



Cherokee County Planning Commission Work Session AGENDA

July 18, 2016

Business Center 6:30 PM

CALL TO ORDER

ZONING CASES

- 1. Case #16-07-020 Milton O. Blankenship (BOC Dist. 1)**
Applicant is requesting to rezone 59.3 acres on Highway 5 near the city limits of Canton from R-40 and LI to RZL (Residential Zero Lot Line) for a single family residential subdivision with an amenity package.
- 2. Case #16-08-022 Epic Homes, LLC (BOC Dist. 3)**
Applicant is requesting to rezone 23.44 acres from R-40 to RZL for a single family detached neighborhood that will serve the senior community.
- 3. Case #16-08-023 Village Investments, LLC (BOC Dist. 3)**
Applicant is requesting to rezone 7.205 acres at the east site of Highland Village Drive, north of the intersection with East Cherokee Drive from OI and GC to RZL for a single family residential subdivision.
- 4. Case #16-08-024 Preferred Real Estate of Georgia, LLC (BOC Dist. 2)**
Applicant is requesting to rezone 3.0 acres at 2712 Hickory Road from AG to R-40 for single family residential.

OTHER BUSINESS

APPROVAL OF MINUTES

ADJOURN



Cherokee County, Georgia
Agenda Request

Item#: 1.

SUBJECT: **Case #16-07-020 Milton O. Blankenship (BOC Dist. 1)** **MEETING DATE:** 7/18/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 59.3 acres on Highway 5 near the city limits of Canton from R-40 and LI to RZL (Residential Zero Lot Line) for a single family residential subdivision with an amenity package.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-40 and LI to RZL
Location: Highway 5
Tax Map and Parcel No: 14N22 - 52E, part of 57 and 62
14N22C - 014
Acres: 59.3
Proposed Development: Single Family Residential
Future Development Map: Regional Center and 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"/> Ex. Site Resource Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> PP Report	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> FDM	Exhibit
<input type="checkbox"/> Department Comment	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: H. Michael Bray Phone: 770-479-1426
 Email: mbray@brayandjohnson.com

Applicant's Information:

Name: Milton O. Blankenship
 Address: 441 Thomas Road Phone: 770-345-6401
 City, State, Zip: Canton, GA 30115

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

Name: Milton O. Blankenship
 Address: 441 Thomas Road Phone: 770-345-6401
 City, State, Zip: Canton, GA 30115

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>4-18-16</u>
Case: <u>16-07-020-</u>	PC Work Session Date: <u>6-20-16</u>
CityView # <u>PL2016 0000724</u>	Planning Commission Hearing: <u>7-5-16</u>
Received by: <u>Vicki Taylor Lee</u>	Board of Commissioners: <u>7-19-16</u>
Fee Paid: \$ <u>500⁰⁰</u>	Zoning Board of Appeals: <u>N/A</u>
Date: <u>5-13-16</u> <i>ntt</i>	Other: _____

SECTION II

Property Information:

Location: Located on Highway 5 near the City Limits of Canton

Current Zoning: R-40 & LI Proposed Zoning: RZL Total Acreage: 59.3
14 N 22 Portion of Parcels 062 & 057 that is ~~NW~~ North of Teauge Dr. LL: 242, 243, & 227 14th District

Tax Map #: 14 N 22 Parcel #: 052E ✓ Land Lot(s): 242 District: 14th
14 N 22C Parcel# 014 ✓ Land Lots: 242 & 243 District: 14th

Future Development Map Designation: Regional Center and Suburban Growth

Adjacent Zonings: North R-40, GC South AG, R-40 + East R-40 West R-40
City

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

Applicant is requesting a residential classification of RZL with the understanding that
most of the lots in this development are larger than the minimum allowed under an RZL
zoning classification.

Proposed Use(s) of Property:

Residential with an amenity package.

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, Milton O. Blankenship, 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 June, 20 16.

Print Name Milton O. Blankenship

Applicant Signature Milton O. Blankenship

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: Cherokee County Water & Sewer Authority

How is sewage from this site to be managed?

By Cherokee County Water & Sewer Authority

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

If yes, what is the projected increase? 181 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	249	0.725	180.5
Multi Family (Attached) Home		0.287	

Traffic Generation:

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

What is the estimated number of trips generated? _____ trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	249	9.57	2,383
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's statement in Support of his rezoning application:

1. The intent of this requested zoning is to achieve a rezoning classification of Milton O. Blankenship's property that is reasonable and practical for the area, and makes sense as a reasonable use of the property, and approaches the highest and best use of the subject property. The intent is to have affordable homes and a development with an amenity package.

There are many factors that affect the decision for the "best zoning classification of a property". As stated in the zoning ordinance there is an "effort to balance the interest of the community in promoting the public health, safety, morality and general welfare against the right of a property owner to an un-restricted use of their property.

Obviously over the course of time, property owners have been compelled or forced to seek aid of the courts to obtain a use of his or her property that while the proposed use is not strictly in compliance with the Land Use Plan or Land Development Plan, a constitutional use of this property prevails in the dispute with the governing authority.

Actually some of the factors set out in Cherokee County Ordinance 18.6-1 "factors determining a zoning decision" result from previous court decisions on rezoning cases.

Nevertheless, considering all of the factors delineated in 18.6-1, and the evaluation criteria for amendments, 18.6-12, results in an affirmative conclusion that Milton' Blankenship's request to rezone the property to RZL is reasonable and supported by all of the facts surrounding this zoning request.

A response is submitted to each factor that is generally considered in rezoning application.

QUESTION

2. Question: Whether the amendment (ie. RZL) allow use that is generally "suitable" for this site compared to other possible uses and zoning of nearby properties.

Answer : Suitability as defined in the dictionary means "right or appropriate for a particular...purpose or situation".

Viewed in light of the language of 18.6-1, and under section IV of the zoning application, controlled by the definition of suitability, and relying on a little bit of common sense, the answer to the question is clearly YES if the Blankenship property is zoned as RZL residential and compared to adjacent and nearby residential uses, which are a mishmash of lot sizes, style, age, including but not limited to, mobile homes, older homes, (very few new construction) high density, vacant land, clearly supports the contention that the residential development contemplated in this instance is "right for the particular situation", and is "suitable" compared to adjacent property and nearby property.

3. Question: Would the Amendment adversely affect the economic value of use of adjacent nearby properties.

Answer: In reality the amendment to the zoning ordinance allowing RZL would have a positive effect on the economic value of adjacent property. Additionally, local businesses would benefit from the localized customer base, local residents available for local employees, (ie..the new hospital under construction, people employed in the technology park, and other small businesses would have affordable housing available for employees within a short distance of their location). Development of the Blankenship property would create opportunities for enhanced development of adjacent properties, would support and could add to the commercial uses in the local community. Furthermore, the Blankenship property is near the City Limits of Canton and the thought has always been to locate the higher density near the cities and commercial center.

4. Question: Whether the Blankenship property can be used as currently zone.

Answer: At first this factor or consideration almost seems nonsensical (ie..”can it be used as currently zoned”) One half of the Blankenship property is zoned R-40 and one half is zoned LI (Light Industrial), so when you face the question, can it be used as zoned, the answer is if you can spend enough money to develop LI lots and develop part of it R-40 lots you would have lots available but would remain generally vacant. For the Blankenship property it is a fact that most reasonable land planners, developers and realtors would expect LI & R-40 to have an unsuccessful outcome, resulting in economic failure. As a consequence a badly classified or zoned property does not promote the community welfare.

Efforts were made to contemplate the development of this property as “LI” 15 years ago. A properly installed stream crossing allowed access to the property, and multiple visits were made with the development authority, and realtors, ultimately lead to the conclusion that there was no market for LI particularly upon the consideration of the cost of development and suitability of this particular property for LI and R-40.

Considerable efforts were made to consult with the Development Authority, Realtors, Engineers, Developers and Contractors to develop a use and concept for the Blankenship property that could be compatible with the uses in the area and the highest and best use of the property. In reaching such a decision consideration was made of the existing sewer available, existing roads, schools, the need for affordable homes, access to major highways, nearby potential employers and many other factors. A lot of thought has been placed in coming up with the proposed use of the Blankenship property.

5. Question: Would an RZL subdivision on the Blankenship property result in a use which should or could cause and excessive or burdensome use of streets, schools, water, police, fire patrol, or other utilities.

Answer: The short for these questions is no.

The long answers to these questions take some thought of what it means to be burdensome or excessive. In giving this some thought, try Highway 20 from I-575 to Scott Road and you get some idea of excessive or burdensome. At this location (Highway 20), due to commercial development, hospital development and the failure to expand Highway 20 to four (4) lanes, results in a question of burdensome. However the Blankenship property is located on Highway 5, close proximity to I-575 with limited development North and South of the subject property. Furthermore, traffic along Highway 5 from Ball Ground has access to I-575 at Airport Road, and consequently traffic is reasonably moderate or light on Highway 5. Further transportation issues will be addressed in the final development plans that will include a right turning lane to enter the property and other transportation considerations. Although not required for this project, there are plans for a transportation study.

The property has sewer on the property, direct access to sufficient water, and the Water & Sewer Authority reports that there are no problems with availability.

A check with the school authorities reveals a moderate effect on the school system and there will be some contribution made upon the development of the lots.

6. **Question:** Whether the proposed zoning is in conformity with the policy and interest of the land use plan.

Answer: It is clear that the land use plan doesn't include an RZL zoning as a proposed use.

However, Applicant states that if you look at the intent and policy of the land use plan it is consistent with the spirit, policy and intent. This statement is based upon the fact of its location and proximity to I-575, commercial areas, availability of sewer and water, a need for entry level, affordable housing, and one cannot argue that there no better location for an RZL project. You certainly would not want to put such a project in the Hickory Flat area, north Cherokee County, or even in Sutallee. So ultimately you are left with a question "where does a good RZL fit?" It fits on the Blankenship property.

Additionally, the current land use plan has not been reviewed in over eight (8) years. Which means it is incumbent upon the County to revisit the plan, and incumbent upon the County to take into consideration whether this is a fit zoning classification for this property.

We submit that when you make a fair consideration, this is the place for RZL.

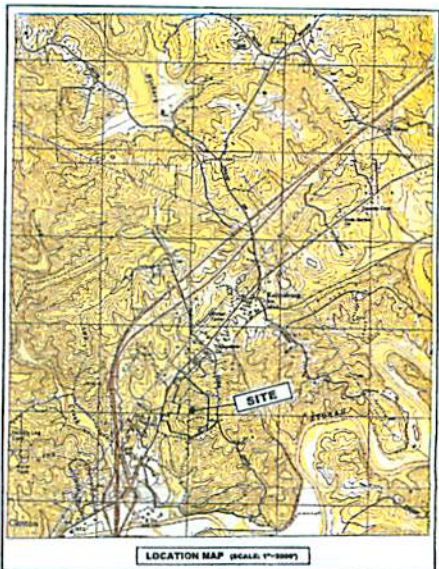
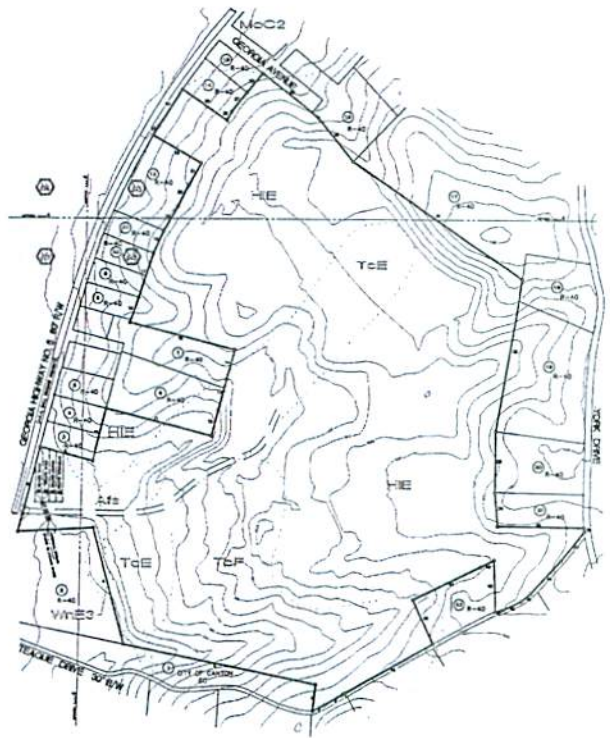
7. **Question:** Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for wither approved or disapproval of the proposed zoning.

Answer: Applicant submits there are changing conditions:

(i) This area is clearly in transition;

- (ii) This area does not have other zoning uses that would conflict with the proposed project;
- (iii) The commercial development has been along Highway 20 and Riverstone Parkway and not along Highway 5 in this vicinity;
- (iv) It is incumbent for those in charge of the responsibility for decisions of the County, acknowledge there is a struggle providing affordable housing;
- (v) The property has not been used since time immortal, despite the fact it has been owned by Blankenship for 28 years, and the despite the fact that it has been made available for every conceivable use with no success and finally by the guidance of realtors and developers the conclusion is that it needs to be a high density residential development;
- (vi) The property being forced to remain vacant, is a detriment on the general welfare of the community and is certainly no benefit to Cherokee County.

- 1) I.F.S. - IRON PIN SET
- 2) I.F.F. - IRON PIN FOUND
- 3) B. - BENCHMARK BAR
- 4) A. - ARC
- 5) R.O. - RADIOS
- 6) (R) - RADIAL
- 7) (NR) - NOT RADIAL
- 8) W. - WANDLE
- 9) D.L. - DROP INLET
- 10) S.L. - SLOPING LINE
- 11) R/W - RIGHT OF WAY
- 12) J.B. - JUNCTION BOX
- 13) F.V. - FIRE VESICANT
- 14) L.L.L. - LAND LOT LINE
- 15) C.D. - CHORD BEARING
- 16) C.D. - CHORD DISTANCE
- 17) A.P. - ANGLE OF TANGENCY
- 18) S.S. - SANITARY SINK
- 19) S.S.E. - SANITARY SINK EASEMENT
- 20) P.P. - POWER & GAS PHONE POLE
- 21) E.C. - EASEMENT
- 22) P.L. - PROPERTY LINE
- 23) P.L. - CENTERLINE
- 24) P.L. - OVERHEAD POWER LINE
- 25) P.L. - OVERHEAD PHONE LINE
- 26) P.L. - FENCE (APPROX. LOC.)
- 27) P.L. - STREAM (APPROX. LOC.)
- 28) P.L. - 6" DITCH (APPROX. LOC.)
- 29) P.L. - EXISTING CONTOUR



NOTE:
NO HISTORIC, ARCHEOLOGICAL OR CULTURAL FEATURES ARE KNOWN TO EXIST WITHIN SUBJECT PROPERTY.

NOTE:
NO ENDANGERED OR THREATENED SPECIES OF WILDLIFE IS KNOWN TO EXIST WITHIN SUBJECT PROPERTY.

F.E.M.A. NATIONAL FLOOD INSURANCE PROGRAM (N.F.I.P.), OFFICIAL FLOOD INSURANCE RATE MAP, MAP NO. 13057C0164D, REVISED: 09-29-06, SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

AREA = 59.3± ACRES

SOILS MAP LEGEND
 Afs - AUGUSTA FINE SANDY LOAM
 HIE - HAYVILLE FINE SANDY LOAM, 10 TO 25% SLOPES
 M2C2 - MASADA FINE SANDY LOAM, 6 TO 10% SLOPES, ERODED
 TEF - TALLAPOOSA COBBLY SANDY LOAM, 25 TO 60% SLOPES
 TCE - TALLAPOOSA FINE SANDY LOAM, 15 TO 25% SLOPES
 WHE3 - WICHAM SANDY CLAY LOAM, 10 TO 25% SLOPES, SEVERELY ERODED

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MCM LAND SURVEYING, P.C.
 MICHAEL C. MARTIN, P.L.C.
 LICENSE NO. 47918
 104 HAYWOOD DRIVE
 WOODSTOCK, GEORGIA 30188
 PHONE: (770) 858-0200

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 5,000 FEET AND AN ANGLE ERROR OF ± 3.5" PER ANGLE POINT, AND HAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 5,000 FEET.

EQUIPMENT USED FOR MEASUREMENTS: N/A

REVISIONS:
 1. ALL WATERS OF SITE ARE EXCEPTED

THE ENCLAVE AT CANTON
 EXISTING SITE RESOURCES MAP
 LAND LOTS - 227, 242 & 243 DIST. - 1A, SECT. - 2
 CITY - CHEROKEE COUNTY, GEORGIA
 DATE OF FIELD WORK: N/A
 PLAT PREPARED: APRIL 15, 2016
 SCALE: 1" = 200 FT
 JOB NO. 15-1478A

LEGAL DESCRIPTION

All of that tract or parcel of land lying and being in Land Lots 227, 242 and 243 of the 14th District, 2nd Section of Cherokee County, Georgia and being 59.3 acres, more or less, as shown on that survey for The Enclave at Canton by Martin Land Surveying, P.C., bearing the seal of Michael C. Martin, GRLS #2149, dated 4/15/2016, said plat being incorporated herein and being more particularly described as follows:

Commence at the point of intersection of the Westerly right of way of York Drive with the Northwesterly right of way of Teague Drive (30' R/W), said point being THE TRUE POINT OF BEGINNING; thence running along the Northwesterly right of way of Teague Drive the following courses and distances: South 38 degrees 30' 46" West 138.01 feet; South 41 degrees 55' 25" West 165.31 feet; South 48 degrees 43' 38" West 44.74 feet; South 66 degrees 02' 44" West 80.77 feet; South 76 degrees 25' 53" West 25.16 feet; thence leaving said right of way and running North 01 degree 20' 06" West 192.40 feet to a point; thence South 63 degrees 40' 53" West 54.27 feet to a point; thence South 63 degrees 40' 53" West 280.97 feet to a point; thence South 24 degrees 23' 34" East 179.75 feet to a point on the Northwesterly right of way of Teague Drive; thence running along the Northwesterly right of way of Teague Drive the following courses and distances: South 60 degrees 46' 19" West 377.54 feet; South 61 degrees 35' 05" West 7.99 feet; South 59 degrees 42' 53" West 79.54 feet; South 64 degrees 06' 59" West 49.51 feet; thence leaving said right of way and running North 06 degrees 57' 41" East 97.54 feet to a point; thence North 78 degrees 13' 00" West 725.02 feet to a point; thence North 14 degrees 24' 22" West 446.77 feet to a point; thence South 87 degrees 02' 56" West 278.87 feet to a point on the Southeasterly right of way of Georgia Highway No. 5 (80' R/W); thence running along the Southeasterly right of way of Georgia Highway No. 5 North 14 degrees 31' 13" East 320.16 feet to a point; thence leaving said right of way and running South 75 degrees 28' 46" East 200.08 feet to a point; thence North 14 degrees 28' 06" East 200.14 feet to a point; thence South 75 degrees 26' 00" East 400.00 feet to a point; thence North 14 degrees 51' 32" East 100.00 feet to a point; thence North 14 degrees 38' 00" East 120.00 feet to a point; thence North 15 degrees 18' 00" East 112.50 feet to a point; thence North 75 degrees 26' 00" West 400.00 feet to a point; thence North 18 degrees 28' 01" East 99.84 feet to a point; thence North 18 degrees 12' 31" East 174.01 feet to a point; thence North 23 degrees 52' 21" East 91.63 feet to a point; thence North 29 degrees 19' 34" East 103.02 feet to a point; thence North 26 degrees 45' 30" East 90.49 feet to a point; thence North 28 degrees 48' 10" East 92.61 feet to a point; thence North 59 degrees 44' 00" West 205.20 feet to a point on the Southeasterly right of way of Georgia Highway No. 5; thence running along the Southeasterly right of way of Georgia Highway No. 5 North 30 degrees 44' 44" East 39.95 feet to a point; thence North 31 degrees 50' 04" East 162.63 feet to a point; thence leaving said right of way and running South 55 degrees 18' 09" East 202.25 feet to a point; thence North 27 degrees 56' 06" East 36.52 feet to a point; thence North 37 degrees 39' 31" East 91.72 feet to a point; thence North 39 degrees 06' 43" East 92.09 feet to a point; thence South 51 degrees 32' 51" East 265.30 feet to a point; thence South 38 degrees 34' 20" East 208.45 feet to a point; thence South 55 degrees 26' 49" East 770.78 feet to a point; thence South 09 degrees 56' 00" West 576.15 feet to a point; thence South 00 degrees 51' 08" West 225.49 feet to a point; thence South 05 degrees 03' 38" East 125.02 feet to a point; thence South 89 degrees 13' 10"

East 318.94 feet to a point on the Westerly right of way of York Drive; thence running along the Westerly right of way of York Drive South 08 degrees 13' 14" East 14.95 feet to the point of intersection of the Westerly right of way of York Drive with the Northwesterly right of way of Teague Drive, said point being THE TRUE POINT OF BEGINNING.

Bray & Johnson

Attorneys at Law

10 North Street, Canton, GA 30114

Roger M. Johnson
H. Michael Bray
Jennifer S. Gill
Derek S. Poarch

P. O. Box 1649
Canton, Georgia 30169

Telephone 770-479-1426
Facsimile 770-479-6488

May 12, 2016

Cherokee County Board of Commissioners
Cherokee County Zoning Board
1130 Bluffs Parkway
Canton, GA 30114

RE: **Public Participation Meeting Report**
Applicant: Milton O. Blankenship

Dear Commission Members:

The public participation meeting on behalf of applicant, Milton O. Blankenship, was held at R.T. Jones Memorial Library on April 18, 2016. In accordance with the requirements of the Cherokee County Ordinance notice of the meeting was provided to all of the parties as identified by the Cherokee County Planning & Zoning Department.

Included in this report are the signature pages of those who attended the meeting (and agreed to sign on the sign-up sheet). Approximately 35 +/- people attended the meeting.

At the meeting the content of the zoning proposal was submitted to the people in attendance. The floor was open for discussion and as a result there was a full and generally informative discussion held concerning this application.

It was noted by several people they had some concerns about the traffic. Accordingly it was reported to the group that the subdivision would have two (2) entrances, and that an entrance plan would have to be approved by the Cherokee County Engineering Department. At the minimum it was advised that there would be a right turn lane to allow entry into the development. Appropriate consideration would be made for a left turn lane, if it appeared that it would be necessary. It is not expected that a left turn would be generally necessary and most likely most traffic would be from I-575 to the development, or the development to I-575.

Another concern was the nature and characteristic of the project. The speaker on behalf of Milton O. Blankenship noted that a recent Facebook posting totally mischaracterized and misrepresented the project. It was explained that although it is considered a high density

subdivision residential development, it will incorporate an amenity package, two entrances, lots larger than generally allowed under the proposed RZL zoning classification, more separation between units, and changes in elevation. All of these characterizations leads a reasonable person to understand that the development will have substantial characteristics that will negate the appearance of it being high density. Further information and discussison concerning having housing available for young people, and for that matter, old people moving into Cherokee County. Thoughtful consideration was made concerning the public's comment about the density of the project.

Discussions were entertained concerning the infrastructure. It was noted that according to discussions with Cherokee County Water & Sewerage Authority, adequate sewer and water is available for this project. Further noted that Cherokee County Water & Sewerage Authority is expanding its capabilities by improvements on its projects in the Ball Ground area.

The issue concerning schools and other related topics were made at this meeting. It is noted that Teasley Elementary is under capacity at their present standing. It is also believed that this project will not put an undue burden on schools but a lively discussion ensued concerning this subject.

The attendees were further advised that additionally notices will be in the paper and signs will be posted on the property providing notice of the meeting of the Planning Board and Board of Commissioners. It was further noted to the attendees that there are two meetings, one before the Planning Board and one before the Board of Commissioners. The Planning Board meeting is the opportunity for there to be a more input from the public.

The meeting ultimately adjourned and there was not a consensus developed concerning the opinions of the attendees. Obviously, there was some who were not in favor of the project and there was some in favor of the project.

As further stated, there was a lively discussion with those who owned property adjoining Blankenship property, and an honest effort to address each and every concern of the adjoining property owners, as well as those who were citizens who lived some distance from the project. There was determined effort made to inform the attendees of the substance of development, and a concerned effort to discuss the proposal and hear from each and every attendee who wanted to make a comment or have a question.

Included in this summary is a copy of the notice sent to property owners and interested parties, the attendees signature list, and our certificates of mailing.

The meeting lasted well over 30 minutes, it began at 6:30 p.m., and we had available the Cherokee County Future Land and Development Map, site plan, contact information, procedure and content information for the Cherokee County planning and Zoning Board and a resources map.

Thank you for your consideration of this information.

Sincerely,

H. Michael Bray

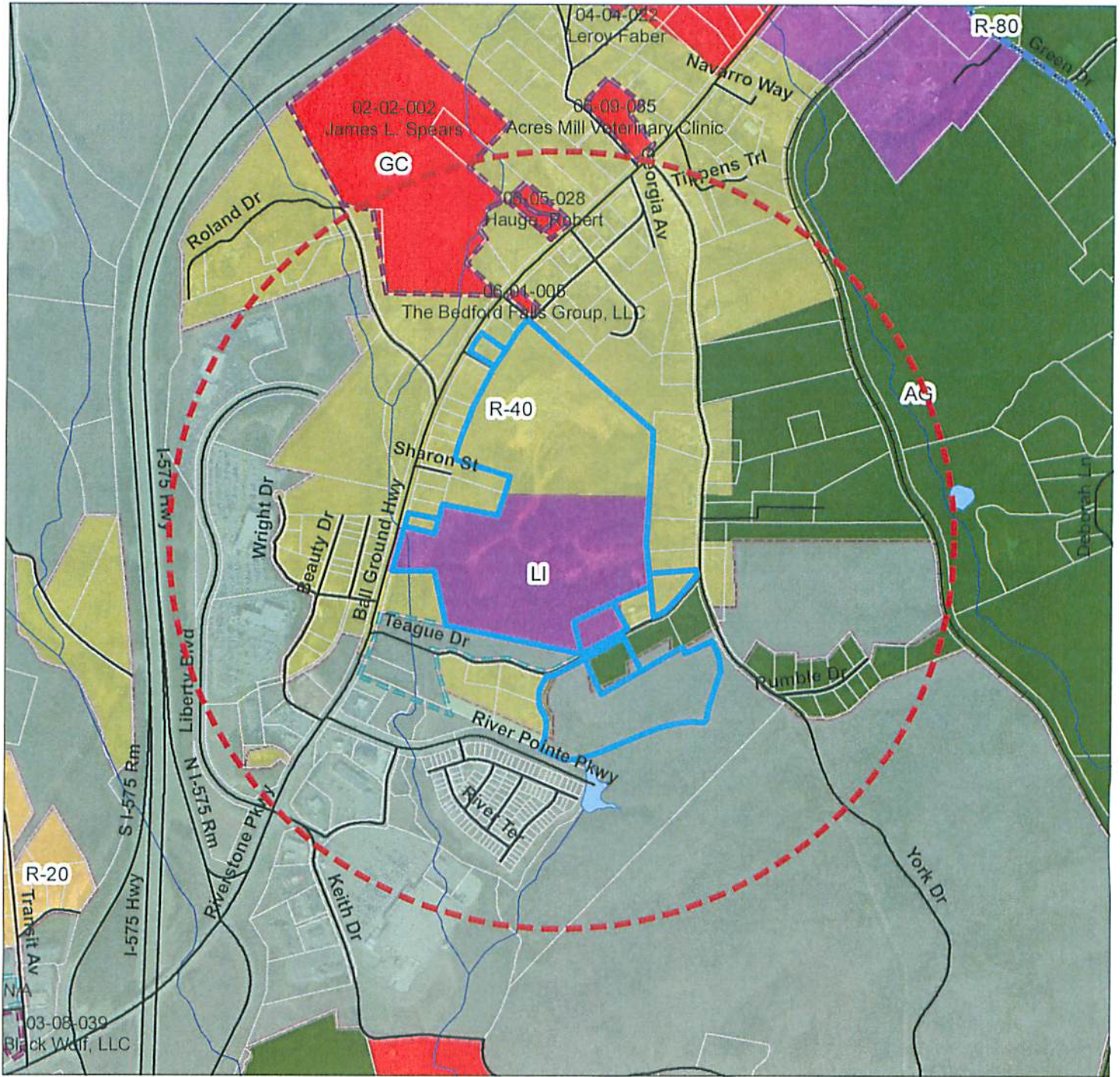
A handwritten signature in black ink, appearing to read "H. Michael Bray", is written over the printed name. The signature is stylized with a large, sweeping loop at the bottom and a long horizontal stroke extending to the right.

(133331)

10000 - 10000 FT
 1000 - 1000 FT
 100 - 100 FT
 10 - 10 FT
 1 - 1 FT
 1/2 - 1/2 FT
 1/4 - 1/4 FT
 1/8 - 1/8 FT
 1/16 - 1/16 FT
 1/32 - 1/32 FT
 1/64 - 1/64 FT
 1/128 - 1/128 FT
 1/256 - 1/256 FT
 1/512 - 1/512 FT
 1/1024 - 1/1024 FT
 1/2048 - 1/2048 FT
 1/4096 - 1/4096 FT
 1/8192 - 1/8192 FT
 1/16384 - 1/16384 FT
 1/32768 - 1/32768 FT
 1/65536 - 1/65536 FT
 1/131072 - 1/131072 FT
 1/262144 - 1/262144 FT
 1/524288 - 1/524288 FT
 1/1048576 - 1/1048576 FT
 1/2097152 - 1/2097152 FT
 1/4194304 - 1/4194304 FT
 1/8388608 - 1/8388608 FT
 1/16777216 - 1/16777216 FT
 1/33554432 - 1/33554432 FT
 1/67108864 - 1/67108864 FT
 1/134217728 - 1/134217728 FT
 1/268435456 - 1/268435456 FT
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Case # 16-07-020 Milton Blankenship

Current Cherokee County Zoning Map



Legend

Rezoning Parcels	Cherokee Zoning AG	RTH
Canton Growth Boundary	R80	RM10
Streets	R60	RM16
1/2 mile radius	R40	PUD
Recent Zoning Cases	R30	OI
City Annexations	R20	NC
Ball Ground	R15	GC
Canton	RD3	LI
Nelson	R10	HI
Woodstock	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.

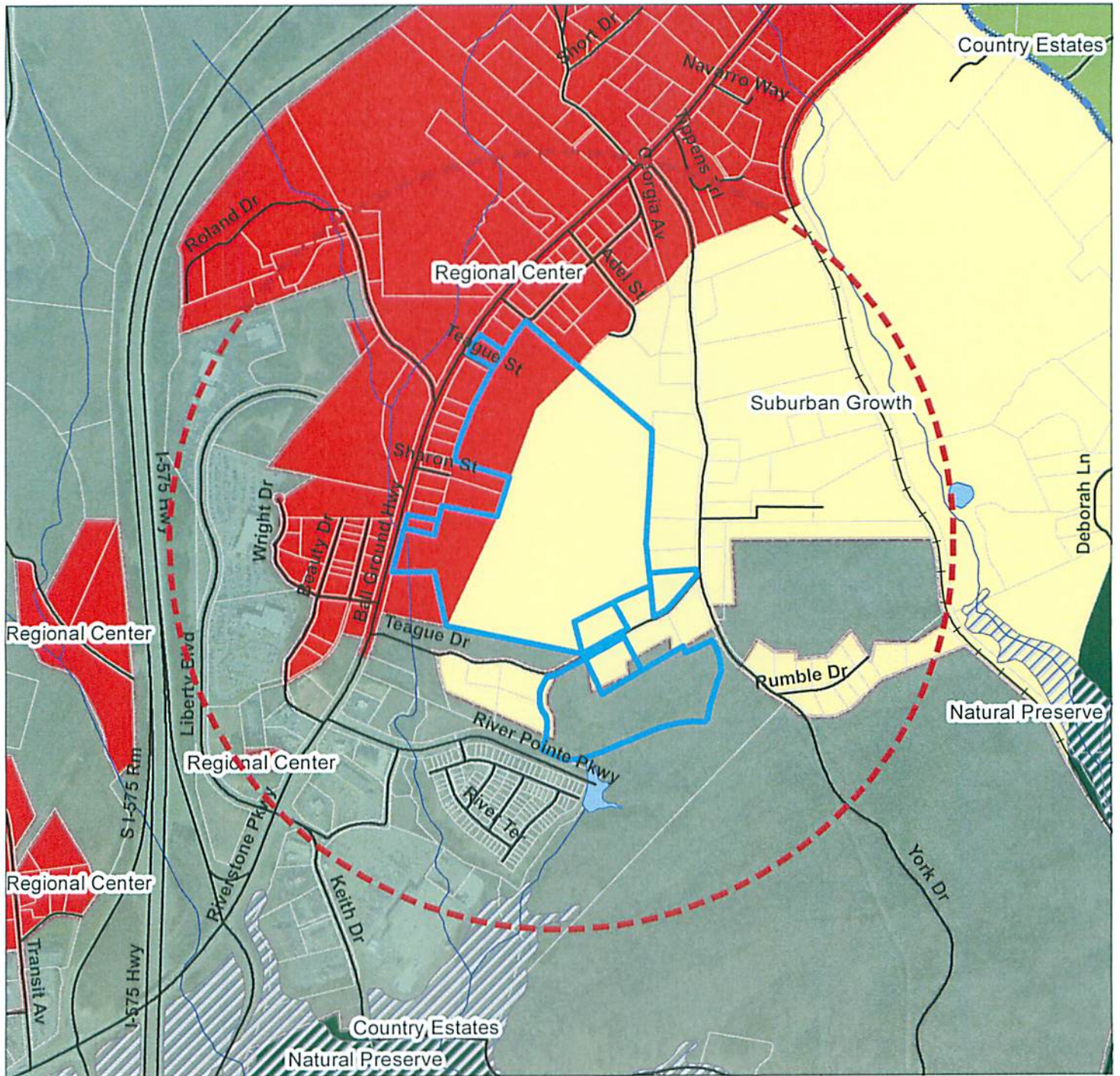


Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
May 26, 2016



Case # 16-07-020 Milton Blankenship

Future Development Map from the Comprehensive Plan



Legend

Rezoning Parcels	Natural Preserve	County Crossroads
Canton Growth Boundary	Rural Places	Hamlet
Streets	Country Estates	Neighborhood Village
1/2 mile radius	Suburban Growth	Community Village
100 Year Flood Zone	Suburban Living	Corridors
Ball Ground	Neighborhood Living	Scenic Corridor
Canton	Bells Ferry LCI	Transitional Corridor
Nelson	Urban Core	Development Corridor
Woodstock	Workplace Center	
	Regional Center	
	Waste Management	



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Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
May 26, 2016





Staff Report

Case No: 16-07-020
Applicant Name: H. Michael Bray for Milton O. Blankenship
Location: 1820 & 2164 Ball Ground Hwy, York Dr., and 255 Teague Dr. (14N22, 052E, part of 057 and 062, 14N22C, 014)
From/To: R-40 and LI to RZL
Proposed Use: Single Family Residential
Commission Post: 1

	Existing Zoning	Existing Land Use
North	R-40	Residential
South	LI, R-40 and City	Vacant, Residential, Planned Shopping Center (PSC)
East	R-40	Residential
West	R-40	Residential

Future Development Map

Character Area/Node/Corridor	Description
Regional Center and Suburban Growth	Regionally oriented large scale commercial, office, retail, entertainment and recreational, usually along with a residential component development. RM-10, RM-16, OI, NC, GC, HC. 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 parcels total 59.3 acres and lie on the southeast side of Ball Ground Highway at Teague Street. A public participation meeting was held on April 18, 2016 with a total of thirty-eight 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 Suburban Growth. However, it would be somewhat consistent with the Regional Center designation. Behind the hotel and to the north of the River Pointe shops is The Villages at River Pointe which has a density of 6.44 dwelling units per acre.

1 Findings

1.1 Engineering Department

- Ball Ground Highway is an urban minor arterial roadway and is approximately 24 feet wide. The geometry of the roadway at the location of this application is generally good. There was a traffic count performed on Ball Ground Highway by GDOT in 2015 that recorded approximately 10,000 vehicles per day to the north of this property. At this time there are no scheduled improvements for this section of Ball Ground Highway. The Engineering Department will determine any necessary improvements to Ball Ground Highway when the applicant applies for access along that route. Two entrances will be required and it should be expected that the entrances for the property would include a deceleration lane and possibly a left-turn lane into the property. It is the opinion of the Cherokee County Engineering Department that Ball Ground Highway should be able to handle the additional 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

- CCBOE reported an anticipated 181 new students. Schools affected would be Hasty Elementary (74.69%), Teasley Middle (90.25%) and Cherokee High (113.96%).

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #16-07-020 - Community Agenda Analysis

Section 1 – Community Vision

Community	Ball Ground Hwy (near Canton)
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Vision:

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

This rezoning would allow the development of a new residential neighborhood.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This property is located where there is water, sewer and located on a 2-lane minor arterial road.
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Project is Neutral

Housing Choice	No evidence of impact.
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Diverse Economic Opportunities	No evidence of impact.
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Aging in Place	No evidence of impact.
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Preserve and Enhance Sense of Place	No evidence of impact.
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Project Neglects

Designing with the Environment	This property may retain a little bit of the existing vegetation in the buffer areas. The rest will be cleared and mass-graded.
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Land Use Patterns that Promote Connectivity and Mobility	This project will not contribute to connectivity since it will only have two entrances on Ball Ground Hwy because there are more than 150 lots proposed.
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Section 3 – Character Area Description

Character Area	Suburban Growth and Regional Center
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The portion of the property adjacent to Ball Ground Hwy is within the Regional Center character area. This character area is intended for a mix of high intensity retail, office, recreation and accommodation land uses. A high density residential could be mixed in to support the other uses but they should be integrated with vehicular and pedestrian connections. While the density of the project is consistent, the plan does not provide the integrated, mixed-use environment described for the character area.

The remainder of the property is within the Suburban Growth character area. This character area is an area that is transitioning from agriculture use and estate lots to traditional residential neighborhoods. The requested zoning district is not consistent with the character area description because it is denser than the character area.

Node or Corridor	N/A
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COUNTY ENGINEER

CASE NUMBER: 16-07-020

APPLICANT: Milton O. Blankenship

CURRENT ZONING: Residential (R-40) & Light Industrial (LI)

PROPOSED ZONING: Residential (RZL)

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

The primary public access for the property in this application is Ball Ground Highway.

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

Ball Ground Highway is an urban minor arterial roadway and is approximately 24 feet wide. The geometry of the roadway at the location of this application is generally good. There was a traffic count performed on Ball Ground Highway by GDOT in 2015 that recorded approximately 10,000 vehicles per day to the north of this property.

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

At this time there are no scheduled improvements for this section of Ball Ground Highway.

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

The Engineering Department will determine any necessary improvements to Ball Ground Highway when the applicant applies for access along that route. Two entrances will be required and it should be expected that the entrances for the property would include a deceleration lane and possibly a left-turn lane into the property.

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

No.

What tributary or stream will the surface runoff eventually enter?

Unnamed tributary of the Etowah River.

In what basin is the project located?

Alatoona Basin

General remarks/comments:

None.

Conclusion:

It is the opinion of the Cherokee County Engineering Department that Ball Ground Highway should be able to handle the additional traffic generated by this application.



Rezoning Case Impact Report

Jurisdiction		Rezoning Case Number		Applicant Name	
Cherokee County		16-07-020		Milton O. Blankenship	
Acreage	Number of Lots	Current Zoning		Proposed Zoning	Housing Type
59.3	249	R-40 & LI		RZL	Single Family Residential
Estimated Student Impact ⁽¹⁾		Additional Capacity Needed		Additional Capacity Cost ⁽²⁾	Annual Student Cost ⁽³⁾
181 Students		8 Classroom(s)		\$246,818.18	\$1,294,331.00
Planning Commission Meeting Date		County Commission/City Council Meeting Date		Map and Parcel	
7/5/2016		7/19/2016		14N22/062&057; 14N22/052E; 14N/014	
Property Description					
Ball Ground Highway between Teague Dr & Georgia Ave					

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Hasty ES	891	1193	74.69%
Middle School	MS Enrollment	MS Capacity	% Capacity
Teasley MS	1388	1538	90.25%
High School	HS Enrollment	HS Capacity	% Capacity
Cherokee HS	2465	2163	113.96%

All Enrollment and Capacities are based on the last published Cherokee County Inventory of School Housing (CCISH) Numbers

It is the position of CCSD that all developers should attempt to mitigate as much of the impact of their proposed development as possible. In every such case, the district designates a minimum contribution expected to help provide adequate facilities for the school age children who will occupy the residences in the development.

Please recommend to all Residential Zoning applicants to contact Mitch Hamilton at 770-721-8429 to discuss mitigation of their subdivision prior to appearing before the Zoning Board. If the applicant cannot meet during that time period, we request that the Zoning Board put a condition on the zoning so they must meet with Mr. Hamilton prior to the City Council/County Commission Meeting.

The 2014 estimated cost for building an elementary school is 22 to 27 million dollars, middle school is 35 to 40 million, and the cost of building a high school is 55 to 60 million dollars.

(1) - All increases to student enrollment should be considered cumulative in nature. All recent cases will impact the affected Schools. The School District may have to transport the students of any given development to an alternate district due to over-enrollment.

(2) - Additional Capacity Calculations are based on adding Mobile Units to existing campus facilities at the following rate: 1 Mobile Unit = 2 Classrooms with a cost of \$60,000/Mobile Unit

(3) - Annual Cost is calculated using the 2013 General Fund Operating Expenditure cost per pupil of \$7,151.00, and does not count for inflation.



Cherokee County, Georgia
Agenda Request

Item#: 2.

SUBJECT: Case #16-08-022 Epic Homes, LLC (BOC Dist. 3)
MEETING DATE: 7/18/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 23.44 acres from R-40 to RZL for a single family detached neighborhood that will serve the senior community.

FACTS AND ISSUES:

Commission District: 3
Zoning Change: R-40 to RZL
Location: Bells Ferry Road and Ridge Road
Tax Map and Parcel No: 15N02, 140, 141, 142, 144, Part of 154
15N08, 022 and Part of 023
Acres: 23.44
Proposed Development: Single Family Neighborhood
Future Development Map: Suburban Living

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> FDM	Exhibit
<input type="checkbox"/> PP Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> PP 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: Parks F. Huff, Esq. Phone: 770-422-7016
 Email: phuff@slhb-law.com

Applicant's Information:

Name: Epic Homes, LLC

Address: 884 Madison Grove Lane NW Phone: _____

City, State, Zip: Marietta, GA 30064

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

Name: See attached Exhibit "A"

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>3</u>	Public Participation Meeting: <u>5-26-16</u>
Case: <u>16-08-027</u>	PC Work Session Date: <u>7-18-16</u>
CityView # <u>PL2016-0797</u>	Planning Commission Hearing: <u>8-2-16</u>
Received by: <u>Jamala</u>	Board of Commissioners: <u>8-16-16</u>
Fee Paid: \$ <u>500.00</u>	Zoning Board of Appeals: <u>na</u>
Date: <u>6-21-16</u>	Other: <u>na</u>

SECTION II

Property Information:

Location: Between Bells Ferry Road and Ridge Road, south of Sixes Road

Current Zoning: R-40 Proposed Zoning: RZL Total Acreage: 23.44+/-

Tax Map #: N Parcel #: See Attached Land Lot(s): 293, 294 & 355, 356 District: 15th

Future Development Map Designation: Suburban Living

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

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

Rezone the property from R-40 to RZL for a senior community with 85 homes.

Proposed Use(s) of Property:

A neighborhood of single family detached homes that will serve the senior community.

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, Parks F. Huff, 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 day of June, 20 16.

Print Name Parks F. Huff, Attorney for Applicant.

Applicant Signature [Signature].

EXHIBIT "A"
Property Owners List

- | | |
|---|--|
| 1. Emmett Ira Bedelle (Estate)
c/o Ray Rutledge, Executor
3925 Hickory Flay Hwy.
Canton, Georgia 30115 | TIN: 15N02 140 |
| 2. John T. Cantrell
10 Old Sixes Circle
Canton, Georgia 30114 | TIN: 15N02 141 |
| 3. Carroll M. Hillhouse
50 Old Sixes Circle
Canton, Georgia 30114 | TIN: 15N02 142 |
| 4. Janice M. Copeland
20 Old Sixes Circle
Canton, Georgia 30114 | TIN: 15N02 144 |
| 5. Charles Cantrell, Executor Lou Vone Charles Estate
539 Ridge Road
Canton, Georgia 30114 | TIN: 15N02 154*

*Partial Portion
See Legal Description |
| 6. Alvin Lee & Judith Arlene Cantrell
909 Lower Union Hill Road
Canton, Georgia 30115 | TIN: 15N08 022 |
| 7. Lonnie & Wyolene Cantrell
8890 Bells Ferry Rd.
Canton, Georgia 30114 | TIN: 15N08 023*

*Partial Portion
See Legal Description |

SECTION III

Infrastructure Information:

Is water available to this site? Yes No Jurisdiction: Cherokee County

How is sewage from this site to be managed?
Cherokee County Water and Sewerage Authority

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? 813 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	85	9.57	813
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

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

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

1. Explain the intent of the requested zoning.

Epic Homes proposes to rezone the subject property to RZL for a 85 lot age targeted cottage community that will provide a housing alternative for seniors that want to remain in the area but want a home specifically designed for seniors and amenities like lawn maintenance included.

2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The property is bounded by Bells Ferry Road and Ridge Road and is adjacent to schools and commercial property. The use is suitable in view of the development in the area.

3. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed zoning will not adversely affect the use or usability of nearby property. The senior residents tend to drive less and they tend to have more disposable income to support the nearby retail uses.

4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.

The property has no reasonable economic viability as it is currently zoned. There are no recent R-40 developments in the area.

5. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The senior community will not add to the schools and the traffic created by the proposed development will be less than if the property was developed for a traditional residential neighborhood, even at a lower density.

6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.

The property is located in Community Village and Suburban Village with a Transitional Corridor overlay, all of which are consistent with the proposed zoning.

7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning.

The area needs additional housing options for senior residents who want to remain in the area but do not want to maintain a large home and lot.

TO THE CHEROKEE COUNTY BOARD OF COMMISSIONERS
CHEROKEE COUNTY, GEORGIA

CONSTITUTIONAL CHALLENGE

COMES NOW, EPIC HOMES, LLC, hereinafter referred to as the "Applicant",
and asserts the following, to wit:

1.

By application to which this exhibit relates, Applicant has applied for a rezoning of certain real property lying and being in Cherokee County, Georgia, a more particular description and delineation of the subject property hereinafter referred to as the "Property", being set forth in said Application.

2.

The Application for Public Hearing of the property seeks a rezoning from the existing category of R-40, as established by the governing authority of Cherokee County, Georgia to the zoning category of RZL.

3.

The current R-40 zoning classification of the property and all intervening classifications between same and RZL are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section 1, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning classification of R-40 as well as all intervening classifications between same and RZL as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

5.

The Cherokee County Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

6.

Pursuant to O.C.G.A. §§ 36-11-1 and 36-33-5, please consider this your notice that as of today's date the Owner/Applicant is contending that Cherokee County's unconstitutional zoning classifications of the property have caused damages to the Owner/Applicant. As a direct and proximate result of the unconstitutional zoning classifications, the Owner/Applicant has suffered and will continue to suffer monetary damages in the nature of attorneys' fees and costs, interest and other expenses on pending loans on the property, loss of income from the property and other related

damages. This amount cannot be calculated to an exact certainty; however, the Owner/Applicant will assist the County by providing whatever additional information, if any, the County feels is necessary to adequately investigate this claim. If the Owner/Applicant does not receive a timely request for additional information, it will be presumed that the County does not require any additional information and can make a determination within the allowed statutory period.

Respectfully submitted, this the 12 day of June, 2016.

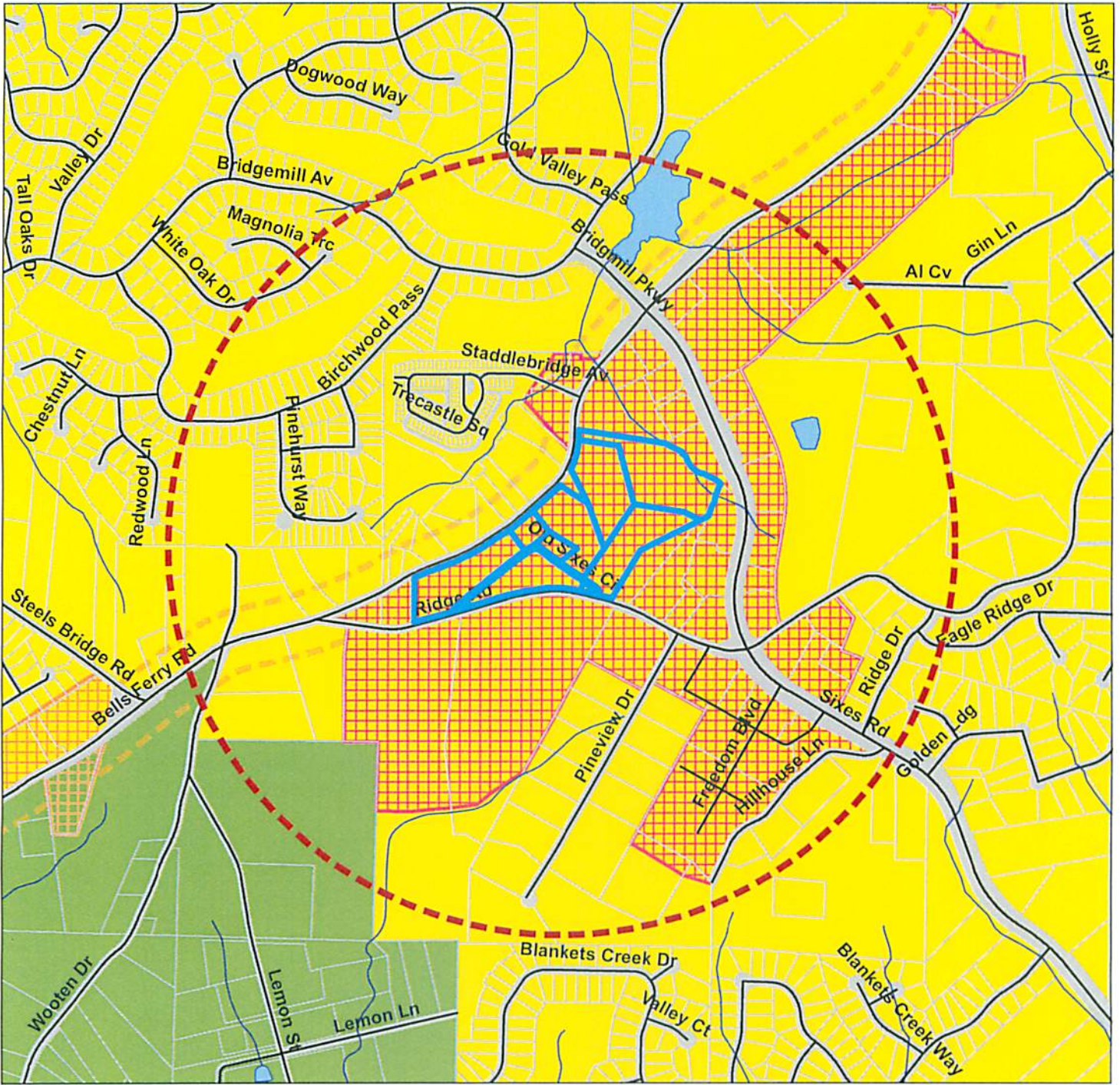
SAMS, LARKIN, HUFF & BALLI, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Epic Homes

Case # 16-08-022 Epic Homes, LLC

Future Development Map from the Comprehensive Plan



Legend

- | | | |
|------------------|------------------------|--------------------------|
| Rezoning Parcels | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/2 mile radius | Rural Places | Hamlet |
| | Country Estates | Neighborhood Village |
| | Suburban Growth | Community Village |
| | Suburban Living | Corridors |
| | Neighborhood Living | Scenic Corridor |
| | Bells Ferry LCI | Transitional Corridor |
| | Urban Core | Development Corridor |
| | Workplace Center | |
| | Regional Center | |
| | Waste Management | |



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



Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
June 29, 2016



PUBLIC PARTICIPATION PLAN

COMES NOW, EPIC HOMES, LLC (hereinafter "Applicant") to file this Public Participation Plan along with its Public Hearing Application for property located between Bells Ferry Road and Ridge Road, south of Sixes Road. The Applicant is implementing the following plan in order to inform the community of the development proposal and to create a dialogue with the surrounding residents and the effected government entities.

1.

The Applicant mailed notices to all property owners within 750 feet of the subject property and persons on the Interested Parties List, and invited them to the Public Participation Meeting. Said letter was mailed prior to the Public Participation Meeting and was mailed to all property owners based upon the Cherokee County Tax Assessor records and all interested parties.

2.

The notice of the Public Participation Meeting included a summary of the Applicant's rezoning request and a plat of the proposed development.

3.

The Applicant submitted to the Planning and Zoning Office a copy of the notices and a list of the property owners so served.

4.

The Public Participation Meeting occurred prior to filing the Public Hearing Application and a summary of the results of this meeting has been sent to the Planning and Zoning Office.

5.

The Applicant will continue a dialogue with the respective County departments regarding transportation and other issues relating to the proposed zoning.

6.

The notice of the Public Participation Meeting as described above adequately notified those parties who are interested in the development. The Applicant will adjust its Public Participation Plan consistent with the feedback it receives during the rezoning process.

Respectfully submitted this 12 day of June, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

PARKS F. HUFF
Attorney for Applicant,
Epic Homes

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

June 17, 2016

**VIA E-MAIL: vtaylor@cherokeega.com
AND REGULAR U.S. MAIL**

Ms. Vicki Taylor Lee, AICP, Zoning Administrator
Cherokee County Planning and Zoning Department
1130 Bluffs Parkway
Canton, GA 30114

Re: Application of Epic Homes, LLC to rezone an approximately 23.1 acre tract from R-40 to RZL, Land Lots 293, 294, 355 and 356 of the 15th District, 2nd Section, Cherokee County, Georgia.

Dear Vicki:

The applicant held a public participation meeting at the community room in the Bridgemill fire station on May 4, 2016 to give details about the proposed project. However, because the site plan had some modifications, the applicant conducted a second public participation meeting at the same location on May 26, 2016. A list of those who attended both meetings is attached. Both meetings received relative little interest from the community. Those who attended were informed that the project is to provide senior housing for people who live in Bridgemill and want to downsize. They were also informed that the proposed density is fully supported by the County's land use plan. Once the neighbors saw the site plan and learned about the proposed product, they did not have any objection to the proposal.

If you need further information concerning this matter, please do not hesitate to call.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff
phuff@slhb-law.com

PFH/dvm
Enclosures
cc: Epic Homes, LLC


ATLANTA COMMUNITIES
REAL ESTATE BROKERAGE

Public Meeting

May 26th, 2016

Epic Homes Ridge Road Development

Name: JOHN BAKER
Address: 652 STEELS BRIDGE Rd
CANTON, GA 30114

Email: john.baker.johnny@gmail.com
Phone #: 678-480-7416

Name: JANICE Cantrell Copeland
Address: 10 OLD SWES Circle
Canton, GA 30114

Email: jancope1955@yahoo.com
Phone #: 770-265-4652

Name: Van Cantrell
Address: 2191 Holly Brook Lane
Canton, GA 30114

Email: Vanc1957@comcast.net
Phone #: 770-345-2767

Name: CAROLE HARRIS
Address: 16 River Oaks Dr SW
CARTERSVILLE Ga 30120

Email: _____
Phone #: 678-315-7022

Name: LONNIE CANTRELL
Address: 8890 BEWS FERRY Rd
CANTON, GA 30114

Email: _____
Phone #: 770-345-5297

Name: JOEY HIPPS
Address: W/ EPIC HOMES LLC

Email: _____
Phone #: _____

Name: PARKS HUFF
Address: ATTORNEY

Email: _____
Phone #: _____

Name: _____
Address: _____

Email: _____
Phone #: _____


ATLANTA COMMUNITIES
REAL ESTATE BROKERAGE

Public Meeting

May 4th, 2016

Epic Homes Ridge Road Development

Name: JOHN BAKER
Address: 652 STEELS BRIDGE RD
CANTON, GA 30114

Email: john.baker.johnny@gmail
Phone #: 678-480-7416

Name: VICKIE GILSTRAP
Address: 140 STADLEBRIDGE AVE
CANTON, GA. 30114

Email: scuba129@gmail.com
Phone #: 706-847-3826

Name: Angie Reyes
Address: 225 TRECASTLE SQ.
CANTON, GA 30114

Email: AREYES@STOLOFF.COM
Phone #: 404-345-8842

Name: Terry Word
Address: 8815 Union Hill Rd.
Canton, Ga. 30115

Email: _____
Phone #: _____

Name: LAURA Letourneau
Address: 138 Staddlebridge Ave
Canton, GA 30114

Email: _____
Phone #: _____

Name: Alvin L Cantrell
Address: 909 Lower Union Hill Rd
Canton Ga 30115

Email: alvin1cantrell@gmail.com
Phone #: 770-345-6484
770-850-9369

Name: Ted Anderson
Address: 4 Ridge Rd
CANTON, GA 30114

Email: _____
Phone #: 770 345-5380

Name: Sandra Puark
Address: 232 Staddlebridge Ave
Canton, 30114

Email: rakru@gmail.com
Phone #: 678-880-9368

ATLANTA COMMUNITIES
REAL ESTATE BROKERAGE

Public Meeting

May 4th, 2016

Epic Homes Ridge Road Development

Name: Charles Cantrell
Address: 539 Ridge Rd
Canton, Ga. 30117

Email: Charles Cantrell 1937 @yahg
Phone #: 404 ~~408~~ - 7083

Name: Nina Hutcherson
Address: 250 Treastle Sq.
Canton, GA 30114

Email: Hutcham@yahoo.com
Phone #: _____

Name: Lannie Cantrell
Address: 8890 Bolls Ferry Rd
Canton, Ga 30114

Email: _____
Phone #: 770-345-5297

Name: RAY L DUTLEDGE
Address: 3925 ~~MAINTENANCE HWY~~
HICKORY FLAT HWY
CANTON GA 30115

Email: _____
Phone #: 770-479-4916

Name: _____
Address: _____

Email: _____
Phone #: _____

Name: _____
Address: _____

Email: _____
Phone #: _____

Name: _____
Address: _____

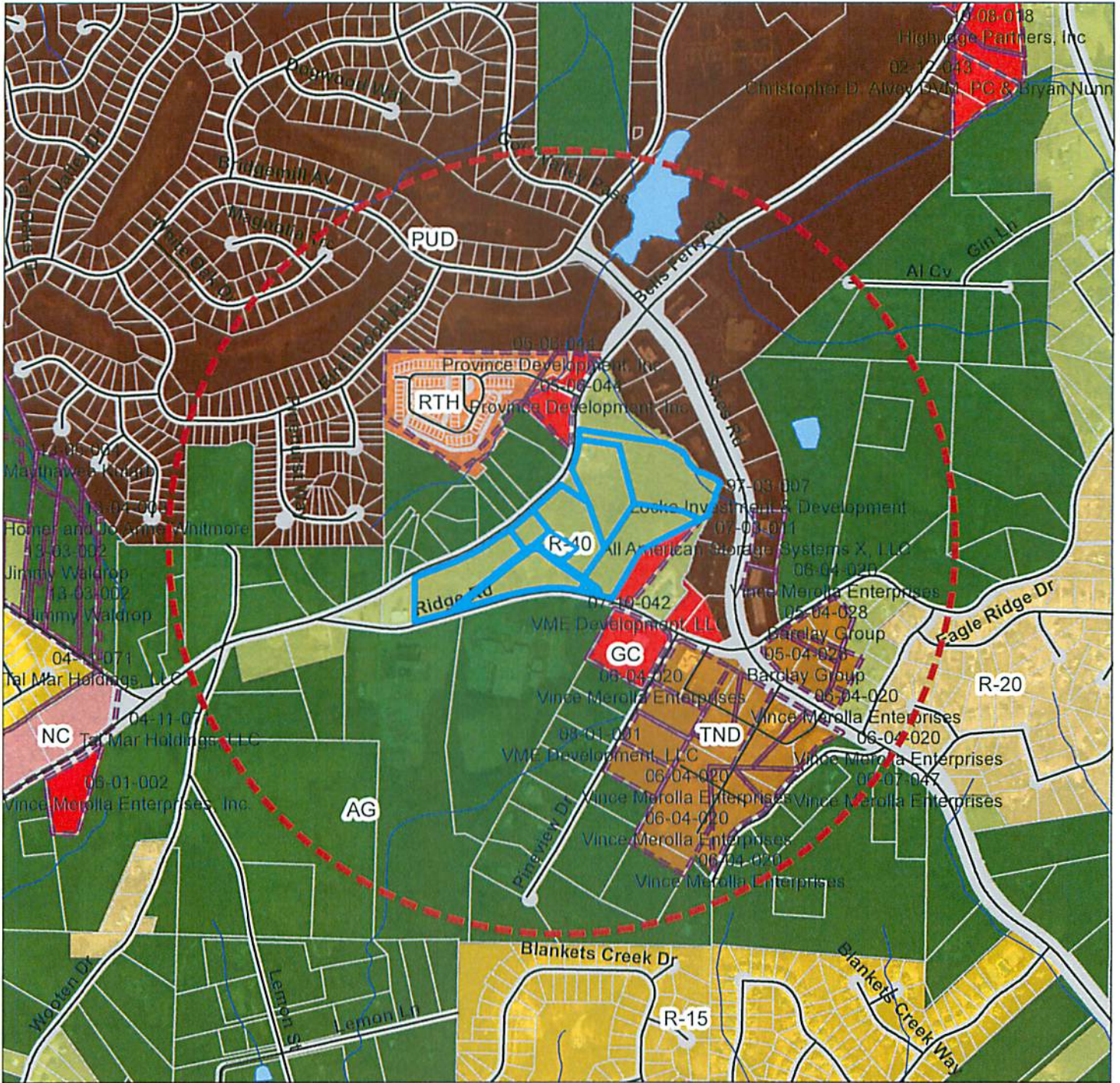
Email: _____
Phone #: _____

Name: _____
Address: _____

Email: _____
Phone #: _____

Case # 16-08-022 Epic Homes, LLC

Current Cherokee County Zoning Map



Legend

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



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
June 29, 2016



**LEGAL DESCRIPTION
DEVELOPERS PARCEL**

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOTS 293, 294, 355 AND 356 OF THE 15TH DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING COMMENCING AT A 1/2" REBAR AT THE INTERSECTION OF THE WEST LAND LOT LINE OF LAND LOT 356 AND THE SOUTHEASTERLY RIGHT-OF-WAY OF BELLS FERRY ROAD HAVING A 60' RIGHT-OF-WAY SAID POINT ALSO BEING THE NORTHWEST CORNER OF LAND NOW OR FORMELY OWNED BY HOPEWELL BAPTIST CHURCH, INC.; THENCE FROM SAID POINT CONTINUING ALONG THE SAID RIGHT-OF-WAY OF BELLS FERRY ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 64 DEGREES 05 MINUTES 06 SECONDS EAST, A DISTANCE OF 19.53 FEET TO A POINT; THENCE NORTH 61 DEGREES 28 MINUTES 01 SECONDS EAST, A DISTANCE OF 50.31 FEET TO A POINT; THENCE NORTH 59 DEGREES 18 MINUTES 01 SECONDS EAST, A DISTANCE OF 156.63 FEET TO A POINT; THENCE NORTH 61 DEGREES 30 MINUTES 21 SECONDS EAST, A DISTANCE OF 11.80 FEET TO A 5/8" REBAR; THENCE SOUTH 01 DEGREES 34 MINUTES 54 SECONDS EAST, A DISTANCE OF 4.05 FEET TO A POINT SAID POINT BEING THE TRUE POINT OF BEGINNING;

THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED CONTINUING ALONG THE RIGHT-OF-WAY OF BELLS FERRY ROAD THE FOLLOWING COURSES AND DISTANCES: Thence North 64 degrees 41 minutes 42 seconds East, a distance of 83.61 feet to a POINT; Thence North 66 degrees 46 minutes 08 seconds East, a distance of 27.12 feet to a POINT; Thence North 69 degrees 05 minutes 24 seconds East, a distance of 37.72 feet to a POINT; Thence North 68 degrees 07 minutes 09 seconds East, A distance of 44.33 feet to a POINT; Thence North 70 degrees 20 minutes 14 seconds East, a distance of 25.92 feet to a POINT; Thence North 69 degrees 10 minutes 51 seconds East, a distance of 43.07 feet to a POINT; Thence North 67 degrees 56 minutes 26 seconds East, a distance of 43.31 feet to a POINT; Thence North 63 degrees 42 minutes 33 seconds East, a distance of 222.66 feet to a POINT; Thence North 59 degrees 14 minutes 42 seconds East, a distance of 54.17 feet to a POINT; Thence North 58 degrees 48 minutes 25 seconds East, a distance of 49.28 feet to a POINT; Thence North 57 degrees 00 minutes 11 seconds East, a distance of 62.34 feet to a POINT; Thence North 57 degrees 15 minutes 57 seconds East, a distance of 48.46 feet to a POINT; Thence North 56 degrees 07 minutes 46 seconds East, a distance of 30.14 feet to a 1/2" REBAR FOUND; Thence North 52 degrees 37 minutes 37 seconds East, a distance of 64.04 feet to a POINT; Thence North 48 degrees 33 minutes 04 seconds East, a distance of 146.73 feet to a POINT; Thence North 47 degrees 03 minutes 18 seconds East, a distance of 44.73 feet to a POINT; Thence North 45 degrees 33 minutes 14 seconds East, a distance of 37.66 feet to a POINT; Thence North 44 degrees 06 minutes 15 seconds East, a distance of 32.68 feet to a POINT; Thence North 45 degrees 34 minutes 17 seconds East, a distance of 67.25 feet to a 1/2" REBAR FOUND; THENCE LEAVING THE SAID RIGHT-OF-WAY OF BELLS FERRY ROAD NORTH 72 DEGREES 21 MINUTES 50 SECONDS WEST, A DISTANCE OF 227.05 FEET TO A POINT AT THE CENTERLINE OF A UNNAMED CREEK; THENCE CONTINUING ALONG SAID CREEK THE FOLLOWING COURSES AND DISTANCES: SOUTH 27 DEGREES 47 MINUTES 39 SECONDS EAST, A DISTANCE OF 28.90 FEET TO A POINT; THENCE SOUTH 27 DEGREES 14 MINUTES 12 SECONDS EAST, A DISTANCE OF 31.11 FEET TO A POINT; THENCE SOUTH 28 DEGREES 05 MINUTES 17 SECONDS EAST, A DISTANCE OF 30.10 FEET TO A POINT; THENCE LEAVING SAID UNNAMED CREEK RUNNING NORTH 40 DEGREES 43 MINUTES 43 SECONDS EAST 664.15 FEET TO A POINT AT THE CENTERLINE OF AN UNNAMED CREEK; THENCE CONTINUING ALONG THE CENTERLINE OF THE UNNAMED CREEK IN A SOUTHEASTERLY DIRECTION A DISTANCE OF 700.34 FEET MORE OR LESS TO A POINT HAVING A TIE BEARING OF SOUTH 34 DEGREES 19 MINUTES 35 SECONDS EAST, A DISTANCE OF 614.56 FEET; THENCE

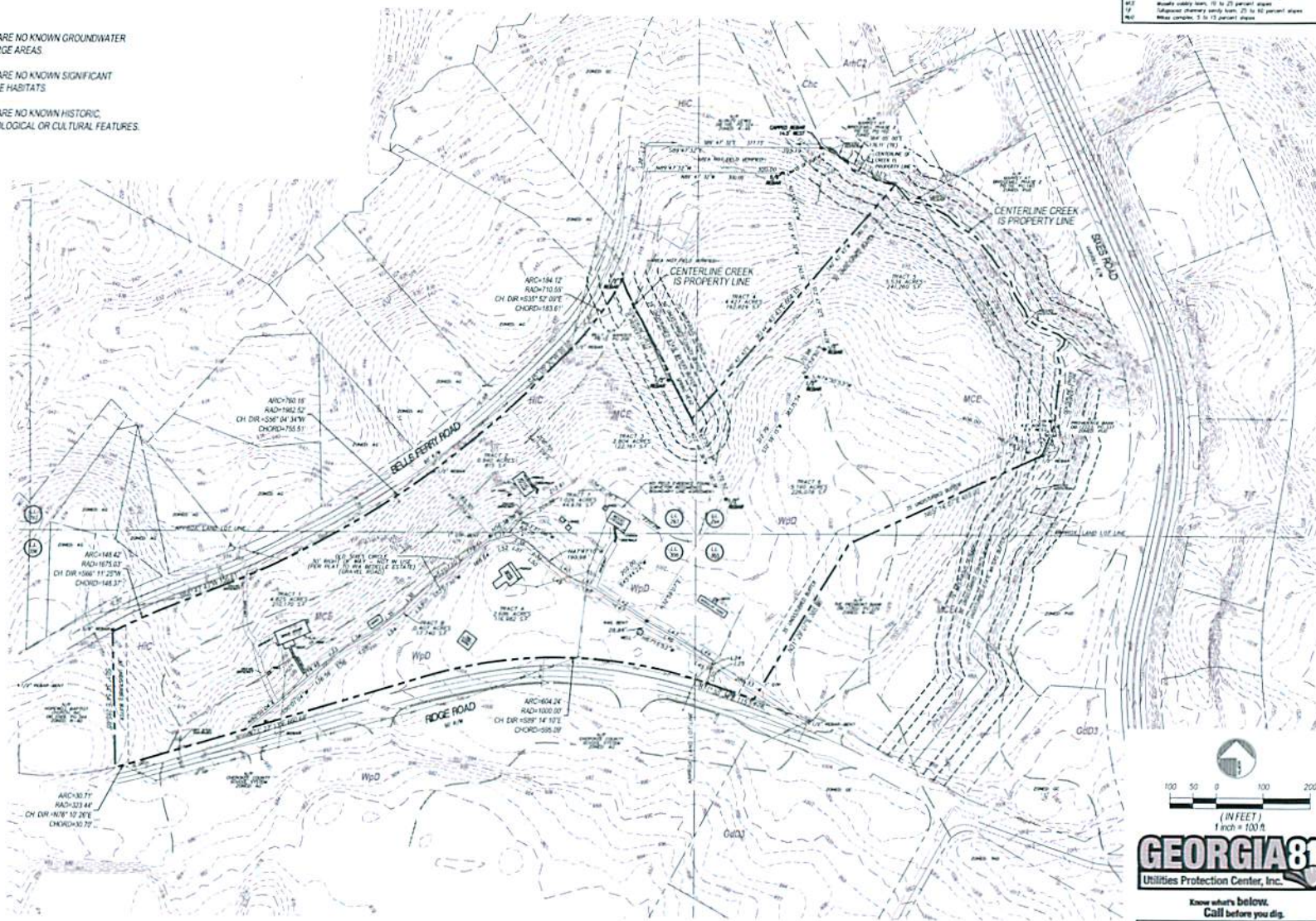
LEAVING SAID UNNAMED CREEK RUNNING SOUTH 21 DEGREES 24 MINUTES 47 SECONDS WEST, A DISTANCE OF 74.89 FEET TO A 1/2" REBAR; THENCE SOUTH 65 DEGREES 14 MINUTES 07 SECONDS WEST, A DISTANCE OF 455.00 FEET TO A POINT; THENCE SOUTH 31 DEGREES 29 MINUTES 07 SECONDS WEST, A DISTANCE OF 385.86 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY OF RIDGE ROAD HAVING A 50' RIGHT-OF-WAY; THENCE CONTINUING ALONG THE SAID RIGHT-OF-WAY OF RIDGE ROAD THE FOLLOWING COURSES AND DISTANCES: THENCE NORTH 71 DEGREES 55 MINUTES 34 SECONDS WEST, A DISTANCE OF 106.05 FEET TO A POINT; THENCE NORTH 74 DEGREES 06 MINUTES 39 SECONDS WEST, A DISTANCE OF 36.65 FEET TO A POINT; THENCE NORTH 75 DEGREES 40 MINUTES 07 SECONDS WEST, A DISTANCE OF 73.33 FEET TO A POINT; THENCE NORTH 78 DEGREES 19 MINUTES 20 SECONDS WEST, A DISTANCE OF 123.23 FEET TO A POINT; THENCE NORTH 87 DEGREES 42 MINUTES 06 SECONDS WEST, A DISTANCE OF 127.80 FEET TO A POINT; THENCE SOUTH 85 DEGREES 20 MINUTES 22 SECONDS WEST, A DISTANCE OF 75.44 FEET TO A POINT; THENCE SOUTH 80 DEGREES 21 MINUTES 31 SECONDS WEST, A DISTANCE OF 83.60 FEET TO A POINT; THENCE NORTH 75 DEGREES 00 MINUTES 00 SECONDS WEST, A DISTANCE OF 148.35 FEET TO A POINT; THENCE SOUTH 73 DEGREES 25 MINUTES 46 SECONDS WEST, A DISTANCE OF 300.53 FEET TO A POINT; THENCE SOUTH 71 DEGREES 55 MINUTES 21 SECONDS WEST, A DISTANCE OF 40.26 FEET TO A POINT; THENCE SOUTH 72 DEGREES 41 MINUTES 11 SECONDS WEST, A DISTANCE OF 84.45 FEET TO A POINT; THENCE SOUTH 72 DEGREES 55 MINUTES 51 SECONDS WEST, A DISTANCE OF 184.60 FEET TO A POINT; THENCE SOUTH 76 DEGREES 22 MINUTES 01 SECONDS WEST, A DISTANCE OF 28.98 FEET TO A POINT; THENCE LEAVING SAID RIGHT-OF-WAY RUNNING NORTH 01 DEGREES 34 MINUTES 54 SECONDS WEST, A DISTANCE OF 285.65 FEET TO A POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 23.44 ACRES MORE OR LESS.

NOTES:

1. THERE ARE NO KNOWN GROUNDWATER RECHARGE AREAS
2. THERE ARE NO KNOWN SIGNIFICANT WILDLIFE HABITATS
3. THERE ARE NO KNOWN HISTORIC, ARCHEOLOGICAL OR CULTURAL FEATURES.

SOIL CLASSIFICATIONS	
AuOZ	Aquatic sandy loam, 2 to 8 percent slopes, eroded
AuCT	Aquatic sandy loam, 8 to 18 percent slopes, eroded
Chc	Chickamauga-Catoosa complex
LaS1	Clayey loam, 8 to 15 percent slopes, severely eroded
LaC	Heavy clay sandy loam, 8 to 15 percent slopes
Ma	Heavy clay loam, 10 to 15 percent slopes
MaS	Medium sandy loam, 10 to 25 percent slopes
Wp	Subaqueous sandy loam, 25 to 40 percent slopes
WpC	Wet clayey loam, 5 to 15 percent slopes



GEORGIA811
Utilities Protection Center, Inc.

Know what's below.
Call before you dig.

THE UTILITIES SHOWN HEREIN ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THEY ARE NOT A GUARANTEE OF LOCATION, DEPTH OR SIZE. THE CONTRACTOR ASSUMES RESPONSIBILITY FOR THE LOCATION, DEPTH AND SIZE OF ALL UTILITIES. THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE MAP, ALL DAMAGE MADE TO UTILITIES LISTED BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

RIDGE PLANNING AND ENGINEERING
12340 PENNINGTON CIRCLE, BLDG. D
SUITE 100, MARIETTA, GA 30067
OFFICE: 770.888.8000

SITE RESOURCE MAP
BELLS FERRY ROAD TRACT
CHEROKEE COUNTY, GEORGIA

OWNER/DEVELOPER
EPIC HOMES
608 MANSELL ROAD, SUITE 129
ROSWELL, GA 30078 PH: (404) 888-6448

SCALE CERTIFICATION NUMBER: 36279
EXPIRATION DATE: 07.20.2015



REVISIONS

NO.	DATE	DESCRIPTION

SITE RESOURCE MAP
Z101

PUBLIC PARTICIPATION PLAN

COMES NOW, EPIC HOMES, LLC (hereinafter "Applicant") to file this Public Participation Plan along with its Public Hearing Application for property located between Bells Ferry Road and Ridge Road, south of Sixes Road. The Applicant is implementing the following plan in order to inform the community of the development proposal and to create a dialogue with the surrounding residents and the effected government entities.

1.

The Applicant mailed notices to all property owners within 750 feet of the subject property and persons on the Interested Parties List, and invited them to the Public Participation Meeting. Said letter was mailed prior to the Public Participation Meeting and was mailed to all property owners based upon the Cherokee County Tax Assessor records and all interested parties.

2.

The notice of the Public Participation Meeting included a summary of the Applicant's rezoning request and a plat of the proposed development.

3.

The Applicant submitted to the Planning and Zoning Office a copy of the notices and a list of the property owners so served.

4.

The Public Participation Meeting occurred prior to filing the Public Hearing Application and a summary of the results of this meeting has been sent to the Planning and Zoning Office.

5.

The Applicant will continue a dialogue with the respective County departments regarding transportation and other issues relating to the proposed zoning.

6.

The notice of the Public Participation Meeting as described above adequately notified those parties who are interested in the development. The Applicant will adjust its Public Participation Plan consistent with the feedback it receives during the rezoning process.

Respectfully submitted this 17 day of June, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
PARKS F. HUFF
Attorney for Applicant,
Epic Homes

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

June 17, 2016

**VIA E-MAIL: vtaylor@cherokeega.com
AND REGULAR U.S. MAIL**

Ms. Vicki Taylor Lee, AICP, Zoning Administrator
Cherokee County Planning and Zoning Department
1130 Bluffs Parkway
Canton, GA 30114

Re: Application of Epic Homes, LLC to rezone an approximately 23.1 acre tract from R-40 to RZL, Land Lots 293, 294, 355 and 356 of the 15th District, 2nd Section, Cherokee County, Georgia.

Dear Vicki:

The applicant held a public participation meeting at the community room in the Bridgemill fire station on May 4, 2016 to give details about the proposed project. However, because the site plan had some modifications, the applicant conducted a second public participation meeting at the same location on May 26, 2016. A list of those who attended both meetings is attached. Both meetings received relative little interest from the community. Those who attended were informed that the project is to provide senior housing for people who live in Bridgemill and want to downsize. They were also informed that the proposed density is fully supported by the County's land use plan. Once the neighbors saw the site plan and learned about the proposed product, they did not have any objection to the proposal.

If you need further information concerning this matter, please do not hesitate to call.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff
phuff@slhb-law.com

PFH/dvm
Enclosures
cc: Epic Homes, LLC


ATLANTA COMMUNITIES
REAL ESTATE BROKERAGE

Public Meeting

May 26th, 2016
Epic Homes Ridge Road Development

Name: JOHN BAKER
Address: 652 STEELS BRIDGE RD
CANTON, GA 30114

Email: john.baker.johnny@gmail.com
Phone #: 678-480-7416

Name: JANICE Cantrell Copeland
Address: 10 OLD SWISS Circle
Canton, GA 30114

Email: Jancope1955@yahoo.com
Phone #: 770-265-4652

Name: Van Cantrell
Address: 2191 Holly Brook Lane
Canton, GA 30114

Email: Vanc1957@comcast.net
Phone #: 770-345-2767

Name: CAROLE HARRIS
Address: 16 River-Oaks Dr SW
CARTERSVILLE Ga 30120

Email: _____
Phone #: 678-315-7022

Name: LONNIE CANTRELL
Address: 8890 BEWS FERRY RD
CANTON, GA 30114

Email: _____
Phone #: 770-345-5297

Name: JOEY HIPPS
Address: w/ EPIC HOMES LLC

Email: _____
Phone #: _____

Name: PARKS HUFF
Address: ATTORNEY

Email: _____
Phone #: _____

Name: _____
Address: _____

Email: _____
Phone #: _____

Public Meeting

May 4th, 2016

Epic Homes Ridge Road Development

Name: JOHN BAKER
Address: 652 STEELS BRIDGE RD
CANTON, GA 30114

Email: john.baker.johnny@gmail
Phone #: 678-480-7416

Name: VICKIE GILSTRAP
Address: 140 STADDLERBRIDGE AVE
CANTON, GA. 30114

Email: scuba129@gmail.com
Phone #: 706-847-3826

Name: Angie Reyes
Address: 225 TRECATTLE SQ.
CANTON, GA 30114

Email: AREYES@STOLCORP.COM
Phone #: 404-345-8842

Name: Terry Word
Address: 8815 Union Hill Rd.
Canton, Ga. 30115

Email: _____
Phone #: _____

Name: LAURA Letourneau
Address: 138 Staddlebridge Ave
Canton, GA 30114

Email: _____
Phone #: _____

Name: Alvin L Cantrell
Address: 909 Lower Union Hill Rd
Canton Ga 30115

Email: alvin1cantrell@gmail.com
Phone #: 770-345-6484
770-850-9369

Name: Ted Anderson
Address: 4 Ridge Rd
CANTON, GA 30114

Email: _____
Phone #: 770 345-5380

Name: Sandra Ruark
Address: 132 Staddlebridge Ave
Canton, 30114

Email: rakru@gmail.com
Phone #: 678-880-9368

ATLANTA COMMUNITIES
REAL ESTATE BROKERAGE

Public Meeting

May 4th, 2016

Epic Homes Ridge Road Development

Name: Charles Cantrell
Address: 539 Ridge Rd
Canton, Ga 30117

Email: Charles Cantrell 1937@yahoo.com
Phone #: 404 ~~408~~ 408-7083

Name: Dina Hutcherson
Address: 250 Treceastle Sq.
Canton, GA 30114

Email: Hutcherson@yahoo.com
Phone #: _____

Name: Lannie Cantrell
Address: 8890 Balls Ferry Rd
Canton, Ga 30114

Email: _____
Phone #: 770-345-5297

Name: RAY L DUTLIDGE
Address: 3925 ~~Maple Hill Hwy~~
HICKORY FLAT HWY
CANTON GA 30115

Email: _____
Phone #: 770-479-4916

Name: _____
Address: _____

Email: _____
Phone #: _____

Name: _____
Address: _____

Email: _____
Phone #: _____

Name: _____
Address: _____

Email: _____
Phone #: _____

Name: _____
Address: _____

Email: _____
Phone #: _____



Cherokee County, Georgia
Agenda Request

Item#: 3.

SUBJECT:
Case #16-08-023 Village Investments, LLC
(BOC Dist. 3)

MEETING DATE:
7/18/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 7.205 acres at the east site of Highland Village Drive, north of the intersection with East Cherokee Drive from OI and GC to RZL for a single family residential subdivision.

FACTS AND ISSUES:

Commission District: 3
Zoning Change: OI and GC to RZL
Location: Highland Village Drive
Tax Map and Parcel No: 15N16H, 065 and 066
Acres: 7.205
Proposed Development: Single Family Residential Subdivision
Future Development Map: Suburban Living

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

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



CHEROKEE COUNTY
Application for Public Hearing

Important Notes:

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

SECTION I

Contact Person: Parks F. Huff, Esq. Phone: 770-422-7016
 Email: phuff@slhb-law.com

Applicant's Information:

Name: Village Investments, LLC
 Address: P.O. Box 669456 Phone: _____
 City, State, Zip: Marietta, GA 30066

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

Name: _____
 Address: _____ Phone: _____
 City, State, Zip: _____

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>3</u>	Public Participation Meeting: <u>6-1-16</u>
Case: <u>16-08-023</u>	PC Work Session Date: <u>7-18-16</u>
CityView #: <u>PL2016-0798</u>	Planning Commission Hearing: <u>Aug. 2nd</u>
Received by: <u>Tamala</u>	Board of Commissioners: <u>Aug. 16th</u>
Fee Paid: \$ <u>250.00</u>	Zoning Board of Appeals: <u>na</u>
Date: <u>6-21-16</u>	Other: <u>na</u>

3 signs

SECTION II

Property Information:

Location: East side of Highland Village Drive, north of the intersection with East Cherokee Drive

Current Zoning: OI & GC Proposed Zoning: RZL Total Acreage: 7.205

Tax Map #: 15 N 16H Parcel #: 065 & 066 Land Lot(s): 699 & 742 District: 15

Future Development Map Designation: Suburban Living

Adjacent Zonings: North RZL South NC / R-20 East PUD West GC

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

Applicant is requesting a rezoning from the existing category of GC and O&I to RZL for the purpose
a single family residential subdivision with 38 homes.

Proposed Use(s) of Property:

Single family residential

Applicant Affidavit:

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

This form is to be executed under oath. I, Parks F. Huff, 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 day of June, 20 16.

Print Name Parks F. Huff, Attorney for Applicant

Applicant Signature [Signature]

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: Cherokee County

How is sewage from this site to be managed?

Cherokee Water and Sewer

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

If yes, what is the projected increase? 28 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	38	0.725	27.55
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? 364 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	38	9.57	363.66
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

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

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

1. Explain the intent of the requested zoning.

The Applicant requests to rezone property from Office Institution (OI) and General Commercial (GC) to RZL for a neighborhood of single-family detached homes.

2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The property to the north is already zoned RZL and the applicant will provide buffers for the PUD zoned neighborhood to the east. The zoning is a downzoning and is suitable given the residential development of the adjacent or nearby properties.

3. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The residential community will not adversely affect the usability of nearby properties.

4. Whether the property to be affected by a proposed zoning has a reasonable economic use as currently zoned.

The property has been marketed for sale for many years and there have not been any proposed buyers for the currently zoned uses. Therefore, the property doesn't have reasonable economic value as zoned.

5. Whether the proposed zoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

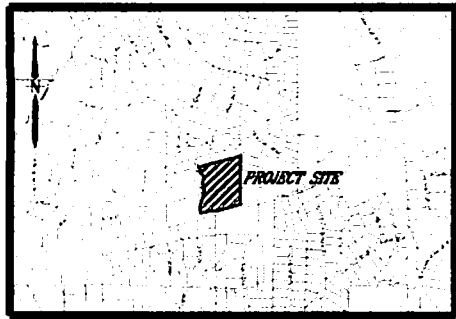
The proposed zoning will be less intensive than the uses allowed by the current zoning. The traffic generated by this use will be less than a GC and OI development. As zoned, there are many commercial retail and institutional uses that would generate significant traffic and create potential conflicts with the adjacent residential neighbors (see attached Trip Generation Memorandum).

6. Whether the proposed zoning is in conformity with the policy and interest of the land use plan.

The land use plan calls for Suburban Living which includes up to three units per acre and the applicant is asking for RZL at 5.27 units per acre. However, the proposed zoning is identical to the zoning for the property to the north and the proposed zoning is more consistent with the land use plan than the current GC and OI zoning categories.

7. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approved or disapproval of the proposed zoning.

There is an existing drainage problem in the neighborhood to the west. The applicant has engaged an engineer that has completed a full hydrology study that will alleviate an existing drainage issue. This remediation will occur if the proposed development is built. The applicant is prepared to modify the existing detention pond and outlet structure to solve an drainage issue.

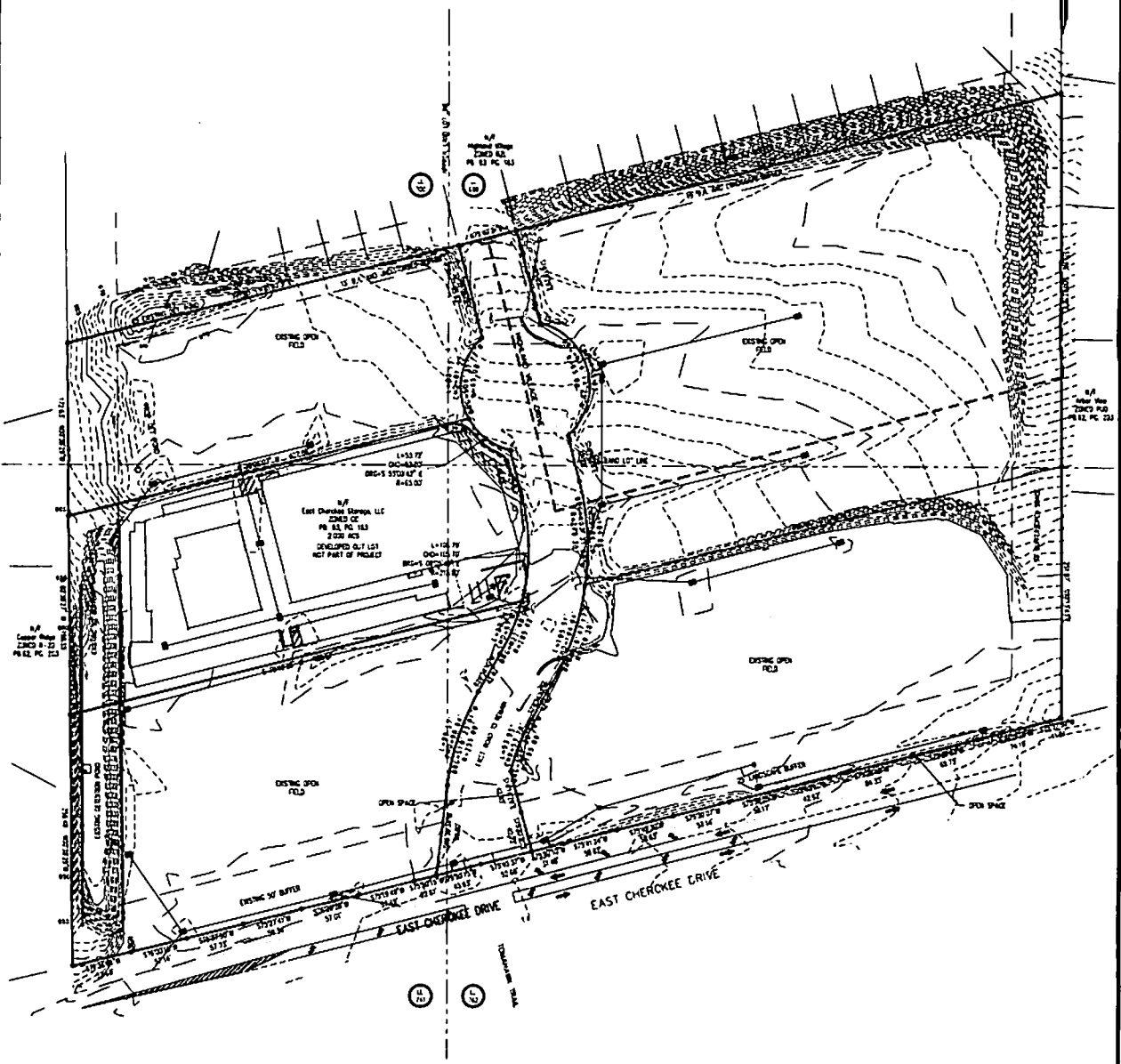


LOCATION MAP - NTS

THIS PROPERTY IS NOT LOCATED WITHIN
A FEMA 100 YEAR FLOOD ZONE ACCORDING
TO CHEROKEE CO FIRM PAGE, 0283 D
COMBINATION # 50424 DATED SEPTEMBER 28 2008



CAUTION
THIS PLAN IS PREPARED BY THE SURVEYOR'S OFFICE AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN. THE SURVEYOR'S OFFICE IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS PLAN.



CARRY' ZONING - CC AND CB
TOTAL AREA - 700 ACRES (TRACTS A & B)

APPLICANT/DEVELOPER
VILLAGE INVESTMENTS LLC
137 JOHNSON FERRY RD. SUITE 2160
MARIETTA GA 30068
24 HOUR CONTACT
ALBERT JOHNSON
770-579-6060

DATE	BY	REVISION DESCRIPTION

ENVIRONMENTAL PLAN FOR
HIGHLAND MEADOWS
LAND LOTS 699, 700, 741 & 742, 151ST DISTRICT
2ND SECTION, CHEROKEE CO, GEORGIA

centerline
Surveying and Land Planning, Inc.
1381 DICKSON ROAD, SUITE 1100, KENNESAW, GA 30144
PHONE (770) 426-0020 FAX (770) 426-1220



Case # 16-08-023 Village Investments, LLC

Future Development Map from the Comprehensive Plan



Legend

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



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



Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
June 29, 2016



LEGAL DESCRIPTION

All That Tract or Parcel of Land lying or being in Land Lots 699 and 742 of the 15th District, 2nd section of Cherokee county, Georgia, being more particularly described as follows:

Beginning at a point located at the northeasterly intersection of the easterly right-of-way of Highland Village Drive (right-of-way varies) and the northerly right-of-way of East Cherokee Drive (right-of-way varies), said point being the POINT OF BEGINNING; thence along the easterly right-of-way of Highland Village Drive N.15°20'20"W., a distance of 40.72 feet; thence continuing N.14°14'29"W., a distance of 42.40 feet to the point; thence following along a curve to the right, for an arc distance of 53.95 feet of which has a radius of 195.00 feet and having a chord bearing of N.21°38'39"E., 53.78 feet; thence N.29°34'10"E., a distance of 42.40 feet to a point; thence following along a curve to the left, for an arc distance of 105.51 feet of which has a radius of 270.30 feet, and having a chord bearing of N.18°47'17"E., 104.84 feet; thence continue along the curve to the left, for an arc distance of 104.96 feet of which has a radius of 270.30', and having a chord bearing of N.03°31'06"E., 104.30 feet; thence N.14°14'29"W., a distance of 46.88 feet to a point; thence following along a curve to the left, for an arc distance of 141.85 feet of which has a radius of 65.00', and having a chord bearing of N.14°14'29"E., 115.33 feet; thence N.14°19'29"W., a distance of 95.99 feet; thence leaving said right-of way and running N.75°40'31"E., a distance of 559.29 feet to an iron pin found; thence S.00°13'24"E., a distance of 623.73 feet to an iron pin found located on the northerly right-of-way of East Cherokee Drive (right-of way varies); thence running along said right-of-way and the following courses; S.75°37'50"W., a distance of 11.51 feet; thence S.75°19'18"W., a distance of 74.19 feet; thence S.75°34'03"W., a distance of 68.73 feet; thence S.75°25'45"W., a distance of 84.35 feet; thence S.75°45'17"W., a distance of 42.92 feet; thence S.75°50'05"W., a distance of 59.17 feet; thence S.75°30'07"W., a distance of 57.14 feet; thence S.75°49'30"W., a distance of 58.63 feet; thence S.75°41'24"W., a distance of 56.62 feet; thence S.75°42'10"W., a distance of 31.46 feet to the POINT OF BEGINNING.
Containing 7.205 acres, more or less.

END OF DESCRIPTION.

PUBLIC INPUT PLAN

COMES NOW, VILLAGE INVESTMENTS, LLC (hereinafter "Applicant") to file this Public Participation Plan along with its Public Hearing Application for property located on the east side of highland drive, north of its intersection with East Cherokee Drive. The Applicant is implementing the following plan in order to inform the community of the development proposal and to create a dialogue with the surrounding residents and the effected government entities.

1.

The Applicant mailed notices to all property owners within 750 feet of the subject property and persons on the Interested Parties List, and invited them to the Public Participation Meeting. Said letter was mailed prior to the Public Participation Meeting and was mailed to all property owners based upon the Cherokee County Tax Assessor records and all interested parties.

2.

The notice of the Public Participation Meeting included a summary of the Applicant's rezoning request and a plat of the proposed development.

3.

The Applicant submitted to the Planning and Zoning Office a copy of the notices and a list of the property owners so served.

4.

The Public Participation Meeting occurred prior to filing the Public Hearing Application and a summary of the results of this meeting has been sent to the Planning and Zoning Office.

5.

The Applicant will continue a dialogue with the respective County departments regarding transportation and other issues relating to the proposed zoning.

6.

The notice of the Public Participation Meeting as described above adequately notified those parties who are interested in the development. The Applicant will adjust its Public Participation Plan consistent with the feedback it receives during the rezoning process.

Respectfully submitted this 17th day of June, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

PARKS F. HUFF
Attorney for Applicant,
Village Investments, LLC

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

June 17, 2016

**VIA E-MAIL: vtaylor@cherokeega.com
AND REGULAR U.S. MAIL**

Ms. Vicki Taylor Lee, AICP, Zoning Administrator
Cherokee County Planning and Zoning Department
1130 Bluffs Parkway
Canton, GA 30114

Re: Application of Village Investments, LLC to rezone ±8.41 acres on the north side of East Cherokee Drive and on the east side of Highland Village Drive from General Commercial (GC) and (OI) to RZL.

Dear Vicki:

On June 1, 2016, Village Investments, LLC conducted a public participation meeting at the Hickory Flat Library. Attached is a list of the attendees. Only two neighbors who lived in the Copper Ridge subdivision attended the meeting. The neighbors had very specific questions about a current drainage problem in their neighborhood. The engineer for the applicant explained the solution to the problem that would be implemented if the proposed development was built. The neighbors were pleased with the potential solution and had no other objection to the proposed zoning.

If you need further information concerning this matter, please do not hesitate to call.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



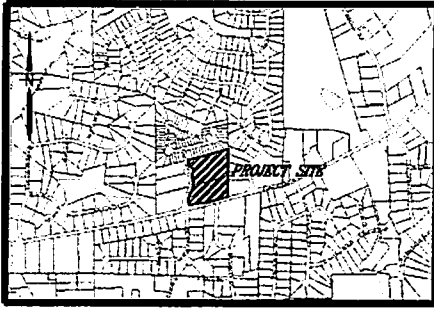
Parks F. Huff

phuff@slhb-law.com

PFH/dvm

Enclosures

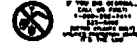
cc: Village Investments, LLC



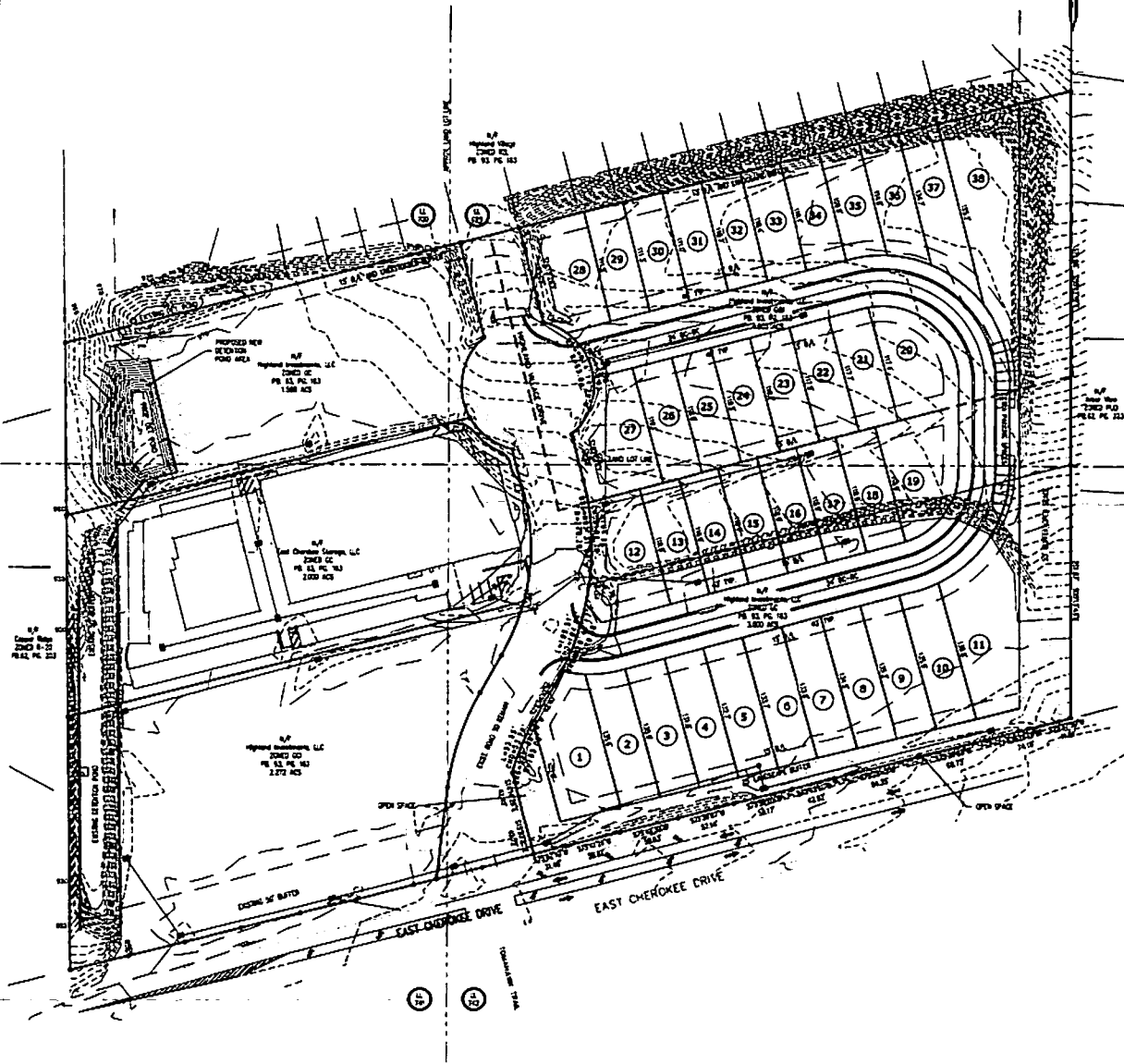
LOCATION MAP - NTS

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO CHEROKEE CO FIRM PANEL 2263-D COMMUNITY #130424 DATED: SEPTEMBER 29, 2006

The existing stormwater infrastructure and detention facilities shown are subject to changes caused by a full site design, as well as Cherokee County Staff Review. All conceptual plans represented here are considered Preliminary. All infrastructure must be designed and installed according to Cherokee County Standard Specifications and development regulations.



CAUTION
 THE DETAILS SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONSIDERATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DETAILS AND CONDITIONS OF THE CONTRACT AS APPLICABLE TO THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL DETAILS AND CONDITIONS OF THE CONTRACT AS APPLICABLE TO THE PROJECT.



PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 PROPOSED ZONING - R21
 EXISTING ZONING - GC AND G40
 TOTAL AREA - 7.253 ACRES (TRACTS A & B)
 OPEN SPACE RESERVEZ - 3.72 ACRES (21,363 SF)
 OPEN SPACE REPRESENTED - 1.12 ACRES (45,363 SF)
 TOTAL UNITS DEVELOPED - 33
 LAND DENSITY - 5.27 U/A
 BUILDING SETBACKS AS SHOWN ON PLAN

APPLICANT/DEVELOPER
 VILLAGE INVESTMENTS, LLC
 137 JOHNSON FERRY RD., SUITE 2100
 MARLETTA, GA 30066
24 HOUR CONTACT
 ALBERT JOHNSON
 770-579-6000

DATE	BY

NO.	DATE	REVISION DESCRIPTION	BY

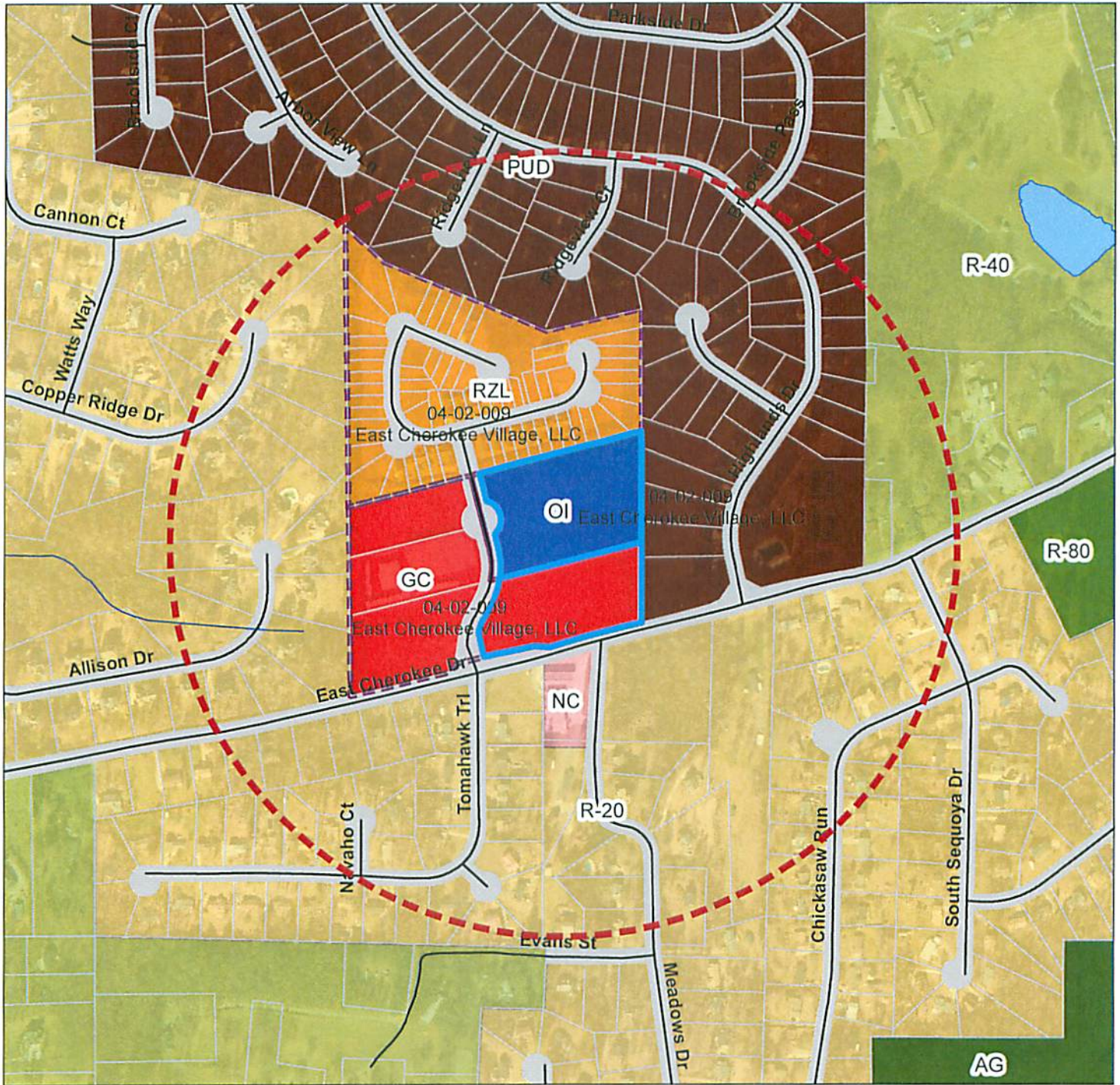
CONCEPTUAL PLAN FOR
HIGHLAND MEADOWS
 LAND LOTS 682, 700, 741 & 742, 154th DISTRICT
 2ND SECTION, CHEROKEE CO., GEORGIA

centerline
 Surveying and Land Planning, Inc.
 1100 COLLEGE AVENUE, SUITE 1010, CUMMINGS, GA 30041
 PHONE: (770) 426-0000 FAX: (770) 426-0200



Case # 16-08-023 Village Investments, LLC

Current Cherokee County Zoning Map



Legend

Rezoning Parcels	Cherokee Zoning	RTH
Streets	AG	RM10
1/4 mile radius	R80	RM16
Recent Zoning Cases	R60	TND
	R40	PUD
	R30	OI
	R20	NC
	R15	GC
	RD3	LI
	R10	HI
	RZL	Bells Ferry Overlay
	RA	Hwy 92 Overlay



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



Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
June 29, 2016





**Cherokee County, Georgia
Agenda Request**

Item#: 4.

SUBJECT:
**Case #16-08-024 Preferred Real Estate of
Georgia, LLC (BOC Dist. 2)**

MEETING DATE:
7/18/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 3.0 acres at 2712 Hickory Road from AG to R-40 for single family residential.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: AG to R-40
Location: 2712 Hickory Road
Tax Map and Parcel No: 15N20, Part of Parcel 517
Acres: 3.0
Proposed Development: Single Family Residential
Future Development Map: Suburban Living

BUDGET:

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

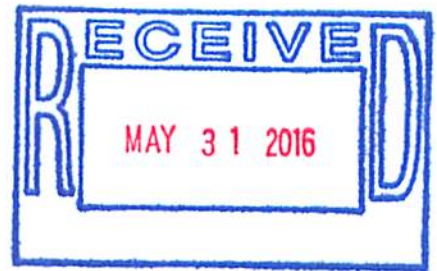
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> FDM	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Survey	Exhibit



CHEROKEE COUNTY
Application for Public Hearing



Important Notes:

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

SECTION I

Contact Person: John Copeland Phone: 404.275.0008
 Email: repreferred@bellsouth.net

Applicant's Information:

Name: Preferred Real Estate of Georgia, LLC

Address: 271 Farm Road, SE Phone: 404.275.0008

City, State, Zip: Marietta, GA 30067

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: 2

Case: 16 - 08 - 024

CityView # PL2016-0835

Received by: _____

Fee Paid: \$ _____

Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: N/A

PC Work Session Date: 7.18.16

Planning Commission Hearing: 8.2.16

Board of Commissioners: 8.16.16

Zoning Board of Appeals: N/A

Other: _____

SECTION II

Property Information:

Location: 2712 Hickory Road, Canton, GA 30115

Current Zoning: AG Proposed Zoning: R40 Total Acreage: 3 acres

Tax Map #: 15N 20 Parcel #: 517 Land Lot(s): 387 District: 15th

Future Development Map Designation: Subman living

Adjacent Zonings: North City South AG East AG West AG

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

Requesting zoning to permit one residential house
per .96 acres For maximum of three homes

Proposed Use(s) of Property:

one residential house per .96 acres or R40
single family residential

Applicant Affidavit:

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

This form is to be executed under oath. I, John Copeland, 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 31st day of May, 20 16.

Print Name John Copeland

Applicant Signature John Copeland

SECTION III

Infrastructure Information:

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

How is sewage from this site to be managed?
Septic which has already been determined to be acceptable

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

If yes, what is the projected increase? 3 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	<u>3</u>	0.725	<u>2.175</u>
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? 28.7 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	<u>3</u>	9.57	<u>28.7</u>
220	Apartment		6.63	

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

PREFERRED REAL ESTATE OF GEORGIA, LLC
271 Farm Road, SE
Marietta, Georgia 30067

June 24, 2016

Cherokee County Re-Zoning
1130 Bluffs Parkway
Canton, GA 30114

RE: 2712 Hickory Road, Canton, GA re-zoning

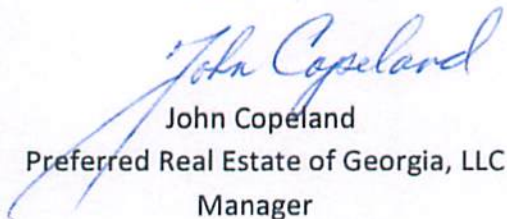
To Whom it May Concern:

Preferred Real Estate of Georgia, LLC request to rezone 2712 Hickory Road, Canton, GA 30115, which is currently, zoned Agricultural and as currently zoned can only accommodate one single family residence on the three acres. The rezoning of the above mentioned property for three single family homes is and will be consistent with current and future zoning. Many of the surrounding properties have been rezoned to a much higher density, but one single family house per acre is appropriate and a very low density for this property. The rezoning would have a positive effect on adjacent and nearby properties. The current zoning does not make sense economically for the county or property owner.

This zoning change will cause minimum to no impact to Cherokee County resources. The proposed zoning is in conformity with the policies and interest of the Cherokee County land use plan. The property right across the street is now JB Owens Park and this only gives more support and grounds for approving the proposed zoning.

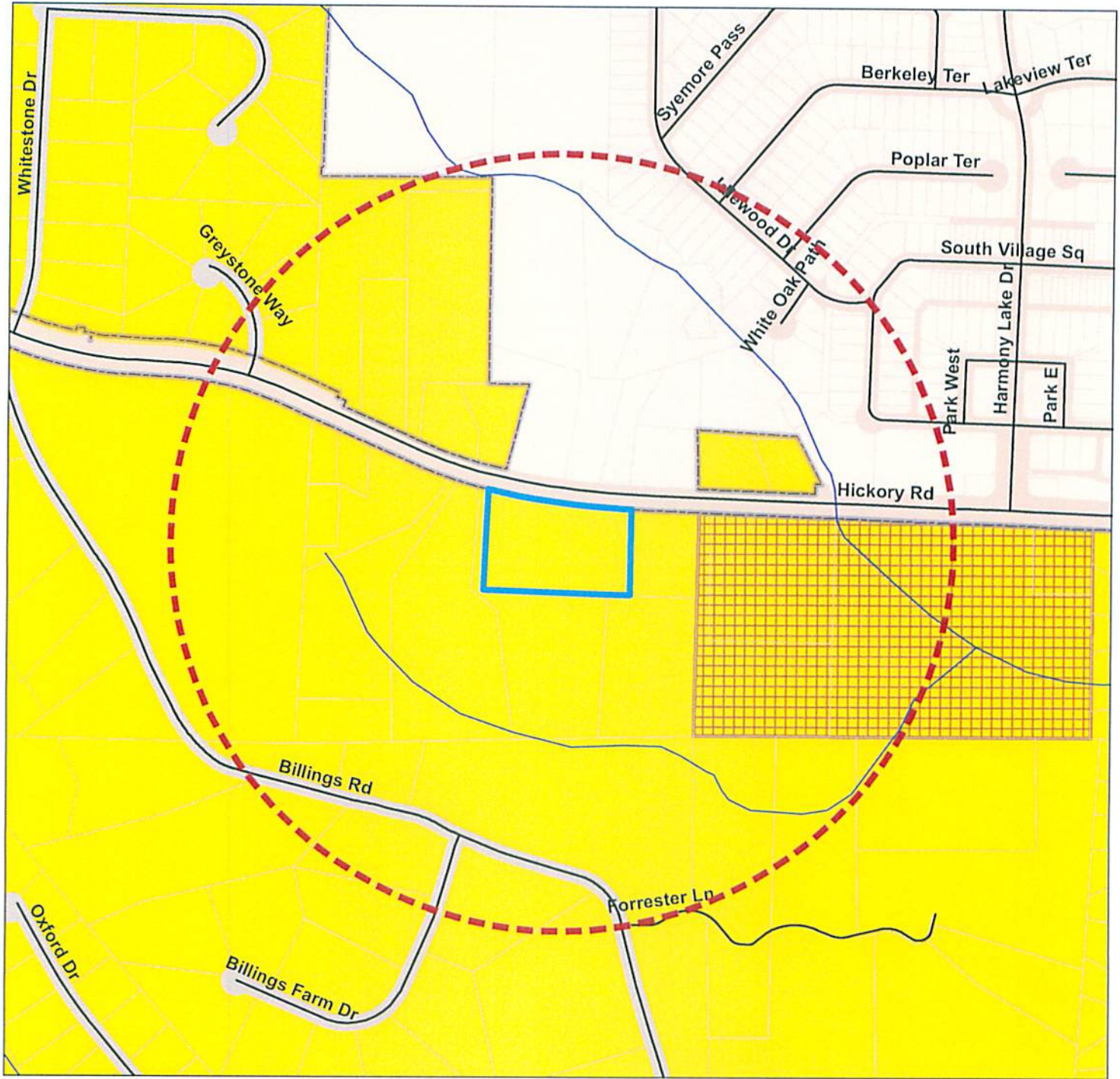
On behalf of Preferred Real Estate of Georgia, LLC, we thank you for all your efforts in assisting us in rezoning this property to more appropriately fit the current zoning and land use of this property and those adjacent or nearby.

Sincerely,


John Copeland
Preferred Real Estate of Georgia, LLC
Manager

Case # 16-08-024 Preferred Real Estate of Georgia, LLC

Future Development Map from the Comprehensive Plan



Legend

- | | | |
|------------------|------------------------|--------------------------|
| Rezoning Parcels | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/4 mile radius | Rural Places | Hamlet |
| Ball Ground | Country Estates | Neighborhood Village |
| Canton | Suburban Growth | Community Village |
| Holly Springs | Suburban Living | Corridors |
| Woodstock | 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
June 29, 2016



ALL THAT TRACT OR PARCEL OF LAND lying and being located in Land Lot 387 of the 15th District, 2nd Section, Cherokee County Georgia, and being more particularly described as follows:

To ascertain the POINT OF BEGINNING, commence at the intersection of the Southerly right-of-way of Hickory Road, having a 100 foot right-of-way, and the West line of Land Lot 388. Thence along the Southerly right-of-way North 88 Degrees 58 Minutes 50 Seconds West a distance of 108.25 feet to a point; thence North 88 Degrees 59 Minutes 11 Seconds West a distance of 91.49 feet to a one half inch rebar; thence North 89 Degrees 10 Minutes 03 Seconds West a distance of 50.02 feet to a one half inch rebar, being the POINT OF BEGINNING. Thence leaving said right-of-way South 13 Degrees 06 Minutes 57 Seconds East a distance of 61.33 feet to a one half inch rebar; thence South 00 Degrees 52 Minutes 44 Seconds East a distance of 238.36 feet to a one half inch rebar; thence North 86 Degrees 46 Minutes 44 Seconds West a distance of 76.65 feet to a one half inch rebar; thence North 86 Degrees 46 Minutes 17 Seconds West a distance of 251.22 feet to a one half inch rebar; thence North 86 Degrees 43 Minutes 51 Seconds West a distance of 123.34 feet to a one inch open top pipe; thence North 05 Degrees 44 Minutes 49 Seconds East a distance of 322.74 feet to a one half inch rebar on the Southerly right-of-way of Hickory Road; thence following said right-of-way South 77 Degrees 40 Minutes 20 Seconds East a distance of 59.84 feet to a point; thence South 79 Degrees 58 Minutes 47 Seconds East a distance of 68.23 feet to a point; thence South 82 Degrees 02 Minutes 18 Seconds East a distance of 68.22 feet to a point; thence South 84 Degrees 39 Minutes 41 Seconds East a distance of 99.77 feet to a point; thence South 86 Degrees 53 Minutes 39 Seconds East a distance of 54.74 feet to a point; thence South 87 Degrees 39 minutes 12 Seconds East a distance of 53.43 feet to a one half inch rebar; which is the POINT OF BEGINNING, having an area of 3.00 acres, more or less.

Case # 16-08-024 Preferred Real Estate of Georgia, LLC

Current Cherokee County Zoning Map



Legend

- | | | |
|---------------------|-----------------|---------------------|
| Rezoning Parcels | Cherokee Zoning | RTH |
| Streets | AG | RM10 |
| 1/4 mile radius | R80 | RM16 |
| Recent Zoning Cases | R60 | TND |
| City Annexations | R40 | PUD |
| Ball Ground | R30 | OI |
| Canton | R20 | NC |
| Holly Springs | R15 | GC |
| Woodstock | RD3 | LI |
| | R10 | HI |
| | RZL | Bells Ferry Overlay |
| | RA | Hwy 92 Overlay |



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Prepared by:
Cherokee County
Planning & Land Use
Canton, Georgia
June 29, 2016



Proposed

SUBJECT PROPERTY REFERENCES:
DB. 8255, PG. 436

SCALE: 1" = 50'
GRAPHIC SCALE:
0 50 100 150

PREPARED BY:
D & S LAND SURVEYING, INC.
DAVID W. SHIRLEY, R.L.S.
313 RED FOX DRIVE
CANTON, GA 30114
770-720-4443
LSF#765



LINE	BEARING	DISTANCE
L1	N 86°46'44" W	76.65'
L2	S 77°40'20" E	59.84'
L3	S 79°58'47" E	58.25'
L4	S 82°02'18" E	68.22'
L5	S 84°39'41" E	99.77'
L6	S 86°53'39" E	54.74'
L7	S 87°59'12" E	53.43'

AREA OF SUBJECT PROPERTY:
3.00 ACRES

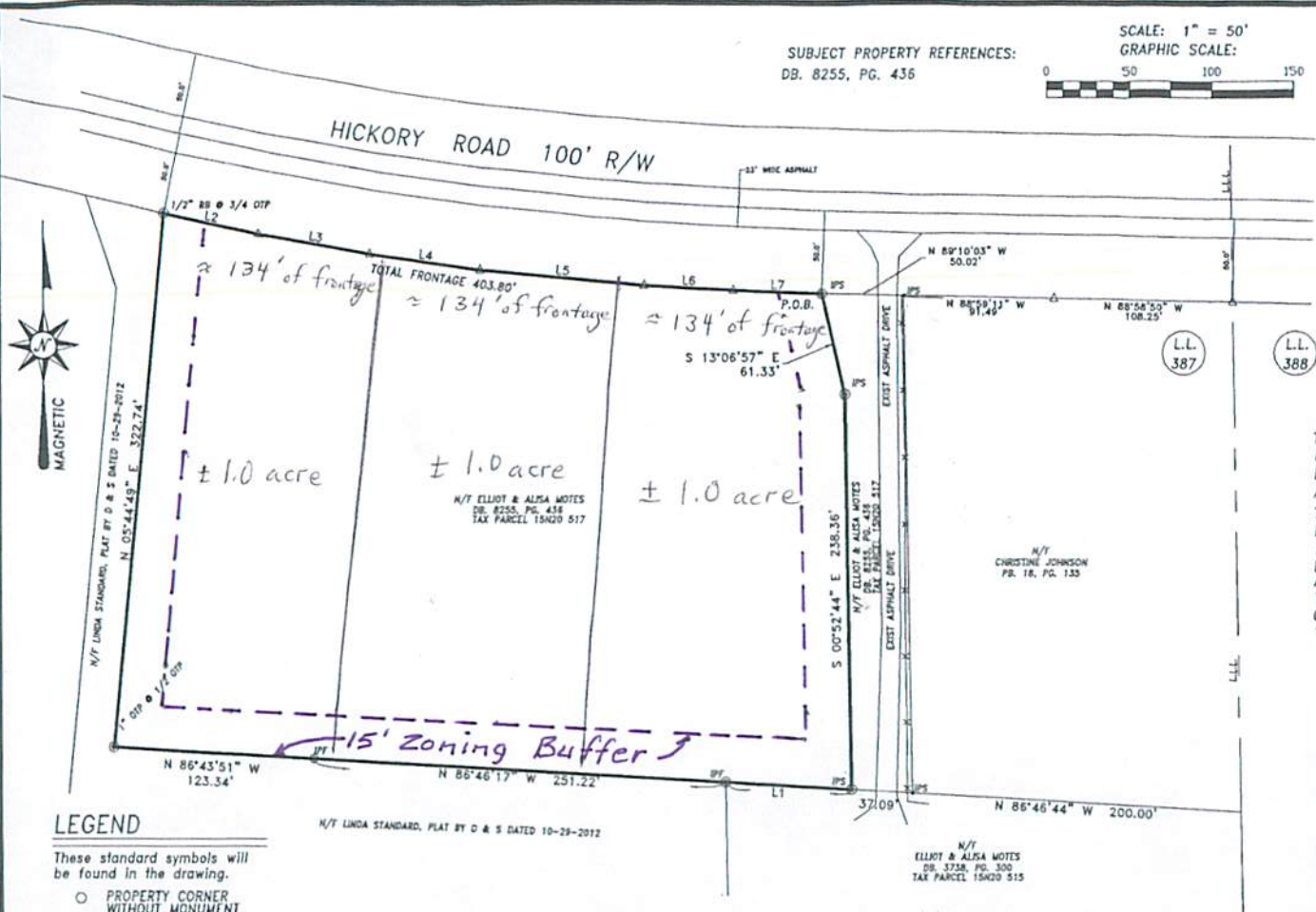
THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXCEPTED. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 18,761 FEET AND AN ANGULAR ERROR OF 10" PER ANGLE POINT, AND WAS ADJUSTED USING THE COMPASS RULE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 148,886 FEET.

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

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A LEGAL TITLE SEARCH, AND IS SUBJECT TO ANY AND ALL DISCLOSURES PRODUCED BY SAME INCLUDING EASEMENTS WHETHER OR NOT SHOWN ON THIS PLAT.

THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. EDITING OR REPRODUCTION WITHOUT THE CONSENT OF THE SURVEYOR IS PROHIBITED.

The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-5-67



LEGEND
These standard symbols will be found in the drawing.

- PROPERTY CORNER WITHOUT MONUMENT
- MONUMENTED PROPERTY CORNER
- OTF OPEN TOP PIPE
- CTP CRIMPED TOP PIPE
- R/W RIGHT OF WAY
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- N/F PRESENT OR FORMER OWNER
- N.T.S. NOT TO SCALE
- IPS IRON PIN SET
- IPF IRON PIN FOUND
- LL LAND LOT
- S/D SUBDIVISION
- P.O.B. POINT OF BEGINNING
- ⊗ POWER POLE
- E- OVERHEAD POWER LINE
- D.E. DRAINAGE EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- X-X- FENCE
- B.L. BUILDING LINE
- ⊙ SANITARY SEWER MANHOLE

PROPERTY OWNERS CERTIFICATION
I hereby certify that I am the owner(s) of the property described herein, which property is located within the jurisdiction of Cherokee County, Georgia.
Preferred Real Estate of GA, LLC
Date: 5/31/2016
Owner: John Copeland
Title: manager

INTENT OF PLAT NOTE:
THE INTENT OF THIS PLAT IS DEPICT THE REMAINING AREA OF TAX PARCEL 15N20 517 POST SALE OF 50' WIDE PORTION BEING BEING SUBDIVIDED.

PLANNING AND ZONING SIGNATURE BLOCK
Planning and Land Use reviews plats for compliance with Cherokee County requirements and minimum technical standards for land surveying in Georgia. Planning and Land Use is not responsible for matters of title or property line discrepancies. This survey plat meets minimum zoning requirements and is approved for recording.
Reviewer _____ Date _____

PLAT OF BOUNDARY SURVEY FOR:
PREFERRED REAL ESTATE of GEORGIA, LLC
LAND LOT 387
DISTRICT 15, SECTION 2
CHEROKEE COUNTY, GEORGIA
DATE OF FIELDWORK: 5-12-2014 MAP DATE: 5-29-2014

SUBJECT PROPERTY REFERENCES:
DB. 8255, PG. 436

SCALE: 1" = 50'
GRAPHIC SCALE:



PREPARED BY:
D & S LAND SURVEYING, INC.
DAVID W. SHIRLEY, R.L.S.
313 RED FOX DRIVE
CANTON, GA 30114
770-720-4443
LSF#765



LINE	BEARING	DISTANCE
L1	N 86°46'44" W	76.65'
L2	S 77°40'20" E	58.84'
L3	S 79°58'47" E	68.23'
L4	S 82°02'18" E	68.22'
L5	S 84°39'41" E	99.77'
L6	S 86°53'39" E	54.74'
L7	S 87°39'12" E	53.43'

AREA OF SUBJECT PROPERTY:
3.00 ACRES

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EQUIPMENT USED FOR FIELD MEASUREMENTS:
ANGULAR- LEICA TS02
LINEAR - ELECTRONIC DISTANCE METER.
DRAWN & FIELDWORK BY: D SHIRLEY
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PLAT OF BOUNDARY SURVEY FOR:

PREFERRED REALESTATE of GEORGIA, LLC

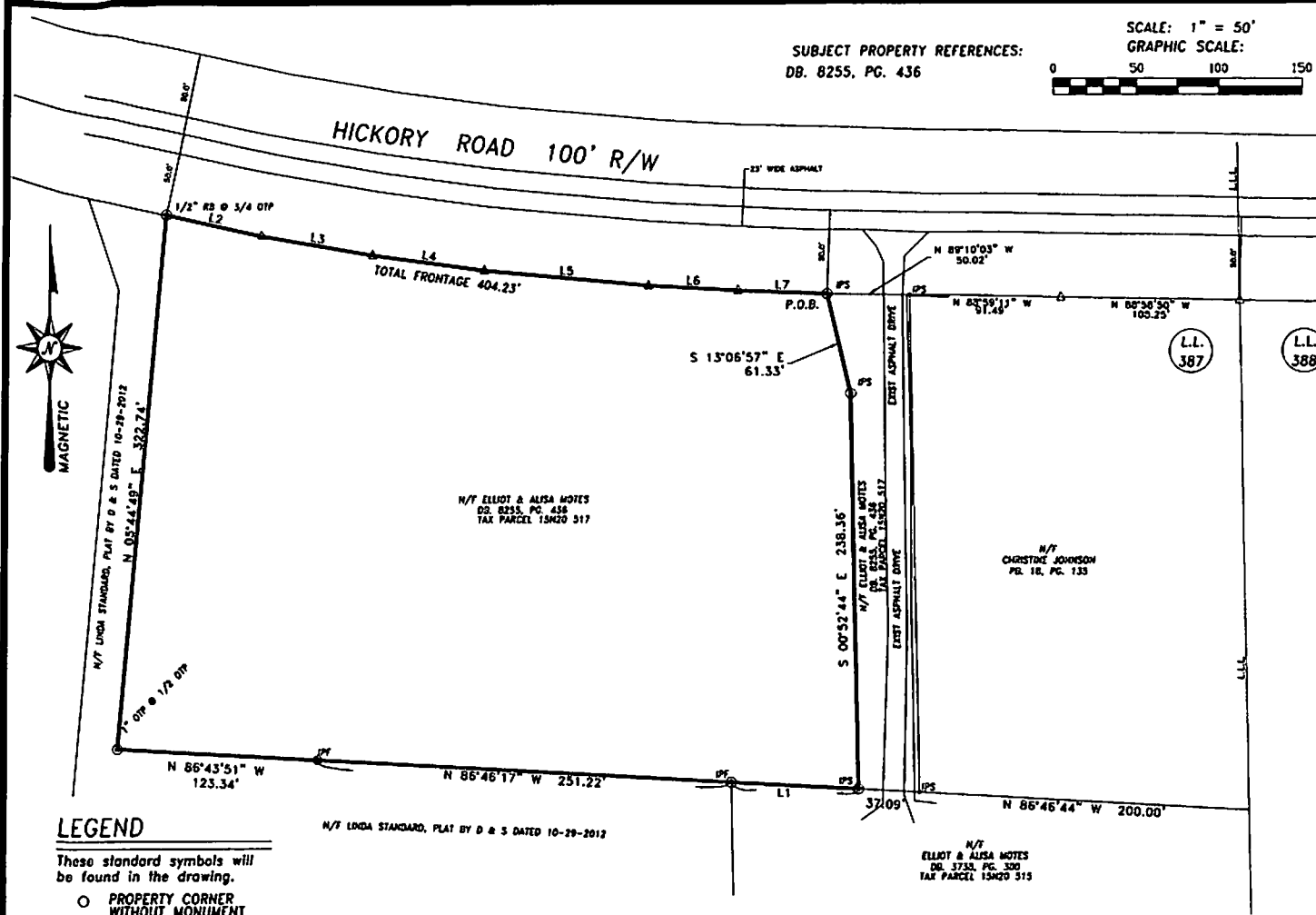
LAND LOT 387

DISTRICT 15, SECTION 2

CHEROKEE COUNTY, GEORGIA

DATE OF FIELDWORK: 5-12-2014 MAP DATE: 5-29-2014

JOB NUMBER: 14-141



LEGEND

These standard symbols will be found in the drawing.

- PROPERTY CORNER WITHOUT MONUMENT
- MONUMENTED PROPERTY CORNER
- OTP OPEN TOP PIPE
- CTP CRIMPED TOP PIPE
- R/W RIGHT OF WAY
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- N/F PRESENT OR FORMER OWNER
- N.T.S. NOT TO SCALE
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- S/D SUBDIVISION
- P.O.B. POINT OF BEGINNING
- ⊗ POWER POLE
- E—E— OVERHEAD POWER LINE
- D.E. DRAINAGE EASEMENT
- S.S.E. SANITARY SEWER EASEMENT
- X-X- FENCE
- B.L. BUILDING LINE
- ⊙ SANITARY SEWER MANHOLE

N/7 LINDA STANDARD, PLAT BY D & S DATED 10-29-2012

N/7 ELLIOT & ALISA NOTES
DB. 8255, PG. 436
TAX PARCEL 15N20 317

N/7 CHRISTINE JOHNSON
PB. 10, PG. 133

N/7 ELLIOT & ALISA NOTES
DB. 3733, PG. 300
TAX PARCEL 15N20 315