



Cherokee County Planning Commission Public Hearing AGENDA

December 6, 2016
Cherokee Hall 7:00 PM

CALL TO ORDER

ZONING CASES

- 1. Case #16-12-040 Southern Farms Development Company, LLC (BOC Dist. 2)
WITHDRAWN**

Applicant is requesting to rezone 23.7 acres at Sugar Pike Road and Batesville Road from R-80 and AG to R-40 for a single family residential development.
- 2. Case #16-12-041 Tony Perry for Rezone Properties (BOC Dist. 3)
WITHDRAWN**

Applicant seeks to rezone 20.44 acres at Sixes Road and Bells Ferry Road from PUD to TND with the following modifications: Increase density from 8 units per acre to 12 units per acre (a) Twenty (20) units to be converted to 29,700 sf of office space (48 +/- office condos) (b) 220 units proposed for the ridgeline creating a net density of 10.8 units per acre.
- 3. Case #16-12-042 277 TCL Properties, LLC (BOC Dist. 2)**

Applicant is requesting to rezone 3.5 acres at 277 Tom Charles Lane from R-80 to R-30 for four (4) single family residential homes.
- 4. Case #16-12-043 Joanna Jackson and Teresa Finnegan (BOC Dist. 2)**

Applicant is requesting to rezone 5.65 acres at 2797 Univeter Road from R-80 to R-40 for single family residential uses.
- 5. Case #16-12-045 Georgia-Tennessee Development Partners, LLC (BOC Dist. 1)**

Applicant seeks to rezone 87.946 acres located on the northwest side of East Cherokee Drive from AG to R-15 for 149 single-family residential dwellings providing 44 acres in permanent green space and a density of 1.6942 dwelling units per acre. Applicant seeks to rezone 14.573 acres located on the southeast side of East Cherokee Drive from AG to RA for 60 single-family (age restricted) quads with a density of 4.1 units per acre.
- 6. Case #16-12-046 Church of God Prophecy (BOC Dist. 1)**

Applicant is requesting to rezone 1.0 +/- acres at 127 Dry Pond Lane from R-80 to AG to combine property with adjacent AG property.

OTHER BUSINESS

APPROVAL OF MINUTES

- 1. October 17, 2016 Work Session Minutes**
- 2. November 1, 2016 PC Minutes**

ADJOURN



**Cherokee County, Georgia
Agenda Request**

Item#: 1.

SUBJECT: **Case #16-12-040 Southern Farms Development Company, LLC (BOC Dist. 2)**
WITHDRAWN

MEETING DATE: 12/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 23.7 acres at Sugar Pike Road and Batesville Road from R-80 and AG to R-40 for a single family residential development.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: R-80 and AG to R-40
Location: Sugar Pike Road and Batesville Road
Tax Map and Parcel No: 02N03, 301 and part of 300
Acres: 23.7
Proposed Development: Single Family Residential Subdivision
Future Development Map: 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"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Staff Report	Cover Memo

Rec'd
9-2-16



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: R. Lawton Jordan III Phone: 404-458-4095
 Email: LJordan@williamsteusink.com

Applicant's Information:

Name: Southern Farms Development Company LLC

Address: 424 Holly Oak Trace Phone: 770-265-2855

City, State, Zip: Canton, GA 30114

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

Name: Parcel 1: Robin Dale Neuman, John W. Nix, Charles S. Nix (address below) and Parcel 2: Pam Nix (2778 Batesville Road, Canton 30115)

Address: 5122 Charlemaigne Way Phone: _____

City, State, Zip: Lilburn, GA 30047

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>2</u>	Public Participation Meeting: <u>10-6-16</u>
Case: <u>16-12-040</u>	PC Work Session Date: <u>11-21-16</u>
CityView # <u>PL2016-1401</u>	Planning Commission Hearing: <u>12-6-16</u>
Received by: _____	Board of Commissioners: <u>12-20-16</u>
Fee Paid \$ <u>500.00</u>	Zoning Board of Appeals: _____
Date: _____	Other: <u>/</u>

SECTION II

Property Information:

Location: Intersection of Sugar Pike Rd. and Batesville Road

Current Zoning: R-80 and AG Proposed Zoning: R-40 Total Acreage: 23.7

Tax Map #: 02 N 03 Parcel #: 301 (and part of 022403300) Land Lot(s): 512, 513, 569 District: 2nd

Future Development Map Designation: Country Estates

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

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

Rezone to R-40 for construction of 22 residential lots

Proposed Use(s) of Property:

Residential Development

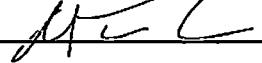
Applicant Affidavit:

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

This form is to be executed under oath. I, Matt Langley, 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 21 day of October, 20 16.

Print Name Matt Langley.

Applicant 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?

Connected to Cherokee County system

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

If yes, what is the projected increase? ~~15.95~~ 16 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	22	0.725	15.95
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? 210.54 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	22	9.57	210.54
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.

AUTHORIZATION OF PROPERTY OWNER

I, Charles S Nix, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Rezoning | <input type="checkbox"/> Amendment / Modification of Zoning Conditions |
| <input type="checkbox"/> Variance / Appeal | <input type="checkbox"/> Other: _____ |

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Southern Farms Development Company LLC
Address: 424 Holly Oak Trace Phone: 770-265-2855
City, State, Zip: Canton, GA 30114

Property Owner's Information:

Name: Robin Dale Neuman, John Nix & Charles S. Nix
Address: 5122 Charlemaigne Way Phone: _____
City, State, Zip: Lilburn, GA 30047

Signature of Owner: C.S. Nix Date: 8/26/16

Print Name: Charles Scott Nix

Sworn to and Subscribed before me this: 26 day of August, 2016.

Notary Signature: [Signature]

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, JOHN W NIX, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Southern Farms Development Company LLC

Address: 424 Holly Oak Trace Phone: 770-265-2855

City, State, Zip: Canton, GA 30114

Property Owner's Information:

Name: Robin Dale Neuman, John Nix & Charles S. Nix

Address: 5122 Charlemaigne Way Phone: _____

City, State, Zip: Lilburn, GA 30047

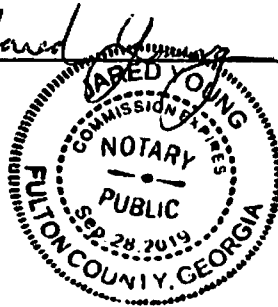
Signature of Owner: *John Nix* Date: 08-26-2016

Print Name: JOHN W NIX

Sworn to and Subscribed before me this: 26th day of August, 2016.

Notary Signature: *Jared Young*

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, Robin Dale Neuman being duly sworn upon his/her oath, being of sound mind and legal age deposes and states, That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

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

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Southern Farms Development Company LLC
 Address: 424 Holly Oak Trace Phone: 770-265-2855
 City, State, Zip: Canton, GA 30114

Property Owner's Information:

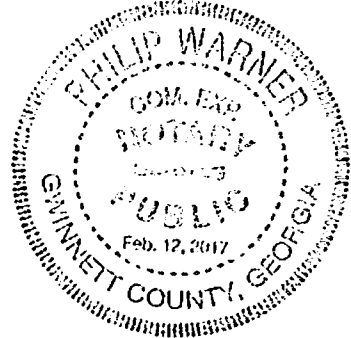
Name: Robin Dale Neuman, John Nix & Charles S. Nix
 Address: 5122 Charlemaigne Way Phone: 770-564-1742
 City, State, Zip: Lilburn, GA 30047

Signature of Owner: Robin Dale Neuman Date: 8-26-16
 Print Name: Robin Dale Neuman

Sworn to and Subscribed before me this: 26 day of August, 2016.

Notary Signature: Philip Warner

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, Pam Nix, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states, That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Southern Farms Development Company LLC
Address: 424 Holly Oak Trace Phone: 770-265-2855
City, State, Zip: Canton, GA 30114

Property Owner's Information:

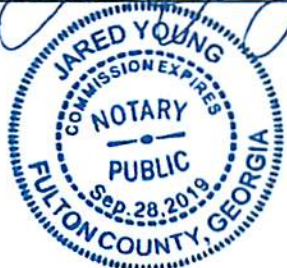
Name: Pam Nix
Address: 2778 Batesville Rd Phone: _____
City, State, Zip: Canton, GA 30115

Signature of Owner: Pam Nix Date: 10-21-16
Print Name: Pam Nix

Sworn to and Subscribed before me this: 21 day of October, 2016.

Notary Signature: Jared Young

(Notary Seal)



Applicant Response Statement – Sugar Pike Road and Batesville Road

1. Explain the intent of the rezoning.

Rezone the subject property to R-20 (conservation) for purposes of constructing a single family residential development.

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

Yes. This property is located in a primarily residential area and the utilization of a conservation design standard will permit smaller individual-owned residential units.

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

No. This area is primarily residential and the addition of these residential units should not have an adverse impact.

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

No.

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.

No. The proposed development would result in uses that are consistent with the current property uses in the area.

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

The proposed zoning does not appear to be in conformity with the current future land use category of Country Estates.

7. Whether there are 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 zoning.

There is demand for communities that utilize the conservation design standard in order to preserve significant areas of land for ecological, recreational, and agricultural purposes and to encourage more efficient development of land consistent with public health, safety, and general welfare.



WILLIAMS
TEUSINK

R. Lawton Jordan
Attorney at Law

404.458.4095
ljordan@williamsteusink.com

September 24, 2016

Via Electronic Mail (tdavis@cherokeega.com)
Cherokee County Planning and Land Use Office
130 Bluffs Parkway
Canton, GA 30114

Re: Public Participation Plan for Rezoning Application filed by Southern Farms Development Company LLC for property located at the intersection of Batesville and Sugar Pike Roads (as amended, the "Application")

Dear Sir or Madam:

This firm represents Southern Farms Development Company (the "Applicant") with respect to the Application. The Applicant respectfully asserts its constitutional objections to the denial of the proposed rezoning as set forth below, and requests that this letter be placed in the file for the Application.

To the extent the Applicant is prohibited and/or limited from presenting evidence and/or being heard by the County Commission during its consideration of the Application, the Applicant objects that such prohibition would be unconstitutional and illegal, constituting a violation of the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States. A denial of the Application would be unconstitutional in that it would unreasonably impair and destroy Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

A denial of the Application would also be unconstitutional, illegal, null and void, constituting a taking of Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States, by denying the Applicant an economically viable use of the land while not substantially advancing legitimate state interests. A denial of the Application would constitute an unreasonable hardship upon the Applicant without advancing the public health, safety and welfare and would constitute an arbitrary and capricious act without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia of 1983, Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States. A denial of the Application would unconstitutionally discriminate, in an arbitrary, capricious and unreasonable manner against the Applicant and owners of other similarly situated adjacent and nearby properties in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Accordingly, Applicant submits that the current zoning classification and any other zoning of the property, save for what has been or is in the future requested by the Applicant, would constitute an

September 24, 2016

Page 2

arbitrary and unreasonable use of the zoning and police powers because it bears no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harms the property owner and the Applicant. All inconsistent zoning classifications between the existing zoning and the zoning requested by the Applicant would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality or general welfare of the public and would substantially harm the property owner. Further, any attempt by the County Commission to impose greater restrictions upon the manner in which the property will be developed than presently exist would be unconstitutional.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Lawton Jordan, III". The signature is stylized with a large, sweeping initial "R" and a distinct "J" and "L".

R. Lawton Jordan, III, Esq.

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING A PART OF LAND LOT 512, 2ND DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA; AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE SOUTHERN RIGHT OF WAY OF BATESVILLE ROAD HAVING A 40' RIGHT-OF-WAY AND THE LAND LOT LINE COMMON TO LAND LOTS 512 AND 513; THENCE CONTINUING ALONG THE SAID LAND LOT LINE SOUTH 01 DEGREES 47 MINUTES 49 SECONDS WEST A DISTANCE OF 775.27 FEET TO A POINT; THENCE SOUTH 01 DEGREES 41 MINUTES 00 SECONDS WEST A DISTANCE OF 290.84 FEET TO A POINT AT THE LAND LOT CORNER COMMON TO LAND LOTS 512, 513, 568, AND 569; THENCE CONTINUING ALONG THE LAND LOT LINE COMMON TO LAND LOTS 512 AND 569 NORTH 88 DEGREES 40 MINUTES 26 SECONDS WEST A DISTANCE OF 578.56 FEET TO A POINT; THENCE LEAVING THE SAID LAND LOT LINE NORTH 70 DEGREES 07 MINUTES 28 SECONDS WEST A DISTANCE OF 115.47 FEET TO A POINT; THENCE NORTH 06 DEGREES 29 MINUTES 25 SECONDS EAST A DISTANCE OF 437.80 FEET TO A POINT; THENCE NORTH 32 DEGREES 59 MINUTES 26 SECONDS WEST A DISTANCE OF 343.99 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF SUGAR PIKE ROAD HAVING AN 80' RIGHT-OF-WAY; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF SUGAR PIKE ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 55 DEGREES 03 MINUTES 56 SECONDS EAST A DISTANCE OF 269.85 FEET TO A POINT; NORTH 53 DEGREES 35 MINUTES 34 SECONDS EAST A DISTANCE OF 111.79 FEET TO A POINT; NORTH 52 DEGREES 06 MINUTES 02 SECONDS EAST A DISTANCE OF 29.05 FEET TO A POINT; NORTH 46 DEGREES 15 MINUTES 57 SECONDS EAST A DISTANCE OF 82.53 FEET TO A POINT; NORTH 37 DEGREES 20 MINUTES 25 SECONDS EAST A DISTANCE OF 85.17 FEET TO A POINT; THENCE NORTH 29 DEGREES 24 MINUTES 25 SECONDS EAST A DISTANCE OF 118.63 FEET TO A POINT; NORTH 17 DEGREES 21 MINUTES 09 SECONDS EAST A DISTANCE OF 98.75 FEET TO A POINT AT THE MITERED INTERSECTION OF SUGAR PIKE ROAD AND BATESVILLE ROAD; THENCE SOUTH 88 DEGREES 04 MINUTES 12 SECONDS EAST A DISTANCE OF 23.25 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY OF BATESVILLE ROAD; THENCE CONTINUING ALONG THE SAID RIGHT OF WAY OF BATESVILLE ROAD THE FOLLOWING COURSES AND DISTANCES: SOUTH 51 DEGREES 13 MINUTES 04 SECONDS EAST A DISTANCE OF 17.70 FEET TO A POINT; SOUTH 49 DEGREES 03 MINUTES 06 SECONDS EAST A DISTANCE OF 44.95 FEET TO A POINT; SOUTH 46 DEGREES 57 MINUTES 43 SECONDS EAST A DISTANCE OF 115.78 FEET TO A POINT; SOUTH 47 DEGREES 14 MINUTES 24 SECONDS EAST A DISTANCE OF 63.87 FEET TO A POINT; SOUTH 48 DEGREES 26 MINUTES 00 SECONDS EAST A DISTANCE OF 61.05 FEET TO A POINT; SOUTH 48 DEGREES 42 MINUTES 16 SECONDS EAST A DISTANCE OF 69.02 FEET TO A POINT; SOUTH 48 DEGREES 14 MINUTES 36 SECONDS EAST A DISTANCE OF 32.87 FEET TO A POINT; SAID BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 23.7 ACRES MORE OR LESS.

**Revised Public Participation Plan – Sugar Pike and Batesville Road
Application of Southern Farms Development Company, LLC**

Affected parties

The neighboring property owners and interested parties listed on the previously submitted certificate of mailing may be affected by this application, in addition to Cherokee County where the property is located. Notification has been made to the neighboring property owners and interested parties by mail (60 letters). In addition, Cherokee County has been notified directly by the applicant.

Notice to Affected Parties

A meeting was held on October 6 at the community meeting room located next to police precinct and fire station at 7675 Vaughn Road at 6:30 to discuss the application. At this meeting the applicant explained the revised proposal, and allowed the audience to make comments and ask questions. A copy of the notice of this meeting, and the sign-in sheet are being submitted simultaneously. Approximately fifty people attended this meeting.

Comments

At this meeting an intermediate version of the site plan was presented that called for building approximately 46 units on 51 acres, with R-20 and R-80. Attendees expressed opposition to any development that did not have minimum 2 acre lots. In addition, some expressed concern regarding the effect of this proposed development on the quality of life and standard of living in this area, in addition to potential impacts on the privacy of existing neighborhoods. Various residents expressed concerns about the current state of traffic in this part of the County, and the impact that further development would have on such traffic. Several attendees asked questions regarding a potential roundabout at the intersection of Batesville Road and Sugar Pike Road.

Response:

In response to comments at this meeting, the plan has been reduced in scope significantly, and the overall density reduced. Under the applied for plan, the total acreage has been reduced to 23 acres, the total lots to 22, and an R-40 zoning is sought.

The applicant plans to continue to communicate with nearby residents and interested parties who provided their information on the sign-in sheet at this meeting in order to respond to additional concerns, and keep them apprised of the status of this project and any modifications thereto.



WILLIAMS
TEUSINK



R. Lawton Jordan III
Attorney at Law
404.373-9590
ljordan@williamsteusink.com

September 28, 2016

Dear Property Owner / Interested Party:

Southern Farms Development Company, LLC ("Southern Farms") seeks to rezone property located at the intersection of Batesville and Sugar Pike Roads, for the purpose of a residential development. As a follow up to the meeting held on August 31st, Southern Farms will hold a Public Participation meeting on October 6th at 6:30pm at the Community Room at 7675 Vaughn Road, Canton, Georgia 30114, that you are invited to attend.

This rezoning application does not include your property, and this notice does not require that you take any action, only that you be notified of such meeting. Nevertheless, please do not hesitate to contact me should you have any questions.

Sincerely,

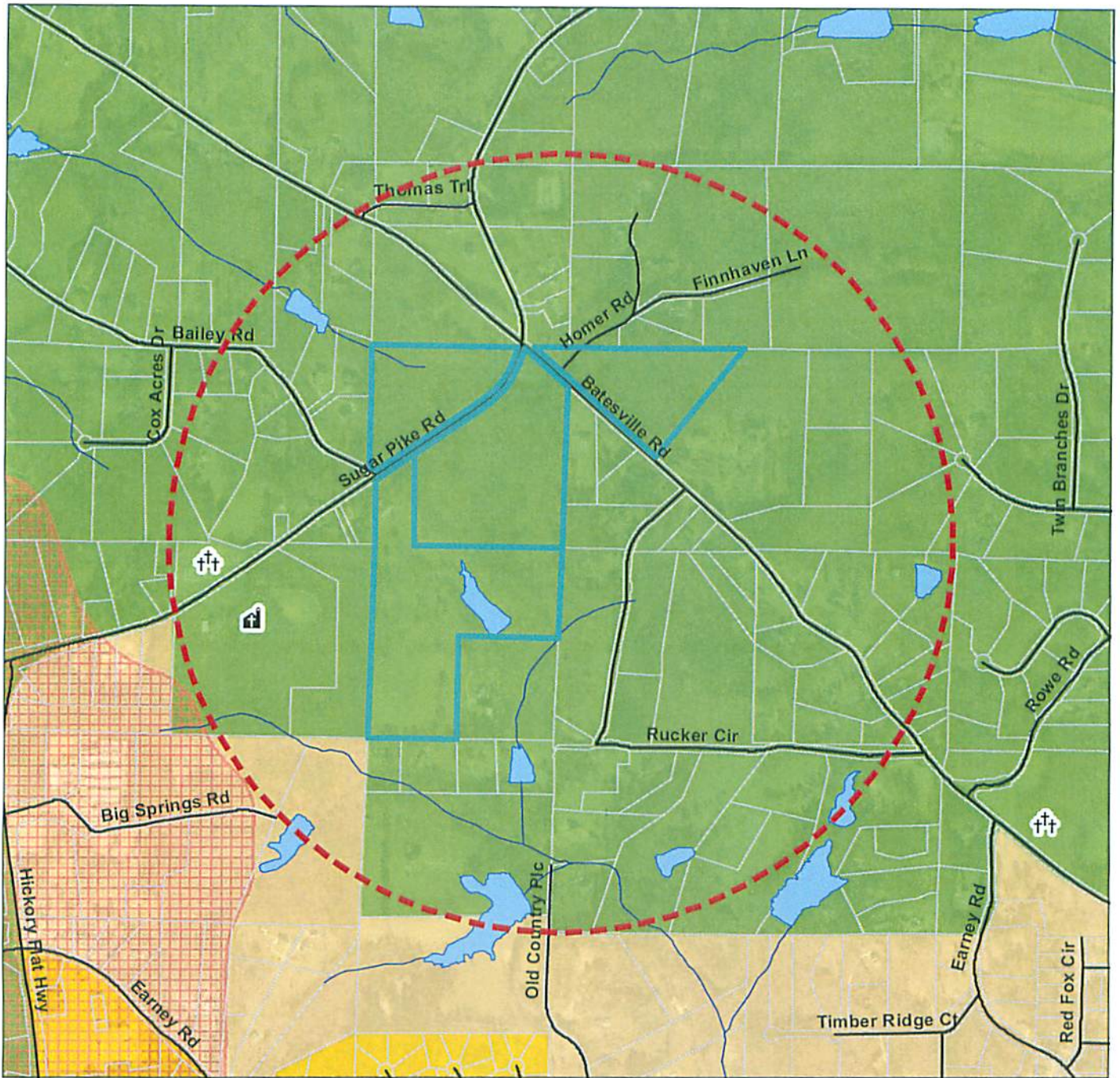
R. Lawton Jordan III
Attorney for Southern Farms



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Case # 16-12-040 Southern Farms Development Company, LLC

Future Development Map



Legend

- | | | |
|---------------------|--------------------------|------------------------|
| Rezoning Parcel | Development Nodes | Character Areas |
| School | County Crossroads | Natural Preserve |
| Cemetery | Hamlet | Rural Places |
| Church | Neighborhood Village | Country Estates |
| Street | Community Village | Suburban Growth |
| 1/2 Mile Radius | Corridors | Suburban Living |
| 100 Year Flood Zone | Scenic Corridor | Neighborhood Living |
| Park | Transitional Corridor | Bells Ferry LCI |
| | Development Corridor | Urban Core |
| | | 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.

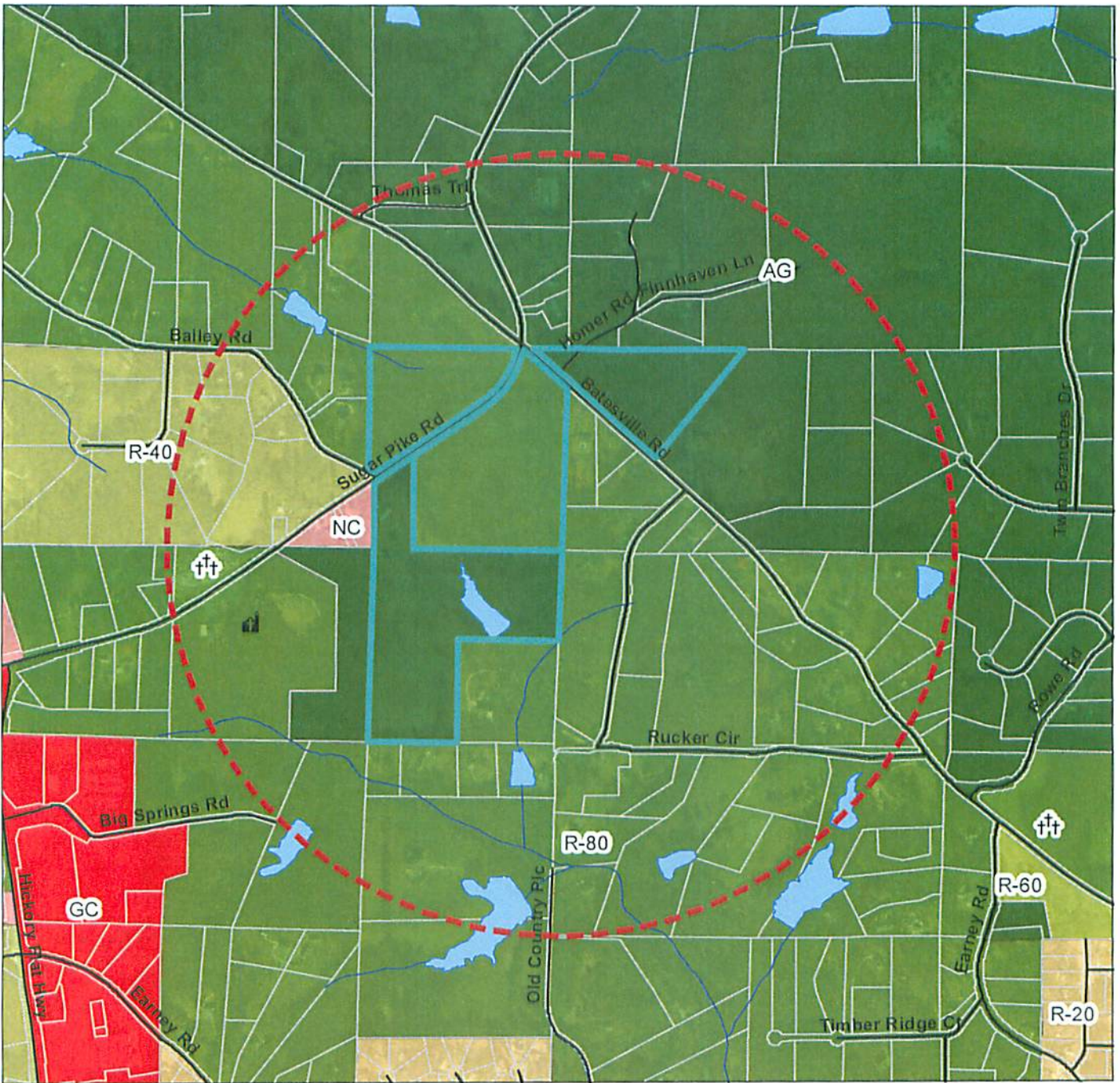


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016



Case # 16-12-040 Southern Farms Development Company, LLC

Zoning Map



Legend

Rezoning Parcel	Cherokee County Zoning	RTH
School	AG	RM10
Cemetery	R80	RM16
Churches	R60	TND
Street	R40	PUD
1/2 Mile Radius	R30	NC
100 Year Flood Zone	R20	GC
Park	R15	LI
	RD3	HI
	R10	Bells Ferry Overlay
	RZL	Hwy 92 Overlay
	RA	



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



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016





Staff Report

Case No: 16-12-040
Applicant Name: R. Lawton Jordan, III for Southern Farms Development Company, LLC.
Location: Sugar Pike at Batesville Road
 (02N03, 301 and a part of 300)
From/To: R-80 and to R-40
Proposed Use: 22 lot Single Family Conservation Subdivision
Commission Post: 2

	Existing Zoning	Existing Land Use
North	R-80 and AG	Rural Residential
South	R-80 and AG	Rural Residential
East	R-80	Rural Residential
West	R-80 and AG	Rural Residential

Future Development Map

Character Area/Node/Corridor	Description
Country Estates	Area of low intensity land use with a mixture of single-family housing on large lots and farms. Suggested zoning of R-80 and AG.

Analysis and Comment

The subject parcel totals 23.7 acres and lies on the southeast side of Sugar Pike Road at Batesville Road. Two public participation meetings were held, one on August 31 with 32 attendees and the other October 6, 2016 with 58 attendees signing in. An Existing Site Resource Map was submitted, but was missing data and has supplemental information. The application has been evaluated and is not consistent with the Future Development Map designation of Country Estates, however, conservation designed subdivisions are a Primary Land Use in this character area.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA submitted that water was available and adequate for the project with a 6-inch line on Batesville Road and an 8-inch line across Sugar Pike Road. Public sewer is available approximately 9,000 feet away and capacity is available to the site.

1.3 Cherokee County Board of Education

- CCBOE reported an additional 16 students from this subdivision. Affected schools are Avery Elementary (86.38%), Creekland Middle (116.08%) and Creekview High (103.53%).

1.4 Fire Marshal's Office

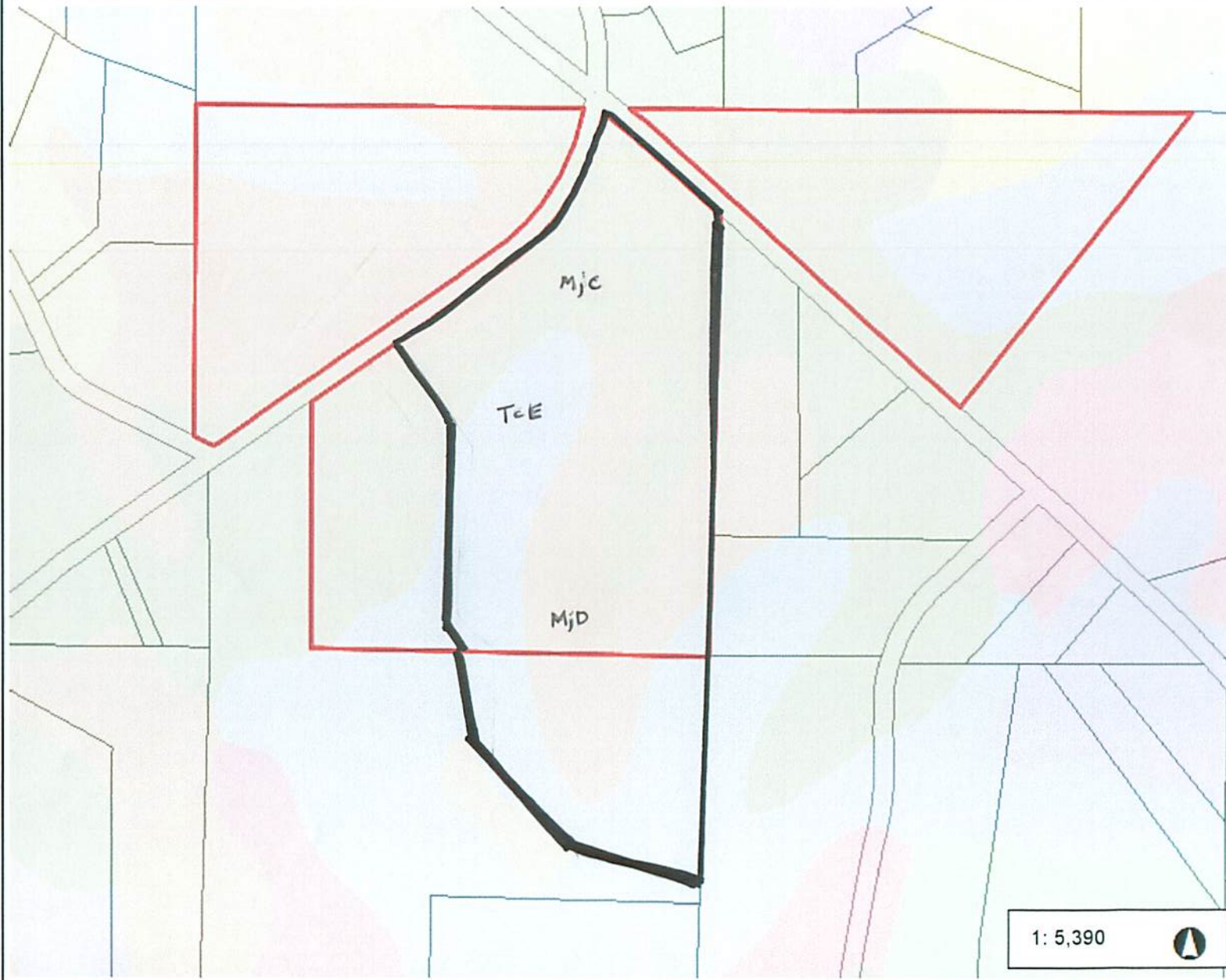
- No report received.

1.5 Sheriff's Office

- No report received.



Soil Types

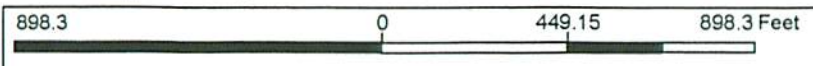


Legend

NRCS Soil Data

AEE
AEF
AcG
Afs
Ajc
AmB2
AmC2
AmD2
Bfs
Chc
DtD
DuE
DuF
GdB2
GdD3
GdE3
GgB2
GgC2
GgE2
GIB
GiC2
GID
HJC3
HJE3
HSB

1: 5,390

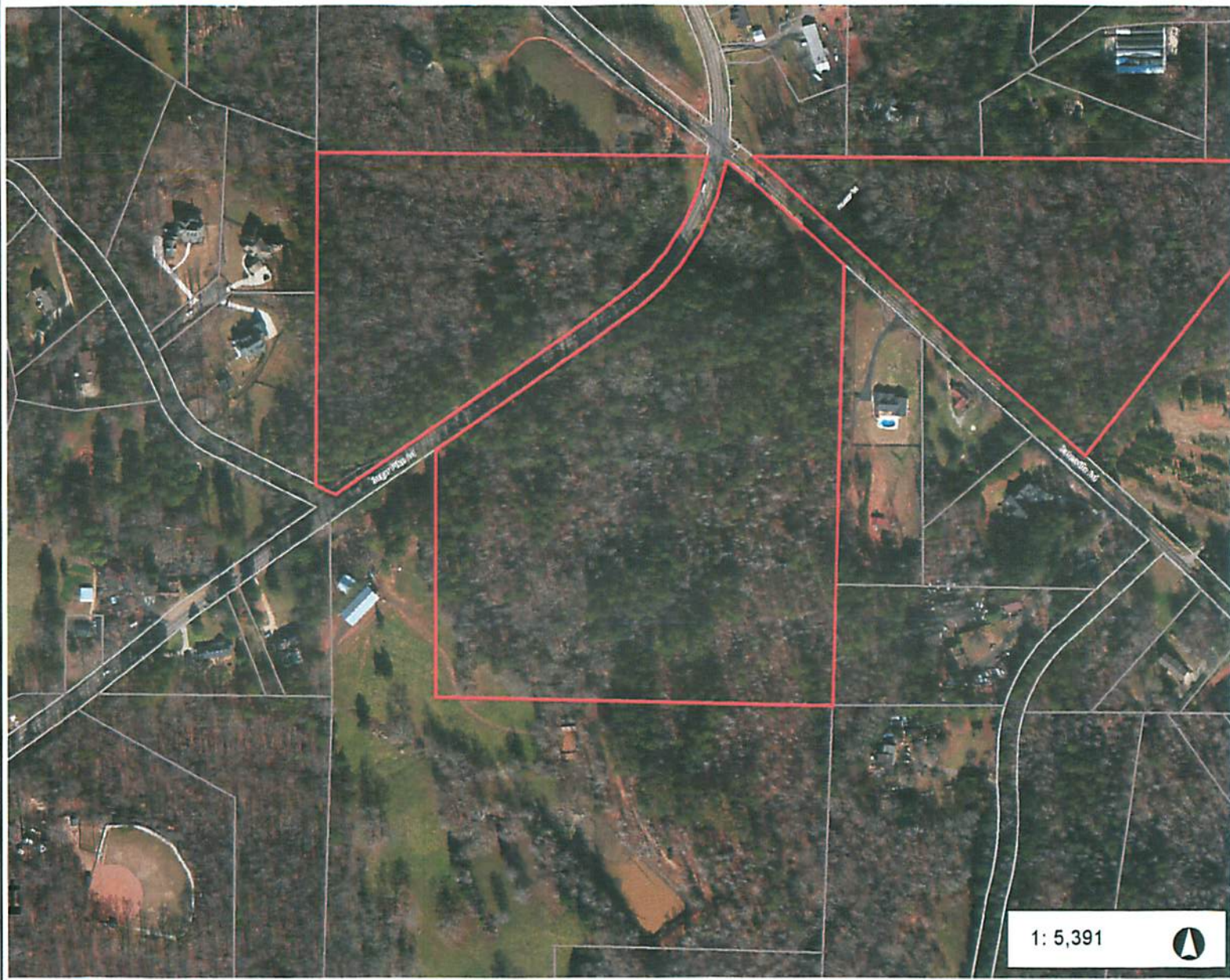


This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes



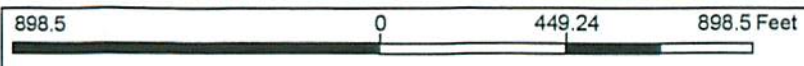
Vegetation



Legend

-  Schools
-  Churches
-  Parcels

1: 5,391 



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

Notes

Case #16-12-040- Community Agenda Analysis

Section 1 – Community Vision

Community	Sugar Pike Road (East of GA-140 near Batesville 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.

Applicant seeks to rezone to R-40 (Conservation) for the construction of 22 residential lots.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Housing Choice	This project could add to the variety of housing stock in the area.
Designing with the Environment	Project will be developed as a Conservation Design Community.

Project is Neutral

Land Use Patterns that Promote Connectivity and Mobility	This project does not show any connections or future connections to adjacent property.
Diverse Economic Opportunities	While there may be a temporary increase in construction jobs during the building phase, there will likely be no long-term positive economic impact.
Preserve and Enhance Sense of Place	No evidence of impact.
Aging in Place	No evidence of impact.

Project Neglects

Section 3 – Character Area Description

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

This application is not fully consistent with the Country Estates Character Area. Country Estates only suggests AG and R-80 as zoning districts. However, Conservation subdivisions are listed as a Primary Land Use in the Country Estates Character Area. The intent of the Country Estates Character Area is to retain and conserve the low-intensity character in the area. This Character Area features a mixture of single-family housing on large lots and farms.

Node or Corridor	NA
-------------------------	----

Cherokee County Government

ENGINEERING DEPARTMENT

1130 Bluffs Parkway – Canton, Georgia 30114

678-493-6077 – Fax 678-493-6055



REZONING MEMORANDUM

Case Number: 16-12-040

Applicant: Southern Farms Development Company, LLC

Current Zoning: R-80 & AG

Proposed Zoning: R-40

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Sugar Pike Road. Sugar Pike Road is a full width two lane urban collector roadway. The geometry of the road at the location of this application is generally good.
- **Planned Improvements** – There are no projects planned for either Sugar Pike Road or Batesville Road in the vicinity of this project. The Comprehensive Transportation Plan Update identifies a possible roundabout at the intersection of Sugar Pike Road and Batesville Road in Tier III (2031-2040 time frame).
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the currently zoned to the proposed zoned condition is an increase of 134 vehicles per day.

Zoning	Units	Trips Per Day
Current R-80 & AG	11	105
Proposed R-40	25	239

- **Development Related Improvements** – The Engineering Department will determine any necessary improvements to Sugar Pike Road when the applicant applies for access along that route. It should be expected that the entrances would include a deceleration lane into the development.

● **Stormwater:**

- **Flood Plain or Wetlands on Property** – No.
- **Runoff Tributary and Basin** – Unnamed tributary of the Little River in the Allatoona basin.

● **Conclusion:**

It is the opinion of the Cherokee County Engineering Department that Sugar Pike Road should be able to handle the traffic generated by this application.

Cherokee County Water & Sewerage Authority

Applicant:	SOUTHERN FARMS DEVELOPMENT COMPANY LLC
Re-Zoning Case No.:	16-12-040
Present Zoning:	R-80 & AG
Proposed Zoning:	R-40
Tax Map:	02N03
Parcel No.:	300& 301

Water

1) Is Water Available at Development:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
2) Size of Existing Water Line (If Available):	6"	
3) Is there Adequate Water Pressure for the Additional Fire Protection that may be Required for the New Project:	YES <input type="checkbox"/>	NO <input type="checkbox"/>
Additional Comments:	DETERMIND BY FLOW TEST	
4) Is Existing Water Line Adequate for Project, If not what size will be Required:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
5) What are the Future Plans for Expansion of Water Lines and Give Approximate Time Table:	NONE	

DEVELOPERS MAY BE REQUIRED TO INSTALL/ UPGRADE WATER MAINS, BASED ON FIRE FLOW TEST RESULTS OR FIRE DEPARTMENT CODE. THIS WILL BE RESOLVED IN THE REVIEW PROCESS.

Sewer

1) Is Sewer Available to the Project:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
2) How far from the Proposed Development are the Nearest Sewer Lines:	Approx 9000'	
3) Approximate Length of Time Before Sewer Line will be Reasonably Assessible to Development:	TBD	
4) Estimated Waste Generation:	8,800	ADF 31,680
5) Treatment Plant:	Rose Creek/Fits Creek WPCP	
6) Plant Capacity:	Available <input checked="" type="checkbox"/>	Not Available <input type="checkbox"/>
7) Line Capacity:	Available <input checked="" type="checkbox"/>	Not Available <input type="checkbox"/>
8) Projected Plant Availability:	0-5 Years <input checked="" type="checkbox"/>	5-10 Years <input type="checkbox"/>
	10+ Years <input type="checkbox"/>	
9) Additional Comments:		

**Sewer Availability:
(Treatment Plant That Will Treat Sewerage)**

**CCWSA
City of Canton
City of Woodstock
Other**

X

Plant Capacity Comments:

**Developer Will Be Responsible For Connecting To The Existing Cherokee County Water & Sewerage Authority's Water And Sewer System, Installing And / Or Up- Grading All Outfalls And Water Mains, Obtaining On And / Or Off Site Easements, Dedication Of On And / Or Off Site Water And Sewer Easements To Cherokee County Water and Sewerage Authority As May Be Required.
Rezoning Does Not Insure Water/Sewer Capacity**

The CCWSA Has Directed That A Water Flow And Pressure Test Be Performed Prior To Submitting To The Commission And Cherokee Planning And Zoning Board. Please Contact Ricky Dobbs(CCWSA) At 770 479-1813 Ext. 249



Rezoning Case Impact Report

Jurisdiction		Rezoning Case Number		Applicant Name	
Cherokee County		16-12-040		Southern Farms Development Company LLC	
Acreage	Number of Lots	Current Zoning	Proposed Zoning	Housing Type	
23.7	22	R80 and AG	R-40	Single Family Residential	
Estimated Student Impact ⁽¹⁾		Additional Capacity Needed		Additional Capacity Cost ⁽²⁾	
16	Students	1	Classroom(s)	\$21,818.18	Annual Student Cost ⁽³⁾
					\$114,416.00
Planning Commission Meeting Date		County Commission/City Council Meeting Date		Map and Parcel	
				02N03/300 and 301	
Property Description					
Suburban Living					

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Avery ES	1015	1175	86.38%
Middle School	MS Enrollment	MS Capacity	% Capacity
Creekland MS	1494	1287	116.08%
High School	HS Enrollment	HS Capacity	% Capacity
Creekview HS	1993	1925	103.53%

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 #16-12-041 Tony Perry for Rezone
Properties (BOC Dist. 3)
WITHDRAWN

MEETING DATE:
12/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant seeks to rezone 20.44 acres at Sixes Road and Bells Ferry Road from PUD to TND with the following modifications: Increase density from 8 units per acre to 12 units per acre (a) Twenty (20) units to be converted to 29,700 sf of office space (48 +/- office condos) (b) 220 units proposed for the ridgeline creating a net density of 10.8 units per acre.

FACTS AND ISSUES:

Commission District: 3
Zoning Change: PUD to TND modified
Location: Sixes Road and Bells Ferry Road
Tax Map and Parcel No: 15N08, Part of 112M
Acres: 20.44 +/-
Proposed Development: Mixed Use Development
Future Development Map: Community Village

BUDGET:

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

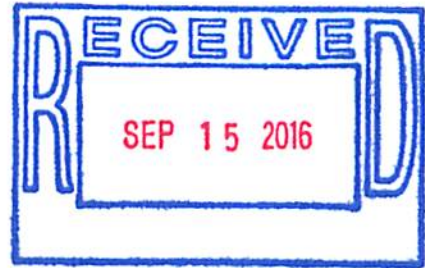
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Existing Site Resource Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Staff Report	Cover Memo



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: DJ DeVictor Phone: 404-409-8029
 Email: DJ@DVSDesignGroup.com

Applicant's Information:

Name: Tony Perry for Rezone Properties

Address: 9010 Main Street Phone: 770-314-9088

City, State, Zip: Woodstock, GA 30188

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

Name: Mrs. Brenda B. Ogilvie

Address: 6175 Hickory Flat Hwy Ste 110-348 Phone: 404 403-0237

City, State, Zip: Canton, GA 30115

Requested Public Hearing (check all that apply):

Rezoning

Amendment / Modification of Zoning

Variance / Appeal

Other: _____

STAFF USE ONLY:

Commission District: 3
 Case: 16-12-041
 CityView #: PL2016-1404
 Received by: RT
 Fee Paid: \$ 500.00
 Date: 10/27/16

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 9.30.16
 PC Work Session Date: 11.21.16
 Planning Commission Hearing: 12.6.16
 Board of Commissioners: 12.20.16
 Zoning Board of Appeals: _____
 Other: _____



THE UNIVERSITY OF TEXAS AT AUSTIN
LIBRARY SERVICES DEPARTMENT

1000 RED LICK ROAD
AUSTIN, TEXAS 78712
512/475-1234

LIBRARY SERVICES DEPARTMENT
1000 RED LICK ROAD
AUSTIN, TEXAS 78712

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AUSTIN, TEXAS 78712

512/475-1234

LIBRARY SERVICES DEPARTMENT

1000 RED LICK ROAD

AUSTIN, TEXAS 78712

512/475-1234

SECTION II

Property Information:

Location: Northeast quadrant of Sixes Road and Bells Ferry adjacent to north side of Publix Shopping Ctr.

20.44

Current Zoning: PUD Proposed Zoning: ~~PUD~~ & TND modified Total Acreage: 23.44

Tax Map #: 15 N 08 Parcel #: part of 112M Land Lot(s): 223, 282, & 283 District: 15th

Future Development Map Designation: Community Village

Adjacent Zonings: North Pud & AG South PUD East PUD & AG West PUD

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

3 Ac. adjacent to Publix Shopping Center to remain as PUD. The Remaining 20+ Ac. will be TND

Article 8 TND - Neighborhood Center Zone (8.12). Density will modified to 12 units per acre or 240 Units. 20 Units converted to other use: Office. Net 220 Units & 29700 SF Office - per 8.6.3 conversion. A linear park along Bells Ferry as the Civic designated portion of the development, along with Storm Management Systems.

Proposed Use(s) of Property:

Mixed Use development of MF, SF, Retail, Office, Hotel, Conference & Event Center

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, [Signature], 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 9, 2014.

Print Name ANTHONY PENNY

Applicant Signature [Signature]

SECTION III

Infrastructure Information:

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

How is sewage from this site to be managed?

Public Sanitary Sewer in ROW of Bells Ferry Road

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

If yes, what is the projected increase? 70 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
Multi Family (Attached) Home	244	0.287	70

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? 4,182.48 Daily trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends ⁺	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment	244	6.63	1,617.72
310	Hotel + Conference Ctr	120 Rooms	8.92 / room	1,070.4
710	General Office Building	68,100 SF	11.01 / 1000 SF	749.78
814	Specialty Retail Ctr	16,800 SF	44.32 / 1000 SF	744.58

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.

AUTHORIZATION OF PROPERTY OWNER

I, Brenda B Ogilvie, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Tony Perry for Rezida Properties

Address: 9010 Main Street Phone: 770-314-9088

City, State, Zip: Canta Woodstock, GA 30188

Property Owner's Information:

Name: Mrs. Brenda B. Ogilvie

Address: 6175 Hickory Flat, ^{HWY} Stg 110.348 Phone: 404-403-0237

City, State, Zip: CANTON, GA 30115

Signature of Owner: Brenda B Ogilvie Date: 9-8-16

Print Name: Brenda B Ogilvie

Sworn to and Subscribed before me this: 8 day of September, 2016

Notary Signature: Katie Hebel 8/20/2020

(Notary Seal)



SECTION IV

CONFLICT OF INTEREST CERTIFICATION

The undersigned below, making application for a zone change has complied with the O.C.G.A. § 36-67A, et. Seq., Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided. Title 36 relates to disclosure of financial interests, campaign contributions, and penalties for violating O.C.G.A.

Signature of Applicant: _____ Date: _____

Print Name: _____

Signature of Applicant's Attorney: _____ Date: _____

Print Name: _____ Title: _____

Sworn to and Subscribed before me this: _____ day of _____, 20_____.

Notary Signature: _____

(Notary Seal)

SECTION V

Answers to the following Questions follow:

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.

Cherokee County
Application for Public Hearing – Supplement Sections

Applicant: Rezide Properties
Parcel: 15N08 112M

Section V – Applicant Response Statements to Rezoning and Modifications to Zoning Conditions

1. The Current Zoning for the 23.44 Ac. is PUD Commercial.

The desired Zoning for the Tract would be split into two Zoning Districts:

PUD: 3.1 Acres adjacent to the Publix Shopping Center unchanged, and

TND-NCr or Neighborhood Center Zone: 20.34 Acres

2. The PUD portion of the development will be a Mixed use of Hotel, Office, Retail, and limited Single Family. These land uses will support the BridgeMill and surrounding communities a place for work/live opportunity as well as creating a critical mass to maintain and support the other businesses along the Bells Ferry and Sixes Road corridors.

The TND-NCr portion of the land will also include office space and a multi-family stacked product to fill a market segment that is not being met in this zone. It will be consistent with the work/live environment and create a local identity and feeling of Community Village – an extension of the current adjacent and nearby land uses.

3. The TND-NCr will add supplemental uses to the current businesses in the area and adding needed office space and MF dwellings which will increase users/exposure to the current businesses and the community.
4. Due to the following Site constraints the property cannot be developed as Commercial Property:
 - a. Flood zone and stream in close proximity to Bells Ferry road (and the required sanitary and power easement) limits the depth of property west of the Stream to a width that cannot support commercial development relative to building footprint and parking requirements. Average available width of property is 65 feet deep. This reduces the options for Land Uses between the Buffers/Flood Zone and the Easement and Bells Ferry ROW to Open Space and secondary supplemental uses for the development: park, pond, trails, event/gathering spaces, etc.
 - b. The Topography on the north side of the Buffer/Flood zone rises to 80 feet above the lower area with an average depth of +/-430 Feet, which creates an average slope of +/-18%. There are areas that are less restrictive in the south end of the property and at the ridgeline at the top along the eastern boundary.
 - c. Preliminary Soil review on the developable side of stream indicates that the site is primarily composed of Musella Cobbly Loam with a slope ranges of 10% to 25% and a small portion of Helena Sandy Loam with slope ranges of 2% to 10% (this site is mostly 10%).
Characteristic of these slopes is Rock within 1 foot of surface and hard rock within 5 feet of surface.
These site constraints make it difficult to create the sizable PADS for development which are evidenced by the Fire Station on the north end and the Publix Shopping Center on the south end.
5. The anticipated uses should not add to the Streets/Transportation & Utilities, or Schools. The Property was zoned as Commercial without an understanding the constraints of the land, thus, anticipating a potential development 2 times the size of the existing Publix Shopping Center. The Traffic generated by the proposed uses would not

generate more than what was originally anticipated as well as being less than the original planned demand on utilities.

Schools will have some increase over what is the current Zoning. However, the targeted Market for the MF product is not family oriented, but more towards young professionals, single household, and empty nesters downsizing.. Those seeking a relationship to a vibrant new community with the options for work live, with minimal maintenance requirements.

6. Based on the maturity of a community it is natural to progress to the TND uses we are proposing for the property. The Town Lake Village area demands on the real estate market for smaller product and closer proximity to office and retail, supports BridgeMill need to provide these options as well.
7. The Proposed changes will add a services and community options to work, live, retail, overnight accommodations that are lacking in the community.

Section VI – Applicant Response Statements - Variances

1. Requested to increase the Density from 8 units per Acre to 12 Units per Acre.
In order to achieve mix of office and the supporting living units that are desirable for the TND-NCr in conjunction with the PUD, the gross density needs to be increased to 240 Units.
 - a. 20 Units to be converted to 29,700 SF of Office Space (+/-48 Office Condos).
 - b. 220 Units proposed for the ridgeline creating a Net Density of 10.8 Units per Ac.
2. The property does have extraordinary conditions as described in #4 in Section V. The cost to development relative to access (two stream crossings), site walls to support roads and product, and rock impact to utilities all contribute to making the per unit costs excessive. By increasing the product density it allows the developer to spread the infrastructure costs across more units, creating a competitive price point in the market. The project becomes more viable and desirable to prospective buyers.
3. The property cannot be developed as zoned. Changing the Land Use to a viable mixed unit community requires adding units to meet market pricing and add a product missing in the community.
4. Yes.
5. The property cannot be successfully developed as zone. Because of the constraints of the property, it cannot meet codes as Zoned.
6. Granting the changes would add to the viability of the existing community as well as add a product for the maturing community.
7. Correct.
8. Yes, it will add to the community as well as preserving +/-50% as Open Space.
9. Correct.
10. Correct.

TO THE CHEROKEE COUNTY BOARD OF COMMISSIONERS
CHEROKEE COUNTY, GEORGIA

CONSTITUTIONAL CHALLENGE

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

1.

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

2.

The Application for Public Hearing of the property seeks a rezoning from the existing category of PUD, as established by the governing authority of Cherokee County, Georgia to the zoning category of TND and a portion to remain PUD with modification to the original PUD zoning.

3.

The current PUD zoning classification of the property and all intervening classifications between same and TND are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of

property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

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

5.

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


6.

Pursuant to O.C.G.A. §§ 36-11-1 and 36-33-5, please consider this your notice that as of today's date the Owner/Applicant is contending that Cherokee County's unconstitutional zoning classifications of the property have caused damages to the Owner/Applicant. As a direct and proximate result of the unconstitutional zoning

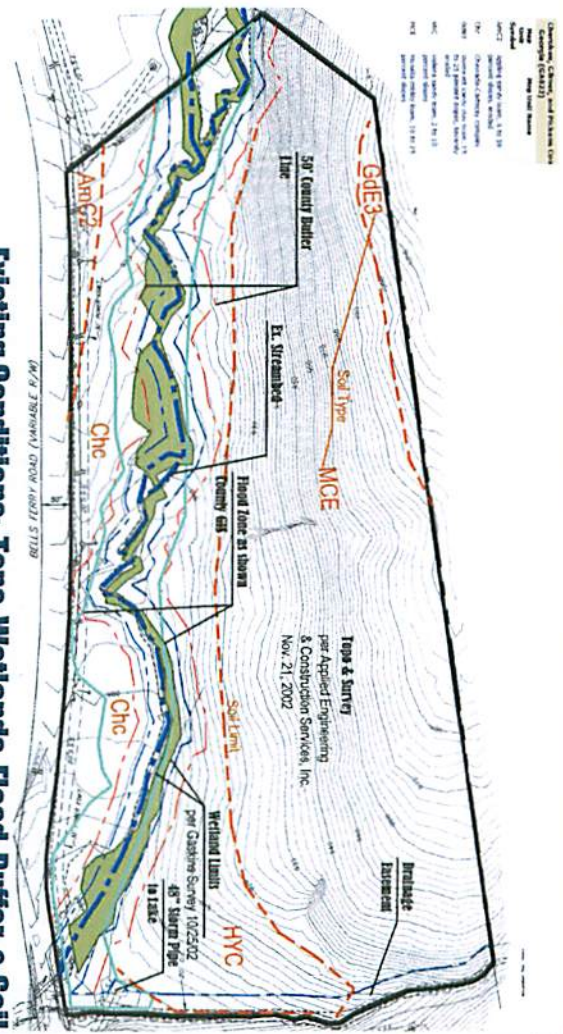
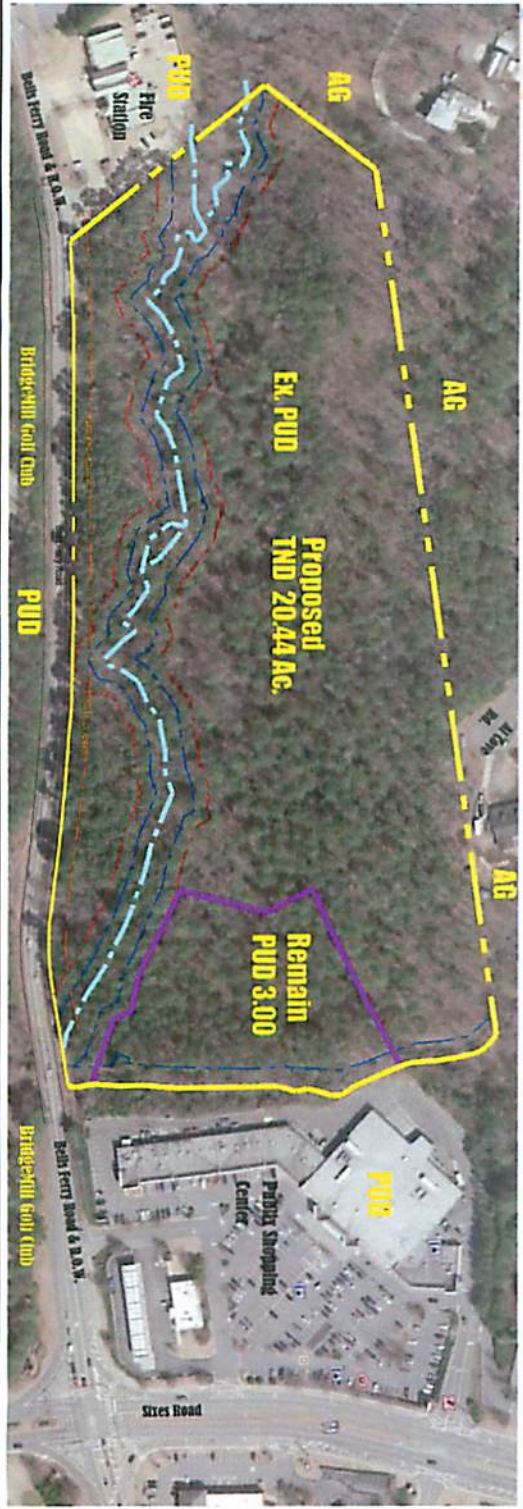
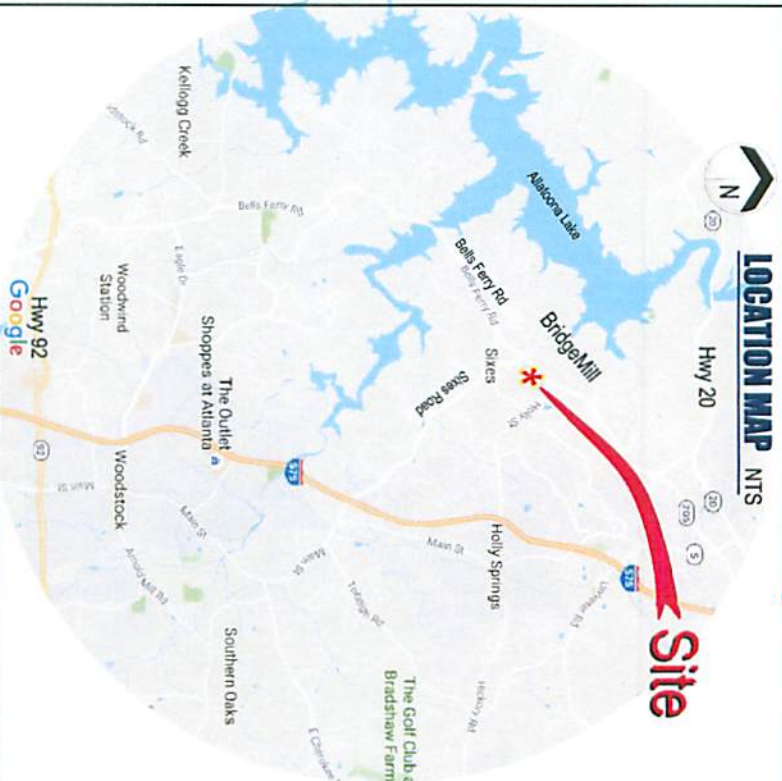
classifications, the Owner/Applicant has suffered and will continue to suffer monetary damages in the nature of attorneys' fees and costs, interest and other expenses on pending loans on the property, loss of income from the property and other related damages. This amount cannot be calculated to an exact certainty; however, the Owner/Applicant will assist the County by providing whatever additional information, if any, the County feels is necessary to adequately investigate this claim. If the Owner/Applicant does not receive a timely request for additional information, it will be presumed that the County does not require any additional information and can make a determination within the allowed statutory period.

Respectfully submitted, this the 15 day of September, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

Rezide Properties LLC



Existing Conditions: Topo, Wetlands, Flood, Buffer, & Soil

The entire Site is wooded, a mix of pine and hardwoods. There are no known historical, archeological, endangered species, or cultural features located on this site.

Aerial Photo: Vegetation, Adjacent Zoning & Roads

DVS
 DESIGN GROUP
 404-409-8029
 6175 Hickory Park Hwy,
 Canton, GA 30115

Graphic scale: 0, 100, 200 feet
 North arrow pointing up

Prepared by:
 OSWALD LEVEL, # 66078
 CERTIFICATION NO.:
 15908 112M

Land Use: 223, 282, & 293
 District: 15th
 Section: 2nd
 Zone: Current: PUD
 Requested: PUD & TND NC
 Proposed For: **Reside Properties**
 1000 Bulls Ferry Road
 Woodstock, GA 30188
 770-318-8000

BridgeMill
23.44 Ac.
 Mixed Use
 Community Village
 9438 Bulls Ferry Rd
 Cherokee City, GA 30567
 Proj. Date: Description
 Oct. 21, 2016
 Update to TND Tmnd 20.44 Ac.

Revised: Sept. 16, 2016
 DVS Project No.: 16-035
 Sheet Title: Overall Site & Resource Map
 L-1

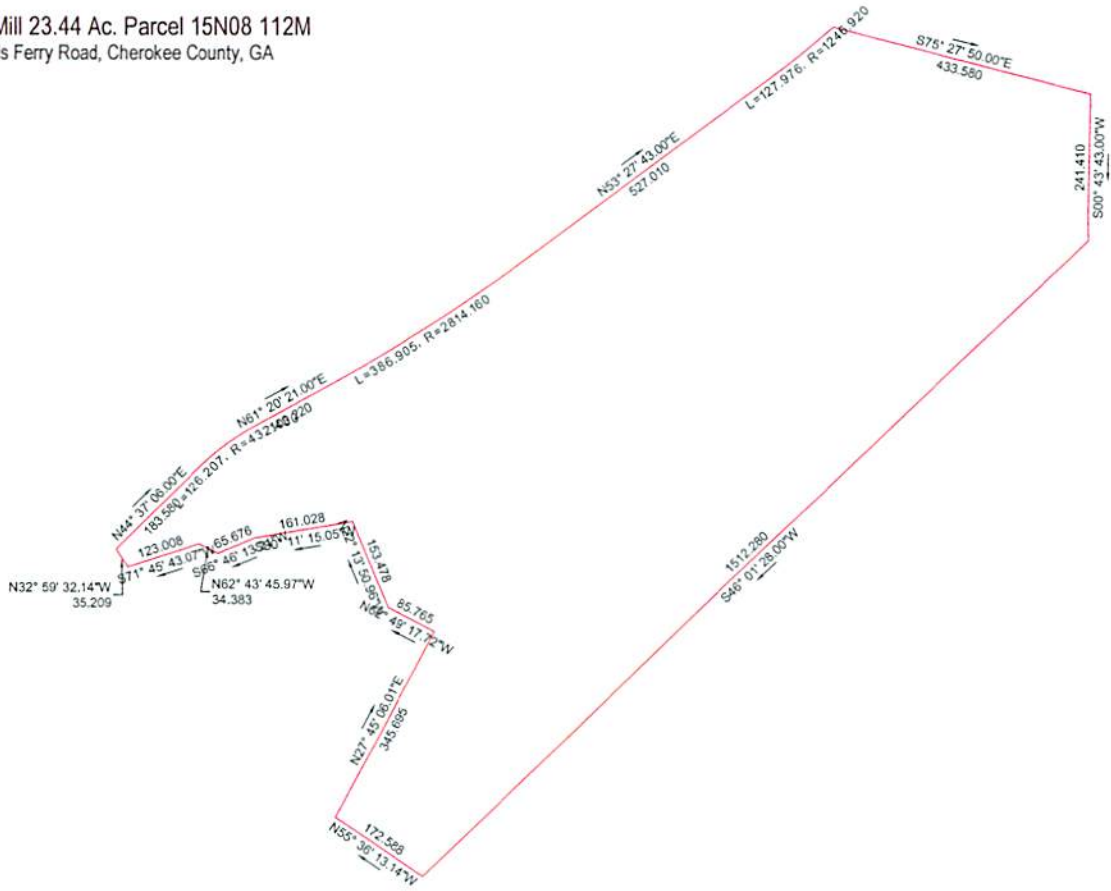
Apart of
BridgeMill 20.44 Ac. Parcel 15N08 112M
9436 Bells Ferry Road, Cherokee County, GA
LEGAL DESCRIPTION For Portion to be Rezoned as TND-NCr

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 223, 282, AND 283 OF THE 15TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTERLINE OF A CREEK AND ON THE SOUTHERN RIGHT OF WAY OF BELLS FERRY ROAD; SAID POINT BEING LOCATED 594.18 FEET NORTHEAST ALONG THE RIGHT OF WAY FROM THE INTERSECTION WITH THE RIGHT OF WAY OF SIXES ROAD SAID POINT BEING THE POINT OF BEGINNING;
THENCE ALONG THE RIGHT OF WAY OF BELLS FERRY ROAD NORTH 44 DEGREES 37 MINUTES 06 SECONDS EAST 183.58 FEET TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 126.21 FEET, SAID CURVE HAVING A RADIUS OF 432.48 FEET AND BEING SUBTENDED BY A CHORD OF 125.76 FEET, AT NORTH 52 DEGREES 58 MINUTES 44 SECONDS EAST TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 61 DEGREES 20 MINUTES 21 SECONDS EAST, 109.22 FEET TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 386.90 FEET, SAID CURVE HAVING A RADIUS OF 2814.16 FEET AND BEING SUBTENDED BY A CHORD OF 386.60 FEET, AT NORTH 57 DEGREES 24 MINUTES 02 SECONDS EAST, TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 53 DEGREES 27 MINUTES 43 SECONDS EAST, 527.01 FEET TO A POINT;
THENCE CONTINUING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT, AN ARC DISTANCE OF 127.97 FEET, SAID CURVE HAVING A RADIUS OF 1246.92 FEET AND BEING SUBTENDED BY A CHORD OF 127.92 FEET, AT NORTH 50 DEGREES 31 MINUTES 19 SECONDS EAST, TO A #4 REBAR SET;
THENCE LEAVING SAID RIGHT OF WAY SOUTH 75 DEGREES 27 MINUTES 50 SECONDS EAST 433.58 FEET TO A #4 REBAR SET;
THENCE SOUTH 00 DEGREES 43 MINUTES 43 SECONDS WEST, 241.41 FEET TO A 1" OPEN TOP FOUND;
THENCE SOUTH 46 DEGREES 01 MINUTES 28 SECONDS WEST, 1512.28 FEET TO A POINT IN THE CENTERLINE OF A CREEK;
THENCE ALONG THE CENTERLINE OF SAID CREEK FOR A DISTANCE OF 181± FEET TO A POINT IN THE CENTER OF SAID CREEK, SAID CREEK BEING SUBTENDED BY A CHORD OF NORTH 55 DEGREES 36 MINUTES 13 SECONDS WEST, 172.59 FEET;
THENCE NORTH 27 DEGREES 45 MINUTES 06 SECONDS EAST, 345.70 FEET TO A POINT;
THENCE NORTH 62 DEGREES 49 MINUTES 18 SECONDS WEST, 85.77 FEET TO A POINT;
THENCE NORTH 22 DEGREES 13 MINUTES 51 SECONDS WEST, 153.48 FEET TO A POINT;
THENCE SOUTH 80 DEGREES 11 MINUTES 15 SECONDS WEST, 161.03 FEET TO A POINT;
THENCE SOUTH 66 DEGREES 46 MINUTES 13 SECONDS WEST, 65.68 FEET TO A POINT;
THENCE NORTH 62 DEGREES 43 MINUTES 46 SECONDS WEST, 34.38 FEET TO A POINT;
THENCE SOUTH 71 DEGREES 45 MINUTES 43 SECONDS WEST, 123.01 FEET TO A POINT;
THENCE ALONG THE CENTERLINE OF SAID CREEK FOR A DISTANCE OF 38± FEET TO A POINT IN THE CENTER OF SAID CREEK AND ON THE SOUTHERN RIGHT OF WAY OF BELLS FERRY ROAD, SAID CREEK BEING SUBTENDED BY A CHORD OF NORTH 32 DEGREES 59 MINUTES 32 SECONDS WEST, 35.21 FEET; SAID POINT BEING THE POINT OF BEGINNING;

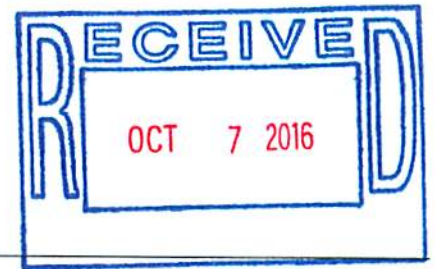
SAID TRACT OR PARCEL OF LAND CONTAINS 20.44 ACRES MORE OR LESS.

BridgeMill 23.44 Ac. Parcel 15N08 112M
9436 Bells Ferry Road, Cherokee County, GA



Cherokee County

Application for Public Hearing – Public Participation Report – October 5, 2016



Applicant: Rezone Properties
Parcel: 15N08 112M

Meeting Date: Sept. 30, 2016

Location: Community Room at Cherokee Fire Station; 9550 Bells Ferry Rd, Canton, GA 30114-2030

Time: 7 PM to 8:30 PM

Public Attending:

Those on lists provided by P&Z Office were notified.

Estimated Public attending, +/-110.

Group made up of a portion of those notified and additionally others from BridgeMill, Sixes Road and Ridge Road areas.

HOA's represented were the BridgeMill and Sixes Road Coalition

Note: Many of the attendees were in addition to the Lists, notified by others and signs posted.

Development Team Attending:

Tony Perry, Rezone Properties, Developer

Robert Good, Good Engineering

DJ DeVictor, DVS Design Group, Land Planning

Summary of Presentation:

Tony Perry opened the Meeting with a presentation, including the historical development of the BridgeMill Project and surrounding area. Also included (Several 24" x 36" Boards were displayed supporting presentation)

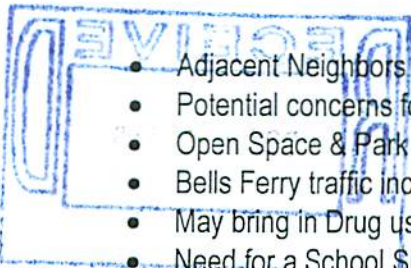
- Description of the setting and location of the proposed project.
- Current entitlements based on its inclusion in the BridgeMill PUD
- Brief review of the Planning & Zoning Character designation of **Community Village** for Future development
- Review of the existing conditions of the Site and adjacent land development – specifically the Publix Shopping Center. Mentioned the desire to connect this project to the Sixes Road working with the Publix Land Owner.
- Site Plan elements, highlighting the reasons for the Rezoning to TND-NCr and a Variance for Residential Units to be increased.
- Timeframe for the Public Hearing process and the likely start date for the Construction were highlighted.

Summary of Concerns, Issues, and Problems expressed:

Overall, the Meeting was very positive, with an equal amount of those speaking for the project and those that had concerns to be addressed. A summary of the Concerns would break down into the following categories:

1. Clarification of the Types of Land Uses and Product to be developed:
 - Multi-Family: Condo vs. Rental Management
 - Implications of Conference & Event Center
 - Type of Office product for Sale to individuals vs. large scale Leasing, Campus.
 - What is a Boutique Hotel – and is there a need. Would developer be willing to negotiate the Hotel use?
 - Height of MF Units, Offices, and Hotel.

2. Impact to the property, Area in general & Bells Ferry:
 - Development would remove trees.



- Adjacent Neighbors to the east on SF lots – impact to Land Value and pending more development in future.
- Potential concerns for the Stream, Buffers, Water Quality, etc.
- Open Space & Park Areas
- Bells Ferry traffic increased by developing. How would entries be treated with Decel and Accel Lanes, etc.
- May bring in Drug users and organized crime.
- Need for a School Site in this area to keep kids from traveling so far to High School. Will this development add to load on Schools? (Tabulation calculation in Package Submittal indicated)

3. Targeted Sales Market

- Who would be living, working and coming into the development.
- Might Section 8 housing creep into the MF units? Concerned that the Condos would be downgraded to rental and lower income users would occupy.
- Conference Center in conjunction with office: Implies major campus product. The intent is to have small privately owned offices that work in collaboration with a shared meeting room facility.

Response to Concerns:

1. Clarification of Product Types:

- MF is targeted for our aging population so that area residence have an affordable option to stay in the community. Product design targets elderly but not restricted to elderly.
- Conference Center is not a good label for our product. It will actually be small privately owned offices with a collaboration of shared meeting space – available to the Office Owners.
- Boutique Hotel is an upgraded Lodging experience with amenities. It would add a lodging option to this area for family/friends, office owners clients/guests. It would support the Event Center which would be a park like setting potentially with an outdoor pavilion and an adjacent Room large enough for a small wedding reception to be catered, etc.

2. Impact on Site and Local Area:

- Open Space would be +/-50% of the site undisturbed, 25% more than required. This would include the Stream and buffers, as well as, the steeper areas on the Slope.
- As a TND zone, it would be tied to a Site Plan for Development. Any changes in the future to reduce the Open Space for more development would require an additional Public Hearing and Rezoning. There would be no entitlements to encroach with development in those areas.
- Relative to Traffic and entry Lanes, we will be obligated to build whatever the County and State indicate as proper. We don't feel that our development would be as much traffic as if developed to the same level as Publix – (which it could be by code and entitlements. It would be expensive to build the site walls, but at some point it may be economically viable. Home Depot has a big site wall in back.)
- Drug users. We would not expect this to be a cause an increase problem in the area.
- Based on the Calculation in the Application form, only 73 additional Students would be anticipated.

3. Targeted Market:

- Elderly would be targeted but not restricted to that age group. The MF is targeted for our aging population so that area residence have an affordable option to stay in the community.
- The cost of the condos were estimated in the +\$250,000 range TBD.
- Office is for those residents living in the BridgeMill & Sizes Road area that want to be able to have their 'Home' office nearby and affordable. Out of the house – but reasonable in price. It becomes an amenity for the area and independent professionals.
- The Conference space is actually a shared collaborative of the Office Condo Owners. The term, Conference Center, was not an accurate label for the use of a shared meeting rooms.

General:

Tony Perry stayed after the meeting was dismissed to answer all other additional questions until the last neighbor had left. Tony also gave out his personal Cell# to the group and business cards to many after the meeting.

- Having a subsequent Meeting was discussed and Tony was willing to consider it as needed.
- The Meeting ended on a positive note with less opposition and concerns than were initially voiced. It appeared that there was general approval to move forward by this representative group.

Notice sent out on following Page:

Following is what was sent to all those on the List provided by the County P&Z Department:

To: Our Neighbors & Interested

Re: Public Participation Meeting – Rezoning & Variance for 23.44 Ac. Tract, Parcel 15N08 112M

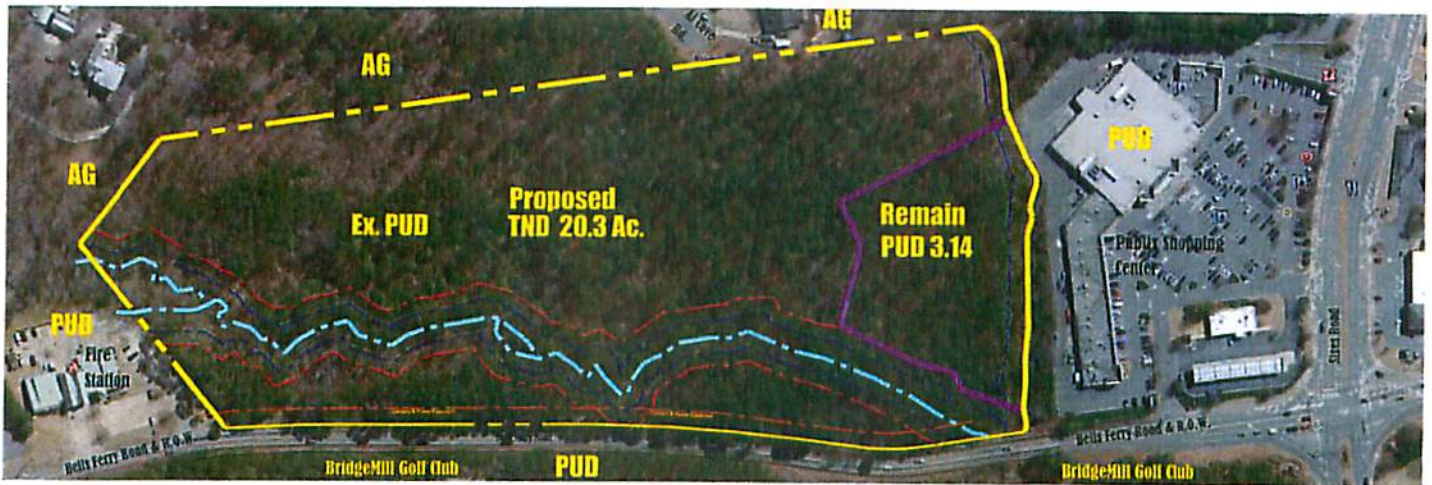
Date: September 30, 2016 at 7 PM

Location: Community Room at Cherokee Fire Station; 9550 Bells Ferry Rd, Canton, GA 30114-2030

Purpose:

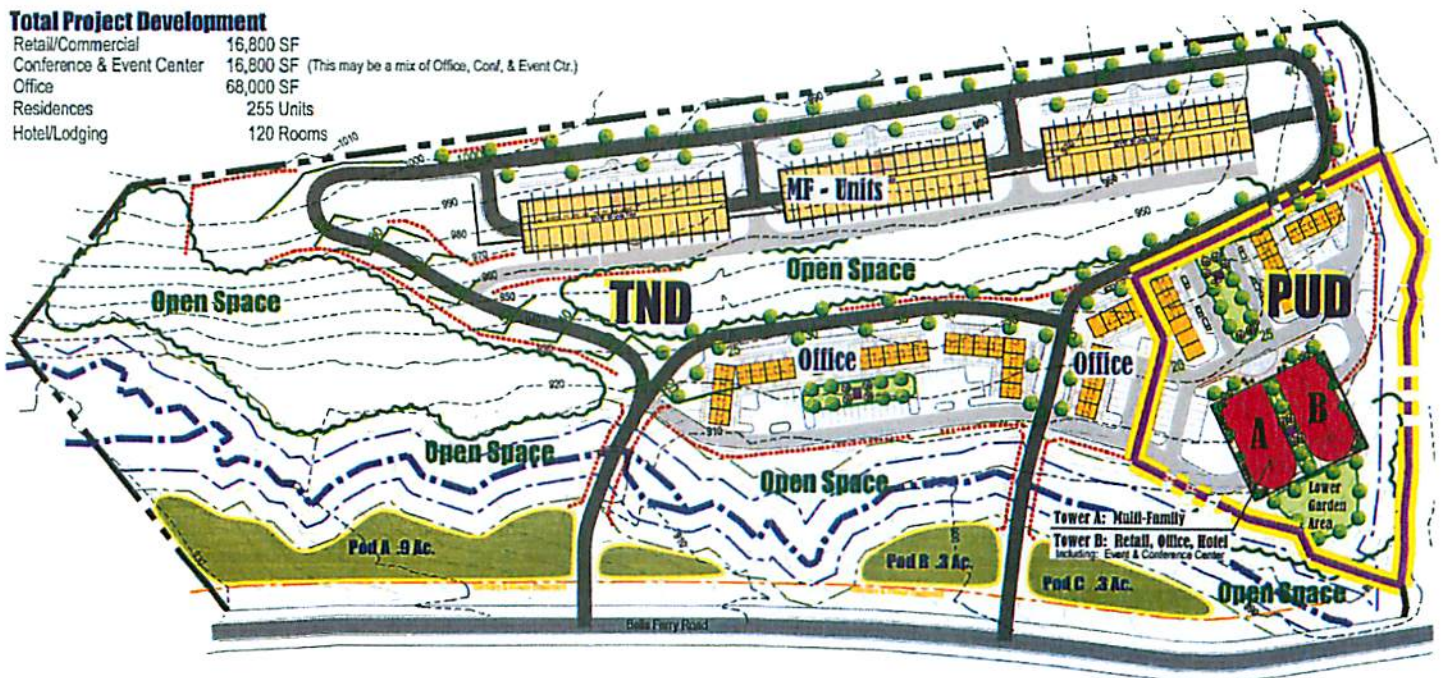
- Come and learn about the new Mixed Use Development across from the BridgeMill Community.
- Meet the Developer Team
- Ask Questions to clarify what to expect in this process and development
- Time frame for County Review, Plan Development, Permit Approval and Construction

LOCATION & Aerial Photo



Total Project Development

Retail/Commercial	16,800 SF
Conference & Event Center	16,800 SF (This may be a mix of Office, Conf, & Event Ctr.)
Office	68,000 SF
Residences	255 Units
Hotel/Lodging	120 Rooms





The Storm Management System runs @ 48 Pipe and Transfer to Lake on other side of Balls Ferry Rd.

© 2016 DVS



DVS
 DESIGN GROUP
 404-409-8029
 6175 Hickory Hill Hwy,
 Canton, GA 30115



Prepared By:



GSWCC LEVEL # 66078
 CERTIFICATION No.:
 15908 112M

Land Use: 223, 202, & 283
 District: 15th
 Section: 2nd

Zoning: General PUD
 Repealed: PUD 1120 NC-
 Prepared For:
 Rozzle Properties
 Tony Perry
 10000 Woodstock, GA 30188
 770 314 8008

Bridgemoor
 23,44 AC.

Mixed Use
 Community Village
 9436 Balls Ferry Rd.
 Cherokee Cy, GA 30567

Rev. Date Description
 Oct. 21, 2015
 Update to TMD Final 20.44 AC.

Issued:
 Sept. 16, 2016

DVS Project No.
 16-035

Sheet Title:
 Aerial Photo &
 Site Plan

TOTAL SITE AREA: 23.44 Ac.

Ex. Zoning: PUD - Commercial

Proposed Development TND 20.44 Ac.

Zoning: Multi-Family & Office
TND-NCr @ 8 Units/Ac. = 162 Units

Developed Area: 370,260 SF or 8.5 Ac.

Multi-Family: 113 Units 70% of Yield (248,000 SF or 5.7 Ac. 28%)
3-Story Bldg over Multi-level Parking Garage. Alley Access.
Units are 32x16' accessed off Central Hallway.

Office Condos: 29,700 SF or 48 to 66 (122,260 SF or 2.8 Ac. 13%)
29,700 SF / 1,500 SF per Unit = 20 Units equivalent or 12%
33 2-Story Units as per Site Plan

Parks & Open Space (11.8 Ac. or 51%)
Pods A, B, & C: Civic Park and Storm Water Management (1.5 Ac. or 8%)

Variance: Increase TND-NCr to 12 Units/Ac. or 244 Units

Multi-Family: 107 Units (20 Ac. total 220 units)

3-Story Bldg over Multi-level Parking Garage. Alley Access.
Units are 32x16' accessed off Central Hallway.

10.8 Units/Ac. Net

BridgeMill PUD 3.00 Ac.

Uses: Retail, Office, Conference & Event Center, Residences & Hotel
BridgeMill PUD - No Changes to PUD

Developed Area: 87,000 SF or 2.0 Ac. 70%

Office Condos: 21,600 SF or 30 to 48 Office Units
Multi-Story Structure on top of Multi-level Parking Garage

1 Level Retail 16,800 SF
1 Level Office Rental & Conference Center 16,800 SF
2 Towers on top of Retail & Office

Tower A - 35 Multi-Family
Tower B - 120 Room Hotel (Max.)

Parks & Open Space 1 Ac. or +/-30%

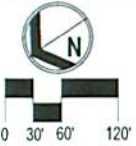


Total Project Development

	SF	Units	Rooms
Retail/Commercial	16,800		
Conference & Event Center	16,800	(This may be a mix of Office, Conf, & Event Ctr.)	
Office	68,000		
Residences		255	
Hotel/Lodging			120

Tower A: Multi-Family
Tower B: Retail, Office, Hotel
Including: Event & Conference Center

Tie into Storm Management System on other side of Bells Ferry Rd.



GSWCC LEVEL CERTIFICATION # 66078

Tax Map/Parcel No. 15N08 112M

Land Lot: 223, 282, & 283

District: 15th

Section: 2nd

Zoning: Current: PUD Requested: PUD & TND NCr

Prepared For: Rezide Properties
Tony Perry
1090 Main Street
Woodstock, GA 30188
770 314-9088

BridgeMill 23.44 Ac.

Mixed Use Community Village
9436 Bells Ferry Rd.
Cherokee Cty, GA 30567

Rev. Date Description
Oct. 21, 2018 Update to TND Tract 20.44 Ac.

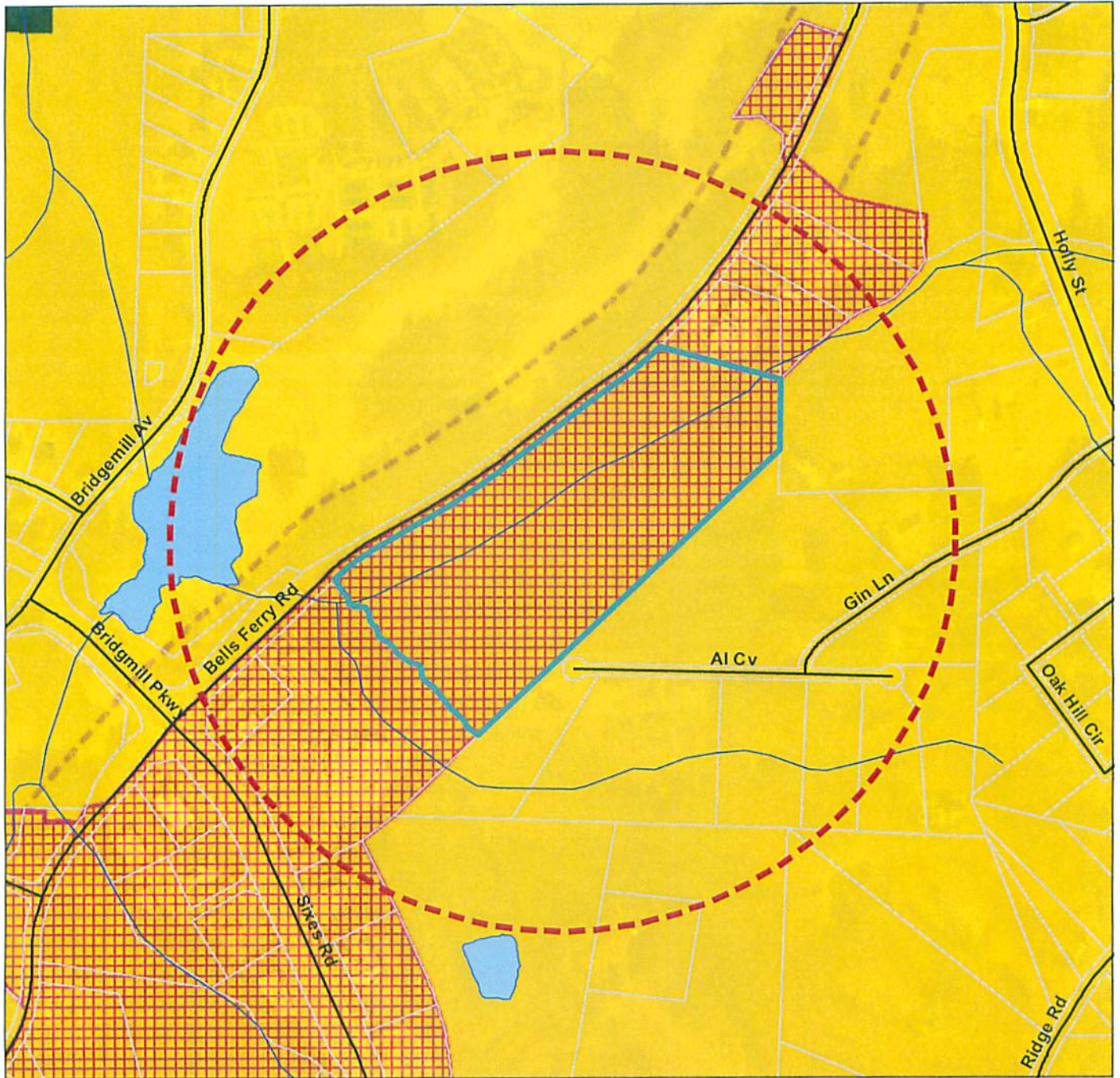
Issued: Sept. 16, 2016

DVS Project No. 16-035

Sheet Title: Prelim MP Site Plan

Case # 16-12-041 Rezone Properties

Future Development Map



Legend

Rezoning Parcel	Development Nodes	Character Areas
School	County Crossroads	Natural Preserve
Cemetery	Hamlet	Rural Places
Church	Neighborhood Village	Country Estates
Street	Community Village	Suburban Growth
1/4 Mile Radius	Corridors	Suburban Living
100 Year Flood Zone	Scenic Corridor	Neighborhood Living
Park	Transitional Corridor	Bells Ferry LCI
	Development Corridor	Urban Core
		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.

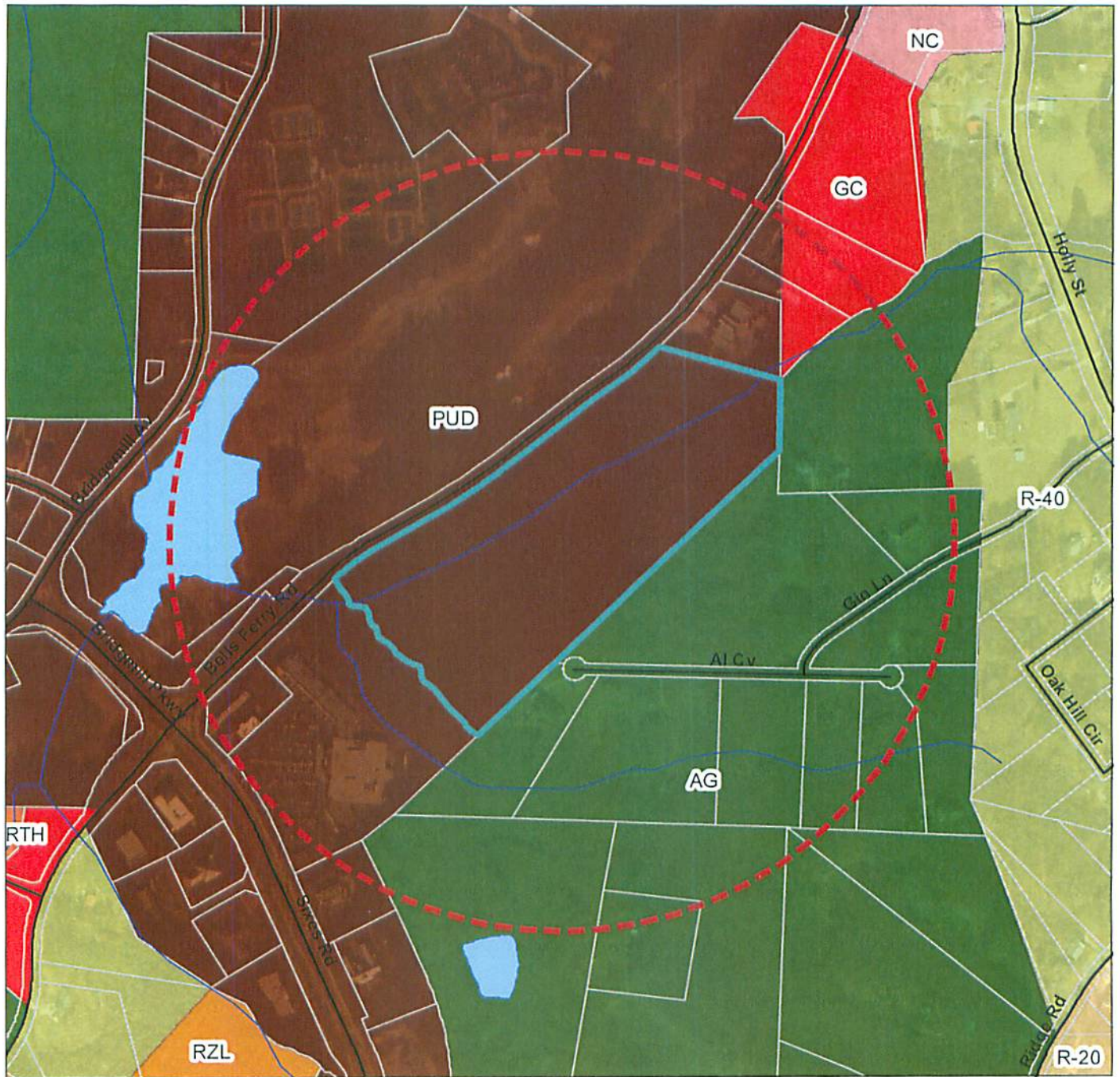


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016



Case # 16-12-041 Rezone Properties

Zoning Map



Legend

Rezoning Parcel	Cherokee County Zoning	RTH
School	AG	RM10
Cemetery	R80	RM16
Church	R60	PUD
Street	R40	OI
1/4 Mile Radius	R30	NC
100 Year Flood Zone	R20	GC
Park	R15	LI
	RD3	HI
	R10	Bells Ferry Overlay
	RZL	Hwy 92 Overlay
	RA	



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



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016





Staff Report

Case No: 16-12-041
Applicant Name: Tony Perry for Rezide Properties
Location: Bells Ferry Road just north of Sixes Road
 (15N08, a part of 112M)
From/To: PUD to TND
Proposed Use: Mixed Use Development
Commission Post: 3

	Existing Zoning	Existing Land Use
North	PUD	Mixed Use – Golf Course
South	AG	Residential
East	AG	Mixed Use – Golf Course
West	PUD	Rural Residential

Future Development Map

Character Area/Node/Corridor	Description
Community Village over Suburban Living	Medium-scaled commercial designated to serve several neighborhoods with 80,000 square feet maximum. Public water is available and sewer may be available. Good transportation access. (OI, NC, GC) 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 totals 20.44 acres and lies on the southeasterly side of Bells Ferry Road approximately 750 feet northeast of Sixes Road. A public participation meeting was held on September 30 with 69 attendees signing in. An Existing Site Resource Map was submitted and is on file. The application has been evaluated and is consistent with the Future Development Map designation of Community Village.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA submitted that water was available and adequate for the project with a 16-inch line on Bells Ferry Road. Public sewer is available also on Bells Ferry Road and capacity is available.

1.3 Cherokee County Board of Education

- No report received.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #16-12-041- Community Agenda Analysis

Section 1 – Community Vision

Community	Bells Ferry Road (east of the intersection of Bells Ferry Road and Sixes Road.)
-----------	---

Vision:

- Natural beauty and diversity make Cherokee County 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 result in mixed use multi-family residential and single-family residential with retail, office, hotel, and a conference/event center.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Housing Choice	This project could add to the variety of housing stock in the area.
Designing with the Environment	Project will contain several civic spaces which may encourage healthy exercise habits and social interaction.
Diverse Economic Opportunities	Project will feature a mix of residential and commercial opportunities.
Land Use Patterns that Promote Connectivity and Mobility	Project promotes the clustering of uses and compact site development in appropriate areas that are pedestrian-oriented, community-centered, and minimize vehicular trips with increased internal connectivity.

Project is Neutral

Preserve and Enhance Sense of Place	No evidence of impact.
Aging in Place	No evidence of impact.

Project Neglects

Section 3 – Character Area Description

Character Area	Community Village
----------------	-------------------

This Character Area suggests OI, NC, and GC as Zoning Districts. Community Villages are envisioned as places where a compatible mixture of higher-intensity uses are located, which may include a variety of housing options, small businesses, offices, retail shops, services, parks, plazas, and open spaces that create a small, interconnected community where it is possible to live, work and play.

Node or Corridor	Transitional
------------------	--------------

This Corridor suggests AG, OI, NC as Zoning Districts. Transitional Corridors are meant to encourage vitality, activity, and safety in the area, by controlling aesthetics, site planning, and limiting nonresidential uses to those that will not overly affect residential neighborhoods adjacent to the site. Nonresidential uses should generally be small in size and scale.

Cherokee County Government

ENGINEERING DEPARTMENT
1130 Bluffs Parkway – Canton, Georgia 30114
678-493-6077 – Fax 678-493-6055



REZONING MEMORANDUM

Case Number: 16-12-041

Applicant: Tony Perry for Rezone Properties

Current Zoning: PUD

Proposed Zoning: TND w/ Variances

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Bells Ferry Road. Bells Ferry Road is a full width two lane minor arterial roadway. The geometry of the road at the location of this application is generally good. In 2012 the Georgia DOT recorded a traffic volume of 10,510 vehicles per day to the north of the property.
- **Planned Improvements** – At current time there are no improvements planned for this section of Bells Ferry Road. The Comprehensive Transportation Plan Update identifies the potential need for widening of this section of Bells Ferry Road in Tier III (2031-2040 time frame).
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the currently zoned to the proposed zoned condition is an increase of 873 vehicles per day.

Zoning	Units	Trips Per Day
Current PUD	80,000 SF Office	1,123
Proposed TND w/ Variances	220 Residential & 29,700 SF Office	1,996

This analysis only accounts for the property that is being rezoned. There is a portion of the overall tract that is remaining PUD and is not included in this analysis. The applicant has included numbers for the PUD property that is remaining in their rezoning application. Assumptions by the Engineering Department were necessary for the current zoning in order to have a number for comparison.

- **Development Related Improvements** – The Engineering Department will determine any necessary improvements to Bells Ferry Road when the applicant applies for access along that route. It should be expected that the entrances would include a left-turn lane and a deceleration lane into the development.

● **Stormwater:**

- **Flood Plain or Wetlands on Property** – Yes, approximately 20% of the property is in the flood plain.
- **Runoff Tributary and Basin** – Unnamed tributary in the Allatoona basin.

● **Conclusion:**

It is the opinion of the Cherokee County Engineering Department that Bells Ferry Road should be able to handle the traffic generated by this application.

It is recommended that the applicant perform a traffic study for the development as a whole (remaining PUD combined with rezoned TND) to help identify needed development related improvements to this section of Bells Ferry Road and to the intersections immediately to the north and south of this application.

Cherokee County Water & Sewerage Authority

Applicant:	TONY PERRY FOR REZIDE PROPERTIES
Re-Zoning Case No.:	16-12-041
Present Zoning:	PUD
Proposed Zoning:	TND
Tax Map:	15N08
Parcel No.:	112M

Water

1) Is Water Available at Development:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
2) Size of Existing Water Line (If Available):	16"
3) Is there Adequate Water Pressure for the Additional Fire Protection that may be Required for the New Project:	YES <input type="checkbox"/> NO <input type="checkbox"/>
Additional Comments:	DETERMINED BY FLOW TEST
4) Is Existing Water Line Adequate for Project, If not what size will be Required:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
5) What are the Future Plans for Expansion of Water Lines and Give Approximate Time Table:	NONE

DEVELOPERS MAY BE REQUIRED TO INSTALL/ UPGRADE WATER MAINS, BASED ON FIRE FLOW TEST RESULTS OR FIRE DEPARTMENT CODE. THIS WILL BE RESOLVED IN THE REVIEW PROCESS.

Sewer

1) Is Sewer Available to the Project:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
2) How far from the Proposed Development are the Nearest Sewer Lines:	on subject property
3) Approximate Length of Time Before Sewer Line will be Reasonably Assessible to Development:	N/A
4) Estimated Waste Generation:	234,400 ADF 796,000
5) Treatment Plant:	Rose Creek/Fitz Creek WPCP
6) Plant Capacity:	Available <input checked="" type="checkbox"/> Not Available <input type="checkbox"/>
7) Line Capacity:	Available <input checked="" type="checkbox"/> Not Available <input type="checkbox"/>
8) Projected Plant Availability:	0-5 Years <input checked="" type="checkbox"/> 5-10 Years <input type="checkbox"/> 10+ Years <input type="checkbox"/>
9) Additional Comments:	

**Sewer Availability:
(Treatment Plant That Will Treat Sewerage)**

**CCWSA
City of Canton
City of Woodstock
Other**

X

Plant Capacity Comments:

**Developer Will Be Responsible For Connecting To The Existing Cherokee County Water & Sewerage Authority's Water And Sewer System, Installing And / Or Up- Grading All Outfalls And Water Mains, Obtaining On And / Or Off Site Easements, Dedication Of On And / Or Off Site Water And Sewer Easements To Cherokee County Water and Sewerage Authority As May Be Required.
Rezoning Does Not Insure Water/Sewer Capacity**

The CCWSA Has Directed That A Water Flow And Pressure Test Be Performed Prior To Submitting To The Commission And Cherokee Planning And Zoning Board. Please Contact Ricky Dobbs(CCWSA) At 770 479-1813 Ext. 249



Cherokee County, Georgia
Agenda Request

Item#: 3.

SUBJECT:
Case #16-12-042 277 TCL Properties, LLC
(BOC Dist. 2)

MEETING DATE:
12/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 3.5 acres at 277 Tom Charles Lane from R-80 to R-30 for four (4) single family residential homes.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: R-80 to R-30
Location: 277 Tom Charles Lane
Tax Map and Parcel No: 15N25, 014
Acres: 3.5
Proposed Development: Single Family Residential
Future Development Map: Suburban Growth

BUDGET:

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

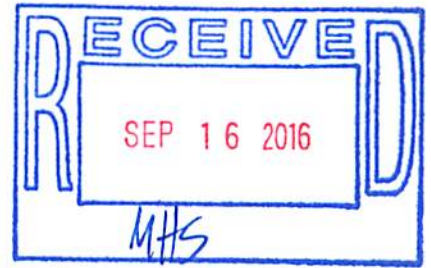
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Staff Report	Cover Memo



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: 277 TCL Properties LLC
 Address: 6175 Hickory Flat Hwy Ste 110-156 Phone: 770-924-1617
 City, State, Zip: Canton, GA 30115

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

Name: 277 TCL Properties LLC
 Address: 6175 Hickory Flat Hwy Ste 110-156 Phone: 770-924-1617
 City, State, Zip: Canton, GA 30115

Requested Public Hearing (check all that apply):

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

<p>STAFF USE ONLY:</p> <p>Commission District: <u>2</u></p> <p>Case: <u>16-12-042</u></p> <p>CityView #: <u>PL2016-1405</u></p> <p>Received by: <u>MHS</u></p> <p>Fee Paid: \$ <u>250.00</u></p> <p>Date: _____</p>	<p>PUBLIC HEARING SCHEDULE:</p> <p>Public Participation Meeting: <u>N/A</u></p> <p>PC Work Session Date: <u>11.21.16</u></p> <p>Planning Commission Hearing: <u>12.6.16</u></p> <p>Board of Commissioners: <u>12.20.16</u></p> <p>Zoning Board of Appeals: _____</p> <p>Other: _____</p>
--	---



SECTION II

Property Information:

Location: 277 Tom Charles Lane, Canton GA 30115

Current Zoning: R-80 Proposed Zoning: R-30 Total Acreage: 3.5

Tax Map #: 15 N 25 Parcel #: 014 Land Lot(s): 174 District: 15

Future Development Map Designation: Suburban Growth

Adjacent Zonings: North R-20 South R-80 East AG West R-80

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

Rezone subject property from R-80 to R-20

Proposed Use(s) of Property:

Minor development into 4 lots for future single family detached homes

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

This 16th day of September, 2016.

Print Name Tim West

Applicant Signature Tim West

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: Cherokee County Water & Sewer Authority

How is sewage from this site to be managed?

On-site sewer management system

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

If yes, what is the projected increase? ~~2.9~~ 3 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	4	0.725	2.9
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? 38.28 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends ⁺	Number of Trips
210	Single Family Home/ Townhome	4	9.57	38.28
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.

AUTHORIZATON OF PROPERTY OWNER

I, Tim West, Member, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

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

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: 277 TCL Properties LLC
 Address: 6175 Hickory Flat Hwy Ste 110-156 Phone: 770-924-1617
 City, State, Zip: Canton, GA 30115

Property Owner's Information:

Name: 277 TCL Properties LLC
 Address: 6175 Hickory Flat Hwy Ste 110-156 Phone: 770-924-1617
 City, State, Zip: Canton, GA 30115

Signature of Owner: *Tim West* Date: 9/16/16
 Print Name: Tim West

Sworn to and Subscribed before me this: 16th day of September, 2016.

Notary Signature: *[Signature]*

(Notary Seal)



Jeffrey R. Rubridge

Notary Public in and for the State of Texas, My Commission Expires August 30, 2020

My commission expires on August 30, 2020.

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas, My Commission Expires August 30, 2020

Notary Public in and for the State of Texas

Jeffrey R. Rubridge

Notary Public in and for the State of Texas, My Commission Expires August 30, 2020

Notary Public in and for the State of Texas

Notary Public in and for the State of Texas

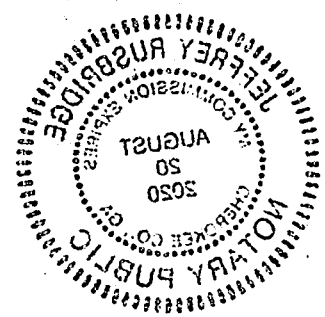
Jeffrey R. Rubridge

Notary Public in and for the State of Texas, My Commission Expires August 30, 2020

Notary Public in and for the State of Texas

Jeffrey R. Rubridge

Notary Public in and for the State of Texas



APPLICANT RESPONSE STATEMENT
REZONING APPLICATION OF 277 TCL PROPERTIES LLC
TAX PARCEL 15N25-014

Applicant 277 TCL Properties LLC is requesting that 3.5 acres of land on Tom Charles Lane be rezoned from an R-80 Residential designation to a zone of R-30 Residential, in order to subdivide the property as a minor development of four lots. The existing structure on the property is intended to remain on one of the subdivided lots.

This zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Adjacent property to the north is zoned R-20, and nearby zoning categories that are more dense than the classification requested here include R-15 and RZL. 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 residential uses as have already been established in the area.

The property as currently zoned does not have a reasonable economic use. There is dwindling desire for estate-size lots in this proximity to the increased traffic traversing Georgia Highway 140. The increase in traffic from this rezoning would be negligible, given the small number of lots proposed.

This rezoning is consistent with the purposes of the County's land use plan, as the lots proposed to result from this rezoning would be larger than those allowed in, for example, an R-40 conservation subdivision.

RETURN TO:
Dyer & Rusbridge, P.C.
291 E. Main Street
Canton, GA 30114

----- [Space Above This Line for Recording Date] -----

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF CHEROKEE

This Indenture made this 11th day of September, 2015, between HANNAH LEE WEST, party or parties of the first part (hereinafter referred to as "Grantor"), and 277 TCL PROPERTIES LLC, a Georgia limited liability company, party or parties of the second part (hereinafter referred to as "Grantee");

WITNESSETH, That the said Grantor, for and in consideration of the sum of Ten and no/100 Dollars (\$10.00) and other good and valuable considerations, in hand paid, at and before the sealing and delivery of these presents, the receipt of which is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, their heirs, successors, and assigns, interest in and to the following described property:

SEE EXHIBIT "A" ATTACHED HERETO.

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

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

IN WITNESS WHEREOF, the said Grantor has hereunto set their hand and seal, the day and year above written.

Signed, sealed and delivered
in the presence of:

Meghan Wiggins
Witness

Alicia M. Argo
Notary Public

Hannah Lee West by (SEAL)
HANNAH LEE WEST
By: Vicky Tucker, Attorney in Fact

Vicky Tucker
Attorney in Fact

POA BK 13495 Pg 73

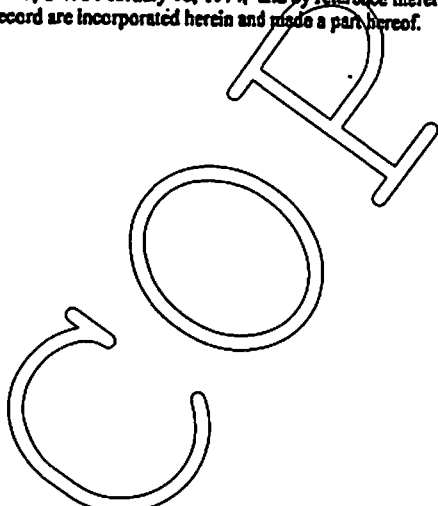


Exhibit "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 174 of the 15th District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows: TO FIND THE POINT OF BEGINNING, commence at an iron pin which is the southeast corner of Land Lot 174; thence running North 01 degree 13 minutes East a distance of 86.23 feet to a point which marks the TRUE POINT OF BEGINNING of the tract of land herein conveyed; from said point of beginning thus established, thence running North 01 degree 13 minutes East a distance of 533.87 feet to an iron pin; thence North 80 degrees 00 minutes West a distance of 201.7 feet to an iron pin; thence running along the right-of-way of Charles Road in a southwesterly direction a total distance of 464.2 feet the following courses and distances: South 26 degrees 24 minutes West a distance of 152.9 feet to a point; South 29 degrees 35 minutes West a distance of 186.0 feet to a point; South 30 degrees 48 minutes West a distance of 49.3 feet to a point; South 37 degrees 19 minutes West 76.0 feet to an iron pin; thence leaving said right-of-way of

Charles Road and running South 68 degrees 12 minutes East a distance of 253.8 feet to a point; thence South 68 degrees 12 minutes East a distance of 196.83 feet to the Point of Beginning.

As an aid in determining the boundaries to the above described tract of land, reference is hereby made to a plat entitled "Survey for Eugene T. West" made by J. B. Dixon, G.R.L.S. No. 1878, dated May 16, 1924, recorded in Plat Book 26, Page 28, Cherokee County, Georgia records, and to a plat entitled "Boundary Survey & Subdivision of Eugene T. West Property" made by R. Jerry Thacker, G.R.L.S. No. 1960, dated February 16, 1974, and by reference thereto, said plats of survey and record are incorporated herein and made a part hereof.



Checked 3-11-76
Hubert Mammox
C.C.M.P.C.

FILED IN OFFICE

11 Day of March 1976
W. Cole
S. & C. Co.

BOUNDARY SURVEY & SUBDIVISION OF
EUGENE T. WEST PROPERTY

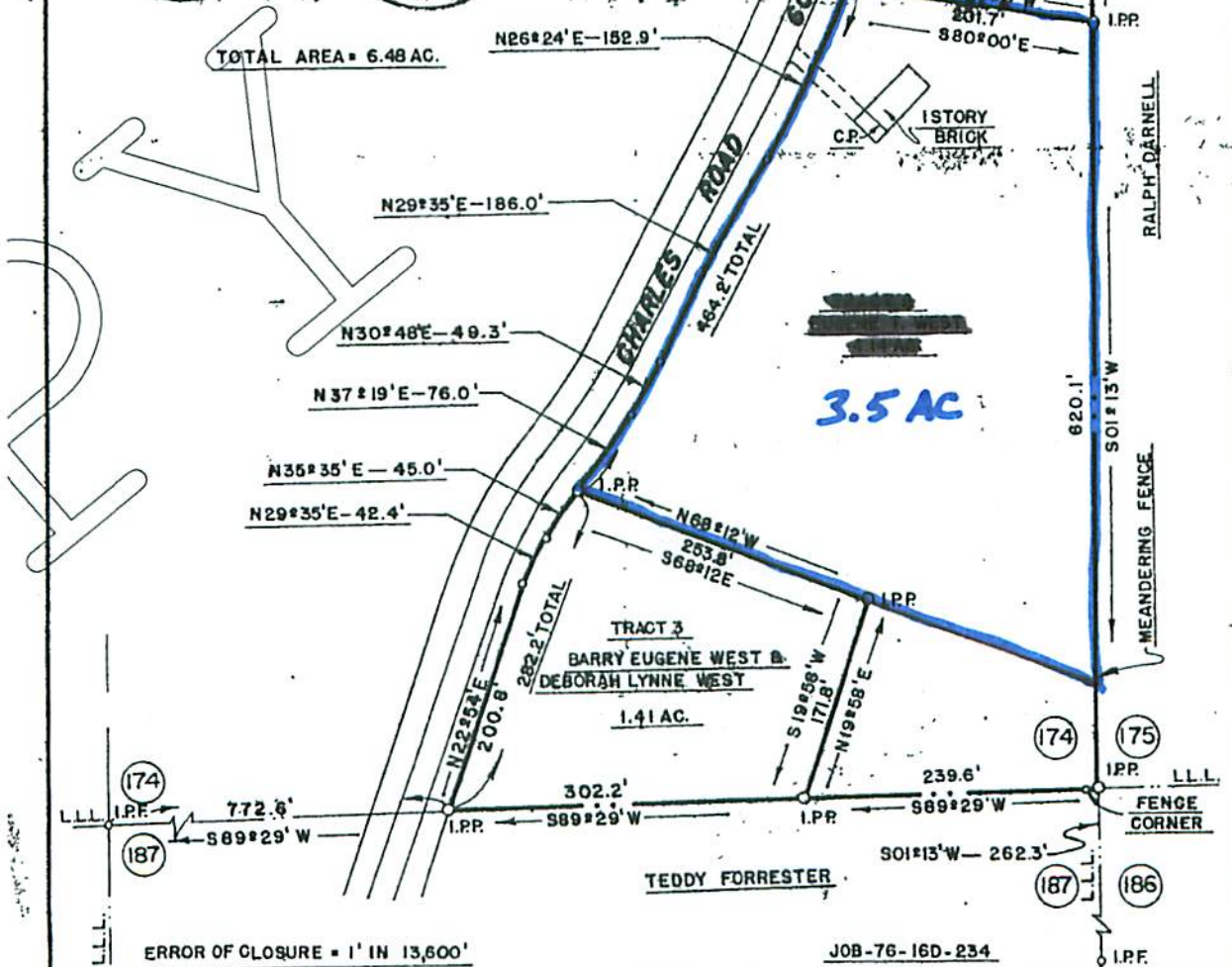
LOCATED IN LAND LOT 174
15 TH DIST., 2ND SECT.
CHEROKEE COUNTY, GA.
SCALE 1" = 100'
PREPARED FEB. 16, 1976
BY JERRY THACKER & ASSOCIATES
CONSULTING ENGINEERING &
LAND SURVEYING
221 E. MAIN ST., CANTON, GA. 30114
404-479-4911

In my opinion, this plan is a correct
representation of the land planned and
has been prepared in conformity with
the minimum standards and require-
ments of law.

R. Jerry Thacker

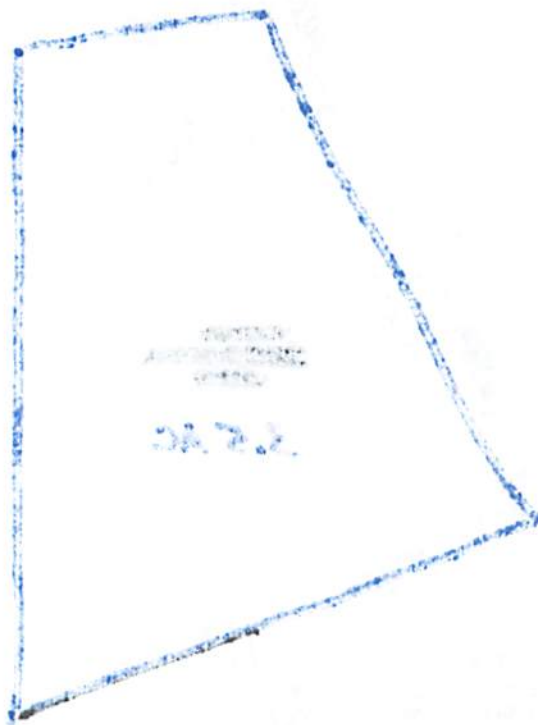


TOTAL AREA = 6.48 AC.



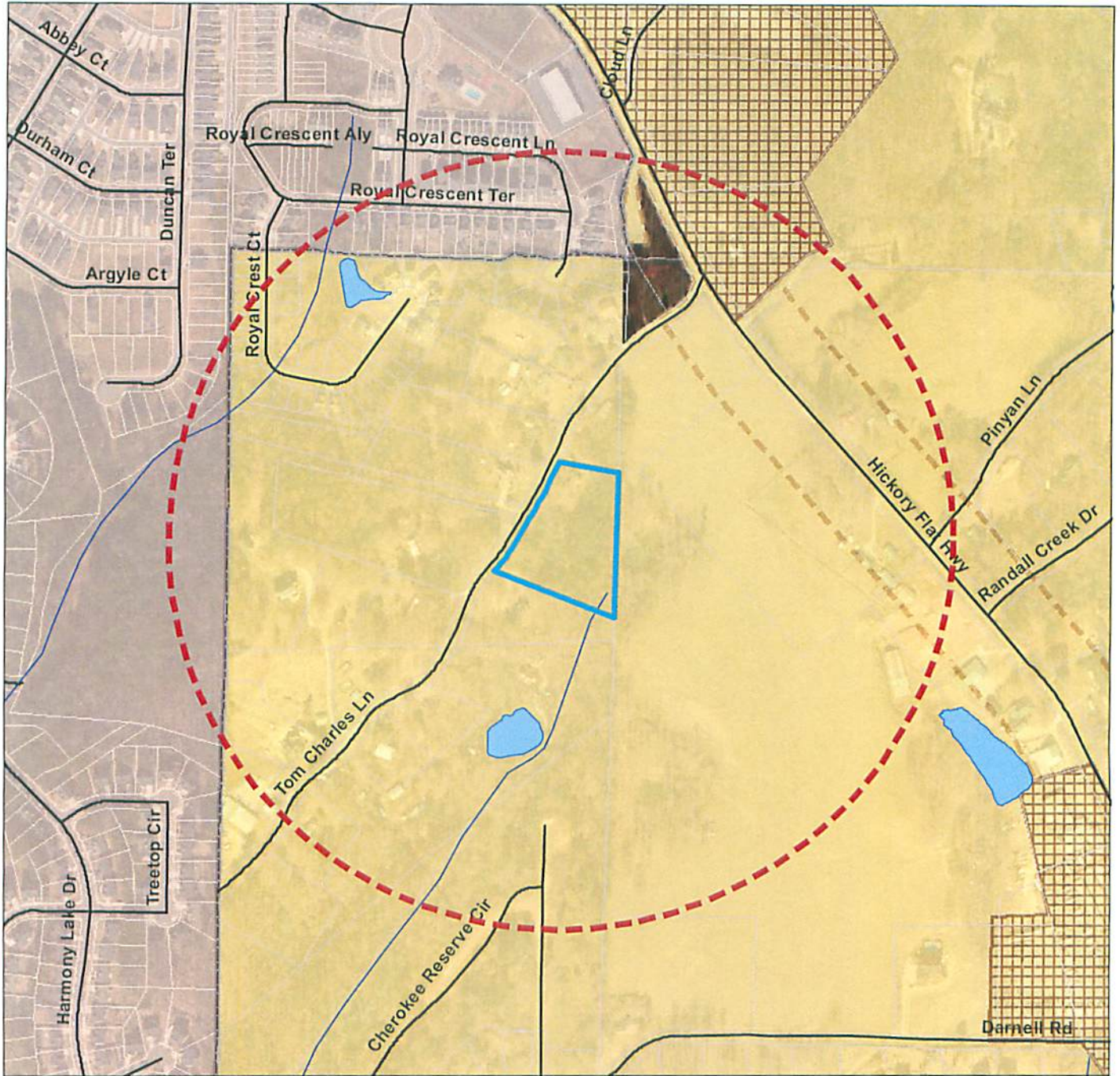
ERROR OF CLOSURE = 1' IN 13,600'

JOB-76-16D-234



Case # 16-12-042 277 TCL Properties, LLC

Future Development Map



Legend

Rezoning Parcel	County Crossroads	Natural Preserve
School	Hamlet	Rural Places
Cemetery	Neighborhood Village	Country Estates
Church	Community Village	Suburban Growth
Street	Corridors	Suburban Living
1/4 Mile Radius	Scenic Corridor	Neighborhood Living
100 Year Flood Zone	Transitional Corridor	Bells Ferry LCI
Ball Ground	Development Corridor	Urban Core
Canton		Workplace Center
Holly Springs		Regional Center
Woodstock		Waste Management
Park		



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
31 October 2016



Case # 16-12-042 277 TCL Properties, LLC

Zoning Map



Legend

- Rezoning Parcel
- School
- Cemetery
- Church
- Street
- 1/4 Mile Radius
- 100 Year Flood Zone
- Park

- #### Cherokee County Zoning
- AG
 - R80
 - R60
 - R40
 - R30
 - R20
 - R15
 - RD3
 - R10
 - RZL
 - RA

- RTH
- RM10
- RM16
- TND
- PUD
- OI
- NC
- GC
- LI
- HI
- Bells Ferry Overlay
- Hwy 92 Overlay

- #### Holly Springs Zoning
- GC-General Commercial
 - NC-Neighborhood Commercial
 - LI-Light Industrial
 - OI-Office Institutional
 - PDR-Planned Development Residential
 - TND-Traditional Neighborhood Development
 - PUD-Planned Unit Development
 - R-40-Single Family Residential Estate
 - R-20-Single Family Residential
 - RD-20-Single Family and Duplex
 - RM-Multi-Family Residential
 - HDMFR-High Density Multi-Family Residential



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Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016





Staff Report

Case No: 16-12-042
Applicant Name: Jeff Rusbridge for 277 TCL Properties, LLC.
Location: 277 Tom Charles Lane
 (15N25, 014)
From/To: R-80 to R-30
Proposed Use: Minor Subdivision of Four (4) Lots
Commission Post: 2

	Existing Zoning	Existing Land Use
North	R-20	Residential
South	R-80	Residential
East	AG	Vacant
West	R-80	Residential

Future Development Map

Character Area/Node/Corridor	Description
Suburban Growth	This character area consists of areas that are located outside identified centers that are experiencing a high volume of residential growth, primarily single-family houses. Has a pockets of neighborhoods interspersed with a rural landscape. R-80, R-60 and R-40.

Analysis and Comment

The subject parcel totals 3.5 acres and lies on the easterly side of Tom Charles Lane approximately 140 feet south of Hickory Flat Highway (State Route 140). No public participation meeting is required for minor subdivisions. Neither is an Existing Site Resource Map for residential applications of 5 acres or less. The application has been evaluated and is not consistent with the Future Development Map designation of Suburban Growth.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA submitted that water is available from a 2½-inch line on Tom Charles Lane and is adequate. There is no public sewer is available nearby.

1.3 Cherokee County Board of Education

- No report received.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #16-12-042- Community Agenda Analysis

Section 1 – Community Vision

Community	Tom Charles Lane (west of GA-140.)
-----------	------------------------------------

Vision:

- Natural beauty and diversity make Cherokee County 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.

Applicant seeks to rezone to R-30 for a minor subdivision of four lots for single family detached homes.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
---------------------------------	--

Housing Choice	This project could add to the variety of housing stock in the area.
----------------	---

Project is Neutral

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

Designing with the Environment	No evidence of impact.
--------------------------------	------------------------

Diverse Economic Opportunities	While there may be a temporary increase in construction jobs during the building phase, there will likely be no long-term positive economic impact.
--------------------------------	---

Preserve and Enhance Sense of Place	No evidence of impact.
-------------------------------------	------------------------

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

Project Neglects

Section 3 – Character Area Description

Character Area	Suburban Growth
----------------	-----------------

The Suburban Growth Character Area suggests R-80, R-60, and R-40 Zoning Districts. This Character Area generally consists of detached single-family homes situated on lots ranging in size with shallower setbacks than in rural areas. Generally, this is an area in transition from a rural area to a suburban area, often characterized by pockets of development interspersed among a rural landscape. The intent of this Character Area is to channel growth pressures to areas that are suitable in terms of land use patterns and infrastructure investment to create more sustainable communities.

Node or Corridor	NA
------------------	----

Cherokee County Government

ENGINEERING DEPARTMENT

1130 Bluffs Parkway – Canton, Georgia 30114

678-493-6077 – Fax 678-493-6055



REZONING MEMORANDUM

Case Number: 16-12-042

Applicant: 277 TCL Properties, LLC

Current Zoning: R-80

Proposed Zoning: R-30

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Tom Charles Lane. Tom Charles Lane is a sub-standard local road that is approximately 14 to 16 feet wide. The geometry on the road at the location of this application is generally good.
- **Planned Improvements** – Cherokee County has no planned improvements to Tom Charles Lane.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the currently zoned property to the proposed zoned condition is an increase of 38 vehicles per day.

Zoning	Units	Trips Per Day
Current R-80	1	10
Proposed R-30	5	48

- **Development Related Improvements** – The Engineering Department will determine any necessary improvements to Tom Charles Lane when the applicant applies for access along that route. It should be expected that residential driveway permits will be required.

● **Stormwater:**

- **Flood Plain or Wetlands on Property** – No.
- **Runoff Tributary and Basin** – Unnamed tributary of Avery Creek in the Allatoona basin.

● **Conclusion:**

It is the opinion of the Cherokee County Engineering Department that Tom Charles Lane should be able to handle the traffic generated by this application. It is recommended that the applicant increase the width of Tom Charles Lane to minimum County standards of 20 feet wide, from State Route 140 to the last lot of the proposed development.

Cherokee County Water & Sewerage Authority

Applicant: 277 TCL PROPERTIES LLC
Re-Zoning Case No.: 16-12-042
Present Zoning: R-80
Proposed Zoning: R-30
Tax Map: 15N25
Parcel No.: 14

Water

1) Is Water Available at Development: YES NO

2) Size of Existing Water Line (If Available): 2 1/2"

3) Is there Adequate Water Pressure for the Additional Fire Protection that may be Required for the New Project: YES NO
 Additional Comments: 4 DOMESTIC HOMES ONLY

4) Is Existing Water Line Adequate for Project, If not what size will be Required: YES NO

5) What are the Future Plans for Expansion of Water Lines and Give Approximate Time Table: NONE

DEVELOPERS MAY BE REQUIRED TO INSTALL/ UPGRADE WATER MAINS, BASED ON FIRE FLOW TEST RESULTS OR FIRE DEPARTMENT CODE. THIS WILL BE RESOLVED IN THE REVIEW PROCESS.

Sewer

1) Is Sewer Available to the Project: YES NO

2) How far from the Proposed Development are the Nearest Sewer Lines: _____

3) Approximate Length of Time Before Sewer Line will be Reasonably Accessible to Development: _____

4) Estimated Waste Generation: _____ ADF _____

5) Treatment Plant: _____

6) Plant Capacity: Available Not Available

7) Line Capacity: Available Not Available

8) Projected Plant Availability: 0-5 Years 5-10 Years 10+ Years

9) Additional Comments: _____

**Sewer Availability:
(Treatment Plant That Will Treat Sewerage)**

**CCWSA
City of Canton
City of Woodstock
Other**

Plant Capacity Comments:

**Developer Will Be Responsible For Connecting To The Existing Cherokee County Water & Sewerage Authority's Water And Sewer System, Installing And / Or Up- Grading All Outfalls And Water Mains, Obtaining On And / Or Off Site Easements, Dedication Of On And / Or Off Site Water And Sewer Easements To Cherokee County Water and Sewerage Authority As May Be Required.
Rezoning Does Not Insure Water/Sewer Capacity**

The CCWSA Has Directed That A Water Flow And Pressure Test Be Performed Prior To Submitting To The Commission And Cherokee Planning And Zoning Board. Please Contact Ricky Dobbs(CCWSA) At 770 479-1813 Ext. 249



Cherokee County, Georgia
Agenda Request

Item#: 4.

SUBJECT:

Case #16-12-043 Joanna Jackson and Teresa Finnegan (BOC Dist. 2)

MEETING DATE:

12/6/2016

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 5.65 acres at 2797 Univeter Road from R-80 to R-40 for single family residential uses.

FACTS AND ISSUES:

Commission District: 2

Zoning Change: R-80 to R-40

Location: 2797 Univeter Road

Tax Map and Parcel No: 15N19, 111

Acres: 5.65

Proposed Development: Single Family Residential

Future Development Map: Country Estates

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

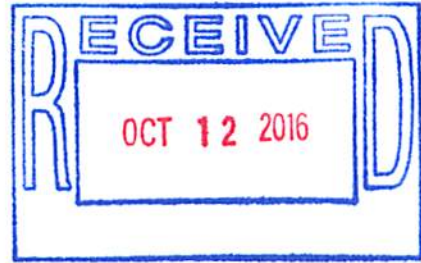
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Staff Report	Cover Memo



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: Joanna Jackson Phone: 770 928 3081
 Email: jfj600@comcast.net

Applicant's Information:

Name: Joanna Jackson and Teresa Finnegan
 Address: 2930 Trickum Drive Phone: 770 928 3081
 City, State, Zip: Woodstock, GA 30188

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

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

Rezoning

Amendment / Modification of Zoning

Variance / Appeal

Other: _____

STAFF USE ONLY:

Commission District: 2
 Case: 16-12-043
 CityView # PL 2016-1406
 Received by: _____
 Fee Paid: \$ 250.00
 Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: N/A
 PC Work Session Date: 11.21.16
 Planning Commission Hearing: 12.6.16
 Board of Commissioners: 12.20.16
 Zoning Board of Appeals: _____
 Other: _____

SECTION II

Property Information:

Location: 2797 Univeter Rd

Current Zoning: R-80 Proposed Zoning: R-40 Total Acreage: 5.65

Tax Map #: 15 N 19 Parcel #: 111 Land Lot(s): 169 District: 154

Future Development Map Designation: Country Estates

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

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

Rezone for a 3 lot subdivision for family

Proposed Use(s) of Property:

Residential

Applicant Affidavit:

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

This form is to be executed under oath. I, Joanna Jackson, 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.

X

This 12th day of October, 2016.

Print Name Joanna Jackson

Applicant Signature Joanna Jackson

TERESA FINNIGAN
Teresa Finnigan

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: CCWSA

How is sewage from this site to be managed?

Septic System

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

If yes, what is the projected increase? 2 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	<u>3</u>	0.725	<u>2.175</u>
Multi Family (Attached) Home		0.287	

Traffic Generation:

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

What is the estimated number of trips generated? 29 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	<u>3</u>	9.57	<u>28.71</u>
220	Apartment		6.63	

Notes:

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

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

AUTHORIZATION OF PROPERTY OWNER

I, Joanna F. Jackson & Teresa V. Finnegan, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

He/She authorizes the person named below to act as applicant in the pursuit of a request for:

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: _____

I hereby authorize the staff of the Cherokee County, Department of Planning and Land Use to inspect the premises which are subject of the application.

Applicant's Information:

Name: Joanna F. Jackson and Teresa V. Finnegan

Address: 2930 Trickum Drive Phone: 770 248 3091

City, State, Zip: Woodstock, GA 30188

Property Owner's Information:

Name: Joanna F. Jackson and Teresa V. Finnegan

Address: 2930 Trickum Drive Phone: 770 248 3091

City, State, Zip: Woodstock, GA 30188

Signature of Owner: Joanna Jackson Date: 10/12/11

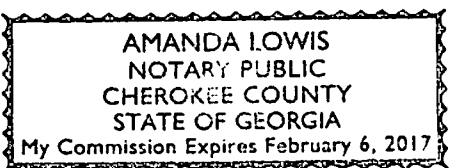
Print Name: Joanna Jackson

Teresa Finnegan
TERESA FINNEGAN

Sworn to and Subscribed before me this: 12 day of October, 2011.

Notary Signature: Amanda Lewis

(Notary Seal)



October 12, 2016

Letter of Intent to Cherokee County, GA, Zoning Board

My sister and I bought a 5.67 acre, old dairy farm (McCurley's Dairy Farm) at 2797 Univeter Road, hoping that after renovating the farm house for ourselves, my daughter's family could build a home on the property. We also want to separate a plot for my son-in-law's parents to build a house. Therefore, we need to divide the 5.67 acre farm into three approximately equal building sites. The land is no longer used as a dairy farm. This rezoning will have no impact on existing streets, transportation facilities, utilities, or schools.

The farm is currently zoned R-80 and we ask that it be rezoned to R-40 so our three families can live on it. All neighbors directly around our property approve our plan. This rezoning will not adversely affect the existing use or usability of adjacent or nearby property or schools. There are no other existing or changing conditions affecting the use and development of the property.

My son-in-law, Chris Coulter, is a senior loan officer at Supreme Lending in Woodstock; my daughter, Shanna Coulter, teaches at Cherokee High School; four of their children attend Cherokee County schools; and I retired from teaching at Dean Rusk Middle School. We are totally immersed in and dedicated to the Cherokee County community.

Sincerely,

Joanna F. Jackson (770) 241-3839

Teresa V. Finnegan (678) 488-3274

Deed Book **14060** Pg **335**
Filed 09/15/2016 09:55 AM
28-2016-033017
Transfer Tax 295.00
Penalty 0.00
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

Return Recorded Document to:
Hartman-Imbriale, LLP
145 Towne Lake Pkwy, Ste 200
Woodstock, GA 30188

**LIMITED
WARRANTY DEED**

STATE OF GEORGIA
COUNTY OF CHEROKEE

FILE #: 16-11003

THIS INDENTURE made this 9th day of September, 2016, between Cherokee High Ground Investments, LLC a Georgia limited liability company of the County of Cherokee, and State of Georgia, as party or parties of the first part, hereinunder called Grantor, and Joanna F. Jackson and Teresa V. Finnegan as joint tenants with survivorship and not as tenants in common as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS (\$10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

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

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

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

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

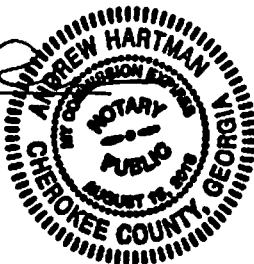
Signed, sealed and delivered in presence of:


Witness

Cherokee High Ground Investments, LLC, a
Georgia limited liability company


Natalie Hufstetter, Member (SEAL)


Notary Public



(SEAL)

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 169, OF THE 15TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, BEING THAT CERTAIN 5.65 ACRE PARCEL DESIGNATED AS TRACT 1 AS SHOWN ON THAT PLAT OF SURVEY FOR CHEROKEE HIGH GROUND INVESTMENTS, LLC, DATED AUGUST 19, 2016, RECORDED SEPTEMBER 2, 2016 IN PLAT BOOK 118, PAGE 38, WHICH SAID PLAT IS INCORPORATED HEREIN BY REFERENCE THERETO AND MADE A PART OF THIS DESCRIPTION.

SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY OF RECORD AND ANY OTHER MATTERS AS SHOWN ON THE ABOVE REFERENCED SURVEY.

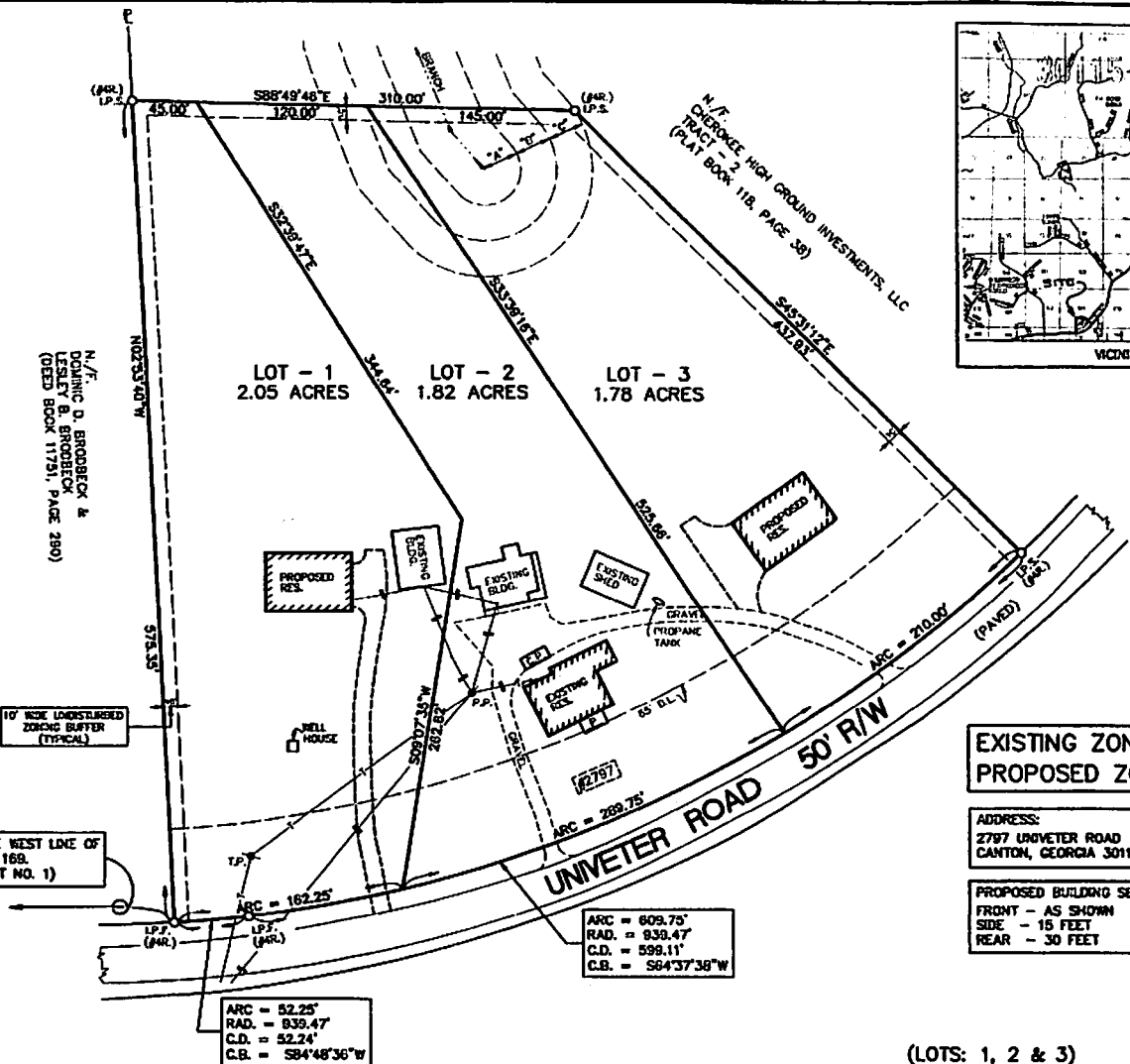
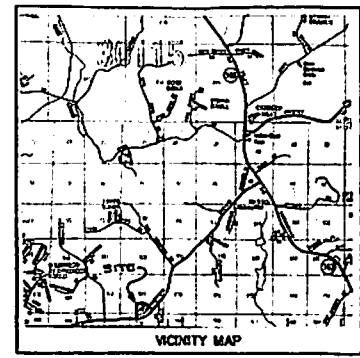
U/H

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

F.E.M.A. NATIONAL FLOOD INSURANCE PROGRAM (N.F.I.P.), OFFICIAL FLOOD INSURANCE RATE MAP, MAP NO. 13097102254D, REVISED 02-28-08, SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

STREAM BANK BUFFERS: (APPROX. LOCATION)
 "A" - 25' STATE WATERS BUFFER
 "B" - 50' UNDISTURBED COUNTY STREAM BANK BUFFER
 "C" - 75' COUNTY IMPERVIOUS BUFFER

REFERENCE PLATS:
 1) MINOR SUBDIVISION PLAT FOR: CHEROKEE HIGH GROUND INVESTMENTS, LLC, DATED: AUGUST 17, 2016, BY: MARTIN LAND SURVEYING, P.C., JOB NO. 16-5575-05D.

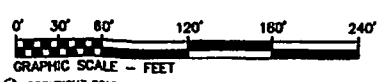


EXISTING ZONING: R-80
PROPOSED ZONING: R-40

ADDRESS:
 2797 UNVETER ROAD
 CANTON, GEORGIA 30115

PROPOSED BUILDING SETBACKS
 FRONT - AS SHOWN
 SIDE - 15 FEET
 REAR - 30 FEET

(LOTS: 1, 2 & 3)
TOTAL AREA = 5.65 ACRES



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

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MARTIN LAND SURVEYING, P.C.
 MICHAEL C. MARTIN, R.L.S.
 LICENSE NO. LST001028
 104 HAYWOOD DRIVE
 WOODSTOCK, GEORGIA 30188
 PHONE: (770) 926-0200

MCM LAND SURVEYING
 SUBDIVISIONS
 AND
 LAND PLANNING

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

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN N/A FEET AND AN ANGULAR ERROR OF N/A PER ANGLE POINT, AND WAS ADJUSTED USING COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN N/A FEET.

EQUIPMENT USED FOR MEASUREMENTS:
 LEICA TC1810 AND/OR GEODMETER 608 ROBOTIC.

"ALL MATTERS OF TITLE ARE EXCEPTED"

- ZONING PLAN FOR -

JOANNA F. JACKSON & TERESA V. FINNEGAN

LAND LOT(S) - 169, DISTRICT - 15, SECTION - 2
 CITY: CHEROKEE COUNTY, GEORGIA
 DATE OF FIELD WORK: N/A
 PLAT PREPARED: SEPTEMBER 07, 2016
 REVISED:
 DRAWN BY: MIKE HUGHES, R.L.S. SCALE: 1" = 60 FT.
 JOB NO. 16-5575-10C Dwg FILE: 557510C.dwg



Legend

- | | | |
|---------------------|--------------------------|------------------------|
| Rezoning Parcel | Development Nodes | Character Areas |
| School | County Crossroads | Natural Preserve |
| Cemetery | Hamlet | Rural Places |
| Church | Neighborhood Village | Country Estates |
| Street | Community Village | Suburban Growth |
| 1/4 Mile Radius | Corridors | Suburban Living |
| 100 Year Flood Zone | Scenic Corridor | Neighborhood Living |
| Park | Transitional Corridor | Bells Ferry LCI |
| | Development Corridor | Urban Core |
| | | 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
31 October 2016





Legend

Rezoning Parcel	Cherokee County Zoning	RTH
School	AG	RM10
Cemetery	R80	RM16
Church	R60	TND
Street	R40	PUD
1/4 Mile Radius	R30	OI
100 Year Flood Zone	R20	NC
Park	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
31 October 2016





Staff Report

Case No: 16-12-043
Applicant Name: Joanna Jackson and Teresa Finnegan
Location: 2797 Univeter Road
(15N19, 111)
From/To: R-80 to R-40
Proposed Use: Minor Subdivision of Three (3) Lots
Commission Post: 2

	Existing Zoning	Existing Land Use
North	R-80	Vacant
South	R-80	Vacant and Residential
East	R-80	Vacant
West	R-80	Residential

Future Development Map

Character Area/Node/Corridor	Description
Country Estates	Area of low intensity land use with a mixture of single-family housing on large lots and farms. (Suggested zonings: AG and R-80)

Analysis and Comment

The subject parcel totals 5.65 acres and lies on north side of Univeter Road approximately 350 feet west of Stover Drive. No public participation meeting or existing site resource map was required. The application has been evaluated and is not consistent with the Future Development Map designation of Country Estates, however, three lots would still be permissible as currently zoned.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA submitted that water is available from a 2½-inch line on Univeter Road is adequate. There is no public sewer is available nearby.

1.3 Cherokee County Board of Education

- No report received.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case #16-12-043 - Community Agenda Analysis	
Section 1 – Community Vision	
Community	Univeter Road (west of the intersection of Univeter Road and Stover Drive.)
Vision: <ul style="list-style-type: none"> – Natural beauty and diversity make Cherokee County 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>Applicant seeks to rezone to R-40 for three residential lots.</i>	
Section 2 - Core Issues	
Project Supports	
Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Housing Choice	This project could add to the variety of housing stock in the area.
Project is Neutral	
Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
Diverse Economic Opportunities	While there may be a temporary increase in construction jobs during the building phase, there will likely be no long-term positive economic impact.
Designing with the Environment	No evidence of impact.
Preserve and Enhance Sense of Place	No evidence of impact.
Aging in Place	No evidence of impact.
Project Neglects	
Section 3 – Character Area Description	
Character Area	Country Estates
<p><i>Country Estates suggests AG and R-80 as Zoning Districts. The intent of Country Estates Character Area is to retain and conserve the low-intensity character in the area. This Character Area features a mixture of single-family housing on large lots and farms. Large Lot Single Family home subdivisions are a Primary Land Use. The Country Estates Character Area seeks to provide a low-intensity residential community.</i></p>	
Node or Corridor	NA

Cherokee County Government

ENGINEERING DEPARTMENT

1130 Bluffs Parkway – Canton, Georgia 30114

678-493-6077 – Fax 678-493-6055



REZONING MEMORANDUM

Case Number: 16-12-043

Applicant: Joanna Jackson and Teresa Finnegan

Current Zoning: R-80

Proposed Zoning: R-40

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Univeter Road. Univeter Road is a two lane major collector roadway. The geometry on the road at the location of this application is generally good.
- **Planned Improvements** – Cherokee County has no planned improvements to this section of Univeter Road.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the currently zoned property to the proposed zoned condition is an increase of 28 vehicles per day.

Zoning	Units	Trips Per Day
Current R-80	3	29
Proposed R-40	6	57

- **Development Related Improvements** – The Engineering Department will determine any necessary improvements to Univeter Road when the applicant applies for access along that route. It should be expected that residential driveway permits will be required.

● **Stormwater:**

- **Flood Plain or Wetlands on Property** – No.
- **Runoff Tributary and Basin** – Scott Mill Creek in the Allatoona basin.

● **Conclusion:**

It is the opinion of the Cherokee County Engineering Department that Univeter Road should be able to handle the traffic generated by this application.

Cherokee County Water & Sewerage Authority

Applicant:	JOANNA JACKSON & TERESA FINNEGAN
Re-Zoning Case No.:	16-12-043
Present Zoning:	R-80
Proposed Zoning:	R-40
Tax Map:	15N19
Parcel No.:	111

Water

1) Is Water Available at Development:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
2) Size of Existing Water Line (If Available):	2 1/2"	
3) Is there Adequate Water Pressure for the Additional Fire Protection that may be Required for the New Project:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
Additional Comments:	DOMESTIC ONLY FOR 3 HOMES	
4) Is Existing Water Line Adequate for Project, If not what size will be Required:	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>
5) What are the Future Plans for Expansion of Water Lines and Give Approximate Time Table:	NONE	

DEVELOPERS MAY BE REQUIRED TO INSTALL/ UPGRADE WATER MAINS, BASED ON FIRE FLOW TEST RESULTS OR FIRE DEPARTMENT CODE. THIS WILL BE RESOLVED IN THE REVIEW PROCESS.

Sewer

1) Is Sewer Available to the Project:	YES <input type="checkbox"/>	NO <input checked="" type="checkbox"/>
2) How far from the Proposed Development are the Nearest Sewer Lines:	_____	
3) Approximate Length of Time Before Sewer Line will be Reasonably Assessible to Development:	_____	
4) Estimated Waste Generation:	_____ ADF _____	
5) Treatment Plant:	_____	
6) Plant Capacity:	Available <input type="checkbox"/>	Not Available <input type="checkbox"/>
7) Line Capacity:	Available <input type="checkbox"/>	Not Available <input type="checkbox"/>
8) Projected Plant Availability:	0-5 Years <input type="checkbox"/>	5-10 Years <input type="checkbox"/>
	10+ Years <input type="checkbox"/>	
9) Additional Comments:	_____	

**Sewer Availability:
(Treatment Plant That Will Treat Sewerage)**

**CCWSA
City of Canton
City of Woodstock
Other**

Plant Capacity Comments:

**Developer Will Be Responsible For Connecting To The Existing Cherokee County Water & Sewerage Authority's Water And Sewer System, Installing And / Or Up- Grading All Outfalls And Water Mains, Obtaining On And / Or Off Site Easements, Dedication Of On And / Or Off Site Water And Sewer Easements To Cherokee County Water and Sewerage Authority As May Be Required.
Rezoning Does Not Insure Water/Sewer Capacity**

The CCWSA Has Directed That A Water Flow And Pressure Test Be Performed Prior To Submitting To The Commission And Cherokee Planning And Zoning Board. Please Contact Ricky Dobbs(CCWSA) At 770 479-1813 Ext. 249



**Cherokee County, Georgia
Agenda Request**

Item#: 5.

SUBJECT:
**Case #16-12-045 Georgia-Tennessee
Development Partners, LLC (BOC Dist. 1)**

MEETING DATE:
12/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant seeks to rezone 87.946 acres located on the northwest side of East Cherokee Drive from AG to R-15 for 149 single-family residential dwellings providing 44 acres in permanent green space and a density of 1.6942 dwelling units per acre. Applicant seeks to rezone 14.573 acres located on the southeast side of East Cherokee Drive from AG to RA for 60 single-family (age restricted) quads with a density of 4.1 units per acre.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: AG to R-15 and RA
Location: East Cherokee Drive
Tax Map and Parcel No: 03N12, 038A
Acres: 102.519 acres
Proposed Development: Single Family Residential
Future Development Map: Country Estates and Suburban Growth

BUDGET:

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

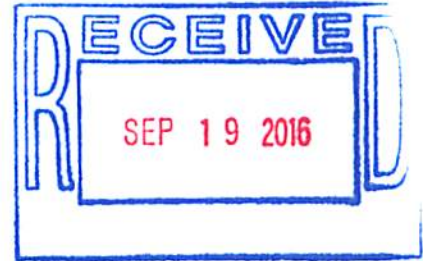
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Deed	Exhibit
<input type="checkbox"/> Existing Site Resource Map	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Public Participation Report	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Survey	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning map	Exhibit



CHEROKEE COUNTY
Application for Public Hearing



Important Notes:

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

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

SECTION I

Applicant's Information:

Name: Georgia-Tennessee Development Partners, LLC
 Address: 4200 Northside PW, Bldg 14, Suite 100 Phone (770) 527-5119
 City, State, Zip: Atlanta, GA 30327 Fax: (770) 720-4646

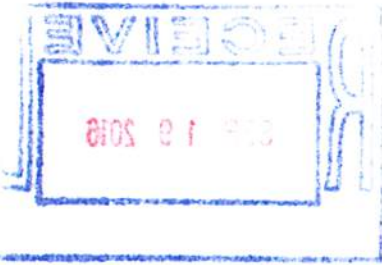
Property Owner's Information: ___ same as above

Name: Collett Family, LLC
 Address: 7631 East Cherokee 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: <u>PL2016-1408</u>	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: <u>8/30/16</u>
Case: <u>16-12-045</u>	PC Work Session Date: <u>11-21-16</u>
Received by: _____	Planning Commission Hearing: <u>12-6-16</u>
Fee Paid: \$ <u>775.19</u>	Board of Commissioners: <u>12-20-16</u>
Date: _____	Other: <u>_____</u>



RECEIVED
SEP 18 2018

SECTION II

Property Information:

Location: East Cherokee Drive on the Northwest and Southeast sides, between Johnson Brady and Beavers Roads

Current Zoning: AG Proposed Zoning: R-15 (87.946 AC) and RA (14.573 AC) Total Acreage: 102.519 AC

Tax Map #: 03N12 Parcel #: 38A Land Lot(s): 1070, 1071, 1089, 1090, 1091, 1143, 1144 District: 3rd

Future Development Map Designation: Country Estates and Suburban Growth

Adjacent Zonings: North AG South AG /GC East AG West AG

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

Applicant is requesting a rezone of 87.946 acres located on the Northwest side of East Cherokee Drive from Agriculture to R-15 for 149 single family residential dwellings providing 44 acres in permanent green space and a density of 1.6 Dwelling Units per acre. Applicant is requesting a rezone of 14.573 acres located on the Southeast side of East Cherokee Drive from Agriculture to RA for 60 single family (age restricted) quads with a density of 4.1 units per acre.

Proposed Use(s) of Property:

Single Family Residential

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-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? 108 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	149	0.725	108.025
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? 2000 trips

Code	Land Use(s)	# of units*	Daily Trip Ends	Number of Trips
210	Single Family Home/ Townhome	209	9.57	2000.13
220	Apartment		6.63	
<ul style="list-style-type: none"> 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, E. Benson Chambers, Attorney for Applicant, 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 16 day of September, 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.

**PLEASE SEE ADDENDUM "A" ATTACHED HERETO AND
INCORPORATED HEREIN BY REFERENCE**

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-15 classification on 87.946 acres on the Northwest side and RA on 14-573 acres on the Southeast side of East Cherokee Drive. This request is consistent with the highest and best uses allowed on adjacent and nearby properties for a residential neighborhood. The R-15 classification will generate a density of 1.6 utilizing the conversation design standards to create 44 acres of the property in protected green space. The RA provides for single family attached quads. These classifications provide a needed residential product that 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 classifications will have a density lower than the nearby 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 AG. In addition to 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 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.

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.

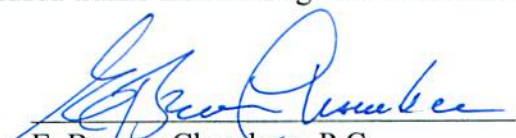
Consistency with the Community Agenda is only one of a series of criteria that members of the Planning Commission use to evaluate rezoning requests in order to make their recommendation to the Board of Commissioners.

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. The nearby PUD classification indicates that R-15 and RA is in conformity with the policy and intent 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.

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 GC, PUD, R-20, R-30, 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-15 and RA are consistent with the growing and developing area of residential and the increased traffic flows along East Cherokee Drive.


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

Deed Book 11721 Pg 390
Filed and Recorded 2/28/2012 3:01:03 PM
28-2012-086484
Transfer Tax \$9.00
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

Please return to:
James H. Turner, P.C.
Attorney at Law
4396 Earney Road
Woodstock, GA 30188

Deed Book 11843 Pg 125
Filed and Recorded 5/29/2012 10:37:33 AM
28-2012-017372
Transfer Tax \$0.00
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

QUIT-CLAIM DEED

Deed Service Only / No Certification as to Title

State of Georgia
Cherokee County

THIS INDENTURE, made this 12 day of January, 2012 between Virginia Gail Hyde and Glenda Fay Waters, as Co-Executors under the Last Will and Testament of Mary P. Collett, and Virginia Gail Hyde and Glenda Fay Waters as Successors Co-Trustees of the George T. Collett Testamentary Trust, of the State of Georgia and County of Cherokee of the first part, and Collett Family, LLC, a Georgia limited liability company, of the State of Georgia and County of Cherokee, as party of the second part.

WITNESSETH: That the said parties of the first part for and in consideration of the sum of One Dollar and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, have bargained, sold and does by these presents bargain, sell, remise, release and forever quit-claim to the said party of the second part, its heirs and assigns, all that right, title, interest, claim or demand which the said parties of the first part have or may have had in and to the following parcel of land:

All that tract or parcel of land lying and being in Land Lots 1070, 1071, 1089, 1090, 1091, 1143 and 1144 of the 3rd District, 2nd Section of Cherokee County, Georgia and being 102.519 acres as set out on a Plat of Boundary Survey for Collett Family, LLC prepared by D & S Land Surveying, David W. Shirley, R.L.S. #2670, dated April 28, 2011 and recorded in Plat Book 107, Page 62-166 Cherokee County, Georgia plat records and incorporated herein by reference thereto.

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said party of the second part, its heirs and assigns, so that neither the said parties of the first part nor their heirs, or assigns, nor any other person or persons claiming under them shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

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

Signed, sealed and delivered in the presence of:

James B. Deen Witness Virginia Gail Hyde Virginia Gail Hyde as Co-Executor of the Estate of Mary P. Collett

James E. Turner Notary Public
NOTARY PUBLIC
My Comm. Expires October 15, 2013
CHEROKEE COUNTY, GEORGIA

James B. Deen Witness Glenda Fay Waters Glenda Fay Waters as Co-Executor of the Estate of Mary P. Collett

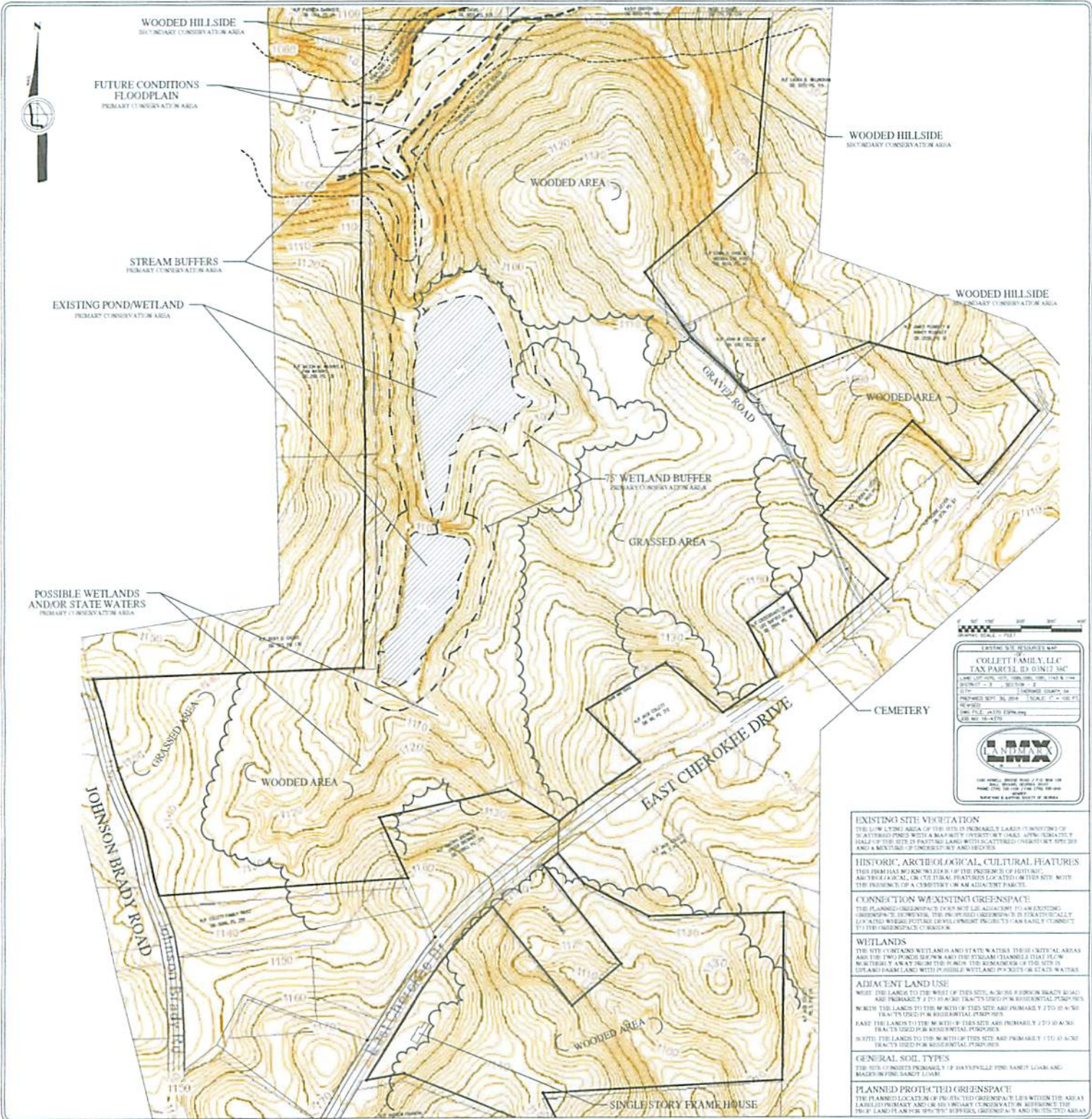
James E. Turner Notary Public
NOTARY PUBLIC
My Comm. Expires October 15, 2013
CHEROKEE COUNTY, GEORGIA

James B. Deen Witness Virginia Gail Hyde Virginia Gail Hyde as Successor Co-Trustee of the George T. Collett Testamentary Trust

James E. Turner Notary Public
NOTARY PUBLIC
My Comm. Expires October 15, 2013
CHEROKEE COUNTY, GEORGIA

James B. Deen Witness Glenda Fay Waters Glenda Fay Waters as Successor Co-Trustee of the George T. Collett Testamentary Trust

James E. Turner Notary Public
NOTARY PUBLIC
My Comm. Expires October 15, 2013
CHEROKEE COUNTY, GEORGIA



EXISTING SITE VEGETATION MAP

COLLETT FAMILY, LLC
TAX PARCEL ID: 03N17387

DATE: 07/10/2018
PROJECT: 18-001-001
SCALE: 1" = 100'

LANDMARK SURVEYING & ENGINEERING, LLC
1000 W. 10TH ST., SUITE 100
MARIETTA, GA 30067
PH: 770-429-1100
WWW.LANDMARKSURVEYING.COM

EXISTING SITE VEGETATION
THE LOW LYING AREA OF THE SITE IS PROBABLY LARGELY UNDISTURBED BY DEVELOPMENT WITH A MIXTURE OF OAK, PINE, AND SCATTERED HARDWOOD SPECIES AND A MIXTURE OF CONIFERUS AND DECIDUOUS.

HISTORIC, ARCHEOLOGICAL, CULTURAL FEATURES
THIS PARCEL HAS NO KNOWN RECORD OF THE PRESENCE OF HISTORIC, ARCHEOLOGICAL, OR CULTURAL FEATURES LOCATED ON THIS SITE WITH THE PRESENCE OF A CEMETERY IN AN ADJACENT PARCEL.

CONNECTION W/EXISTING GREENSPACE
THE PLANNED GREENSPACE DOES NOT ADJACENT TO AN EXISTING GREENSPACE. HOWEVER, THE PROPOSED GREENSPACE IS STRATEGICALLY LOCATED WHERE FUTURE DEVELOPMENT PROJECTS CAN EASILY CONNECT TO THE EXISTING GREENSPACE.

WETLANDS
THE SITE CONTACTS WETLANDS AND STATE WATERS THROUGH WETLAND AREAS AND THE TWO POND SYSTEM AND THE STREAM CHANNELS THAT FLUX WATER INTO AND OUT OF THE POND SYSTEM. THE SCHEMATIC OF THE SITE IS ESTIMATED FROM POSSIBLE WETLAND POTENTIAL STATE WATERS.

ADJACENT LAND USE
WEST THE LANDS TO THE WEST OF THIS SITE, A 3000' BUFFER BRADY ROAD AND PARCELS 2171 TO 2040 CONTACTS TO A RESIDENTIAL ZONING DISTRICT WHICH THE LANDS TO THE NORTH OF THIS SITE ARE PROBABLY USED AS A TRACTS USED FOR RESIDENTIAL PURPOSES.
EAST THE LANDS TO THE NORTH OF THIS SITE ARE PROBABLY USED AS A TRACTS USED FOR RESIDENTIAL PURPOSES.
SOUTH THE LANDS TO THE NORTH OF THIS SITE ARE PROBABLY USED AS A TRACTS USED FOR RESIDENTIAL PURPOSES.

GENERAL SOIL TYPES
THE SITE CONTACTS PRIMARILY OF HAYVILLE FINE SANDY LOAM AND BROWN FINE SANDY LOAM.

PLANNED PROTECTED GREENSPACE
THE PLANNED LOCATION OF PROTECTED GREENSPACE LIES WITHIN THE AREA LABELLED PRIMARY AND/OR SECONDARY CONSERVATION. REFERENCE THE "PROTECTED LANDS" SPECIFIC TO THE GREENSPACE AND THE "PROTECTED AREAS"

LEGAL DESCRIPTION FOR COLLETT FAMILY, LLC
ZONING APPLICATION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1070, 1071, 1089, 1090, 1091, 1143, AND 1144 OF THE 3RD DISTRICT, 2ND SECTION OF CHEROKEE COUNTY, GEORGIA AND BEING SHOWN ON A PLAT OF SURVEY PREPARED BY DAVID W. SHIRLEY, RLS NO. 2670, DATED APRIL 28TH, 2011 AND RECORDED AT PLAT BOOK 107, PAGES 162-166, CHROKEE COUNTY, GEORGIA, PLAT RECORDS WITH IS INCORPORATED HEREIN BY REFERENCE THERTO AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TRACT A:

BEGINNING AT THE NORTHWEST CORNER OF LAND LOT 1071, THE SAME BEING THE COMMON CORNERS OF LAND LOTS 1071, 1072, 1017, AND 1018 AT A 1" OPEN TOP PIPE, THENCE NORTH 89 DEGREES, 53 MINUTES, 30 SECONDS EAST ALONG THE NORTH LAND LOT LINE OF LAND LOT 1071 A DISTANCE OF 1,296.61 FEET TO THE NORTHEAST CORNER OF LAND LOT 1071, THE SAME BEING THE COMMON CORNERS OF LAND LTS 1071, 1018, 1019 AND 1070 AT AN AXLE, THENCE SOUTH 04 DEGREES, 36 MINUTES, 18 SECONDS WEST A DISTANCE OF 495.94 FEET TO AN IRON PIN FOUND, THENCE SOUTH 47 DEGREES, 58 MINUTES, 32 SECONDS WEST A DISTANCE OF 477.30 FEET TO AN IRON PIN FOUND, THENCE SOUTH 35 DEGREES, 29 MINUTES, 49 SECONDS EAST A DISTANCE OF 210.16 FEET TO AN IRON PIN FOUND, THENCE SOUTH 35 DEGREES, 18 MINUTES, 56 SECONDS EAST A DISTANCE OF 49.92 FEET TO AN IRON PIN FOUND, THENCE SOUTH 47 DEGREES, 45 MINUTES, 09 SECONDS EAST A DISTANCE OF 149.66 FEET TO AN IRON PIN FOUND, THENCE SOUTH 40 DEGREES, 44 MINUTES, 00 SECONDS EAST A DISTANCE OF 92.26 FEET TO AN IRON PIN FOUND, THENCE NORTH 67 DEGREES, 59 MINUTES, 37 SECONDS EAST A DISTANCE OF 424.02 FEET TO AN IRON PIN FOUND, THENCE SOUTH 74 DEGREES, 23 MINUTES, 44 SECONDS EAST A DISTANCE OF 258.24 FEET TO AN IRON PIN FOUND, THENCE NORTH 76 DEGREES, 46 MINUTES, 51 SECONDS EAST A DISTANCE OF 111.36 FEET TO AN IRON PIN FOUND, THENCE SOUTH 51 DEGREES 18 MINUTES, 08 SECONDS EAST A DISTANCE OF 129.90 FEET TO AN IRON PIN FOUND, THENCE SOUTH 42 DEGREES, 11 MINUTES, 52 SECONDS EAST A DISTANCE OF 130.06 FEET TO AN IRON PIN SET ON THE NORTHWESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE, HAVING AN 80 FOOT RIGHT OF WAY, THENCE SOUTHWESTERLY ALONG THE NORTH WESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE, SOUTH 39 DEGREES, 36 MINUTES, 52 SECONDS WEST A DISTANCE OF 128.36 FEET TO AN POINT, THENCE SOUTH 39 DEGREES, 51 MINUTES, 34 SECONDS WEST A DISTANCE OF 53.37 FEET TO A POINT, THENCE SOUTH 40 DEGREES, 27 MINUTES, 17 SECONDS WEST A DISTANCE OF 125.14 FEET TO AN IRON PIN SET, THENCE LEAVING SAID RIGHT OF WAY NORTH 45 DEGREES, 53 MINUTES, 39 SECONDS WEST A DISTANCE OF 119.89 FEET TO A POINT, THENCE

NORTH 46 DEGREES, 07 MINUTES, 36 SECONDS WEST A DISTANCE OF 172.17 FEET TO AN IRON PIN FOUND, THENCE SOUTH 43 DEGREES, 53 MINUTES, 39 SECONDS WEST A DISTANCE OF 420.01 FEET TO AN IRON PIN FOUND, THENCE SOUTH 46 DEGREES, 10 MINUTES, 25 SECONDS EAST A DISTANCE OF 294.18 FEET TO AN IRON PIN SET ON THE NORTHWESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE, THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE SOUTH 47 DEGREES, 27 MINUTES, 07 SECONDS WEST A DISTANCE OF 130.28 FEET TO A POINT, THENCE SOUTH 48 DEGREES, 50 MINUTES, 12 SECONDS WEST A DISTANCE OF 68.23 FEET TO A POINT, THENCE SOUTH 49 DEGREES, 24 MINUTES, 49 SECONDS WEST A DISTANCE OF 51.77 FEET TO A POINT, THENCE SOUTH 50 DEGREES, 56 MINUTES, 17 SECONDS WEST A DISTANCE OF 51.07 FEET TO A 1 ½" OPEN TOP PIPE, THENCE LEAVING SAID RIGHT OF WAY NORTH 31 DEGREES, 36 MINUTES, 25 SECONDS WEST, A DISTANCE OF 162.07 FEET TO A 1 ½" OPEN TOP PIPE, THENCE SOUTH 52 DEGREES, 26 MINUTES, 35 SECONDS WEST A DISTANCE 459.14 FEET TO A 1 ½" OPEN TOP PIPE, THENCE SOUTH 27 DEGREES 24 MINUTES, 47 SECONDS EAST A DISTANCE OF 195.39 FEET TO A 1 ½" OPEN TOP PIPE SET ON THE NORTHWESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE, THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE SOUTH 56 DEGREES, 18 MINUTES, 51 SECONDS WEST A DISTANCE OF 49.06 FEET TO A POINT, THENCE SOUTH 55 DEGREES, 09 MINUTES, 51 SECONDS WEST A DISTANCE OF 57.11 FEET TO A POINT, THENCE SOUTH 56 DEGREES, 04 MINUTES, 10 SECONDS WEST A DISTANCE OF 84.82 FEET TO A 1 ½" OPEN TOP PIPE, THENCE LEAVING SAID RIGHT OF WAY NORTH 49 DEGREES, 10 MINUTES, 03 SECONDS WEST A DISTANCE OF 242.14 FEET TO A 1" OPEN TOP PIPE, THENCE SOUTH 59 DEGREES, 30 MINUTES, 45 SECONDS WEST A DISTANCE OF 293.62 FEET TO A 1" REBAR, THENCE SOUTH 45 DEGREES, 11 MINUTES, 48 SECONDS EAST A DISTANCE OF 239.03 FEET TO AN IRON PIN SET ON THE NORTHWESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE, THENCE SOUTHWESTERLY ALONG THE NORTHWESTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE, SOUTH 55 DEGREES, 43 MINUTES, 20 SECONDS WEST A DISTANCE OF 66.91 FEET TO A POINT, THENCE SOUTH 54 DEGREES, 48 MINUTES, 18 SECONDS WEST A DISTANCE OF 52.38 FEET TO A POINT, THENCE SOUTH 54 DEGREES, 17 MINUTES, 35 SECONDS WEST A DISTANCE OF 52.73 FEET TO A POINT, THENCE SOUTH 52 DEGREES, 48 MINUTES, 29 SECONDS WEST A DISTANCE OF 50.82 FEET TO A POINT, THENCE SOUTH 53 DEGREES, 04 MINUTES, 01 SECONDS WEST A DISTANCE OF 45.39 FEET TO AN IRON PIN FOUND, THENCE NORTH 58 DEGREES, 31 MINUTES, 42 SECONDS WEST A DISTANCE OF 193.62 FEET TO AN ½" OPEN TOP PIPE, THENCE SOUTH 77 DEGREES, 52 MINUTES, 30 SECONDS WEST A DISTANCE OF 419.08 FEET TO A 1" SOLID PIPE, THENCE SOUTH 24 DEGREES, 40 MINUTES, 34 SECONDS EAST A DISTANCE OF 215.82 FEET TO AN IRON PIN FOUND, THENCE SOUTH 86 DEGREES, 09 MINUTES, 53 SECONDS WEST A DISTANCE OF 792.20 FEET TO AN IRON PIN FOUND ON THE EASTERLY RIGHT OF WAY OF JOHNSON BRADY ROAD, HAVING A 50 FOOT RIGHT OF WAY, THENCE

NORTHERLY ALONG THE EASTERLY RIGHT OF WAY OF JOHNSON BRADY ROAD NORTH 16 DEGREES 54 MINUTES, 58 SECONDS WEST A DISTANCE 52.01 FEET TO A POINT, THENCE NORTH 12 DEGREES, 06 MINUTES, 46 SECONDS WEST A DISTANCE OF 40.85 FEET TO A POINT, THENCE NORTH 10 DEGREES, 47 MINUTES, 44 SECONDS WEST A DISTANCE OF 44.43 FEET TO A POINT, THENCE NORTH 15 DEGREES, 37 MINUTES, 16 SECONDS WEST A DISTANCE OF 44.21 FEET TO A POINT, THENCE NORTH 22 DEGREES, 49 MINUTES, 09 SECONDS WEST A DISTANCE OF 44.69 FEET TO A POINT, THENCE NORTH 25 DEGREES, 16 MINUTES, 57 SECONDS WEST A DISTANCE OF 43.17 FEET TO A POINT, THENCE NORTH 23 DEGREES, 38 MINUTES, 22 SECONDS WEST A DISTANCE OF 42.21 FEET TO A POINT, THENCE NORTH 20 DEGREES, 22 MINUTES, 47 SECONDS WEST A DISTANCE OF 42.06 FEET TO A POINT, THENCE NORTH 18 DEGREES, 56 MINUTES, 40 SECONDS WEST A DISTANCE OF 41.11 FEET TO A POINT, THENCE NORTH 16 DEGREES, 13 MINUTES, 02 SECONDS WEST A DISTANCE OF 42.09 FEET TO A POINT, THENCE NORTH 13 DEGREES, 55 MINUTES, 29 SECONDS WEST A DISTANCE OF 44.02 FEET TO A POINT, THENCE NORTH 14 DEGREES, 03 MINUTES, 45 SECONDS WEST A DISTANCE OF 43.76 FEET TO A POINT, THENCE NORTH 16 DEGREES, 11 MINUTES, 09 SECONDS WEST A DISTANCE OF 44.99 FEET TO A POINT, THENCE NORTH 18 DEGREES, 44 MINUTES, 50 SECONDS WEST A DISTANCE OF 43.54 FEET TO A POINT, THENCE NORTH 16 DEGREES, 10 MINUTES, 15 SECONDS WEST A DISTANCE OF 30.99 FEET TO AN IRON PIN SET, THENCE LEAVING SAID RIGHT OF WAY NORTH 87 DEGREES, 45 MINUTES, 38 SECONDS EAST A DISTANCE OF 861.41 FEET TO A 1" OPEN TOP PIPE, THENCE NORTH 00 DEGREES, 34 MINUTES, 33 SECONDS EAST ALONG THE WEST LAND LOT LINE OF LAND LOT 1090 A DISTANCE OF 674.42 FEET TO AN IRON PIN FOUND AT THE COMMON CORNERS OF LAND LOTS 1090, 1089, 1072 AND 1071, THENCE NORTH 01 DEGREES 13 MINUTES, 40 SECONDS WEST A DISTANCE OF 687.31 FEET ALONG THE WEST LAND LOT LINE OF LAND LOT 1071 A DISTANCE OF 687.31 FEET TO A 1" OPEN TOP PIPE, THENCE CONTINUING ALONG THE WEST LAND LOT LINE OF LAND LOT 1071 NORTH 00 DEGREES, 32 MINUTES, 45 SECONDS EAST A DISTANCE OF 714.44 FEET TO A 1" OPEN TOP PIPE AND THE POINT OF BEGINNING.

TRACT B:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, COMMENCE AT THE NORTHEAST CORNER OF LAND LOT 1143, BEING THE COMMON CORNERS OF LAND LOTS 1143, 1090, 1091 AND 1142 AT A STUMP, THENCE SOUTH 00 DEGREES, 27 MINUTES, 46 SECONDS WEST ALONG THE EAST LAND LINE OF LAND LOT 105.00 FEET TO AN IRON PIN SET AND THE TRUE POINT OF BEGINNING, THENCE SOUTH 00 DEGREES, 27 MINUTES, 46 SECONDS WEST ALONG THE EAST LAND LOT LINE OF LAND LOT 1143 A DISTANCE OF 544.78 FEET TO AN IRON PIN SET, THENCE LEAVING SAID LAND LOT LINE SOUTH 86 DEGREES, 59 MINUTES, 29 SECONDS WEST A DISTANCE OF 766.85 FEET ALONG A BARB WIRE FENCE TO A 5/8" REBAR FOUND, THENCE SOUTH 27 DEGREES, 44 MINUTES, 14 SECONDS EAST A DISTANCE

OF 110.68 FEET TO A ROCK, THENCE SOUTH 83 DEGREES, 37 MINUTES, 11 SECONDS WEST A DISTANCE OF 72.44 FEET TO AN IRON PIN FOUND, THENCE NORTH 66 DEGREES, 03 MINUTES, 29 SECONDS WEST A DISTANCE OF 457.50 FEET TO AN IRON PIN FOUND, THENCE SOUTH 79 DEGREES, 32 MINUTES, 31 SECONDS WEST A DISTANCE OF 120.51 FEET TO AN IRON PIN SET ON THE SOUTHEASTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE HAVING AN 80 FOOT RIGHT OF WAY, THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE NORTH 30 DEGREES, 14 MINUTES, 18 SECONDS EAST A DISTANCE OF 116.28 FEET TO A POINT, THENCE NORTH 30 DEGREES, 25 MINUTES, 35 SECONDS EAST A DISTANCE OF 168.75 FEET TO A POINT, THENCE NORTH 32 DEGREES, 00 MINUTES, 25 SECONDS EAST A DISTANCE OF 67.36 FEET TO A POINT, THENCE NORTH 34 DEGREES, 44 MINUTES, 56 SECONDS EAST A DISTANCE OF 99.62 FEET TO A POINT, THENCE NORTH 38 DEGREES, 52 MINUTES, 56 SECONDS EAST A DISTANCE OF 54.28 FEET TO A POINT, THENCE NORTH 41 DEGREES, 34 MINUTES, 34 SECONDS EAST A DISTANCE OF 62.67 FEET TO A POINT, THENCE NORTH 47 DEGREES, 19 MINUTES, 54 SECONDS EAST A DISTANCE OF 86.58 FEET TO AN IRON PIN SET, THENCE LEAVING SAID RIGHT OF WAY SOUTH 38 DEGREES, 51 MINUTES, 36 SECONDS EAST A DISTANCE OF 407.67 FEET TO AN IRON PIN FOUND, THENCE NORTH 49 DEGREES, 30 MINUTES, 19 SECONDS EAST A DISTANCE OF 206.15 FEET TO AN IRON PIN FOUND, THENCE NORTH 38 DEGREES, 19 MINUTES, 28 SECONDS WEST A DISTANCE OF 404.51 FEET TO AN IRON PIN SET ON THE SOUTHEASTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE, THENCE NORTHEASTERLY ALONG THE SOUTHEASTERLY RIGHT OF WAY OF EAST CHEROKEE DRIVE NORTH 51 DEGREES, 47 MINUTES, 51 SECONDS EAST A DISTANCE OF 60.66 FEET TO AN IRON PIN SET, THENCE LEAVING SAID RIGHT OF WAY SOUTH 41 DEGREES, 00 MINUTES, 46 SECONDS EAST A DISTANCE OF 129.98 FEET TO A ½" CRIMP TOP PIPE, THENCE SOUTH 63 DEGREES, 16 MINUTES, 04 SECONDS EAST A DISTANCE OF 232.47 FEET TO A FLAT IRON, THENCE NORTH 88 DEGREES, 27 MINUTES, 47 SECONDS EAST A DISTANCE OF 428.65 FEET TO AN IRON PIN SET AND THE TRUE POINT OF BEGINNING.

E B CHAMBERS LAW

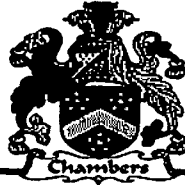
E. Benson Chambers

Attorney at Law

Filed
8/31/16
AL

157 Reinhardt College PW
Suite 400
Canton, Georgia 30114

ebchamberslaw@gmail.com



Filed
10/25/16
J. Coker

770-720-4600

Office

770-720-4646

Facsimile

ebchamberslaw.com

August 31st, 2016

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

RE: Applicant: Georgia-Tennessee Development Partners, LLC
Property of Collett Family, LLC, East Cherokee Drive
Public Participation Report

Greetings:

A public participation meeting was held for the above referenced applicant on August 30th, 2016 at the Hickory Flat Fire Department Community Room. The meeting was held between 6:30 and 8:00 p.m. In advance of the meeting 154 notices were mailed to area property owners as required by the zoning ordinance. The meeting was attended by twenty one people of which thirteen were members or related to the Collett Family, owners of the property. At the meeting a sign in sheet and comment sheet was provided for the attendees, no comments were received. A proposed site plan, location map and aerial photo was provided for review. Other than one comment from a resident of the Manor at Mill Creek about traffic, no other concerns were expressed. Positive comments and discussion about the possibility of an age restricted component utilizing the quad layout were made with several people showing an interest in becoming a resident of that feature.

Thank you for your consideration of the information.

Yours truly,

E. Benson Chambers
Attorney for Georgia-Tennessee
Development Partners, LLC

E B CHAMBERS LAW

E. Benson Chambers

Attorney at Law

157 Reinhardt College PW
Suite 400
Canton, Georgia 30114

ebchamberslaw@gmail.com



770-720-4600

Office

770-720-4646

Facsimile

ebchamberslaw.com

NOTICE OF INFORMATIONAL MEETING FOR ZONING OF PROPERTY

Greetings:

RE: Applicant: Georgia-Tennessee Development Partners, LLC
Public Participation Meeting for Notice of Zoning

Dear Property Owner:


Pursuant to the requirements of the Cherokee County Zoning Ordinance the above Applicant will be holding a Public Participation Meeting concerning its application for the rezoning of property located on East Cherokee Drive which is proposed for improvement to county road standards by the Applicant as a part of the proposed project.

The property consists of approximately 111.4 acres currently zoned Agricultural. The Applicant is proposing a dedication of undisturbed open/green space totaling approximately 45.6 acres or 40.9% of the total acreage. Pulte Homes is the proposed builder of homes within the community on 199 residential lots.

This information meeting is scheduled for August 30th, 2016 at the Hickory Flat Fire Department Community Room located at 7675 Vaughn Road, Canton, GA 30115. You are invited to come by anytime between 6:30 p.m. and 7:00 p.m., with additional time if needed, to obtain information about the proposal, review the the proposed site plan, and to confer with representatives of the Applicant. While this meeting is required by the Cherokee County Zoning Ordinance, it is not the official county zoning meeting and no representatives of Cherokee County are expected to be in attendance.

On behalf of Georgia-Tennessee Development Partners, LLC thank you for your consideration of this information.

Yours truly,



E. Benson Chambers
Attorney for Applicant

PROPERTY TO BE REDEVELOPED

Collett Family LLC ("CFLLC")

Virginia Gail Hyde, Manager

Glenda Fay Walters, Manager



LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 1070, 1071, 1089, 1090, 1091, 1143, 1144 OF THE 3rd DISTRICT, 2nd SECTION OF CHEROKEE COUNTY GEORGIA, AND BEING 102.519 ACRES AND SET OUT ON A PLAT OF BOUNDRY SURVEY FOR COLLETT FAMILY LLC AND PREPARED BY D&S SURVEYING, DAVID W. SHIRLEY, R.L.S. #2670, DATED APRIL 28, 2011 AND RECORDED IN PLAT BOOK 107, PAGE 162-166, CHEROKEE COUNTY, GEORGIA PLAT RECORDS AND INCORPORATED HEREIN BY REFERENCE THERETO.

2016 Property Tax Statement

Sonya Little
Cherokee County Tax
Commissioner
2780 Marietta Hwy
Canton, GA 30114

Make Check or Money Order
Payable to:
Cherokee County Tax
Commissioner

COLLETT FAMILY, LLC C/O
VIRGINIA GAIL HYDE, MGR
7631 EAST CHEROKEE DR
CANTON, GA 30115

Bill No.	Due Date	*Total Due*
2016-33523	12/20/2016	\$1,644.31

Map: 03N12 038 A Payment Good through: 12/20/2016 Print Date: 09/11/2016
Location: F CHEROKEE DR

If you have sold this property, fax a copy of the settlement statement to 678-493-6423. If you have an encumbrance forward tax bill to your mortgage company as soon as possible. Interest will accrue at the rate prescribed by law starting December 31st and the 31st of each month until paid. The penalty will accrue at the rate prescribed by law. ** Pay online at www.cherokeega.com** Please note: There is a 3% Merchant Fee charged. (This fee is not collected by Cherokee County.)



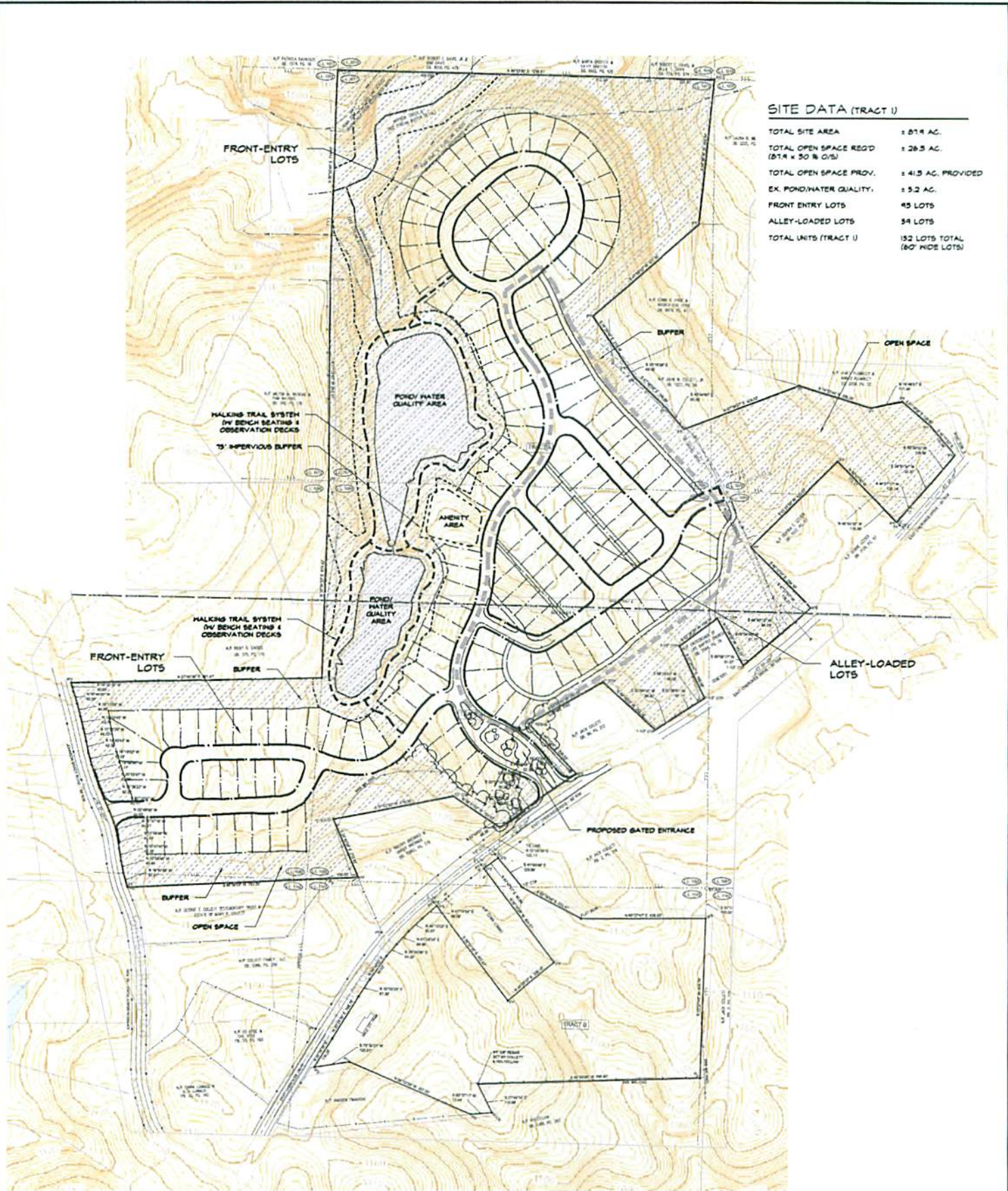
Tax Payer: COLLETT FAMILY, LLC C/O VIRGINIA GAIL HYDE, MGR
Map Code: 03N12 038 A REAL
Description: LL1143,1144,1070,1071, 1090,1091 3RD
Location: E CHEROKEE DR
Bill No: 2016-33523
District: CHEROKEE COUNTY AT LARGE 001

Phone: (678)-493-6400 Fax: (678)-493-6423

Building Value	Land Value	Acres	Fair Market Value	Due Date	Billing Date	Payment Good Through	Exemptions	
800.00	2,210,300	102.5200	2,211,100	12/20/2016		12/20/2016	SV	
Entity	Adjusted FMSV	Net Assessment	Exemptions	Taxable Value	Millage Rate	Gross Tax	Credit	Net Tax
COUNTY M&O	2,211,100.00	884,440.00	827,960.00	56,480.00	5.680	320.81	0.00	\$320.81
SCHOOL M&O	2,211,100.00	884,440.00	827,960.00	56,480.00	19.450	1,098.54	0.00	\$1,098.54
PARKS BOND	2,211,100.00	884,440.00	827,960.00	56,480.00	0.609	34.40	0.00	\$34.40
COUNTY WIDE F&E INST	2,211,100.00	884,440.00	827,960.00	56,480.00	3.374	193.56	0.00	\$193.56
TOTALS					29.113	1644.31	\$0.00	\$1,644.31

If you need to - change your mailing address / are a new resident / person 62 or older and/or disabled you should call the Tax Assessor's office at 678-493-6120 to find out about qualifications for exemptions. April 1 of each year is the deadline to apply with the Tax Assessor's Office for any exemptions. If you feel your property value is too high, you should file a return with the Tax Assessor's Office no later than April 1st.	Current Due	\$1,644.31
	Penalty	0.00
	Interest	0.00
	Other Fees	0.00
	Prepaid Payments	0.00
	Back Taxes	0.00
	Total Due	\$1,644.31
Paid Date		

This drawing is the property of Reece, Hoopes & Fincher, Inc. and is not to be copied in whole or in part without written permission. It is only to be used for the project and site specifically identified herein. Drawings shall be returned immediately upon request.



SITE DATA (TRACT U)

TOTAL SITE AREA	± 81.9 AC.
TOTAL OPEN SPACE REQ'D (81.9 x 50 % O/S)	± 26.3 AC.
TOTAL OPEN SPACE PROV.	± 41.5 AC. PROVIDED
EX. POND/WATER QUALITY	± 5.2 AC.
FRONT ENTRY LOTS	45 LOTS
ALLEY-LOADED LOTS	38 LOTS
TOTAL UNITS (TRACT U)	132 LOTS TOTAL (60' WIDE LOTS)

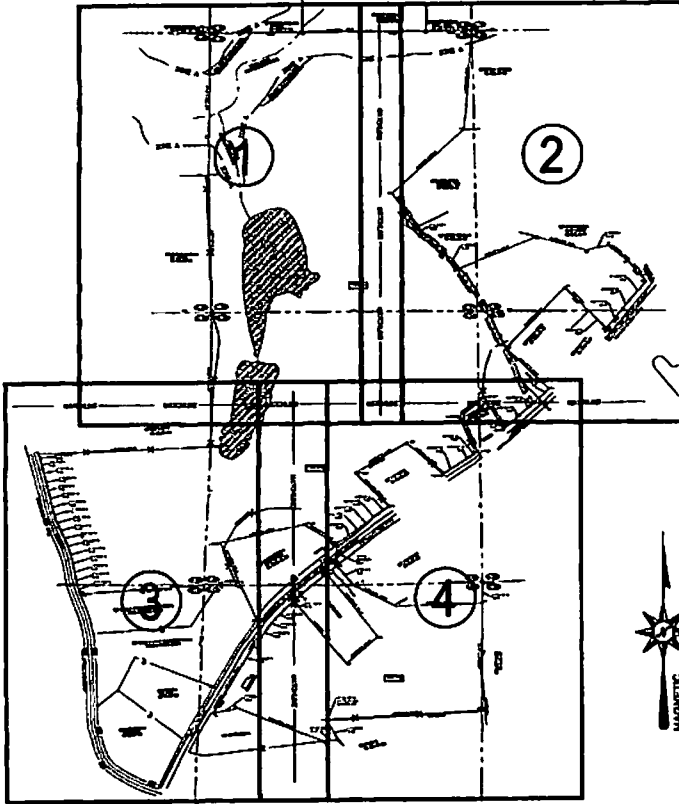


CONCEPTUAL LAND PLAN
 GEORGIA/TENNESSEE DEVELOPMENT PARTNERS, LLC
 Cherokee County, Georgia



PLAT OF BOUNDARY SURVEY FOR:
COLLETT FAMILY, LLC
 FOR PROPERTY LOCATED IN:
LAND LOTS 1070, 1071, 1089, 1090, 1091, 1143, & 1144
DISTRICT 3, SECTION 2
CHEROKEE COUNTY, GEORGIA
2-28-2012

SHEET INDEX:



STREAM BUFFER NOTE & DETAIL:
 ALL CREEKS IN CHEROKEE COUNTY HAVE THE FOLLOWING BUFFERS:
 25 STATE WATERS BUFFER
 50 COUNTY STREAM BUFFER
 75 IMPERVIOUS SURFACE BUFFER
 ALL BUFFERS ARE MEASURED FROM THE POINT OF WRESTED VEGETATION

Property Owner's Certification:
 I hereby certify that I am the owner(s) of the property described hereon, which property is located within the jurisdiction of Cherokee County, Georgia.
 Owner: Wesley Jay White Date: 5/16/11
 Owner: Wesley Jay White Date: 5/16/12

Pub. Book 157 Pg. 162
 Filed and Recorded October 18, 2012 at
 2:30:23 PM
 Party Index
 Clerk of Superior Court Cherokee Co., GA

PLANNING AND ZONING PERMITS MUST BE OBTAINED IN COMPLIANCE WITH CHEROKEE COUNTY STANDARDS FOR LAND SURVEYS TO GEORGIA STANDARDS FOR LAND SURVEYS TO GEORGIA. PLANNING AND ZONING IS NOT RESPONSIBLE FOR MATTERS OF TITLE OR PROPERTY LINE DISCREPANCIES.
 THIS SURVEY PLAT MEETS MINIMUM ZONING REQUIREMENTS AND IS APPROVED FOR RECORDING.
5-25-2012
Shirley White

ADDRESS:
 TRACT A: 6377 EAST CHEROKEE DRIVE, CANTON GA 30115
 TRACT B: NONE

AREA OF TRACT A: 87.946 ACRES
AREA OF TRACT B: 14.573 ACRES
TOTAL AREA OF SUBJECT PROPERTY: 102.519 ACRES

SURVEY NOTES

- 1) THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS OBTAINED BY A CLOSED TRAVERSE. THE CLOSURE PRECISION IS ONE FOOT IN 12847 FEET, AND THE ANGULAR ERROR IS 65 SECONDS PER ANGLE POINT. THE DATA WAS BEST ADJUSTED USING THE COLLINS RULE.
- 2) THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 10248 FEET.
- 3) THE EQUIPMENT USED FOR FIELD MEASUREMENTS IS NIKON 530 TOTAL STATION.
- 4) THE BEARING BASIS FOR THIS PLAT IS MAGNETIC.
- 5) ALL IRON PINS FOUND OR SET ARE 1/2" DIAMETER REBAR UNLESS OTHERWISE SPECIFIED.
- 6) THE REFERENCES FOR THE SUBJECT PROPERTY ARE DE 8277, PG. 503, & DE 2988, PG. 306.

LEGEND

- IRON PIN SET
- PROSPECTY CURBLINE WITHOUT MOUNTING
- CTP OPEN TOP PIPE
- CTP CUMBED TOP PIPE
- RW RIGHT OF WAY
- DB DITCH BANK
- FB PLAT BOOK
- IPB IRON PIN SET
- IPF IRON PIN FOUND
- LL LAND LOT
- BO CLOSURE
- P.O.B. POINT OF BEGINNING
- U UTILITY POLE
- E- OVERHEAD POWER LINE
- LLL LAND LOT LINE
- PH FENCE
- HT HYDRAUNT

FLOOD NOTE:
 A PORTION OF THIS PARCEL OF LAND LIES IN THE ZONE A FLOOD HAZARD AREA ACCORDING TO CHEROKEE COUNTY FLOOD MAPS (UNDATED DATED 8/22/00 AND REVISION DATED 8/22/00).

NO.	DATE	REVISIONS
1	3-4-11	FIELD SURVEY SURVEY CLOSED
2	3-4-2011	RECORD COLLETT - HOLD TITLE BOUNDARY
3	4-23-2011	ADD ADDITIONAL ADJACENT PROPERTY DETAILS
4	12-6-2011	SURVEY RE-OPENED FOR RECORDED
5	3-28-2012	CHEROKEE COUNTY COMMENTS ADDRESSED
6	5-4-12	added owners certification



D&S LAND SURVEYING
 303 RED FOX DR., PO BOX 488, CANTON, GA 30114
 770-720-4943 DSD@D&SLANDSURVEYING.COM

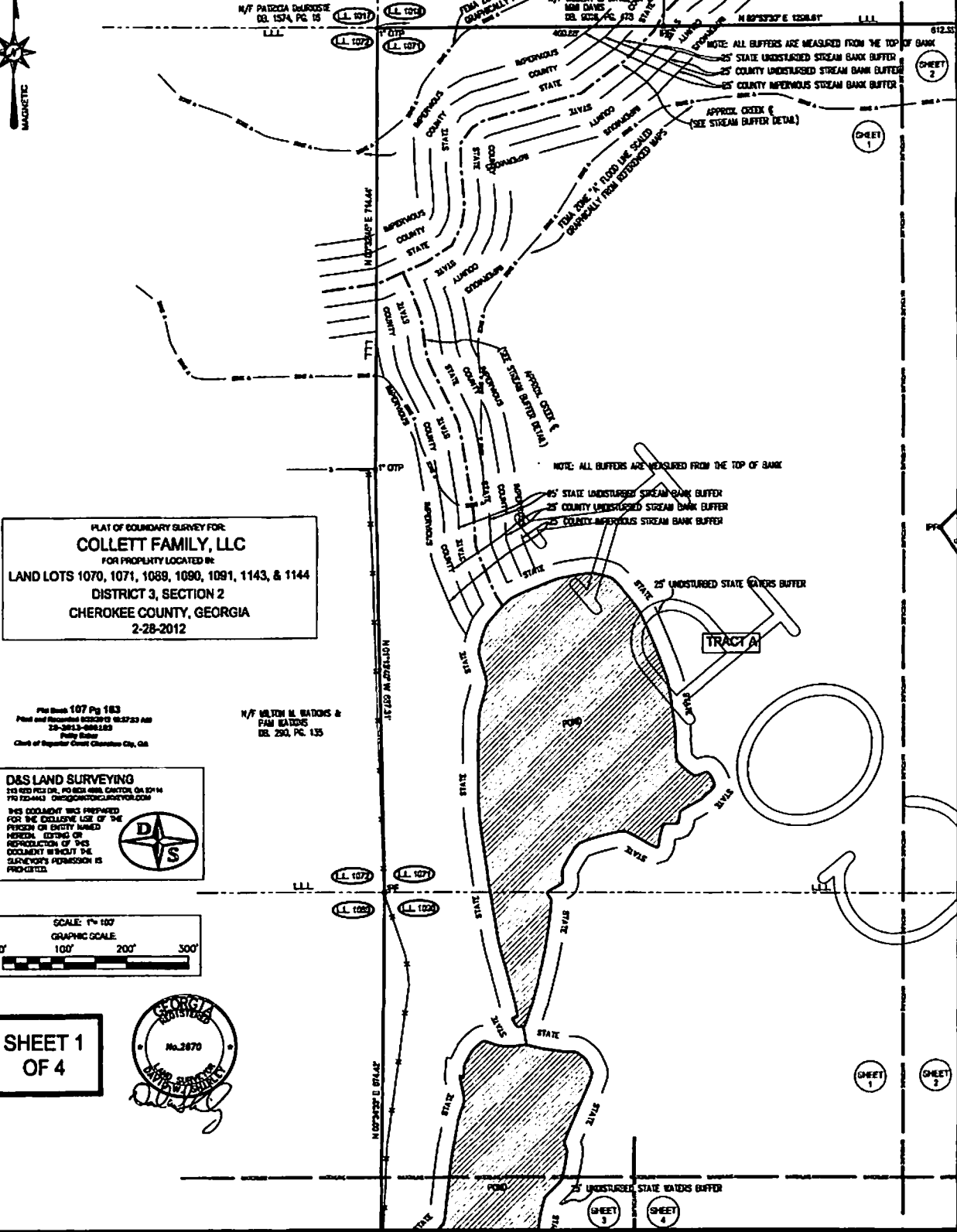
THIS DOCUMENT WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. COPYING OR REPRODUCTION OF THIS DOCUMENT WITHOUT THE SURVEYOR'S PERMISSION IS PROHIBITED.



FIELD WORK 3-4-11
CRUISE 23
CHECKED DWS

COVER SHEET

Pub. Book 107 p. 162
 Filed and Recorded 6/20/2012 10:37:33 AM
 2B-1012-000103
 Clerk of Superior Court Cherokee Co., GA



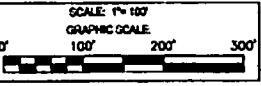
PLAT OF BOUNDARY SURVEY FOR
COLLETT FAMILY, LLC
 FOR PROPERTY LOCATED IN:
 LAND LOTS 1070, 1071, 1089, 1090, 1091, 1143, & 1144
 DISTRICT 3, SECTION 2
 CHEROKEE COUNTY, GEORGIA
 2-28-2012

Plat Book 107 Pg 163
 Filed and Recorded 02/28/12 @ 08:27:23 AM
 28-3813-000103
 Party Editor
 Clerk of Superior Court Cherokee Co., GA

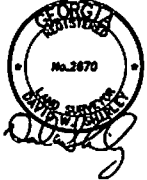
N/F MILTON H. WATSON &
 PAM WATSON
 DEL. 290, PG. 135

D&S LAND SURVEYING
 310 RED FOX DR., PO BOX 888, GASTON, GA 30214
 TEL: 770-444-0000 FAX: 770-444-0000

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**SHEET 1
 OF 4**



N/F MARTA GRIFFITH &
 KATHY GRIFFITH
 DEL. 0202, PG. 428

Plat Book 107 Pg 163
 Filed and Recorded 1/27/12 @ 10:17:31 AM
 28-3813-000103
 Party Editor
 Clerk of Superior Court Cherokee Co., GA

N/F MARTA GRIFFIN &
RADY GRIFFIN
DL 622, PG. 426

N/F ROBERT E. DAVIS &
ELIE I. DAVIS
DL 774, PG. 374

N/F LAURA B. WILKINSON
DL 2221, PG. 114

N/F EDITH H. NYDE &
VERONICA GAIL NYDE
DL 9974, PG. 41

N/F JOHN W. COLLETT, JR.
DL 1007, PG. 29

N/F JAMES PLUMBEY &
KIMBERLY PLUMBEY
DL 2258, PG. 32

TRACT A

N/F DEBRA L. LESTER
DL 7031, PG. 67

N/F DEBRA LESTER
DL 7031, PG. 67

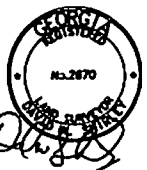
N/F DEBRA LESTER
DL 7031, PG. 67

PLAT OF BOUNDARY SURVEY FOR
COLLETT FAMILY, LLC
FOR PROPERTY LOCATED IN:
LAND LOTS 1070, 1071, 1089, 1090, 1091, 1143, & 1144
DISTRICT 3, SECTION 2
CHEROKEE COUNTY, GEORGIA
2-28-2012

D&S LAND SURVEYING
253 WOOD FOX DR., PO BOX 988, CANTON, GA 30114
770-724-4443 D&S@CANTON.GA.GOV/OLDS
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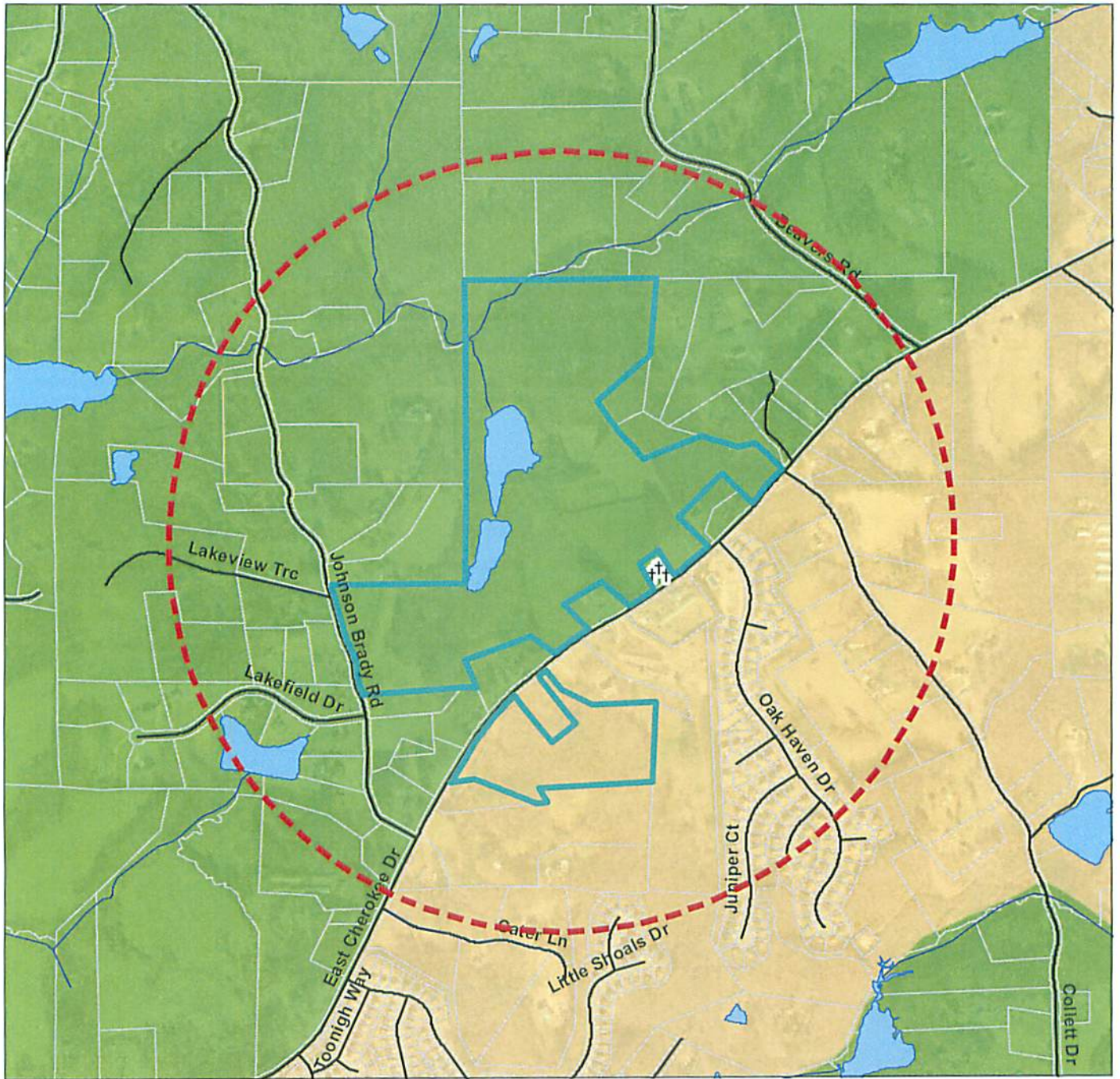
SCALE: 1" = 100'
GRAPHIC SCALE:
0' 100' 200' 300'



Plat Book 107 Pg 164
Filed and Recorded 02/28/2012 10:27:29 AM
120-2012-0002124
Patty Baker
Clerk of Superior Court Cherokee City, GA

SHEET 2
OF 4

Plat Book **107** Pg **164**
Filed and Recorded 02/28/2012 10:27:29 AM
120-2012-0002124
Patty Baker
Clerk of Superior Court Cherokee City, GA



Legend

- | | | |
|---------------------|--------------------------|------------------------|
| Rezoning Parcel | Development Nodes | Character Areas |
| School | County Crossroads | Natural Preserve |
| Cemetery | Hamlet | Rural Places |
| Church | Neighborhood Village | Country Estates |
| Street | Community Village | Suburban Growth |
| 1/2 Mile Radius | Corridors | Suburban Living |
| 100 Year Flood Zone | Scenic Corridor | Neighborhood Living |
| Park | Transitional Corridor | Bells Ferry LCI |
| | Development Corridor | Urban Core |
| | | Workplace Center |
| | | Regional Center |
| | | Waste Management |



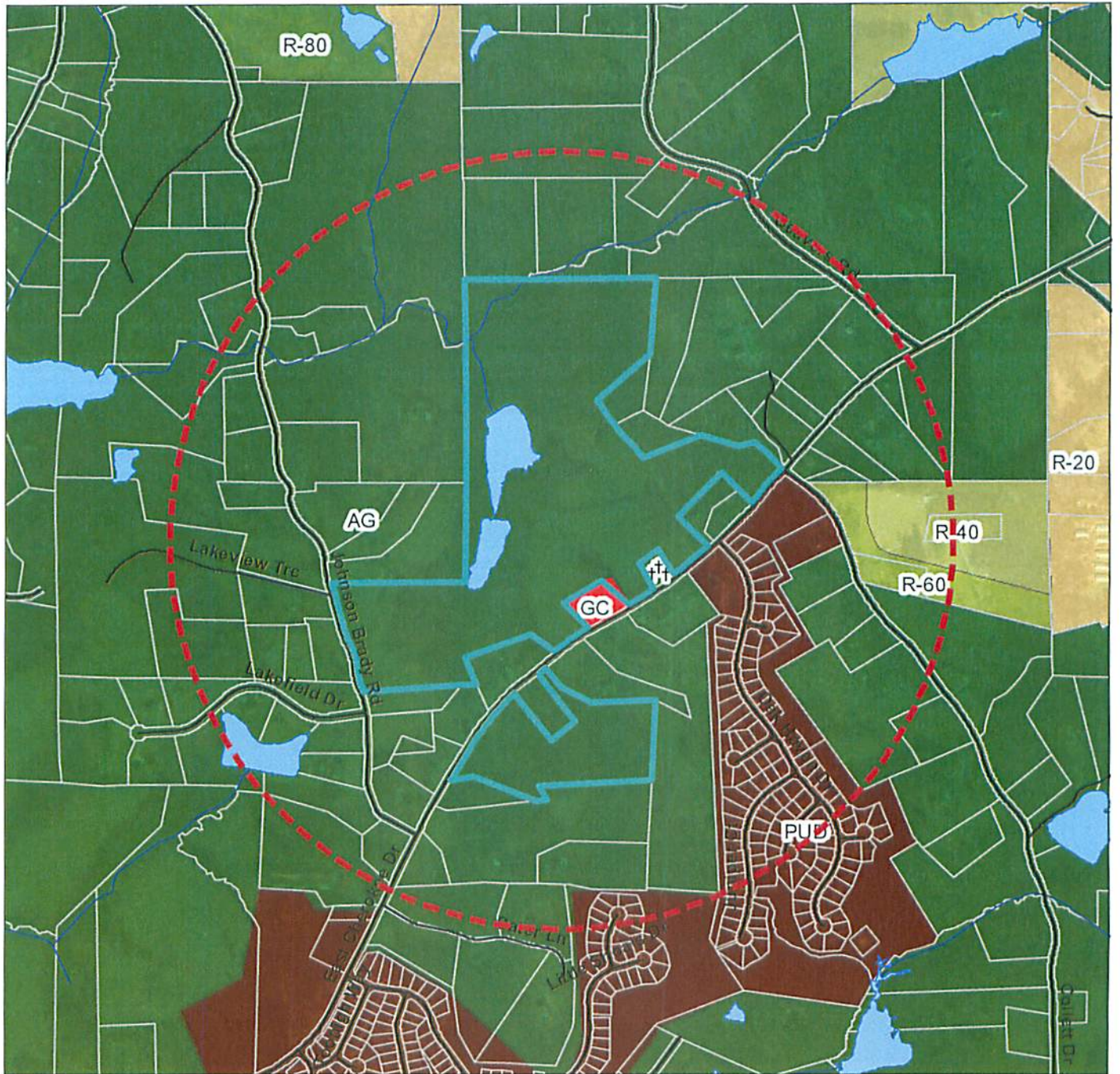
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
 Planning and Land Use
 Canton, Georgia
 31 October 2016



Zoning Map



Legend

- | | | |
|---------------------|-------------------------------|---------------------|
| Rezoning Parcel | Cherokee County Zoning | RTH |
| School | AG | RM 10 |
| Cemetery | R80 | RM 16 |
| Church | R60 | PUD |
| Street | R40 | OI |
| 1/2 Mile Radius | R30 | NC |
| 100 Year Flood Zone | R20 | GC |
| Park | R15 | LI |
| | RD3 | HI |
| | R10 | Bells Ferry Overlay |
| | RZL | Hwy 92 Overlay |
| | RA | |



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



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016





Cherokee County, Georgia
Agenda Request

Item#: 6.

SUBJECT:
Case #16-12-046 Church of God Prophecy
(BOC Dist. 1)

MEETING DATE:
12/6/2016

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 1.0 +/- acres at 127 Dry Pond Lane from R-80 to AG to combine property with adjacent AG property.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: R-80 to AG
Location: 127 Dry Pond Lane
Tax Map and Parcel No: 13N06, 049
Acres: 1.0 +/-
Proposed Development: Agricultural
Future Development Map: Rural Places

BUDGET:

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

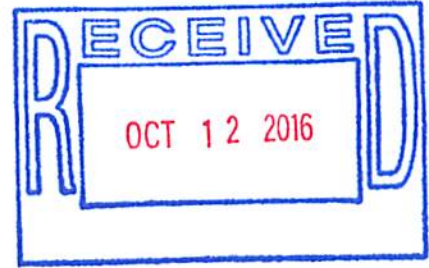
ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Survey	Exhibit
<input type="checkbox"/> Deed	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Department Comments	Cover Memo



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: Todd Welchel Phone: 770-~~733~~-324-9044
 Email: twelchel@nwpcnt.com

Applicant's Information:

Name: Church of God of Prophecy
 Address: 127 Dry Pond Lane Phone: 770-324-9044
 City, State, Zip: Canton, GA 30114

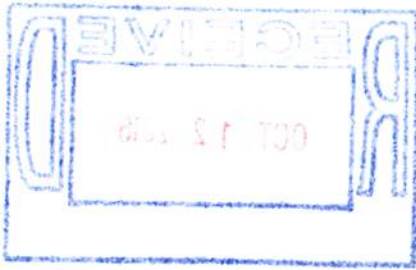
Property Owner's Information: same as above see attached authorization forms (multiple properties)

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

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: <u>N/A</u>
Case: <u>16-12-046</u>	PC Work Session Date: <u>11-21-16</u>
CityView #: <u>PL2016-1409</u>	Planning Commission Hearing: <u>12-6-16</u>
Received by: <u>vtaylorlee</u>	Board of Commissioners: <u>12-20-16</u>
Fee Paid: \$ <u>750.00</u>	Zoning Board of Appeals: <u>N/A</u>
Date: <u>10.12.16</u>	Other: <u>pre file 10.12.16</u>



RECEIVED
OCT 13 1918

RECEIVED
OCT 13 1918

[Faint, illegible text throughout the page, likely bleed-through from the reverse side of the document.]


SECTION II

Property Information:

Location: 127 Dry Pond Lane

Current Zoning: R-80 Proposed Zoning: AG Total Acreage: 1.071

Tax Map #: 13 N 060 Parcel #: 049 Land Lot(s): 281 & 296 District: 13th

Future Development Map Designation:  Rural Places

Adjacent Zonings: North AG South AG East AG West AG

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

Requesting the rezone to combine property w/ adjacent AG property recently purchased.

Proposed Use(s) of Property:

Church

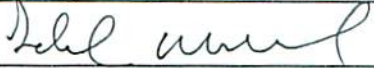
Applicant Affidavit:

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

This form is to be executed under oath. I, Todd Welchel, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Application for Public Hearing is true and correct and contains no misleading information.

This 12 day of October, 2016.

Print Name Todd Welchel

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?

septic

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

If yes, what is the projected increase? _____ students

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

Traffic Generation:

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

What is the estimated number of trips generated? _____ trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment		6.63	
	<u>Church</u>	<u>4</u>		

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.

FIELD WORK: KF/EP/LB
 DRAWN BY: CAP
 JOB NO. 3724
 FILE NO. 3724

Lot: 34.35259°N
 Lon: 84.50467°W

PLANNING AND ZONING REVIEWS PLATS FOR COMPLIANCE WITH CHEROKEE COUNTY REQUIREMENTS AND MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN GEORGIA. PLANNING AND ZONING IS NOT RESPONSIBLE FOR MATTERS OF TITLE OR PROPERTY LINE DISCREPANCIES. THIS SURVEY PLAT MEETS MINIMUM ZONING REQUIREMENTS AND IS APPROVED FOR RECORDING.

CURVE DATA						
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHBEARING	
C-1	323.08'	142.05'	25°11'32"	140.91'	S09°40'33"E	
C-2	1061.47'	90.17'	4°52'02"	90.14'	S88°01'14"W	
C-3	528.82'	126.51'	13°58'17"	126.20'	N87°25'38"W	
C-4	1031.47'	58.41'	3°14'41"	58.40'	N87°12'34"E	

F.I.R.M. FEDERAL INSURANCE RATE MAP COMMUNITY NO. 130124, PAGE 135.D, DATED 3-04-24. SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

OWNER(S) CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA.

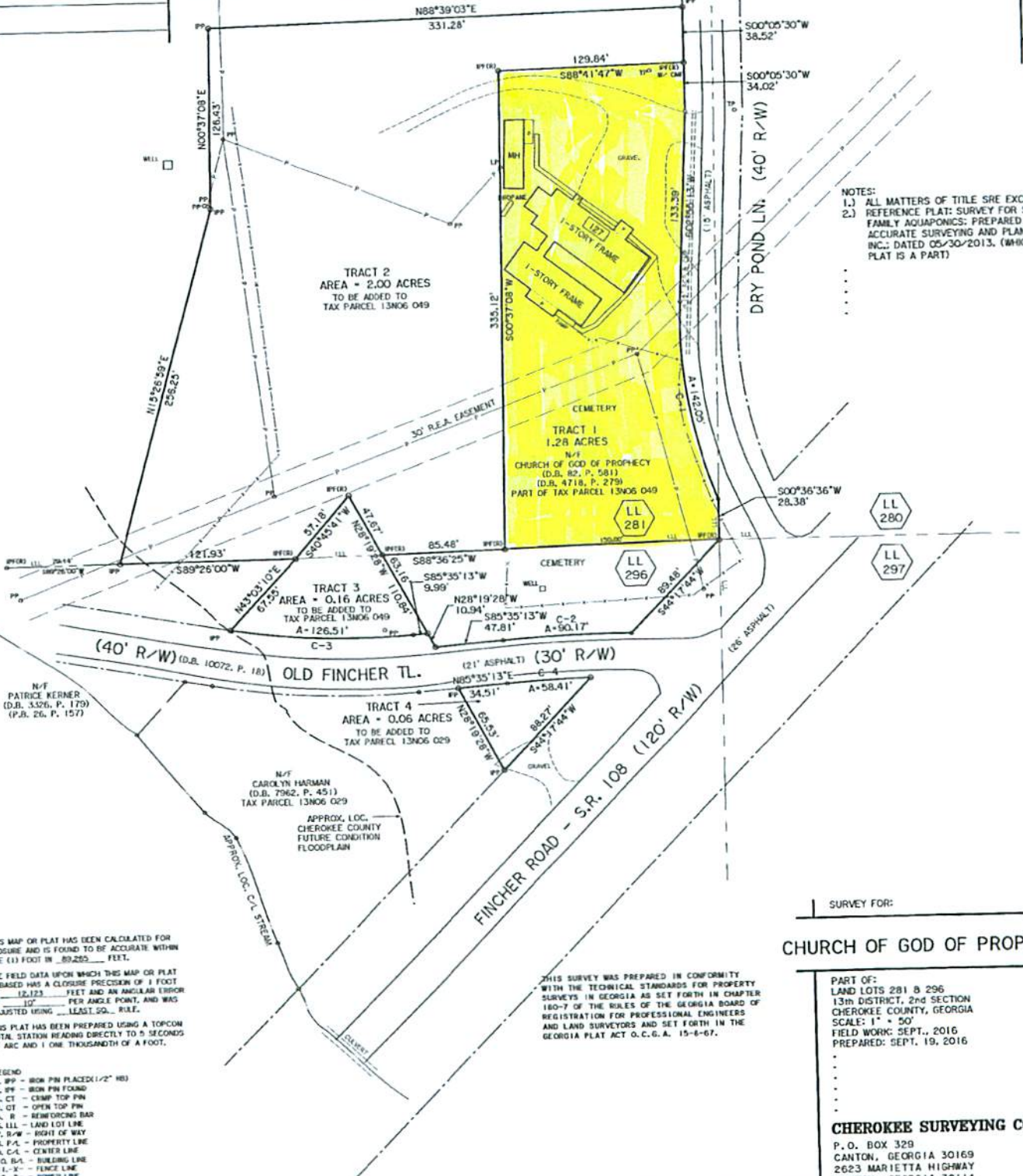
OWNER _____

OWNER _____

OWNER _____

PLANNING DEPARTMENT SIGNATURE _____ DATE _____

N/F BENJAMIN D. SNOW
 KATHLEEN DUEER SNOW
 (D.B. 12773, P. 311)
 (SEE PLAT NOTE 2)
 TAX PARCEL 13N06 050
 REMAINING AREA = 22.8 ACRES+-



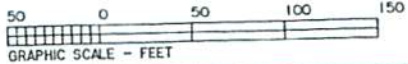
NOTES:
 1.) ALL MATTERS OF TITLE ARE EXCEPTED.
 2.) REFERENCE PLAT: SURVEY FOR SNOW FAMILY AQUAPONICS; PREPARED BY ACCURATE SURVEYING AND PLANNING, INC.; DATED 05/30/2013. (WHICH THIS PLAT IS A PART)

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE (1) FOOT IN 80,265 FEET.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 12,123 FEET AND AN ANGULAR ERROR OF 1/2" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES.

THIS PLAT HAS BEEN PREPARED USING A TOPCON TOTAL STATION READING DIRECTLY TO 6 SECONDS OF ARC AND ONE THOUSANDTH OF A FOOT.

- LEGEND**
- 1. PP - BOW PIN PLACED (1/2" HD)
 - 2. PF - BOW PIN FOUND
 - 3. CT - CRIMP TOP PIN
 - 4. OT - OPEN TOP PIN
 - 5. R - REINFORCING BAR
 - 6. LLL - 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. F/L - FENCE LINE
 - 12. P - POWER LINE
 - 13. (S) - ADDRESS
 - 14. CM - CONC MON FOUND
 - 15. MH - MANHOLE
 - 16. CO - CLEAOUT
 - 17. WM - WATER METER
 - 18. TM - TRANSIT ORNER



SURVEY FOR:
CHURCH OF GOD OF PROPHECY

PART OF:
 LAND LOTS 281 & 296
 13th DISTRICT, 2nd SECTION
 CHEROKEE COUNTY, GEORGIA
 SCALE: 1" = 50'
 FIELD WORK: SEPT., 2016
 PREPARED: SEPT. 19, 2016

CHEROKEE SURVEYING CO., INC.
 P. O. BOX 329
 CANTON, GEORGIA 30169
 2623 MARIETTA HIGHWAY
 CANTON, GEORGIA 30114
 TEL 770 479 5940
 email: charokeesurveying@windstream.net

DWG. NO. 16-3724-47C

DWG. NO. 16-3724-47C

FIELD WORK: KF/EP/AB
 DRAWN BY: CAP
 JOB NO. 3724
 FILE NO. 3724

Lat: 34.35259°N
 Lon: 84.50467°W

PLANNING AND ZONING REVIEWS PLATS FOR COMPLIANCE WITH CHEROKEE COUNTY REQUIREMENTS AND MINIMUM TECHNICAL STANDARDS FOR LAND SURVEYING IN GEORGIA. PLANNING AND ZONING IS NOT RESPONSIBLE FOR MATTERS OF TITLE OR PROPERTY LINE DISCREPANCIES.
 THIS SURVEY PLAT MEETS MINIMUM ZONING REQUIREMENTS AND IS APPROVED FOR RECORDING.

CURVE DATA					
CURVE	RADIUS	LENGTH	DELTA	CHORD	CHLBEARING
C-1	323.08'	142.05'	25°11'32"	140.91'	S05°40'33"E
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C-3	528.82'	126.51'	13°58'17"	126.20'	N87°25'38"W
C-4	1031.47'	58.41'	3°14'41"	58.40'	N87°12'34"E

F.I.R.M. FEDERAL INSURANCE RATE MAP COMMUNITY NO. 130424, PAGE 135 D, DATED 30424, SHOWS THIS PROPERTY NOT TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

OWNER(S) CERTIFICATE

I HEREBY CERTIFY THAT I AM THE OWNER(S) OF THE PROPERTY DESCRIBED HEREON, WHICH PROPERTY IS LOCATED WITHIN THE JURISDICTION OF CHEROKEE COUNTY, GEORGIA.

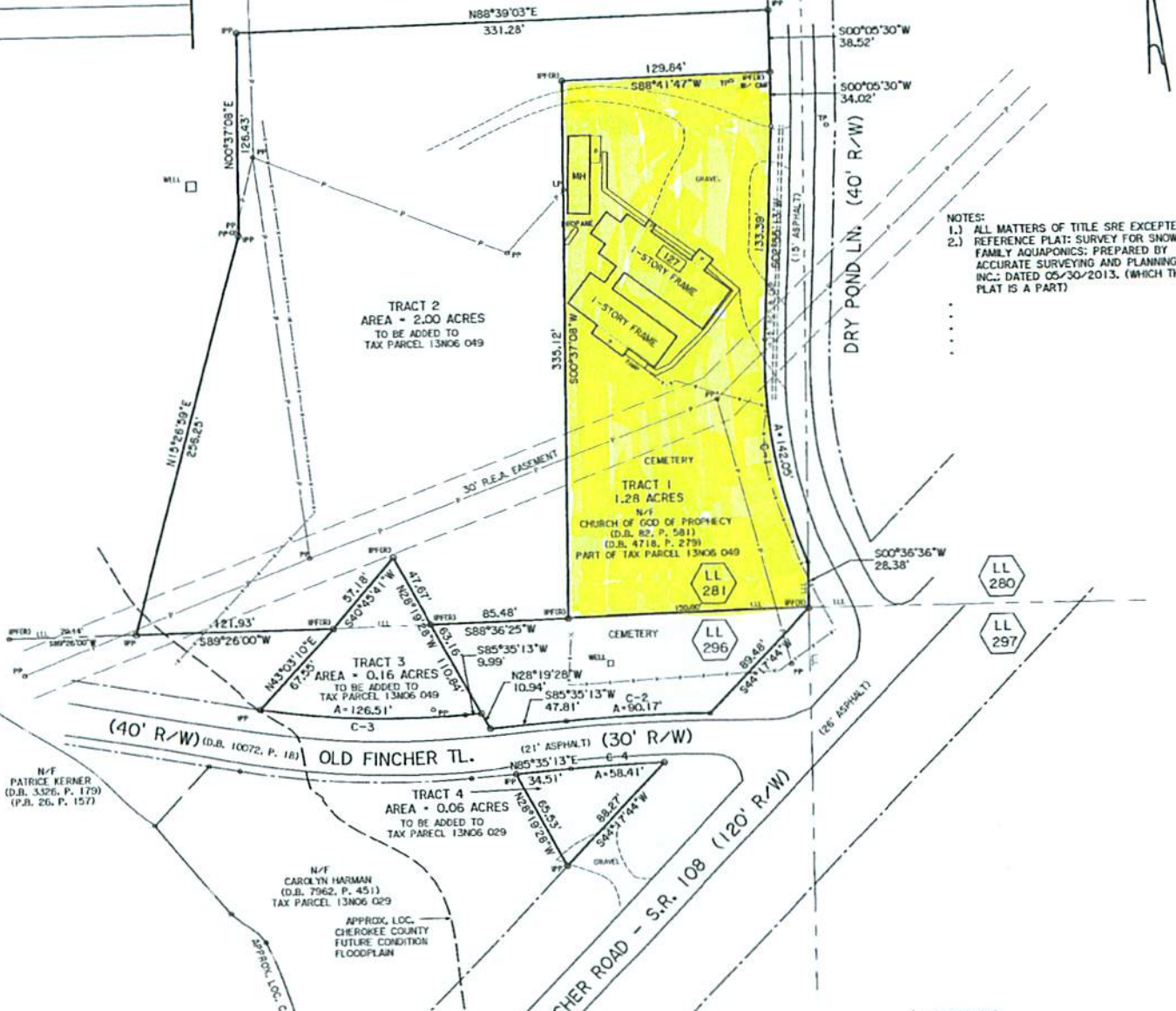
OWNER _____

OWNER _____

OWNER _____

PLANNING DEPARTMENT SIGNATURE _____ DATE _____

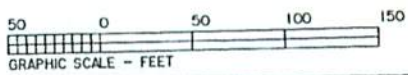
N/F
 BENJAMIN D. SNOW
 KATHLEEN DAER SNOW
 (D.B. 12773, P. 311)
 (SEE PLAT NOTE 2)
 TAX PARCEL 13N06 020
 REMAINING AREA = 22.8 ACRES+-



NOTES:
 1.) ALL MATTERS OF TITLE ARE EXCEPTED.
 2.) REFERENCE PLAT: SURVEY FOR SNOW FAMILY AQUAPONICS; PREPARED BY ACCURATE SURVEYING AND PLANNING, INC.; DATED 05/30/2013. (WHICH THIS PLAT IS A PART)

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE (1) FOOT IN 50,285 FEET.
 THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF 1 FOOT IN 12,123 FEET AND AN ANGULAR ERROR OF 10" PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQ. RULE.
 THIS PLAT HAS BEEN PREPARED USING A TOPCON TOTAL STATION READINGS DIRECTLY TO 5 SECONDS OF ARC AND 1 ONE THOUSANDTH OF A FOOT.

- LEGEND**
- 1. BPP - BORN PIN PLACED (1/2" HD)
 - 2. BPF - BORN PIN FOUND
 - 3. CT - CHAMP TOP PIN
 - 4. OT - OPEN TOP PIN
 - 5. R - REINFORCING BAR
 - 6. LLL - LAND LOT LINE
 - 7. B/W - BIRTH OF WAY
 - 8. P/L - PROPERTY LINE
 - 9. C/L - CENTER LINE
 - 10. B/L - BUILDING LINE
 - 11. F - FENCE LINE
 - 12. P - POWER LINE
 - 13. [Symbol] - ADDRESS
 - 14. CMF - CONC. MEN FOUND
 - 15. M - MARKER
 - 16. CO - CLEAROUT
 - 17. W - WATER METER
 - 18. TM - TRANSIT MARKER



SURVEY FOR:
CHURCH OF GOD OF PROPHECY

PART OF:
 LAND LOTS 281 & 296
 13th DISTRICT, 2nd SECTION
 CHEROKEE COUNTY, GEORGIA
 SCALE: 1" = 50'
 FIELD WORK: SEPT., 2016
 PREPARED: SEPT. 19, 2016

CHEROKEE SURVEYING CO., INC.
 P. O. BOX 329
 CANTON, GEORGIA 30169
 2623 HARRIETTA HIGHWAY
 CANTON, GEORGIA 30114
 TEL 770 479 5940
 email: charkeesurveying@windstream.net

FOR AN OUTSTANDING SERVICE TO THE... (faded text)

have the honor to inform you that... (faded text)

in view of the fact that... (faded text)

and in view of the fact that... (faded text)

and in view of the fact that... (faded text)

and in view of the fact that... (faded text)

TO HAVE AND TO HOLD to the... (faded text)

Witness my hand and seal... (faded text)

in testimony whereof... (faded text)

at the City of... (faded text)

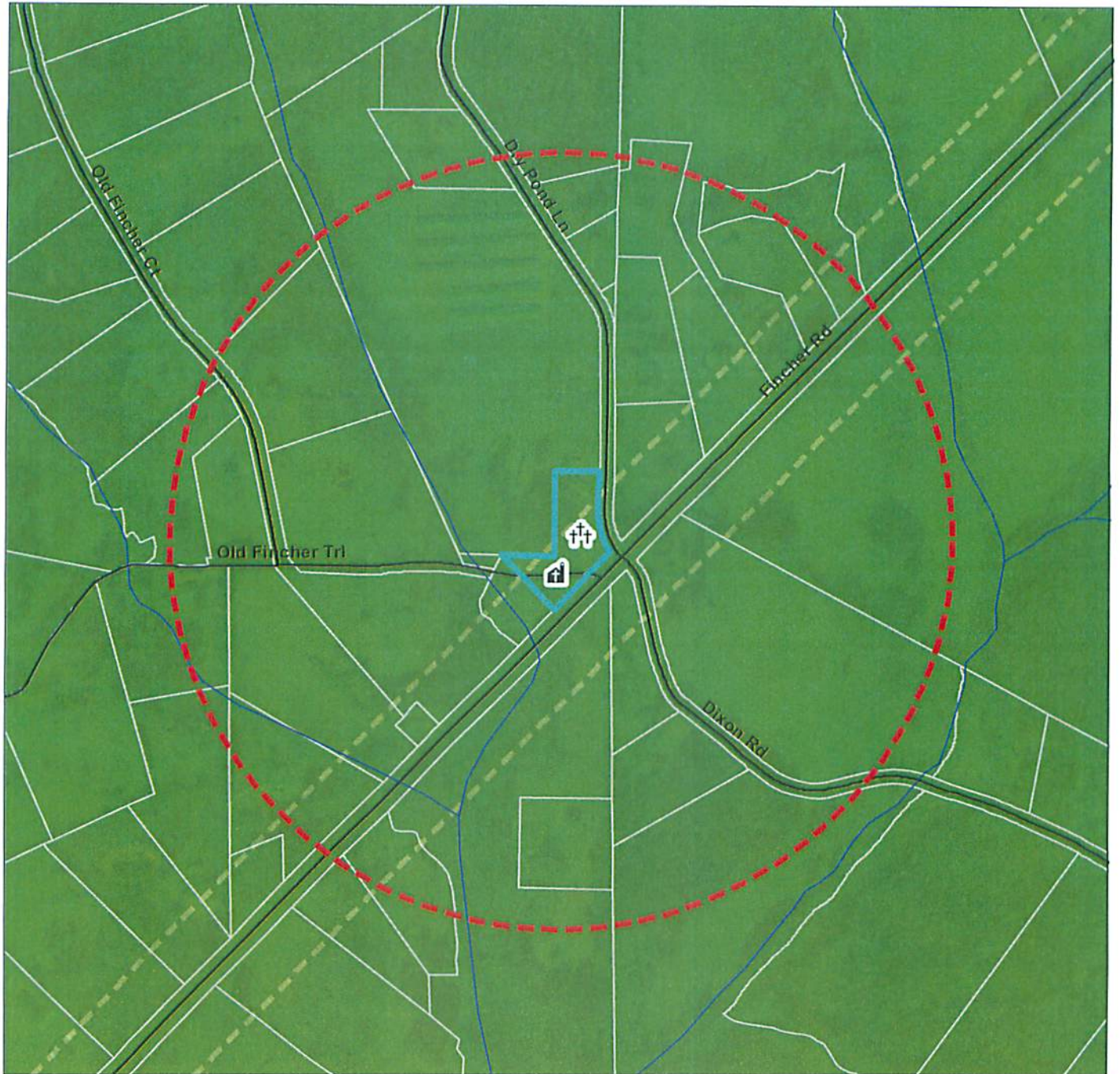
Witness my hand and seal... (faded text)

in testimony whereof... (faded text)

at the City of... (faded text)

Case # 16-12-046 Church of God of Prophecy

Future Development Map



Legend

Rezoning Parcel	Development Nodes	Character Areas
School	County Crossroads	Natural Preserve
Cemetery	Hamlet	Rural Places
Church	Neighborhood Village	Country Estates
Street	Community Village	Suburban Growth
1/4 Mile Radius	Corridors	Suburban Living
100 Year Flood Zone	Scenic Corridor	Neighborhood Living
Park	Transitional Corridor	Bells Ferry LCI
	Development Corridor	Urban Core
		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
31 October 2016





Legend

Rezoning Parcel	Cherokee County Zoning	RTH
School	AG	RM10
Cemetery	R80	RM16
Church	R60	TND
Street	R40	PUD
1/4 Mile Radius	R30	OI
100 Year Flood Zone	R20	NC
Park	R15	GC
	RD3	LI
	R10	HI
	RZL	Bells Ferry Overlay
	RA	Hwy 92 Overlay



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Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016





Staff Report

Case No: 16-12-046
Applicant Name: Todd Welchel for Church of God of Prophecy
Location: 127 Dry Pond Lane
 (13N06, 049)
From/To: R-80 to AG
Proposed Use: Church Use
Commission Post: 1

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

Future Development Map

Character Area/Node/Corridor	Description
Rural Places	Outlying rural areas with active farming and scattered single-family housing on large lots. Preservation of sensitive natural resources is important. Low level of services and community facilities. Potentially with public water, but sewer not planned. Suggested zoning: AG

Analysis and Comment

The subject parcel totals 1.28 acres at the northwest corner of the intersection of Dry Pond Lane and Fincher Road. A Public Participation Meeting and Existing Site Resource Map was not required. The application has been evaluated and is consistent with the Future Development Map designation of Rural Places.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

- CCWSA did not submit a report.

1.3 Cherokee County Board of Education

- The Board of Education did not submit a report.

1.4 Fire Marshal's Office

- No report received.

1.5 Sheriff's Office

- No report received.

Case # 16-12-046 - Community Agenda Analysis

Section 1 – Community Vision

Community	Intersection of Dry Pond Lane and GA-108 (Fincher Road).
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Vision:

- Natural beauty and diversity make Cherokee County 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.

Applicant seeks to rezone to AG to combine property with adjacent AG property recently purchased for a church.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
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Project is Neutral

Housing Choice	No evidence of impact. A church is proposed on the property.
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Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
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Diverse Economic Opportunities	While there may be a temporary increase in construction jobs during the building phase, there will likely be no long-term positive economic impact.
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Designing with the Environment	No evidence of impact.
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Preserve and Enhance Sense of Place	A cemetery is located on the property and will require permanent protection and a means of access.
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Aging in Place	No evidence of impact.
----------------	------------------------

Project Neglects

Section 3 – Character Area Description

Character Area	Rural Places
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The Rural Places Character Area suggests AG as the Zoning District. The intent of this Character Area is to provide an agricultural-residential community, which benefits from its scenic rural landscape while accommodating limited residential growth.

Node or Corridor	Scenic
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The Scenic Corridor suggests AG as the Zoning District. To preserve the scenic quality of a corridor, plans for development within the corridor should be sensitive to and integrate its most distinguishing elements.



REZONING MEMORANDUM

Case Number: 16-12-046

Applicant: Church of God of Prophecy

Current Zoning: R-80

Proposed Zoning: AG

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Dry Pond Lane near the intersection with State Route 108. SR 108 is a two lane major collector roadway. The geometry on the road at the location of this application is generally good. In 2015, the Georgia DOT recorded 3,070 vehicles per day just south of the property.
- **Planned Improvements** – Cherokee County has no planned improvements to Dry Pond Lane. The Georgia DOT has no planned improvements to this section of SR 108.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the currently zoned property to the proposed zoned condition is negligible given the proposed use.
- **Development Related Improvements** – The Engineering Department will determine any necessary improvements to Dry Pond Lane when the applicant applies for access along that route.

● **Stormwater:**

- **Flood Plain or Wetlands on Property** – No.
- **Runoff Tributary and Basin** – Unnamed tributary of McCory Creek in the Allatoona basin.

● **Conclusion:**

It is the opinion of the Cherokee County Engineering Department that Dry Pond Lane and State Route 108 should be able to handle the traffic generated by this application.



**Cherokee County, Georgia
Agenda Request**

Item#: 1.

SUBJECT:
October 17, 2016 Work Session Minutes

MEETING DATE:
12/6/2016

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:



**Cherokee County, Georgia
Agenda Request**

Item#: 2.

SUBJECT:
November 1, 2016 PC Minutes

MEETING DATE:
12/6/2016

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:
