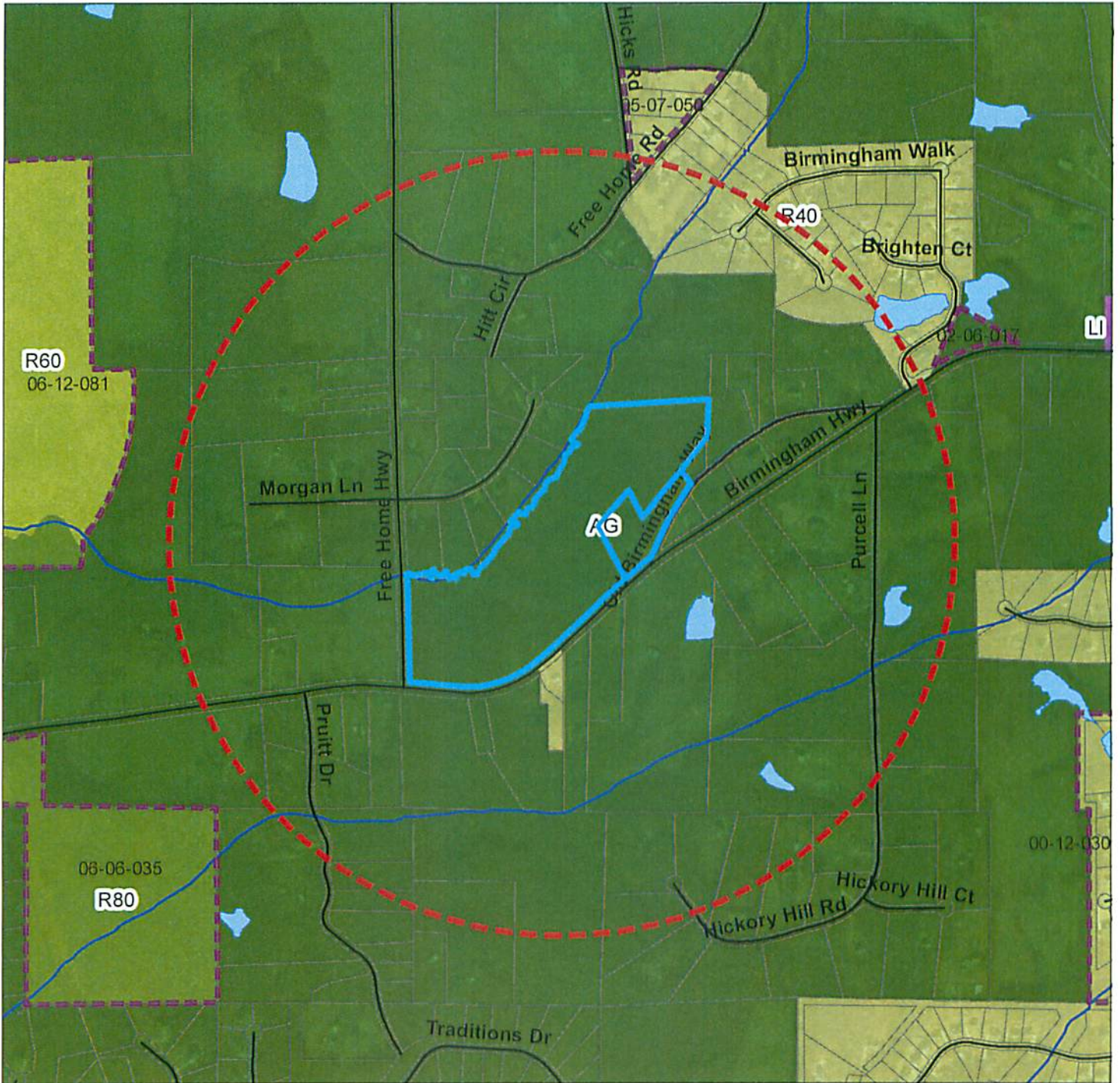


1100 HERRILL BRIDGE ROAD / P.O. BOX 180  
 BALL BEACH, GEORGIA 30505  
 PHONE (770) 720-9880 / FAX (770) 720-9880  
 www.landmarksurveying.com  
 MEMBERS & SUPPLY SOCIETY OF GEORGIA



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

## Current Cherokee County Zoning Map



### Legend

- |                     |                    |                     |
|---------------------|--------------------|---------------------|
| Rezoning Parcels    | Cherokee Zoning AG | RTH                 |
| Streets             | R80                | RM10                |
| 1/2 mile radius     | R60                | TND                 |
| Recent Zoning Cases | R40                | PUD                 |
| City Annexations    | R30                | CI                  |
| 100 Year Flood Zone | 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.

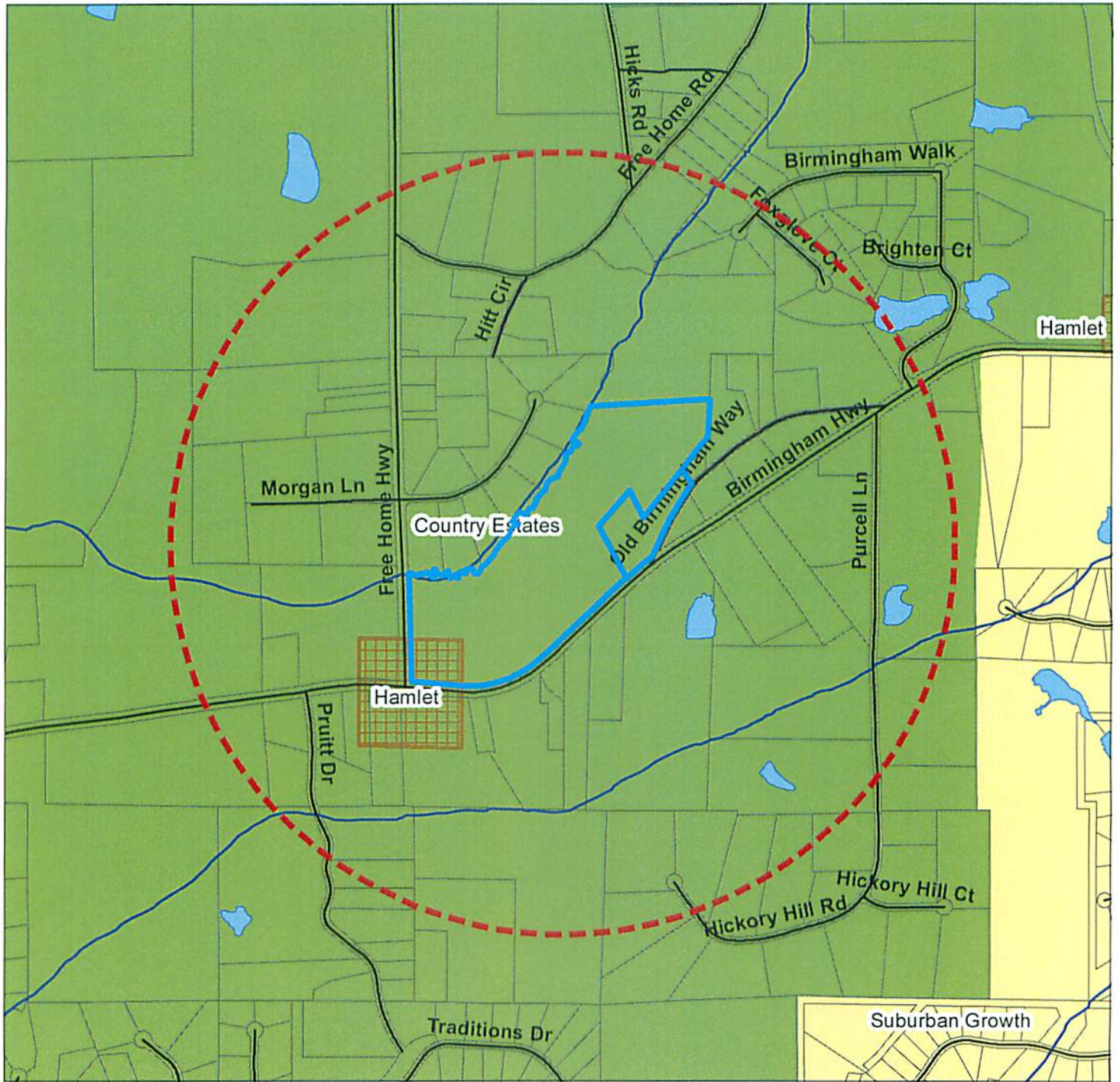


Prepared by:  
Cherokee County  
Planning & Land Use  
Canton, Georgia  
March 25, 2016



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

Future Development Map from the Comprehensive Plan



### Legend

- |                     |                        |                          |
|---------------------|------------------------|--------------------------|
| Rezoning Parcels    | <b>Character Areas</b> | <b>Development Nodes</b> |
| Streets             | Natural Preserve       | County Crossroads        |
| 1/2 mile radius     | Rural Places           | Hamlet                   |
| 100 Year Flood Zone | Country Estates        | Neighborhood Village     |
|                     | Suburban Growth        | Community Village        |
|                     | Suburban Living        | <b>Corridors</b>         |
|                     | 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  
March 25, 2016



## LEGAL DESCRIPTION

All of that tract or parcel of land lying and being in Land Lots 1254, 1255, 1266 and 1267, 3<sup>rd</sup> District, 2<sup>nd</sup> Section, Cherokee County, containing 45.71 acres, and being more particularly described as follows:

**BEGINNING** at the intersection of the Northern 50 foot right of way of Birmingham Road and the Eastern 50 foot right of way of State Route 372; thence along the Eastern right of way of State Route 372 the following bearings and distances:

North 01 Degrees 01 Minutes 20 Seconds West for a distance of 584.36 feet;

North 02 Degrees 01 Minutes 47 Seconds West for a distance of 161.10 feet;

Thence leaving said right of way North 88 Degrees 15 Minutes 48 Seconds East for a distance of 3.25 feet to the centerline of a creek; thence along said creek the following bearings and distances:

South 68 Degrees 24 Minutes 06 Seconds East for a distance of 40.46 feet;

North 77 Degrees 50 Minutes 13 Seconds East for a distance of 62.69 feet;

South 67 Degrees 08 Minutes 20 Seconds East for a distance of 31.64 feet;

North 46 Degrees 50 Minutes 48 Seconds East for a distance of 27.92 feet;

North 78 Degrees 25 Minutes 17 Seconds East for a distance of 19.30 feet;

South 47 Degrees 44 Minutes 20 Seconds East for a distance of 43.89 feet;

North 65 Degrees 19 Minutes 18 Seconds East for a distance of 20.75 feet;

North 43 Degrees 32 Minutes 27 Seconds East for a distance of 30.26 feet;

South 78 Degrees 46 Minutes 46 Seconds East for a distance of 22.84 feet;

South 11 Degrees 42 Minutes 02 Seconds West for a distance of 38.33 feet;

South 64 Degrees 26 Minutes 39 Seconds East for a distance of 24.73 feet;

North 81 Degrees 28 Minutes 08 Seconds East for a distance of 40.29 feet;

North 16 Degrees 54 Minutes 51 Seconds East for a distance of 36.71 feet;

South 74 Degrees 33 Minutes 25 Seconds East for a distance of 42.76 feet;

North 25 Degrees 31 Minutes 11 Seconds East for a distance of 19.76 feet;

North 36 Degrees 39 Minutes 05 Seconds East for a distance of 24.46 feet;

South 83 Degrees 11 Minutes 40 Seconds East for a distance of 27.73 feet;

South 41 Degrees 51 Minutes 04 Seconds East for a distance of 34.69 feet;

North 82 Degrees 49 Minutes 22 Seconds East for a distance of 24.09 feet;

North 30 Degrees 28 Minutes 05 Seconds East for a distance of 38.42 feet;

North 55 Degrees 22 Minutes 20 Seconds East for a distance of 26.32 feet;

North 39 Degrees 42 Minutes 13 Seconds East for a distance of 51.38 feet;

North 50 Degrees 28 Minutes 48 Seconds East for a distance of 40.92 feet;

North 27 Degrees 26 Minutes 32 Seconds East for a distance of 33.70 feet;

North 36 Degrees 34 Minutes 16 Seconds East for a distance of 40.49 feet;

North 12 Degrees 49 Minutes 03 Seconds East for a distance of 29.25 feet;

North 59 Degrees 07 Minutes 51 Seconds East for a distance of 60.48 feet;

North 24 Degrees 08 Minutes 28 Seconds East for a distance of 31.85 feet;

North 05 Degrees 11 Minutes 10 Seconds West for a distance of 22.51 feet;

North 46 Degrees 34 Minutes 54 Seconds East for a distance of 23.45 feet;  
North 34 Degrees 47 Minutes 59 Seconds East for a distance of 31.12 feet;  
North 40 Degrees 15 Minutes 05 Seconds West for a distance of 20.95 feet;  
North 34 Degrees 15 Minutes 30 Seconds East for a distance of 59.26 feet;  
South 81 Degrees 16 Minutes 06 Seconds East for a distance of 38.97 feet;  
North 54 Degrees 20 Minutes 08 Seconds East for a distance of 84.49 feet;  
North 32 Degrees 27 Minutes 27 Seconds East for a distance of 25.33 feet;  
North 13 Degrees 53 Minutes 15 Seconds West for a distance of 29.85 feet;  
North 43 Degrees 18 Minutes 07 Seconds East for a distance of 32.05 feet;  
North 59 Degrees 57 Minutes 39 Seconds East for a distance of 26.09 feet;  
North 42 Degrees 14 Minutes 01 Seconds East for a distance of 47.21 feet;  
North 16 Degrees 13 Minutes 44 Seconds East for a distance of 34.68 feet;  
North 37 Degrees 31 Minutes 23 Seconds East for a distance of 40.39 feet;  
North 74 Degrees 00 Minutes 48 Seconds East for a distance of 46.93 feet;  
North 25 Degrees 35 Minutes 51 Seconds East for a distance of 37.70 feet;  
North 29 Degrees 32 Minutes 49 Seconds East for a distance of 82.99 feet;  
North 14 Degrees 33 Minutes 05 Seconds East for a distance of 38.72 feet;  
North 29 Degrees 02 Minutes 25 Seconds East for a distance of 40.68 feet;  
North 50 Degrees 37 Minutes 04 Seconds East for a distance of 61.68 feet;  
North 34 Degrees 16 Minutes 04 Seconds West for a distance of 51.65 feet;  
North 33 Degrees 30 Minutes 07 Seconds East for a distance of 28.01 feet;  
North 52 Degrees 58 Minutes 22 Seconds East for a distance of 46.51 feet;  
North 33 Degrees 34 Minutes 35 Seconds East for a distance of 75.59 feet;  
North 12 Degrees 23 Minutes 49 Seconds East for a distance of 95.92 feet;  
North 35 Degrees 25 Minutes 02 Seconds East for a distance of 73.81 feet;

Thence leaving said creek North 89 Degrees 16 Minutes 46 Seconds East for a distance of 784.79 feet to an iron pin; thence South 01 Degrees 59 Minutes 58 Seconds West for a distance of 218.81 feet to an iron pin; thence South 11 Degrees 18 Minutes 12 Seconds West for a distance of 44.39 feet to an iron pin; thence South 07 Degrees 16 Minutes 24 Seconds West for a distance of 72.83 feet; thence South 04 Degrees 14 Minutes 16 Seconds East for a distance of 127.54 feet to a point on the Northern 40 foot right of way of Old Birmingham Way; thence along said right of way the following bearings and distances:

South 49 Degrees 31 Minutes 10 Seconds West for a distance of 49.23 feet;  
South 44 Degrees 28 Minutes 02 Seconds West for a distance of 38.40 feet;  
South 41 Degrees 18 Minutes 36 Seconds West for a distance of 39.53 feet;  
South 37 Degrees 58 Minutes 02 Seconds West for a distance of 35.07 feet;  
South 33 Degrees 57 Minutes 32 Seconds West for a distance of 90.79 feet;  
South 31 Degrees 31 Minutes 20 Seconds West for a distance of 143.29 feet;  
South 29 Degrees 11 Minutes 10 Seconds West for a distance of 37.04 feet;  
South 25 Degrees 42 Minutes 16 Seconds West for a distance of 101.84 feet;  
South 24 Degrees 31 Minutes 38 Seconds West for a distance of 140.26 feet;



South 25 Degrees 07 Minutes 03 Seconds West for a distance of 77.21 feet to the intersection with said right of way and the Northern right of way of Birmingham Road; thence along the right of way of Birmingham Road the following bearings and distances:

South 50 Degrees 33 Minutes 44 Seconds West for a distance of 79.27 feet;

South 48 Degrees 09 Minutes 09 Seconds West for a distance of 112.46 feet;

South 48 Degrees 07 Minutes 47 Seconds West for a distance of 53.35 feet;

South 47 Degrees 21 Minutes 40 Seconds West for a distance of 237.63 feet;

South 47 Degrees 42 Minutes 21 Seconds West for a distance of 113.53 feet;

South 46 Degrees 58 Minutes 47 Seconds West for a distance of 343.45 feet;

South 49 Degrees 03 Minutes 00 Seconds West for a distance of 82.99 feet;

South 52 Degrees 46 Minutes 04 Seconds West for a distance of 39.81 feet;

South 56 Degrees 05 Minutes 06 Seconds West for a distance of 40.98 feet;

South 59 Degrees 01 Minutes 21 Seconds West for a distance of 35.10 feet;

South 61 Degrees 47 Minutes 09 Seconds West for a distance of 39.18 feet;

South 64 Degrees 52 Minutes 55 Seconds West for a distance of 42.21 feet;

South 67 Degrees 38 Minutes 24 Seconds West for a distance of 39.61 feet;

South 71 Degrees 42 Minutes 45 Seconds West for a distance of 43.18 feet;

South 75 Degrees 24 Minutes 04 Seconds West for a distance of 38.26 feet;

South 78 Degrees 26 Minutes 10 Seconds West for a distance of 40.83 feet;

South 82 Degrees 18 Minutes 59 Seconds West for a distance of 42.81 feet;

South 85 Degrees 29 Minutes 13 Seconds West for a distance of 42.24 feet;

South 88 Degrees 24 Minutes 09 Seconds West for a distance of 44.35 feet;

North 88 Degrees 50 Minutes 03 Seconds West for a distance of 89.11 feet;

North 86 Degrees 34 Minutes 00 Seconds West for a distance of 221.19 feet;

North 86 Degrees 08 Minutes 51 Seconds West for a distance of 113.29 feet to a point and the

TRUE POINT OF BEGINNING.



## Staff Report

**Case No:** 16-04-015  
**Applicant Name:** Little River Farms, LLC.  
**Location:** 19120 Birmingham Highway  
(03N24, 129 and 130)  
**From/To:** AG to R-40  
**Proposed Use:** Single Family Detached Subdivision  
**Commission Post:** 1

	Existing Zoning	Existing Land Use
North	AG	Rural Residential
South	AG	Rural Residential
East	AG	Rural Residential
West	AG	Rural Residential

### Future Development Map

Character Area/Node/Corridor	Description
Hamlet Node over Country Estates	Hamlets are places where small scaled commercial uses are arranged in a village-like setting. 17,500 square foot maximum. Country Estates are defined as areas of low intensity land use with a mixture of single-family housing on large lots and farms. Local-serving roads, potentially with public water, typically lacks sewer. Suggested zonings of AG and R-80.

## **Analysis and Comment**

The subject parcels are 46 acres, more or less, and lie at the northeast corner of Birmingham Highway and Free Home Road (Highway 372). A Public Participation Meeting was held February 4, 2016 with approximately 12 attendees. An Existing Site Resource Map is contained within the case file. The application is not consistent with the Future Development Map designation of Hamlet and Country Estates.

---

### **1 Findings**

#### **1.1 Engineering Department**

- SR 372 is a rural major collector roadway and Birmingham Road is a two lane local roadway. Both roads are approximately 24 feet wide. The geometry of the roads at the location of this application is generally good. There was a traffic count performed by GDOT in 2014 that showed approximately 3,640 vehicles per day to the east of this property on SR 372. There are no improvements planned for this section of Birmingham Road at this time. If the entrance is on SR 372, the applicant would need to get approval for their entrance on SR 372 from the Georgia DOT. This would likely include a right-turn deceleration lane and possibly a left-turn lane. If the entrance is on Birmingham Road, the development would be required to install a standard residential subdivision entrance. This would include a right-turn deceleration lane into the property. Between 5 and 10 % of the property is in floodplain. It is the opinion of the Cherokee County Engineering Department that Birmingham Road should be able to handle the traffic generated by this application.

#### **1.2 Cherokee County Water and Sewerage Authority**

- CCWSA reported there is a 6" water line available and adequate for the project. There is no public sewer available.

#### **1.3 Cherokee County Board of Education**

- The Board of Education reported the area schools are Free Home Elementary (87.71%), Creekland Middle (113.13%) and Creekview High (98.58%).

#### **1.4 Fire Marshal's Office**

- No report received.

#### **1.5 Sheriff's Office**

- No report received.

## Case #16-04-015 - Community Agenda Analysis

### Section 1 – Community Vision

Community	Free Home / Birmingham Highway
-----------	--------------------------------

**Vision:**

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

***This rezoning would allow the property to be developed as a residential neighborhood.***

### Section 2 - Core Issues

#### ***Project Supports***

#### ***Project is Neutral***

Housing Choice	No evidence of impact.
Aging in Place	No evidence of impact.

Diverse Economic Opportunities	This project will support short-term construction jobs but provide no long-term employment.
--------------------------------	---

Preserve and Enhance Sense of Place	There are no existing structures on the property.
-------------------------------------	---

#### ***Project Neglects***

Planning for Sustainable Growth	This property is located where there is water and a state highway but other infrastructure is limited.
---------------------------------	--

Land Use Patterns that Promote Connectivity and Mobility	This proposed neighborhood does not make any connections that improve connectivity. All lots would be served off of a single entrance on Birmingham Hwy.
--	--

Designing with the Environment	There will be a significant amount of clearing and grading for this use. Property was timbered between 1999 and 2002 so only limited hardwoods/specimen trees remain. Significant frontage along the headwaters of Little River.
--------------------------------	--

### Section 3 – Character Area Description

Character Area	Country Estates
----------------	-----------------

***Country Estates is intended to have a mixture of active agriculture and large lot residential development. The proposed R-40 zoning is inconsistent with the character area.***

***Things to Consider:***

- *Half of adjacent R-40 referenced is to be returned to AG in case# 16-04-010.*
- *Development turns back to major intersection and lacks connectivity.*

Node or Corridor	Hamlet
------------------	--------

***The Hamlet node primarily relates to the development of a small-scale commercial village. Single-family homes should be consistent with the underlying character area within the Hamlet.***



Cherokee County, Georgia  
Agenda Request

---

Item#: 3.

**SUBJECT:** **Case #16-05-016 Peter Pauline (BOC Dist. 1)** **MEETING DATE:** 5/3/2016

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 0.4 acres at 11582 Cumming Highway from GC to NC for neighborhood commercial uses.

---

**FACTS AND ISSUES:**

Commission District: 1  
Zoning Change: GC to NC  
Location: 11582 Cumming Highway  
Tax Map and Parcel No: 03N23A, 064  
Acres: 0.4  
Proposed Development: Neighborhood Commercial Uses  
Future Development Map: Neighborhood Village

---

**BUDGET:**

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

---

**ADMINISTRATIVE RECOMMENDATION:**

---

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Deed	Exhibit
<input type="checkbox"/> Aerial Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Staff Report	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: Peter Pauline Phone: 770-265-4683  
 Email: peterpauline4@gmail.com

**Applicant's Information:**

Name: Peter Pauline

Address: 270 West Ridge Drive Phone: \_\_\_\_\_

City, State, Zip: Canton, GA 30114

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

Name: \_\_\_\_\_

Address: \_\_\_\_\_ Phone: \_\_\_\_\_

City, State, Zip: \_\_\_\_\_

**Requested Public Hearing (check all that apply):**

Rezoning

Amendment / Modification of Zoning

Variance / Appeal

Other: \_\_\_\_\_

**STAFF USE ONLY:**

Commission District: 1

Case: 16-05-016

CityView # PL2016-355

Received by: \_\_\_\_\_

Fee Paid: \$ 750.00

Date: \_\_\_\_\_

**PUBLIC HEARING SCHEDULE:**

Public Participation Meeting: \_\_\_\_\_

PC Work Session Date: \_\_\_\_\_

Planning Commission Hearing: \_\_\_\_\_

Board of Commissioners: \_\_\_\_\_

Zoning Board of Appeals: \_\_\_\_\_

Other: \_\_\_\_\_

SECTION II

Property Information:

Location: 11582 Cumming Hwy

Current Zoning: GC Proposed Zoning: NC Total Acreage: 0.4

Tax Map #: 03 N 23A Parcel #: 0164 Land Lot(s): 891 & 910 District: 3

Future Development Map Designation: Neighborhood Village

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

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

To have full NC uses instead of just one GC use

Proposed Use(s) of Property:

Office

Applicant Affidavit:

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

This form is to be executed under oath. I, Peter Pauline, 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 7<sup>th</sup> day of March, 2016.

Print Name Peter Pauline

Applicant Signature Peter Pauline



**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 <sup>+</sup>	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.

## **Applicant Response Statement**

**To: Cherokee County Planning and Zoning Commission**

**From: Peter Pauline**

**Property Location: 11582 Cumming Hwy., Canton, GA**

**Zoning Request: From GC back to Neighborhood Commercial**

**This historic property is located on HWY 20 in Lathemtown. It was rezoned in 2007 to Neighborhood Commercial and was leased to Integrity Chiropractic for 4 years and Friedman Construction for 1 year.**

**I requested rezoning to GC in late 2014 to accommodate a small car rental business. In Feb. 2015 the Board of Commissioners granted the request. However, the only use for the property under GC is Car Rental Business. The tenant did not sign a lease and never moved into the property.**

**I did not understand that I could only lease the building as a car rental business. The building is remodeled and set up for a small office use.**

**Please rezone this property back to NC with no restrictions so I can lease this property as a small office. A NC zoning fits with the County Land Use Plan.**

**Respectfully,**

**Peter Pauline**

After recording, return to:  
THE WALKER FIRM  
1431 Riverstone Pkwy # 130  
Canton, GA 30114

STATE OF GEORGIA  
COUNTY OF CHEROKEE

EXECUTOR'S DEED 06-1324

THIS INDENTURE is made as of July 28, 2006 between Nelle Wallace, Individually and as Executor of the Estate of D. Jewell Lathem, Deceased of Cherokee County, Georgia, hereinafter referred to as the "Deceased (hereinafter referred to as "Grantors") and Peter Pauline (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR (acting under and by virtue of the power and authority contained in the will of the Deceased, it having been duly probated and recorded in the Court of Probate of Cherokee County, Georgia, Estate No. 2006-106, for and in consideration of the sum of Ten Dollars (\$10.00) in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, all that tract or parcel of land lying and being in Land Lot 381 of the 15TH District, 2nd Section of Cherokee County, Georgia (hereinafter referred to as the "Land"), as more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 891 AND 910 OF THE 3RD DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA AND BEING 0.40 ACRES, AS PER PLAT RECORDED AT PLAT BOOK 15, PAGE 104, CHEROKEE COUNTY, GEORGIA RECORDS, WHICH PLAT IS INCORPORATED HEREIN BY REFERENCE AND MADE A PART HEREOF.

TO HAVE AND TO HOLD the Land with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever, in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

EXECUTED under seal as of the date above.  
signed, sealed and delivered in  
the presence of:

Grantor:

[Signature]  
Unofficial Witness

Nelle Wallace

Nelle Wallace (Seal)  
Nelle Wallace, Individually and as Executor of  
the Last Will and Testament of D. Jewell  
Lathem, Deceased of Cherokee County,  
Georgia.

[Signature]  
Notary Public



NW

**Legal Description:**

**11582 Cumming Hwy.  
Canton, GA 30115**

**All that tract or parcel of land lying and being in land lot 891 and 910 of the 3<sup>rd</sup> district, 2<sup>nd</sup> section, Cherokee County, Georgia and being 0.40 acres, as per plat recorded at plat book 15 , page 104, Cherokee County, Georgia records, which plat is incorporated herein by reference and made a part hereof.**



0322 030

0322A  
001

0323 082

0322A  
024

0323 113

0323A  
036

0323A  
037

0323A  
038

0323A  
063

Cumming Hwy

0323A  
062

0323A  
065

0323A  
064

0323A  
066

0323A  
068

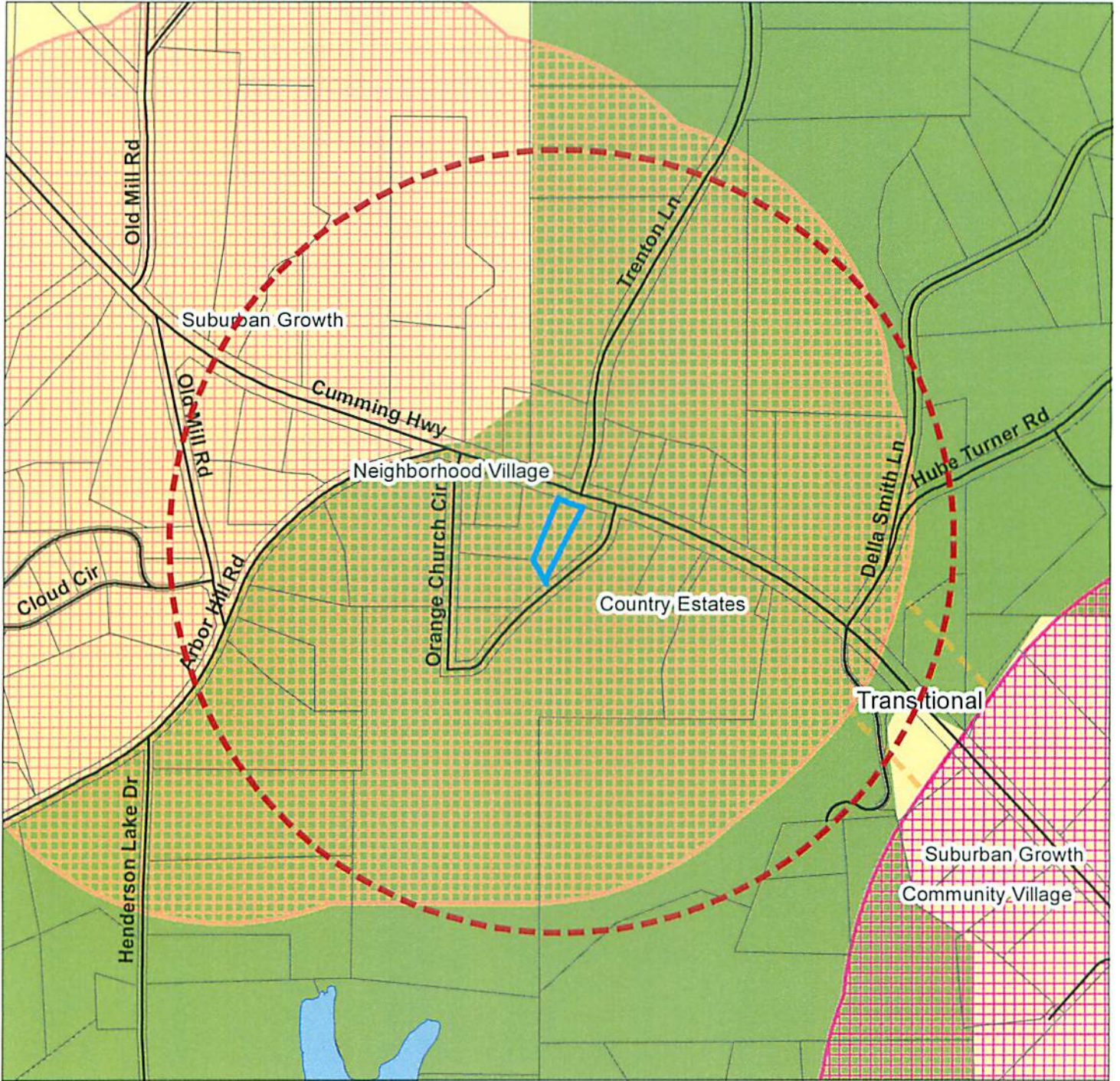
0323A  
067

0323A  
058

0323A  
070

# Case # 16-05-016 Peter Pauline

## Future Development Map from the Comprehensive Plan



### Legend

Rezoning Parcels	<b>Character Areas</b>	<b>Development Nodes</b>
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	<b>Corridors</b>
	Neighborhood Living	Scenic Corridor
	Bells Ferry LCI	Transitional Corridor
	Urban Core	Development Corridor
	Workplace Center	
	Regional Center	
	Waste Management	



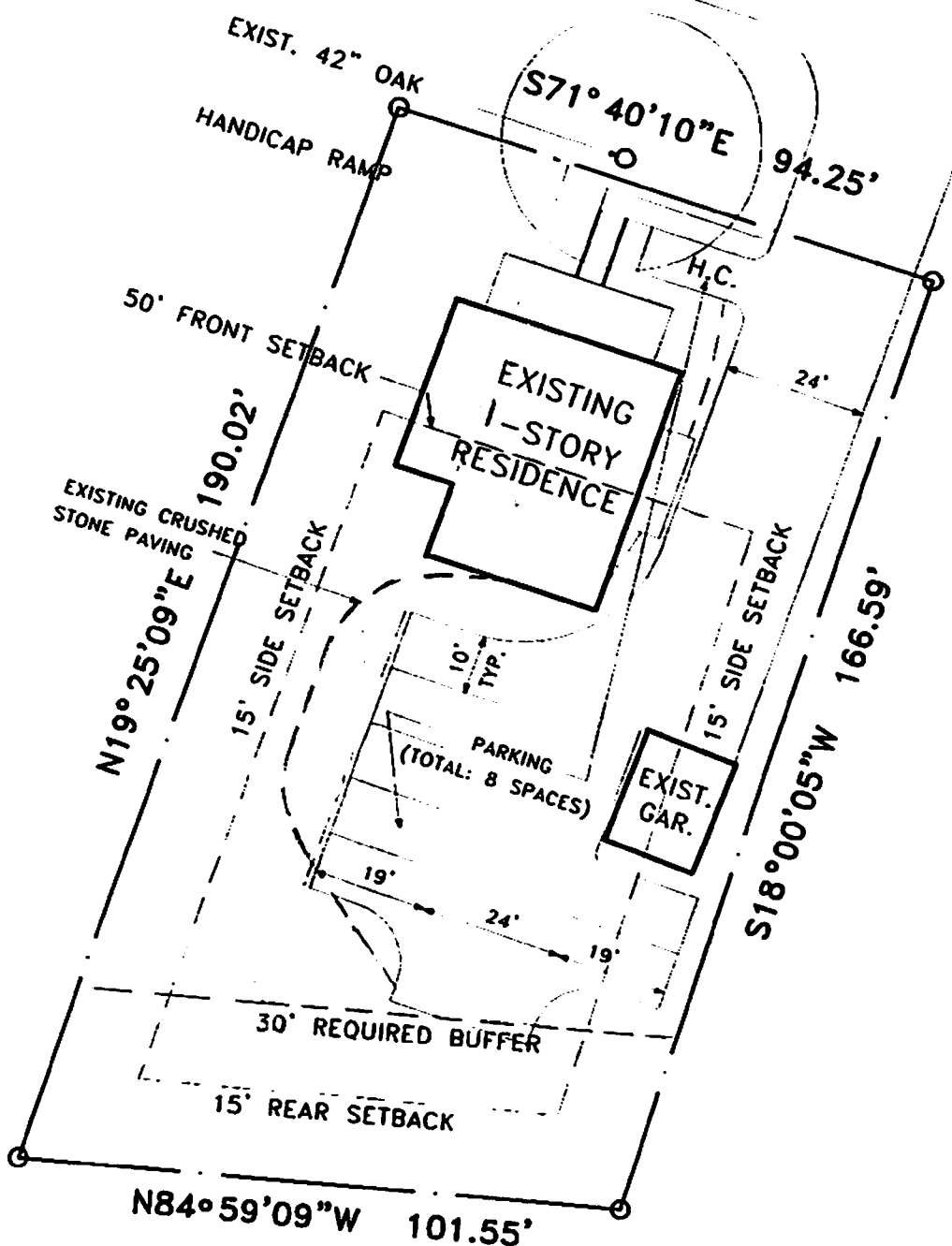
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:  
Cherokee County  
Planning & Land Use  
Canton, Georgia  
March 25, 2016

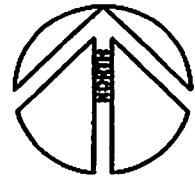


STATE ROUTE 20 - CUMMING HWY.  
(100' R/W)



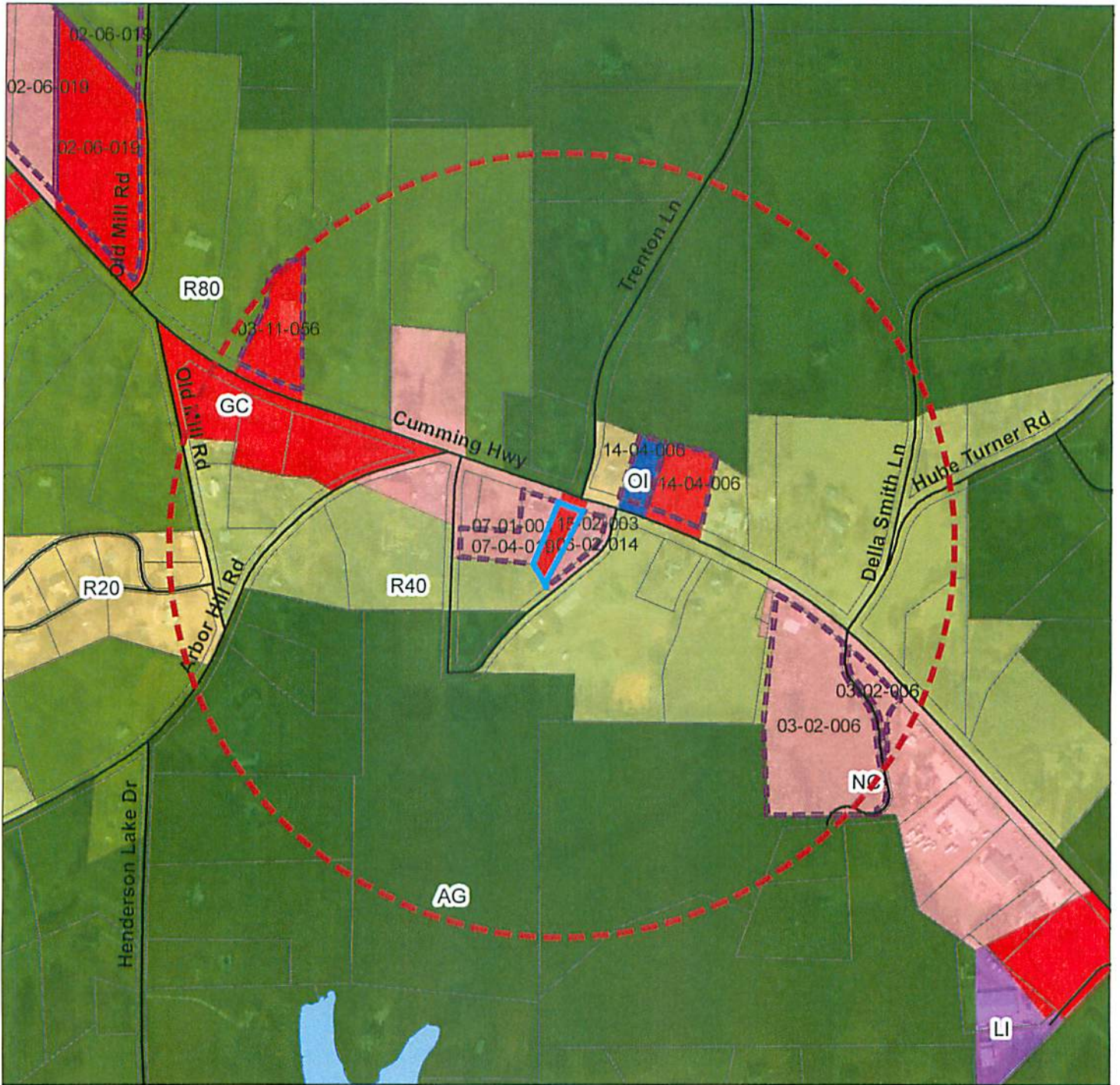
**A PROJECT FOR PETER PAULINE**  
**SITE PLAN**

**SCALE: 1" = 30'**



# Case # 16-05-016 Peter Pauline

## Current Cherokee County Zoning Map



### Legend

- |                     |                        |                     |
|---------------------|------------------------|---------------------|
| Rezoning Parcels    | <b>Cherokee Zoning</b> | 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                  |
|                     | 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  
March 25, 2016







## Staff Report

---

**Case No:** 16-05-016  
**Applicant Name:** Peter Pauline  
**Location:** 11582 Cumming Highway  
(03N23A, 064)  
**From/To:** GC to NC  
**Proposed Use:** To secure all NC uses rather than only one GC use.  
**Commission Post:** 1

---

	Existing Zoning	Existing Land Use
North	AG	Residential
South	R-40	Residential and Church/Ball field
East	NC	Commercial
West	NC	Residential

### Future Development Map

Character Area/Node/Corridor	Description
Neighborhood Village over Country Estates	Small-scaled commercial designed to serve a single neighborhood with access and size restrictions. May be part of a residential development. 50,000sf Maximum. (OI, NC, GC) Area of low intensity land use with a mixture of single-family housing on large lots and farms. (AG and R-80)

## **Analysis and Comment**

The subject parcel is approximately 0.4 acres and lies on the south side of Cumming Highway just west of Orange Church Circle. A Public Participation Meeting was not required. No Existing Site Resource Map was required. We have received no letters in support of or in opposition to this petition. The application is consistent with the Future Development Map designation of Neighborhood Village.

---

### **1 Findings**

#### **1.1 Engineering Department**

- SR 20 is the primary public access for this application. SR 20 is a full width two lane urban minor arterial roadway. The geometry on the road at the location of this application is generally good. The Georgia DOT recorded a daily traffic volume of approximately 16,800 vehicles per day on SR 20 near the location of this application in 2014. There is some recorded accident history on this road, including fatalities. The Georgia DOT recently announced that they would be using state funds to improve SR 20 along its existing corridor. At this time they are in the process of procuring a design contract for the roadway design. No definite schedule has been released by GDOT for how long the design phase or right-of-way acquisition phase will take. It is estimated that the construction of any improvements to this section of SR 20 will take place in the 2020 – 2025 time frame. The Georgia DOT will determine any necessary improvements to SR 20 when the applicant applies for a commercial driveway access along that route. It should be expected that the entrance would include a deceleration lane as well as a left-turn lane into the property. If the Georgia DOT does not require any changes to the existing access, the applicant will need to provide documentation. It is the opinion of the Cherokee County Engineering Department that SR 20 should be able to handle the traffic generated by this application.

#### **1.2 Cherokee County Water and Sewerage Authority**

- CCWSA did not send a report.

#### **1.3 Cherokee County Board of Education**

- No report received.

#### **1.4 Fire Marshal's Office**

- No report received.

#### **1.5 Sheriff's Office**

- No report received.

<b>Case #16-05-016 - Community Agenda Analysis</b>	
<b>Section 1 – Community Vision</b>	
Community	Lathemtown / Hwy 20
Vision: <ul style="list-style-type: none"> <li>– Natural beauty and diversity make Cherokee a desirable and sustainable community.</li> <li>– Commitment to grow responsibly from rich agricultural foundation through careful community design.</li> <li>– Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.</li> <li>– Balance needed between housing, employment, education, recreation, infrastructure and community services.</li> </ul>	
<i><b>This rezoning would keep the commercial uses consistent with adjacent property.</b></i>	
<b>Section 2 - Core Issues</b>	
<b>Project Supports</b>	
Diverse Economic Opportunities	This change will support the use of this property for a variety of types of small businesses.
Planning for Sustainable Growth	This property is located where there is water and located on a state highway.
Preserve and Enhance Sense of Place	This project preserves the long-term use of a historic property.
Designing with the Environment	There will be no significant change to the property. There is no land disturbance proposed.
<b>Project is Neutral</b>	
Housing Choice	No evidence of impact.
Aging in Place	No evidence of impact.
Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
<b>Project Neglects</b>	
<b>Section 3 – Character Area Description</b>	
Character Area	Country Estates
<i><b>Country Estates is intended to have a mixture of active agriculture and large lot residential development. The proposed zoning would only be suitable within a node or corridor.</b></i>	
Node or Corridor	Neighborhood Village
<i><b>The Neighborhood Village Node is designed to be a collection of small-scaled commercial businesses that serve the immediate area. The types of uses would include bank, drug store, restaurant, grocery, dry cleaner and gas station and other similar businesses. This area may also include personal services and professional offices. The proposed office use is consistent with the character area.</b></i>	



Cherokee County, Georgia  
Agenda Request

---

Item#: 4.

**SUBJECT:**  
Case #16-05-017 Richard and Stephen Deal  
(BOC Dist. 4)

**MEETING DATE:**  
5/3/2016

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 0.51 acres at 5455 Bells Ferry Road from NC to GC for a retail carpet and flooring contractor.

---

**FACTS AND ISSUES:**

Commission District: 4  
Zoning Change: NC to GC  
Location: 5455 Bells Ferry Road  
Tax Map and Parcel No: 15N06, 175  
Acres: 0.51  
Proposed Development: Retail carpet and flooring contractor  
Future Development Map: Bells Ferry LCI

---

**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"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Staff Report	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: Stephen Deal Phone: 770-757-3264  
 Email: S455Deal@Bellsouth.net

Applicant's Information:

Name: Richard n Deal Stephen E. Deal  
 Address: 906 Allatoona Rd Phone: 404-422-4371  
 City, State, Zip: Woodstock GA 30189

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: \_\_\_\_\_

<b>STAFF USE ONLY:</b>	<b>PUBLIC HEARING SCHEDULE:</b>
Commission District: <u>4</u>	Public Participation Meeting: <u>4/7/16</u>
Case: <u>16-05-017</u>	PC Work Session Date: <u>4/8/16</u>
CityView #: <u>PL2016-356</u>	Planning Commission Hearing: <u>5/3/16</u>
Received by: <u>RH 3/1/16</u>	Board of Commissioners: <u>5/17/16</u>
Fee Paid: \$ <u>750<sup>00</sup></u>	Zoning Board of Appeals: <u>N/A</u>
Date: _____	Other: _____

SECTION II

Property Information:

Location: 5455 Bells Ferry Rd Acworth GA 30102

Current Zoning: ~~NC~~ Proposed Zoning: GC Total Acreage: ~~0.51~~

Tax Map #: 15 N 06 Parcel #: 175 Land Lot(s): 1225 District: ~~21st~~ 15th

Future Development Map Designation: \_\_\_\_\_

Adjacent Zonings: North GC South GC East GC West GC

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

Change form ~~NC~~ to GC  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Proposed Use(s) of Property:

Retail carpet and flooring Contractor  
\_\_\_\_\_

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, Stephen E Deal, 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 1 day of March, 20 14.

Print Name Stephen Deal

Applicant Signature [Signature]

**SECTION III**

**Infrastructure Information:**

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

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?   N/A   students

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

Traffic Generation: N/A Brett

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 <sup>+</sup>	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.

FILED IN OFFICE  
CLERK OF SUPERIOR COURT  
CHEROKEE COUNTY, GA  
MAIL TO  
04 JUL 23 PM 1:14 Steven M. Campbell  
P.O. Box 1110  
BOOK PAGE Woodstock, Georgia 30188  
Anne M. Reneau V/12.00 29968

CHEROKEE COUNTY, GA  
REAL ESTATE TRANSFER TAX  
PAID 0  
DATE 7/25/04  
Anne M. Reneau  
CLERK OF SUPERIOR COURT

STATE OF GEORGIA  
COUNTY OF CHEROKEE

QUIT-CLAIM DEED

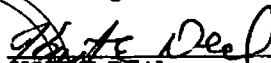
THIS INDENTURE, made this 17<sup>th</sup> day of May, Two Thousand Four, between HOYT E. DEAL and ANN MAXINE DEAL of the State of Florida and County of Volusia of the first part, and RICHARD N. DEAL and STEPHEN E. DEAL of the State of Georgia and County of Cherokee, of the second part;

WITNESSETH: That the said parties of the first part, for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration in hand paid, the receipt whereof is acknowledged having bargained sold and by these presents does remise, convey and forever QUIT-CLAIM to said parties of the second part, their heirs and assigns:

SEE ATTACHED EXHIBIT "A"

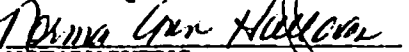
TO HAVE AND TO HOLD the said described premises to the said parties of the second part, so that neither the said parties of the first part nor their heirs, nor any other person or persons claiming under them shall at any time, by any means or ways, have, claim or demand any right or title to the aforesaid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

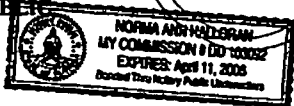
IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, the day and year above written.

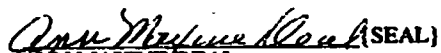
 (SEAL)  
HOYT E. DEAL

Signed, sealed and delivered in presence of:

  
UNOFFICIAL WITNESS

  
NOTARY PUBLIC



 (SEAL)  
ANN MAXINE DEAL

Signed, sealed and delivered in presence of:

  
UNOFFICIAL WITNESS

  
NOTARY PUBLIC

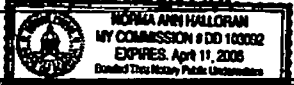




EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 1225, 15<sup>th</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia, and more particularly described as follows:

Proceed from the intersection of the Northern land lot line of Land Lot 1225 and the Western right-of-way of Bells Ferry Road; running thence Southerly 298.7 feet along the Western right-of-way of Bells Ferry Road to an iron pin set and the POINT OF BEGINNING; running thence South 13° 17' 20" East 96.40 feet along the Western right-of-way of Bells Ferry Road to an iron pin found; running thence South 78° 56' 39" West 254.27 feet to an iron pin set; running thence North 10° 30' 00" West 81.30 feet to an iron pin set; running thence North 75° 30' 00" East 250.18 feet to an iron pin set located on the Western right-of-way of Bells Ferry Road and the POINT OF BEGINNING.

Said tract or parcel of land contains 0.51 acres.

Reference is made and incorporated herein to that Plat of Survey for Hoyt E. Deal, dated October 14, 1983, prepared by Thomas M. Ginn, Sr., R.L.S. #1549.

COPIES



# Cherokee County, GA



**Legend**

- Parcels

**Notes**

1: 1,228

204.7 0 102.33 204.7 Feet

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.  
THIS MAP IS NOT TO BE USED FOR NAVIGATION



# Cherokee County, GA



### Legend

- Parcels
- Buildings

1: 1,128



188.0 0 94.00 188.0 Feet

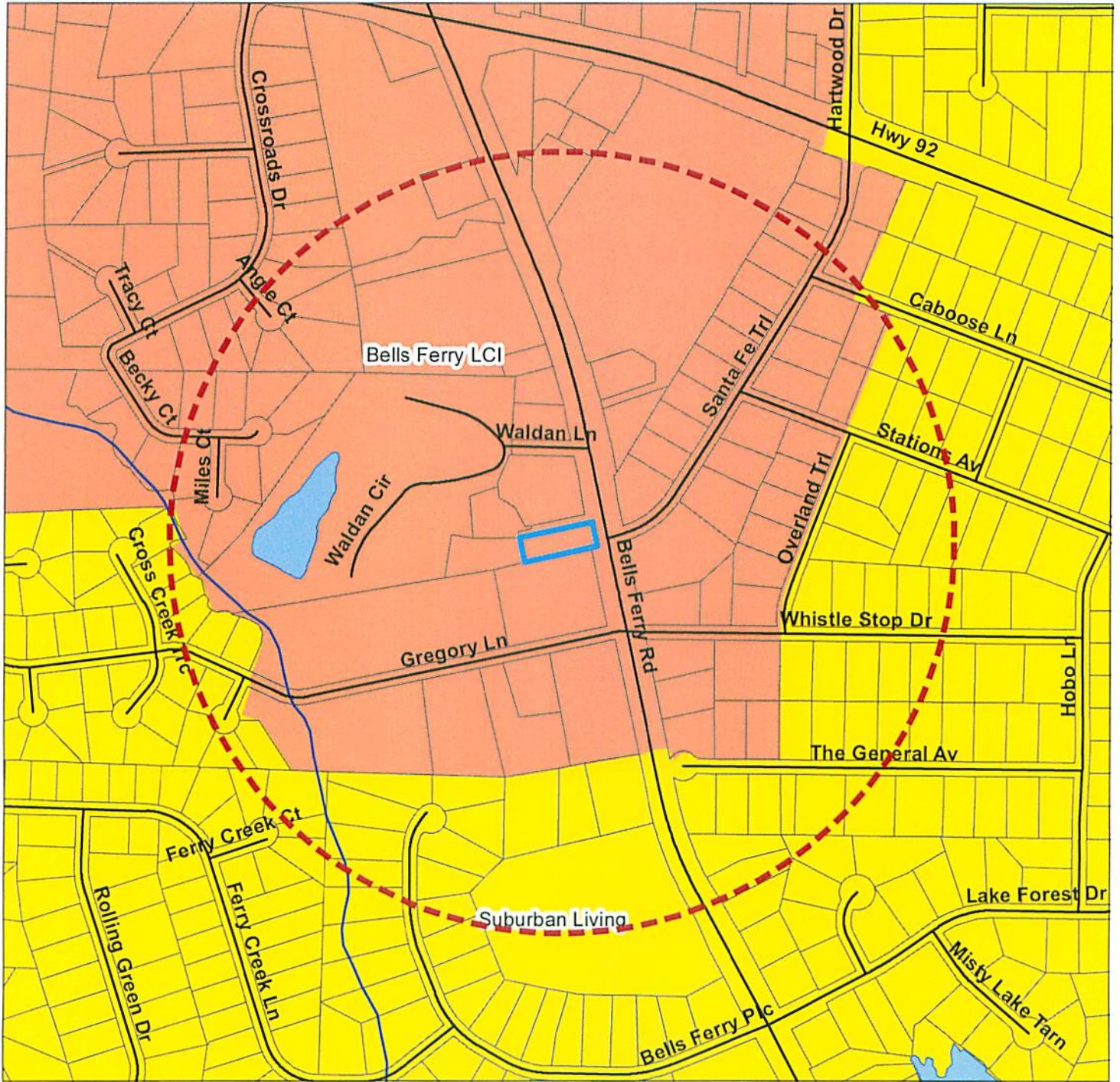
This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

### Notes

# Case # 16-05-017 Richard & Stephen Deal

## Future Development Map from the Comprehensive Plan



### Legend

- |                     |                        |                          |
|---------------------|------------------------|--------------------------|
| Rezoning Parcels    | <b>Character Areas</b> | <b>Development Nodes</b> |
| 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        | <b>Corridors</b>         |
|                     | 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.

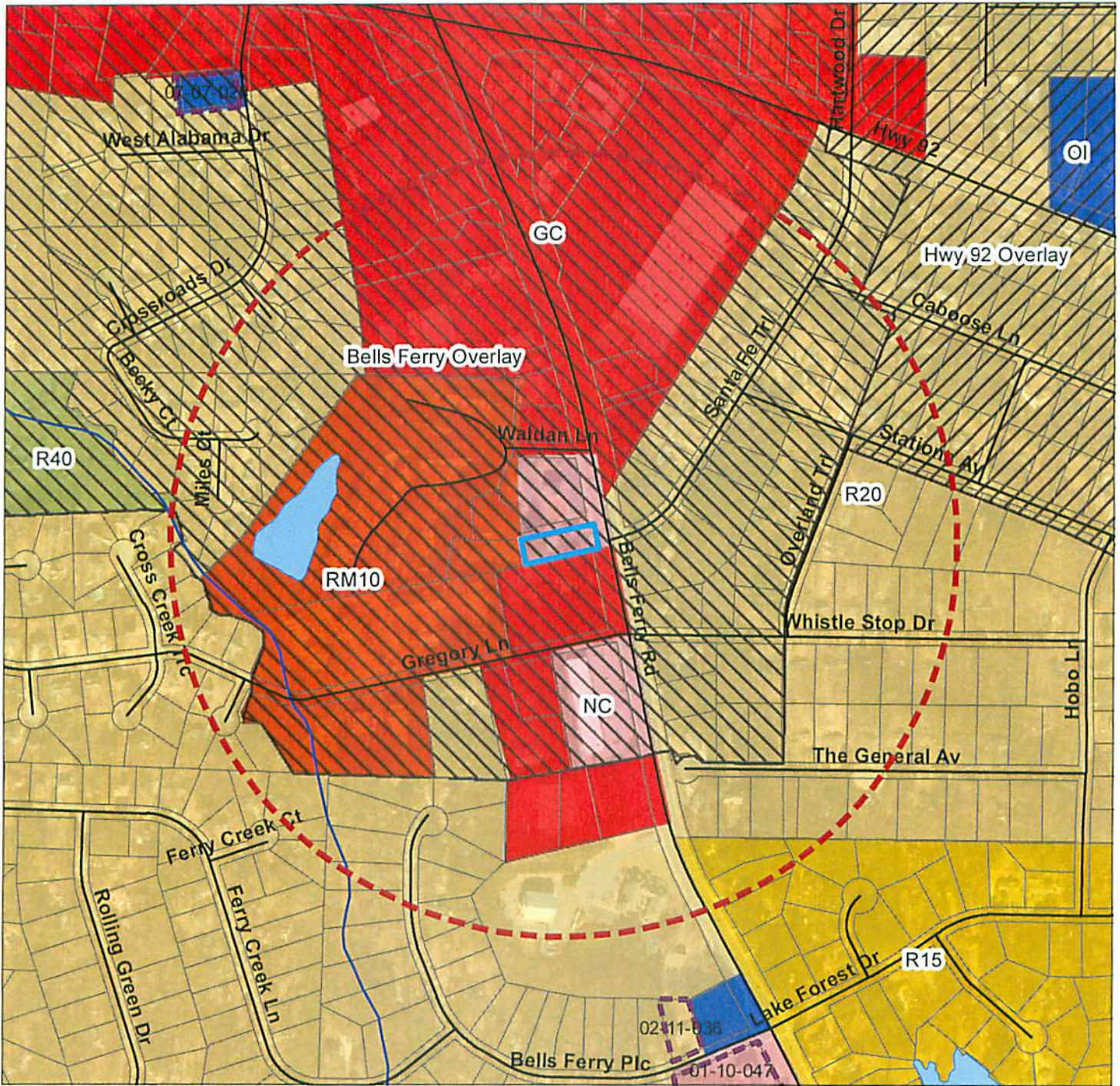


Prepared by:  
Cherokee County  
Planning & Land Use  
Canton, Georgia  
March 25, 2016



# Case # 16-05-017 Richard & Stephen Deal

## Current Cherokee County Zoning Map



### Legend

- |                     |                        |                     |
|---------------------|------------------------|---------------------|
| Rezoning Parcels    | <b>Cherokee Zoning</b> | 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                  |
|                     | 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  
March 25, 2016





## Staff Report

---

**Case No:** 16-05-017  
**Applicant Name:** Stephen Deal  
**Location:** 5455 Bells Ferry Road  
(15N06, 175)  
**From/To:** NC to GC  
**Proposed Use:** Retail Carpet and Flooring.  
**Commission Post:** 4

---

	Existing Zoning	Existing Land Use
North	NC	Commercial
South	GC and NC	Commercial
East	R-20	Residential – Single-Family Subdivision
West	RM-10	Residential – Multi-Family Apartments

### Future Development Map

Character Area/Node/Corridor	Description
Bells Ferry LCI	Urbanized and growth oriented areas, adjacent to identified activity centers with higher densities. Various types of residential dwellings, and mixed-use developments. (TND)

## **Analysis and Comment**

The subject parcel is approximately 0.5 acres and lies on the west side of Bells Ferry Road at Gregory Lane. A Public Participation Meeting was held on April 7, 2016 with a total of four attendees, including the two owners and the Lessee of the property. No Existing Site Resource Map was required. We have received no letters in support of or in opposition to this petition. The application has been evaluated and is consistent with the Future Development Map designation of Bells Ferry LCI.

---

### **1 Findings**

#### **1.1 Engineering Department**

- Bells Ferry Road is the primary public access for this application. Bells Ferry Road is a full width four-lane urban minor arterial roadway. The geometry on the road at the location of this application is generally good. The Georgia DOT recorded a daily traffic volume of approximately 20,800 vehicles per day on SR 20 near the location of this application in 2014. There are no improvements planned at this time for this section of Bells Ferry Road. The existing driveway is a right-in/right-out onto Bells Ferry Road. If larger trucks are going to driveway, it may need to have the entrance upgraded to accommodate larger vehicles. It is the opinion of the Cherokee County Engineering Department that Bells Ferry Road should be able to handle the traffic generated by this application.

#### **1.2 Cherokee County Water and Sewerage Authority**

- CCWSA did not send a report.

#### **1.3 Cherokee County Board of Education**

- No report received.

#### **1.4 Fire Marshal's Office**

- No report received.

#### **1.5 Sheriff's Office**

- No report received.

<b>Case #16-05-017 - Community Agenda Analysis</b>	
<b>Section 1 – Community Vision</b>	
Community	Bells Ferry Road south of Highway 92
Vision: <ul style="list-style-type: none"> <li>– Natural beauty and diversity make Cherokee a desirable and sustainable community.</li> <li>– Commitment to grow responsibly from rich agricultural foundation through careful community design.</li> <li>– Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.</li> <li>– Balance needed between housing, employment, education, recreation, infrastructure and community services.</li> </ul>	
<i><b>This rezoning would allow additional commercial uses on this property.</b></i>	
<b>Section 2 - Core Issues</b>	
<b>Project Supports</b>	
Diverse Economic Opportunities	This change will support the use of this property for a variety of businesses.
Planning for Sustainable Growth	This property is located where there is water, sewer and located on a 4-lane arterial road.
Designing with the Environment	There will be no significant change to the property. There is no land disturbance proposed.
<b>Project is Neutral</b>	
Housing Choice	No evidence of impact.
Aging in Place	No evidence of impact.
Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
Preserve and Enhance Sense of Place	No evidence of impact.
<b>Project Neglects</b>	
<b>Section 3 – Character Area Description</b>	
Character Area	Bells Ferry LCI
<p><i><b>This character area implements the mixed-use vision from the Bells Ferry LCI Plan. The Plan calls for an integrated mix of residential, commercial and civic spaces. This is an existing commercial property that will be attractive to a wider range of tenants if rezoned. In general, retail uses would be supported by the character area.</b></i></p> <p><b>Things to consider:</b></p> <ul style="list-style-type: none"> <li>- Auto sales and/or service might not be compatible with the LCI Plan.</li> </ul>	
Node or Corridor	N/A





Cherokee County, Georgia  
Agenda Request

Item#: 5.

**SUBJECT:** Case #16-05-018 Leonard Jacklett (BOC Dist. 1)  
**MEETING DATE:** 5/3/2016

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 7.72 acres at 9211 Freehome Highway from AG to LI for a general contractor's shop and heavy equipment repair.

---

**FACTS AND ISSUES:**

Commission District: 1  
Zoning Change: AG to LI  
Location: 9211 Freehome Highway  
Tax Map and Parcel No: 03N23, 208  
Acres: 7.72 acres  
Proposed Development: General Contractor's Shop and Heavy Equipment Repair  
Future Development Map: Community Village/Suburban Growth

---

**BUDGET:**

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

---

**ADMINISTRATIVE RECOMMENDATION:**

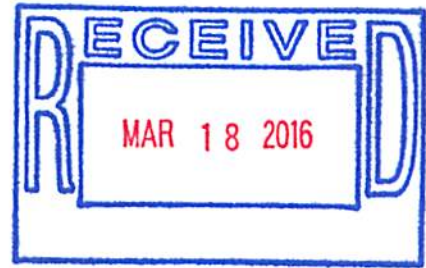
---

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Staff Report	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: Leonard Jacklett Phone: 770-527-5605  
Email: leonard@jacklett.com

**Applicant's Information:**

Name: Leonard Jacklett  
Address: 17275 Birmingham Hwy Phone: 770-527-5605  
City, State, Zip: Alpharetta, Ga. 30004

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

Name: Larry Meers/Betty Baker, Co executor Dewey Meers Estate  
Address: 822 Hicks Rd Phone: 404.597.0763  
CANON . 30115 Phone: 770.888.4090  
City, State, Zip: 1455 Holbrook Camp ground  
CUMMING. 30040

**Requested Public Hearing (check all that apply):**

- Rezoning  Amendment / Modification of Zoning  
 Variance / Appeal  Other: \_\_\_\_\_

<b>STAFF USE ONLY:</b>	<b>PUBLIC HEARING SCHEDULE:</b>
Commission District: <u>1</u>	Public Participation Meeting: <u>3.15.2016</u>
Case: <u>110-05-018</u>	PC Work Session Date: <u>4.18.16</u>
CityView # <u>PL2016-354</u>	Planning Commission Hearing: <u>5.3.16</u>
Received by: _____	Board of Commissioners: <u>5.17.16</u>
Fee Paid: \$ <u>750<sup>00</sup></u>	Zoning Board of Appeals: <u>N/A</u>
Date: _____	Other: _____

**SECTION II**

**Property Information:**

Location: 9211 Freehome Hwy, Canton Ga 30115

Current Zoning: AG Proposed Zoning: Industrial Total Acreage: 7.72 acres

Tax Map #: 003 N 23 Parcel #: 00000208000 Land Lot(s): 979 District: 03

Future Development Map Designation: \_\_\_\_\_

Adjacent Zonings: North GC South Ag East Ag West GC

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

Rezonning Ag to LI  
REQUESTING THE SOUTH BUFFER ADJACENT TO FIRE STATION  
\* CANCELLATION OF ALL BUFFER TO BE REDUCED  
TO 15 FT BUFFER. ALL OTHER BUFFERS TO REMAIN,

Proposed Use(s) of Property:

GENERAL CONTRACTORS - SHOP - HEAVY  
EQUIPMENT REPAIRS

**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, Leonard Jacklett, 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 17<sup>th</sup> day of MARCH, 2016.

Print Name LEONARD J. JACKLETT.

Applicant Signature [Signature].

**SECTION III**

**Infrastructure Information:**

Is water available to this site?  Yes  No      Jurisdiction: \_\_\_\_\_

How is sewage from this site to be managed?  
SEPTIC TANK

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

If yes, what is the projected increase? 0 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	0	0.725	
Multi Family (Attached) Home	0	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? n/a trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends <sup>+</sup>	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**

**9211 Freehome Hwy, Canton Ga**

- 1. Requesting the current zoning of AG to be changed to LI. To be used as a General Contractors Site Development shop for heavy equipment for repair and service. Company work trucks and dump trucks will be stored on site after business hours and weekends.**
- 2. This proposal is very suitable for the given area especially since it's adjacent to Fire and Police Station. The proposed property for rezoning is in area of mainly GC**
- 3. The zoning proposal will not have any adverse effects on adjacent properties or nearby properties.**
- 4. Current zoning as AG is not considered to be a reasonable use even by the future Cherokee County Community Village overlays.**
- 5. The rezoning will not cause an excessive or any burdensome use to the streets, transportation facilities, utilities, or schools.**
- 6. The proposed zoning for the given property is GC of the land use plan.**
- 7. The proposed zoning of LI on this property fits with the use of the adjacent property Free Home Fire and Police Department. The noise from the sirens and bull horns next door will not be a detriment for the subject property as LI, but would be considered an issue or problem for GC.**

After recording return to:  
Bray & Johnson Attorneys  
P. O. Box 1649  
Canton, GA 30114  
(770) 479-1426  
file # 12373

No certification as to any title matters; deed service only

**EXECUTOR'S DEED OF ASSENT**

**STATE OF GEORGIA  
COUNTY OF CHEROKEE,**

THIS INDENTURE made this 21<sup>st</sup> day of December, 2012, between DEWEY LONZO MEERS, as Executrix, under the Last Will and Testament of FANNIE LORENE MEERS deceased, CHEROKEE County, Georgia, as party of the first part, and DEWEY LONZO MEERS, a/k/a DEWEY MEERS, of the State of Georgia and County of CHEROKEE, party of the second part.

WITNESS, that the said party of the first part, in order to carry out the terms of said Last Will and Testament, which Will has been duly proven in solemn form, and admitted to record in the Probate Court of Cherokee County, Georgia, (Estate Number: 2012-ES-0539), the said decedent having died on the 14<sup>th</sup> day of June, 1992; and in order to evidence assent to the devise made in said Will, does execute and deliver this Deed of Assent.

NOW, THEREFORE, the said party of the first part, in consideration of the premises, has granted, bargained, sold and conveyed, and does hereby grant, bargain, sell and convey unto the said party of the second part, her heirs and assigns, all right, title and interest of the party of the first part in and to the following described land:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE 3<sup>RD</sup> DISTRICT, 2<sup>ND</sup> SECTION OF CHEROKEE COUNTY, GEORGIA AND BEING A PORTION OF LAND LOT NUMBER 979 AND BEING AT AN IRON STAKE LOCATED ON THE LINE BETWEEN THE LANDS OF MR. AND MRS. LEWIS FOSSETT AND THE MARION PURCELL ESTATE LANDS WHICH ARE NOW OWNED BY HOMER JOHNSON, THENCE RUNNING SOUTH 4 CHAINS AND 38 FEET TO AN IRON PIN; THENCE RUNNING EAST 4 CHAINS AND 6 FEET TO AN IRON STAKE; THENCE RUNNING SOUTHEAST 6 CHAINS AND 54 FEET TO AN IRON STAKE;

THENCE RUNNING A NORTHEAST DIRECTION 7 CHAINS AND 36 FEET TO AN IRON STAKE LOCATED ACROSS THE BRANCH; THENCE RUNNING NORTHWEST 14 CHAINS AND 16 FEET TO AN IRON STAKE; THENCE RUNNING 4 CHAINS AND 30 FEET WEST TO THE BEGINNING POINT; AND CONTAINING 10 ACRES, MORE OR LESS.

This being the same property deeded to Dewey Meers and Lorine Meers at Deed Book 324, Page 302, Cherokee County, Georgia, Deed Records.

SUBJECT TO ALL COVENANTS, EASEMENTS, RESTRICTIONS OF RECORD.

As aforesaid, the Executrix of the Will of the said FANNIE LORENE MEERS, hereby assents to the devise of said property under the terms of said Will so that fee simple title thereto is vested in the said Grantee as provided in said Will.

WITNESS: my hand and seal this 21<sup>st</sup> Day of December, 2012.

Signed, sealed and delivered in the presence of:

*+ Dewey Lonzo Meers* (SEAL)  
DEWEY LONZO MEERS,  
Executrix of the Aforesaid  
Estate of Fannie Lorene Meers

*Deborah H. Free*  
Witness

*Lois A. Butler*  
Notary Public, my commission expires 10-19-2015

SEAL

302

324 - 302

WARRANTY DEED

STATE OF GEORGIA, Cherokee COUNTY

THIS INDENTURE, Made this 27<sup>th</sup> day of June in the year of our Lord One Thousand Nine Hundred and Eighty Two between Mrs. Lewis Fossett

of the State of Georgia and County of Cherokee of the first part, and Dewey Meers and Lorine Meers

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

WITNESSETH, That the said part Y of the first part, for and in consideration of the sum of Love and Affection Dollars, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, he S granted, bargained, sold and conveyed, and by these presents do es grant, bargain, sell and convey unto the said part ies, of the second part their heirs and assigns, all that tract or parcel of land lying and being in the 3rd District, 2nd Section of Cherokee County, Georgia and being a portion of Land Lot Number 979 and being at an iron stake located on the line between the lands of Mr. and Mrs. Lewis Fossett and the Marion Purcell Estate Lands which are now owned by Homer Johnson, thence running South 4 chains and 38 feet to an iron pin; thence running East 4 chains and 6 feet to an iron stake; thence running Southeast 6 chains and 54 feet to an iron stake; thence running a Northeast direction 7 chains and 36 feet to an iron stake located across the branch; thence running Northwest 14 chains and 16 feet to an iron stake; thence running 4 chains and 30 feet West to the beginning point; and containing 10 acres, more or less. This is a portion of property deeded from J. L. Hawkins to Mrs. Lewis Fossett.

Cherokee COUNTY, GA. REAL ESTATE TRANSFER TAX PAID -0- DATE 6-29-82 Annette Fleming CLERK OF SUPERIOR COURT

GEORGIA, CHEROKEE COUNTY CLERK SUPERIOR COURT Filed in office this 29 day of June 1982 at 8:50 AM. Recorded in Deed Book 324 Page 302 This 29 day of June 1982 Annette Fleming CLERK

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 anywise appertaining to the only proper use, benefit and behoof of them the said part ies of the second part. their heirs and assigns forever in fee Simple.

And the said part Y of the first part, her heirs, executors and administrators, will warrant and forever defend the right and title to the above described property unto the said part ies of the second part their heirs and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF the said part Y of the first part ha S hereunto set her hand and affixed her seal the day and year first above written.

Signed, sealed and delivered in presence of: Melby Aikew Mrs. Elene Fossett (Seal)

NOTARY PUBLIC (Seal)

Rec 6-29-82

ANNETTE FLEMING Clerk, Superior Court of Cherokee County



**LEGEND**

- IPF - Iron Pin Found
- IPS - Iron Pin Set (1/2" Capped Rebar)
- RBF - Rebar Found
- OTF - Open Top Pipe Found
- CTF - Crimped Top Pipe Found
- MON - Monument Found
- CMF - Concrete Monument Found
- L.L.L. - Land Lot Lines
- CP - Calculated Point
- PP - Power Pole
- LP - Light Pole
- TP - Telephone Pole
- PED - Utility Pedestal
- FH - Fire Hydrant
- CMP - Corrugated Metal Pipe
- RCP - Reinforced Concrete Pipe
- WM - Water Meter
- WV - Water Valve
- GV - Gas Valve
- SMH - Sewer Manhole
- CB - Catch Basin
- DI - Drop Inlet
- C/O - Cleanout
- R/W - Right of Way
- N/F - Now or Formerly
- DB, PG - Deed Book and Page
- PB, PG - Plat Book and Page
- PCB - Point of Beginning

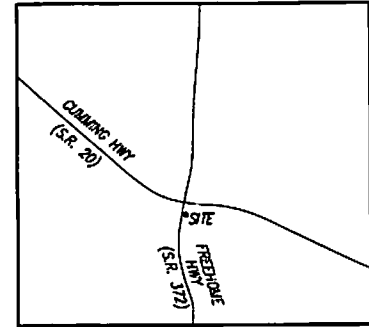
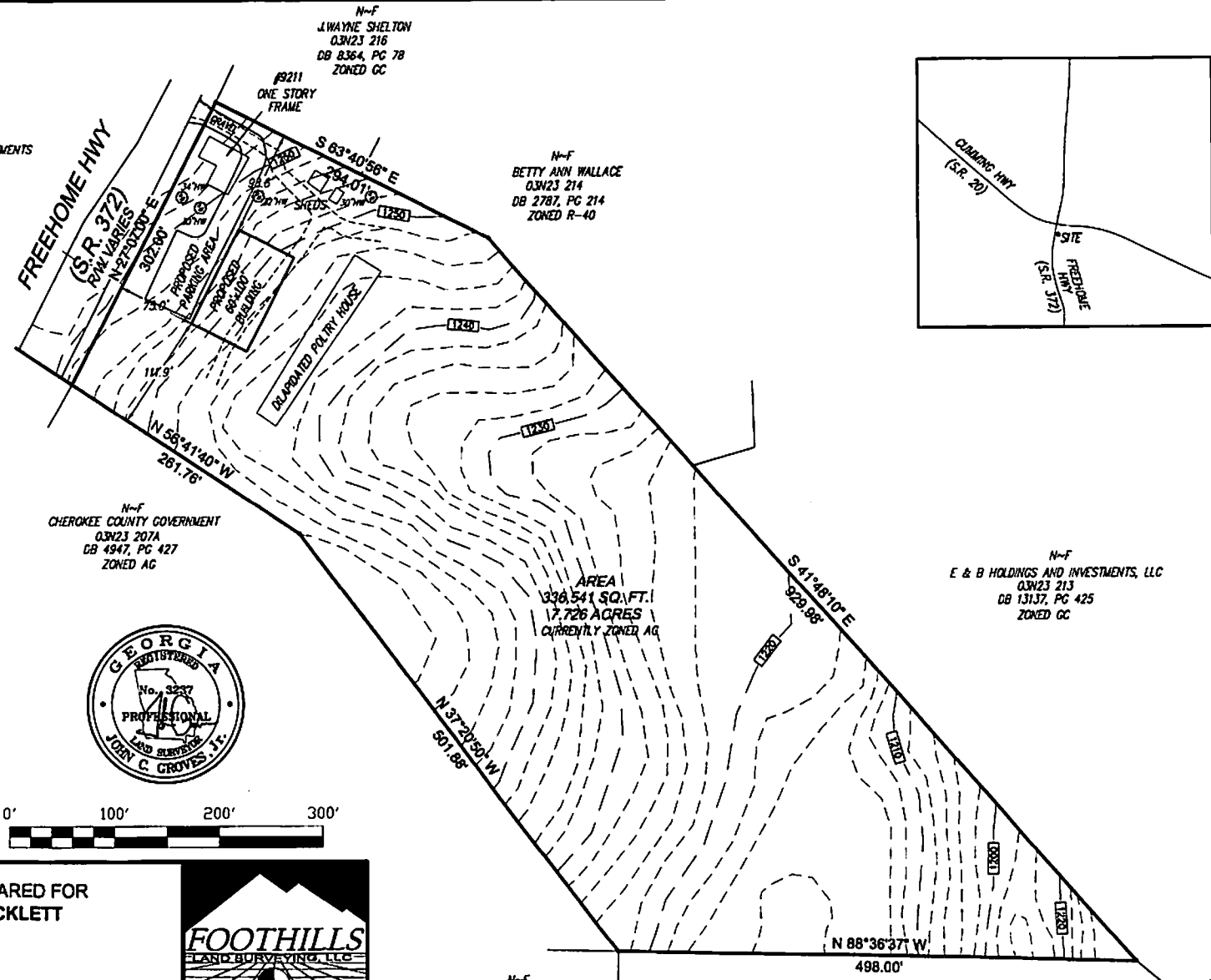
**NOTE:**  
ALL EXISTING IMPROVEMENTS  
ARE TO BE REMOVED

**SURVEYOR'S NOTES:**

1. Owner information, zoning classification and parcel data shown herein as per Cherokee County GIS
2. No waters of the state exist within 200' of the subject property
3. Field angles and measurements acquired for the production of this plat were obtained on 3-21-2016 using a Leica TCRP 1203 Total Station.
4. No known wetlands, historical, or cultural features exist on this property.
5. No ground water recharge areas are known to exist on this property

**FLOOD NOTE:**

By graphically plotting only, the subject property does not fall within a 100-year federally designated flood hazard area. The subject property falls within zone "X" of the Flood Insurance Rate Map, Community Panel No. 13057C0285D, effective date of 9-29-2006.



DATE: 3/22/2016
SCALE: 1"=100'
DRAWING: 16-105
COORD:
REVISIONS:
SHEET #: 1 of 1

**SITE PLAN PREPARED FOR  
LEONARD JACKLETT**

9211 FREEHOME HWY  
TIN 03N23 208  
LOCATED IN LAND LOT 979  
3RD DISTRICT, 2ND SECTION  
CHEROKEE COUNTY, GEORGIA

**FOOTHILLS**  
LAND SURVEYING, LLC

164 HIGHLANDS DRIVE  
WOODSTOCK, GA 30188  
(878) 533-8837  
www.foothillslandsurveying.com  
GA LSP #1182

N-F  
ROY C. DURHAM  
03N23 206  
DB 436, PG 309  
ZONED AG

N-F  
ROY C. DURHAM  
03N23 205  
DB 436, PG 308  
ZONED AG

N-F  
E & B HOLDINGS AND INVESTMENTS, LLC  
03N23 213  
DB 13137, PG 425  
ZONED GC

N-F  
CHEROKEE COUNTY GOVERNMENT  
03N23 207A  
DB 4947, PG 427  
ZONED AG

N-F  
J. WAYNE SHELTON  
03N23 216  
DB 8364, PG 78  
ZONED GC

N-F  
BETTY ANN WALLACE  
03N23 214  
DB 2787, PG 214  
ZONED R-40

**Public Participation Meeting**  
**Report for 9211 Freehome Hwy, Canton 30115**

Meeting was held on March 15, 2016 at the Freehome Community Center located at 9253 Freehome Hwy, Canton, 30115. The meeting time was 7-9 pm.

On March 7, 2016 The applicant mailed 59 letters to all properties that lie within 750' feet of the legal boundary of the subject property and all other interested parties that have been listed on the Interested Parties Notification list.

All the property owners that lie within the 750' legal boundary of the subject property attended the meeting and the owner of the property.

Betty Ann Wallace, Karla and Rodney Demsey, Ed Cochran, Mr. and Mrs. Ray Durham and Larry Meers. Total participants was 7.

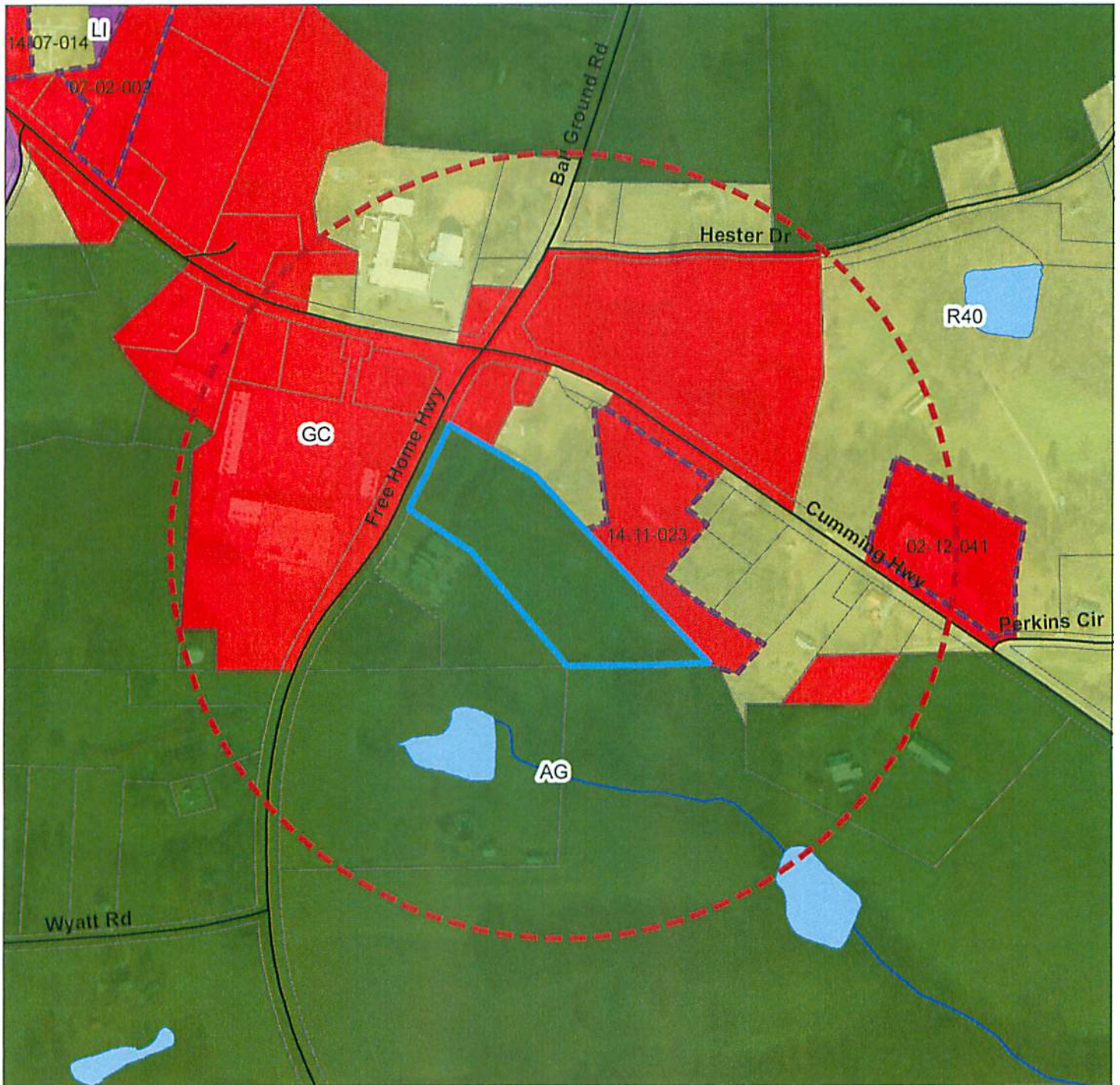
The following information was in folders for review:

- 1) Current zoning of the area around the subject property
- 2) Future recommendations for zoning of the subject area
- 3) Current zoning in the area showing LI zoning
- 4) Everyone listed above was given a package of information
- 5) Everyone listed above was given Leonard Jacklett's business card
- 6) Everyone listed above was given Cynthia Chandlee's business card

Overall summary of the meeting was questions of the primary use and what kind of building we were thinking of. Buffers were discussed on the GC and AG sides of the subject property. Everyone was very gracious. Every property owner shook our hand and said they had no opposition to our plan.

# Case # 16-05-018 Leonard Jacklett

## Current Cherokee County Zoning Map



### Legend

Rezoning Parcels	<b>Cherokee Zoning</b>	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
	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.

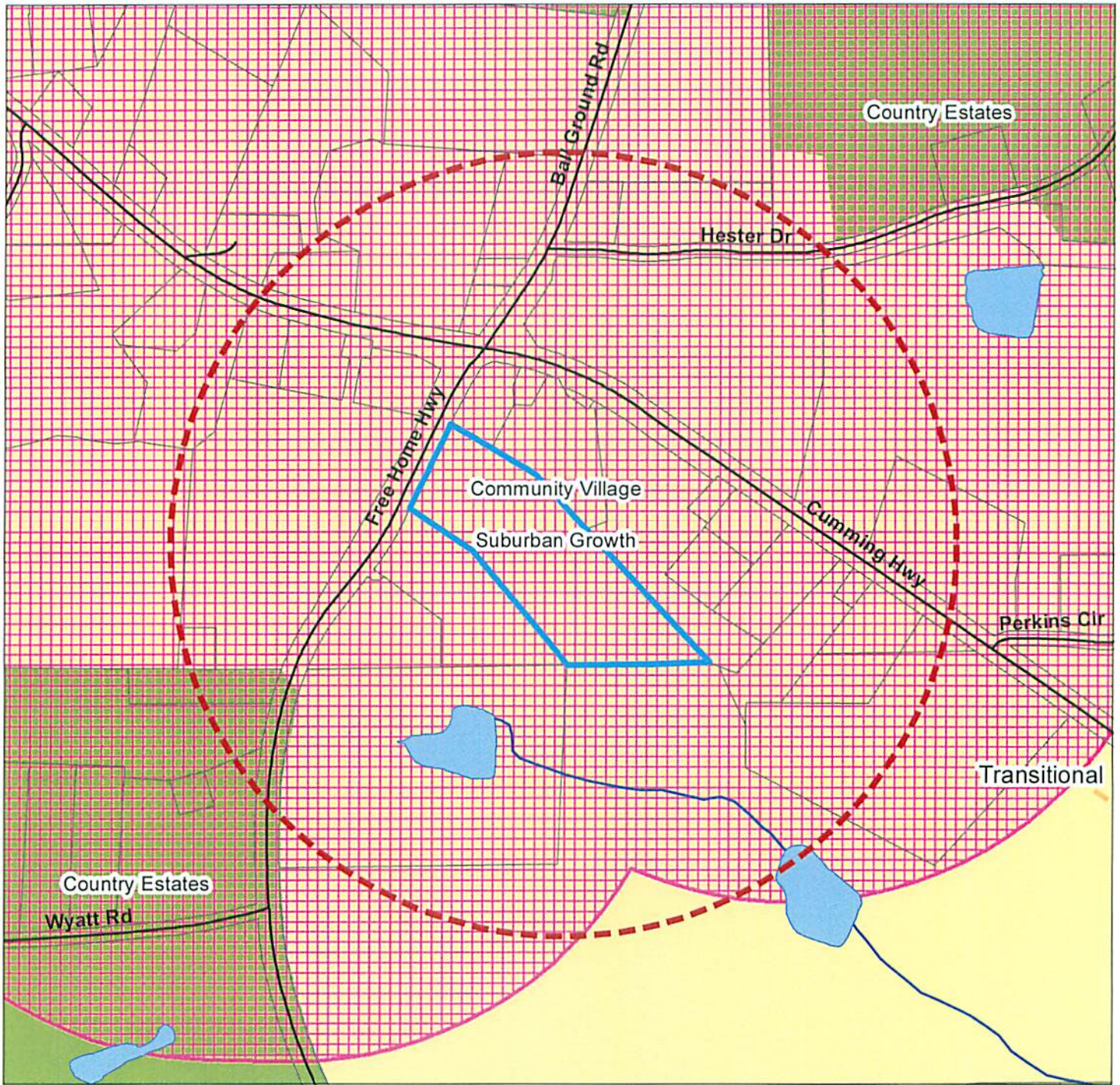


Prepared by:  
Cherokee County  
Planning & Land Use  
Canton, Georgia  
March 25, 2016



# Case # 16-05-018 Leonard Jacklett

## Future Development Map from the Comprehensive Plan



### Legend

- |                     |                        |                          |
|---------------------|------------------------|--------------------------|
| Rezoning Parcels    | <b>Character Areas</b> | <b>Development Nodes</b> |
| 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        | <b>Corridors</b>         |
|                     | 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  
March 25, 2016





## Staff Report

---

**Case No:** 16-05-018  
**Applicant Name:** Leonard Jacklett  
**Location:** 9211 Freehome Highway  
(03N23, 208)  
**From/To:** AG to LI  
**Proposed Use:** General Contractors Shop  
**Commission Post:** 1

---

	Existing Zoning	Existing Land Use
North	GC	Commercial/Retail
South	AG	Free Home Community Room and Fire Station
East	GC and R-40	Residential and Furniture and Design Center
West	AG	Commercial Shopping Center

### Future Development Map

Character Area/Node/Corridor	Description
Community Village over Suburban Growth	Medium-scaled commercial designated to serve several neighborhoods. 80,000 square feet maximum. Public water is available and sewer may be available. Good transportation access. (OI, NC, GC) Areas located outside identified centers that are experiencing a high volume of residential growth, primarily single-family houses. (R-80, R-60, R-40)

## **Analysis and Comment**

The subject parcel is 7.72 acres and lies on the east side of Free Home Highway just south of the intersection with State Route 20 (Cumming Highway). A Public Participation Meeting was held on March 15, 2016 with a total of seven attendees. The Existing Site Resource Map was submitted and is on file. We have received no letters in support of or in opposition to this petition. The application has been evaluated and **is not** consistent with the Future Development Map designation of Community Village.

---

### **1 Findings**

#### **1.1 Engineering Department**

- State Route 372 (Free Home Highway) is the primary public access for this application. State Route 372 is a full width two lane rural major collector roadway. The geometry on the road at the location of this application is generally good. The Georgia DOT recorded a daily traffic volume of approximately 3,340 vehicles per day on State Route 372 near the location of this application in 2014. There are no improvements planned at this time for this section of SR 372. The Georgia DOT will determine any necessary improvements to SR 372 when the applicant applies for an industrial driveway access along that route. It should be expected that the entrance would include a deceleration lane and potentially a left-turn lane into the property. It is the opinion of the Cherokee County Engineering Department that State Route 372 should be able to handle the traffic generated by this application.

#### **1.2 Cherokee County Water and Sewerage Authority**

- CCWSA did not send a report.

#### **1.3 Cherokee County Board of Education**

- No report received.

#### **1.4 Fire Marshal's Office**

- No report received.

#### **1.5 Sheriff's Office**

- No report received.

<b>Case #16-05-018 - Community Agenda Analysis</b>	
<b>Section 1 – Community Vision</b>	
Community	Free Home (SR 372 - Free Home Hwy near SR 20 – Cumming Hwy)
Vision: <ul style="list-style-type: none"> <li>– Natural beauty and diversity make Cherokee a desirable and sustainable community.</li> <li>– Commitment to grow responsibly from rich agricultural foundation through careful community design.</li> <li>– Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.</li> <li>– Balance needed between housing, employment, education, recreation, infrastructure and community services.</li> </ul>	
<b><i>This rezoning would allow a construction company to locate their offices and equipment.</i></b>	
<b>Section 2 - Core Issues</b>	
<b><i>Project Supports</i></b>	
Diverse Economic Opportunities	This change will support the use of this property for a variety of businesses.
Planning for Sustainable Growth	This property is located where there is water and located on a state highway.
<b><i>Project is Neutral</i></b>	
Housing Choice	No evidence of impact.
Aging in Place	No evidence of impact.
Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
<b><i>Project Neglects</i></b>	
Designing with the Environment	There will be some clearing of vegetation and grading but most of the property is already pasture.
Preserve and Enhance Sense of Place	The existing house and chicken house will be removed to make room for the building.
<b>Section 3 – Character Area Description</b>	
Character Area	Suburban Growth
<b><i>Suburban Growth is intended for the first wave of residential subdivisions with some rural development remaining in between. This use would not be supported by this character area.</i></b>	
Node or Corridor	Community Village
<b><i>The Community Village character area is planned for a compatible mixture of higher-intensity uses, with the most intensive near the core of the node. The Community Village is the type of node with the widest variety of land uses. While the LI zoning district is not a suggested zoning district, the use as an office and yard for a contractor is in the intent of the Community Village node for providing the range of services in the community.</i></b>	



**Cherokee County, Georgia  
Agenda Request**

---

**Item#: 1.**

**SUBJECT:**  
April 5, 2016 Minutes

**MEETING DATE:**  
5/3/2016

**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:**

---