



Cherokee County Planning Commission Public Hearing AGENDA

September 6, 2016
Cherokee Hall 7:00 PM

CALL TO ORDER

ZONING CASES

- 1. 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.
- 2. Case #16-09-025 Georgia-Tennessee Development Partner, LLC (BOC Dist. 2)**
Applicant is requesting to rezone 78 +/- acres at 300 Collett Drive from AG to R-20 for a conservation subdivision.
- 3. Case #16-09-026 Birchwood Properties, LLC (City of Ball Ground)**
Applicant is requesting to rezone 10.0 acres at Northridge Road from AG to RZL for a single family residential subdivision.
- 4. Case #16-09-027 Puma Land, LLC (BOC Dist. 1)**
Applicant is requesting to rezone 4.39 acres on Cumming Highway from R-80 to NC for neighborhood retail and services.
- 5. Case #16-09-028 Windsong Properties, LLC (BOC Dist. 4)**
Applicant is requesting to rezone 21.5 +/- acres at 6058 Kemp Drive from R-40 to RZL for an active adult neighborhood. The applicant is also requesting a variance to reduce the front building setback along Woodstock Road from seventy-five (75) feet to thirty-five (35) feet, a variance to reduce the front setback on interior roads from twenty (20) feet to ten (10) feet and a variance to allow the required ten (10) foot side building separation to be centered on the property lines.

OTHER BUSINESS

APPROVAL OF MINUTES

- 1. July 5, 2016 Minutes**
- 2. August 2, 2016 Minutes**
- 3. August 15, 2016 Work Session Summary**

ADJOURN



Cherokee County, Georgia
Agenda Request

Item#: 1.

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

MEETING DATE:
9/6/2016

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
<input type="checkbox"/> Staff Report	Exhibit



CHEROKEE COUNTY
Application for Public Hearing

Important Notes:

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

SECTION I

Contact Person: 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.

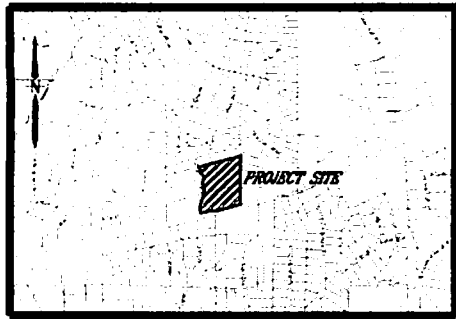
The proposed zoning will be less intensive than the uses allowed by the current zoning. The traffic generated by this use will be less than a GC and OI development. As zoned, there are many commercial retail and institutional uses that would generate significant traffic and create potential conflicts 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.

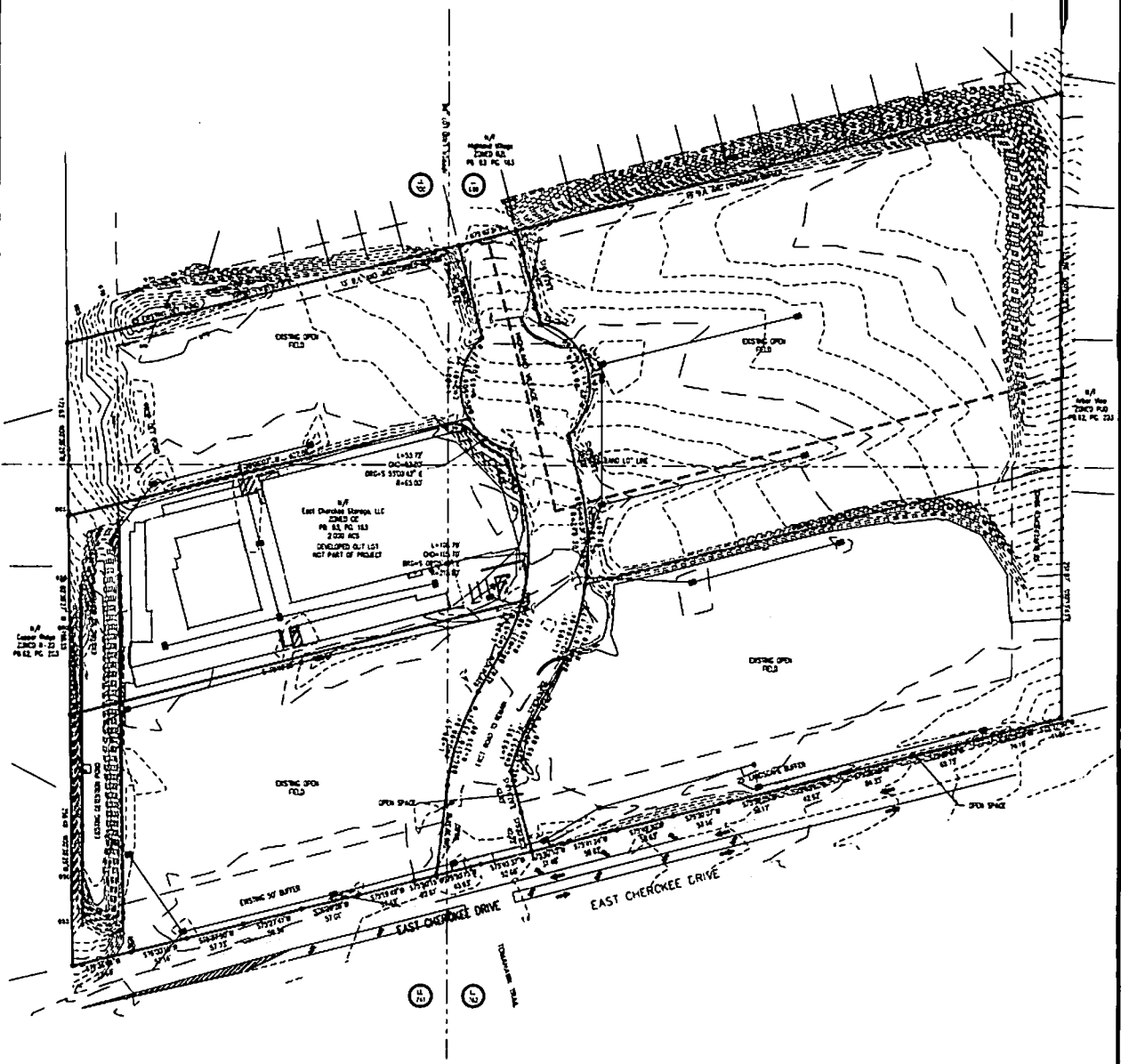


LOCATION MAP - NTS

THIS PROPERTY IS NOT LOCATED WITHIN
A FEMA 100 YEAR FLOOD ZONE ACCORDING
TO CHEROKEE CO FIRM PAGE 0283 D
COMBINATION # 50428 DATED SEPTEMBER 28 2008



CAUTION
THIS PLAN IS PREPARED FOR THE CLIENT'S USE ONLY. THE CLIENT'S RESPONSIBILITY IS TO VERIFY THE ACCURACY OF ALL INFORMATION PROVIDED HEREON. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON. THE ENGINEER DOES NOT WARRANT OR GUARANTEE THE ACCURACY OF ANY INFORMATION PROVIDED HEREON. THE ENGINEER'S LIABILITY IS LIMITED TO THE PROFESSIONAL SERVICES PROVIDED HEREON.



CARVIN ZONING - CC AND C81
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

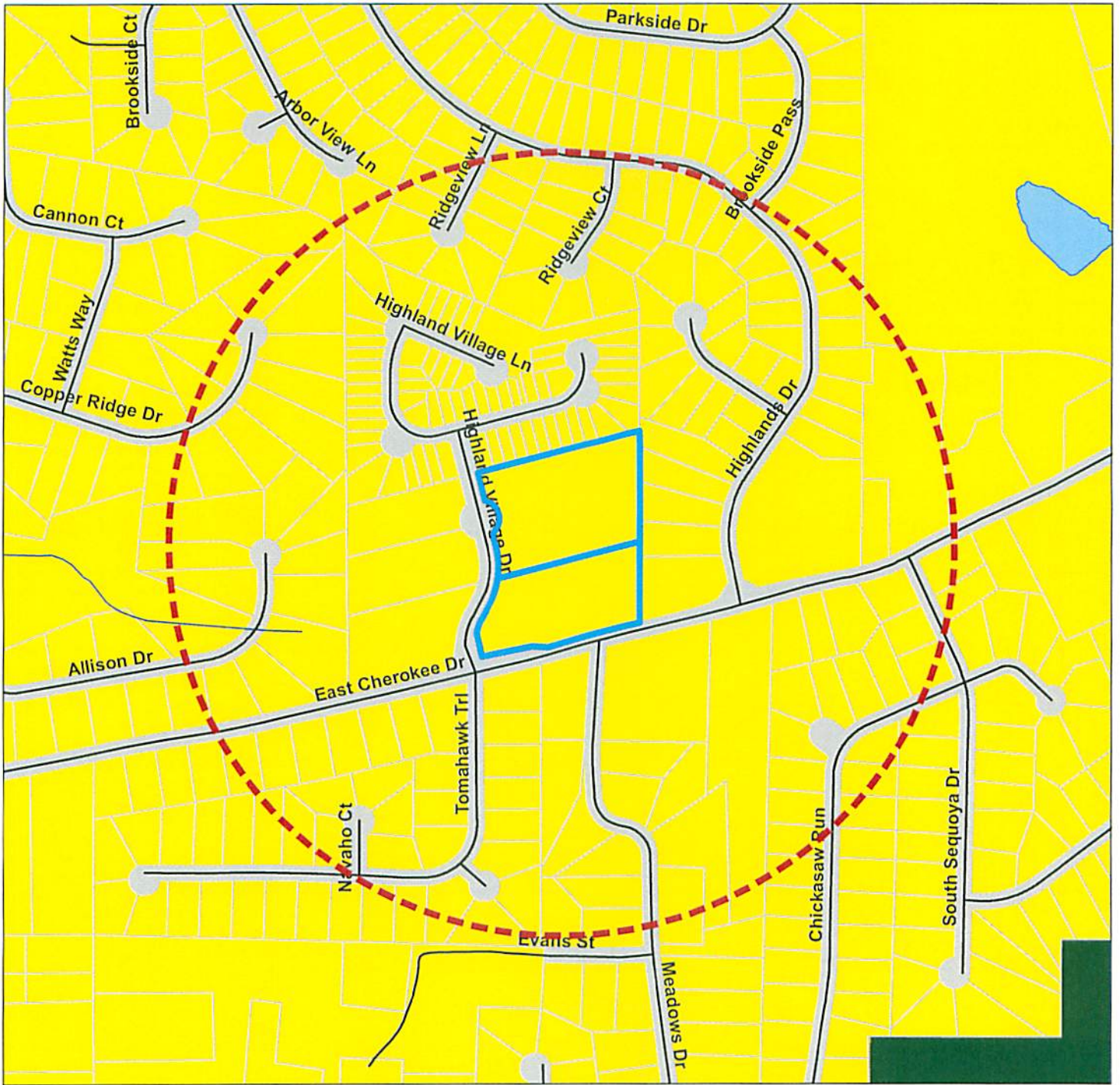
ENVIRONMENTAL PLAN FOR
HIGHLAND MEADOWS
LAND LOTS 699, 700, 741 & 742, 151st DISTRICT
2ND SECTION, CHEROKEE CO, GEORGIA

centerline
Surveying and Land Planning, Inc.
1381 DICKSON ROAD, SUITE 110A, 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



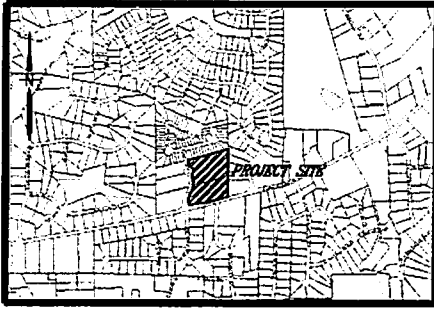
Parks F. Huff

phuff@slhb-law.com

PFH/dvm

Enclosures

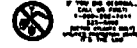
cc: Village Investments, LLC



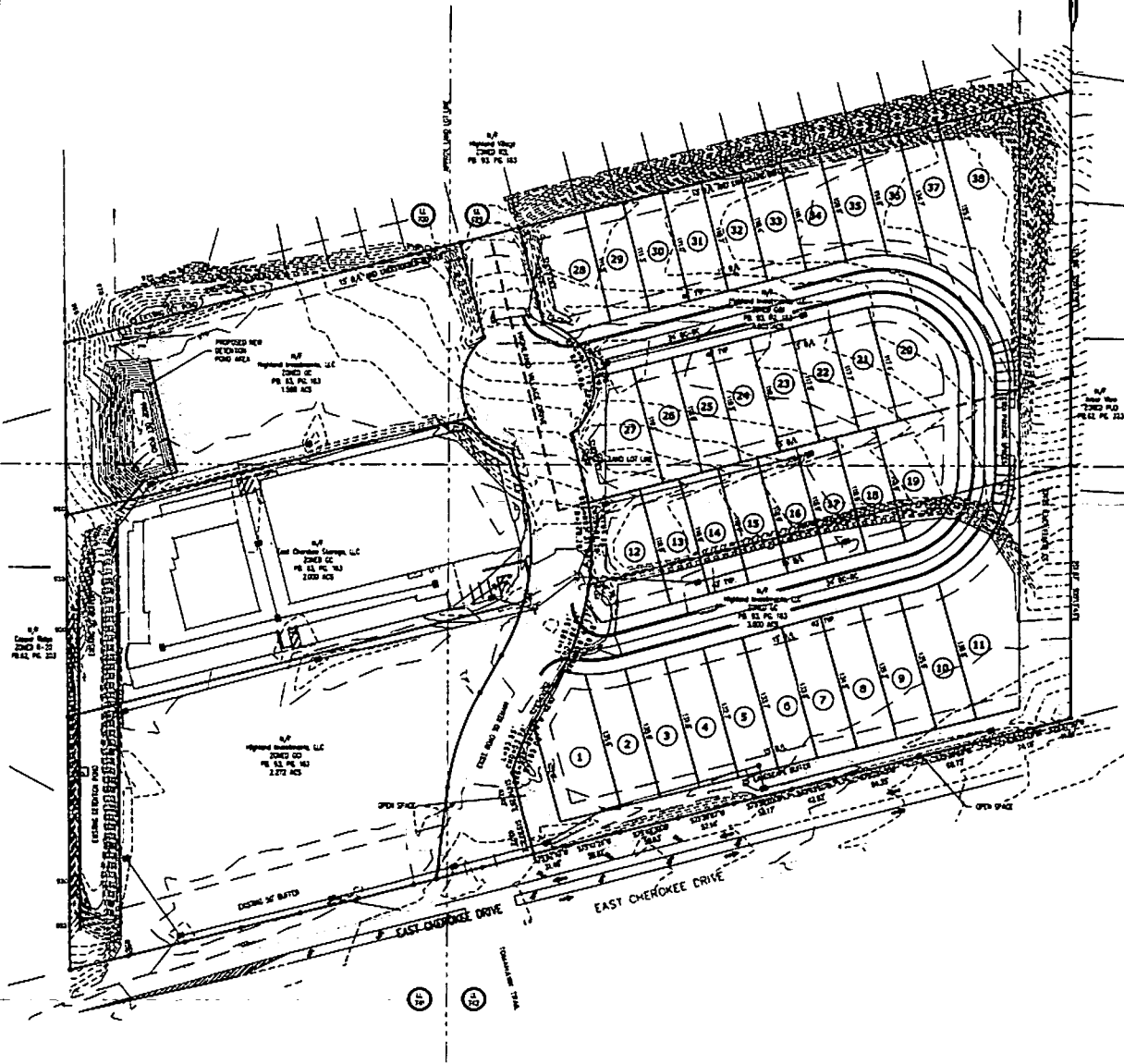
LOCATION MAP - NTS

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 change 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. THEY ARE NOT TO BE USED FOR CONSTRUCTION OR FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN APPROVAL OF THE CONTRACTOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL DETAILS AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.



PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 PROPOSED ZONING - R21
 EXISTING ZONING - GC AND O40
 TOTAL AREA - 7.253 ACRES (TRACTS A & C)
 OPEN SPACE RESERVEZ - 3.72 ACRES (1,316,319 SF)
 OPEN SPACE REPRESENTED - 1.12 ACRES (48,363 SF)
 TOTAL UNITS DEVELOPED - 33
 LAND DENSITY - 5.27 U/A
 BUILDING FOOTPRINTS 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

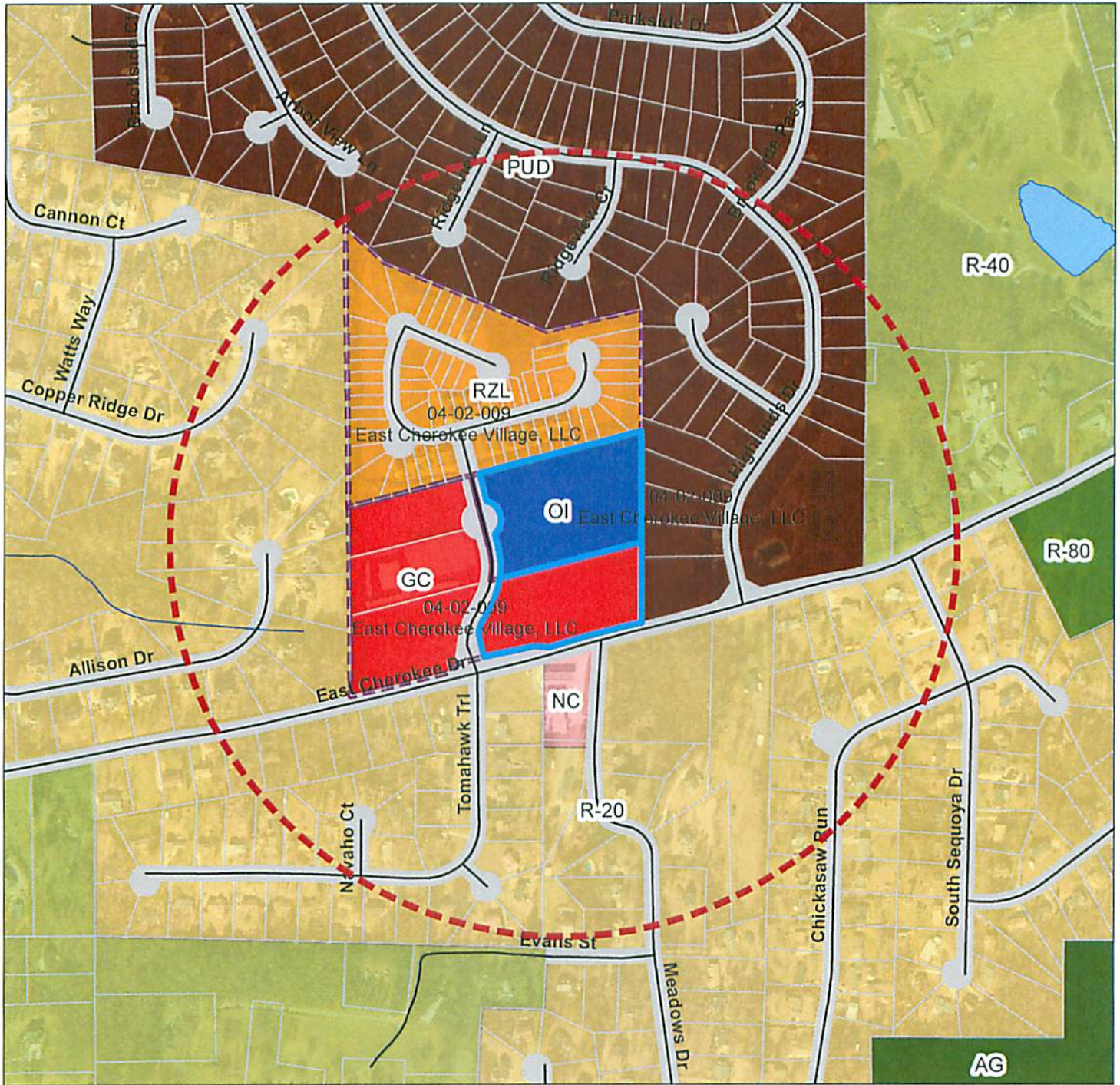
CONCEPTUAL PLAN FOR
HIGHLAND MEADOWS
 LAND LOTS 682, 700, 741 & 742, 154th DISTRICT
 2ND SECTION, CHEROKEE CO., GEORGIA

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





Staff Report

Case No: 16-08-023
Applicant Name: Parks Huff for Village Investments, LLC.
Location: East Cherokee Drive at Highland Village Drive
 (15N16H, 065 and 066)
From/To: O-1 and GC to RZL
Proposed Use: Single Family Residential
Commission Post: 3

	Existing Zoning	Existing Land Use
North	RZL	Residential
South	NC and R-20	Gas Station and Vacant
East	PUD	Arbor View Subdivision
West	GC	Commercial

Future Development Map

Character Area/Node/Corridor	Description
Suburban Living	Established residential neighborhoods with potential infill and redevelopment opportunities. Public water available, public sewerage available or planned; local public facilities. (R-40, R-30, R-20, R-15, RD-3)

Analysis and Comment

The subject parcels total 7.205 acres and lie on the north side of East Cherokee Drive across from Meadows Drive. The public participation meeting was held on June 1, 2016 with seven (7) 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 Living, however, it is consistent with the adjacent Highland Village Subdivision which is zoned RZL.

1 Findings

1.1 Engineering Department

- The primary public access for the property in this application is East Cherokee Drive. East Cherokee Drive is a two-lane local roadway and is approximately 24 feet wide with center turn lanes for the existing development. The geometry of the roadway at the location of this application is generally good. There have been reported accidents in the area. Per a recent traffic count by the County's own consultant, the recorded daily traffic volume is approximately 15,741 vehicles per day on East Cherokee Drive in 2014. Cherokee County is currently completing right-of-way acquisition to improve East Cherokee Drive in the area of Holly Springs Parkway and Mill Creek Road. These improvements will include dual turn lanes from westbound East Cherokee Drive onto southbound Holly Springs Parkway as well as a dedicated right-turn lane from westbound East Cherokee Drive to northbound Holly Springs Parkway. The project will also include dual left-turn lanes from southbound Holly Springs Parkway to eastbound East Cherokee Drive. Going eastbound on East Cherokee Drive, there will be two receiving lanes that run all the way to Mill Creek Road, where the right hand lane will turn into a right turn lane to Mill Creek Road. The right-of-way acquisition is nearly complete with 17 of the required 21 parcels currently acquired. Bids for construction are expected to be received in late 2016 and the project should take about 18 months to complete. It is not anticipated that any specific improvements will need to be made at the entrance to the development. A deceleration lane and a left turn lane were previously constructed for this project. Internal to the development on Highland Village Drive, it may be recommended to convert the existing cul-de-sac to include a center island to improve the safety of what will now be an intersection. It is the opinion of the Cherokee County Engineering Department that East Cherokee Drive 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 28 new students. Schools affected would be Johnston Elementary (88.80%), Mill Creek Middle (114.96%) and River Ridge High (81.88%).

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #16-08-023 - Community Agenda Analysis

Section 1 – Community Vision

Community	East Cherokee Dr. / South of Holly Springs
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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.

The rezoning of this property for residential development will add more homes where there is existing infrastructure, which is part of the vision to grow responsibly.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	The original plan for this property was a mix of retail and office uses with residential in the back. Replacing the commercial with residential will also fit the infrastructure that is available at this location.
Housing Choice	The addition of these homes will add to the diversity of housing options in this area of Cherokee County.

Project is Neutral

Preserve and Enhance Sense of Place	This site has already been prepared for development with a series of pad sites. There are no historical resources remaining.
Land Use Patterns that Promote Connectivity and Mobility	There are few options to reuse the existing parcels and street configuration. There are no connections to be made to promote alternative modes of transportation.
Aging in Place	No evidence of impact.
Diverse Economic Opportunities	No evidence of impact.

Project Neglects

Designing with the Environment	The conceptual site plan does not leave any greenspace or civic spaces for residents besides the required undisturbed buffer areas.
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Section 3 – Character Area Description

Character Area	Suburban Living
----------------	-----------------

Single-Family Residential is a primary land use in Suburban Living. The requested RZL zoning category is more intense than RD-3, which is the most intense suggested zoning district. Considering the fact that the existing commercial zoning is out of character, rezoning the remaining commercial to a residential district that matches the RZL area at the back may be an improvement for the neighborhood.

Things to consider:

- Maintaining existing 50ft zoning buffers on east side.
- Includes plans to address existing storm water problems on west side of site.

0798



Cherokee
County
School
District

DR. BRIAN V. HIGHTOWER
Superintendent of Schools

KYLA CROMER
School Board Chair

PATSY JORDAN
School Board Vice-Chair

MIKE CHAPMAN

JOHN HARMON

CLARK MENARD

KELLY POOLE

ROBERT RECHSTEINER

7 July 2016

Village Investments, LLC
P.O. Box 669456
Marietta, GA 30066

Dear Village Investments, LLC:

The Cherokee County School District's Office of School Support, Construction and Facility Management is in receipt of your zoning application 16-08-023 requesting the rezoning of 7.205 acres from O1 S GC to R2L for construction of 38 residential units. Please reference the attached zoning impact report for details on the projected effect of your proposed development on CCSD enrollment.

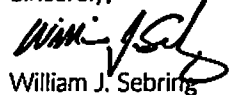
It is the position of the School District that all developers should attempt to voluntarily mitigate the impact of their proposed development. In every such case, the District designates a minimum contribution to help provide adequate facilities for the school age children who will occupy the residences in the development. A meeting between the School District and the property developer is requested prior to the zoning hearing in order to discuss the impact of your proposed development on area schools as well as a consistent donation to mitigate the impact on the School District.

Over a decade of rapid growth and development has increased the overall population of Cherokee County, placing a strain on infrastructure and public safety. These same developments have an impact on School District facilities as well. The School District strives to be proactive in establishing new schools to open when and where they are most needed. Given the explosive growth of the past decade, rising budget constraints, and un-funded or under-funded State mandates, achieving this objective continues to be a formidable task. The School District relies on donations provided by developers to help obtain additional property to construct schools, or to purchase/relocate portable classrooms to provide temporary relief for overcrowding and offset the costs while a more permanent solution is developed. It is the School District's belief that your willingness to voluntarily address and mitigate the logical consequences of your proposed development will promote the value and marketability of your development by providing adequate school facilities for the new residents of your development.

In cases where no agreement can be reached, the School District can make no guarantee that the proposed development will remain in the same school boundary area. All school boundaries are evaluated annually for overcrowding concerns during the annual Boundary Focus Group (BFG) Process.

Please contact my office at your earliest convenience to arrange an appointment and discuss the impact of your proposed development, as well as any possible mitigation.

Sincerely,



William J. Sebring
Assistant Superintendent
Support Services and Construction/Facilities Management

WJS:dm
Attachment

cc: Dr. Brian V. Hightower, Superintendent of Schools
Trey Olson, Deputy Superintendent, School Operations, Programs
and Support
Mitch Hamilton, Coordinator, Planning and Forecasting
Cherokee County Board of Commissioners
Cherokee County Planning Commission
Parks F. Huff, Esq.



Rezoning Case Impact Report

Jurisdiction		Rezoning Case Number		Applicant Name	
Cherokee County		16-08-023		Village Investments, LLC	
Acreage	Number of Lots	Current Zoning	Proposed Zoning	Housing Type	
7.205	38	OI&GC	RZL	Single Family Residential	
Estimated Student Impact ⁽¹⁾		Additional Capacity Needed		Additional Capacity Cost ⁽²⁾	
28	Students	1	Classroom(s)	\$38,181.82	
Annual Student Cost ⁽³⁾		\$200,228.00			
Planning Commission Meeting Date		County Commission/City Council Meeting Date		Map and Parcel	
8/2/2016		8/16/2016		15N16H/065&066	
Property Description					
East Cherokee Drive & Highland Village Drive					

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Johnston ES	571	643	88.80%
Middle School	MS Enrollment	MS Capacity	% Capacity
Mill Creek MS	1437	1250	114.96%
High School	HS Enrollment	HS Capacity	% Capacity
River Ridge HS	1658	2025	81.88%

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 #16-09-025 Georgia-Tennessee
Development Partner, LLC (BOC Dist. 2)

MEETING DATE:
9/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 78 +/- acres at 300 Collett Drive from AG to R-20 for a conservation subdivision.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: AG to R-20
Location: 300 Collett Road
Tax Map and Parcel No: 03N12, 115
Acres: 78 +/-
Proposed Development: Conservation Subdivision
Future Development Map: Suburban Growth and Country Estates

BUDGET:

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

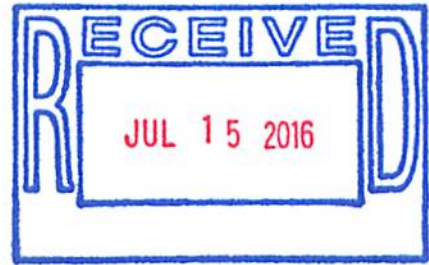
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Opposition Letter	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit
<input type="checkbox"/> Survey	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Department Comments	Exhibit



CHEROKEE COUNTY
Application for Public Hearing



Important Notes:

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

Contact Person: E. Benson Chambers Phone: 770-720-4600
 Email: ebchamberslaw@gmail.com

SECTION I

Applicant's Information:

Name: Georgia-Tennessee Development Partner, LLC
 Address: 4200 Northside PW, NW, Bldg. 14 Ste 100 Phone: 770-720-4200
 City, State, Zip: Atlanta, GA 30327 Fax: 770-7204646

Property Owner's Information: same as above

Name: Harriet Wynell Sams Estate
 Address: 300 Collett Drive Phone: 770-720-4600
 City, State, Zip: Canton, GA 30115 Fax: 770-720-4646

Requested Public Hearing (check all that apply):

- Rezoning Amendment / Modification of Zoning
 Variance Other: _____

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>2</u>	Public Participation Meeting: _____
Case: <u>16-09-025</u>	PC Work Session Date: <u>8/15/16</u>
Received by: _____	Planning Commission Hearing: <u>9/6/16</u>
Fee Paid: \$ <u>500⁰⁰</u>	Board of Commissioners: <u>9/20/16</u>
Date: _____	Other: <u>N/A</u>

PL20160000945

SECTION II

Property Information:

Location: 300 Collett Drive

Current Zoning: AG Proposed Zoning: R-20 Total Acreage: 78 =/-

Tax Map #: 03 N 12 Parcel #: 115 Land Lot(s): 1265 District: 3rd

Future Development Map Designation: Suburban Growth and Country Estates

Adjacent Zonings: North AG & R-20 South AG East R-20 West AG

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

Applicant

Applicant requests a rezone of the subject property from AG to R20 for the purpose of a proposed residential community utilizing the conservation subdivision design.

Proposed Use(s) of Property:

Residential Community Utilizing the Conservation Design Standard.

SECTION III

Infrastructure Information:

Is water available to this site? Yes No Jurisdiction: Cherokee County Water and Sewer Authority

How is sewage from this site to be managed?

Public Sewer is available from the Cherokee County Water and Sewer Authority

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

If yes, what is the projected increase? 87 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	120	0.725	87
Multi Family (Attached) Home		0.287	

Traffic Generation:

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? 1,148.40 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/ Townhome	120	9.57	1,148.40
220	Apartment		6.63	

• A unit for residential purposes is equal to one residential unit. For commercial/industrial uses it is defined in the ITE table, but most often is equal to 1,000 square feet of floor area for the use specified.

SECTION IV

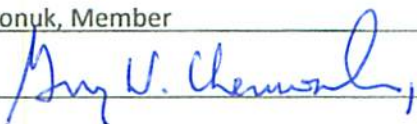
Authorization:

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, Guy Cherwonuk, Member, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 18th day of July, 20 16.

Print Name Guy Cherwonuk, Member

Applicant Signature X 

Traffic Generation:

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.

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SECTION IV

Authorization:

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, Guy Cherwonuk, Member, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 14 day of July, 20 16.

Print Name E. Benson Chambers, Attorney for Applicant.

Applicant Signature .

APPLICANT RESPONSE STATEMENT

REZONINGS AND AMENDMENTS / MODIFICATIONS TO ZONING CONDITIONS

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

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

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

**See Applicants Written Narrative in Response to the Standards Set
Forth Above, Attached hereto as Addendum "A"**

Addendum “A”

Applicant’s Written Narrative in Response to the Standards of Zoning

1. Explain the intent of the requested zoning.

Applicant seeks an R-20 classification which is consistent with the highest and best uses allowed on adjacent and nearby properties for a residential neighborhood. The R-20 classification will generate a density of 1.54 utilizing the conversation design standards to create 53.5 % of the property in protected green space. Additionally, the R-20 classification allows the developer to utilize the sanitary sewer which is available to the property.

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 proposed use for the property is residential which is the primary use on adjacent and nearby properties. While some of the adjacent and nearby property is zoned for agricultural uses, many of these include residential components. The requested R-20 classification is designated for adjacent/bounding property as well as more intensely developed property developed under the former PUD classification.

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

The subject property is currently adjacent to properties zoned R-20 and AG. In addition to R-20 and AG there are other properties which are zoned AG, R-60, R-40, R-30 and PUD. All of these classifications are adjacent to AG properties. Based on the history of the area is proven that the proposed zoning proposal has not adverse effect on the existing use or usability of adjacent or nearby property.

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

The economic use of the property is severely diminished based upon the more dense classifications that are adjacent and nearby, denying the owner the highest and best use at the highest and best value that has been allowed other owners in the immediate area. The property as well is denied the opportunity under the current classification to be utilized for its greatest potential with the available zoning and protection of sensitive areas. While all property, irrespective of his zoning classification has some economic use, given the available resources and the large number of residential units in the area to confine this property to economic uses results in an unreasonable economic use as the classification is currently applied.

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.

Currently the county road providing access to the property, Collett Drive is insufficient to meet county standards on the South side from Arbor Hill Road to the property's Southern boundary, and is cautiously meets the county standards on the North side from East Cherokee Drive to the Property's Northern boundary. That portion of Collett Road lying adjacent to the Western boundary of the subject property is fails to meet the county standard for roadways as the same has no right of way, consists of a single gravel lane with overgrown side areas to prevent two vehicles from passing safely. As a part of the development of the project, the Applicant has agreed to provide the necessary right of way along its boundary to obtain a 50 foot right of way, provide all grading and base for the application of pavement resulting in the full length of Collett Drive meeting county standards for size and safety. This system improvement will be at the Applicant's cost. In addition to the necessary road improvements, the Applicant will be providing at the Applicant's cost improvements in drainage systems and runoff detention. As to other infrastructure, sewer and water availability is sufficient for the project without excessive burdens created on the area and school capacity is understood to be sufficient to handle the expected number of new students. Based upon the current conditions and the proposed improvements by the Applicant no excessive or burdensome impact is expected with the proposed classification.

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

Consistency with the Community Agenda is only one of a series of criteria that members of the Planning Commission use to evaluate rezoning requests in order to make their recommendation to the Board of Commissioners.

The Cherokee County Zoning Ordinance Section 18.6 provides: Zoning Standards. Exercise of the zoning power of Cherokee County shall constitute an effort to balance the interest of the community in promoting the public health, safety, morality or general welfare against the right of property owners to the unrestricted use of their property. The following factors are determined to be relevant in balancing these interests

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.

Historically the subject property was located in a primary agrarian area of Cherokee County. In addition to some agricultural uses, the area is now primarily residential with residential zoning classifications in the area which include PUD, R-20,

R-40 and R-60. While some agricultural uses remain in the area, true agricultural uses are not compatible with residential uses due to offensive noise, smells and disturbances.

The requested classification of R-20 is consistent with the growing and developing area of residential and the increased traffic flows along East Cherokee Drive and Arbor Hill Road.



E. Benson Chambers, P.C.
157 Reinhardt College PW
Suite 400
Canton, GA 30114
770-720-4600



E B CHAMBERS LAW

E. Benson Chambers
Attorney at Law

July 14th, 2016

To: Cherokee County Board of Commissioners
Cherokee County Municipal Planning Commission

RE: Application of Georgia-Tennessee Development Partners, LLC
Rezone request for 78 acres located on Collett Drive to R-20 for
Residential Community developed as with Conservation Design.

SCOPE

The applicant is requesting a rezoning of the subject property from AG to R-20 utilizing the Conservation Design Standard. The property consists of 78 +/- acres located on Collett Drive. The R-20 classification combined with the Conservation Design will allow approximately 53% of the total acreage to be maintained in undisturbed green space and 120 homes. The property is located adjacent to a phase of Woodmont which is zoned R-20 and is currently under development.

INFRASTRUCTURE

The Western boundary of the property is along Collett Drive. Collett Drive is a county road that connects East Cherokee Drive with Arbor Hill Road. Currently only the Northern and Southern portions of Collett Drive meet county standards. As a part of applicant's development of the property, applicant will be donating property along its Western boundary to provide for the required 50 feet of right of way necessary for significant improvements to bring Collett Drive up to county standards for safe access and travel. In addition to the donation of property, the applicant will provide the grading necessary to establish the road base for paving.

The property has access to sanitary sewer and sufficient water flow provided by the Cherokee County Water and Sewer Authority. Additionally all required utilities are available.

SUMMARY

The applicant proposes a residential neighborhood with 120 homes, maintaining 53% undisturbed green space utilizing the Conservation Design with an R-20 zoning classification. The applicant's proposal will result in significant improvements to Collett Drive benefitting the overall community and the traveling public.

On behalf of the applicant, your consideration of this request is greatly appreciated.

Yours truly,



E. Benson Chambers
Attorney for Applicant

received
6-29-16

Tamala Davis

From: Carol Martin <mistral97@gmail.com>
Sent: Wednesday, June 29, 2016 10:50 PM
To: Tamala Davis
Subject: Application for Re-zoning Parcel #03N12 115 from AG to R-20

Good Evening Tamala,

I'm early on sending this email, but, having already been down this road with fighting a re-zoning application for the above-mentioned property, I wanted to get on the record quick with my thoughts and concerns. I live at 363 Collett Drive (formally known as Rosewood Farm) which is located across from the property in question. I am not the owner, but I have been a tenant and a client of the owners since they moved here about 10 years ago and I share their reservations regarding this application. This area has been awesome in that it is relatively quiet, and free from the hustle and bustle of more developed areas - specifically Woodmont. Currently, the only buffer we have from that mega subdivision is the 78+- acre parcel on the east side of Collett. The road is mostly dirt and gravel and maybe one vehicle wide through most of it's connection between Arbor Hill Road and East Cherokee Drive. It is peaceful, one can walk about a 2 mile distance (from the farm to East Cherokee and back) and see many forms of wildlife and non-developed land.

There is an Informational Meeting being held tomorrow evening to lay out the applicant's (Georgia-Tennessee Development Partners, LLC) "case" for a re-zoning from AG to R-20 for this property and to provide, I'm assuming, plans and information regarding the number of homes, etc. I will be attending to see what they're proposing. With that said, and having heard through the grapevine that they are potentially proposing between 80-90 homes on the site, I would like to give a pre-meeting list of concerns - which haven't changed from the first attempt last year, to re-zone. Speaking for the Waclena's (the owners here at Rosewood Farm) and myself, we would hope that this particular re-zoning is denied in favor of one much less dense, and, that every possible consideration would be made to ensure the continuance of the character and rural-ness of this area. One that allows those who currently run a business (Rosewood Farm specifically), partly based on the existing character, to continue on with an already thriving business with safeguards in place for safety and security (see below) for all going forward. In looking at the other R* Zoning designations, this one in particular is one of the densest. Remaining AG, or, at a minimum going to R-80 would be more acceptable to keep in line with the character of the adjoining properties. I appreciate your allowing us to present our thoughts on this application and hope that the best possible solution can be arrived at with the least amount of harm to all concerned.

Thoughts and or comments:

Issues:

1. Increased traffic – would Collett Drive be improved from what it is to a 2-lane paved road? If so, there will be a major increase in traffic and it will undoubtedly become a major cut through between East Cherokee and Arbor Hill destroying the character of the properties already existing.
2. Increased noise (adding 200-300+ people to an area, 200-300 vehicles, mowers, etc.)
3. Decrease in air quality - traffic, more vehicles, motorized equipment
4. Decrease in water quality (streams, creeks, lakes) storm drain runoff will increase
5. Safety is a major issue, goes along with increased traffic and density of development, more people...

6. Security of the properties on the west side of the road - increased population/potential vandalism and physical harm to animals and property – may not be intended, but is a major concern when drawing in that many more people who are not savvy to, in particular, horses
7. Wildlife being displaced
8. Trees/vegetation removed that are what makes this area what it is
9. Being identified as a "conservation development" (I'm assuming that this will be the case) may fool some people into believing it is actually conserving. But, the reality is that the development would be driven by the fact that a good portion of the land lies within a floodplain and therefore any development must abide by not just state, but federal rules and regulations. 80-90 homes/lots bunched together on 40 plus/minus acres is not really conservation. You're still impacting the total acreage with profound change that will in fact affect what is "conserved" on the site.
10. What form of buffers would be developed, how wide and how far from the road?

I thank you in advance for "listening" to my/our concerns and hope that if the property is re-zoned at a future date, that that zoning will be more in line with the existing properties and character of the area.

Regards,

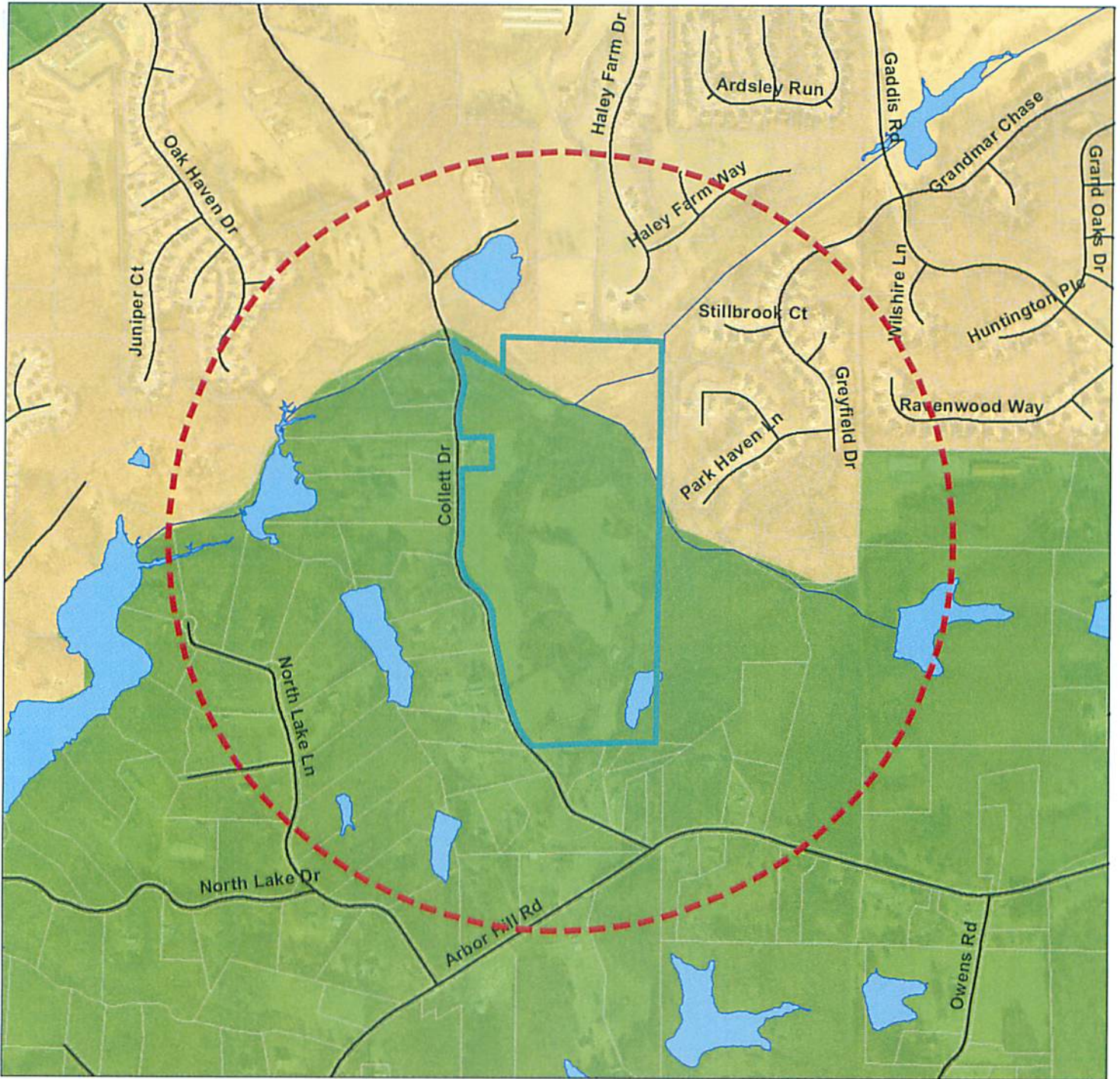
Carol A. Martin

cell 678.910.5703

email mistral97@gmail.com

Case # 16-09-025 Georgia-Tennessee Development Partner, LLC

Future Development Map



Legend

- | | | |
|---------------------|------------------------|--------------------------|
| Rezoning Parcel | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/2 mile radius | Rural Places | Hamlet |
| 100 Year Flood Zone | Country Estates | Neighborhood Village |
| Ball Ground | Suburban Growth | Community Village |
| Canton | Suburban Living | Corridors |
| Holly Springs | Neighborhood Living | Scenic Corridor |
| Woodstock | 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 and Land Use
Canton, Georgia
27 July 2016



"EXHIBIT A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1164, 1165, 1212 AND 1213 OF THE 3RD LAND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, AND BEING A TOTAL OF 79.24 ACRES OF LAND AS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN SET AT THE CORNER COMMON TO LAND LOTS 1139, 1140, 1165 AND 1166, AFORESAID DISTRICT, SECTION AND COUNTY. RUNNING THENCE SOUTH 00 DEGREES 55 MINUTES 20 SECONDS WEST A DISTANCE OF 1328.36 FEET ALONG THE LINE COMMON TO LAND LOTS 1165 AND 1166, AS AFORESAID, TO AN IRON PIN FOUND AT THE NORTHEAST CORNER OF SAID LAND LOT 1212; RUNNING THENCE SOUTH 02 DEGREES 18 MINUTES 30 SECONDS WEST A DISTANCE OF 1407.91 FEET ALONG THE LINE COMMON TO LAND LOTS 1211 AND 1212, AS AFORESAID, TO AN IRON PIN SET AT THE CORNER COMMON TO LAND LOTS 1211, 1212, 1237 AND 1238, AS AFORESAID; RUNNING THENCE NORTH 89 DEGREES 00 MINUTES 20 SECONDS WEST A DISTANCE OF 896.57 FEET TO AN IRON PIN FOUND AT THE INTERSECTION OF THE SOUTHERN LINE OF SAID LAND LOT 1212, AND THE EASTERLY RIGHT OF WAY OF COLLETT DRIVE, A THIRTY (30) FOOT RIGHT OF WAY; RUNNING THENCE IN A NORTHERLY DIRECTION ALONG THE EASTERLY RIGHT OF WAY OF COLLETT DRIVE THE FOLLOWING COURSES AND DISTANCES: RUNNING THENCE NORTH 41 DEGREES 21 MINUTES 35 SECONDS WEST A DISTANCE OF 59.67 FEET TO A POINT; RUNNING THENCE NORTH 30 DEGREES 52 MINUTES 45 SECONDS WEST A DISTANCE OF 43.73 FEET TO A POINT; RUNNING THENCE NORTH 28 DEGREES 15 MINUTES 45 SECONDS WEST A DISTANCE OF 37.96 FEET TO A POINT; RUNNING THENCE NORTH 24 DEGREES 34 MINUTES 00 SECONDS WEST A DISTANCE OF 53.76 FEET TO A POINT; RUNNING THENCE NORTH 21 DEGREES 10 MINUTES 35 SECONDS WEST A DISTANCE OF 57.96 FEET TO A POINT; RUNNING THENCE NORTH 19 DEGREES 59 MINUTES 20 SECONDS WEST A DISTANCE OF 56.03 FEET TO A POINT; RUNNING THENCE NORTH 16 DEGREES 07 MINUTES 00 SECONDS WEST A DISTANCE OF 43.01 FEET TO A POINT; RUNNING THENCE NORTH 12 DEGREES 27 MINUTES 50 SECONDS WEST A DISTANCE OF 65.58 FEET TO A POINT; RUNNING THENCE NORTH 10 DEGREES 13 MINUTES 30 SECONDS WEST A DISTANCE OF 260.29 FEET TO A POINT; RUNNING THENCE NORTH 09 DEGREES 20 MINUTES 30 SECONDS WEST A DISTANCE OF 110.93 FEET TO A POINT; RUNNING THENCE NORTH 07 DEGREES 44 MINUTES 25 SECONDS WEST A DISTANCE OF 54.76 FEET TO A POINT; RUNNING THENCE NORTH 06 DEGREES 26 MINUTES 00 SECONDS WEST A DISTANCE OF 83.31 FEET TO A POINT; RUNNING THENCE NORTH 10 DEGREES 55 MINUTES 50 SECONDS WEST A DISTANCE OF 40.57 FEET TO A POINT; RUNNING THENCE NORTH 22 DEGREES 55 MINUTES 35 SECONDS WEST A DISTANCE OF 37.16 FEET TO A

POINT; RUNNING THENCE NORTH 29 DEGREES 43 MINUTES 05 SECONDS WEST A DISTANCE OF 33.30 FEET TO A POINT; RUNNING THENCE NORTH 35 DEGREES 45 MINUTES 35 SECONDS WEST A DISTANCE OF 34.60 FEET TO A POINT; RUNNING THENCE NORTH 39 DEGREES 16 MINUTES 40 SECONDS WEST A DISTANCE OF 39.39 FEET TO A POINT; RUNNING THENCE NORTH 41 DEGREES 37 MINUTES 40 SECONDS WEST A DISTANCE OF 95.41 FEET TO A POINT; RUNNING THENCE NORTH 35 DEGREES 39 MINUTES 40 SECONDS WEST A DISTANCE OF 38.58 FEET TO A POINT; RUNNING THENCE NORTH 31 DEGREES 05 MINUTES 45 SECONDS WEST A DISTANCE OF 35.90 FEET TO A POINT; RUNNING THENCE NORTH 24 DEGREES 24 MINUTES 40 SECONDS WEST A DISTANCE OF 15.92 FEET TO A POINT; RUNNING THENCE NORTH 18 DEGREES 52 MINUTES 50 SECONDS WEST A DISTANCE OF 23.62 FEET TO A POINT; RUNNING THENCE NORTH 12 DEGREES 13 MINUTES 30 SECONDS WEST A DISTANCE OF 18.73 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 28 MINUTES 55 SECONDS WEST A DISTANCE OF 22.81 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 06 MINUTES 00 SECONDS EAST A DISTANCE OF 27.03 FEET TO A POINT; RUNNING THENCE NORTH 04 DEGREES 17 MINUTES 40 SECONDS EAST A DISTANCE OF 157.93 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 11 MINUTES 45 SECONDS EAST A DISTANCE OF 58.02 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 02 MINUTES 25 SECONDS EAST A DISTANCE OF 65.81 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 45 MINUTES 45 SECONDS WEST A DISTANCE OF 70.31 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 29 MINUTES 05 SECONDS EAST A DISTANCE OF 72.27 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 48 MINUTES 15 SECONDS WEST A DISTANCE OF 176.78 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING THENCE SOUTH 89 DEGREES 54 MINUTES 15 SECONDS EAST A DISTANCE OF 217.34 FEET TO A POINT; RUNNING THENCE NORTH 00 DEGREES 06 MINUTES 35 SECONDS WEST A DISTANCE OF 210.00 FEET TO A POINT; RUNNING THENCE NORTH 89 DEGREES 54 MINUTES 15 SECONDS WEST A DISTANCE OF 221.30 FEET TO A POINT LOCATED ON THE EASTERLY RIGHT OF WAY OF COLLETT DRIVE, AS AFORESAID; RUNNING THENCE NORTH 00 DEGREES 10 MINUTES 10 SECONDS EAST A DISTANCE OF 116.66 FEET TO A POINT; RUNNING THENCE NORTH 02 DEGREES 01 MINUTES 50 SECONDS EAST A DISTANCE OF 70.53 FEET TO A POINT; RUNNING THENCE NORTH 03 DEGREES 23 MINUTES 40 SECONDS EAST A DISTANCE OF 31.11 FEET TO A POINT; RUNNING THENCE NORTH 04 DEGREES 02 MINUTES 35 SECONDS EAST A DISTANCE OF 26.34 FEET TO A POINT; RUNNING THENCE NORTH 09 DEGREES 03 MINUTES 00 SECONDS EAST A DISTANCE OF 28.00 FEET TO A POINT; RUNNING THENCE NORTH 13 DEGREES 15 MINUTES 35 SECONDS EAST A DISTANCE OF 71.09 FEET TO A POINT; RUNNING THENCE NORTH 08 DEGREES 59 MINUTES 00 SECONDS EAST A DISTANCE OF 49.06 FEET TO A POINT; RUNNING THENCE NORTH 01 DEGREES 11 MINUTES 00 SECONDS EAST A DISTANCE OF 23.98 FEET TO A POINT; RUNNING THENCE NORTH 05 DEGREES

03 MINUTES 35 SECONDS WEST A DISTANCE OF 28.71 FEET TO A POINT; RUNNING THENCE NORTH 12 DEGREES 16 MINUTES 20 SECONDS WEST A DISTANCE OF 24.65 FEET TO A POINT; RUNNING THENCE NORTH 17 DEGREES 35 MINUTES 00 SECONDS WEST A DISTANCE OF 218.40 FEET TO A POINT; RUNNING THENCE ALONG THE CENTERLINE OF MILL CREEK WHICH CENTERLINE IS THE PROPERTY LINE, THE FOLLOWING COURSES AND DISTANCES; RUNNING THENCE SOUTH 70 DEGREES 41 MINUTES 55 SECONDS EAST A DISTANCE OF 19.70 FEET TO A POINT; RUNNING THENCE SOUTH 34 DEGREES 47 MINUTES 10 SECONDS EAST A DISTANCE OF 75.46 FEET TO A POINT; RUNNING THENCE SOUTH 43 DEGREES 19 MINUTES 40 SECONDS EAST A DISTANCE OF 40.99 FEET TO A POINT; RUNNING THENCE SOUTH 18 DEGREES 21 MINUTES 40 SECONDS EAST A DISTANCE OF 43.72 FEET TO A POINT; RUNNING THENCE SOUTH 46 DEGREES 20 MINUTES 15 SECONDS EAST A DISTANCE OF 22.37 FEET TO A POINT; RUNNING THENCE SOUTH 33 DEGREES 28 MINUTES 15 SECONDS EAST A DISTANCE OF 47.52 FEET TO A POINT; RUNNING THENCE NORTH 82 DEGREES 35 MINUTES 10 SECONDS EAST A DISTANCE OF 45.29 FEET TO A POINT; RUNNING THENCE NORTH 47 DEGREES 44 MINUTES 50 SECONDS EAST A DISTANCE OF 46.73 FEET TO A POINT; RUNNING THENCE SOUTH 60 DEGREES 56 MINUTES 35 SECONDS EAST A DISTANCE OF 140.22 FEET TO AN IRON PIN SET; RUNNING THENCE NORTH 02 DEGREES 27 MINUTES 40 SECONDS EAST A DISTANCE OF 233.81 FEET MORE OR LESS TO AN IRON PIN FOUND ON THE LINE COMMON TO LAND LOTS 1140 AND 1165, AS AFORESAID; RUNNING THENCE ALONG SAID LAND LOT LINE SOUTH 88 DEGREES 35 MINUTES 15 SECONDS EAST A DISTANCE OF 229.50 FEET TO AN IRON PIN FOUND; RUNNING THENCE SOUTH 86 DEGREES 50 MINUTES 40 SECONDS EAST A DISTANCE OF 391.62 FEET TO AN IRON PIN FOUND; RUNNING THENCE SOUTH 86 DEGREES 52 MINUTES 40 SECONDS EAST A DISTANCE OF 483.87 FEET TO AN IRON PIN FOUND AND THE POINT OF BEGINNING. SAID PROPERTY BEING 79.24 ACRES OF LAND AS MORE CLEARLY SHOWN ON THAT CERTAIN PLAT OF SURVEY FOR HARRIETT WYNELL SAMS, BY LANDMARX, INC., SURVEYOR, DATED 12/21/2015, AND AS LAST REVISED 01/06/2016.



SITE DATA

TOTAL LOTS	120 LOTS
LOTS BY CONSERVATION SPACE ADJACENT	00 (0%)
AVERAGE LOT SIZE	65 x 100'
TOTAL TRACT AREA	11.78 AC
TOTAL CONSERVATION AREA	11.48 AC (97.3%)
TYPICAL BUILDING SETBACKS (IN-20 CONSERVATION):	
FRONT	25'
REAR	25' (75' FROM TRACT BOUNDARY)
SIDE	10'

TYPICAL FLOOR PLANS:

- Barville 33x42
- Brookwood 44x49
- Payton 35x48
- Grayson 44x51
- Westerly 44x50
- Bonaventure 44x55
- Ventura 44x59

* BUILDING PACES SHOWN ON EACH LOT REPRESENT LARGEST FLOOR PLAN POSSIBLE FOR EACH LOT WITH SETBACKS AS SHOWN

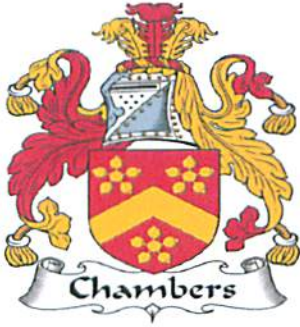
PRELIMINARY LAND PLAN
COLLETT DRIVE
 Cherokee County, Georgia
 GEORGIA-TENNESSEE DEVELOPMENT PARTNERS, LLC.

Rev: June 21, 2016
 April 13, 2016
 0' 100' 200'



This drawing is the property of Reece, Hoopes & Fincher, Inc. and is not to be copied or used for any other project without written permission. It is not to be used for any other project without written permission. Drawings shall be returned immediately upon request.





E B CHAMBERS LAW

E. Benson Chambers
Attorney at Law

July 1st, 2016

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

RE: Applicant: Georgia-Tennessee Development Partners, LLC
Property Location: Collett Drive
Public Participation Report

Dear Commission Members:

The Public Participation Meeting for the above applicant was held in the Community Room of the Hickory Flat Fire Department on June 30, 2016 at 6:30 p.m. In advance of the meeting 113 notices were mailed to area property owners and interested parties with 15 in attendance. Of the 15 attendees, 5 people were associated with the owner of the property. Seven attendees lived on Collett Drive one of which was a tenant of the property owner.

At the meeting the attendees were introduced to the developer and the real estate agents involved in the project. Attendees were given an opportunity to view the proposed site plan and discuss the components, ask questions and make comments. In addition to the proposed site plan, attendees viewed the zoning map for the area and illustrations of the proposed homes planned for the community. Comments made by attendees included support for the proposed community with a conservation design and the proposed improvement of Collett Drive to county standards, negative expressions of additional traffic and use of the road by non-residents and too many people were also expressed. A comment sheet for written comments was provided and one comment was made. A copy of the comment sheet is provided with this report.

Your truly,

E. Benson Chambers
Attorney for Applicant

157 Reinhardt College Parkway, Suite 400
Canton, GA. 30114

770-720-4600 Office
770-720-4646 Facsimile

COMMENTS

200-500⁺ more people! Too many

200-500 more vehicle! Too many

Traffic issues, Air quality, noise, would

totally destroy the character of Collett Drive

Property is priced only for development not
for folks who would consider buying to

keep as a farm. Very disturbing, very

sad. DO NOT WANT TO SEE THIS ZONING

PASSED. WAY TOO DENSE.

CAROL MARTIN

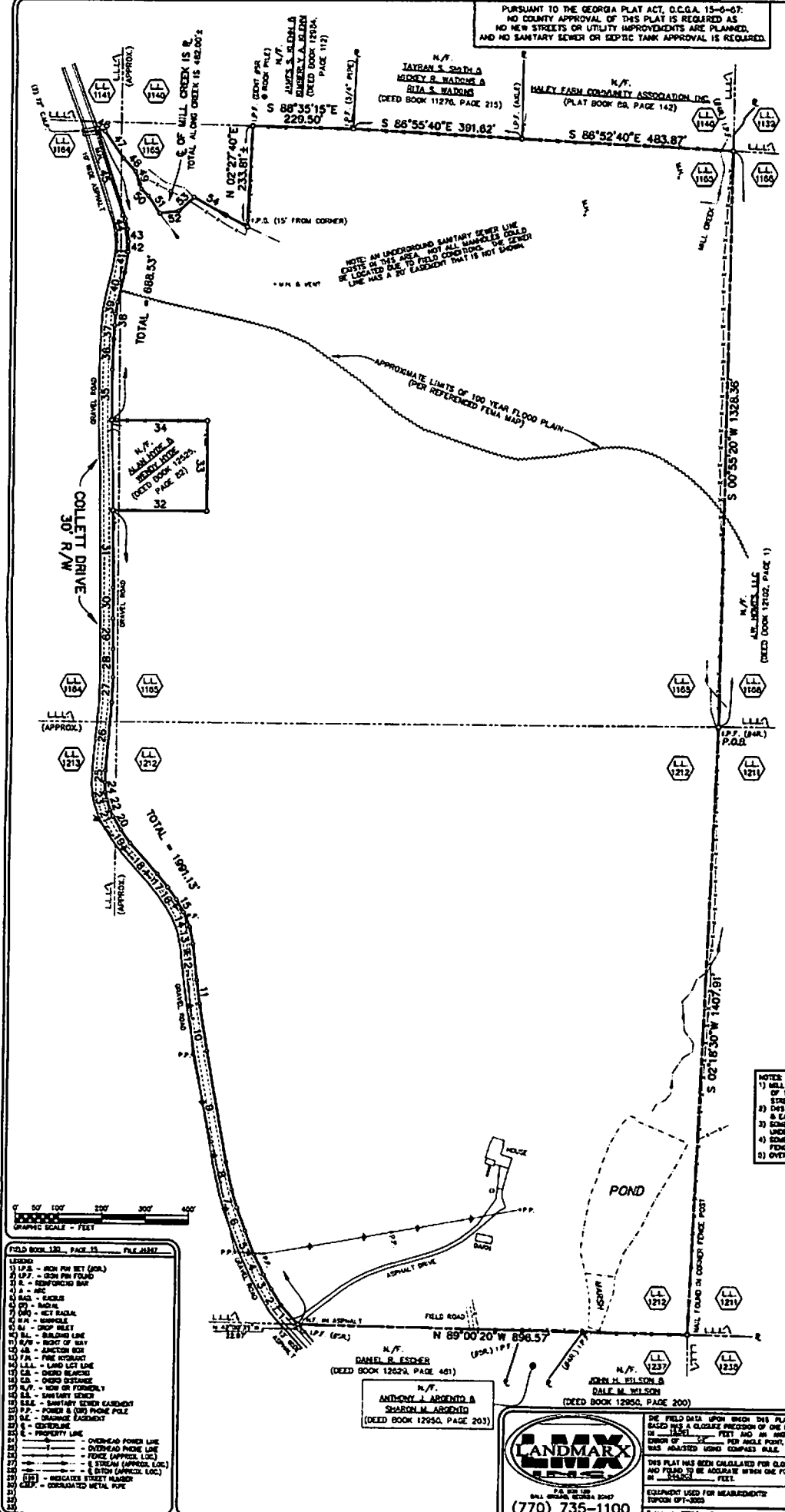
363 COLLETT DR

678 910 5703

PURSUANT TO THE GEORGIA PLAT ACT, O.C.G.A. 15-6-67, NO COUNTY APPROVAL OF THIS PLAT IS REQUIRED AS NO NEW STREETS OR UTILITY IMPROVEMENTS ARE PLANNED, AND NO SANITARY SEWER OR SEPTIC TANK APPROVAL IS REQUIRED.

TRAVERSE TABLE

COURSE	BEARING	DISTANCE
1	N 41° 21' 35" W	59.67'
2	N 30° 52' 45" W	43.73'
3	N 28° 15' 45" W	37.96'
4	N 24° 34' 00" W	53.76'
5	N 21° 10' 35" W	57.96'
6	N 19° 59' 20" W	58.03'
7	N 18° 52' 00" W	43.01'
8	N 12° 27' 50" W	63.58'
9	N 10° 13' 30" W	280.29'
10	N 08° 20' 30" W	110.63'
11	N 07° 44' 25" W	54.76'
12	N 06° 28' 00" W	63.31'
13	N 10° 55' 50" W	40.57'
14	N 22° 55' 38" W	37.16'
15	N 29° 43' 05" W	33.30'
16	N 35° 45' 35" W	34.50'
17	N 39° 16' 40" W	39.39'
18	N 41° 37' 40" W	66.41'
19	N 35° 39' 40" W	36.58'
20	N 31° 05' 45" W	35.90'
21	N 24° 24' 40" W	15.92'
22	N 18° 52' 00" W	23.62'
23	N 12° 13' 30" W	18.73'
24	N 02° 28' 55" W	22.61'
25	N 02° 08' 00" E	27.03'
26	N 04° 17' 40" E	157.63'
27	N 02° 11' 45" E	58.02'
28	N 00° 02' 25" E	65.81'
29	N 00° 45' 45" E	70.31'
30	N 00° 23' 00" E	72.27'
31	N 00° 48' 15" E	176.78'
32	S 89° 54' 15" E	217.34'
33	N 00° 06' 55" W	210.00'
34	N 89° 54' 15" W	221.30'
35	N 00° 10' 10" E	116.66'
36	N 02° 01' 50" E	70.33'
37	N 03° 23' 40" E	51.11'
38	N 04° 02' 35" E	26.34'
39	N 09° 03' 00" E	28.00'
40	N 13° 15' 35" E	71.09'
41	N 08° 59' 00" E	49.06'
42	N 01° 11' 00" E	23.89'
43	N 05° 03' 35" W	28.71'
44	N 12° 16' 20" W	24.65'
45	N 17° 35' 00" W	218.40'
46	S 70° 41' 55" E	19.70'
47	S 34° 47' 10" E	75.46'
48	S 43° 19' 40" E	40.90'
49	S 18° 21' 40" E	43.72'
50	S 46° 20' 15" E	22.37'
51	S 33° 28' 15" E	47.52'
52	N 82° 35' 10" W	45.29'
53	N 47° 44' 50" W	46.73'
54	S 00° 56' 35" E	140.22'



GRAPHIC SCALE - FEET
0 50 100 200 300 400

FIELD BOOK 138, PAGE 15 FILE #3487

LEGEND

- 1) U.S. - HIGH P.W. SET (SOL)
- 2) U.P. - 1/4" PIN FOUND
- 3) R. - RE-SPRINGING BAR
- 4) A - ARC
- 5) B - BOUNDS
- 6) E - EASEMENT
- 7) C - CROWN
- 8) S - SET RADIAL
- 9) H - HUB
- 10) S - SIGNALS
- 11) M - MOUNTAIN
- 12) D - DITCH
- 13) L - LAND
- 14) S - SURVEY LINE
- 15) W - WEST
- 16) J - JUNCTION
- 17) P - PINE
- 18) L - LAND
- 19) S - SURVEY LINE
- 20) D - DITCH
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REFERENCE PLATS:

- 1) RETRACEMENT SURVEY FOR ANTHONY J. ARGENTI & SHARON M. ARGENTI, BY: MARION LAND SURVEYING, P.C. DATED: 7-28-2014, JOB NO. 2014-003-07C. RECORDED IN PLAT BOOK 102, PAGE 111.
- 2) SURVEY FOR PAT SALVENDY, BY: MARION LAND SURVEYING, P.C. DATED: MAY 24, 2002, JOB NO. 2002-0005-00C. RECORDED IN PLAT BOOK 102, PAGE 111.
- 3) BOUNDARY SURVEY FOR: TIMOTHY FOWLER & SHERRY FOWLER, BY: MARION LAND SURVEYING, P.C. DATED: AUGUST 6, 1999. RECORDED IN PLAT BOOK 63, PAGE 222.
- 4) SURVEY FOR: DEBIE S. SMITH, BY: SOUTHERN SURVEYING & PLANNING, INC. DATED: OCT. 14, 1994. RECORDED IN PLAT BOOK 63, PAGE 222.
- 5) PLAT RECORDED IN PLAT BOOK 60, PAGE 142.
- 6) FINAL PLAT FOR THE OVERLOOK UNIT 01, BY: CONVERSE DRIVING SYSTEMS, INC. DATED: 2-97-07. RECORDED IN PLAT BOOK 67, PAGES 53 & 66.

NOTES:

- 1) MILL CREEK RUNS THROUGH THE NORTHERN PORTION OF THE SUBJECT PROPERTY AND IS NOT EXPLICITLY SHOWN. STREAM BUFFERS EXIST THAT ARE NOT SHOWN.
- 2) THIS SURVEY IS SUBJECT TO ALL EASEMENTS, RIGHTS & ENCUMBRANCES, BOTH RECORDED AND UN-RECORDED.
- 3) SOME UNDERGROUND UTILITIES MAY EXIST THAT ARE NOT SHOWN. UNDERGROUND UTILITIES ARE NOT IDENTIFIED BY LINE, OR BY OTHER MEANS, NOR ARE THEY IDENTIFIED BY ANY OTHER MEANS.
- 4) SOME IMPROVEMENTS AND MATERIALS (E.G., FENCE LINES) EXIST THAT ARE NOT SHOWN.
- 5) OVERHEAD UTILITY EASEMENTS, IF ANY, ARE NOT SHOWN.

"F.E.M.A. OFFICIAL FLOOD HAZARD MAP" CONFORMITY NO. 130424 PAGE 2880, DATED 8-29-08. SHOWS THIS PROPERTY TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

AREA = 79.24 ACRES

DEBBIE S. SMITH
REGISTERED LAND SURVEYOR NO. 2168

REVISION NOTE:

1) THIS PLAT WAS REVISED ON JAN. 08, 2016 TO CORRECT ROAD NAME.

HARRIETT WYNELL SAMS
BOUNDARY SURVEY

LAND LOTS 1 - 1184, 1185, 1212 & 1213
DISTRICT - 2, SECTION - 2
CITY - DORCHESTER COUNTY, GEORGIA
PREPARED: DECEMBER 14, 2015 (SCALE: 1" = 115 FT)
LAST REVISED: JAN. 08, 2016 (SCALE: 1" = 115 FT)
DRAWING NO. 15-337-310

LANDMAX
SURVEYING
LLP

218 W. BERRY ST.
BELLINGHAM, WASHINGTON 98207
(770) 735-1100

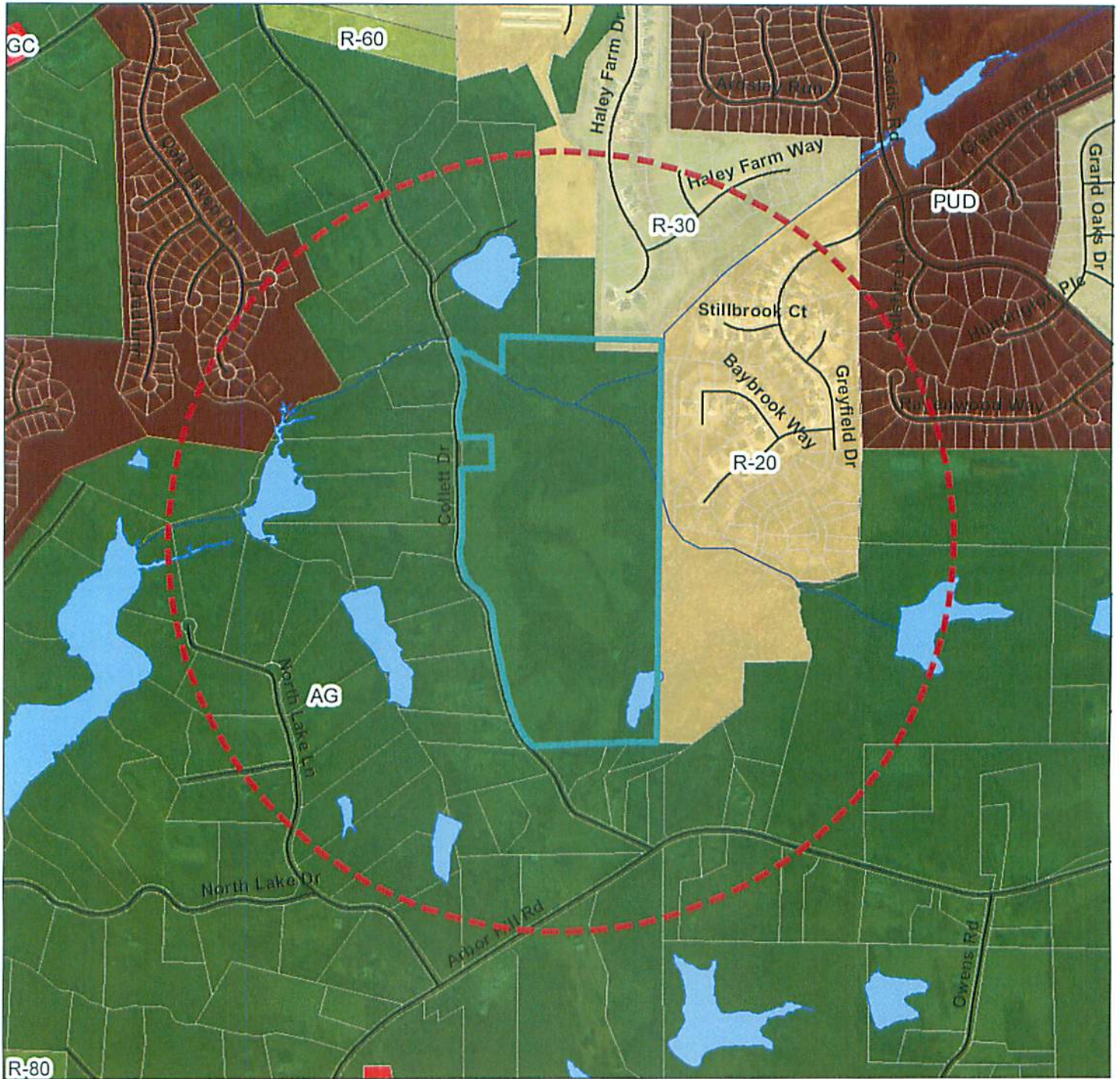
THIS PLAT HAS BEEN CALLED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10,000.

EQUIPMENT USED FOR MEASUREMENTS:
TOPCON 07-1000

* ALL MATTERS OF TITLE ARE EXCEPTED

Case # 16-09-025 Georgia-Tennessee Development Partner, LLC

Zoning Map



Legend

- | | | |
|---------------------|------------------------|---------------------|
| Rezoning Parcel | Cherokee Zoning | RTH |
| Streets | AG | RM10 |
| 1/2 mile radius | R80 | RM16 |
| 100 Year Flood Zone | R60 | TND |
| Ball Ground | R40 | PUD |
| Canton | R30 | OI |
| Holly Springs | R20 | NC |
| Woodstock | 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 and Land Use
 Canton, Georgia
 27 July 2016





Staff Report

Case No: 16-09-025
Applicant Name: Georgia-Tennessee Development Partner, LLC.
Location: 300 Collett Drive
 (03N12, 115)
From/To: AG to R-20
Proposed Use: Single Family Residential
Commission Post: 2

	Existing Zoning	
North	AG and R-30	Rural and Residential
South	AG	Rural Residential
East	R-20	The Overlook Subdivision
West	AG	Rural Residential

Future Development Map

Character Area/Node/Corridor	Description
Suburban Growth and Country Estates	Areas located outside identified centers that are experiencing a high volume of residential growth, primarily single-family houses. (R-80, R-60, R-40); Area of low intensity land use with a mixture of single-family housing on large lots and farms. Local-serving roads, potentially with public water, typically lacks sewer. Suggested zonings of AG and R-80.

Analysis and Comment

The subject parcel is approximately 78 acres and lies on the east side of Collett Road approximately one-quarter mile north of Arbor Hill Road. A public participation meeting was held on June 30, 2016 with 15 attendees. The Existing Site Resource Map is on file. There are four letters representing two households in opposition to this proposed rezoning. There are no letters of support on file. The application has been evaluated and is not consistent with the Future Development Map designation of Suburban Growth or Country Estates.

1 Findings

1.1 Engineering Department

- The primary public access for the property in this application is Collett Road. Collett Road is currently a mix of different road types. Starting at the southern intersection with Arbor Hill Road, it is a single lane paved roadway for approximately 0.22 miles. At that point, it transitions to a single lane gravel roadway for approximately 0.50 miles. The final section of Collett drive is a two-lane paved roadway up to East Cherokee Drive which is approximately 0.70 miles. The geometry of the roadway in the two-lane section is generally good. The geometry in the single lane sections require widening and some vertical and horizontal improvements. At this time there are no scheduled improvements planned for Collett Road. The developer of the above project has discussed entering into a development agreement with the County in order to help off-set the County's cost to improve the substandard portions of Collett Road. It is anticipated that the developer would need to enter into a Development Agreement with Cherokee County in order to upgrade the single lane portion of Collett Road to a full width two-lane roadway. It is anticipated that the development will include a deceleration lane at the entrance to the subdivision along the improved portion of Collett Drive. Approximately 25% of the property is located within the 100-year floodplain. It is the opinion of the Cherokee County Engineering Department that Collett Drive should be able to handle the additional traffic generated by this application provided that Collett Drive is improved from the northern boundary of this application to Arbor Hill Road. The developer has been in discussions with the County regarding a Development Agreement to work together to upgrade the single lane portion of Collett Road to a full width two-lane roadway.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA did not submit a report.

1.3 Cherokee County Board of Education

- CCBOE anticipates an additional 87 students from this subdivision. Affected schools are Avery Elementary (85.48%), Creekland Middle (113.13%) and Creekview High (98.58%).

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- There is generally adequate police protection in this area served by the Freehome Precinct. Response times vary with the nature of the call, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from two to sixteen minutes. This proposed change will not have a noticeable impact on patrol operations.

COUNTY ENGINEER

CASE NUMBER: 16-09-025

APPLICANT: Georgia-Tennessee Development Partners, LLC

CURRENT ZONING: Agricultural (AG)

PROPOSED ZONING: Residential (R-20)

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

The primary public access for the property in this application is Collett Road.

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

Collett Road is currently a mix of different road types. Starting at the southern intersection with Arbor Hill Road, it is a single lane paved roadway for approximately 0.22 miles. At that point, it transitions to a single lane gravel roadway for approximately 0.50 miles. The final section of Collett drive is a two-lane paved roadway up to East Cherokee Drive which is approximately 0.70 miles. The geometry of the roadway in the two-lane section is generally good. The geometry in the single lane sections require widening and some vertical and horizontal improvements.

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

At this time there are no scheduled improvements planned for Collett Road. The developer of the above project has discussed entering into a development agreement with the County in order to help off-set the County's cost to improve the substandard portions of Collett Road.

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?

It is anticipated that the developer would need to enter into a Development Agreement with Cherokee County in order to upgrade the single lane portion of Collett Road to a full width two-lane roadway. It is anticipated that the development will include a deceleration lane at the entrance to the subdivision along the improved portion of Collett Drive.

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

Yes. Approximately 25% of the property is located within the 100-year floodplain.

What tributary or stream will the surface runoff eventually enter?

Mill Creek.

In what basin is the project located?

Allatoona Basin

General remarks/comments:

None.

Conclusion:

It is the opinion of the Cherokee County Engineering Department that Collett Drive should be able to handle the additional traffic generated by this application provided that Collett Drive is improved from the northern boundary of this application to Arbor Hill Road. The developer has been in discussions with the County regarding a Development Agreement to work together to upgrade the single lane portion of Collett Road to a full width two-lane roadway.

Case #16-09-025 - Community Agenda Analysis

Section 1 – Community Vision

Community	Macedonia / Woodmont
-----------	----------------------

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 for a new residential neighborhood where there is some existing infrastructure.

Section 2 - Core Issues

Project Supports

Designing with the Environment	A significant amount of the project will be set aside as greenspace due to floodplain and stream buffers.
--------------------------------	---

Project is Neutral

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

Diverse Economic Opportunities	No evidence of impact.
--------------------------------	------------------------

Project Neglects

Planning for Sustainable Growth	This location has some infrastructure and services nearby. This property is located along a section of Collett drive that is a single-lane with a mix of pavement and gravel.
---------------------------------	---

Land Use Patterns that Promote Connectivity and Mobility	This project does not show any connections or future connections to adjacent property to provide connectivity.
--	--

Preserve and Enhance Sense of Place	No existing structures will be retained.
-------------------------------------	--

Section 3 – Character Area Description

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

This application is not consistent with the character area. Conservation subdivisions are a primary land use in Country Estates. However, the requested R-20 zoning district is more intensive than those suggested for Country Estates. The existing floodplain and stream buffers provide a natural buffer from the more intensive zoning districts to the north & east.

Node or Corridor	N/A
------------------	-----

**CHEROKEE SHERIFF'S OFFICE
MEMORANDUM**

CASE NUMBER: 16-09-025

APPLICANT: Georgia-Tennessee Development Partner, LLC

PRESENT ZONING: AG

PROPOSED ZONING: R-20

1. IS ADEQUATE POLICE PROTECTION IN AREA PRESENTLY?

Generally, yes. This area is served by the Freehome Precinct.

2. ESTIMATED RESPONSE TIME TO REQUEST:

Response times will vary with the nature of the request, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from two to sixteen minutes.

3. WILL ADDITIONAL PERSONNEL AND EQUIPMENT BE NECESSARY TO CONTINUE EFFICIENT SERVICE IN THE AREA?

The proposed change will not have a noticeable impact on patrol operations.

IF SO, LIST APPROXIMATE NEEDS:

4. ADDITIONAL REMARKS:

PL2016-0945



Cherokee
County
School
District

DR. BRIAN V. HIGHTOWER
Superintendent of Schools

KYLA CROMER
School Board Chair

PATSY JORDAN
School Board Vice-Chair

MIKE CHAPMAN

JOHN HARMON

CLARK MENARD

KELLY POOLE

ROBERT RECHSTEINER

10 August 2016

Georgia-Tennessee Development Partner, LLC
4200 Northside Pkwy, NW, Bldg 14 Ste 100
Atlanta, GA 30327

Dear Georgia-Tennessee Development Partner, LLC :

The Cherokee County School District's Office of School Support, Construction and Facility Management is in receipt of your zoning application 16-09-025 requesting the rezoning of 78 acres from AG to R-20 for construction of 120 residential units. Please reference the attached zoning impact report for details on the projected effect of your proposed development on CCSD enrollment.

It is the position of the School District that all developers should attempt to voluntarily mitigate the impact of their proposed development. In every such case, the District designates a minimum contribution to help provide adequate facilities for the school age children who will occupy the residences in the development. A meeting between the School District and the property developer is requested prior to the zoning hearing in order to discuss the impact of your proposed development on area schools as well as a consistent donation to mitigate the impact on the School District.

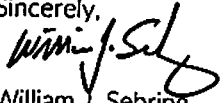
Over a decade of rapid growth and development has increased the overall population of Cherokee County, placing a strain on infrastructure and public safety. These same developments have an impact on School District facilities as well. The School District strives to be proactive in establishing new schools to open when and where they are most needed. Given the explosive growth of the past decade, rising budget constraints, and un-funded or under-funded State mandates, achieving this objective continues to be a formidable task. The School District relies on donations provided by developers to help obtain additional property to construct schools, or to purchase/relocate portable classrooms to provide temporary relief for overcrowding and offset the costs while a more permanent solution is developed. It is the School District's belief that your willingness to voluntarily address and mitigate the logical consequences of your proposed development will promote the value and marketability of your development by providing adequate school facilities for the new residents of your development.

In cases where no agreement can be reached, the School District can make no guarantee that the proposed development will remain in the same school boundary area. All school boundaries are evaluated annually for overcrowding concerns during the annual Boundary Focus Group (BFG) Process.

110 Academy Street
Canton, Georgia 30114
770.479.1871
www.cherokee.k12.ga.us

Please contact my office at your earliest convenience to arrange an appointment and discuss the impact of your proposed development, as well as any possible mitigation.

Sincerely,



William J. Sebring
Assistant Superintendent
Support Services and Construction/Facilities Management

WJS:dm
Attachment

cc: Dr. Brian V. Hightower, Superintendent of Schools
Trey Olson, Deputy Superintendent, School Operations, Programs
and Support
Mitch Hamilton, Coordinator, Planning and Forecasting
Cherokee County Board of Commissioners
Cherokee County Planning Commission
E. Benson Chambers, Applicant Representative

Rezoning Case Impact Report

Jurisdiction		Rezoning Case Number		Applicant Name	
Cherokee County		16-09-025		Georgia-Tennessee Development Partner, LLC	
Acreage	Number of Lots	Current Zoning	Proposed Zoning	Housing Type	
78	120	AG	R-20	Single Family Residential	
Estimated Student Impact	(1)	Additional Capacity Needed	Additional Capacity Cost	(2)	Annual Student Cost
87	Students	4	Classroom(s)	\$118,636.36	\$622,137.00
Planning Commission Meeting Date	County Commission/City Council Meeting Date			Map and Parcel	
				03N12/115	
Property Description					
Suburban Growth					

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Avery ES	983	1150	85.48%
Middle School	MS Enrollment	MS Capacity	% Capacity
Creekland MS	1456	1287	113.13%
High School	HS Enrollment	HS Capacity	% Capacity
Creekview HS	1873	1900	98.58%

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#: 3.

SUBJECT: **Case #16-09-026 Birchwood Properties, LLC**
(City of Ball Ground)

MEETING DATE:
9/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 10.0 acres at Northridge Road from AG to RZL for a single family residential subdivision.

FACTS AND ISSUES:

Jurisdiction: City of Ball Ground
Zoning Change: AG to RZL
Location: Northridge Road
Tax Map and Parcel No: 03N07, 010
Acres: 10.0
Proposed Development: Single Family Residential Subdivision
Future Development: Neighborhood Living

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit

16-09-026

PL20160000939

**CITY OF BALL GROUND
APPLICATION FOR ZONING CHANGE**

APPLICANT: Birchwood Properties LLC – James Turner and Taylor Weaver

ADDRESS: 1030 Holcomb Rd Ball Ground GA 30107

CELL PHONE: 404-375-8293 WORK PHONE: _____

PROPERTY OWNER: Birchwood Properties LLC

EXACT LOCATION OF PROPERTY: 312 Northridge Rd Ball Ground GA 30107

PRESENT ZONING: AG

PROPOSED ZONING: RZL

PROPOSED PROJECT: 25 lot subdivision with public water and sewer

REASON REQUESTED ZONING SHOULD BE GRANTED: Birchwood Properties, LLC wishes to protect the integrity and vision the City of Ball Ground is pursuing and we desire to be a part of the bright future that Ball Ground has with many years of prosperity to come.

LIST ADJOINING PROPERTY OWNERS AND ADDRESSES (Use additional pages if required)

See Exhibit attached

IF ADOPTED, WOULD THE PROPOSED ZONING MATERIALIZE IN AN EQUAL OR BETTER ZONING THAN THAT EXISTING? The proposed zoning would be a better use of the property and would change the density from a possible 5 lots to 25.

IF THE ZONING IS AMENDED AS REQUESTED, THE USES WHICH WE SPECIFICALLY DESIRE FOR THIS PROPERTY ARE AS FOLLOWS: To construct 25 quality built homes that represent a home-town craftsman style vision utilizing earth-tone colors following the vision of the City of Ball Ground

WILL THE PROPOSED REZONING PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY OR PROPERTIES? (Explain Fully) The zoning being requested will produce a quality product equal to or better than the adjacent neighboring properties.

WILL THE PROPOSED REZONING ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY? (Explain Fully) The proposed re-zoning will not adversely affect the neighboring property owners usability, but rather it will affect them in a positive manner. It will increase their property values as well as create a more aesthetically appealing neighbor.

DOES THE PROPERTY TO BE AFFECTED BY THE PROPOSED REZONING HAVE A REASONABLE ECONOMIC USE AS CURRENTLY ZONED? (Explain Fully) The current zoning is an Agricultural zoning located in un-incorporated Cherokee county which currently serves as no economic benefit to the City of Ball Ground. If annexation and zoning that is being proposed is approved then the City of Ball Ground would be able to acquire the revenue from 25 new property owners.

WILL THE PROPOSED REZONING RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS?

(Explain Fully) If the proposed zoning is granted then it will not have an excessive burden on the streets, transportation facilities, utilities or schools. The proposal is for 25 lots should have a minimal effect on these services provided by the City. Birchwood Properties intent is to install at its own expense a private onsite wastewater sewer pump system at the time of developing the property. In addition, we will be installing a sidewalk inside the development and along Northridge Rd to be connect with the existing sidewalk that is located on the other side of Cherokee Village. The city shall be able to take over the onsite sewage pump system from one year after the installation of the proposed system.

ARE THERE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED REZONING? The future development intent and pro-growth intent of the City of Ball Ground aligns with the requested zoning without negatively impacting the existing infrastructure within the City.

If your proposed use is more than one (1) single family residence, please answer the following questions:

Residential

Minimum house size: 1500 sf

Exterior façade: Hardi/stone – Craftsman Style

Maximum number of units in this project 25

Start Date Fall 2016 Completion Date: Spring 2017

Are there restrictive covenants: YES X NO

Commercial/Industrial

Number of buildings: Maximum square

footage in this Project: Total

Estimated number of employees:

Exterior façade:

Start Date: _____ Completion Date: _____

Are there restrictive covenants: YES _____ NO _____

State Law requires a disclosure report to be filed by applicant if within the past two years, applicant has given campaign contribution or made gifts of \$250 or more to the Mayor, a Council Member of the City of Ball ground, or member of the Planning Commission of Cherokee County who will consider the application. Indicate if applicant needs to file a disclosure report. YES _____ NO X

APPLICANT'S SIGNATURE: _____

DATE OF APPLICATION: March 4th 2016

Supporting Documents Required for Submission are:

- ✓ 1) Legal description of the tract(s) proposed to be rezoned.
- ✓ 2) Plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor whose state registration is current and valid (his seal shall be affixed to the plat);
- ✓ 3) A copy of the recorded warranty deed (or other instrument of title) which vested title to the property in the applicant.
- ✓ 4) A copy of the paid in full tax bill or letter from the Cherokee County Tax Department stating that all taxes have been paid, and;
- 5) A site plan showing any and all proposed improvements to be constructed if the application is approved.
- 6) If the applicant is not the owner, then a letter from the owner authorizing the applicant to pursue the requested zoning is required.

ADJACENT PROPERTY OWNERS

Name Collen Shaw TIN# 94N05 044
Parcel # 03-0081-0015
Address 275 Northridge Road City Ball Ground Zip 30107

Name Carrol Nix TIN# 03N07 011
Parcel # 03-0882-0023
Address Adjacent Property North of Property City Ball Ground Zip 30107

Name Michael Dwayne Covington TIN# 03N07 010F
Parcel # 03-0195-0022
Address 396 Northridge Road City Ball Ground Zip 30107
Adjacent Property South of Property

Name _____ Parcel # _____
Address _____ City _____ Zip _____

Name _____ Parcel # _____
Address _____ City _____ Zip _____

Name _____ Parcel # _____
Address _____ City _____ Zip _____

Name _____ Parcel # _____
Address _____ City _____ Zip _____

PLEASE SUBMIT APPLICATION WITH COPY OF DEED AND PLATT.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lots 81, 135, and 136 of the 3rd District, 2nd Cherokee County, Georgia, containing 10 acres, as shown on plat of survey recorded at Plat Book 107, Page 85, Cherokee County Plat Records, said plat being incorporated herein by reference thereto for a more complete and accurate description of the subject property.



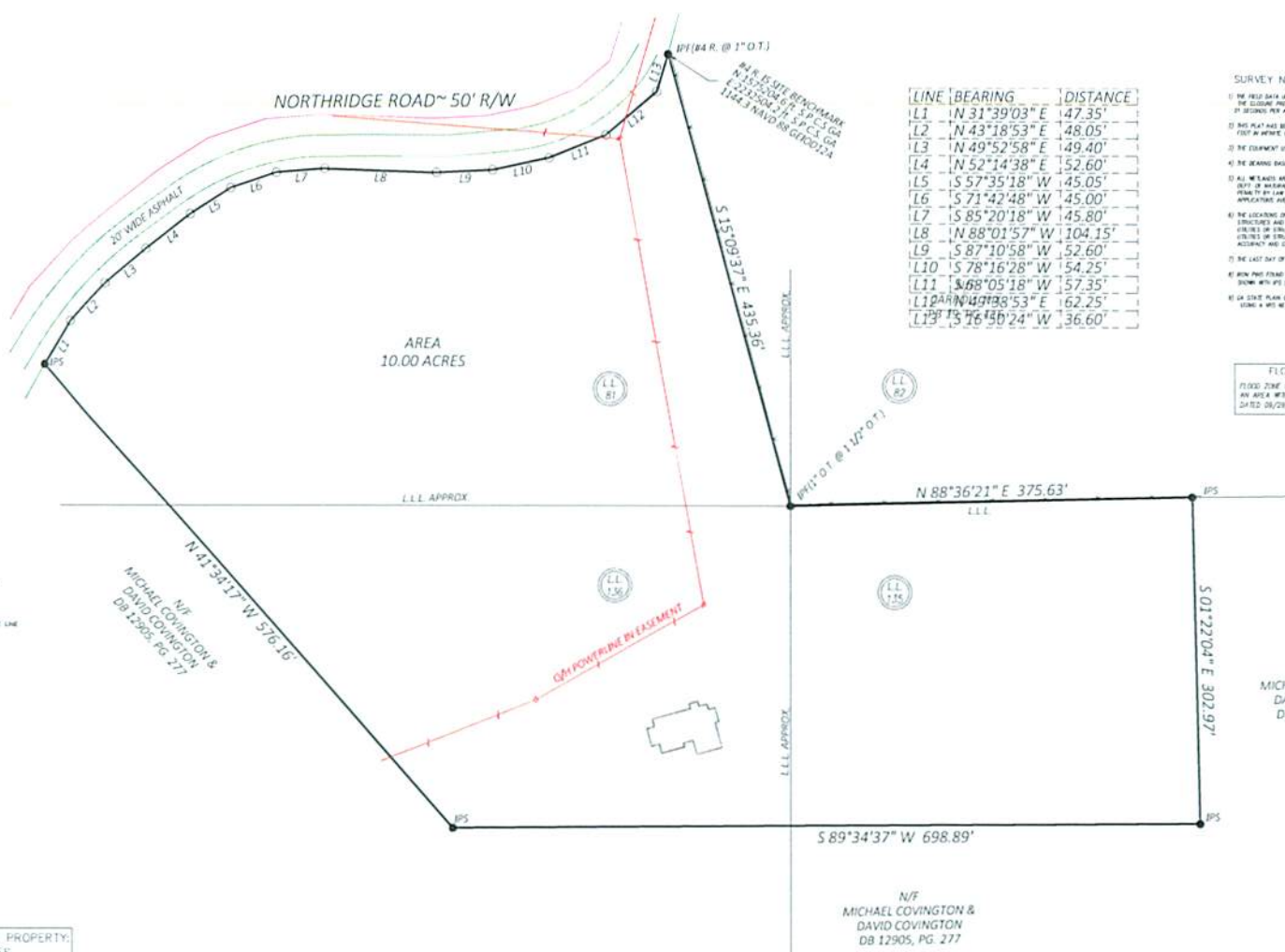
PLEASE NOTE:
 THESE SURVEYING DATA
 WERE OBTAINED FROM
 YOU OR IN GEORGIA
 ALL UTILITIES PROTECTION
 CENTER, INC.
 7-800-222-7411
 OR BY
 THE
 UNDERGROUND UTILITY
 LOCATING SERVICE



- LEGEND**
 SYMBOLS AND DESCRIPTIONS
- PROPERTY CORNER WITHOUT MONUMENT
 - PROPERTY CORNER WITH MONUMENT
 - RIGHT OF WAY
 - DEED BOOK
 - ROAD PIN SET
 - ROAD PIN FOUND
 - N/F MAN FOUND
 - LIGHT POLE
 - MANHOLE
 - STEEL GRATE DRAIN INLET
 - WATER VALVE
 - WATER METER
 - FIRE HYDRANT
 - P.S.B. POINT OF BEGINNING
 - S.E.L. SANITARY SEWER EASEMENT
 - T.P. TRAFFIC CONTROL POINT
 - TRAFFIC CONTROL POINT
 - U.T.S. UTILITY TO SCALE
 - CMP CORRUGATED METAL PIPE
 - CONC. CONCRETE
 - D.I.P. DUCTILE IRON PIPE
 - P.V.C. POLY VINYL CHLORIDE
 - U.T. UNDERGROUND TELEPHONE CABLE
 - P.O.C. POINT OF COMMERCIAL
 - S.P. SPOT ELEVATION
 - B.L. BUILDING LINE
 - D.I.P. DUCTILE IRON PIPE
 - E.P. EASEMENT
 - F.C. FACE OF CURB
 - J. JUNCTION BOX
 - S.S. SANITARY SEWER CLEANOUT

- LEGEND**
 SHAPES
- BOUNDARY PROPERTY LINE
 - SANITARY SEWER
 - OVERHEAD POWER LINE
 - WATER LINE
 - UNDERGROUND TELEPHONE LINE
 - GAS LINE
 - RIGHT OF WAY

AREA OF SUBJECT PROPERTY:
 10.00 ACRES



- SURVEY NOTES**
- THE FIELD DATA FROM WHICH THIS PLAN IS BASED WAS OBTAINED BY A CLOSED TRAVELING THEODOLITE METHOD OF SURVEYING. THE DATA WAS NOT ADJUSTED.
 - NO PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT AT ANY POINT.
 - THE DEPARTMENT USED FOR FIELD MEASUREMENTS IS LEGALY ZONED BY TITLE EIGHT.
 - THE BEARING DATA FOR THIS PLAN IS GIVEN NORTH BY TITLE EIGHT.
 - ALL MEASUREMENTS ARE UNDER THE ASSUMPTION OF THE CORRECTION OF THE CURVE OF THE EARTH. UNLESS OTHERWISE NOTED, ALL PROPERTY CORNERS SHOWN WITH THIS PLAN ARE SET BY THE SURVEYOR AND ARE SUBJECT TO CHANGE BY LAW FOR IMPROVEMENT TO THESE PROPERTIES AND ARE SUBJECT TO THE APPROVAL AND COMPLETION OF THE LOCAL GOVERNMENT.
 - THE LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON AERIAL PHOTOGRAPHS AND INFORMATION SUPPLIED BY THE SURVEYOR. LOCATIONS OF UNDERGROUND UTILITIES OR STRUCTURES NOT SHOWN HEREON SHOULD BE LOCATED BY THE PROPERTY OWNER AND COMPLETION OF THE LOCAL GOVERNMENT.
 - THE LOCATION OF FIELD MARKS AND MONUMENTS SHOWN IS CHECKED BY THIS SURVEYOR.
 - NO PLAT FROM ANY LOT OR PART THEREOF UNLESS OTHERWISE NOTED, ALL PROPERTY CORNERS SHOWN WITH THIS PLAN ARE SET BY THE SURVEYOR AND ARE SUBJECT TO CHANGE BY LAW FOR IMPROVEMENT TO THESE PROPERTIES AND ARE SUBJECT TO THE APPROVAL AND COMPLETION OF THE LOCAL GOVERNMENT.
 - IN CASE OF ANY DISCREPANCY BETWEEN THE BEARING AND DISTANCE DATA AND THE BEARING AND DISTANCE DATA SHOWN ON THIS PLAN, THE BEARING AND DISTANCE DATA SHALL CONTROL.

FLOOD NOTE
 FLOOD ZONE CLASSIFICATION FOR THIS SITE IS ZONE X. THIS PARCEL OF LAND DOES NOT LIE IN AN AREA WITH SPECIAL FLOOD HAZARDS PER CHEROKEE COUNTY F.I.R.M. MAP #135/2010A DATED 04/29/2006

The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 160-7 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. 14-6-67



NO OTHER INFORMATION DOES NOT REQUIRE APPROVAL FOR RECORDING BY A GOVERNING AUTHORITY AND IS NOT SUBJECT TO GEORGIA CODE SECTION 14-6-67

N/F
 MICHAEL COVINGTON &
 DAVID COVINGTON
 DB 12905, PG. 277

N/F
 MICHAEL COVINGTON &
 DAVID COVINGTON
 DB 12905, PG. 277

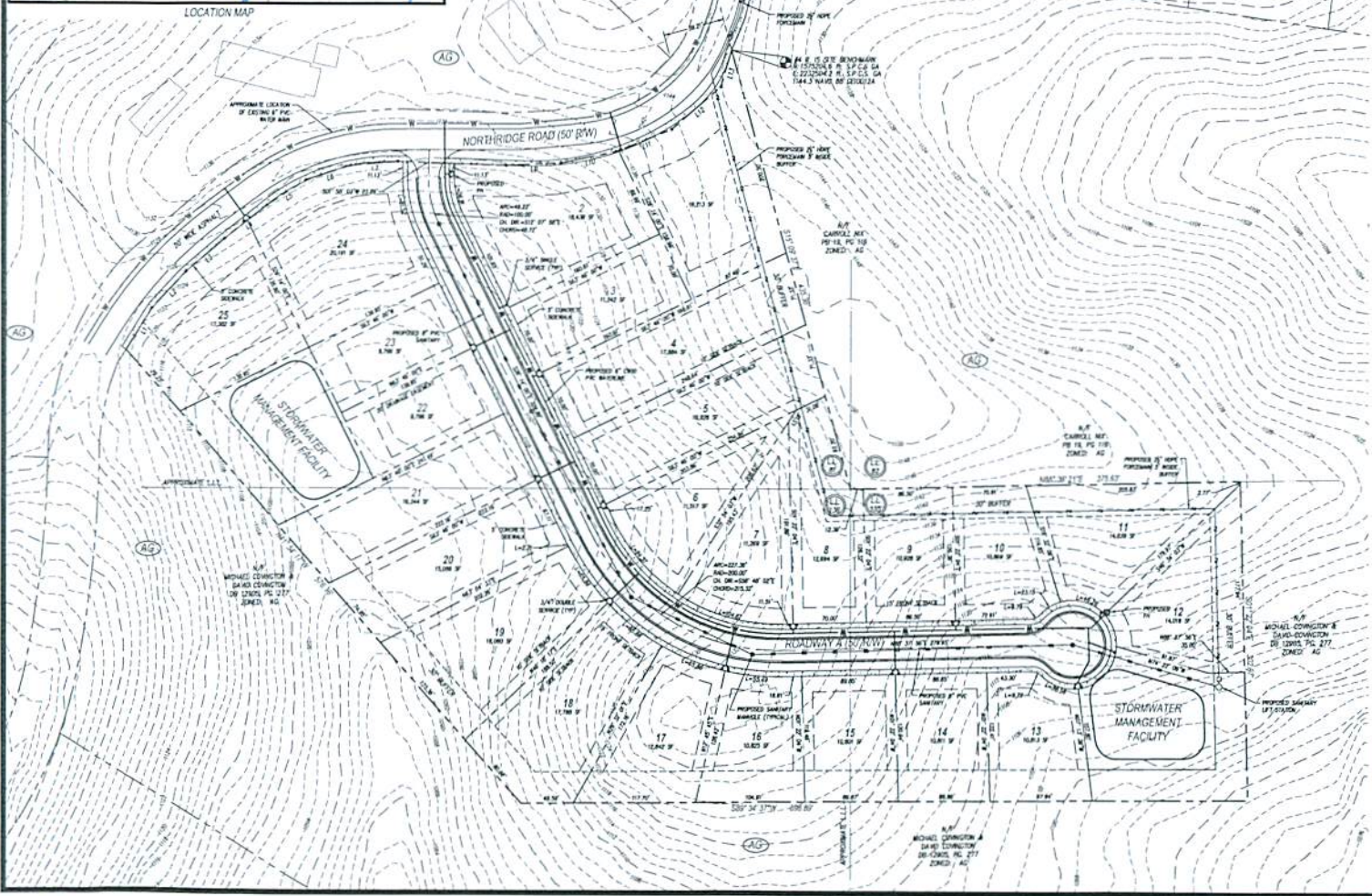


NO.	DATE	REVISIONS
1	11-20-15	ISSUE

MAP OF BOUNDARY SURVEY OF
 312 NORTHDRIDGE ROAD
 FOR
 BIRCHWOOD PROPERTIES, LLC.
 FOR PROPERTY LOCATED IN
 LAND LOTS 135 & 136, 3rd DISTRICT, 2nd SECTION
 CHEROKEE COUNTY, GEORGIA

D&S LAND SURVEYING
 311 1/2 FOX DR. PO BOX 999A, CANTON, GA 30114
 (770) 485-1111
 WWW.DANDS-SURVEYING.COM





DEVELOPMENT SUMMARY

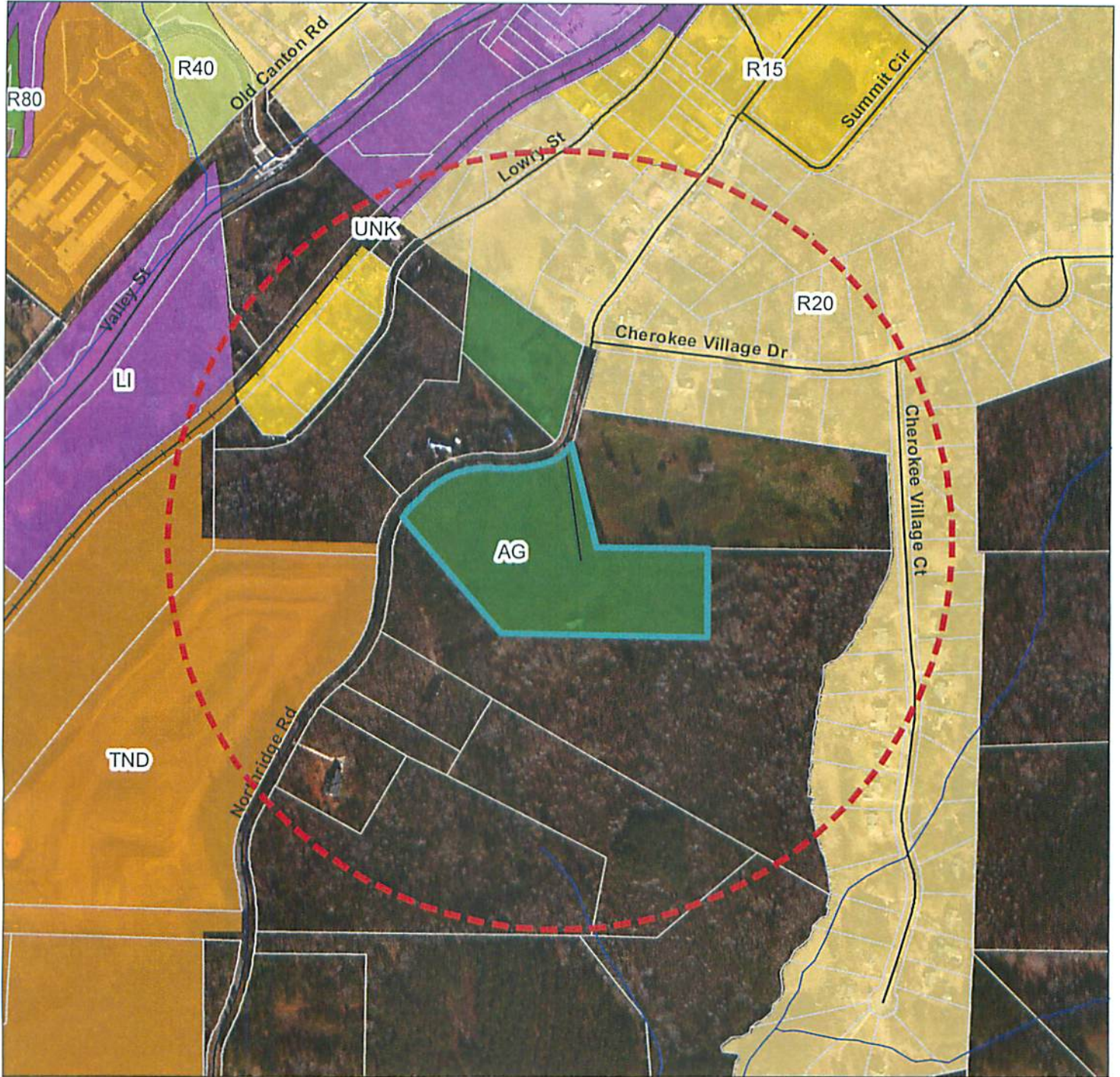
ZONING	EXISTING ZONING	AG
	PROPOSED ZONING	R1L
AREA		10 ACRES
DENSITY	NUMBER OF UNITS	25 UNITS
	PROPOSED DENSITY	2.5 UNITS/ACRE
	HEIGHT OF ROOF	30'
	MINIMUM LOT AREA	8,796 SF
	MINIMUM LOT WIDTH	70 FEET
	MINIMUM BUILDING HEIGHT	25 FEET
	SETBACKS	
	FRONT (INTERNAL)	30 FEET
	FRONT (EXTERNAL)	15 FEET
	SIDE	10 FEET
	REAR	25 FEET
	WATER	
	CHEROKEE COUNTY PERMITTED BUFFER	30 FEET

THE RECORD

NO.	DATE	DESCRIPTION
1	11/28/11	PRELIMINARY PLAN
2	12/15/11	REVISIONS
3	1/10/12	REVISIONS
4	1/24/12	REVISIONS
5	2/14/12	REVISIONS
6	2/22/12	REVISIONS
7	3/14/12	REVISIONS
8	3/22/12	REVISIONS
9	4/11/12	REVISIONS
10	4/19/12	REVISIONS
11	5/15/12	REVISIONS
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91	5/27/18	REVISIONS
92	6/24/18	REVISIONS
93	7/22/18	REVISIONS
94	8/19/18	REVISIONS
95	9/16/18	REVISIONS
96	10/14/18	REVISIONS
97	11/11/18	REVISIONS
98	12/9/18	REVISIONS
99	1/6/19	REVISIONS
100	2/3/19	REVISIONS
101	3/3/19	REVISIONS
102	4/3/19	REVISIONS
103	5/1/19	REVISIONS
104	5/29/19	REVISIONS
105	6/26/19	REVISIONS
106	7/24/19	REVISIONS
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117	5/28/20	REVISIONS
118	6/25/20	REVISIONS
119	7/23/20	REVISIONS
120	8/20/20	REVISIONS
121	9/17/20	REVISIONS
122	10/15/20	REVISIONS
123	11/12/20	REVISIONS
124	12/10/20	REVISIONS
125	1/7/21	REVISIONS
126	2/4/21	REVISIONS
127	3/4/21	REVISIONS
128	4/1/21	REVISIONS
129	4/29/21	REVISIONS
130	5/27/21	REVISIONS
131	6/24/21	REVISIONS
132	7/22/21	REVISIONS
133	8/19/21	REVISIONS
134	9/16/21	REVISIONS
135	10/14/21	REVISIONS
136	11/11/21	REVISIONS
137	12/9/21	REVISIONS
138	1/6/22	REVISIONS
139	2/3/22	REVISIONS
140	3/3/22	REVISIONS
141	4/1/22	REVISIONS
142	4/29/22	REVISIONS
143	5/27/22	REVISIONS
144	6/24/22	REVISIONS
145	7/22/22	REVISIONS
146	8/19/22	REVISIONS
147	9/16/22	REVISIONS
148	10/14/22	REVISIONS
149	11/11/22	REVISIONS
150	12/9/22	REVISIONS
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163	12/9/23	REVISIONS
164	1/6/24	REVISIONS
165	2/3/24	REVISIONS
166	3/3/24	REVISIONS
167	4/1/24	REVISIONS
168	4/29/24	REVISIONS
169	5/27/24	REVISIONS
170	6/24/24	REVISIONS
171	7/22/24	REVISIONS
172	8/19/24	REVISIONS
173	9/16/24	REVISIONS
174	10/14/24	REVISIONS
175	11/11/24	REVISIONS
176	12/9/24	REVISIONS
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185	8/19/25	REVISIONS
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189	12/9/25	REVISIONS
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352	6/24/38	REVISIONS
353	7/22/38	REVISIONS
354	8/19/38	REVISIONS
355	9/16/38	REVISIONS
356	10/14/38	REVISIONS
357	11/11/38	REVISIONS
358	12/9/38	REVISIONS
359	1/6/39	REVISIONS
360		

Case # 16-09-026 Birchwood Properties, LLC

Ball Ground Zoning Map



Legend

- | | |
|-----------------------------|-----|
| Rezoning Parcel | R15 |
| Street | RZL |
| 1/4 Mile Radius | RM4 |
| 100 Year Flood Zone | TND |
| Ball Ground - Zoning | |
| AG | OIT |
| RE | LRO |
| R80 | GC |
| R40 | HO |
| R30 | LI |
| R20 | |



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 and Land Use
Canton, Georgia
27 July 2016





Cherokee County, Georgia
Agenda Request

Item#: 4.

SUBJECT: **MEETING DATE:**
Case #16-09-027 Puma Land, LLC (BOC Dist. 1) 9/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 4.39 acres on Cumming Highway from R-80 to NC for neighborhood retail and services.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-80 to NC
Location: Cumming Highway
Tax Map and Parcel No: 03N05, 146
Acres: 4.39 acres
Proposed Development: Neighborhood Retail and services
Future Development Map: Transitional/Country Estates

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Survey	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Department Comments	Exhibit



CHEROKEE COUNTY
Application for Public Hearing

Important Notes:

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

SECTION I

Contact Person: S. Jeffrey Rusbridge Phone: 770-479-7418
 Email: sjr@dyruslaw.com

Applicant's Information:

Name: Puma Land, LLC

Address: 571 Lakeside Trail Phone: 770-479-7418

City, State, Zip: Canton, GA 30115

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

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

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

<p>STAFF USE ONLY:</p> <p>Commission District: <u>1</u></p> <p>Case: <u>16-09-027</u></p> <p>CityView #: <u>PL20160000940</u></p> <p>Received by: _____</p> <p>Fee Paid: \$ _____</p> <p>Date: _____</p>	<p>PUBLIC HEARING SCHEDULE:</p> <p>Public Participation Meeting: <u>6/30/16</u></p> <p>PC Work Session Date: <u>8/15/16</u></p> <p>Planning Commission Hearing: <u>9/6/16</u></p> <p>Board of Commissioners: <u>9/20/16</u></p> <p>Zoning Board of Appeals: _____</p> <p>Other: _____</p>
---	--

SECTION II

Property Information:

Location: 5585-5615 Cumming Hwy., Canton, GA

Current Zoning: R-80 Proposed Zoning: NC Total Acreage: 4.39

Tax Map #: 03 N 05 Parcel #: 146 Land Lot(s): 941 District: 3

Future Development Map Designation: Transitional/Country Estates

Adjacent Zonings: North AG South R-80 East OI West R-80

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

Applicant wishes to rezone its property to a Neighborhood Commercial use, in order to ultimately utilize, market, and lease the three existing structures on the property for commercial uses allowed in the Neighborhood Commercial zone, such as neighborhood retail and services.

Proposed Use(s) of Property:

Commercial uses allowed in the Neighborhood Commercial zone, such as neighborhood retail and services.

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, Linwood Gunn, 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 6th day of July, 20 16.

Print Name Linwood Gunn.

Applicant Signature .

SECTION III

Infrastructure Information:

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

How is sewage from this site to be managed?

On-site septic systems.

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? 30 trips

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

Notes:

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

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

APPLICANT RESPONSE STATEMENT
REZONING APPLICATION OF PUMA LAND, LLC
TAX PARCEL 03N05-146

Applicant Puma Land, LLC is requesting that its 4.39 acres of land on Georgia Highway 20 be rezoned from a Residential designation (R-80) to a zone of Neighborhood Commercial (NC), in order to utilize, market, and lease the three existing structures on the property for uses allowed in the zone, such as neighborhood retail and services.

This zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The properties located along Georgia Highway 20 are rapidly transforming from traditional residential uses to commercial ones, due to the volume and intensity of traffic traversing the highway. A variety of commercial uses are already found along the highway, in the stretch between Union Hill Road and East Cherokee Drive, including retail businesses, commercial offices, an office park, an automotive service center, and a gas station. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property, as the property will be utilized for similar uses and nearby properties, and no new structures are planned for the property.

The property as currently zoned does not have a reasonable economic use. Given the traffic traversing Georgia Highway 20, and the availability of other residential properties, residential property purchasers are not buying properties on the highway for personal residential use. This rezoning will not cause an excessive, burdensome, or increased use of existing streets, transportation facilities, or utilities. Neighborhood commercial uses are designed to serve persons already traveling in a given area, and should thereby not increase traffic.

This proposed zoning is in conformity with the county's land use plan, as this area is in a Transitional Corridor located between two areas designated, respectively, as Community Village and Hamlet. Neighborhood Commercial use is specifically suggested as an appropriate zoning district in a Transitional Corridor, and such a corridor anticipates the development of retail stores and establishments providing personal and professional services. As noted above, Georgia Highway 20 is rapidly changing, especially given the expectation that it will be widened to four lanes in the near future.

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 941 of the 3rd District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin found (rebar) which is located at the common land lot corners of Land Lots 931, 932, 941 and 942; thence leaving the common land lot corners of Land Lots 931, 932, 941 and 942 and traveling along the common land lot line of Land Lots 932 and 941 and traveling South 89°56'46" West a distance of 159.89 feet to an iron pin found (rebar) which is THE TRUE POINT OF BEGINNING; thence leaving the common land lot line of Land Lots 932 and 941 and traveling South 00°02'48" East a distance of 362.84 feet to an iron pin placed (½" rebar) which is located on the northerly right of way of State Route 20 - Cumming Highway (100 foot right of way); thence traveling along the northerly right of way of State Route 20 - Cumming Highway and traveling the following courses and distances: thence traveling in a southwesterly direction an arc length distance of 120.82 feet to a point (said arc being subtended by a chord bearing South 84°15'40" West a chord distance of 120.82 feet and having a radius distance of 4899.24 feet); thence traveling South 83°34'57" West a distance of 380.48 feet to an iron pin placed (½" rebar); thence leaving the northerly right of way of State Route 20 - Cumming Highway and traveling North 00°17'19" West a distance of 403.89 feet to an iron pin found (rebar) which is located on the common land lot line of Land Lots 932 and 941; thence traveling along the common land lot line of Land Lots 932 and 941 and traveling North 88°26'44" East a distance of 500.23 feet to an iron pin found (rebar) which is THE TRUE POINT OF BEGINNING. Said parcel contains 4.39 acres. Specific reference is made to a Survey for Joel Garrison prepared by Cherokee Surveying Co., Inc., Charles A. Payne, R.L.S. #1581, dated July 2, 2008, revised August, 2008 and incorporated herein by reference thereto.

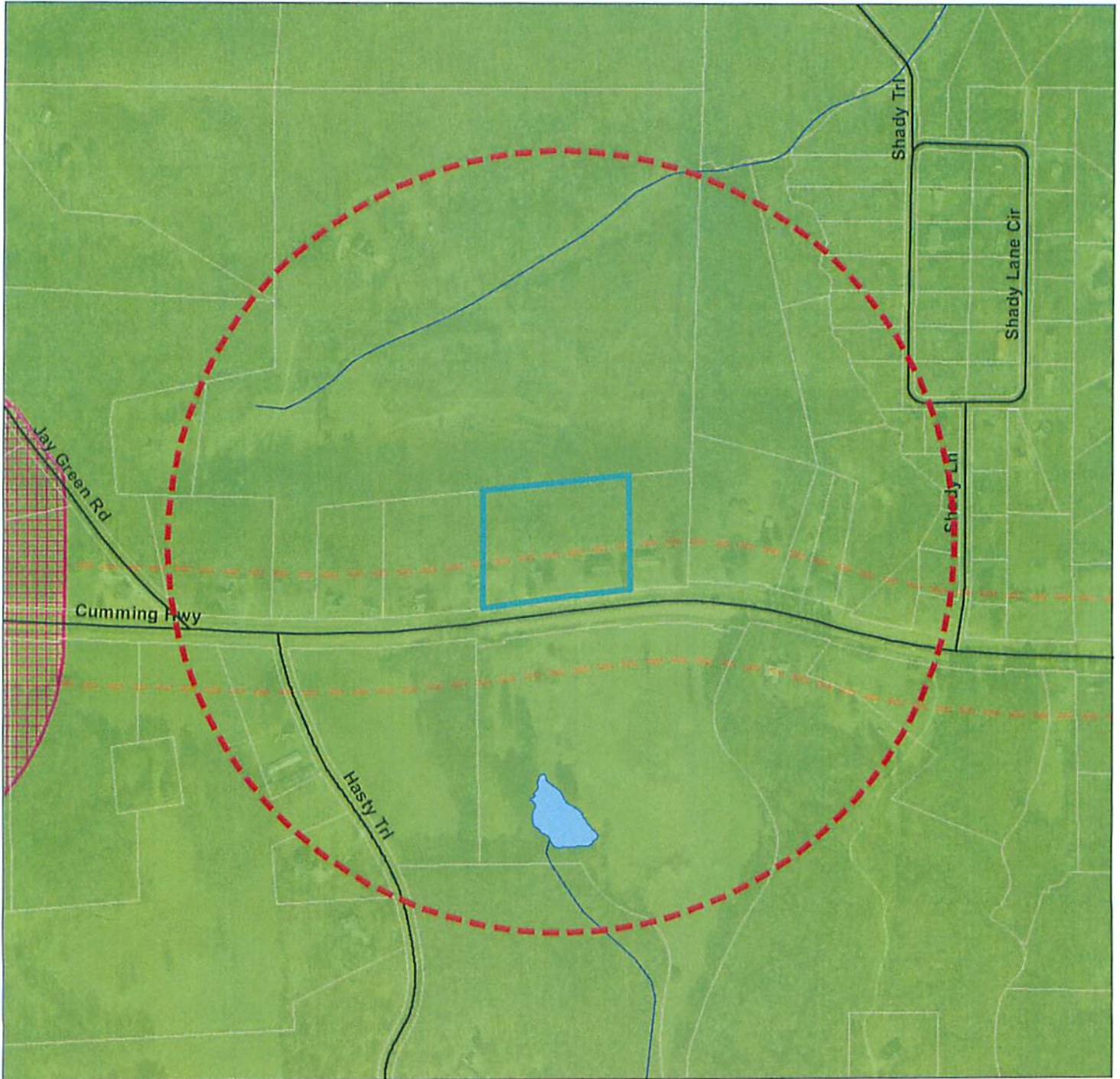
This is the same property as was conveyed from Joel Garrison and Robert N. Garrison as Co-Executors of the Estate of Christine H. Garrison to Joel Garrison, Robert N. Garrison, Linda G. Schaller and Arlene G. Edwards by Executor's Deed of Assent dated December 14, 2009 and recorded December 15, 2009 in Deed Book 10874, Page 15, Cherokee County, Georgia deed records and subsequently conveyed from Linda G. Schaller, Arlene G. Edwards and Sally Patricia Garrison as Executor of the Estate of Robert Nelson Garrison a/k/a Robert N. Garrison by Warranty Deed dated October 2, 2014 and recorded October 3, 2014 in Deed Book 13023, page 97, Cherokee County, Georgia deed records.

This is also a portion of the same property that was conveyed by the Executors of the Estate of Joseph A. Garrison to Christine H. Garrison by Executor's Deed dated April 20, 1984 and recorded in Deed Book 402 page 322, Cherokee County records. The specific property from which the above tract was derived was the eight acre tract listed on the Executor's Deed, but did not correctly describe the property as being in Land Lot 941 of the 3rd District and Second Section of Cherokee County, Georgia.

Handwritten signature/initials

Case # 16-09-027 Puma Land, LLC

Future Development Map



Legend

- | | | |
|---------------------|------------------------|--------------------------|
| Rezoning Parcel | Character Areas | Development Nodes |
| Streets | Natural Preserve | County Crossroads |
| 1/4 mile radius | Rural Places | Hamlet |
| 100 Year Flood Zone | Country Estates | Neighborhood Village |
| Ball Ground | Suburban Growth | Community Village |
| Canton | Suburban Living | Corridors |
| Holly Springs | Neighborhood Living | Scenic Corridor |
| Woodstock | Belts Ferry LCI | Transitional Corridor |
| | Urban Core | Development Corridor |
| | Workplace Center | |
| | Regional Center | |
| | Waste Management | |



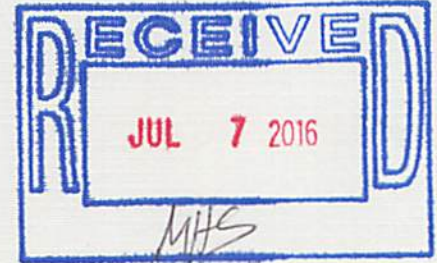
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
27 July 2016



July 1, 2016



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

Re: Rezoning Application of Puma Land, LLC
Cherokee County Tax Map No. 03N05-146

The public participation meeting regarding the above rezoning application was held in the community meeting room of the Free Home Fire Station on Thursday, June 30, 2016, at 6:30 p.m. The meeting concluded at 7:00 p.m.

The applicant, through its legal counsel, on June 23, 2016, notified by mail all property owners deemed to be located within 750 feet of the subject property, along with all persons on the Interested Parties List provided by your office. A sample of the notice that was sent to each person is attached hereto as Exhibit "A". The Certificates of Mailing to each person required to be notified are attached hereto as Exhibit "B". The applicant had the following available for review at the meeting: a site plan of the property; a closeup of the Future Development Map; a closeup of the Cherokee County Zoning Map; and copies of the rezoning application.

Only one person, a member of the Planning Commission, attended the meeting. One neighboring property owner called my office on the day of the meeting to ask about the rezoning, and her only concern was that the existing structures be allowed to remain on the property.

Sincerely,

A handwritten signature in blue ink that reads "S. Jeffrey Rusbridge". The signature is fluid and cursive.

S. Jeffrey Rusbridge
Attorney at Law

11



FIELD WORK: DC/AC/SC
 DRAWN BY: CAP
 JOB NO. 3031
 FILE NO. 3031-A

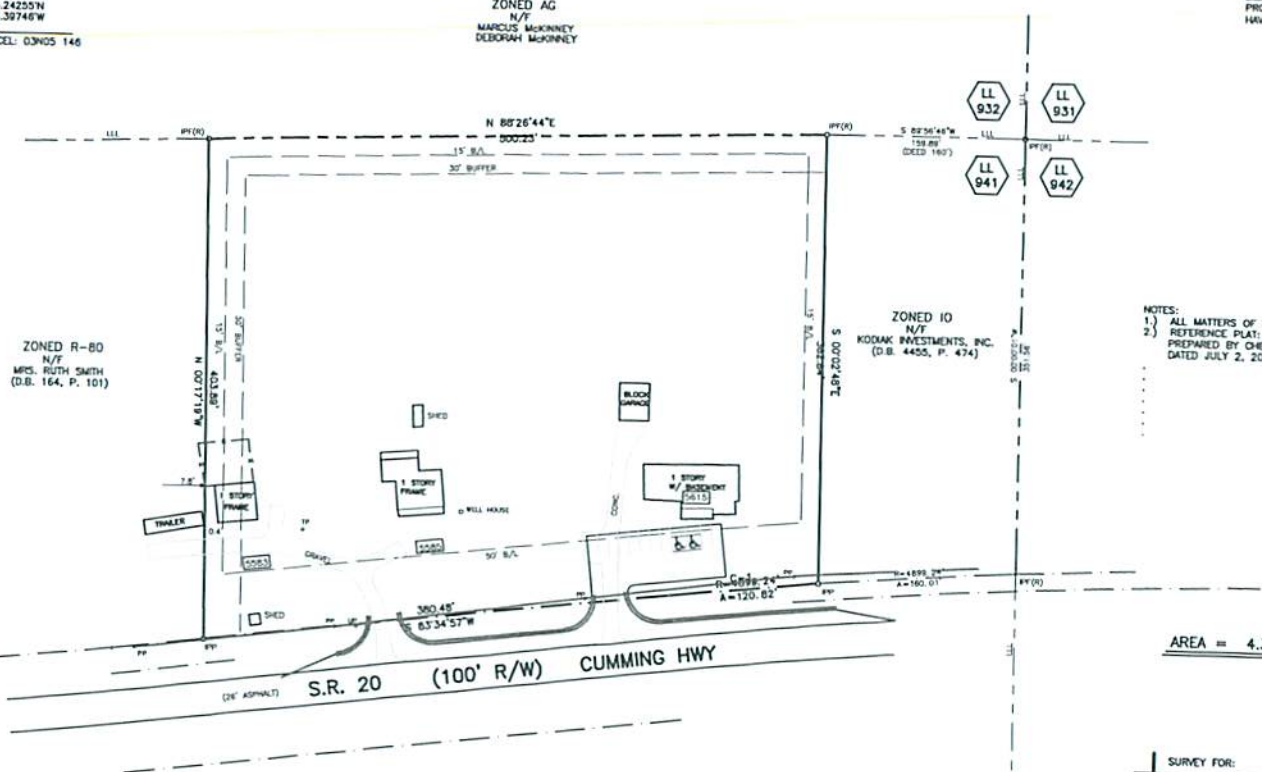
34.24250N
 84.30746W

TAX PARCEL: 03N05 146

ZONED AG
 N/T
 MARCUS MCKINNEY
 DEBORAH MCKINNEY

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
C-1	4899.24'	120.82'	1°24'47"	120.82'	S54°15'40"W

*I.R.M. FEDERAL INSURANCE RATE
 MAP* COMMUNITY NO. 120424... PAGE
 260.D., DATED 9/28/06... SHOWS THIS
 PROPERTY NOT TO BE IN AN AREA
 HAVING SPECIAL FLOOD HAZARDS.



ZONED R-80
 N/T
 MRS. RUTH SMITH
 (D.B. 164, P. 101)

ZONED IO
 N/T
 KODIAK INVESTMENTS, INC.
 (D.B. 4455, P. 474)

NOTES:
 1) ALL MATTERS OF TITLE ARE EXCEPTED.
 2) REFERENCE PLAT: SURVEY FOR JOEL GARRISON;
 PREPARED BY CHEROKEE SURVEYING CO., INC.;
 DATED JULY 2, 2008, REVISED AUGUST, 2008.

AREA = 4.39 ACRES

SURVEY FOR:

PUMA LAND, LLC

- LEGEND
1. PP - IRON PIN PLACED 1/2" HD
 2. SP - IRON PIN PLACED
 3. CT - CRIMP TOP PIN
 4. ST - OPEN TOP PIN
 5. R - REINFORCING BAR
 6. LL - LAND LOT LINE
 7. R/W - RIGHT OF HWY
 8. PL - PROPERTY LINE
 9. CL - CENTER LINE
 10. BL - BUILDING LINE
 11. FL - FENCE LINE
 12. PL - POWER LINE
 13. (XXX)-ADDRESS

THIS MAP OR PLAT HAS BEEN CALCULATED FOR
 CLOSURE AND IS FOUND TO BE ACCURATE WITHIN
 ONE (1) FOOT IN 222,811 FEET.
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT
 IS BASED HAS A CLOSURE PRECISION OF 1 FOOT
 IN 222,811 FEET AND AN ANGULAR ERROR
 OF 0.0001 FOR ANGLE POINT, AND WAS
 ADJUSTED USING THE LEAST SQUARES RULE.
 THIS PLAT HAS BEEN PREPARED USING A TOPCON
 TOTAL STATION RECORDING DIRECTLY TO 8 DECIMALS
 OF AN ARC AND 1 ONE THOUSANDTH OF A FOOT.



PART OF:
 LAND LOT 941
 DISTRICT 3, SECTION 2
 CHEROKEE COUNTY, GEORGIA
 SCALE: 1" = 60'
 FIELD WORK: JUNE 16, 2008
 PREPARED: JULY 18, 2016

CHEROKEE SURVEYING CO., INC.
 P.O. BOX 329
 CANTON, GEORGIA 30169
 2623 MARIETTA HIGHWAY
 CANTON, GEORGIA 30114
 TEL 770 479 5940
 FAX 770 479 0127
 DWS NO. 16-3031-34C

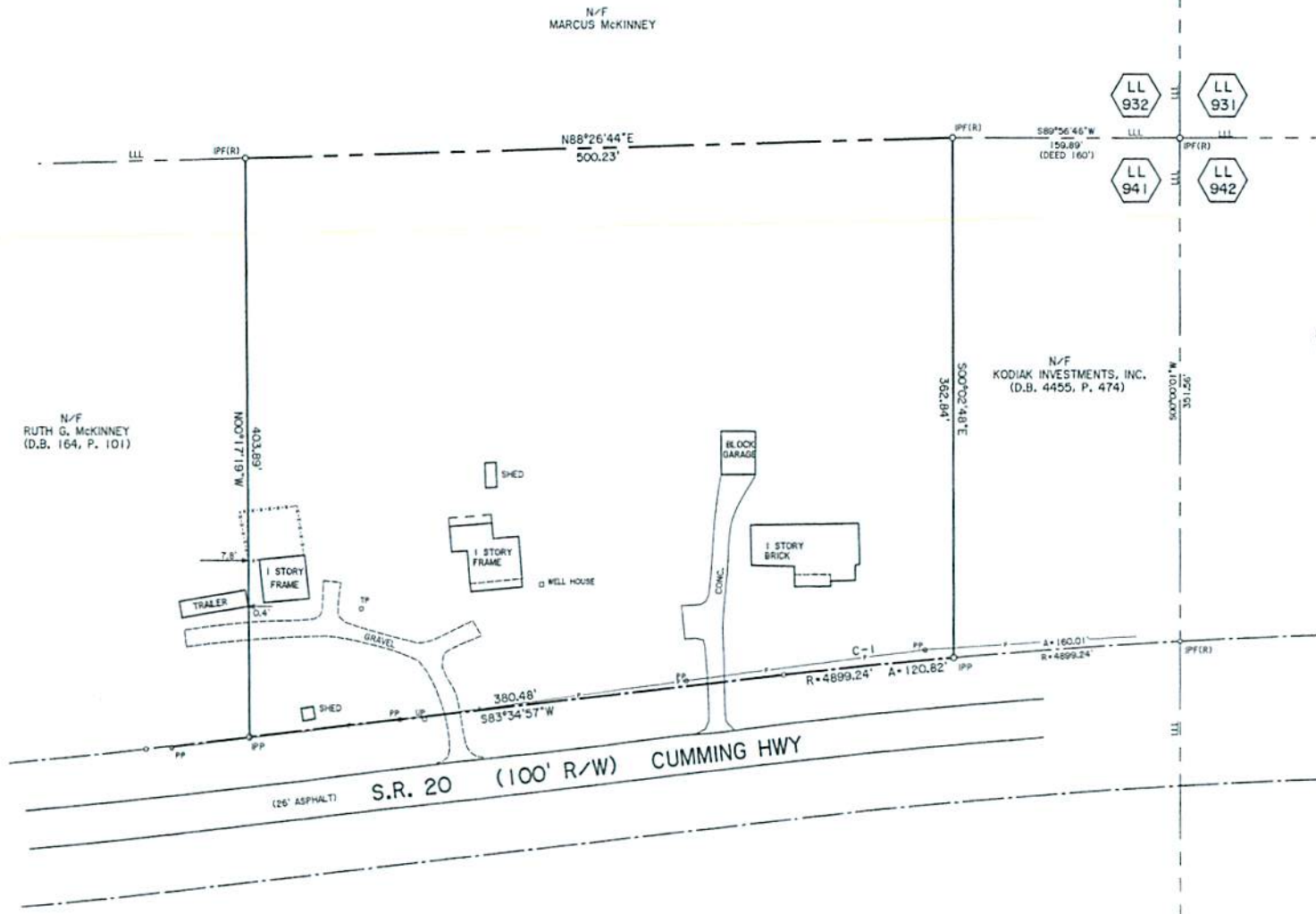
DWS NO. 16-3031-34C

FIELD WORK: DC/KC/SC
 DRAWN BY: CAP
 JOB NO. 3031
 FILE NO. 3031

CURVE	RADIUS	LENGTH	DELTA	CHORD	CH.BEARING
C-1	4899.24'	120.82'	1°24'47"	120.82'	S84°15'40"W

*F.I.R.M. FEDERAL INSURANCE RATE
 MAP* COMMUNITY NO. 130124, PAGE
 280 D, DATED 9/29/06 SHOWS THIS
 PROPERTY TO BE IN AN AREA
 HAVING SPECIAL FLOOD HAZARDS.

DWG. NO. 08-3031-19C



NOTES:
 1.) ALL MATTERS OF TITLE ARE EXCEPTED.

AREA = 4.39 ACRES

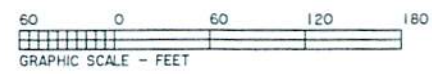
SURVEY FOR:
JOEL GARRISON

PART OF:
 LAND LOT 941
 DISTRICT 3, SECTION 2
 CHEROKEE COUNTY, GEORGIA
 SCALE: 1" = 60'
 FIELD WORK: JUNE 16, 2008
 PREPARED: JULY 2, 2008
 REVISED: AUGUST, 2008 (LAND LOT LINE)

CHEROKEE SURVEYING CO., INC.
 P. O. BOX 329
 CANTON, GEORGIA 30169
 2623 MARIETTA HIGHWAY
 CANTON, GEORGIA 30114
 TEL 770 479 5940
 FAX 770 479 0127

- LEGEND**
- 1. I.P.P. - IRON PIN PLACED (1/2" RB)
 - 2. I.P.F. - IRON PIN FOUND
 - 3. C.T. - CRAMP TOP PIN
 - 4. O.T. - OPEN TOP PIN
 - 5. R. - REINFORCING BAR
 - 6. L.L. - LAND LOT LINE
 - 7. R/W - RIGHT OF WAY
 - 8. P.L. - PROPERTY LINE
 - 9. C.L. - CENTER LINE
 - 10. B.L. - BUILDING LINE
 - 11. -X- - FENCE LINE
 - 12. -P- - POWER LINE
 - 13. (---) - ADDRESS

THIS MAP OR PLAT HAS BEEN CALCULATED FOR
 CLOSURE AND IS FOUND TO BE ACCURATE WITHIN
 ONE (1) FOOT IN 250,000 FEET.
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT
 IS BASED HAS A CLOSURE PRECISION OF 1 FOOT
 IN 250,000 FEET AND AN ANGULAR ERROR
 OF 1/2" PER ANGLE POINT, AND WAS
 ADJUSTED USING THE "N/A" RULE.
 THIS PLAT HAS BEEN PREPARED USING A TOPCON
 TOTAL STATION READING DIRECTLY TO 5 SECONDS
 OF ARC AND 1 ONE THOUSANDTH OF A FOOT.



DWG. NO. 08-3031-19C

Case # 16-09-027 Puma Land, LLC

Zoning



Legend

- | | | |
|---------------------|-----|---------------------|
| Rezoning Parcel | AG | RTH |
| Streets | R80 | RM10 |
| 1/4 mile radius | R60 | RM16 |
| 100 Year Flood Zone | R40 | PUD |
| Ball Ground | R30 | OI |
| Canton | R20 | NC |
| Holly Springs | R15 | GC |
| Woodstock | RD3 | LI |
| | R10 | HI |
| | RZL | Belts 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 and Land Use
Canton, Georgia
27 July 2016





Staff Report

Case No: 16-09-027
Applicant Name: Jeff Rusbridge for Puma Land, LLC.
Location: 5585-5615 Cumming Highway
(03N05, 146)
From/To: R-80 to NC
Proposed Use: Neighborhood Retail and Services
Commission Post: 1

	Existing Zoning	Existing Land Use
North	AG	Residential
South	R-80	Residential
East	O-I	Residential/Vacant
West	R-80	Commercial

Future Development Map

Character Area/Node/Corridor	Description
Transitional Corridor	This corridor is designed to allow more intensive residential uses and limited compatible nonresidential uses along major roadways. Restrictions in this corridor allow a smooth transition to surrounding area. Size, appearance and parking standards apply to this corridor. AG, OI, NC.
Country Estates	Area of low intensity land use with a mixture of single-family housing on large lots and farms. Local-serving roads, potentially with public water, typically lacks sewer. Suggested zonings of AG and R-80.

Analysis and Comment

The subject parcel is 4.39 acres and lies on the north side of Cumming Highway (State Route 20) between Jay Green Road and Shady Lane. A Public Participation Meeting was held on June 30, 2016 and attended by one Planning Commission member. There was also, one telephone inquiry on the day of the meeting. No Existing Site Resource Map was required (Article 18, Section 6.3). We have received no letters in opposition to or in support of this petition. The application is consistent with the Future Development Map designation of Transitional Corridor.

Findings

1.1 Engineering Department

- The primary public access for the property in this application is State Route 20. State Route 20 is a full width two lane urban minor arterial roadway. The geometry on the road at the location of this application is generally good. The Georgia DOT recorded a daily traffic volume of approximately 17,200 vehicles per day on SR 20 near the location of this application in 2015. There is some recorded accident history on this road, including fatalities. The Georgia DOT recently announced that they would be using state funds to improve State Route 20 along its existing corridor. At this time they are in the process of surveying the corridor in order to begin the roadway design. No definite schedule has been released by GDOT for how long the design phase or right-of-way acquisition phase will take. It is estimated that the construction of any improvements to this section of State Route 20 will take place in the 2020 – 2025 time frame. The Georgia DOT will determine any necessary improvements to SR 20 when the applicant applies for a commercial driveway access along that route. It should be expected that the entrance would include a deceleration lane as well as a left-turn lane into the property. If the Georgia DOT does not require any changes to the existing access, the applicant will need to provide documentation. It is the opinion of the Cherokee County Engineering Department that State Route 20 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

- The Board of Education did not submit a report.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- There is generally adequate police protection in this area served by the Freehome Precinct. Response times vary with the nature of the call, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from two to sixteen minutes. This proposed change will not have a noticeable impact on patrol operations.

COUNTY ENGINEER

CASE NUMBER: 16-09-027
APPLICANT: Puma Land, LLC
CURRENT ZONING: Residential (R-80)
PROPOSED ZONING: Neighborhood Commercial (NC)

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

The primary public access for the property in this application is State Route 20.

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

State Route 20 is a full width two lane urban minor arterial roadway. The geometry on the road at the location of this application is generally good. The Georgia DOT recorded a daily traffic volume of approximately 17,200 vehicles per day on SR 20 near the location of this application in 2015. There is some recorded accident history on this road, including fatalities.

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

The Georgia DOT recently announced that they would be using state funds to improve State Route 20 along its existing corridor. At this time they are in the process of surveying the corridor in order to begin the roadway design. No definite schedule has been released by GDOT for how long the design phase or right-of-way acquisition phase will take. It is estimated that the construction of any improvements to this section of State Route 20 will take place in the 2020 – 2025 time frame.

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

The Georgia DOT will determine any necessary improvements to SR 20 when the applicant applies for a commercial driveway access along that route. It should be expected that the entrance would include a deceleration lane as well as a left-turn lane into the property. If the Georgia DOT does not require any changes to the existing access, the applicant will need to provide documentation.

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?

Allatoona Basin

General remarks/comments:

None.

Conclusion:

It is the opinion of the Cherokee County Engineering Department that State Route 20 should be able to handle the additional traffic generated by this application.

Case #16-09-027 - Community Agenda Analysis	
Section 1 – Community Vision	
Community	Buffington / Cumming Hwy (SR 20 East)
Vision: <ul style="list-style-type: none"> – 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. 	
<i>This rezoning would allow for some existing homes to be converted to commercial use.</i>	
Section 2 - Core Issues	
Project Supports	
Planning for Sustainable Growth	This location has some infrastructure and services nearby.
Preserve and Enhance Sense of Place	Current plans show for existing homes to be converted for retail or offices land uses.
Designing with the Environment	The plan shows a minimal amount of clearing and grading for new entrance and small parking area.
Project is Neutral	
Housing Choice	No evidence of impact.
Aging in Place	No evidence of impact.
Diverse Economic Opportunities	No evidence of impact.
Project Neglects	
Land Use Patterns that Promote Connectivity and Mobility	This project does not show any connections or future connections to adjacent property to provide connectivity. Access management is important in this corridor to try to reduce impact of commercial development.
Section 3 – Character Area Description	
Character Area	Country Estates
<i>This application is not consistent with the Country Estates character area.</i>	
Node or Corridor	Transitional Corridor
<i>This application is not consistent with the Transitional Corridor node. Retail shops, personal services and professional offices are considered secondary land uses within the corridor. However, the proposed GC zoning district is not suggested for Transitional Corridors. It is important to consider that the adjacent property to the east is zoned OI to allow the commercial size sign but it is still in residential use.</i>	

**CHEROKEE SHERIFF'S OFFICE
MEMORANDUM**

CASE NUMBER: 16-09-027

APPLICANT: Puma Land, LLC

PRESENT ZONING: R-80

PROPOSED ZONING: NC

1. IS ADEQUATE POLICE PROTECTION IN AREA PRESENTLY?

Generally, yes. This area is served by the Freehome Precinct.

2. ESTIMATED RESPONSE TIME TO REQUEST:

Response times will vary with the nature of the request, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from two to sixteen minutes.

3. WILL ADDITIONAL PERSONNEL AND EQUIPMENT BE NECESSARY TO CONTINUE EFFICIENT SERVICE IN THE AREA?

The proposed change will not have a noticeable impact on patrol operations.

IF SO, LIST APPROXIMATE NEEDS:

4. ADDITIONAL REMARKS:



Cherokee County, Georgia
Agenda Request

Item#: 5.

SUBJECT:
Case #16-09-028 Windsong Properties, LLC
(BOC Dist. 4)

MEETING DATE:
9/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 21.5 +/- acres at 6058 Kemp Drive from R-40 to RZL for an active adult neighborhood. The applicant is also requesting a variance to reduce the front building setback along Woodstock Road from seventy-five (75) feet to thirty-five (35) feet, a variance to reduce the front setback on interior roads from twenty (20) feet to ten (10) feet and a variance to allow the required ten (10) foot side building separation to be centered on the property lines.

FACTS AND ISSUES:

Commission District: 4
Zoning Change: R-40 to RZL
Location: 6058 Kemp Drive
Tax Map and Parcel No: 21N11, 058
Acres: 21.5 +/-
Proposed Development: Active Adult Neighborhood
Future Development Map: Suburban Living

BUDGET:

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

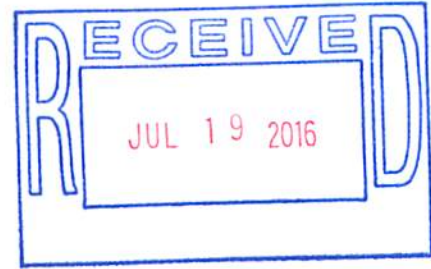
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Survey	Exhibit
<input type="checkbox"/> Department Comments	Exhibit



CHEROKEE COUNTY
Application for Public Hearing



Important Notes:

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

SECTION I

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

Applicant's Information:

Name: Windsong Properties, LLC
Address: P.O. Box 1205 Phone: _____
City, State, Zip: Woodstock, GA 30188

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

Name: Sovereign Grace Church, Inc.
Address: 2230 Towne Lake Pkwy Phone: _____
City, State, Zip: Woodstock, GA 30189

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>4</u>	Public Participation Meeting: <u>6/29/16</u>
Case: <u>16-09-028</u>	PC Work Session Date: <u>8/15/16</u>
CityView #: <u>PL20160000936</u>	Planning Commission Hearing: <u>9/6/16</u>
Received by: <u>Fed Ex. 7/19/16</u>	Board of Commissioners: <u>9/20/16</u>
Fee Paid: \$ <u>500⁰⁰</u>	Zoning Board of Appeals: _____
Date: <u>pd 7/19/16</u>	Other: _____

SECTION II

6058 Kemp Dr.

Property Information:

Location: On the west side of Woodstock Road and east side of Kemp Road, north of Highway 92

Current Zoning: R-40 Proposed Zoning: RZL Total Acreage: 21.5±

Tax Map #: 21 N 11 Parcel #: 058 Land Lot(s): 1051 District: 21st

Future Development Map Designation: Suburban Living

Adjacent Zonings: North R-20 & R-40 South R-40 East R-20 & R-40 West R-40

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

Applicant requests rezoning from R-40 to RZL for the purpose of a 72 lot active adult neighborhood. Applicant also requests two variances. 1) Reduce the front building setback from 35 feet (collector) 20 feet (local) to 10 feet. 2) Reduce the side setback from ten (10) feet to five (5) feet.

Proposed Use(s) of Property:

Active adult 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 15 day of July, 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 County Water and Sewerage Authority

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

If yes, what is the projected increase? N/A students *this development is restricted to seniors only.

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	This is an age targeted community
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? 689 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	72	9.57	689.04
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.

Windsong Properties LLC proposes to rezone the property to RZL for an active adult community. Windsong has extensive expertise in the active adult market having developed multiple successful active adult communities in Cherokee, Cobb and Paulding Counties.

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

Windsong's communities are traditionally quiet and create less traffic than any other residential use. There will be adequate buffers for adjacent property owners and the impact on the surrounding properties will be minimal. Although, surrounding neighborhoods are developed at a lower density, the impact of a traditional single family neighborhood on the public infrastructure is much greater than the proposed active adult community.

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

The Windsong community will be quieter and create less of an impact on adjacent properties than any other residential development would have. The neighbors that attended the community meeting all requested that there not be any access onto Kemp Road. Windsong will agree to not access Kemp Road which limits the impact on the residents that live on this road.

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

As zoned, the property does not have a reasonable economic use. The R-40 zoning on the subject property would not allow sufficient density to cover the cost associated with developing the land which would include extending public utilities and rehabilitating the dam.

- 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 Windsong neighborhood will have less of a burden on schools, roads and other public infrastructure than the development of the property for a traditional single family neighborhood or if the property were developed as a church.

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

The RZL designation is not in conformity with the Suburban Living land use designation. However, the intensity of the development as it relates to the impact on surrounding properties and the public infrastructure will be consistent with the Suburban Living designation. Unfortunately, Cherokee County doesn't have a senior living ordinance that would take into account the difference between a traditional single family development and an active adult community.

- 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.**

This section of Cherokee County has an aging demographic but a limited supply of homes designed for the aging population. The senior demographic needs quality homes and entire neighborhoods that are purpose built for their needs. The homes will be ADA accessible to allow aging in place. The lawn and landscaping is all maintained by the HOA so the residents can enjoy a quiet a beautiful community that will have sidewalks throughout to encourage walking and social interaction.

SECTION VI

APPLICANT RESPONSE STATEMENT- VARIANCES / APPEALS

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

If this application is in response to a variance, please respond to the following standards in the form of a written narrative. In the case of concurrent variances, a response to the standards below should be provided for each variance requested.

1. Explain requested variance.

- a. Reduce the front setback to ten feet.
- b. Reduce the side setback from ten feet to five feet.

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

The applicant is trying to limit the grading on the property so the topography doesn't have to be changed dramatically. By reducing the front setback the homes can be brought closer to the road which reduces the amount of grading that has to occur. The reduced front setback also allows for an attractive streetscape and encourages social interaction between neighbors.

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

The needless excessive grading created by the larger front setback will create an unnecessary hardship because there is no benefit to having the increased front setback.

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

The topography and grading conditions are peculiar to the subject property.

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

The Windsong product is designed for active adults and is designed to be close to the sidewalk to create a streetscape that encourages walking and social interaction. There is no benefit to the community to have an increased front setback.

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

The ordinance is intended to create a proper separation between a home and the street. Windsong creates this separation by offsetting the garage doors from the sidewalk and placing a porch for social interaction close to the street.

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

The most relevant circumstance related to the variance request is the Windsong product and the fact that the community is an active adult community.

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

Windsong proposes a setback that respects the goal of the ordinance while allowing reasonable development of the property. There is no public benefit for an increased front or side setback in this situation.

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

The requested variance relates specifically to the property and the proposed active adult community. Unfortunately, Cherokee County does not have an active adult ordinance that could take into account the different needs of this market.

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

The setback variances will reduce any potential impact on surrounding properties by increasing the separation of the homes from existing properties.

Case # 16-09-028 Windsong Properties, LLC

Future Development Map



Legend

- | | | |
|---------------------|------------------------|--------------------------|
| Rezoning Parcel | Character Areas | Development Nodes |
| Street | Natural Preserve | County Crossroads |
| 1/4 Mile Radius | Rural Places | Hamlet |
| 100 Year Flood Zone | Country Estates | Neighborhood Village |
| Ball Ground | Suburban Growth | Community Village |
| Canton | Suburban Living | Corridors |
| Holly Springs | Neighborhood Living | Scenic Corridor |
| Woodstock | 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 and Land Use
Canton, Georgia
27 July 2016



Legal Description

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1051 of the 21st District, 2nd Section, Cherokee County, Georgia, being 0.63 acres as shown on a survey made for Sovereign Grace Church by Jeffrey E. West, R.L.S. dated September 30, 2008 and being more particularly described as follows:

BEGINNING at a point located at the intersection formed by the southeast right-of-way of Woodstock Road (50 foot right-of-way) and the east land lot line of Land Lot 1051 of said district and section; run thence south 00 degrees 57 minutes 15 seconds west and along said east land lot line 215.51 feet to an iron pin found; run thence north 85 degrees 38 minutes 20 seconds west 242.34 feet to an iron pin found on the southeast right-of-way of Woodstock Road; run thence northeasterly along the southeast right-of-way of Woodstock Road and following the curvature thereof 314.14 feet to the point of beginning.

ALSO CONVEYED HEREIN:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 1051 of the 21st District, 2nd Section, Cherokee County, Georgia, being 0.90 acres as shown on a survey made for Sovereign Grace Church by Jeffrey E. West, R.L.S. dated September 30, 2008 and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at the common intersection formed by Land Lots 1038, 1039, 1050 and 1051 of said district and section; from said point, run thence south 00 degrees 22 minutes 46 seconds west and along the east land lot line of Land Lot 1051 a distance of 236.83 feet to an iron pin found; run thence south 48 degrees 36 minutes 03 seconds west 132.80 feet to an iron pin found; run thence south 00 degrees 49 minutes 46 seconds west and along the west property line of property now or formerly owned by Kuykendall a distance of 155.01 feet to an iron pin found; run thence south 37 degrees 13 minutes 00 seconds east 33.78 feet to a point located on the northeast right-of-way of Woodstock Road (50 foot right-of-way); run thence south 53 degrees 35 minutes 52 seconds west and along said road right-of-way 4.62 feet to a point; said point being the TRUE POINT OF BEGINNING; from said true point of beginning, run thence southwesterly along the northwest right-of-way of Woodstock Road and following the curvature thereof, a distance of 249.08 feet to an iron pin found; run thence north 58 degrees 48 minutes 41 seconds west and leaving said road right-of-way 171.31 feet to an iron pin found; run thence north 50 degrees 55 minutes 04 seconds east 250.03 feet to an iron pin found; run thence south 58 degrees 41 minutes 24 seconds east 168.84 feet to the point of beginning.

ALSO CONVEYED HEREIN:

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 1051 and 1052 of the 21st District, 2nd Section, Cherokee County, Georgia, being 19.97 acres as shown on a survey prepared for Sovereign Grace Church by Jeffrey E. West, R.L.S. dated September 30, 2008 and being more particularly described as follows:

BEGINNING at the common land lot corner formed by Land Lots 1038, 1039, 1050 and 1051 of said district and section; from said point of beginning, run thence south 00 degrees 22 minutes 46 seconds west and along the east land lot line of Land Lot 1051 a distance of 236.83 feet to an iron pin; run thence south 48 degrees 36 minutes 03 seconds west 132.80 feet to an iron pin found; run thence south 00 degrees 49 minutes 46 seconds west 155.01 feet to an iron pin found; run thence south 37 degrees 13 minutes 00 seconds east 33.78 feet to an iron pin located on the northwest right-of-way of Woodstock Road (50 foot right-of-way); run thence south 53 degrees 35 minutes 52 seconds west and along said road right-of-way 4.62 feet to a point; run thence north 58 degrees 41 minutes 24 seconds west 168.84 feet to an iron pin; run thence south 50 degrees 55 minutes 04 seconds west 250.03 feet to an iron pin found; run thence south 58 degrees 48 minutes 41 seconds east 171.31 feet to an iron pin found on the northwest right-of-way of Woodstock Road; run thence south 44 degrees 24 minutes 18 seconds west and along said road right-of-way 52.64 feet to an iron pin found; run thence north 85 degrees 37 minutes 53

H.S.K. & P.H.B.
H.N.K.

seconds west and leaving the right-of-way of Woodstock Road, and along property now or formerly owned by Frank B. Nesmith, III 422.88 feet to an iron pin found; continue thence north 87 degrees 27 minutes 52 seconds west and along property owned by Young, 241.65 feet to an iron pin found; continue thence north 87 degrees 26 minutes 16 seconds west 335.51 feet to the east right-of-way of Kemp Road (40 foot right-of-way); run thence northerly, slightly northwesterly and slightly northeasterly and following the curvature of the easternmost right-of-way of Kemp Road a distance of 746.15 feet to an iron pin found at the north land lot line of Land Lot 1052; run thence south 89 degrees 13 minutes 33 seconds east and leaving said road right-of-way and following the north land lot line of Land Lot 1052 a distance of 186.99 to an iron pin found at the common land lot corner formed by Land Lots 1037, 1038, 1051 and 1052 of said district and section; continue thence south 89 degrees 13 minutes 09 seconds east and along the north land lot line of Land Lot 1051 a distance of 469.79 feet to an iron pin found; continue thence south 89 degrees 13 minutes 31 seconds east and along said north land lot line 862.05 feet to the point of beginning.

COPY

H.S.K. L.K.G.
H.K.

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

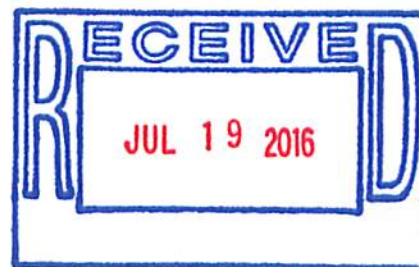
ADAM J. ROZEN

SLHB-LAW.COM

July 15, 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 Windsong Properties, LLC to rezone 21.5 acres on the west side of Woodstock Parkway and east of Kemp Road, north of Highway 92 from R-40 to RZL for a neighborhood developed for Cherokee senior citizens.

Dear Vicki:

Windsong Properties LLC conducted a public participation meeting on June 29, 2016 at 6:30 p.m. at Cherokee Fire Station at 100 Ridge Mill Ct., Acworth, Georgia 30102. The fire station is located close to the subject property making it convenient to area residents. Attached is list of those who attended the meeting. The biggest concern related to access onto Kemp Road. The property has road frontage on Kemp Road and Woodstock Road. However, Windsong will agree to not having any access on Kemp Road. The road is in need of improvement and the neighbors seemed pleased that there was no planned access onto Kemp Road. The neighbors also had some initial concerns about the proposed density and especially how that density might relate to traffic congestion. However, most seemed satisfied that the intensity as it relates to the public infrastructure will be less than if the property was developed as a traditional single family neighborhood. Please let me know if you have any additional questions or concerns regarding this meeting.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff
Attorney for Applicant
phuff@slhb-law.com

PFH/dvm

Attachments

cc: Windsong Properties, LLC

PUBLIC PARTICIPATION PLAN

COMES NOW, WINDSONG PROPERTIES, LLC (hereinafter "Applicant") to file this Public Participation Plan along with its Public Hearing Application for property located on the west side of Woodstock Road and east side of Kemp Road, north of Highway 92. The Applicant has implemented 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 15 day of July, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

PARKS F. HUFF
Attorney for Applicant,
Windsong Properties, LLC

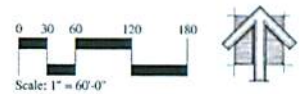


Grace by Windsong

CONCEPTUAL STUDY
1" = 60'-0"

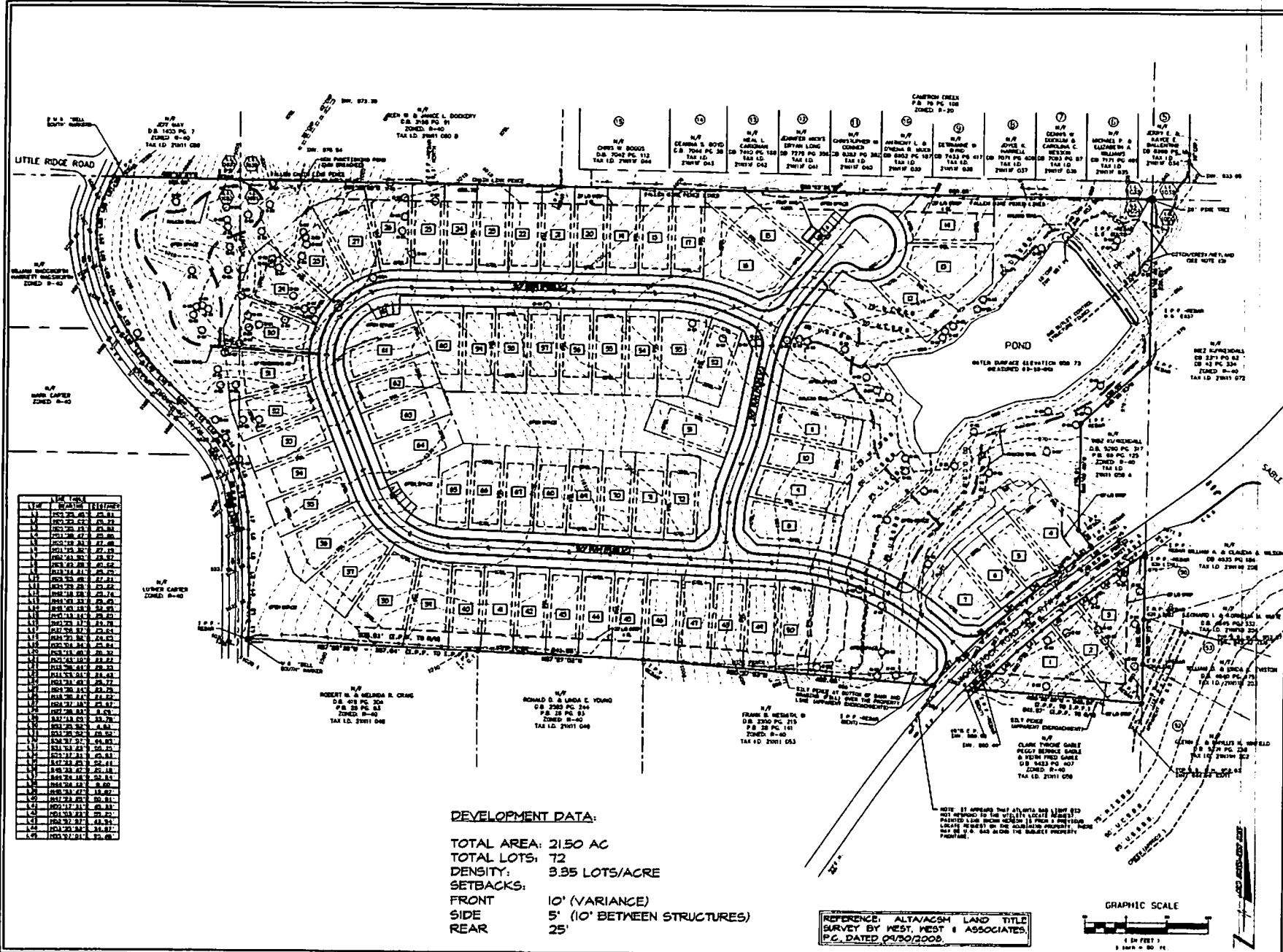
DEVELOPMENT SUMMARY

SITE: 21.5 AC
TOTAL LOTS: 72
DENSITY: 3.35 LOTS/AC



Grace by Windsong
Proposed Site Plan





CONCEPT PLAN FOR
GRACE
 LOCATED IN
LAND LOTS 1051 & 1052
21ST DISTRICT, 2ND SECTION
CHEROKEE COUNTY, GEORGIA

LOT	AREA	PERMITS	REMARKS
1	100.00	100.00	
2	100.00	100.00	
3	100.00	100.00	
4	100.00	100.00	
5	100.00	100.00	
6	100.00	100.00	
7	100.00	100.00	
8	100.00	100.00	
9	100.00	100.00	
10	100.00	100.00	
11	100.00	100.00	
12	100.00	100.00	
13	100.00	100.00	
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24	100.00	100.00	
25	100.00	100.00	
26	100.00	100.00	
27	100.00	100.00	
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29	100.00	100.00	
30	100.00	100.00	
31	100.00	100.00	
32	100.00	100.00	
33	100.00	100.00	
34	100.00	100.00	
35	100.00	100.00	
36	100.00	100.00	
37	100.00	100.00	
38	100.00	100.00	
39	100.00	100.00	
40	100.00	100.00	
41	100.00	100.00	
42	100.00	100.00	
43	100.00	100.00	
44	100.00	100.00	
45	100.00	100.00	
46	100.00	100.00	
47	100.00	100.00	
48	100.00	100.00	
49	100.00	100.00	
50	100.00	100.00	
51	100.00	100.00	
52	100.00	100.00	
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54	100.00	100.00	
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64	100.00	100.00	
65	100.00	100.00	
66	100.00	100.00	
67	100.00	100.00	
68	100.00	100.00	
69	100.00	100.00	
70	100.00	100.00	
71	100.00	100.00	
72	100.00	100.00	

DEVELOPMENT DATA:
 TOTAL AREA: 21.50 AC
 TOTAL LOTS: 72
 DENSITY: 3.35 LOTS/ACRE
 SETBACKS:
 FRONT 10' (VARIANCE)
 SIDE 5' (10' BETWEEN STRUCTURES)
 REAR 25'

REFERENCE ALTA/ACSM LAND TITLE
 SURVEY BY WEST, WEST & ASSOCIATES,
 P.C. DATED 04/30/2000.

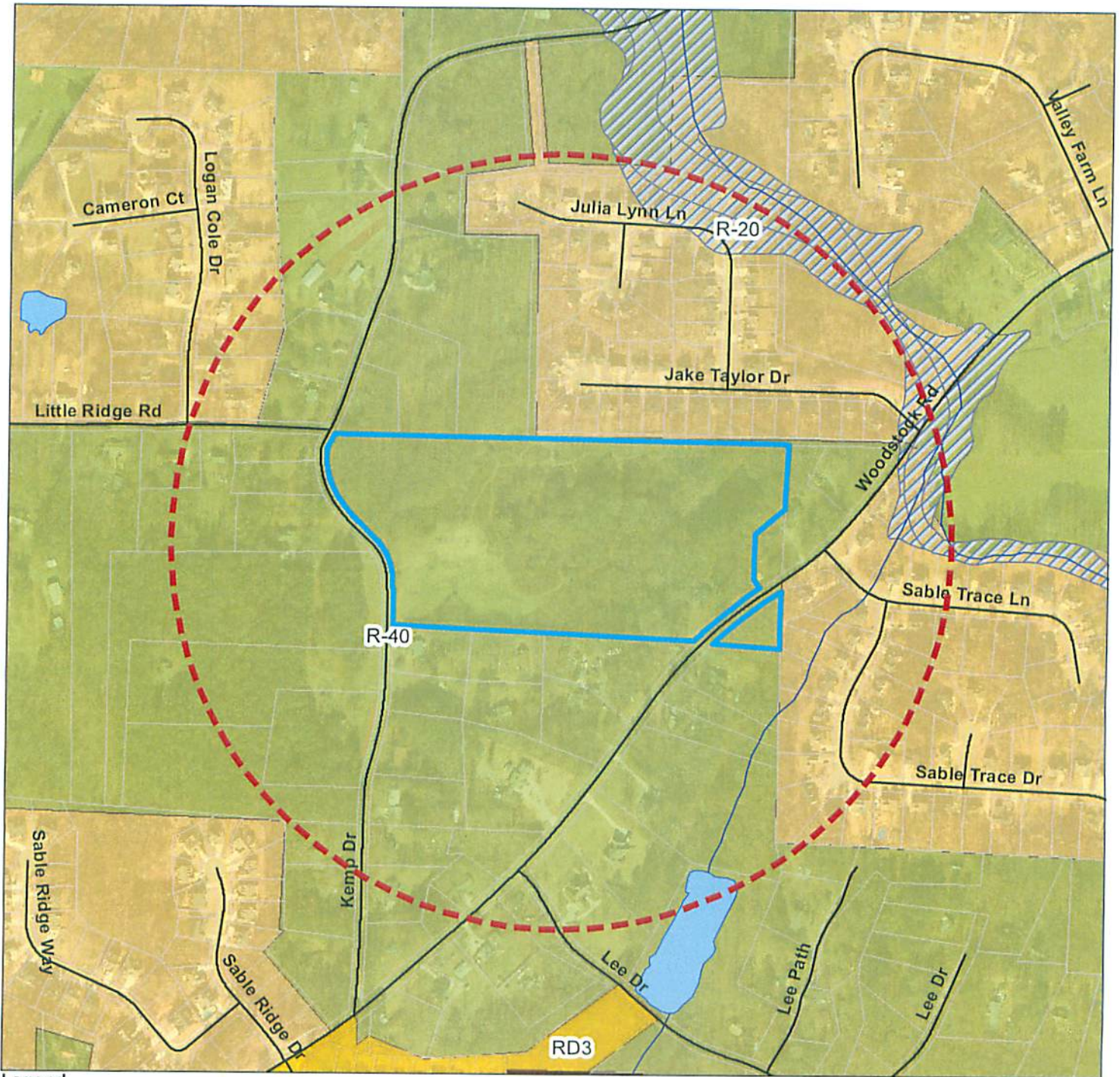


W&B ENGINEERING, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 1180 BELLS Ferry ROAD
 HANDELTA, GEORGIA 30008-8030
 FAX: (706) 835-1111
 WWW: WWW.WEB-ENG.COM
 (770) 626-7777

DATE	BY	REVISION
05/20/2008	W&B	01
05/20/2008	W&B	02
05/20/2008	W&B	03
05/20/2008	W&B	04
05/20/2008	W&B	05
05/20/2008	W&B	06
05/20/2008	W&B	07
05/20/2008	W&B	08
05/20/2008	W&B	09
05/20/2008	W&B	10
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05/20/2008	W&B	64
05/20/2008	W&B	65
05/20/2008	W&B	66
05/20/2008	W&B	67
05/20/2008	W&B	68
05/20/2008	W&B	69
05/20/2008	W&B	70
05/20/2008	W&B	71
05/20/2008	W&B	72

Case # 16-09-028 Windsong Properties, LLC

Zoning Map



Legend

Rezoning Parcel	Cherokee Zoning	RTH
Street	AG	RM10
1/4 Mile Radius	R80	RM16
100 Year Flood Zone	R60	TND
Ball Ground	R40	PUD
Canton	R30	OI
Holly Springs	R20	NC
Woodstock	R15	GC
	RD3	LI
	R10	HI
	RZL	Bells Ferry Overlay
	RA	Hwy 92 Overlay

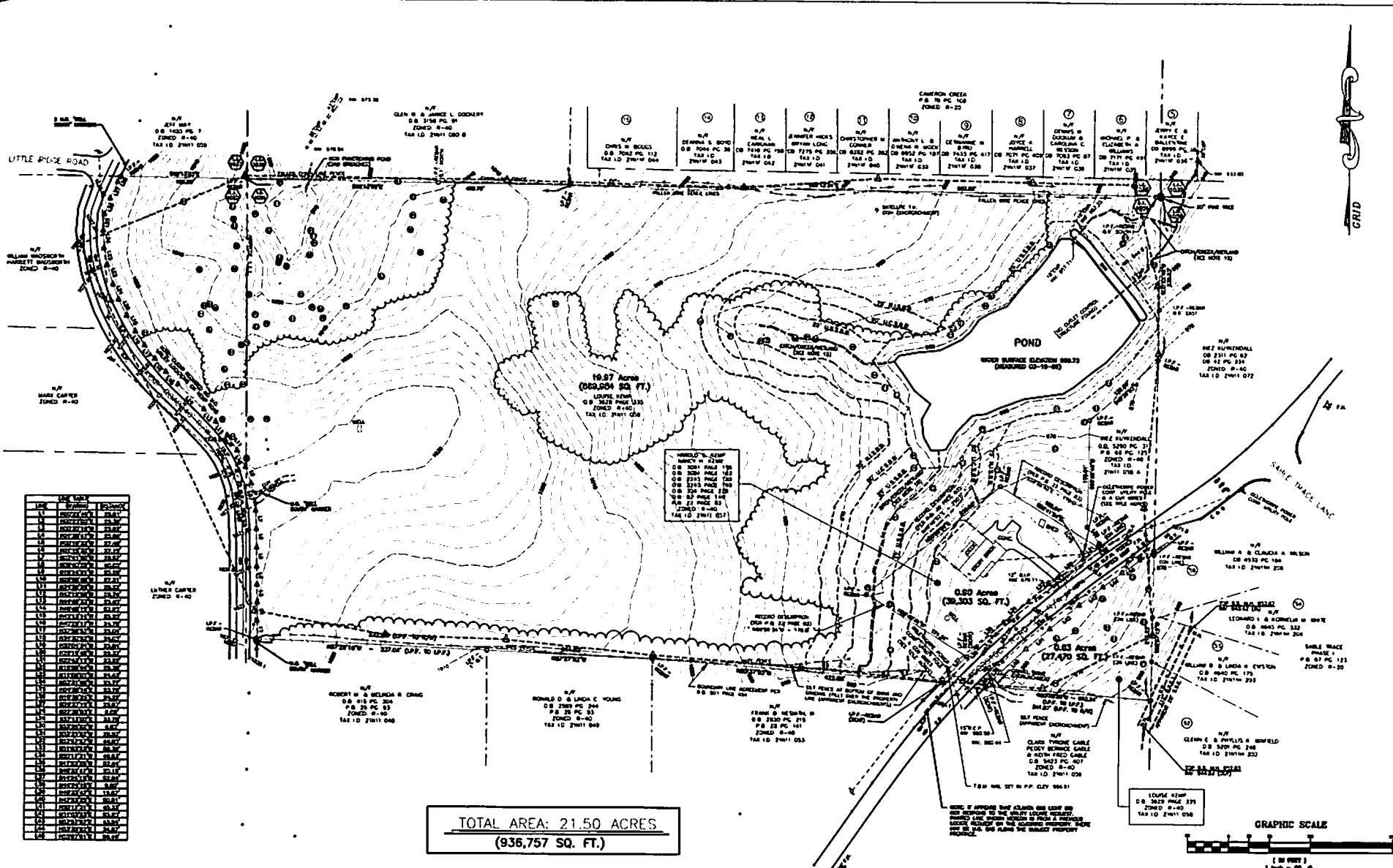


This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
27 July 2016





LINE	BEARING	DISTANCE
1	N 75° 00' 00" E	100.00
2	N 75° 00' 00" E	100.00
3	N 75° 00' 00" E	100.00
4	N 75° 00' 00" E	100.00
5	N 75° 00' 00" E	100.00
6	N 75° 00' 00" E	100.00
7	N 75° 00' 00" E	100.00
8	N 75° 00' 00" E	100.00
9	N 75° 00' 00" E	100.00
10	N 75° 00' 00" E	100.00
11	N 75° 00' 00" E	100.00
12	N 75° 00' 00" E	100.00
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43	N 75° 00' 00" E	100.00
44	N 75° 00' 00" E	100.00
45	N 75° 00' 00" E	100.00
46	N 75° 00' 00" E	100.00
47	N 75° 00' 00" E	100.00
48	N 75° 00' 00" E	100.00
49	N 75° 00' 00" E	100.00
50	N 75° 00' 00" E	100.00

TOTAL AREA: 21.50 ACRES
(936,757 SQ. FT.)



Revised: 03-24-08 (SEE STATEMENT ON SHEET 1)

NO.	DESCRIPTION
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49	
50	

Location:
LAND LOT(S): 1051 & 1052
21st DISTRICT, 2nd SECTION
CHEROKEE COUNTY, GEORGIA

Client:
SOVEREIGN GRACE CHURCH
2230 TOWNE LAKE PARKWAY
SUITE 240
WOODSTOCK, GEORGIA 30189



Sheet 2 of 2
ALTA/ACSM LAND TITLE SURVEY
Project Number: 05181
Date: 09-30-08
Scale: 1" = 60'
05181-SH02.dwg

West, West & Associates, P.C.
Civil Engineering - Land Surveying - Design Consulting
2300 Riverchase Blvd., Suite 203, Canton, Ga. 30114
Telephone 770-730-0054



Staff Report

Case No: 16-09-028
Applicant Name: Windsong Properties, LLC.
Location: 6058 Kemp Drive, Acworth
(21N11, 058)
From/To: R-40 to RZL
Proposed Use: Active Adult Community
Commission Post: 4

	Existing Zoning	Existing Land Use
North	R-20 and R-40	Residential
South	R-40	Residential
East	R-20 and R-40	Residential
West	R-40	Residential

Future Development Map

Character Area/Node/Corridor	Description
Suburban Living	Established residential neighborhoods with potential infill and redevelopment opportunities. Public water available, public sewerage available or planned; local public facilities. (R-40, R-30, R-20, R-15, RD-3)

Analysis and Comment

The subject parcel is approximately 21.5 acres on the west side of Woodstock Road across from Sable Trace Lane. A Public Participation Meeting was held June 29, 2016 with eleven (11) attendees. Their primary concern was additional traffic on Kemp Road. Windsong agreed to no access to Kemp Road. There is an Existing Site Resource Map on file. We have received no letters in opposition to or in support of this petition. The application is not consistent with the Future Development Map designation of Suburban Living, although is planned at 3.35 dwelling units per acre. There is a stipulation letter and traffic study attached.

1 Findings

1.1 Engineering Department

- The primary public access for the property in this application is Woodstock Road. Woodstock Road is a full width two lane rural minor arterial roadway. The geometry on the road at the location of this application is generally good. The Georgia DOT recorded a daily traffic volume of approximately 5,470 vehicles per day on Woodstock Road near the location of this application in 2013. At this time there are no scheduled improvements planned for this section of Woodstock Road. The Engineering Department will determine any necessary improvements to Woodstock Road when the applicant applies for access along that route. It should be expected that the entrance would include a deceleration lane and a left-turn lane into the property. The applicant is also seeking a variance regarding the front building setback for the development. The Engineering Department does not have an issue with reducing the front building setback on the internal streets from 35 feet to 10 feet back from the standard 50 foot right-of-way as requested. However, the applicant is also seeking to reduce the front building setback on Woodstock Road from 75 feet to 10 feet. If the front building setback is reduced on Woodstock Road, the Engineering Department recommends that reducing it to 35 feet from the existing right-of-way would be more appropriate. It is the opinion of the Cherokee County Engineering Department that Woodstock Road should be able to handle the additional traffic generated by this application with the following condition:

1. The front building setback along Woodstock Road be reduced to not less than 35 feet from the existing right-of-way.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA did not submit a report.

1.3 Cherokee County Board of Education

- The Board of Education anticipates an additional 52 students from this subdivision. However, this is an active adult community. Affected schools are Oak Grove Elementary (72.51%), E. T. Booth Middle (102.30%) and Etowah High (75.46%).

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- There is generally adequate police protection in this area served by the Oak Grove Precinct. Response times vary with the nature of the call, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from three to seven minutes. This proposed change will not have a noticeable impact on patrol operations.

Case #16-09-028 - Community Agenda Analysis	
Section 1 – Community Vision	
Community	Oak Grove / Woodstock Road
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.	
<i>This rezoning would allow for the development of an active adult neighborhood.</i>	
Section 2 - Core Issues	
Project Supports	
Planning for Sustainable Growth	This location has some infrastructure and services nearby. There is currently a lack of daily needs retail and personal services in this area.
Housing Choice	This adds a type of housing that is currently not available in SW Cherokee.
Aging in Place	There is a significant need in this area for housing options to allow seniors to remain in the community and maintain their social networks.
Project is Neutral	
Diverse Economic Opportunities	No evidence of impact.
Designing with the Environment	The plan shows a significant amount of clearing and grading but the existing pond will be maintained.
Project Neglects	
Land Use Patterns that Promote Connectivity and Mobility	This project does not show any connections or future connections to adjacent property to provide connectivity.
Preserve and Enhance Sense of Place	All existing structures will be removed during development.
Section 3 – Character Area Description	
Character Area	Suburban Growth
<p><i>This application is not consistent with the Suburban Growth character area. While single-family detached housing is a primary land use, the proposed zoning district is more intensive than what is suggested for this area.</i></p> <p>Things to Consider:</p> <ul style="list-style-type: none"> - <i>On the boundary with Suburban Living, which is more intensive.</i> - <i>Near the Hwy 92/Woodstock Road, which is planned for a significant retail/commercial.</i> 	
Node or Corridor	N/A

COUNTY ENGINEER

CASE NUMBER: 16-09-028
APPLICANT: Windsong Properties, LLC
CURRENT ZONING: Residential (R-40)
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 Woodstock Road.

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

Woodstock Road is a full width two lane rural minor arterial roadway. The geometry on the road at the location of this application is generally good. The Georgia DOT recorded a daily traffic volume of approximately 5,470 vehicles per day on Woodstock Road near the location of this application in 2013.

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

At this time there are no scheduled improvements planned for this section of Woodstock Road.

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 Woodstock Road when the applicant applies for access along that route. It should be expected that the entrance would include a deceleration lane and 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?

Kellogg Creek.

In what basin is the project located?

Alatoona Basin

General remarks/comments:

The applicant is also seeking a variance regarding the front building setback for the development. The Engineering Department does not have an issue with reducing the front building setback on the internal streets from 35 feet to 10 feet back from the standard 50 foot right-of-way as requested. However, the applicant is also seeking to reduce the front building setback on Woodstock Road from 75 feet to 10 feet. If the front building setback is reduced on

Woodstock Road, the Engineering Department recommends that reducing it to 35 feet from the existing right-of-way would be more appropriate.

Conclusion:

It is the opinion of the Cherokee County Engineering Department that Woodstock Road should be able to handle the additional traffic generated by this application with the following condition:

1. The front building setback along Woodstock Road be reduced to not less than 35 feet from the existing right-of-way.



DR. BRIAN V. HIGHTOWER
Superintendent of Schools

KYLA CROMER
School Board Chair

PATSY JORDAN
School Board Vice Chair

MIKE CHAPMAN

JOHN HARMON

CLARK MENARD

KELLY POOLE

ROBERT RECHSTEINER

10 August 2016

Windsong Properties, LLC
P.O. Box 1205
Woodstock, GA 30188

Dear Windsong Properties, LLC:

The Cherokee County School District's Office of School Support, Construction and Facility Management is in receipt of your zoning application 16 09-028 requesting the rezoning of 21.5 acres from R-40 to RZL for construction of 72 residential units. Please reference the attached zoning impact report for details on the projected effect of your proposed development on CCSD enrollment.

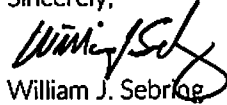
It is the position of the School District that all developers should attempt to voluntarily mitigate the impact of their proposed development. In every such case, the District designates a minimum contribution to help provide adequate facilities for the school age children who will occupy the residences in the development. A meeting between the School District and the property developer is requested prior to the zoning hearing in order to discuss the impact of your proposed development on area schools as well as a consistent donation to mitigate the impact on the School District.

Over a decade of rapid growth and development has increased the overall population of Cherokee County, placing a strain on infrastructure and public safety. These same developments have an impact on School District facilities as well. The School District strives to be proactive in establishing new schools to open when and where they are most needed. Given the explosive growth of the past decade, rising budget constraints, and un-funded or under-funded State mandates, achieving this objective continues to be a formidable task. The School District relies on donations provided by developers to help obtain additional property to construct schools, or to purchase/relocate portable classrooms to provide temporary relief for overcrowding and offset the costs while a more permanent solution is developed. It is the School District's belief that your willingness to voluntarily address and mitigate the logical consequences of your proposed development will promote the value and marketability of your development by providing adequate school facilities for the new residents of your development.

In cases where no agreement can be reached, the School District can make no guarantee that the proposed development will remain in the same school boundary area. All school boundaries are evaluated annually for overcrowding concerns during the annual Boundary Focus Group (BFG) Process.

Please contact my office at your earliest convenience to arrange an appointment and discuss the impact of your proposed development, as well as any possible mitigation.

Sincerely,



William J. Sebring
Assistant Superintendent
Support Services and Construction/Facilities Management

WJS:dm
Attachment

cc: Dr. Brian V. Hightower, Superintendent of Schools
Trey Olson, Deputy Superintendent, School Operations, Programs
and Support
Mitch Hamilton, Coordinator, Planning and Forecasting
Cherokee County Board of Commissioners
Cherokee County Planning Commission
Parks F. Huff, Esq.

0936



Rezoning Case Impact Report

Jurisdiction		Rezoning Case Number		Applicant Name	
Cherokee County		16-09-028		Windsong Properties, LLC	
Acreage	Number of Lots	Current Zoning	Proposed Zoning	Housing Type	
21.5	72	R40	RZL	Single Family Residential	
Estimated Student Impact	(1)	Additional Capacity Needed	Additional Capacity Cost	(2)	Annual Student Cost
52	Students	2	Classroom(s)	\$70,909.09	\$371,852.00
Planning Commission Meeting Date	County Commission/City Council Meeting Date			Map and Parcel	
				21N11/058	
Property Description					
Suburban Living					

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Oak Grove ES	575	793	72.51%
Middle School	MS Enrollment	MS Capacity	% Capacity
E.T. Booth MS	1688	1650	102.30%
High School	HS Enrollment	HS Capacity	% Capacity
Etowah HS	2377	3150	75.46%

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 SHERIFF'S OFFICE
MEMORANDUM**

CASE NUMBER: 16-09-028

APPLICANT: Windsong Properties, LLC

PRESENT ZONING: R-40

PROPOSED ZONING: RZL

1. IS ADEQUATE POLICE PROTECTION IN AREA PRESENTLY?

Generally, yes. This area is served by the Oak Grove Precinct.

2. ESTIMATED RESPONSE TIME TO REQUEST:

Response times will vary with the nature of the request, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from three to seven minutes.

3. WILL ADDITIONAL PERSONNEL AND EQUIPMENT BE NECESSARY TO CONTINUE EFFICIENT SERVICE IN THE AREA?

The proposed change will not have a noticeable impact on patrol operations.

IF SO, LIST APPROXIMATE NEEDS:

4. ADDITIONAL REMARKS:



**Cherokee County, Georgia
Agenda Request**

Item#: 1.

SUBJECT:
July 5, 2016 Minutes

MEETING DATE:
9/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

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



CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION

PUBLIC HEARING MINUTES

July 5, 2016

Cherokee Hall 7:00 pm

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, July 5, 2016 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Bill Dewrell, Bob Whitaker, Rick Whiteside, Scott Barnes, Thais Escondo, Ken Smith, Jerald Hill, Richard Weatherby and Tom Ware. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

The meeting was called to order at 7:00 p.m.

Case No. 16-06-019 Rosewood Active Adult Communities, LLC (BOC Dist.1)

Applicant is requesting to rezone 37.7 acres at East Cherokee Drive and Canton Road from AG to RD-3 for an active adult single family community. The applicant is also requesting a variance to exempt all homes from having alley access.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is not in compliance with the Future Development Map and Comprehensive Plan. Ms. Lee stated she has received several opposition letters.

Tommy Barnes represented this case. Mr. Barnes noted they submitted a revised site plan showing 11.9 acres of open space which is six (6) more acres that what is required. He stated this community will have an amenity in the center, a dog park to the South and this development will be an age restricted development. Mr. Barnes stated they are requesting a variance to the alley access requirement since they would like to have all homes with front porches instead of the required 50 percent.

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

Larry Neese spoke in opposition. Mr. Neese stated he lives at 104 Cadence Trail and stated his concerns to the design of the homes, price range and covenants.

Ken Harlan spoke in opposition. Mr. Harlan stated he lives at 322 Lakeside Trace and stated his concerns with the variance request and the additional traffic.

Ronnie Howell spoke in opposition. Mr. Howell stated he lives at 551 Cotton Road and stated his concerns with traffic, existing road conditions of Cotton Road and his concerns with this road being a cut through for this development. He stated he is not really against this development however he is concerned for safety.

Jim Gollhofer spoke in opposition. Mr. Gollhofer stated he lives at 318 Lakeside Trace and stated his concerns with the variance request and the number of homes.

Mr. Barnes spoke in rebuttal. Mr. Barnes discussed the traffic concerns and stated they will do what is required to meet County regulations and can meet the requirements for alley access if needed.

Mr. Whitaker closed public comment.

Discussion ensued among members and staff regarding the surrounding developments and units.

Mr. Ware and Mr. Hill stated they would be more in favor with an R-20 zoning.

Mr. Weatherby stated this development does not meet RD-3 requirements.

Ms. Escondo stated this is not consistent with the land use plan nor the Ordinance.

Mr. Weatherby made a motion to deny this application. Seconded by Dr. Whiteside. Motion passes eight (8) in favor (1) oppose. Mr. Ware opposed.

Case No. 16-07-020 Milton 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 for a single family residential subdivision with an amenity package.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is not in compliance with the Future Development Map and Comprehensive Plan.

Mike Bray represented this case. Mr. Bray discussed the location, amenity package, property values, and stated this development would create no traffic issues and adequate water is available. Mr. Bray provided pictures of the proposed homes to the Board.

Gene Norton spoke in opposition. Mr. Norton stated he lives at 1970 Ball Ground Highway and discussed his concerns with traffic and would like a traffic study be done.

Joseph Mabrey spoke in opposition. Mr. Mabrey stated his family lives on York Drive and discussed their concerns with the zoning, traffic and the number of lots proposed.

Ronnie Henson spoke in opposition. Mr. Henson stated his property will back up to this development and his only concern is the traffic.

Mr. Bray spoke in rebuttal. He noted Engineering review stated this road is adequate for this development and will be required to have two (2) entrances. He stated this development will not access York Drive.

Mr. Whitaker closed public comment.

Mr. Dewrell made a motion to table this case for 30 days pending completion of a traffic study. Seconded by Mr. Weatherby. Unanimous approval.

Case No. 16-07-021 Jerry, Donna and Stacey Neese (BOC Dist.2)

Applicant is requesting to rezone 15.76 acres at 262 Arnold Mill Road from R-40 to LI and AG for a family farm and future business.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is not in compliance with the Future Development Map and Comprehensive Plan.

Stacy Neese represented this case. Mr. Neese stated he would like to park a tractor-trailer on the industrial property and use the back acreage to farm and plant a garden. He stated eventually he may use the industrial to expand his business however he has no plans currently.

There was no one to speak in support of or in opposition to this application. Mr. Whitaker closed public comment.

Ms. Escondo asked the application if he was planning to move his business from Neese Road to this location. Mr. Neese stated no, not anytime soon.

Discussion ensued among applicant and Board regarding this property being in a floodplain having a landfill on property, privacy fencing and lighting.

Dr. Whiteside stated he has no problem with the rezoning to AG (Agricultural) however, he does have concerns with rezoning 3.76 acres to LI (Light Industrial). He stated this property is just not in a floodplain, it is in a floodway.

Ms. Escondo stated she has concerns with rezoning to an LI zoning district with no site plan.

Mr. Dewrell made a motion to approve. Seconded by Mr. Hill. Five (5) in favor, four (4) oppose. Ken Smith, Rick Whiteside, Scott Barnes and Thais Escondo opposed.

Mr. Ware made a motion for approval of the June 7, 2016 Planning Commission Minutes and the June 20, 2016 Planning Commission Work Session Summary. Seconded by Mr. Weatherby. Unanimous approval.

Mr. Ware made a motion to adjourn. Seconded by Mr. Weatherby. Unanimous approval.

The meeting adjourned at 8:40 p.m.



**Cherokee County, Georgia
Agenda Request**

Item#: 2.

SUBJECT:
August 2, 2016 Minutes

MEETING DATE:
9/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

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



CHEROKEE COUNTY MUNICIPAL PLANNING COMMISSION

PUBLIC HEARING MINUTES

August 2, 2016

Cherokee Hall 7:00 pm

The Cherokee County Planning Commission held its regularly scheduled meeting on Tuesday, August 2, 2016 in Cherokee Hall at the Cherokee County Administration Building. In attendance for the Planning Commission were Bill Dewrell, Bob Whitaker, Rick Whiteside, Scott Barnes, Thais Escondo, Ken Smith, Jerald Hill, Richard Weatherby and Tom Ware. In attendance for Cherokee County Staff were Vicki Taylor Lee, Zoning Administrator and Tamala Davis, Planning Technician.

The meeting was called to order at 7:00 p.m.

Case No. 16-07-020 Milton 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 for a single family residential subdivision with an amenity package.

Vicki Lee discussed the traffic study and Engineering's summary that was requested by the Planning Commission at last month's public hearing.

Ms. Escondo made a motion to recommend approval with the condition that the applicant adhere to Engineering's assessment from the traffic study in providing left and right turn lanes at both entrances. Seconded by Mr. Weatherby. Motion passes 6-3. Dr. Whiteside, Tom Ware and Ken Smith opposed this motion.

Case No. 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 designed to serve the senior community.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is in compliance with the Community Development Node.

Parks Huff represented this case. Mr. Huff stated this development is consistent with the Future Development Map and falls within the Bridgemill community. He stated they held two (2) public participation meetings with the community. Mr. Huff stated the HOA will be responsible for the maintenance of landscaping for this development.

Tony Chalmers spoke in support. Mr. Chalmers stated he feels this project is appropriate and is consistent with this area. He stated he is concerned with traffic and request a traffic signal be installed at Bells Ferry Road and Ridge Road prior to homes being occupied for this development.

There was no one to speak in opposition. Mr. Whitaker closed public comment.

Mr. Huff stated they will work with Engineering to see what may be required due to increase in traffic.

Mr. Dewrell made a motion to recommend approval with conditions. Developer is to provide a sidewalk along Ridge Road; Developer will work with the County to explore sharing the cost of traffic signalization; and the Homeowner's Association will be responsible for landscape maintenance. Seconded by Mr. Weatherby. Motion passes 9-0.

Case #16-08-023 Village Investments, LLC (BOC Dist. 2)

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

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is not consistent with the Future Development Map.

Parks Huff represented this case. Mr. Huff discussed the current zoning, surrounding zoning and uses along with the drainage problems to the west of the property. He stated with the development of this subdivision they can resolve the drainage issues.

There was no one to speak in support.

Rex White spoke in opposition. Mr. White stated he lives in Arbor View Subdivision and he has homeowners with him who lives in Highland Village and Copper Ridge. He stated their concerns with traffic, water drainage, density and property values. He stated he can provide a petition with 150 signatures opposing this application.

Mr. Huff spoke in rebuttal. Mr. Huff stated the issues with drainage, the number of lots and how this property as residential would have less traffic then a commercial development. He stated this zoning is consistent with the existing developments in this area. He discussed commercial zoning would not help property values.

Doug Patton with Centerline Surveying explained the issues with drainage and their plan to fix these issues.

Discussion ensued among members, staff and the applicant regarding enforcement of resolving the current drainage issues.

Mr. Whitaker closed public comment.

Mr. Ware stated he cannot support this application to take a commercial property to develop as a RZL development. He stated he feels it would not be long before the developer will request to rezone the rest of the commercial to RZL and feels it should be left as is.

Dr. Whiteside stated he agrees with Mr. Ware however someone needs to fix the water problems.

Mr. Whitaker stated there is no room to put a detention pond on Highland Village property and feels the property owners would benefit if this development was approved. He stated the County is benefiting from this development. He stated RZL zoning is already in the area.

Mr. Dewrell made a motion to recommend to table this case for 30 days in an effort to have the developer and the community to work together on a compromise. Seconded by Dr. Whiteside. Motion passed 9-0.

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.

Vicki Lee presented this case with a power point presentation. She discussed staff comments, location, surrounding zoning and uses. She stated this application is consistent with the Future Development Map.

John Copeland represented this case. Mr. Copeland stated they are proposing to subdivide this property to have 3 lots. He stated it would have a positive effect on adjacent properties and will cause minimal to no impact.

No one spoke in support.

Linda Standard spoke in opposition. She discussed her concerns with spot zoning, traffic and erosion.

Mr. Copeland spoke in rebuttal. He stated he does not plan to go into the City of Holly Springs and stated Ms. Standard had a chance to purchase this property.

Discussion ensued regarding density and driveways.

Mr. Whitaker closed public comment.

Dr. Whiteside stated there are no storm water requirements for minor subdivisions. He stated it is not proper to put this on an adjacent property owner and would recommend this be added and should be reviewed by the County ahead of time.

Ms. Lee stated the minor subdivisions are reviewed by the Stormwater Engineer.

Mr. Whitaker stated this is a pre-existing condition.

Ms. Escondo stated this is an agricultural area and feels it should remain.

Mr. Whitaker made a motion to recommend R-60 with the conditions that there be a maximum of two (2) lots, applicant is to mitigate runoff toward Ms. Standard's property and applicant to accommodate front vehicular exit to Hickory Road. Seconded by Mr. Hill. Motion passed 8-2. Mr. Barnes and Ms. Escondo opposed.

Mr. Barnes made a motion to approve July 18, 2016 Work Session Summary. Seconded by Mr. Hill. Motion passed 9-0.

Mr. Weatherby made a motion to approve the June 20, 2016 Work Session Summary. Seconded by Mr. Smith. Motion passed 9-0.

Mr. Barnes made a motion to adjourn. Seconded by Mr. Smith. Motion passed 9-0. The meeting adjourned at 8:52 p.m.



**Cherokee County, Georgia
Agenda Request**

Item#: 3.

SUBJECT:
August 15, 2016 Work Session Summary

MEETING DATE:
9/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:
