



Cherokee County Planning Commission Public Hearing AGENDA

April 4, 2017
Cherokee Hall 7:00 PM

CALL TO ORDER

ZONING CASES

- 1. Case #16-12-045 Collett Family, LLC (BOC Dist. 1)**
Request to postpone until May 2, 2017 due to no legal advertisement
Applicant is requesting to rezone 102.519 acres on East Cherokee Drive from AG to R-30 and R-20 for a single family residential subdivision.
- 2. Case #17-03-006 Oak Hall Companies, LLC (BOC Dist. 2)**
Applicant requesting to postpone until May 2, 2017 pending revised site plan, traffic study and public participation meeting
Applicant is requesting to rezone 39.575 acres at Arnold Mill Road and Highway 140 from AG and R-40 to NC, RTH and RZL to build a mixed use development.
- 3. Case #17-04-011 Phoebe Maze (City of Waleska)**
Applicant is requesting to rezone 3.15 acres at 423 Bartow Street from R-30 to GC-LU for general commercial uses.
- 4. Case #17-04-012 Judith E. Becker (BOC Dist. 2)**
Applicant is requesting to rezone 0.69 +/- acres at 1800 Liberty Grove Road from AG to R-30 to maintain the small existing cemetery.
- 5. Case #17-04-013 R. Venture, LLC (BOC Dist. 1)**
Applicant is requesting to rezone 54.61 +/- acres at Jessie Lane, Owens Store Road and Old Orange Mill Road from AG to R-20 for a single family residential subdivision.

OTHER BUSINESS

APPROVAL OF MINUTES

- 1. February 20, 2017 Minutes**
- 2. March 7, 2017 Minutes**

ADJOURN



Cherokee County, Georgia
Agenda Request

Item#: 1.

SUBJECT: **MEETING DATE:**
Case #16-12-045 Collett Family, LLC (BOC 4/4/2017
Dist. 1)
*Request to postpone until May 2, 2017 due to
no legal advertisement*

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 102.519 acres on East Cherokee Drive from AG to R-30 and R-20 for a single family residential subdivision.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: AG to R-30 and R-20
Location: East Cherokee Drive
Tax Map and Parcel No: 03N12, 038A
Acres: 102.519
Proposed Development: Single Family Residential Subdivision
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:

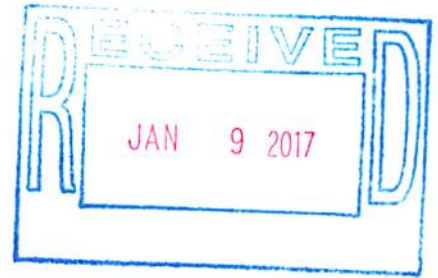
ATTACHMENTS:

| Description | Type |
|--|---------|
| <input type="checkbox"/> Revised Application | Exhibit |
| <input type="checkbox"/> Corrected Legal Description | Exhibit |
| <input type="checkbox"/> Revised Site Plan | Exhibit |
| <input type="checkbox"/> Existing Site Resource Map | Exhibit |
| <input type="checkbox"/> Zoning Map | Exhibit |
| <input type="checkbox"/> Future Development Map | Exhibit |
| <input type="checkbox"/> PP Report | Exhibit |



CHEROKEE COUNTY
Application for Public Hearing

REVISED



Important Notes:

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

SECTION I

Contact Person: H. Michael Bray Phone: 770-479-1426
 Email: mbray@brayandjohnson.com

Applicant's Information:

Name: Collett Family, LLC
 Address: 7631 East Cherokee Drive Phone: 770-479-1426
 City, State, Zip: Canton, GA 30115

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

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

Requested Public Hearing (check all that apply):

- Rezoning Amendment / Modification of Zoning
 Variance / Appeal Other: *Owner is assuming responsibility for this Zoning Application

STAFF USE ONLY:

Commission District: 1
 Case: 16-12-045
 CityView # PL# 20160001408
 Received by: _____
 Fee Paid: \$ 725.19 *Legal Notice expense*
 Date: _____
3 signs

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: ~~8/30/16~~ 3/1/17
 PC Work Session Date: ~~11/21/16~~ 3/20/17
 Planning Commission Hearing: ~~12/6/16~~ 4/4/17
 Board of Commissioners: 4/18/17
 Zoning Board of Appeals: N/A
 Other: _____

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-30(87.946ac) R-20(14.573ac) Total Acreage: 102.519 ac

Tax Map #: 03 N 12 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 Dr. from Agriculture to R-30 for 127 single family residential dwellings providing 40-43 acres in permanent green space and a density of 1.45 dwelling units per acre. Applicant is requesting a rezone of 14.573 acres located on the Southeast side of East Cherokee Dr. from Agriculture to R-20 for approximately 27 residential units with a density of 1.96 units per acre.

Proposed Use(s) of Property:

Single Family Residential

Applicant Affidavit:

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

This form is to be executed under oath. I, Virginia Bail Hyde, 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 5 day of January, 2017.

Print Name Virginia Bail Hyde

Applicant Signature Virginia Bail Hyde
managing member

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 Sanitary Sewer System

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

If yes, what is the projected increase? 111 students

| Proposed Use(s) | # of units | Multiplier | Number of Students |
|-------------------------------|------------|------------|--------------------|
| Single Family (Detached) Home | <u>154</u> | 0.725 | <u>111</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? 1474 trips

| Code | Land Use(s) | # of units or sqft* | Daily Trip Ends* | Number of Trips |
|------|---------------------------------|---------------------|------------------|-----------------|
| 210 | Single Family Home/ Townhome | <u>154</u> | 9.57 | <u>1474</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.

SECTION V

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

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

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

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

SEE ATTACHED ADDENDUM "A"

ADDENDUM “A”

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

1. Explain the intent of the requested zoning.

Applicant seeks an R-30 classification on 87.946 acres on the Northwest side of East Cherokee Drive and R-20 on 14.573 acres on the Southeast side of East Cherokee Drive. This request is certainly consistent with the highest and best uses allowed on adjacent and nearby properties for a residential neighborhood. The R-30 classification will be treated as a conservation subdivision and will generate a density of 1.45 units per acre on the 87.946 tract with the conservation design standards to create 40+ acres of the property in protected green space and density of 1.9 on the 14.573 tract. The proposed development will provide a needed residential product that allows the developer to utilize the sanitary sewer that is available to the property. The use of sanitary sewer will prevent less likelihood of some contamination of property when you use individual sanitary sewer systems.

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 uses of nearby property include commercial, residential, and residential with higher density than our proposal. Consequently our proposed use is certainly suitable with nearby and adjacent property.

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

In considering whether the rezoning proposal would adversely affect the existing use or usability of adjacent or nearby property it should be kept in mind that we have nearby property classified as PUD, R-30, R-40, R-60, AG, R-20 and commercial. It will not adversely affect any of the use or usability of nearby property.

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

The potential use of the subject property is severely diminished as presently zoned because of the more dense classifications uses on nearby property with result of denying owners the highest and best use of their property. Additionally using property as agricultural is certainly unlikely because of residential developments in the nearby vicinity. In Cherokee County it is not feasible to maintain pastures for the purposes of livestock in this area. The penalties in the event livestock escapes their enclosure are severe, and little consideration is given to why livestock escape their enclosure. Current conditions do not support the current zoning classification.

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.

There is no expected excessive or burdensome impact.

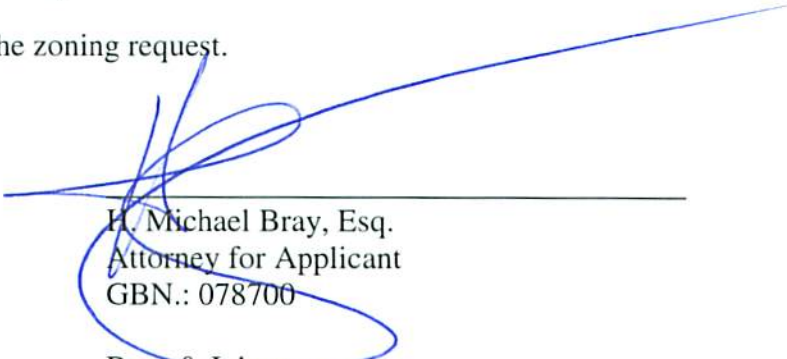
6. Whether the proposed zoning is in conformity with the policy and intent of the land use plan.

The proposed zoning request does take into consideration the policy and intent of the Land Use Plan which is only one of the standards applicable to a zoning application. It must further be noticed and accepted that nearby properties have been developed inconsistent with the Land Use Plan which plan needs to be modified, amended or changed in the first place. If you consider what is happening in the vicinity of the subject property then it is certainly in conformity with the policy and intent of Cherokee County Zoning Ordinances.

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

The subject property is located in an area that at one time was an agricultural area with the raising of livestock and some farming activities. However that has changed dramatically over the course of the last 15 years. The area now is residential which use is incompatible with the noise, smell and disturbances of livestock operations. Additionally, if you took a moment and viewed the local ordinances concerning the maintenance of your livestock facilities, you will note that they are hostile to the operation of an agricultural livestock use.

These changing conditions support the zoning request.



H. Michael Bray, Esq.
Attorney for Applicant
GBN.: 078700

Bray & Johnson
P.O. Box 1649
Canton, GA 30169
(770) 479-1426

CORRECTED 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 159.14 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 67.11 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 12 DEGREES, 06 MINUTES, 48 SECONDS WEST A DISTANCE OF 42.38 FEET TO A POINT, THENCE NORTH 10 DEGREES, 47 MINUTES, 44 SECONDS WEST A DISTANCE OF 42.38 FEET TO A POINT, THENCE NORTH 11 DEGREES, 06 MINUTES, 48 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, 43 MINUTES, 44 SECONDS WEST A DISTANCE OF 42.36 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 59.56 FEET TO A POINT, THENCE NORTH 44 DEGREES, 12 MINUTES, 03 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 1/2" 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.





N/F MARTA GRIFFIN &
KATHY GORTON
DL. 6032, PC. 428

N/F PATRICKA OHLERSTE
DL. 1574, PC. 19

N/F ROBERT E. OHLERSTE
AND DAVID
DL. 9023, PC. 178

N 89°32'37" E 120.81'

SHEET 2

SHEET 1

NOTE: ALL BUFFERS ARE MEASURED FROM THE TOP OF BANK
25' STATE UNDISTURBED STREAM BANK BUFFER
25' COUNTY UNDISTURBED STREAM BANK BUFFER
25' COUNTY IMPERVIOUS STREAM BANK BUFFER

APPROX. CREEK (SEE STREAM BUFFER DETAIL)

NOTE: ALL BUFFERS ARE MEASURED FROM THE TOP OF BANK
25' STATE UNDISTURBED STREAM BANK BUFFER
25' COUNTY UNDISTURBED STREAM BANK BUFFER
25' COUNTY IMPERVIOUS STREAM BANK BUFFER

25' UNDISTURBED STATE WATERS BUFFER

TRACT A

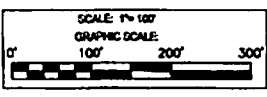
POND

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 03/29/12 10:37:23 AM
28-2012-000103
Patty Baker
Chief of Superior Court Cherokee Co., GA

N/F MILTON M. WATSON &
PAW BADDIS
DL. 250, PC. 135

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**SHEET 1
OF 4**



SHEET 1

SHEET 2

SHEET 3

SHEET 4

107 pg. 163
Plat Book
Filed and Recorded 03/29/12 10:37:23 AM
28-2012-000103
Patty Baker
Chief of Superior Court Cherokee Co., GA

N/F MARTA GRAY &
KATHY GRAY
DL. 6502, PG. 428

N/F ROBERT E. DAVIS &
DILLI L. DAVIS
DL. 774, PG. 374

N/F LAURA G. WELLSHAM
DL. 2221, PG. 114

N/F EDITH H. HYDE &
VIRGINIA CAR. HYDE
DL. 8974, PG. 41

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

N/F JAMES PLUMLEY &
NANCY PLUMLEY
DL. 2258, PG. 32

TRACT A

N/F DEBBIE L. LESTER
DL. 7031, PG. 07

N/F DEBBIE LESTER
DL. 7024, PG. 07

ON THE TOP OF BANK
ONE BUFFER
BANK BUFFER
BANK BUFFER


(SHEET 1)
(SHEET 2)

(SHEET 1)
(SHEET 2)


(SHEET 3)
(SHEET 4)

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

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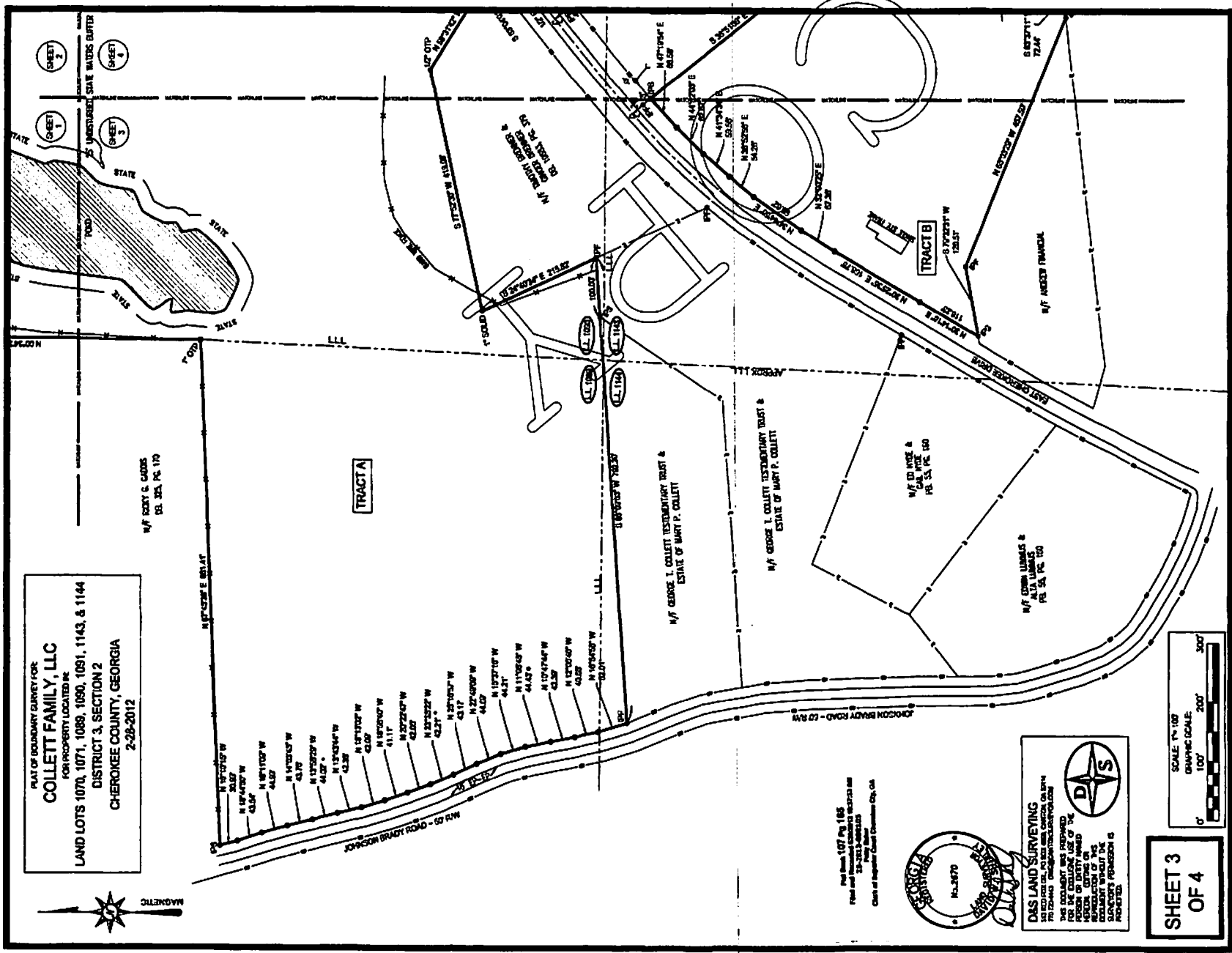
SCALE: 1" = 100'
GRAPHIC SCALE:
0' 100' 200' 300'



Plat Book 107 Pg 164
Filed and Recorded 02/28/12 08:27:23 AM
20-2813-000104
Patty Baker
Clerk of Superior Court Cherokee Co., GA

**SHEET 2
OF 4**

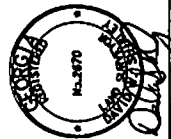
Plat Book 107 n 164
Filed and Recorded 07/20/12 12:37:33 AM
20-2813-000104
Patty Baker
Clerk of Superior Court Cherokee Co., GA



PART 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

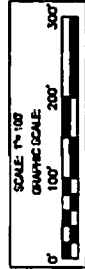


Part Book 107 Pg 165
 Filed and Recorded 12/21/2012 10:27:33 AM
 Entry Date
 12/21/2012 10:27:33 AM
 Clerk of Superior Court Cherokee County, GA



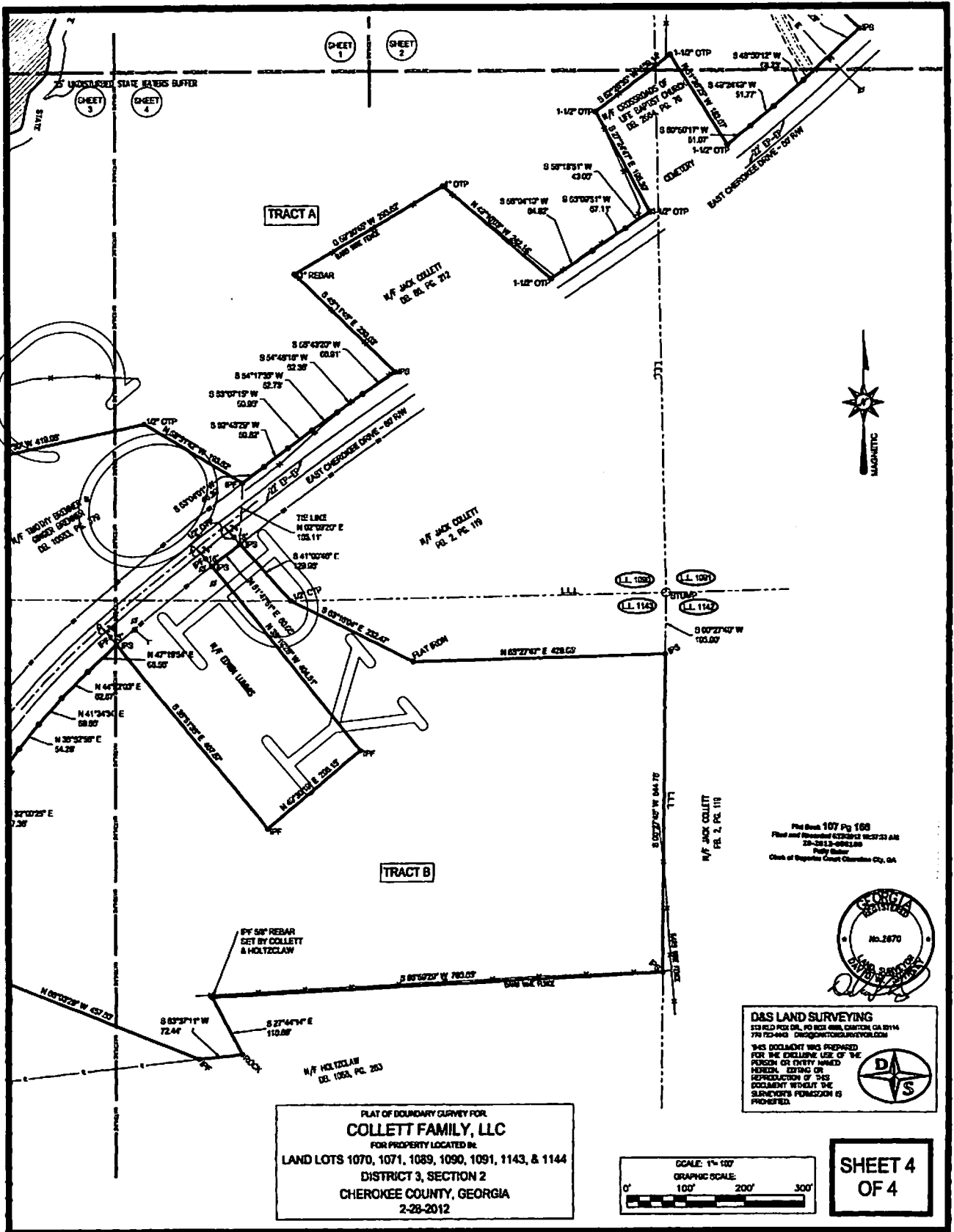
D&S LAND SURVEYING
 5410 COUNTRY CLUB DRIVE, SUITE 100
 FARMERS BRANCH, GA 30752
 PHONE: 706-853-1111
 FAX: 706-853-1112
 WWW.DANDSLANDSURVEYING.COM

THIS DOCUMENT WAS PREPARED
 BY ME OR UNDER MY CLOSE PERSONAL
 SUPERVISION AND I AM A LICENSED
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 I CERTIFY THAT THE SURVEYING
 WORK WAS DONE IN ACCORDANCE
 WITH THE REQUIREMENTS OF THE
 SURVEYING BOARD OF GEORGIA.

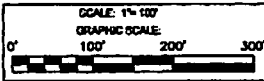


SHEET 3
OF 4

Plat Book 107 Pg 166
 Filed and Recorded L107/166 10/27/23 AM
 23-2813-060126
 23-2813-060126
 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



**SHEET 4
 OF 4**

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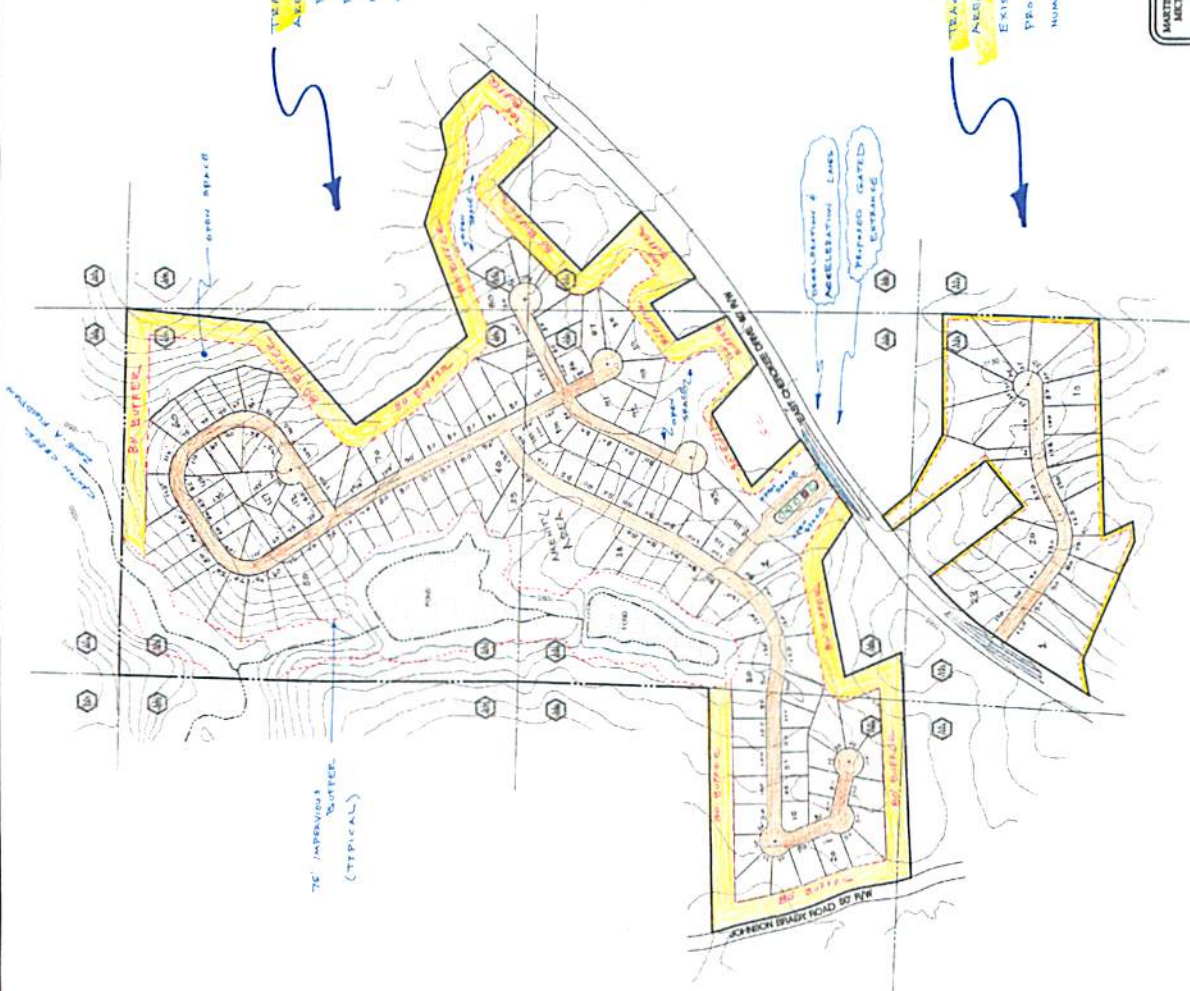
Plat Book 107 Pg 166
 Filed and Recorded 10/27/23 AM
 23-2813-060126
 Clerk of Superior Court Cherokee Co., GA



REVISED
1/13/17

TRACT - A
AREA = 87,144 ACRES
EXISTING ZONING: A-G
PROPOSED ZONING: R-20 "CONSERVATION"
NUMBER OF LOTS: 127
OPEN SPACE & BUFFERS: 38.7 ACRES OR 4.4%

TRACT - B
AREA = 14,578 ACRES
EXISTING ZONING: A-G
PROPOSED ZONING: R-20
NUMBER OF LOTS: 23



| | | |
|----|------|--------------|
| 1 | UP - | 80K PM FLAND |
| 2 | UP - | 80K PM FLAND |
| 3 | UP - | 80K PM FLAND |
| 4 | UP - | 80K PM FLAND |
| 5 | UP - | 80K PM FLAND |
| 6 | UP - | 80K PM FLAND |
| 7 | UP - | 80K PM FLAND |
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| 28 | UP - | 80K PM FLAND |
| 29 | UP - | 80K PM FLAND |
| 30 | UP - | 80K PM FLAND |
| 31 | UP - | 80K PM FLAND |
| 32 | UP - | 80K PM FLAND |

CONCEPTUAL ZONING PLAN

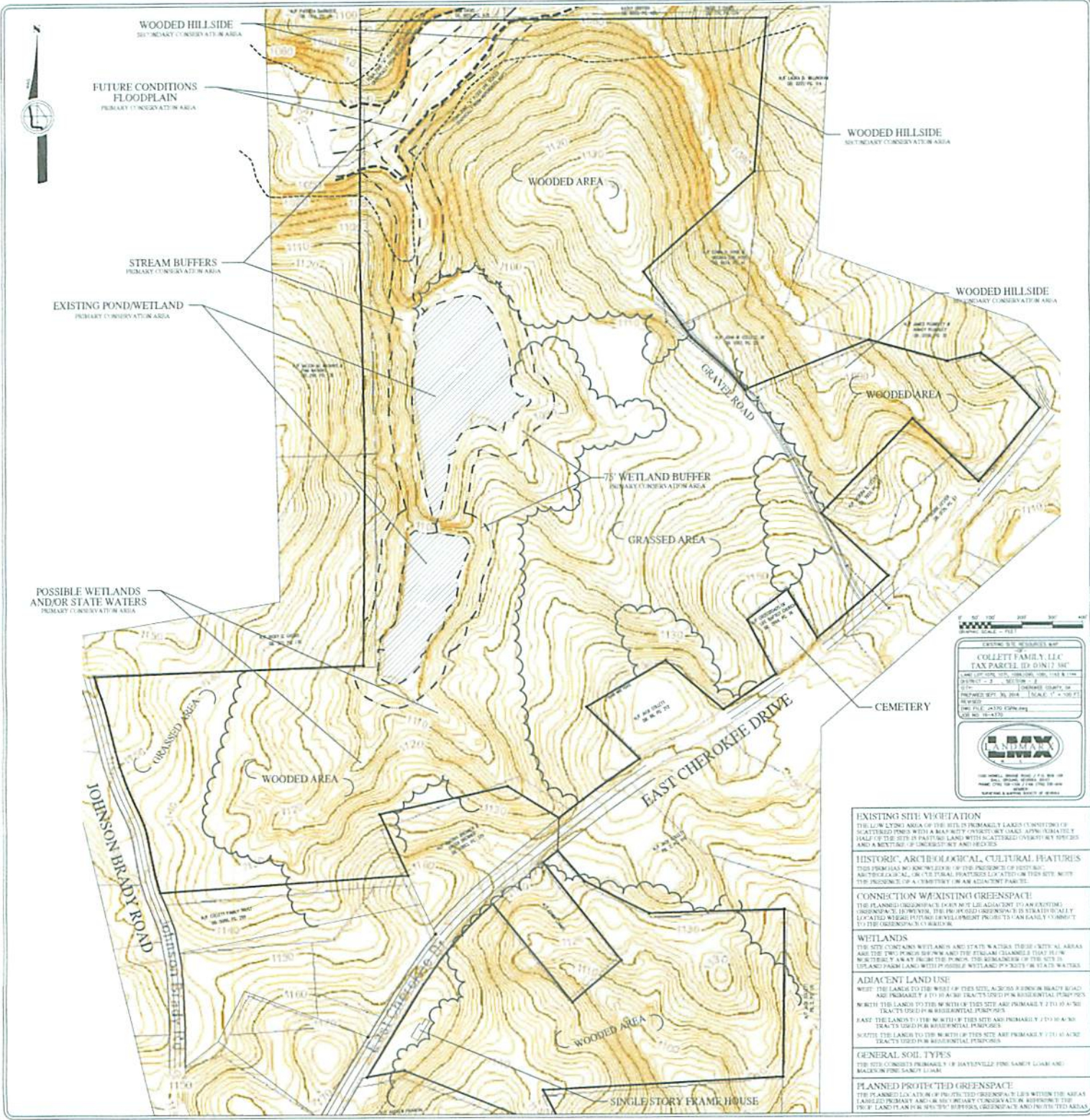
MARTIN LAND SURVIVORS, P.C.
MARTIN C. MARTIN, ELLS
104 HAYWOOD DRIVE
PO BOX 2008
PO BOX 1770 RFD-2008
MCM
MCM
MCM

COLLETT FAMILY, LLC
LAMBLETTS LAKE RESORT, DISTRICT A, SECTION 2
CITY OF FELD SPUR, CHESTER COUNTY, GEORGIA
PLAT OF FELD SPUR
PLAT APPROVED: JANUARY 14, 2014
RECORDED: JANUARY 14, 2014
DRAWN BY: ARI HOFFEL, P.E. SCALE: 1" = 200' 1/2
FOR THE RECORD CONCEPT ZONING PLAN

GEORGIA81
Engineering & Surveying, P.C.
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
PHONE: 404.525.8800
FAX: 404.525.8801
WWW.GEORGIA81.COM

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MAY 10 1964



EXISTING SITE INFORMATION MAP
COLLETT FAMILY, LLC
 TAX PARCEL ID: 0917 100
 LAND LOT 205, 206, 208, 209, 210, 211 & 212
 1/4 SECTION 9, T34N, R10E, S10E
 DISTRICT 10, MISSISSIPPI
 PROJECTED PL 2014 MAKE 1 + 500 FT
 1" = 500'
 DATE FILE: 2/15/10 EPH/ML
 JOB NO.: 10-113

EXISTING SITE VEGETATION
 THE LOW LYING AREA OF THE SITE IS PRIMARILY LAWN (CONSISTING OF SCATTERED PINES WITH A MAJORITY OVERCAST BY GRASS). APPROXIMATELY HALF OF THE SITE IS PASTURE LAND WITH SCATTERED OVERCAST BY PINE TREES AND A MIXTURE OF UNDERSTORY WEEDS AND FIELDS.

HISTORIC, ARCHAEOLOGICAL, CULTURAL FEATURES
 THIS PROJECT HAS NO KNOWN RECORD OF THE PRESENCE OF HISTORIC OR PREHISTORIC CULTURAL OR HISTORIC FEATURES LOCATED ON THE SITE. NOTWITHSTANDING THE PRESENCE OF A CEMETERY ON AN ADJACENT PARCEL.

CONNECTION W/EXISTING GREENSPACE
 THE PLANNED GREENSPACE DOES NOT ADJACENT TO AN EXISTING GREENSPACE. HOWEVER, THE PLANNED GREENSPACE IS STRATEGICALLY LOCATED WHERE FUTURE DEVELOPMENT PROJECTS ARE LIKELY TO ADJACENT TO THE GREENSPACE CREATING.

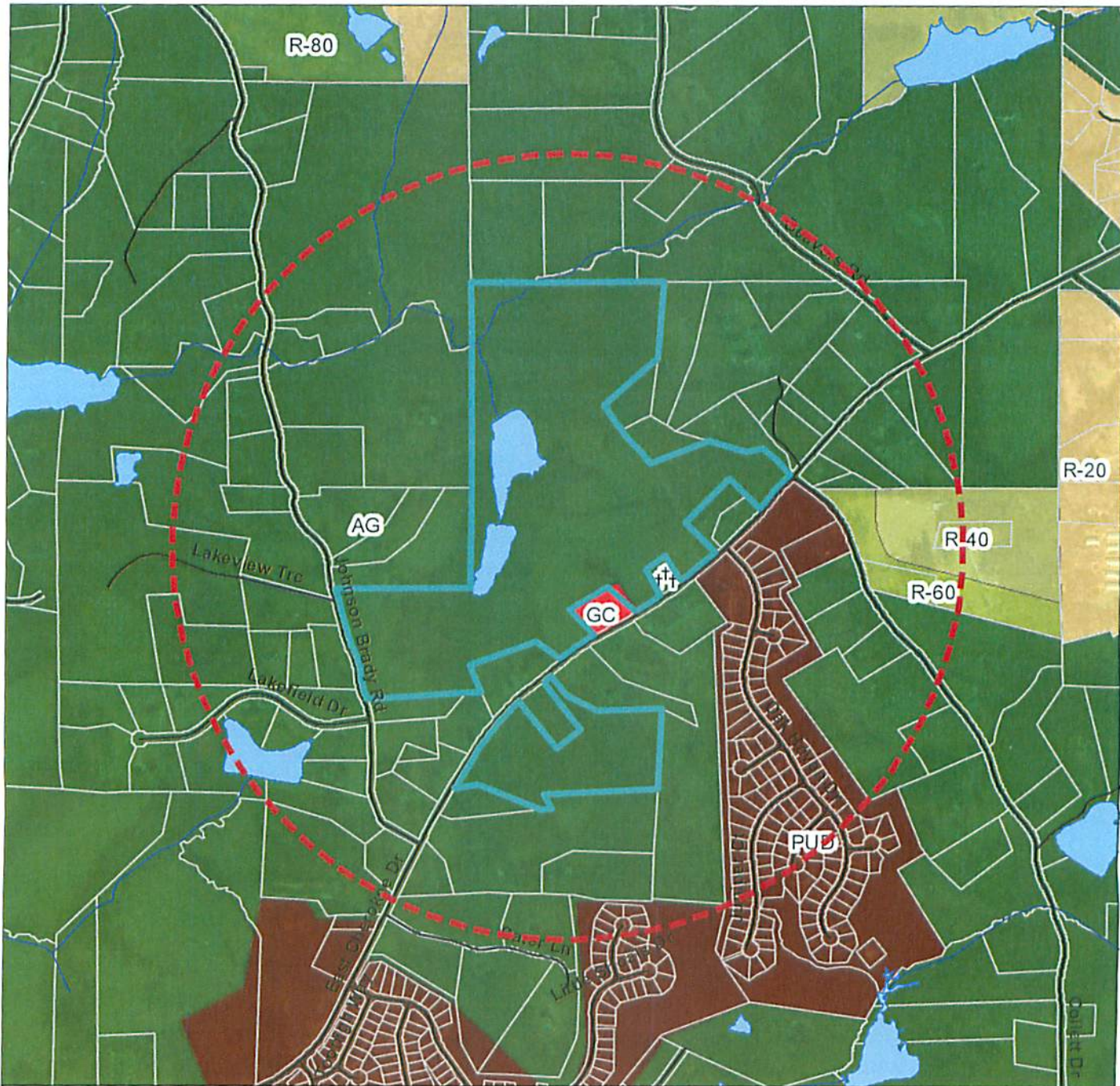
WETLANDS
 THE SITE CONTAINS WETLANDS AND STATE WATERS. THESE STATE WATERS ARE THE TWO POND ON THE SITE AND THE STREAM CHANNELS THAT RUN NORTH TO THE LANDS TO THE NORTH OF THIS SITE AND PRIMARILY TO THE NORTH TRACTS USED FOR RESIDENTIAL PURPOSES.

ADJACENT LAND USE
 WEST: THE LANDS TO THE WEST OF THIS SITE ARE 2000' BROAD BRADY ROAD AND PRIMARILY 1/4 TO 3/4 ACRES TRACTS USED FOR RESIDENTIAL PURPOSES.
 NORTH: THE LANDS TO THE NORTH OF THIS SITE ARE PRIMARILY 1/4 TO 1/2 ACRES TRACTS USED FOR RESIDENTIAL PURPOSES.
 EAST: THE LANDS TO THE EAST OF THIS SITE ARE PRIMARILY 1/4 TO 1/2 ACRES TRACTS USED FOR RESIDENTIAL PURPOSES.
 SOUTH: THE LANDS TO THE SOUTH OF THIS SITE ARE PRIMARILY 1/4 TO 1/2 ACRES TRACTS USED FOR RESIDENTIAL PURPOSES.

GENERAL SOIL TYPES
 THE SITE CONSISTS PRIMARILY OF HAYTOWNE FINE SANDY LOAM AND BAKER FINE SANDY LOAM.

PLANNED PROTECTED GREENSPACE
 THE PLANNED LOCATION OF PROTECTED GREENSPACE LIES WITHIN THE AREAS LABELED PRIMARY AND/OR SECONDARY CONSERVATION AREAS ON THE PREPARED LAND PLAN FOR SITE 75' BUFFER, GREENSPACE AND PROTECTED AREAS.

Zoning Map



Legend

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



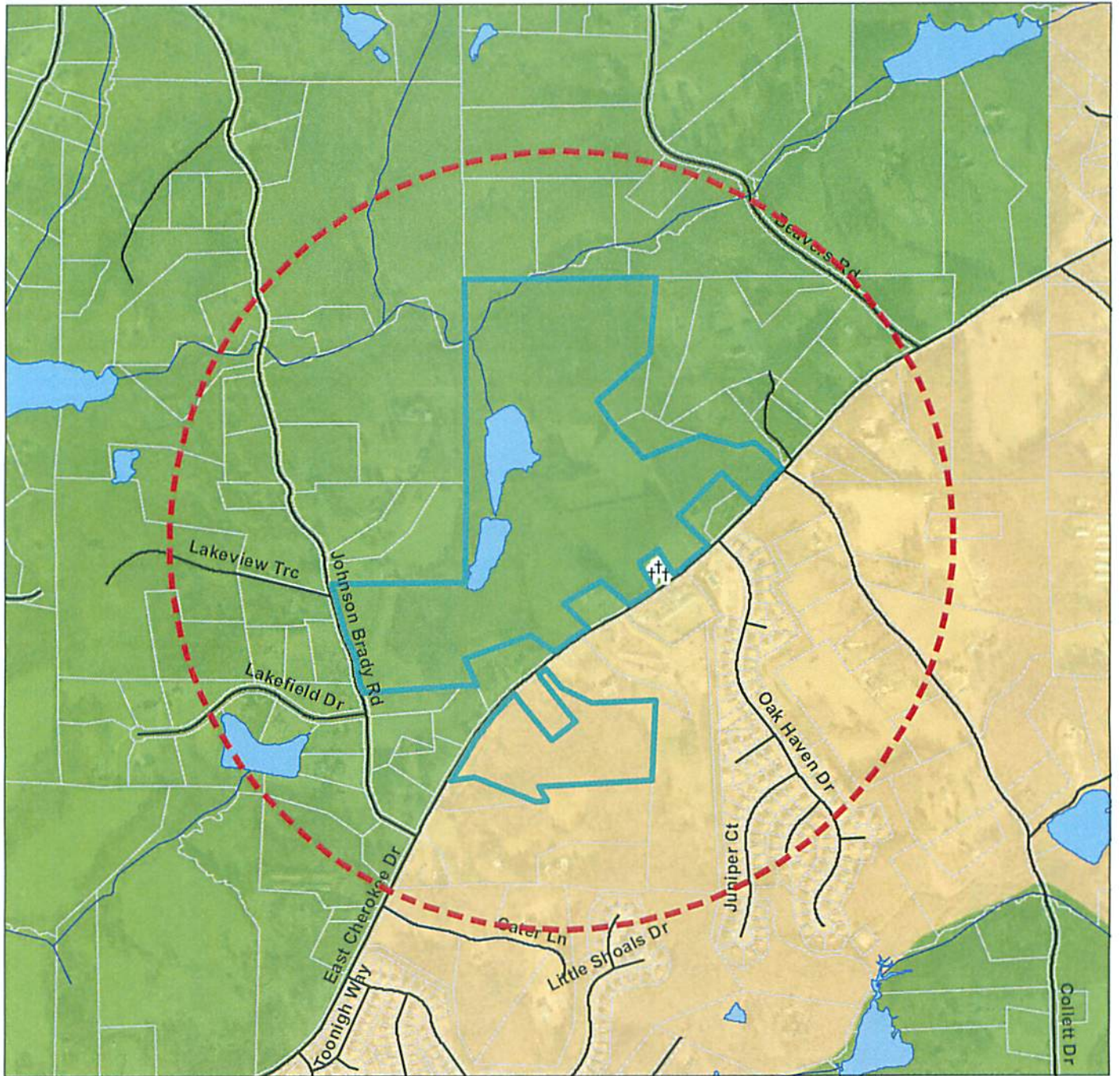
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Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2016

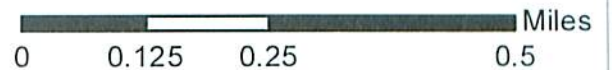


Future Development Map



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



Bray & Johnson

Attorneys at Law

10 North Street, Canton, GA 30114

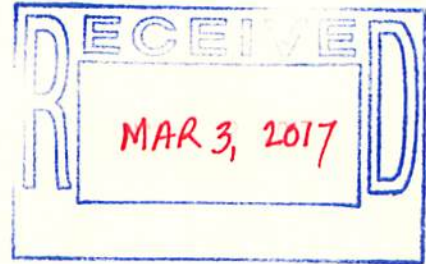
Roger M. Johnson
H. Michael Bray
Jennifer S. Gill
Derek S. Poarch

P. O. Box 1649
Canton, Georgia 30169

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

March 3, 2017

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



RE: **Public Participation Meeting Report**
Applicant: Collett Family, LLC

Dear Commission Members:

The public participation meeting on behalf of applicant, Collett Family, LLC, was held at R.T. Jones Memorial Library on March 1, 2017. The meeting began at 6:30 p.m. and did not conclude until 7:30 p.m.

In accordance with the requirements of the Cherokee County Ordinance notice of the meeting was provided to all of the parties as identified by the Cherokee County Planning & Zoning Department.

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

At the meeting the content of the zoning proposal was submitted to the people in attendance. The floor was open for discussion and there was a discussion concerning the Collett Family, LLC's application for rezoning.

In the opinion of the undersigned (presenter) there was not a lot of a concern, issues or problems expressed during the meeting.

Some of the attendees wanted to if there would be access an entrance off Johnson Brady Road. It was explained that under this application there would not be an entrance on Johnson Brady Road and the only entrance would be on East Cherokee Drive.

There were questions about the definition of R-30 and R-20. A good faith effort was made to explain the definitions of R-30 and R-20 and explain the concept of a conservation subdivision.

There was inquiries concerning the buffers presented on the plan and there was an effort to explain the buffers.

It was further explained that the next process would involve a presentation to the Planning Board for Cherokee County and their decision would be forwarded to the Board of Commissioners of Cherokee County for a final decision.

The presenter offered to provide copies of the site plan to people in attendance and copies were made and provided. It was further presented to the attendees that if anyone else wanted more information or a copy of the site plan it would be provided by the applicant. One person requested a copy of the site plan by email and that has been accomplished by counsel for applicant.

Many of the attendees were personally acquainted with members of the Collett Family, and were familiar with the attorney for applicant. Consequently, they were informed to feel free to contact the family's representative, Terry Hyde, or to contact the attorney for Applicant, H. Michael Bray, for the discussion of any issues or perceived problems.

Additionally, some attendees wanted to know the difference between this plan and the one previously presented and those differences were discussed in some detail.

There was a total of 26 attendees, with family members and friends of the family members in numbered about 8 to 10 of the attendees. There was some support for the application by the attendees.

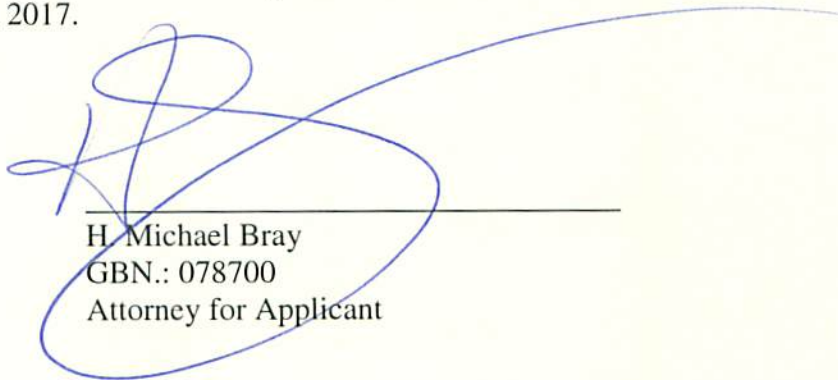
Frankly nobody expressed serious objection to the plan except for the fact that some people would like things to remain the same and no changes be made in the area.

In conclusion, it was clear that most of the attendees had specific questions about the intended development of the property. Consequently, it was explained that it was a request for an R-30 subdivision but with the development of a conservation subdivision. It was explained that the small parcel on East Cherokee Drive, 14 acres more or less, was going to be an R-20 development. Questions about an entrance on Johnson Brady Road were addressed and the difference between this plan and the previous application were discussed in detail.

While the attendees did not express any particular concern, issues or problems, there was some inquiry or comment about traffic. Traffic was discussed but no solutions were offered simply because traffic is a matter of a multitude dynamics including the fact that East Cherokee Drive is frequently used by those that don't live in Cherokee County and certainly don't live on East Cherokee Drive. It was acknowledged that a subdivision of 124 homes, and the small development of 14 acres of 23 homes would increase traffic. It is obvious that anybody who builds a home off East Cherokee Drive will increase traffic.

Nevertheless, it was a good meeting with the people in attendance with no expression of strong issues or problems of the Collett family having an opportunity to develop their property.

Respectfully submitted for the consideration of the Planning Board and the Board of Commissioners, this 3 day of March, 2017.

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

H. Michael Bray
GBN.: 078700
Attorney for Applicant

PLEASE SIGN IN

| | NAME | ADDRESS | TELEPHONE NUMBER | EMAIL ADDRESS |
|-----|-------------------------------|--------------------------------------|----------------------------------|----------------------------------|
| 1. | Debbie Negley | | 404- 642-1070 | dynegley@gmail.com |
| 2. | James & Nancy Plumley | | 770-656- 790 -8289 | nancy Plumley @windstream.net |
| 3. | Pam Watkins | 630 Johnson Brady Rd | 404 731 8268 | pswcajun@gmail |
| 4. | Toni Chumley David Chumley | 459 Johnson BRADY ROAD | 678-6898 4924 | |
| 5. | BRUCE CROUCH PAT CROUCH | 443 Johnson Brady Road | 404-580 7176 | bcrouch@windstream.net |
| 6. | Doris Hyde | 7554 East Cker. Canton, Dr | 770-479- 2860 | |
| 7. | Hail Kypis | 7631 EDWARDS CANTON, GEORGIA | 770 479 4142 | |
| 8. | John Kasper | 262 Johnson BRADY Canton 30113 | 404-384 6418 | LeslieKasper@ comcast.net |
| 9. | Ed Wyle | 7631 E Cherokee | 770 478 442 | |
| 10. | Hugh Ray Janie Ray | 820 Johnson BRADY Rd | 770-479-0379 | |

PLEASE SIGN IN

| | NAME | ADDRESS | TELEPHONE NUMBER | EMAIL ADDRESS |
|-----|-----------------|--|------------------|-------------------------|
| 11. | Alta Lummus | 7601 E Cherokee Rd Canton, GA | 770 853 0224 | |
| 12. | Russell Johnson | | 770-853 8231 | |
| 13. | Becky Lummus | 7808 E. Cherokee Canton, GA 30115 | 404- 387-2488 | becky.lummus@gmail.com |
| 14. | Tony Lummus | 7808 E. Cherokee Canton, GA 30115 | 678- 787-7455 | |
| 15. | Joel Van Wyk | | 770 490 7458 | |
| 16. | DALE BURKE | 337 Johnson Road Canton, GA | 404 4345433 | daleburke @yahoo.com |
| 17. | Hurt Jahon | Property owner 2468 E Cherokee Rd. | 770 479-4045 | none |
| 18. | John Collett | 130 New ST Buford | 770 945 6103 | none |
| 19. | Connie Savage | 76 Chippewa Rd Crawfordville, FL 32324 | 850-509 6345 | none |
| 20. | Gary Kaynoski | 1000 Lakewood Trail Canton, Ga 30115 | 678-723-5833 | gt16fr@gmail.com |

PLEASE SIGN IN

| | NAME | ADDRESS | TELEPHONE NUMBER | EMAIL ADDRESS |
|-----|-----------------|--|------------------|-------------------------|
| 21. | Bob Nealey | 286 Randy Lane | 678-393-9744 | RobertNealey@att.net |
| 22. | Rita Nealey | 286 Randy Lane Canton | 678-393-9744 | |
| 23. | Tammy Mason | 1714 Batesville Rd Canton, GA 30115 | 770-345-2220 | Thmason1107@gmail.com |
| 24. | Mitch Mason | " | " | mmason20@windstream.net |
| 25. | DAVE DAVIS | Beavers Rd. | 7-5064950 | dodavis@rcdcsys.com |
| 26. | Carolyn Collett | 7872 E. Cherokee | 770 605 4647 | - |
| 27. | | | | |
| 28. | | | | |
| 29. | | | | |
| 30. | | | | |



**Cherokee County, Georgia
Agenda Request**

Item#: 2.

SUBJECT: Case #17-03-006 Oak Hall Companies, LLC
(BOC Dist. 2)

MEETING DATE: 4/4/2017

Applicant requesting to postpone until May 2, 2017 pending revised site plan, traffic study and public participation meeting

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 39.575 acres at Arnold Mill Road and Highway 140 from AG and R-40 to NC, RTH and RZL to build a mixed use development.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: AG and R-40 to NC, RTH and RZL
Location: Arnold Mill Road and Highway 140
Tax Map and Parcel No: 02N04, 215C, 215E, 219 and 223
Acres: 39.575
Proposed Development: Mixed Use Development
Future Development Map: Suburban Living in a transitional corridor.

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"/> Existing Site Resources | Exhibit |
| <input type="checkbox"/> Public Participation | Exhibit |
| <input type="checkbox"/> Staff Report | Exhibit |
| <input type="checkbox"/> Zoning Map | Exhibit |
| <input type="checkbox"/> Future Development Map | Exhibit |



CHEROKEE COUNTY
Application for Public Hearing

Important Notes:

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

SECTION I

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

Applicant's Information:

Name: Oak Hall Companies, LLC
 Address: 5256 Peachtree Road, Suite 195 Phone: _____
 City, State, Zip: Atlanta, GA 30341

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>2</u> | Public Participation Meeting: <u>1/10/17</u> |
| Case: <u>17-03-006</u> | PC Work Session Date: <u>2/20/17</u> |
| CityView # <u>PL20170000103</u> | Planning Commission Hearing: <u>3/7/17</u> |
| Received by: _____ | Board of Commissioners: <u>3/21/17</u> |
| Fee Paid: \$ <u>1250⁰⁰</u> | Zoning Board of Appeals: _____ |
| Date: _____ | Other: _____ |

SECTION II

Property Information:

Location: North side of Arnold Mill at Highway 140 and east side of Highway 140

Current Zoning: AG & R-40 Proposed Zoning: NC, RTH & RZL Total Acreage: 38.76

Tax Map #: N Parcel #: See attached Exhibit "A" Land Lot(s): 787, 798 & 859 District: 2

Future Development Map Designation: Suburban Living in a Transitional corridor.

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

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

Applicant proposes to rezone the property from AG and R-40 to NC, RTH and RZL to build a mixed-use development with single family homes and retail pods.

Proposed Use(s) of Property:

Single family homes and retail pods.

Applicant Affidavit:

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

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

This 20 day of January, 2017.

Print Name Parks F. Huff, Attorney for Applicant.

Applicant Signature [Signature].

SECTION III

Infrastructure Information:

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

How is sewage from this site to be managed?

Cherokee Water and Sewer

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

If yes, what is the projected increase? 0* students *This application is for an age restricted development.

| 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? 1,311 trips

| Code | Land Use(s) | # of units or sqft* | Daily Trip Ends* | Number of Trips |
|------|---------------------------------|---------------------|------------------|-----------------|
| 210 | Single Family Home/ Townhome | 137 | 9.57 | 1,311.09 |
| 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.

EXHIBIT "A"
CHEROKEE COUNTY APPLICATION FOR PUBLIC HEARING

Property Owners List

- | | |
|---|------------------|
| 1. Roy Sylvie & Paul F Gantt 3302 Sugar Pike Road Canton, Georgia 30115 | TIN: 02N04 215 C |
| 2. Mosaic Capital, LLC 669 Atlanta Country Club Drive Marietta, Georgia 30067 | TIN: 02N04 215 E |
| 3. Roy F. & Carole R. Gantt 3302 Sugar Pike Road Canton, Georgia 30115 | TIN: 02N04 219 |
| 4. Roy Gantt 3302 Sugar Pike Road Canton. Georgia 30115 | TIN: 02N04 223 |

SECTION V

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

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

1. Explain the intent of the requested zoning.

Oak Hall proposes to build an age-restricted community with a small amount of retail use at the north-west intersection of Arnold Mill Road and Hickory Flay Highway (S.R. 140). The proposal's impact being an age restricted community is consistent with the Suburban Living Land use category. Because of the age-restricted product, the applicant is therefore proposing a combination of NC, RTH and RZL zoning categories. Overall, the applicant proposes 137 homes with a variety of products for a density of 3.5 units per acre with 11,000 square feet of neighborhood commercial.

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

The property is at the intersection of two major roads. Because of the existing GC zoning in the area and the fact it is at a major intersection, the owners of the property anticipate a major commercial development. The applicant proposes an age-restricted development with a small 11,000 square feet of neighborhood retail. The impact of this development on the schools and traffic is significantly less than if the property was developed as R-20.

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

The proposed use will not adversely affect the usability of adjacent or nearby property. The residential is developed at 3.5 units per acre and the relatively small amount of retail is less than the size of a small grocery store with relatively small footprints for restaurants and small scale retail. This mixed use development is compatible with the existing residential development.

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

As zoned, given the challenges associated with developing the property including accessing sewer, it is not economically feasible to develop the property as zoned.

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

The property is at the intersection of two major roads. There is an existing traffic problem. Oak Hall will propose traffic improvements to the existing streets that relate to the proposed new development. Additionally, the applicant will work with the Cherokee County Engineer on other improvements that could help, including donation of right of way and potentially the installation of turn lanes.

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

The property is in a Transitional Zone with an underlying Suburban Living category. Suburban Living includes residential development up to RD-3, or 3 units per acre. But, adding the Transitional component adds RTH and RZL as zoning categories and the potential for low intensity commercial uses. Therefore, the proposal is consistent with the Future Development Map.

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

This area of Cherokee County has little options for restaurants and shopping. Additionally, housing options are limited. The proposed development will provide housing options and retail options at a major interchange. The properties proximity to Milton, Alpharetta and I-400 is also a huge factor for the proposal.

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 787, 2nd District, 2nd Section, Cherokee County, Georgia, being more particularly described as follows:

BEGINNING at the northwestern intersection of S.R. 140 a.k.a. Hickory Flat Hwy.(right of way varies) and the right of way of Grimes Road (50 feet right of way); thence northerly along the right of way of S.R. 140 a.k.a. Hickory Flat Hwy. a distance of 18.85 feet to a point, that is the **POINT OF BEGINNING**; thence leaving said right of way South 44°41'05" West a distance of 17.92 feet to a point; thence South 89°52'45" West a distance of 180.56 feet to a point; thence South 01°07'30" West a distance of 4.00 feet to a point; thence South 89°52'45" West a distance of 33.71 feet to a point; thence North 00°07'15" West a distance of 267.04 feet to a point; thence South 89°12'57" East a distance of 226.18 feet to a point located on the western right of way of S.R. 140 a.k.a. Hickory Flat Hwy.; thence along said right of way South 00°18'55" East a distance of 246.75 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 1.360 Acres.

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 798, 2nd District, 2nd Section, Cherokee County, Georgia, being more particularly described as follows:

BEGINNING at the southwestern intersection of S.R. 140 a.k.a. Hickory Flat Hwy.(right of way varies) and the right of way of Grimes Road (50 feet right of way); thence southwesterly along the right of way of Grimes Road a distance of 410.64 feet to a point located on the intersection of said right of way with the Land Lot Line common to Land Lots 787 and 798, that is the **POINT OF BEGINNING**; thence leaving said right of way and along the land Lot Line common to Land Lots 787 and 798 South 88°41'02" East a distance of 174.41 feet to a point located on the western right of way of S.R. 140 a.k.a. Hickory Flat Hwy.; thence along said right of way South 08°55'34" East a distance of 111.55 feet to a point; thence continuing along said right of way South 79°51'42" West a distance of 46.22 feet to a point; thence continuing along said right of way 80.52 feet along a curve to the left, said curve having a chord of South 06°53'06" East 80.44 feet and a radius of 520.31 feet to a point; thence leaving said right of way North 85°00'06" West a distance of 181.43 feet to a point located on the eastern right of way of Grimes Road ; thence along said right of way North 07°36'43" East a distance of 181.71 feet to a point; thence continuing along said right of way 6.35 feet along a curve to the right, said curve having a chord of North 07°42'37" East 6.35 feet and a radius of 1848.25 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 0.807 Acres.

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lot 798, 2nd District, 2nd Section, Cherokee County, Georgia, being more particularly described as follows:

BEGINNING at the northeastern intersection of Arnold Mill Road (right of way varies) and the right of way of Grimes Road (50 feet right of way) thence northeasterly along the right of way of Grimes Road a distance of 577.54 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along the right of way of Grimes Road North 10°14'48" East a distance of 32.15 feet to a point; thence continuing along said right of way 81.09 feet along a curve to the right, said curve having a chord of North 13°21'42" East 81.08 feet and a radius of 1545.61 feet to a point; thence continuing along said right of way North 17°30'10" East a distance of 99.17 feet to a point; thence continuing along said right of way North 15°38'29" East a distance of 93.28 feet to a point; thence continuing along said right of way 310.34 feet along a curve to the left, said curve having a chord of North 08°55'25" East 309.63 feet and a radius of 1323.49 feet to a point; thence continuing along said right of way North 07°36'43" East a distance of 116.91 feet to a point; thence leaving said right of way South 86°44'06" East a distance of 289.67 feet to a point located on the western right of way of S.R. 140 a.k.a. Hickory Flat Hwy.(right of way varies); thence along said right of way South 16°42'37" East a distance of 1.51 feet to a point; thence continuing along said right of way South 26°11'18" East a distance of 124.80 feet to a point; thence continuing along said right of way North 61°52'30" East a distance of 13.43 feet to a point; thence continuing along said right of way South 28°32'48" East a distance of 315.78 feet to a point; thence continuing along said right of way 305.85 feet along a curve to the right, said curve having a chord of South 24°02'06" East 304.42 feet and a radius of 910.96 feet to a point; thence continuing along said right of way South 14°24'59" East a distance of 35.08 feet to a point; thence continuing along said right of way South 72°11'34" West a distance of 9.17 feet to a point; thence continuing along said right of way North 14°56'29" West a distance of 24.19 feet to a point; thence continuing along said right of way South 77°15'28" West a distance of 18.40 feet to a point; thence continuing along said right of way 165.87 feet along a curve to the right, said curve having a chord of South 06°09'03" East 165.59 feet and a radius of 818.50 feet to a point; thence continuing along said right of way South 00°20'44" East a distance of 116.71 feet to a point located on the intersection of said right of way with the Land Lot Line common to Land Lots 798 and 859; thence leaving said right of way and along the Land Lot Line common to land Lots 798 and 859 North 86°34'57" West a distance of 360.71 feet to a point; thence leaving said Land Lot Line North 04°04'02" East a distance of 127.74 feet to a point; thence North 74°57'49" West a distance of 432.46 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 11.337 Acres.

Legal Description

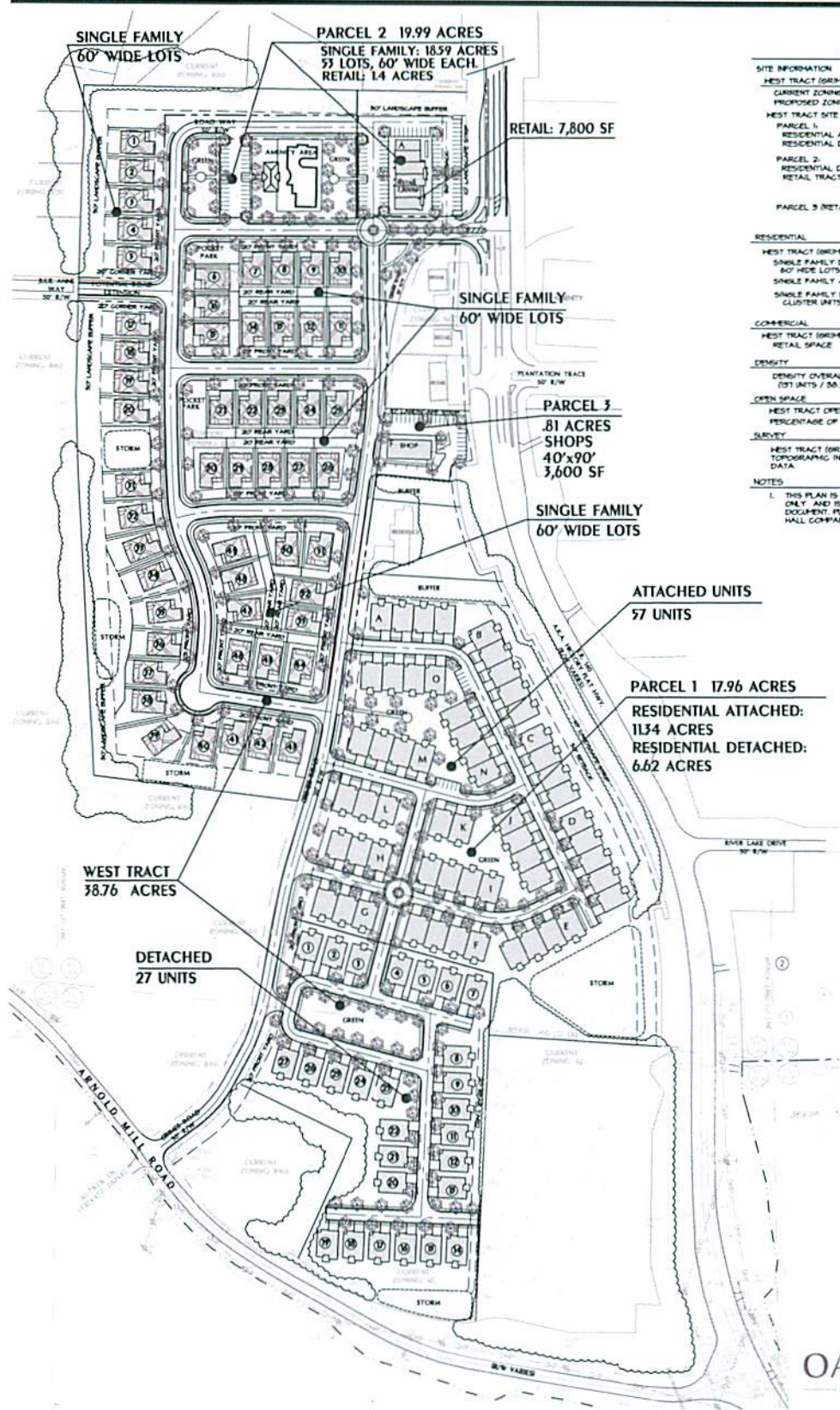
ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 787 and 798, 2nd District, 2nd Section, Cherokee County, Georgia, being more particularly described as follows:

BEGINNING at the northwestern intersection of S.R. 140 a.k.a. Hickory Flat Hwy.(right of way varies) and the right of way of Grimes Road (50 feet right of way), that is the **POINT OF BEGINNING**; thence along the right of way of Grimes Road South 88°57'36" West a distance of 28.55 feet to a point; thence continuing along said right of way 163.84 feet along a curve to the left, said curve having a chord of South 52°45'28" West 153.39 feet and a radius of 131.18 feet to a point; thence continuing along said right of way 310.28 feet along a curve to the left, said curve having a chord of South 12°17'40" West 309.93 feet and a radius of 1898.25 feet to a point; thence continuing along said right of way South 07°36'43" West a distance of 456.28 feet to a point; 300.96 feet along a curve to the right, said curve thence continuing along said right of way having a chord of South 08°52'16" West 300.26 feet and a radius of 1273.49 feet to a point; thence continuing along said right of way South 15°38'29" West a distance of 68.03 feet to a point; thence leaving said right of way North 83°11'01" West a distance of 425.27 feet to a point located on the Land Lot Line common to Land Lots 797 and 798; thence along said Land Lot Line North 03°12'50" West a distance of 622.71 feet to a point; thence North 02°04'35" West a distance of 162.50 feet to a point located on the Land Lot corner common to Land Lots 787, 788, 797 and 798; thence along the Land Lot Line common to Land Lots 787 and 788 North 01°05'37" East a distance of 652.55 feet to a point; thence leaving said Land Lot Line South 89°12'57" East a distance of 564.79 feet to a point; thence South 00°07'15" East a distance of 267.04 feet to a point; thence North 89°52'45" East a distance of 33.71 feet to a point; thence North 01°07'30" East a distance of 4.00 feet to a point; thence North 89°52'45" East a distance of 180.56 feet to a point; thence North 44°41'05" East a distance of 17.92 feet to a point located on the western right of way of S.R. 140 a.k.a. Hickory Flat Hwy; thence along said right of way South 00°18'55" East a distance of 18.85 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 18.657 Acres.

Legal Description

ALL THAT TRACT OR PARCEL OF land lying and being in Land Lots 798 and 859, 2nd District, 2nd Section, Cherokee County, Georgia, being more particularly described as follows:

BEGINNING at the northeastern intersection of Arnold Mill Road (right of way varies) and the right of way of Grimes Road (50 feet right of way) thence northeasterly along the right of way of Grimes Road a distance of 214.31 feet to a point, that is the **POINT OF BEGINNING**; thence continuing along the right of way of Grimes Road 46.41 feet along a curve to the left, said curve having a chord of North 26°29'03" East 46.37 feet and a radius of 351.25 feet to a point; thence continuing along said right of way North 29°14'01" East a distance of 47.86 feet to a point; thence continuing along said right of way 99.46 feet along a curve to the left, said curve having a chord of North 16°31'20" East 98.65 feet and a radius of 224.16 feet to a point; thence continuing along said right of way North 10°14'48" East a distance of 169.50 feet to a point; thence leaving said right of way South 74°57'49" East a distance of 432.46 feet to a point; thence South 04°04'02" West a distance of 127.74 feet to a point; thence South 02°21'37" West a distance of 594.81 feet to a point located on the northern right of way of Arnold Mill Road; thence along said right of way 36.17 feet along a curve to the right, said curve having a chord of South 86°49'21" West 36.02 feet and a radius of 113.53 feet to a point; thence continuing along said right of way 251.48 feet along a curve to the right, said curve having a chord of North 73°46'34" West 250.13 feet and a radius of 701.29 feet to a point; thence continuing along said right of way 80.30 feet along a curve to the right, said curve having a chord of North 57°00'27" West 80.13 feet and a radius of 354.16 feet to a point; thence continuing along said right of way North 50°30'43" West a distance of 29.52 feet to a point; thence leaving said right of way North 23°45'27" East a distance of 270.72 feet to a point; thence North 64°07'29" West a distance of 254.84 feet to a point, being the **POINT OF BEGINNING**. Said tract contains 6.620 Acres.



SITE SUMMARY

| SITE INFORMATION | |
|--|--------------------|
| WEST TRACT (GRIMES RD) | |
| CURRENT ZONING: | R40 & A9 |
| PROPOSED ZONING: | R2L, RTH & NC |
| WEST TRACT SITE AREA: | |
| PARCEL 1: | 11.34 ACRES |
| RESIDENTIAL ATTACHED: | 6.62 ACRES |
| RESIDENTIAL DETACHED: | 11.76 ACRES |
| PARCEL 2: | 18.59 ACRES |
| RESIDENTIAL DETACHED: | 1.40 ACRES |
| RETAIL TRACT: | 14.99 ACRES |
| PARCEL 3 (RETAIL): | .81 ACRES |
| TOTAL 41-50.76 ACRES | |
| RESIDENTIAL | |
| WEST TRACT (GRIMES RD) | |
| SINGLE FAMILY DETACHED: | 53 LOTS |
| 60' WIDE LOTS: | 51 UNITS |
| SINGLE FAMILY ATTACHED: | 21 LOTS |
| SINGLE FAMILY DETACHED CLUSTER UNITS: | TOTAL 131 UNITS |
| COMMERCIAL | |
| WEST TRACT (GRIMES RD) | |
| RETAIL SPACE: | 11,400 SF |
| DENSITY | |
| DENSITY OVERALL PROJECT: | 3.595 UNITS / ACRE |
| (131 UNITS / 50.76 ACRE) | |
| OPEN SPACE | |
| WEST TRACT OPEN SPACE: | 4.34 ACRES |
| PERCENTAGE OF OPEN SPACE OVERALL PROJECT: | 24.1 % |
| SURVEY | |
| WEST TRACT (GRIMES ROAD) BOUNDARY AND TOPOGRAPHIC INFORMATION OBTAINED FROM COMPILED DATA. | |
| NOTES | |
| 1. THIS PLAN IS TO BE USED FOR PLANNING PURPOSES ONLY AND IS NOT INTENDED TO BE A CONSTRUCTION DOCUMENT. PLAN IS PREPARED FOR USE ONLY BY OAK HALL COMPANIES, LLC. | |

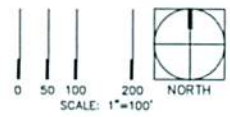


OAK HALL
COMPANIES LLC

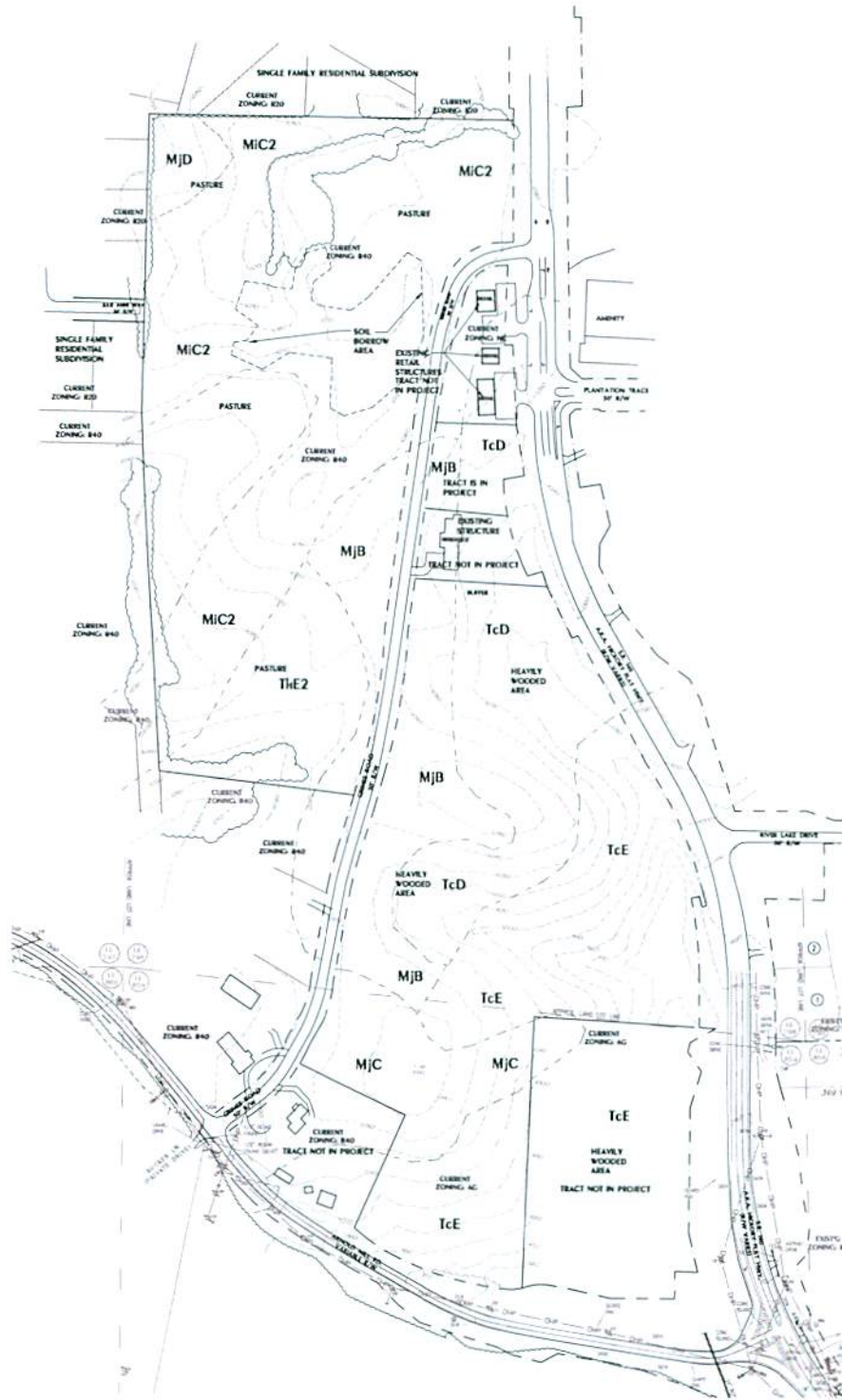
140 TOWNSHIP
A MIXED-USE COMMUNITY

CONCEPT PLAN

Development Consultants, Inc.
Land Planning • Site Development • Landscape Architecture
4025 Peachtree Lane, Atlanta, GA 30341, Tel: 404.261.2100



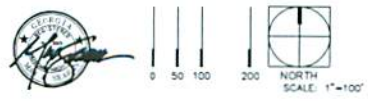
Prepared for
Oak Hall Companies, LLC
5256 Peachtree Road, Suite 195
770-662-5395
Atlanta, GA 30341
DATE: 1/19/2017



140 TOWNSHIP A MIXED-USE COMMUNITY

Site Resources Map (Tract north of Arnold Mill Road)

Development Consultants, Inc.
 1000 Peachtree Road, Suite 195
 Atlanta, GA 30341
 Phone: 770-442-9995
 Fax: 770-442-9996
 Website: www.developmentconsultants.com



Prepared for
 Oak Hall Companies, LLC 1225
 Peachtree Road, Suite 195
 Atlanta, GA 30341
 DATE: 1/3/2010

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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

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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

January 20, 2017

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

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

Re: Application of Oak Hall Companies, LLC to rezone ±38.76 acres on the west side of Hickory Flay Highway (S.R. 140) and the north side of Arnold Mill Road from AG and R-40 to NC, RTH and RZL for a mixed use development.

Dear Vicki:

Oak Hall Companies, LLC ("Oak Hall") conducted a public participation meeting on **January 10, 2017** at City Center in Woodstock. The meeting was well attended and attached is a list of those in attendance signed in. Oak Hall explained that the project was a mixed use proposal with neighborhood commercial and a variety of housing options similar the Crabapple development. The property presented to them is currently zoned GC, AG, R-40 and R-20 and the proposed zoning categories are NC, RTH and RZL for a neighborhood village. The property is at the signalized intersection of State Route 140 and Arnold Mill Road and traffic was a big concern for the community. Although traffic is bad for the morning and afternoon commute, putting residents closer to the employment centers in Roswell and Alpharetta is good planning. The neighbors were generally opposed to the proposed density and specifically did not like the attached townhomes. However, the Suburban Living and Transitional Corridor land use designation indicates the county anticipates additional density in this area. Additionally, the existing GC zoning in the area shows the potential for commercial development in the area.

Based upon the feedback from the community, Oak Hall dropped the property to the east from the development proposal and is now only proposing the property on the west side of State Route 140. Additionally, Oak Hall will agree to age-restricting this community so its impact on traffic and schools will be significantly less than if the community is developed as a single family neighborhood. In general though, the neighbors were very concerned about the proposed density and specifically the traffic problem that currently exists.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Ms. Vicki Taylor Lee, AICP, Zoning Administrator
Cherokee County Planning and Zoning Department
January 20, 2017
Page 2

Please let me know if you have any additional questions or concerns regarding this meeting.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



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

PFH/dvm

Attachments

cc: Oak Hall Companies, LLC

PUBLIC INPUT PLAN

COMES NOW, OAK HALL COMPANIES, LLC, (hereinafter "Applicant") to file this Public Participation Plan along with its Public Hearing Application for property located on the west side of Hickory Flay Highway (S.R. 140) and the north side of Arnold Mill Road. The Applicant is implementing the following plan in order to inform the community of the development proposal and to create a dialogue with the surrounding residents and the effected government entities.

1.

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

2.

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

3.

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

4.

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

5.

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

6.

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

Respectfully submitted this 20 day of January, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP



By: _____
PARKS F. HUFF
Attorneys for Applicant,
Oak Hall Companies, LLC



Staff Report

Case No: 17-03-006
Applicant Name: Oak Hall Companies, LLC.
Location: Arnold Mill Road at Highway 140
 (02N04, 215C, 215E, 219, and 223)
From/To: AG and R-40 to NC, RTH and RZL
Proposed Use: Age-restricted single family homes and retail pod
Commission Post: 2

| | Existing Zoning | Existing Land Use |
|-------|------------------|--------------------------------------|
| North | R-20 | Quail Woods Subdivision |
| South | R-40 and AG | Residential and Vacant |
| East | R-20, NC, and AG | Crabapple Falls and Landscape Supply |
| West | R-20 and R-40 | Laurel Brooke and Quail Woods |

Future Development Map

| Character Area/Node/Corridor | Description |
|------------------------------|--|
| Suburban Living | Established residential neighborhoods with potential infill and redevelopment opportunities. Suggested zonings: R-40, R-30, R-20, R-15 and RD-3. |
| Transitional Corridor | This corridor is designed to allow more intensive residential uses and limited compatible non-residential uses along major roadways. Restrictions in this corridor allow a smooth transition to surrounding areas. Size, appearance and parking standards apply. Suggested zoning districts in this character area are AG, O-1 and NC. |

| Suburban Living | |
|---|---|
| Primary Land Uses | Secondary Land Uses |
| Single-family Residential Traditional Neighborhoods Conservation Subdivisions | Residentially-related semi-public and institutional uses Regional outdoor recreational uses or parks |

| Transitional Corridor | |
|---|---|
| Primary Land Uses | Secondary Land Uses |
| Single-family detached housing Conservation Subdivisions Master planned communities | Retail shops Personal services such as laundromats, dry cleaners, barber/beauty shops and video rental Professional services such as lawyers, accountants, insurances agents, physicians and dentists Neighborhood institutions such as churches, schools, day care, fire stations and libraries |

Analysis and Comment

The subject parcels total 39.575 acres and lie on the west side of State Route 140 at Arnold Mill Road. A Public Participation Meeting was held on January 10, 2017 with thirty-one (31) attendees signing in. An Existing Site resource map was submitted as well and appears to meet the requirements by Code. We have received a lot of letters in opposition to this petition and one letter in support of the petition.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

1.3 Cherokee County Board of Education

- This is proposed as an age restricted development. Barring that, the Board of Education estimated 99 students in a 137 lot subdivision.

1.4 Fire Marshal's Office

1.5 Sheriff's Office

Case # 17-03-006 - Community Agenda Analysis

Section 1 – Community Vision

| | |
|------------------|---|
| Community | Northwest of the intersection of SR 140 and Arnold Mill 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.

Applicant seeks to rezone from AG and R-40 to NC, RTH, and RZL to build a mixed-use development with single family homes and retail pods.

Section 2 – Core Issues

Project Supports

| | |
|---------------------------------|---|
| Planning for Sustainable Growth | This location has most infrastructure and services nearby. |
| Diverse Economic Opportunities | New employment opportunities could be generated by the commercial tracts. |
| Housing Choice | Project could add to the diversity of housing options. |
| Aging in Place | The applicant proposes an age restricted residential product. |

Project is Neutral

| | |
|--|------------------------|
| Land Use Patterns that Promote Connectivity and Mobility | No evidence of impact. |
| Designing with the Environment | No evidence of impact. |
| Preserve and Enhance Sense of Place | No evidence of impact. |

Project Neglects

Section 3 – Character Area Description

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

The Suburban Living Character Area. The intent of this Character Area is to support existing suburban development with compatible residential and commercial development. Suitable development in this area should be similar to the existing pattern of development in terms of size, scale, and lot density. Suggested Zoning Districts in this Character Area are R-40, R-30, R-20, R-15, and RD-3. This project is not consistent with the Character Area.

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

The intent of the Transitional Corridor is to allow more intense development immediately adjacent to the roadway and transitioning to lower intensity surrounding areas. Nonresidential uses are envisioned to be small in size and scale. New commercial developments should be compatible with the adjoining neighborhood. In addition, master planned communities are one of the primary land uses within the Corridor. The intensity of new residential developments may be higher than the underlying Character Area based on the character of surrounding

development and if infrastructure permits. Suggested Zoning Districts in this Corridor are AG, OI, and NC. While this project is proposed near the intersection of two major roads and has access to sewer, the intensity of the residential component exceeds the envisioned intensity of this Corridor. Therefore, this project is not consistent with the Corridor.

Cherokee County Government

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



REZONING MEMORANDUM

Case Number: 17-03-006

Applicant: Oak Hall Companies, LLC

Current Zoning: AG & R-40

Proposed Zoning: NC, RTH & RZL

● Transportation:

- **Primary Public Access** – The primary public access for the property in this application is Grimes Road. Grimes Road is a two-lane local roadway that is approximately 16 feet wide. The geometry of the roadway is generally good. Grimes Road runs between State Route 140 and Arnold Mill Road.
- **Planned Improvements** – There are no planned improvements to this section of Grimes Road.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is an increase of 1,350 vehicles per day.

| Zoning | Units | Trips Per Day |
|-------------------------|-----------|---------------|
| Current AG & R-40 | 33 units | 316 |
| Proposed NC, RTH, & RZL | 209 units | 1,666 |

- **Development Related Improvements** – It is anticipated that the developer would need to reconstruct Grimes Road to meet the current County Standards and include curb and gutter for the entire length. The intersection of Grimes Road and State Route 140 would need to be improved to include a deceleration lane. The intersection of Grimes Road and Arnold Mill Road would need to be improved to include a deceleration lane and a left turn-lane onto Grimes Road (as well as possible geometric improvements on Arnold Mill Road in order to meet current sight distance requirements). At the time of the report, there has not been a traffic study submitted.

● Stormwater:

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

● Conclusion:

It is the opinion of the Cherokee County Engineering Department that Grimes Road should be able to handle the additional traffic generated by this application provided that the developer complete the following improvements:

1. Upgrade Grimes Road to include curb and gutter and construct to meet current County Standards.
2. Improve the intersection of Grimes Road and SR 140 to include a deceleration lane and improved radii.
3. Improve the intersection of Grimes Road and Arnold Mill Road to include a deceleration lane and a left-turn lane onto Grimes Road.

Rezoning Case Impact Report

| | | | | | |
|---|---|----------------------|---|---------------------------|------------------------------------|
| Jurisdiction | | Rezoning Case Number | | Applicant Name | |
| Cherokee County | | 17-03-006 | | Oak Hall Companies, LLC | |
| Acreage | Number of Lots | Current Zoning | Proposed Zoning | Housing Type | |
| 39.575 | 137 | AG & R-40 | NC, RTH & RZL | Single Family Residential | |
| Estimated Student Impact ⁽¹⁾ | Additional Capacity Needed | | Additional Capacity Cost ⁽²⁾ | | Annual Student Cost ⁽³⁾ |
| 99 Students | 4 Classroom(s) | \$135,000.00 | | \$707,949.00 | |
| Planning Commission Meeting Date | County Commission/City Council Meeting Date | | Map and Parcel | | |
| 3/7/2017 | 2/21/2017 | | 02N04/215C, 215E, 219, 223 | | |
| Property Description | | | | | |
| Suburban Living | | | | | |

Affected Schools Capacity Information

| Elementary School | ES Enrollment | ES Capacity | % Capacity |
|-------------------|---------------|-------------|------------|
| Mountain Road ES | 419 | 713 | 58.77% |
| Middle School | MS Enrollment | MS Capacity | % Capacity |
| Dean Rusk MS | 1479 | 1600 | 92.44% |
| High School | HS Enrollment | HS Capacity | % Capacity |
| Sequoyah HS | 1848 | 1737 | 106.39% |

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

(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.

Case # 17-03-006 Oak Hall Companies, LLC

Zoning Map



Legend

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



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

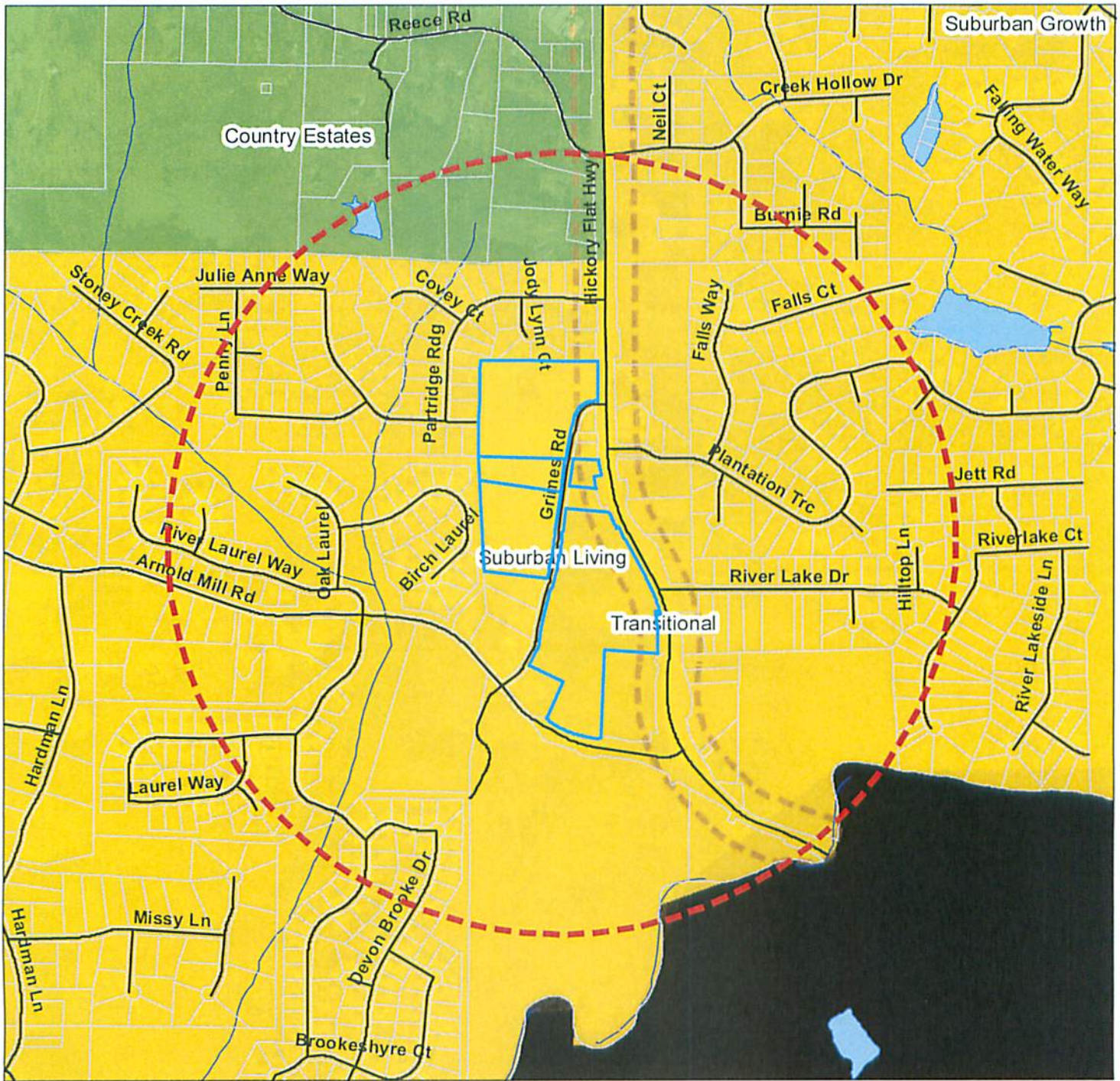


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
30 January 2017



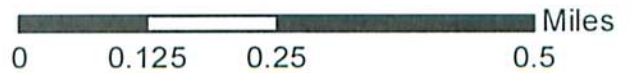
Case # 17-03-006 Oak Hall Companies, LLC

Future Development Map



Legend

- | | | |
|---------------------|-----------------------|------------------------|
| Rezoning Parcel | County Crossroads | Character Areas |
| 1/2 Mile Radius | Hamlet | Natural Preserve |
| School | Neighborhood Village | Rural Places |
| Cemetery | Community Village | Country Estates |
| Church | Corridors | Suburban Growth |
| Street | Scenic Corridor | Suburban Living |
| Parcel | Transitional Corridor | Neighborhood Living |
| 100 Year Flood Zone | Development Corridor | Bell's Ferry LCI |
| | | 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
30 January 2017





Cherokee County, Georgia
Agenda Request

Item#: 3.

SUBJECT:
Case #17-04-011 Phoebe Maze (City of
Waleska)

MEETING DATE:
4/4/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 3.15 acres at 423 Bartow Street from R-30 to GC-LU for general commercial uses.

FACTS AND ISSUES:

Commission District: City of Waleska
Zoning Change: R-30 to GC-LU
Location: 423 Bartow Street
Tax Map and Parcel No: 95N03, 005
Acres: 3.15
Proposed Development: Neighborhood Commercial Uses
Future Development Map: Urban Core

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

| Description | Type |
|---|---------|
| <input type="checkbox"/> Staff Reports | Exhibit |
| <input type="checkbox"/> Revised Application | Exhibit |
| <input type="checkbox"/> Application | Exhibit |
| <input type="checkbox"/> Legal Description | Exhibit |
| <input type="checkbox"/> Site Plan | Exhibit |
| <input type="checkbox"/> Zoning Map | Exhibit |
| <input type="checkbox"/> Future Development Map | Exhibit |



Staff Report

Case No: 17-04-011
Applicant Name: Phoebe Maze
Location: 423 Bartow Street
 (95N03, 005)
From/To: R-30 to GC-LU
Proposed Use: Dormitories
Commission Post: City of Waleska

| | Existing Zoning | Existing Land Use |
|-------|--------------------|---------------------------------|
| North | O-I | Reinhardt University |
| South | R-40 | Fire Station / Community Center |
| East | R-30 | Residential |
| West | O-I, R-30 and R-40 | Parking Lot and Residential |

Future Development

| Character Area/Node/Corridor | Description |
|------------------------------|--|
| Urban Core | The Urban Core Character Area generally consists of the highest density development and the widest range of mixed uses, combined with central civic areas such as a City Hall, a school or a library. Downtown residential neighborhoods contribute to the overall vitality of the Urban Core. |

Analysis and Comment

The subject parcel is 3.15 acres and lies on the southeast corner of Bartow Street, and Reinhardt College Parkway (State Route 140). This proposal is to allow the addition of another building and use of the existing building as dormitories. Neither a public participation meeting nor an existing site resource map is required.

There are no letters in support of or in opposition to the rezoning on file.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority – Waleska Water

1.3 Cherokee County Board of Education

1.4 Fire Marshal's Office

1.5 Sheriff's Office

Cherokee County Government

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



REZONING MEMORANDUM

Case Number: 17-04-011

Applicant: Phoebe Maze

Current Zoning: R-30

Proposed Zoning: NC

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Bartow Street. Bartow Street is a local roadway that is approximately 20 feet wide. The geometry of the roadway is generally good.
- **Planned Improvements** – There are no planned improvements to this section of Bartow Street.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is an increase of 22 vehicles per day.

| Zoning | Units | Trips Per Day |
|--------------|----------|---------------|
| Current R-30 | 4 units | 38 |
| Proposed NC | Estimate | 60 |

- **Development Related Improvements** – If creating new entrances, the applicant would need to apply for a driveway permit through Cherokee County.

● **Stormwater:**

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

● **Conclusion:**

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

Case # 17-04-011- Community Agenda Analysis

Section 1 – Community Vision

| | |
|-----------|---|
| Community | Waleska, intersection of SR 140 and Bartow Street |
|-----------|---|

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 from R-30 to GC-LU for commercial uses.

Section 2 - Core Issues

Project Supports

| | |
|---------------------------------|---|
| Planning for Sustainable Growth | This location has most infrastructure and services nearby. |
| Diverse Economic Opportunities | Project may create new business and employment opportunities. |

Project is Neutral

| | |
|--|------------------------|
| Housing Choice | No evidence of impact. |
| Land Use Patterns that Promote Connectivity and Mobility | No evidence of impact. |
| Aging in Place | No evidence of impact. |
| Designing with the Environment | No evidence of impact. |
| Preserve and Enhance Sense of Place | No evidence of impact. |

Project Neglects

Section 3 – Character Area Description

| | |
|----------------|------------|
| Character Area | Urban Core |
|----------------|------------|

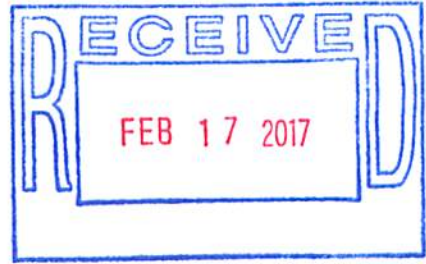
The Urban Core Character Area generally consists of the highest density development and the widest range of mixed uses. Primary objectives within the Urban Core is to redevelop and revitalize existing historic buildings and promote infill development that is a natural extension of the city's fabric. Diverse development helps to create an urban core where people are able to live, shop, and work within a walkable area. The Urban Core should provide entertainment and cultural opportunities to residents and visitors in a pedestrian friendly and lively environment. This project is consistent with the Character Area.

| | |
|------------------|-----|
| Node or Corridor | n/a |
|------------------|-----|



REVISED
3/7/17

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: PHOEBE MAZE Phone: 770-479-9617
 Email: phoebem@WINDSTREAM.NET

Applicant's Information:

Name: Phoebie Maze
 Address: P.O. Box 305 (mailing) Phone: 770-479-9617
 City, State, Zip: Waleska GA 30183

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>17-04-011</u> | PC Work Session Date: <u>March 20, 2017</u> |
| CityView # <u>PL2017 0209</u> | Planning Commission Hearing: <u>April 4, 2017</u> |
| Received by: <u>JW</u> | Board of Commissioners: <u>City of Waleska</u> |
| Fee Paid: \$ <u>750⁰⁰</u> | Zoning Board of Appeals: _____ |
| Date: _____ | Other: <u>pre file</u> <u>2.3.17</u> |

3-SIGNS revised + given to applicant 3/7/17

SECTION II

Property Information:

Location: 423 Bartow Street PAM

Current Zoning: R-30 Proposed Zoning: NC GC-LU Total Acreage: 3.15ac

Tax Map #: 95 N 03 Parcel #: 005 Land Lot(s): 40 District: 14

Future Development Map Designation: Urban Core

Adjacent Zonings: North _____ South _____ East _____ West _____

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

Rezoning of property for commercial uses-

Proposed Use(s) of Property:

~~Neighborhood commercial uses~~
general

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

This 17 day of FEBRUARY, 20 17.

Print Name PHOEBEA MAZE

Applicant Signature Phoebe A. Maze

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: City of Waleska

How is sewage from this site to be managed?

Septic

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

If yes, what is the projected increase? _____ students

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

Traffic Generation:

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

What is the estimated number of trips generated? _____ trips

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

Notes:

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

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

CAMPAIGN DISCLOSURE STATEMENT

Nothing in Chapter 36 of OCGA shall be construed to prohibit a local government official from voting on a zoning decision when the local government is adopting a zoning ordinance for the first time or when a local government is voting upon a revision of the zoning ordinance initiated by the local government pursuant to a comprehensive plan as defined in Chapter 70 of this title.

No, I have not made any campaign contribution to County Officials voting on this application exceeding \$250 in the past two years.

Yes, I have made campaign contributions to County Officials voting on this application exceeding \$250 in the past two years.

To Whom: _____

Value of Contribution: _____

Date of Contribution: _____

Signature of Applicant: Phoebe A. Maze Date: FEB 17, 2017

Print Name: PHOEBE A. MAZE

Sworn to and Subscribed before me this: 17 day of February, 2017.

Notary Signature: Rhonda Hilliard

(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: Phoebe A. Maze Date: 2-17-2017
Print Name: PHOEBE A. MAZE

Signature of Applicant's Attorney: _____ Date: _____
Print Name: _____ Title: _____

Sworn to and Subscribed before me this: 17 day of February, 2017.
Notary Signature: Rhonda Hilliard

(Notary Seal)



SECTION V

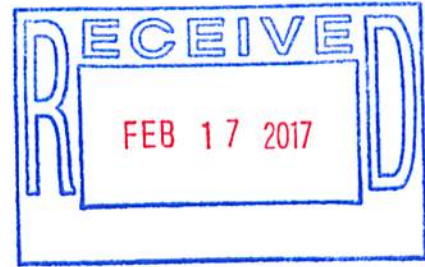
1. THE INTENT OF THIS REZONING REQUEST IS TO EXPAND THE POSSIBILITIES FOR USE OF THE LAND.
2. MY REQUEST FOR REZONING TO ~~NEIGHBORHOOD~~ ^{GENERAL COMMERCIAL-LU} COMMERCIAL ZONING WILL ONLY PERMIT A USE THAT IS SUITABLE FOR THE NEIGHBORHOOD.
3. I WOULD NOT WANT TO ADVERSELY AFFECT THE ADJACENT OR NEARBY PROPERTY. I DO NOT BELIEVE THAT ~~NEIGHBORHOOD~~ ^{GENERAL} COMMERCIAL ^{LU} ZONING WOULD ALLOW ANY PROPERTY USE THAT WOULD NEGATIVELY IMPACT THE NEIGHBORHOOD. ANY PROPOSAL WOULD, NECESSARILY, BE SUBJECT TO APPROVAL BY THE NEIGHBORHOOD AND THE PLANNING COMMISION.
4. IN THE YEAR AND A HALF THAT I HAVE HAD THE PROPERTY FOR SALE, THE ONLY INTEREST HAS BEEN FOR COMMERCIAL USE. THE COMPLAINTS EXPRESSED HAVE BEEN CONCERNING THE NOISE FROM HWY 140. THE NOISE AND TRAFFIC HAVE HAD A NEGATIVE IMPACT ON ANY ONE LOOKING AT THE HOUSE FOR A RESIDENCE.
5. I DO NOT BELIEVE THAT A NEGATIVE IMPACT WOULD RESULT FROM REZONING. THE PROPERTY HAS FRONTAGE ON 3 STREETS WHICH WILL ALLOW FOR EASY FLOW OF

TRAFFIC, HWY 140 TO BARTOW STREET. LEE STREET INTERSECTS HWY 108 AND GIVES THE PROPERTY ANOTHER ENTRANCE POINT. THERE IS NO PUBLIC TRANSPORTATION TO BE AFFECTED ONE WAY OR THE OTHER. THE PROPERTY ALREADY HAS GA POWER AND WALESKA CITY WATER.

6. I BELIEVE THAT THE PROPERTY IS IN CONFORMITY WITH THE POLICY AND LAND USE PLAN. I HAVE HAD NOTHING BUT POSITIVE FEED BACK FROM THE CITY OF WALESKA AND PLANNING COMMISSION MEMBERS.
7. I BELIEVE THAT EXISTING CONDITIONS SUPPORT ~~NEIGHBORHOOD~~^{GENERAL} COMMERCIAL - LU ZONING. REINHARDT UNIVERSITY IS DIRECTLY ACROSS THE STREET ON HWY 140, THE FIRE AND POLICE STATION ARE ACROSS THE STREET ON THE LEE STREET SIDE. THE PROPERTY IS ONLY 2 LOTS FROM THE INTERSECTION OF HWY 140 AND HWY 108. AT THAT INTERSECTION THERE IS A CHURCH, THE UNIVERSITY, A RENTAL HOUSE AND A GAS STATION; ALL FALL UNDER NEIGHBORHOOD COMMERCIAL.



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.
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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: PHOEBE MAZE Phone: 770-479-9617
 Email: phoebem@windstream.net

Applicant's Information:

Name: Phoebe Maze
 Address: P.O. Box 305 (mailing) Phone: 770-479-9617
 City, State, Zip: Waleska GA 30183

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>17-04-011</u> | PC Work Session Date: <u>March 20, 2017</u> |
| CityView #: <u>PL2017 0209</u> | Planning Commission Hearing: <u>April 4, 2017</u> |
| Received by: <u>JW</u> | Board of Commissioners: <u>City of Waleska</u> |
| Fee Paid: \$ <u>750⁰⁰</u> | Zoning Board of Appeals: _____ |
| Date: _____ | Other: <u>pre file</u> <u>2.3.17</u> |

SECTION II

Property Information:

Location: 423 Bartow Street

Current Zoning: R-30 Proposed Zoning: NC Total Acreage: 3.15ac

Tax Map #: 95 N 03 Parcel #: 005 Land Lot(s): 40 District: 14

Future Development Map Designation: Urban Core

Adjacent Zonings: North _____ South _____ East _____ West _____

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

Rezoning of property for commercial uses-

Proposed Use(s) of Property:

Neighborhood commercial uses

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

This 17 day of FEBRUARY, 20 17.

Print Name PHOEBEA MAZE

Applicant Signature Phoebe A. Maze

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: City of Waleska

How is sewage from this site to be managed?

Septic

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

If yes, what is the projected increase? _____ students

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

Traffic Generation:

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

What is the estimated number of trips generated? _____ trips

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

Notes:

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

SECTION V

- 1. THE INTENT OF THIS REZONING REQUEST IS TO EXPAND THE POSSIBILITIES FOR USE OF THE LAND.**
- 2. MY REQUEST FOR REZONING TO NEIGHBORHOOD COMMERCIAL ZONING WILL ONLY PERMIT A USE THAT IS SUITABLE FOR THE NEIGHBORHOOD.**
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- 5. I DO NOT BELIEVE THAT A NEGATIVE IMPACT WOULD RESULT FROM REZONING. THE PROPERTY HAS FRONTAGE ON 3 STREETS WHICH WILL ALLOW FOR EASY FLOW OF**

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6. I BELIEVE THAT THE PROPERTY IS IN CONFORMITY WITH THE POLICY AND LAND USE PLAN. I HAVE HAD NOTHING BUT POSITIVE FEED BACK FROM THE CITY OF WALESKA AND PLANNING COMMISION MEMBERS.

7. I BELIEVE THAT EXISTING CONDITIONS SUPPORT NEIGHBORHOOD COMMERCIAL ZONING. REINHARDT UNIVERSITY IS DIRECTLY ACROSS THE STREET ON HWY 140, THE FIRE AND POLICE STATION ARE ACROSS THE STREET ON THE LEE STREET SIDE. THE PROPERTY IS ONLY 2 LOTS FROM THE INTERSECTION OF HWY 140 AND HWY 108. AT THAT INTERSECTION THERE IS A CHURCH, THE UNIVERSITY, A RENTAL HOUSE AND A GAS STATION; ALL FALL UNDER NEIGHBORHOOD COMMERCIAL.

Deed Book **12745** Pg **430**
Filed and Recorded 2/3/2014 3:10:11 PM
28-2014-002814
Transfer Tax 70.00
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

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 29 day of Jan, 2014, between **FORREST L. SAWYER, SR.**, party or parties of the first part (hereinafter referred to as "Grantor"), and **PHOEBE A. MAZE**, 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:

A 1/2 interest in:

ALL THAT TRACT OR PARCEL OF LAND lying and being in the 14th District and 2nd Section of Cherokee County, Georgia, and being part of Land Lot No. 40, and being more particularly described on 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:

Mandy Moyer
Witness

Forrest L. Sawyer, Jr. (SEAL)
FORREST L. SAWYER, SR.
By Forrest L. Sawyer, Jr., under Power of Attorney

Alicia M. Arco
Notary Public

My Commission Expires:



EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 40 of the 14th District, 2nd Section of Cherokee County, Georgia, and being more particularly described as follows:

Beginning at the intersection of Canton-Cartersville Street, running south along the east side of Cartersville Street to Lee Street, thence a southeast direction along Lee Street 450 feet to corner of S.M. Moore garden, thence northeast parallel with Cartersville Street 200 feet to northeast corner of S.M. Moore garden; thence 50 feet parallel with Lee Street, thence easterly at right angles 100 feet parallel with Cartersville Street, thence northerly 100 feet parallel with Lee Street to the northwest corner of D.B. Smith's property; thence easterly along D.B. Smith's line to Canton Street, thence northwestwardly on southwest side of Canton Street to starting point. Also privilege of 15 foot street between lots of J.L. Mackey and Levi Cline, also including all buildings on said property.

Also the following tract described as follows: Being part of Land Lot No. 40 in the 14th District and 2nd Section of Cherokee County, in Waleska, Georgia, and described as beginning on the northeastern side of Lee Street at the corner of the property of Mrs. W.A. Bearden, thence running southeasterly along Lee Street a distance of 50 feet; thence extending back at right angles to Lee Street, same width as front, and between parallel lines, a distance of 200 feet. Said parcel of land being under fence, and known as the Moore garden lot.

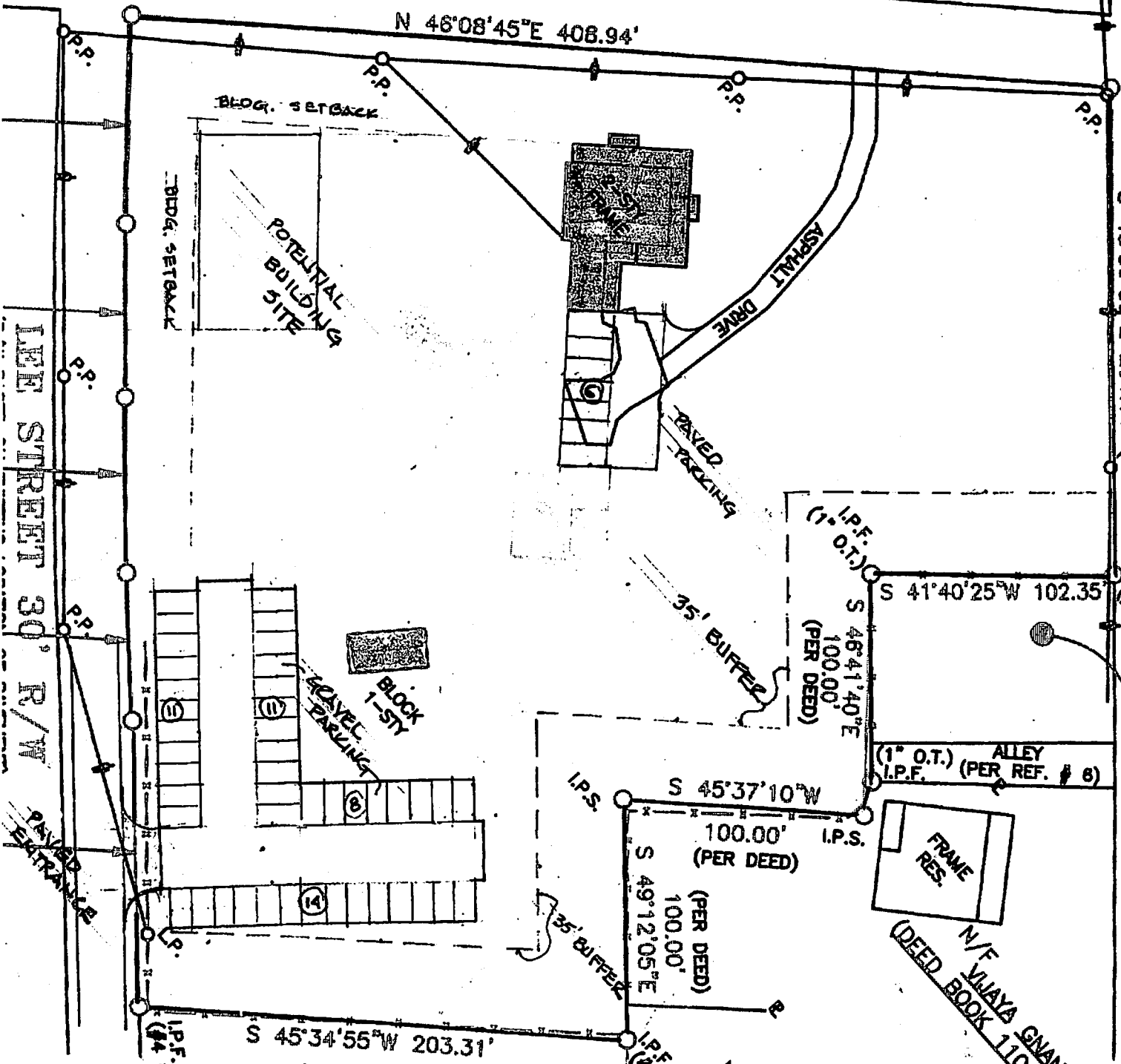
This being the same property as that conveyed by Mrs. Willard Bearden Flanagin to Amos Cline and Beulah Cable Cline by warranty deed dated August 26, 1946 and recorded in Deed Book 15, Page 73, Cherokee County records.

BARTOW STREET 30' R/W

STATE ROUTE 140 50' R/W

S 48°39'00"E 201.61'

N 46°08'45"E 408.94'



LEE STREET 30' R/W



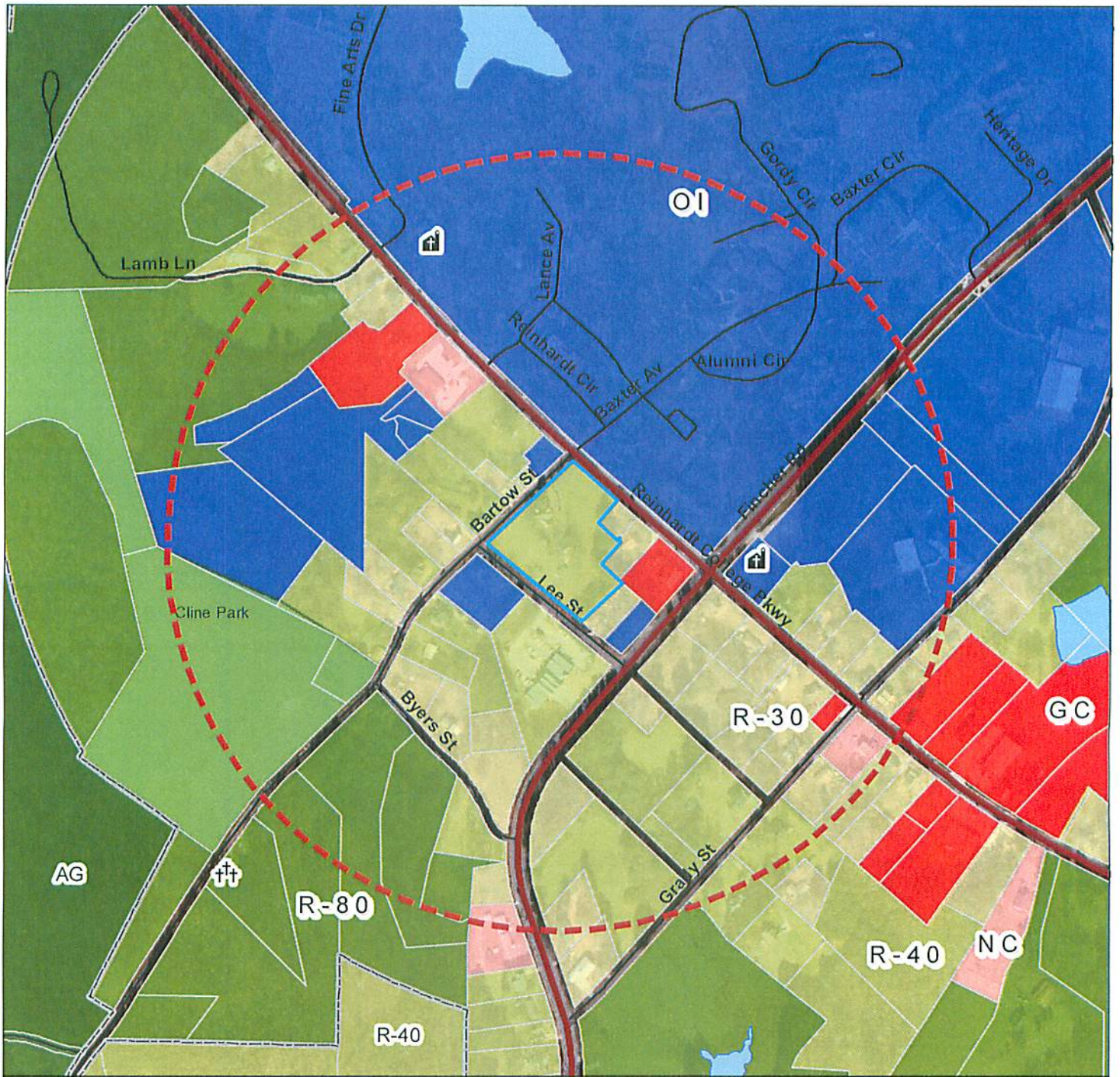
RT3 Architects
 360 E. Marietta St.
 Canton, GA 30114
 770-720-4669

N/F CHARLES JACKSON & KIDD MCCOLLOUGH
 (DEED BOOK 4257, PAGE 27B)

N/F BAGWELL & SPEARS INC.
 (DEED BOOK 620, PAGE 35)

Case # 17-04-011 Phoebe Maze

Zoning Map



- Legend**
- Rezoning Parcel
 - 1/4 Mile Radius
 - School
 - Cemetery
 - Church
 - Street
 - Parcel
 - 100 Year Flood Zone
- Cherokee County Zoning**
- AG
 - R80
 - R60
 - R40
 - R30
 - R20
 - R15
 - R10
 - R10
 - R2L
 - RA
 - RTH
 - RM 10
 - RM 16
 - THD
 - PUD
 - OI
 - NC
 - GC
 - LI
 - IH
 - Side Ferry Overlay
 - Play 92 Overlay
- Waleska Zoning**
- R-40 Single Family Residential
 - R-40 Single Family Residential
 - R-30 Single Family Residential
 - Office Institutional
 - Neighborhood Commercial
 - General Commercial



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.

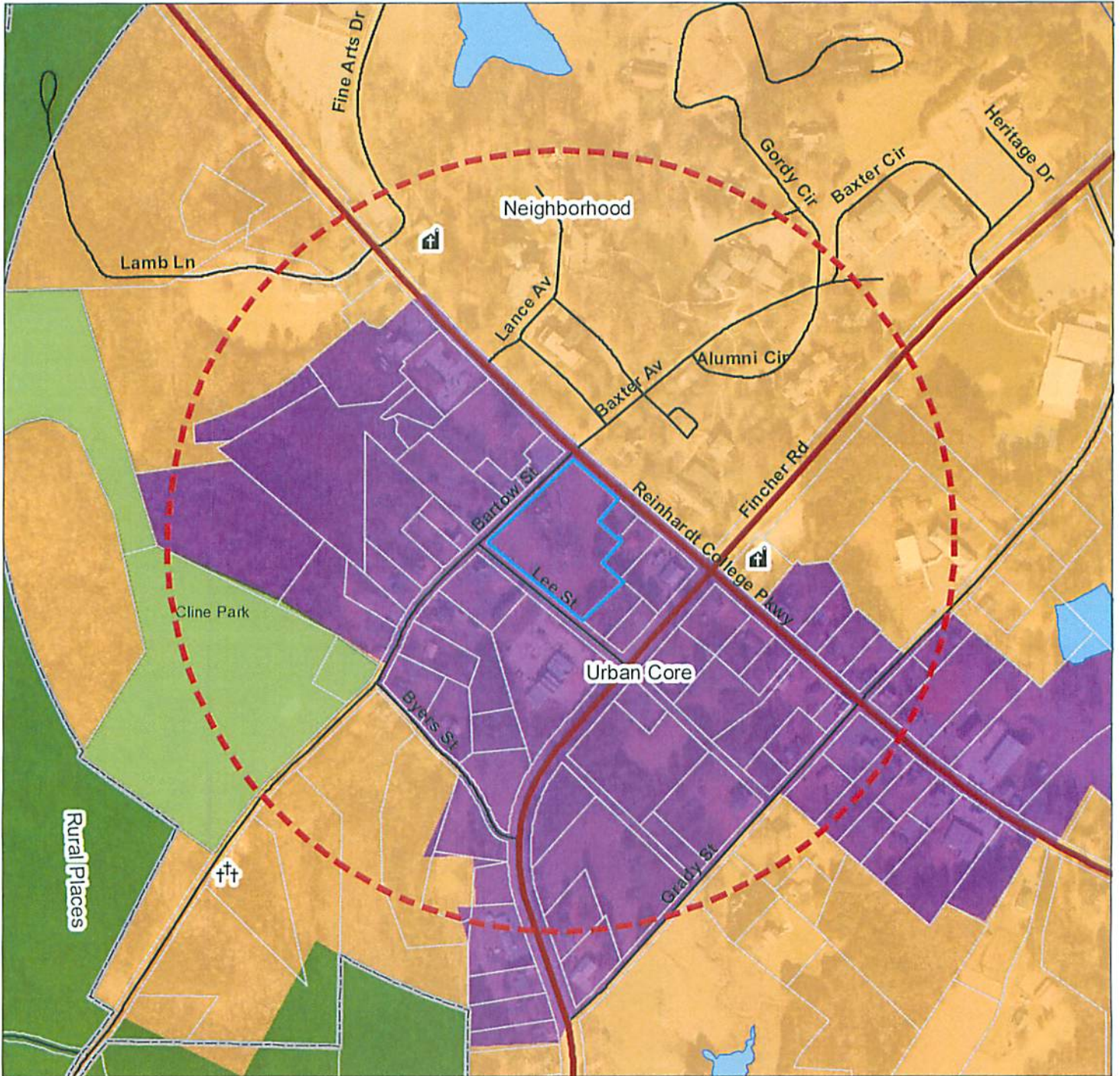


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
22 February 2017



Case # 17-04-011 Phoebe Maze

Future Development Map



Legend

| | | |
|---------------------|--------------------------|------------------------|
| Rezoning Parcel | Development Nodes | Character Areas |
| 1/4 Mile Radius | County Crossroads | Natural Preserve |
| School | Hamlet | Rural Places |
| Cemetery | Neighborhood Village | Country Estates |
| Church | Community Village | Suburban Growth |
| Street | Corridors | Suburban Living |
| Parcel | Scenic Corridor | Neighborhood Living |
| 100 Year Flood Zone | 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
22 February 2017





Cherokee County, Georgia
Agenda Request

Item#: 4.

SUBJECT: Case #17-04-012 Judith E. Becker (BOC Dist. 2)
MEETING DATE: 4/4/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 0.69 +/- acres at 1800 Liberty Grove Road from AG to R-30 to maintain the small existing cemetery.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: AG to R-30
Location: 1800 Liberty Grove Road
Tax Map and Parcel No: 02N10, 066
Acres: 0.69 +/-
Proposed Development: Continue existing use of family cemetery
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"/> Staff Reports | Exhibit |
| <input type="checkbox"/> Application | Exhibit |
| <input type="checkbox"/> Legal Description | Exhibit |
| <input type="checkbox"/> Site Plan | Exhibit |
| <input type="checkbox"/> Zoning Map | Exhibit |
| <input type="checkbox"/> Future Development Map | Exhibit |



Staff Report

Case No: 17-04-012
Applicant Name: Judith Becker
Location: 1800 Liberty Grove Road
(02N10, 066)
From/To: AG to R-30
Proposed Use: Existing Family Cemetery
Commission Post: 2

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

Future Development

| Character Area/Node/Corridor | Description |
|------------------------------|---|
| Country Estates | This character area seeks to provide a low-intensity residential community. Country Estates features a mixture of single-family housing on large lots and farms. New residential development should be large-lot "estate" developments of two acres or greater. |

| Country Estates | |
|--|--|
| Primary Land Uses | Secondary Land Uses |
| Active Farming, timbering, and conservation uses Wholesale nurseries and commercial greenhouses Homesteads on individual lots Large Lot Single Family home subdivisions Horse farms Gentlemen's farms Executive housing Conservation Subdivisions | Semi-Public and institutional uses Passive Recreation areas |

Analysis and Comment

The subject parcel is 0.69 acres (30,133 square feet) and lies at the northwest intersection of Liberty Grove Road and Rivendel Lane. This proposal is to allow the existing family cemetery to be cut out and set aside from the remaining property owned by Ms. Becker. Neither a public participation meeting nor an existing site resource map was required.

There are no letters in support of or in opposition to the rezoning on file.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

1.3 Cherokee County Board of Education

1.4 Fire Marshal's Office

1.5 Sheriff's Office



REZONING MEMORANDUM

Case Number: 17-04-012

Applicant: Judith E. Becker

Current Zoning: AG

Proposed Zoning: R-30

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Liberty Grove Road. Liberty Grove Road is a local roadway that is approximately 20 feet wide. The geometry of the roadway is generally good.
- **Planned Improvements** – There are no planned improvements to this section of Liberty Grove Road.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is negligible.

| Zoning | Units | Trips Per Day |
|---------------|--------|---------------|
| Current AG | 1 unit | 9 |
| Proposed R-30 | 1 unit | 9 |

- **Development Related Improvements** – If creating new driveways on Liberty Grove Road, the applicant would need to apply for a driveway permit through Cherokee County.

● **Stormwater:**

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

● **Conclusion:**

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

Case # 17-04-012 - Community Agenda Analysis

Section 1 – Community Vision

| | |
|-----------|--|
| Community | Intersection of Liberty Grove Road and Rivendell Lane, 0.7 mile west of SR 372 |
|-----------|--|

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.

Applicants seeks to rezone a 30,133 sq ft tract from AG to R-30 for the continued use of a private family cemetery.

Section 2 - Core Issues

Project Supports

| | |
|-------------------------------------|---|
| Planning for Sustainable Growth | This location has most infrastructure and services nearby. |
| Preserve and Enhance Sense of Place | Applicant intends to continue use of private family cemetery. |

Project is Neutral

| | |
|--|------------------------|
| Housing Choice | No evidence of impact. |
| Diverse Economic Opportunities | No evidence of impact. |
| Land Use Patterns that Promote Connectivity and Mobility | No evidence of impact. |
| Aging in Place | No evidence of impact. |
| Designing with the Environment | No evidence of impact. |

Project Neglects

Section 3 – Character Area Description

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

The Country Estates Character Area seeks to provide a low-intensity residential community. Areas within this Character Area are sparsely developed and sometimes contain agricultural production, or have been developed as "estate farms" or large-lot subdivisions. Suggested zoning districts are AG and R-80 in this Character Area. The requested zoning district is not consistent with the Character Area.

| | |
|------------------|-----|
| Node or Corridor | n/a |
|------------------|-----|



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: Judith E. Becker Phone: 404-281-0471
770-475-4977
 Email: jebeckert1@gmail.com
Karanwelch@bellsouth.net

Applicant's Information:

Name: Judith E. Becker
 Address: 1800 Liberty Grove Rd Phone: 770-475-4977
 City, State, Zip: Alpharetta, GA 30004

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

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

Requested Public Hearing (check all that apply):

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

| | |
|--------------------------------|--|
| STAFF USE ONLY: | PUBLIC HEARING SCHEDULE: |
| Commission District: _____ | Public Participation Meeting: _____ |
| Case: <u>17-04-012</u> | PC Work Session Date: <u>3/20/17</u> |
| CityView # <u>PL 2017-0232</u> | Planning Commission Hearing: <u>4/4/17</u> |
| Received by: _____ | Board of Commissioners: <u>4/18/17</u> |
| Fee Paid: \$ <u>250.00</u> | Zoning Board of Appeals: _____ |
| Date: _____ | Other: _____ |

SECTION II

Property Information:

Location: 1800 Liberty Grove Rd. Alpharetta, GA 30004

Current Zoning: AG Proposed Zoning: R-30 Total Acreage: 0.688ac

Tax Map #: 02 N 10 Parcel #: 066 Land Lot(s): 164 District: 2

Future Development Map Designation: Country Estates

Adjacent Zonings: North AG South AG East AG West AG

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

Separation of the family cemetery from the remaining acreage, maximizing the acreage for re-sale purposes. Existing zoning requires a separator at a minimum of 2 acres which exceeds required amount of land needed for said cemetery. Attached survey shows needed acreage to maintain the small existing cemetery.
Proposed Use(s) of Property:

To continue the existing use of the family cemetery as it was established in 1977.

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, Judith E. Becker, 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 17th day of February, 2017.

Print Name Judith E. Becker

Applicant Signature Judith E. Becker

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: _____

How is sewage from this site to be managed?

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

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

Notes:

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

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

Section V

Applicant Response Statement – Rezoning's and Amendments/Modifications to Zoning Conditions

1) Explain the intent of the requested zoning.

The intent is to separate the estate of Judith E. Becker from 16.6211 acres zoned AG to approx. 15.9 zoned AG and remaining acreage as R-30. The R-30 zone would be the portion of land that contains an existing small family cemetery which was established in 1977. The intent is to separate and retain ownership of the existing cemetery and sell the remaining portion of land (approx. 15.9 acres). As the estate stands now, AG zoning of the entire estate would demand the owner to retain a minimum of 2 acres, which exceeds the burial needs of the owner/family, resulting in less acreage for sale.

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 use of the land would continue as a cemetery, as established in 1977. The affect of adjacent property would remain the same. The Becker Family cemetery is located across Liberty Grove Rd from Buice's Cemetery dating back into the 1800's or earlier.

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

As it is already being used as a cemetery, the affect would remain the same. Current land sales have taken place and houses have been built adjacent to the cemetery with no adverse affect.

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

The property is currently being used as a family cemetery (we do not sell burial sites to anyone) and surrounding pasture. Horses graze in said pasture.

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

No additional traffic would result from the zoning change.

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

It is currently being used as a cemetery and the land use would not change, as was established in 1977.

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

The land use would never change from its current state. The adjacent estate acreage would be up for sale. Future development would take place at that time, whether a single buyer or developer.

B2919
B297

BK PG
2919 297

A198-10
R198-04

QUITCLAIM DEED

THIS QUITCLAIM DEED, Executed this Fifth day of December 19 97

by first party, Grantor, Harvey L. Becker *Decentral*
whose post office address is 1800 Liberty Grove Road
Alpharetta, GA 30004
to second party, Grantee, Judith E. Becker *Electric*
33011 *14.00*
whose post office address is 1800 Liberty Grove Road
Alpharetta, GA 30004

WITNESSETH, That the said first party, for good consideration and for the sum of Dollars (\$ 00.00) paid by the said second party, the receipt whereof is hereby acknowledged, does hereby remise, release and quitclaim unto the said second party forever, all the right, title, interest and claim which the said first party has in and to the following described parcel of land, and improvements and appurtenances there-to in the County of Cherokee, State of Georgia to wit:

All that tract or parcel of land lying and being in land lots 164 and 165 of the 2nd District, of Cherokee County, Georgia, and being more particularly described in Exhibit "A" which is attached hereto and incorporated herein by reference.

CHEROKEE COUNTY, GA.
REAL ESTATE TRANSFER TAX
PAID \$ - 0 -
DATE 12-5-97
Anne M. Beaman
CLERK OF SUPERIOR COURT

Georgia, Cherokee County
Filed in office this 5 day of Dec 1997
at 4:00 P.M. Recorded in Sep 2919 Page 297
this 7 day of Dec 1997
Anne M. Beaman
Clerk Superior Court

ATHE
(1)

(Revised 1/87)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.



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02919
0298

PG
2919 298

IN WITNESS WHEREOF, The said first party has signed and sealed these presents the day and year first above written. Signed, sealed and delivered in presence of:

[Signature]
Signature of Witness
Jacob Nels
Print name of Witness
[Signature]
Signature of Witness
PHIL G. HUGHES
Print name of Witness

[Signature]
Signature of First Party
Judith E. Becker
Print name of First Party
[Signature]
Signature of First Party
[Signature]
Print name of First Party

State of Georgia)
County of Cherokee)
On December 5, 1997 before me,

appeared
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/het/their authorized capacity(ies), and that by his/het/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

[Signature]
Signature of Notary



Affiant Known Produced ID
Type of ID _____ (Seal)

State of Georgia)
County of Cherokee)
On December 5, 1997 before me,

appeared
personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/het/their authorized capacity(ies), and that by his/het/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

[Signature]
Signature of Notary



Affiant Known Produced ID
Type of ID _____ (Seal)

[Signature]
Signature of Preparer
Judith E. Becker
Print Name of Preparer

1800 Liberty Grove Road, Alpharetta,
Address of Preparer GA 30004

(2)

If your state requires 8 1/2" x 11" forms, cut off the bottom of this page at the dotted line.

© E-Z Legal Forms. Before you use this form, read it, fill in all blanks, and make whatever changes are necessary to your particular transaction. Consult a lawyer if you doubt the form's fitness for your purpose and use. E-Z Legal Forms and the retailer make no representation or warranty, express or implied, with respect to the merchantability of this form for an intended use or purpose.

02919
0299

BK PU
2919 299

Book 593 Page 572 Exhibit "A"

Beginning at an iron stake located at the point of intersection of the north Land Lot line of Land Lot 165 and the west side of Liberty Hill Road (since named Liberty Grove Road with 40-foot right-of-way); thence on a southerly direction along the west side of Liberty Grove Road a distance of 459.40 feet to an iron pin stake placed at the point of intersection of the west side of Liberty Grove Road and the center of an abandoned road named Posey Road; thence north 82 degrees 42 minutes 41 seconds west along the center of said abandoned Posey Road a distance of 122.66 feet to a point; thence continuing along the center of said abandoned Posey Road the following courses and distances and going to Land Lot 164; south 85 degrees 57 minutes and 05 seconds west 118.3 feet; south 69 degrees 12 minutes and .05 seconds west 123.6 feet; south 67 degrees 7 minutes and 4 seconds west 301.15 feet; south 69 degrees 29 minutes and 57 seconds west 212.72 feet; south 69 degrees 29 minutes and 12 seconds west 174.54 feet; south 73 degrees 50 minutes and 22seconds west 147.39 feet to an iron pin thus leaving the center of said abandoned Posey Road and running north 00 degrees 24 minutes and 06 seconds west 437.44 feet to an iron pin; north 43 degrees 54 minutes and 42 seconds west 490.79 feet to an iron pin located on the north Land Lot line of Land Lot 164, said District and Section; thence running north 89 degrees 11 minutes and 32 seconds east along said north line of Land Lot 164 and the north line of Land Lot 165 a distance of 1,456.59 feet to an iron pin on the west side of Liberty Grove Road and being the point of the Beginning.

The above tract of land being in Land Lots 164 and 165 of the second District, 2nd section of Cherokee County, Georgia, and being shown as Tract A on a plat for Harvey L. Becker by David A. Burre & Assoc., Inc on March 31, 1987, consisting of 16.6211 acres.

Rec. 12-8-97

ANNE. M. RENEAU
CLERK, SUPERIOR COURT OF CHEROKEE COUNTY

WRITTEN DESCRIPTION BECKER CEMETERY

BECKER CEMETERY BOUNDARY

ALL THAT TRACT OR PARCEL of Land lying and being located in Land Lot 165 of the 2nd District, 2nd Section, Cherokee County , Georgia and being more particularly described as follows;

Commence at the intersection of the south line of Land Lot 165 and the westerly edge of the right of way of Liberty Grove Road, having a 40 foot right of way; Thence from said point and along the westerly edge of the Liberty Grove Road right of way South 09 Degrees 08 Minutes 28 Seconds West a distance of 37.28 feet to a point; thence continuing along said right of way with a curve turning to the left with an arc length of 14.51 feet, with a radius of 758.65 feet, with a chord bearing of South 09 Degrees 19 Minutes 22 Seconds West, with a chord length of 14.51 feet to a 1/2" rebar and the POINT of BEGINNING: Thence continuing along said right of way thence with a curve turning to the left with an arc length of 107.30 feet, with a radius of 758.65 feet, with a chord bearing of South 04 Degrees 43 Minutes 23 Seconds West, with a chord length of 107.21 feet to a 1/2" rebar;

thence leaving said right of way South 44 Degrees 01 Minutes 23 Seconds West a distance of 40.53 feet to a point;

thence South 52 Degrees 48 Minutes 03 Seconds West a distance of 34.63 feet to a point;

thence South 65 Degrees 54 Minutes 19 Seconds West a distance of 42.22 feet to a point;

thence South 81 Degrees 30 Minutes 41 Seconds West a distance of 106.21 feet to a point;

thence North 19 Degrees 07 Minutes 52 Seconds West a distance of 128.22 feet to a point;

thence North 74 Degrees 38 Minutes 41 Seconds East a distance of 259.45 feet to a 1/2" rebar at the westerly edge of the Liberty Grove Road right of way and the POINT of BEGINNING; having an area of 30133 square feet, 0.69 acres more or less

INTENT OF MAP IS TO SUBDIVIDE A CEMETERY TRACT FROM TAX PARCEL 02N10 086

As required by subsection (2) of O.C.G. § Section 15-6-67, the Registered Land Surveyor hereby certifies that this map, plan, or plan has been approved for filing in writing by any and all applicable municipal, county, or multi-county planning commissions or municipal or county governing authorities or that such governmental bodies have affirmed in writing that approval is not required.

Such approvals or affirmations should be confirmed with the appropriate governmental authority. The Registered Land Surveyor further certifies that this map, plan, or plan complies with the minimum standards and specifications of the State Board of Registration for Professional Engineers and Land Surveyors and the Georgia Superior Court Clerk's Office in the Atlanta Metropolitan Area.

REGISTERED LAND SURVEYOR (LICENSE NO. 42570)

02/17/2017

PROPERTY OWNERS CERTIFICATION

I hereby certify that (am the owners) of the property described herein which property is General and/or Special Use Zoned as follows:

OWNER: DMB
OWNER: DMB

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN ACCORDING TO F.E.M.A./F.I.R.M. MAP # 13057022800 DATED 09/29/2006

- PROPERTY NOTES:
1. THERE ARE NO INTERESTS WITHIN, ON, OR ADJACENT TO THIS SITE.
 2. THERE ARE NO OBSTRUCTIONS OR HEREDITARY TRUSTS ON OR ADJACENT TO THIS SITE.
 3. THE SURROUNDING AREA IS RURAL RESIDENTIAL WITH A 20' R/W.
 4. THE SURROUNDING AREA IS RURAL RESIDENTIAL WITH A 20' R/W.
 5. CONTIGUOUS LOTS SHOWN ARE AT 2' INTERVAL, ARE SIZED ACCORDING TO CHEROKEE COUNTY GIS AND APPROXIMATE.

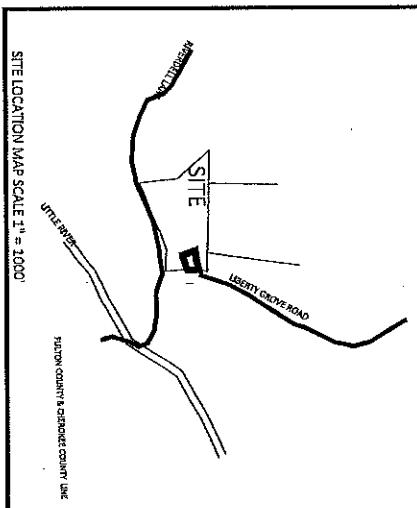
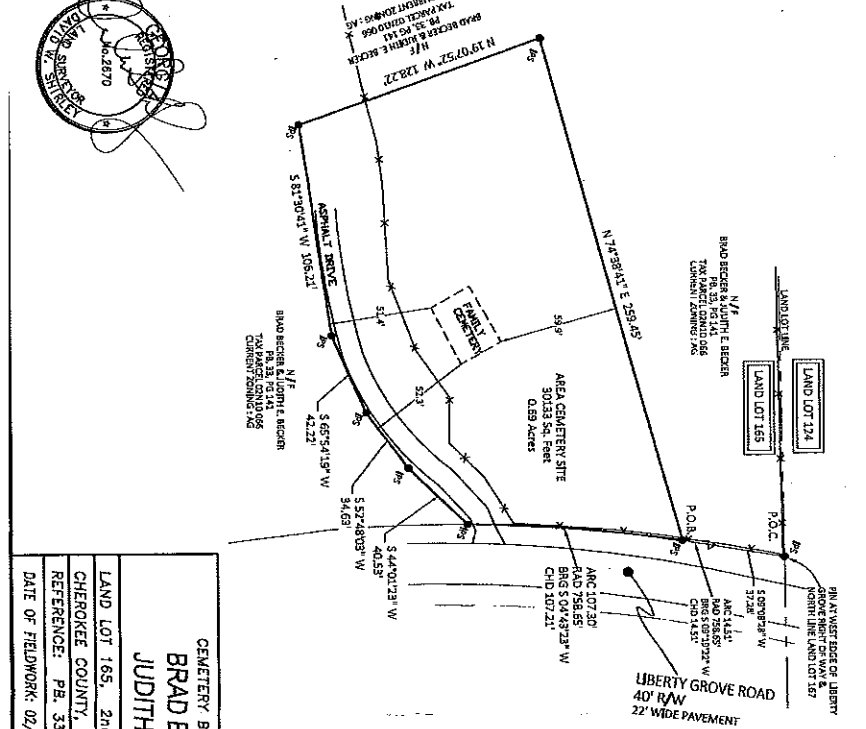
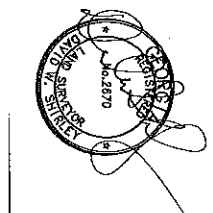
SUBSTRATE:
E.O.C. FIELD: 1 IN = 47181
ANALYZER MODEL: 4 PER ANGLE POINT
EQUIPMENT USER: GEMAX ZOOM 80

PREPARED BY:
D & S LAND SURVEYING, INC.
DAVID W. SHIRLEY, P.L.S.
160 NORTH ST., STE 105
CANTON, GA 30114
770-474-0743
JOB NUMBER: 17-056



- LEGEND**
1. PROPERTY CORNER WITHOUT MONUMENT
 2. MONUMENTED PROPERTY CORNER
 3. R/W RIGHT OF WAY
 4. PLAT BOOK
 5. N/S PRESENT OR FORMER OWNER
 6. P.O.B. POINT OF BEGINNING
 7. FENCE

DRAWING SCALE: 1" = 40'
GRAPHIC SCALE: 80'
MAGNETIC



CEMETERY BOUNDARY SURVEY FOR:
BRAD BECKER & JUDITH E. BECKER

LAND LOT 165, 2nd DISTRICT, 2nd SECTION
CHEROKEE COUNTY, GEORGIA
REFERENCE: PG. 33, PG. 141
DATE OF FIELDWORK: 02/10/2017 MAP DATE: 02/17/2017

INTENT OF MAP IS TO SUBDIVIDE A CEMETERY TRACT FROM TAX PARCEL 02H10 065

As required by subsection (d) of O.C.G.A. Section 15-6-57, the Registered Land Surveyor certifies that this plat is a true and correct copy of the original as filed in writing by any and all applicable municipal, county, or municipal-county planning commissions or municipal or county governing authorities or that such governmental bodies have affirmed in writing that approval is not required.

Such approvals or affirmations should be confirmed with the appropriate governmental bodies or any person as so intended use of any parcel, including but not limited to, the minimum standards and specifications of the State Board of Registration for Professional Engineers and Land Surveyors and the Georgia Superior Court Clerk's Cooperative Alignment.

PROPERTY OWNERS 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.

DATE: 02/17/2017

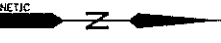
THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN ACCORDING TO FEMA/FIRM. MAY # 1305702800 DATED 09/29/2005

- PROPERTY NOTES:
1. THERE ARE NO SECTION CORNER MARKERS ON OR ADJACENT TO THIS SITE.
 2. THERE IS NO ADJACENT HERETO, WARNING EXCEPT AS SHOWN ON THIS PLAT.
 3. THE SURROUNDING AREA IS RURAL RESIDENTIAL WITH A. CROSS BERS ON ADJACENT PLOTS.
 4. THE SURROUNDING AREA IS RURAL RESIDENTIAL WITH A. CROSS BERS ON ADJACENT PLOTS.
 5. CHEROKEE COUNTY GIS AND APPROXIMATE.

PREPARED BY:
D & S LAND SURVEYING, INC.
DAVID W. SHIRLEY, R.L.S.
180 NORTH ST. STE 105
CANTON, GA 30114
770-720-4443

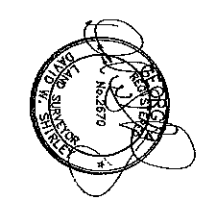
LEGEND

- ▲ PROPERTY CORNER
- MONUMENTED CORNER
- PROPERTY CORNER
- R/W RIGHT OF WAY
- PG PAGE
- N/W CORNER
- N/S 1/2" REAR
- P.O.B. POINT OF BEGINNING
- P.O.C. POINT OF COMMENCEMENT
- ✱ FENCE

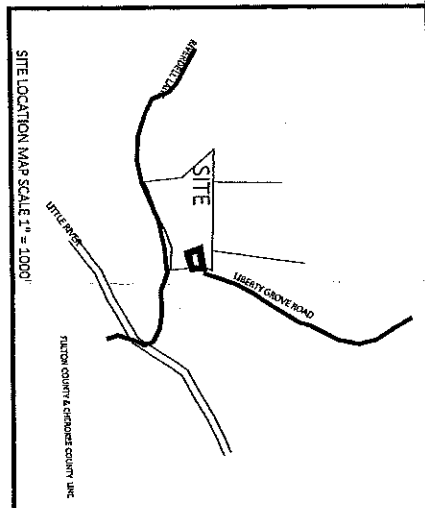
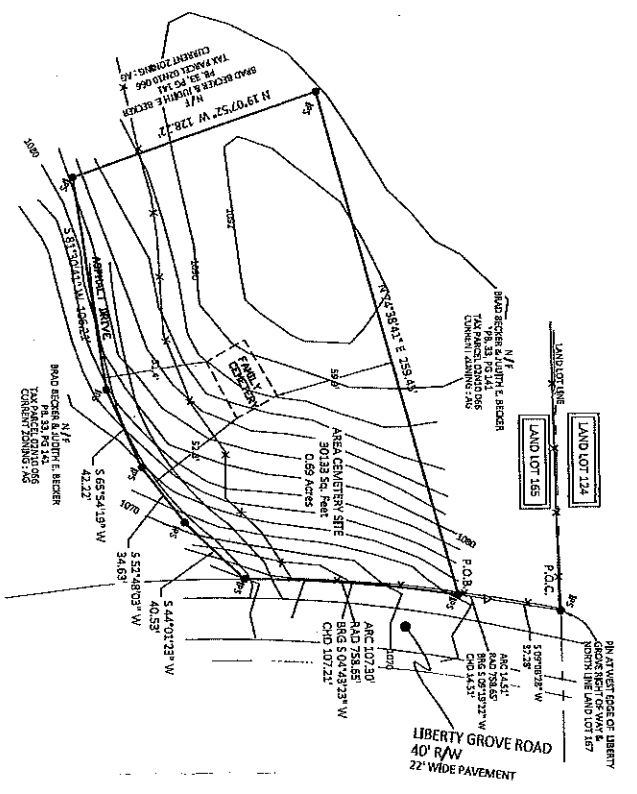


INTERPRET:
EDGE PLAT: 1" = 47.081'
E.D.C. FIELD: 1" IN 33045'
ANGULAR ERROR: 47" PER ANGLE POINT
EQUIPMENT USED: GEOMAX Z504 50

DRAWING SCALE: 1" = 40'
GRAPHIC SCALE: 40'
BY: [Signature]



CEMETERY BOUNDARY SURVEY FOR:
BRAD BECKER & JUDITH E. BECKER
LAND LOT 165, 2ND DISTRICT, 2ND SECTION
CHEROKEE COUNTY, GEORGIA
REFERENCE: PB. 35, PG. 141
DATE OF FIELDWORK: 02/16/2017
MAP DATE: 02/17/2017



Case # 17-04-012 Judith E. Becker
Zoning Map



Legend

- | | | |
|---------------------|-------------------------------|---------------------|
| Rezoning Parcel | Cherokee County Zoning | RTH |
| 1/4 Mile Radius | AG | RM 10 |
| School | R80 | RM 16 |
| Cemetery | R60 | TND |
| Church | R40 | PUD |
| Street | R30 | OI |
| Parcel | R20 | NC |
| 100 Year Flood Zone | 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
28 February 2017





Legend

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

Development Nodes

- County Crossroads
- Hamlet
- Neighborhood Village
- Community Village
- Scenic Corridor
- Transitional Corridor
- Development Corridor

Character Areas

- Natural Preserve
- Rural Places
- Country Estates
- Suburban Growth
- Suburban Living
- Neighborhood Living
- Bells Ferry LCI
- 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
28 February 2017





Cherokee County, Georgia
Agenda Request

Item#: 5.

SUBJECT: Case #17-04-013 R. Venture, LLC (BOC Dist. 1)
MEETING DATE: 4/4/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 54.61 +/- acres at Jessie Lane, Owens Store Road and Old Orange Mill Road from AG to R-20 for a single family residential subdivision.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: AG to R-20
Location: Jessie Lane, Owens Store Road, Old Orange Mill Road
Tax Map and Parcel No: 03N17, 37, 37A and 54
Acres: 54.6 +/-
Proposed Development: Residential Subdivision
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"/> Staff Reports | Exhibit |
| <input type="checkbox"/> Application | Exhibit |
| <input type="checkbox"/> Legal Description | Exhibit |
| <input type="checkbox"/> Site Plan | Exhibit |
| <input type="checkbox"/> Existing Site Resource Map | Exhibit |
| <input type="checkbox"/> Zoning map | Exhibit |
| <input type="checkbox"/> Future Development Map | Exhibit |
| <input type="checkbox"/> PP Report | Exhibit |



Staff Report

Case No: 17-04-013
Applicant Name: Hardy Smith for R. Venture, LLC.
Location: 155 Jessie Lane, Owens Store Road, and Old Orange Mill Road (03N17, 037, 037A and 054)
From/To: AG to R-20
Proposed Use: Single Family Residential Subdivision
Commission Post: 1

| | Existing Zoning | Existing Land Use |
|-------|-----------------|--|
| North | R-40 | Vacant |
| South | R-30 | Vacant |
| East | AG | Creekview High School, Morning Star Church, and Arbor Shoals |
| West | AG | Residential |

Future Development

| Character Area/Node/Corridor | Description |
|------------------------------|---|
| Suburban Growth | 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. This is an area in transition from a rural to suburban area, often characterized by pockets of development interspersed among a rural landscape. Conservation Subdivisions are a primary land use in Suburban Growth. |

| Suburban Growth | |
|---|--|
| Primary Land Uses | Secondary Land Uses |
| Single-family detached housing Conservation Subdivisions Master planned communities | Residentially-related institutional uses |

Analysis and Comment

The subject parcels a total of 54.61 acres and lies at the northwest intersection of Owens Store Road and Old Orange Mill Road. This proposal is to allow the development of a single family residential subdivision of 87 homes under conservation design. These homes are planned to have public water and sewer with the Cherokee County Water and Sewerage Authority. The first public participation letter set the day and time for February 9 at 4:00 pm. Staff alerted the applicant of the time requirement of Article 18 and the meeting was re-set for February 15 at 6:30 pm. That was held with 32 people signing in as attendees.

There are 3 letters in support of and 24 households represented in opposition to the rezoning on file. A map is attached.

1 Findings

1.1 Engineering Department

- See attached.

1.2 Cherokee County Water and Sewerage Authority

- 1.3 Cherokee County Board of Education** – The Board of Education estimates the 63 students from these 87 lots. While the Board uses that number as additional to the current enrollment, it is likely some number would be currently enrolled in the school system.

1.4 Fire Marshal's Office

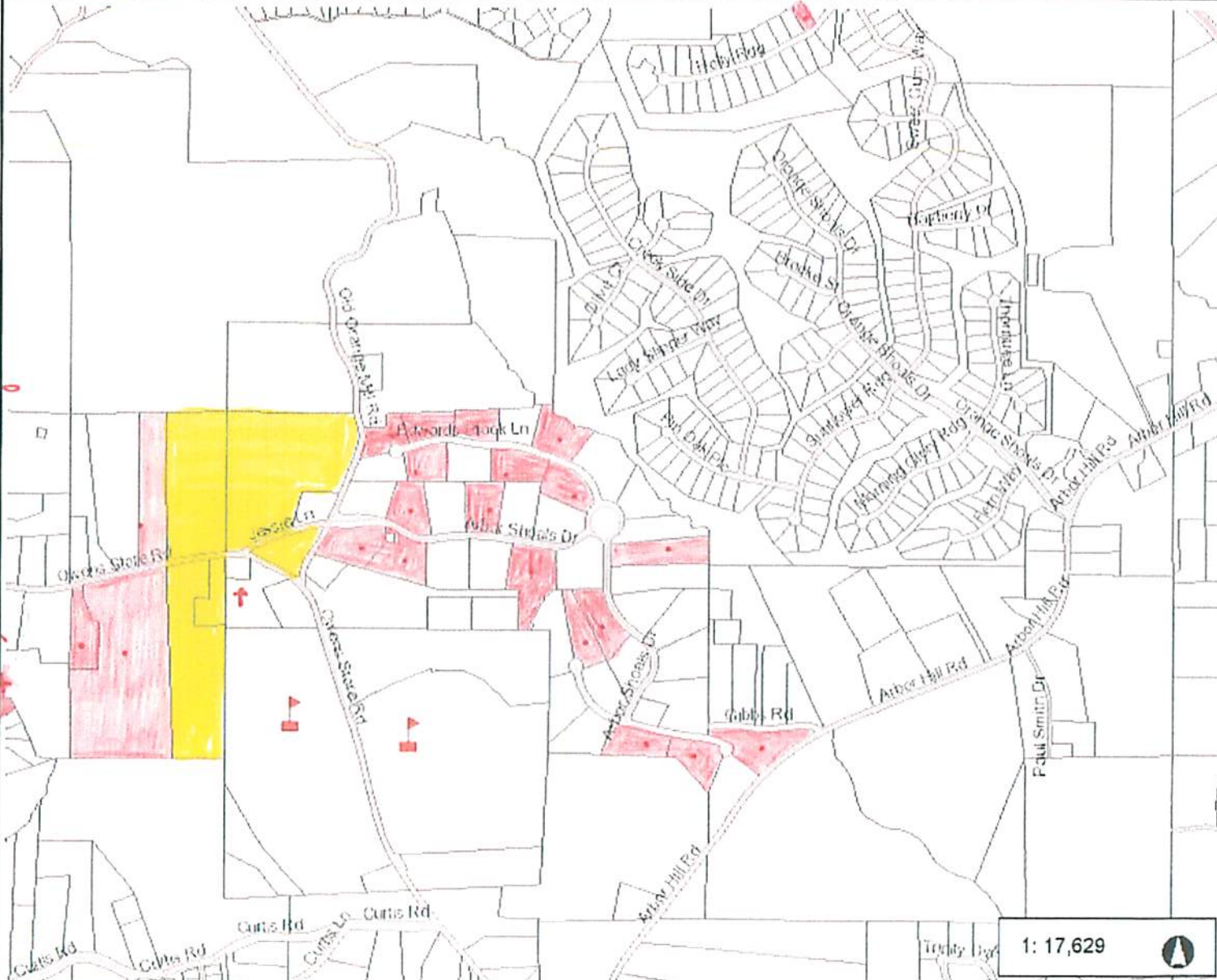
1.5 Sheriff's Office



Cherokee County, GA *1 Ltr 1550 Darby Ford Ballground*

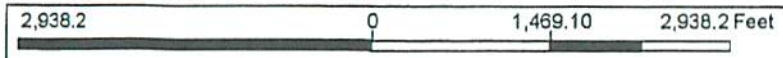


of Hwy map on Cecil Holloway



Legend

- Schools
- Churches
- Addresses
- Railroad
- Streets**
- Highway
- Highway Ramp
- Major Collector
- Minor collector
- Local
- Minor Local
- Arterial
- Cul-de-sac/deadend
- Unclassified
- Parcels



1: 17,629

Notes

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



REZONING MEMORANDUM

Case Number: 17-04-013 **Applicant:** R. Venture, LLC
Current Zoning: AG **Proposed Zoning:** R-20

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Owens Store Road. Owens Store Road is currently a two-lane local roadway that is approximately 20-24 feet wide. The geometry of the roadway is generally good.
- **Planned Improvements** – There are no currently planned improvements to this section of Owens Store Road other than resurfacing in summer of 2017.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is an increase of 871 vehicles per day.

| Zoning | Units | Trips Per Day |
|---------------|-----------|---------------|
| Current AG | 27 units | 258 |
| Proposed R-30 | 118 units | 1,129 |

- **Development Related Improvements** – It is anticipated that the proposed entrances to the development along Owens Store Road at minimum would need a deceleration lane and possibly a left-turn lane into the property.

● **Stormwater:**

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

● **Conclusion:**

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

Case # 17-04-013 - Community Agenda Analysis

Section 1 – Community Vision

| | |
|-----------|--|
| Community | Owens Store Road, 0.8 mile east of East Cherokee Drive |
|-----------|--|

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 from AG to R-20 for a residential subdivision.

Section 2 - Core Issues

Project Supports

| | |
|---------------------------------|--|
| Planning for Sustainable Growth | This location has most infrastructure and services nearby. |
| Housing Choice | This project could offer more housing options in the area. |
| Designing with the Environment | Approximately 51% of the site will be greenspace. |

Project is Neutral

| | |
|--|--|
| Preserve and Enhance Sense of Place | No evidence of impact. |
| Diverse Economic Opportunities | While there may be a temporary increase in construction related jobs, there is no evidence of positive long-term impact. |
| Land Use Patterns that Promote Connectivity and Mobility | No evidence of impact. |
| Aging in Place | No evidence of impact. |

Project Neglects

Section 3 – Character Area Description

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

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. This is an area in transition from a rural to suburban area, often characterized by pockets of development interspersed among a rural landscape. Conservation Subdivisions are a primary land use in Suburban Growth. Suggested zoning districts in this Character Area are R-80, R-60, and R-40. This project is not consistent with the Character Area.

| | |
|------------------|-----|
| Node or Corridor | n/a |
|------------------|-----|

PL2017-0257



Rezoning Case Impact Report

| | | | | | |
|---|-----------------------|--|------------------------|-------------------------------------|--------------------------------|
| Jurisdiction | | Rezoning Case Number | | Applicant Name | |
| Cherokee County | | 17-04-13 | | R. Venture, LLC | |
| Acreage | Number of Lots | Current Zoning | Proposed Zoning | Housing Type | |
| 54.61 | 87 | AG | R-20 | Single Family Residential | |
| Estimated Student Impact (1) | | Additional Capacity Needed | | Additional Capacity Cost (2) | |
| 63 | Students | 3 | Classroom(s) | \$85,909.09 | Annual Student Cost (3) |
| | | | | | \$450,513.00 |
| Planning Commission Meeting Date | | County Commission/City Council Meeting Date | | Map and Parcel | |
| 4/4/2017 | | 4/18/2017 | | 03N17/37, 37A, 54 | |
| Property Description | | | | | |
| Suburban Living | | | | | |

Affected Schools Capacity Information

| Elementary School | ES Enrollment | ES Capacity | % Capacity |
|-------------------|---------------|-------------|------------|
| Macedonia ES | 770 | 862 | 89.33% |
| 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

(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.

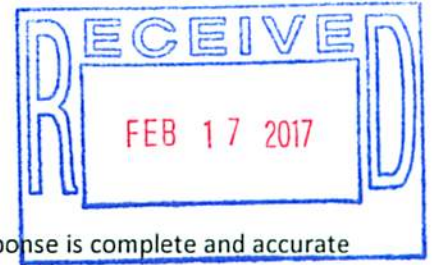
(2) - Additional Capacity Calculations are based on adding Mobile Units to existing campus facilities at the following rate: 1 Mobile Unit = 2 Classrooms with a cost of \$60,000/Mobile Unit

(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.

Rec. 2/17/17
Joke



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: Hardy Smith Phone: 678-776-2001
 Email: hardy@smithandkennedy.com

Applicant's Information:

Name: R. Venture, LLC

Address: 790 Hickory Flat Road Phone: 678-776-2001

City, State, Zip: Milton, GA 30004

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

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

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

STAFF USE ONLY:

Commission District: 1
 Case: 17-04-13
 CityView # PL2017-0257
 Received by: _____
 Fee Paid: \$ 500⁰⁰
 Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 2/15/17
 PC Work Session Date: 3/20/17
 Planning Commission Hearing: 4/4/17
 Board of Commissioners: 4/18/17
 Zoning Board of Appeals: _____
 Other: _____

Prelim. Rev - 2/9/17

(8 signs)

SECTION II

Property Information:

Location: Jessie Lane, Owens Store Road, Old Orange Mill Road

Current Zoning: AG Proposed Zoning: R-20 Total Acreage: 54.61 +/-

Tax Map #: 03 N 17 Parcel #: 37, 37A, 54 Land Lot(s): 955, 956, 957 District: 3rd

Future Development Map Designation: ~~R-40~~

Adjacent Zonings: North R-40, AG South R-30 East AG West AG

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

Applicant Request an R-20 zoning for a residential
subdivision

Proposed Use(s) of Property:

Residential Subdivision

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

This 15 day of FEBRUARY, 20 17.

Print Name R. Hardy Smith

Applicant Signature [Signature]

SECTION III

Infrastructure Information:

Is water available to this site? Yes No

Jurisdiction: Cherokee County

How is sewage from this site to be managed?

Sewer

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

If yes, what is the projected increase? 63,075 students 64

| Proposed Use(s) | # of units | Multiplier | Number of Students |
|-------------------------------|------------|------------|--------------------|
| Single Family (Detached) Home | <u>87</u> | 0.725 | <u>63,075</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? 832.59 ⁸³³ trips

| Code | Land Use(s) | # of units or sqft* | Daily Trip Ends ⁺ | Number of Trips |
|------|---------------------------------|---------------------|------------------------------|-----------------|
| 210 | Single Family Home/ Townhome | <u>87</u> | 9.57 | <u>832.59</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.

SECTION V

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

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

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

1. Explain the intent of the requested zoning.

The Intent is to provide 87 high quality custom homes.

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

The R-20 zoning is definitely compatible to the area. On East Cherokee Drive there is Rd-3 zoning, 7,500 sq. ft. lots. Adjoining the property is an R-30 zoning.

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

I do not believe this zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. The lot size and high quality homes will help the area.

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

With the current zoning we cannot get the number of lots you would anticipate because of the challenging topography and the cost of the land in the area.

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

With the changing of zoning, we do not feel that it would make an extreme impact on the schools, utilities, and streets in the area.

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

The Cherokee County Future Development Map indicates that this property and surrounding area is designated as Suburban Growth which recommends a classification of R-40 or larger. Section 18.6-1 (e) of the ordinance requires evaluation of a zoning change based upon the compatibility of the requested change with the policy and intent of the Cherokee County Future Land Use Plan. This policy and intent is represented by the classifications of surrounding and adjoining properties which include PUD, RD3, R-15, R-30, and R-20.

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.

We believe high quality residential homes are needed in Cherokee County and this project will provide these homes.

LEGAL DESCRIPTION NORTHERN TRACT

All of that tract or parcel of land lying and being in Land Lots 954 & 955, 3rd District, 2nd Section, Cherokee County, containing 33.50 acres, and being more particularly described as follows:

BEGINNING at an iron pin at the common corner of Land Lots 918, 919, 954 and 955; thence along the Northern line of Land Lot 955 South 89 Degrees 13 Minutes 07 Seconds East for a distance of 1078.31 feet to an iron pin on the Western variable right of way (15 feet from centerline) of Old Orange Mill Road; thence Southerly along said right of way the following bearings and distances:

South 14 Degrees 18 Minutes 12 Seconds East for a distance of 69.02 feet;
South 13 Degrees 28 Minutes 50 Seconds East for a distance of 34.32 feet;
South 09 Degrees 41 Minutes 45 Seconds East for a distance of 30.64 feet;
South 05 Degrees 14 Minutes 35 Seconds East for a distance of 26.05 feet;
South 00 Degrees 23 Minutes 52 Seconds East for a distance of 29.97 feet;
South 05 Degrees 22 Minutes 56 Seconds West for a distance of 31.15 feet;
South 12 Degrees 37 Minutes 27 Seconds West for a distance of 43.69 feet;
South 18 Degrees 15 Minutes 22 Seconds West for a distance of 33.11 feet;
South 22 Degrees 14 Minutes 52 Seconds West for a distance of 53.69 feet;
South 23 Degrees 27 Minutes 27 Seconds West for a distance of 120.81 feet;
South 23 Degrees 52 Minutes 47 Seconds West for a distance of 171.89 feet;
South 23 Degrees 52 Minutes 47 Seconds West for a distance of 66.80 feet to an iron pin; thence

leaving said right of way North 89 Degrees 13 Minutes 54 Seconds West for a distance of 385.65 feet to an iron pin; thence South 14 Degrees 42 Minutes 51 Seconds West for a distance of 289.30 feet to an iron pin on the Northern right of way (30 foot) of Jessie Lane; thence Westerly along said right of way the following bearings and distances:

South 72 Degrees 32 Minutes 26 Seconds West for a distance of 61.27 feet;
South 69 Degrees 12 Minutes 36 Seconds West for a distance of 53.58 feet;
South 66 Degrees 36 Minutes 01 Seconds West for a distance of 77.46 feet;
South 65 Degrees 14 Minutes 34 Seconds West for a distance of 75.41 feet;
South 63 Degrees 25 Minutes 10 Seconds West for a distance of 75.29 feet;
South 59 Degrees 42 Minutes 14 Seconds West for a distance of 67.49 feet to a point on the

intersection of said right of way with the Northern right of way (50 foot) of Owens Store Road; thence Westerly along the right of way of Owens Store Road the following bearings and distances:

North 87 Degrees 04 Minutes 51 Seconds West for a distance of 59.05 feet;
South 88 Degrees 59 Minutes 59 Seconds West for a distance of 34.35 feet;
North 89 Degrees 46 Minutes 11 Seconds West for a distance of 43.00 feet;
South 85 Degrees 28 Minutes 30 Seconds West for a distance of 170.98 feet;
South 83 Degrees 57 Minutes 08 Seconds West for a distance of 87.51 feet;
South 82 Degrees 19 Minutes 31 Seconds West for a distance of 134.02 feet;
South 79 Degrees 43 Minutes 17 Seconds West for a distance of 65.24 feet to an iron pin;

Thence leaving said right of way North 00 Degrees 18 Minutes 02 Seconds East for a distance of 1180.29 feet to an iron pin on the Northern line of Land Lot 954; thence along said Land Lot Line South 89

Degrees 35 Minutes 18 Seconds East for a distance of 494.29 feet to an iron pin and the TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION SOUTHERN TRACT

All of that tract or parcel of land lying and being in Land Lots 954 & 991, 3rd District, 2nd Section, Cherokee County, containing 18.23 acres, and being more particularly described as follows:

BEGINNING at an iron pin at the common corner of Land Lots 990, 991, 1026 and 1027; thence along the southern line of Land Lot 991 North 88 Degrees 27 Minutes 02 Seconds West for a distance of 494.88 feet to an iron pin; thence North 00 Degrees 25 Minutes 13 Seconds West for a distance of 1529.38 feet to an iron pin on the Southern right of way (50 foot) of Owens Store Road; thence Easterly along said right of way the following bearings and distances:

North 79 Degrees 42 Minutes 36 Seconds East for a distance of 73.13 feet;

North 82 Degrees 19 Minutes 31 Seconds East for a distance of 132.49 feet;

North 83 Degrees 57 Minutes 08 Seconds East for a distance of 86.53 feet;

North 84 Degrees 34 Minutes 03 Seconds East for a distance of 73.83 feet;

North 86 Degrees 10 Minutes 51 Seconds East for a distance of 94.44 feet;

North 87 Degrees 49 Minutes 58 Seconds East for a distance of 40.39 feet to an iron pin;

thence leaving said right of way South 00 Degrees 01 Minutes 39 Seconds West for a distance of 155.53 feet to an iron pin; thence South 03 Degrees 22 Minutes 01 Seconds East for a distance of 432.58 feet to an iron pin; thence South 00 Degrees 57 Minutes 13 Seconds West a distance of 1010.19 feet to an iron pin and the TRUE POINT OF BEGINNING.

LEGAL DESCRIPTION EASTERN TRACT

All of that tract or parcel of land lying and being in Land Lot 955, 3rd District, 2nd Section, Cherokee County, containing 2.89 acres, and being more particularly described as follows:

BEGINNING at the intersection of the Northern right of way (50 foot) of Owens Store Road and the Southern right of way (30 foot) of Jessie Lane; thence Easterly along said right of way of Jessie Lane the following bearings and distances:

North 59 Degrees 42 Minutes 14 Seconds East for a distance of 23.36 feet;
North 63 Degrees 25 Minutes 10 Seconds East for a distance of 74.82 feet;
North 65 Degrees 14 Minutes 34 Seconds East for a distance of 74.58 feet;
North 66 Degrees 36 Minutes 01 Seconds East for a distance of 76.43 feet;
North 69 Degrees 12 Minutes 36 Seconds East for a distance of 52.40 feet;
North 72 Degrees 32 Minutes 26 Seconds East for a distance of 60.03 feet;
North 74 Degrees 08 Minutes 56 Seconds East for a distance of 45.70 feet;
North 77 Degrees 41 Minutes 44 Seconds East for a distance of 90.46 feet;
North 78 Degrees 54 Minutes 14 Seconds East for a distance of 195.62 feet;

North 81 Degrees 54 Minutes 04 Seconds East for a distance of 28.28 feet to the intersection of said right of way with the Westerly variable (15 feet from centerline) right of way of Old Orange Mill Road; thence Southerly along said right of way of Old Orange Mill Road the following bearings and distances:

South 27 Degrees 25 Minutes 46 Seconds West for a distance of 66.15 feet;
South 28 Degrees 47 Minutes 23 Seconds West for a distance of 41.67 feet;
South 30 Degrees 57 Minutes 40 Seconds West for a distance of 39.40 feet;
South 33 Degrees 38 Minutes 13 Seconds West for a distance of 48.56 feet;
South 34 Degrees 38 Minutes 20 Seconds West for a distance of 60.78 feet;
South 33 Degrees 37 Minutes 52 Seconds West for a distance of 37.80 feet;
South 29 Degrees 51 Minutes 20 Seconds West for a distance of 43.38 feet;
South 23 Degrees 40 Minutes 01 Seconds West for a distance of 36.15 feet;
South 15 Degrees 54 Minutes 49 Seconds West for a distance of 35.58 feet;
South 08 Degrees 41 Minutes 48 Seconds West for a distance of 35.64 feet;
South 07 Degrees 06 Minutes 17 Seconds West for a distance of 26.69 feet;

South 69 Degrees 28 Minutes 19 Seconds West for a distance of 25.60 feet to a point on the intersection of said right of way with the Northern right of way (50 foot) of Owens Store Road; thence Northwesterly along the right of way of Owens Store Road the following bearings and distances:

North 48 Degrees 09 Minutes 39 Seconds West for a distance of 19.95 feet;
North 53 Degrees 14 Minutes 43 Seconds West for a distance of 51.04 feet;
North 59 Degrees 21 Minutes 22 Seconds West for a distance of 56.60 feet;
North 63 Degrees 57 Minutes 12 Seconds West for a distance of 91.22 feet;
North 64 Degrees 55 Minutes 29 Seconds West for a distance of 75.70 feet;

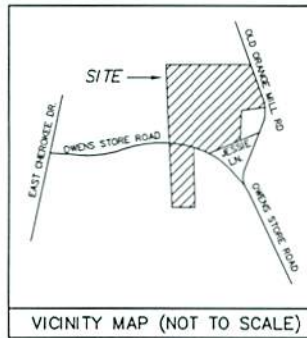
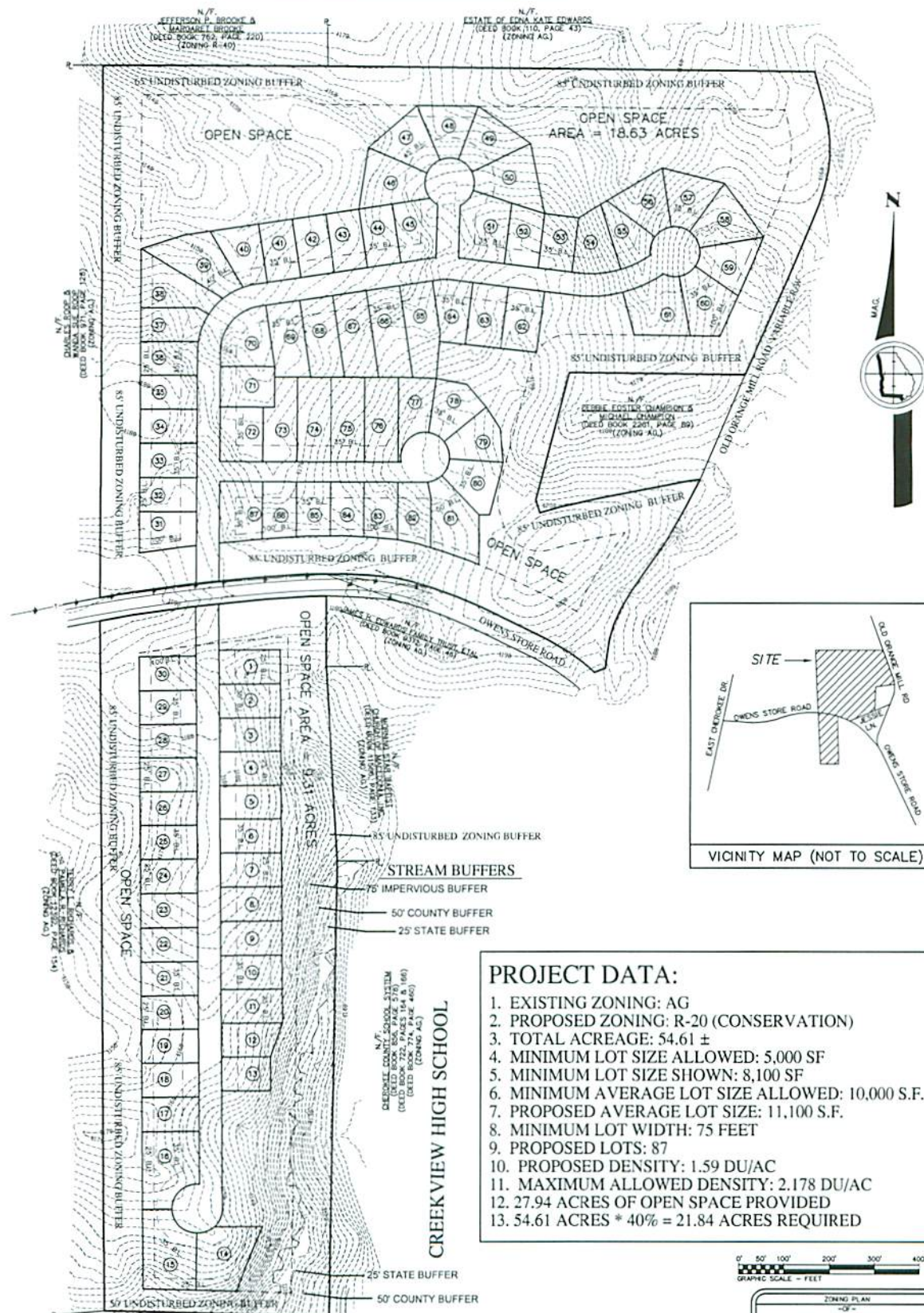
North 67 Degrees 00 Minutes 55 Seconds West for a distance of 56.29 feet;

North 70 Degrees 11 Minutes 00 Seconds West for a distance of 59.58 feet;
North 73 Degrees 24 Minutes 38 Seconds West for a distance of 52.64 feet;
North 78 Degrees 43 Minutes 33 Seconds West for a distance of 39.25 feet to a point and the
TRUE POINT OF BEGINNING.

EXISTING SITE VEGETATION
THE SITE IS PRIMARILY MATURE FOREST, MIXED WITH OPEN FIELDS

MANOR AT CREEKVIEW

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



- PROJECT DATA:**
1. EXISTING ZONING: AG
 2. PROPOSED ZONING: R-20 (CONSERVATION)
 3. TOTAL ACREAGE: 54.61 ±
 4. MINIMUM LOT SIZE ALLOWED: 5,000 SF
 5. MINIMUM LOT SIZE SHOWN: 8,100 SF
 6. MINIMUM AVERAGE LOT SIZE ALLOWED: 10,000 S.F.
 7. PROPOSED AVERAGE LOT SIZE: 11,100 S.F.
 8. MINIMUM LOT WIDTH: 75 FEET
 9. PROPOSED LOTS: 87
 10. PROPOSED DENSITY: 1.59 DU/AC
 11. MAXIMUM ALLOWED DENSITY: 2.178 DU/AC
 12. 27.94 ACRES OF OPEN SPACE PROVIDED
 13. 54.61 ACRES * 40% = 21.84 ACRES REQUIRED

TOTAL AREA = 54.61± ACRES

MAX. DENSITY CALCULATIONS: R-20 CONSERVATION
 SITE AREA: 54.61 AC ±
 CONSTRAINED AREA: ARTICLE 23.4-2 CHEROKEE CO. ZONING ORDINANCE
 ITEMS A-D: 3.22 AC
 ITEM E: 4.72 AC ± (ASSUMED ROW)
 ITEM F: 0.0 AC
 TOTAL = (3.22 x 50%) + (4.72 x 100%) = 6.33 AC ±
 NET TRACT AREA: NTA = GROSS TRACT ACREAGE - CONSTRAINED AREA
 NTA = 54.61 - 6.33 = 48.28 ACRES
 MAX. LOTS ALLOWED = SITE AREA ÷ CONSTRAINED AREA x D.U. OR THE LOTS OBTAINED FROM A CONVENTIONAL LAYOUT, WHICHEVER IS GREATER
 MAX. LOTS ALLOWABLE = 48.28 x 2.178 = 105 LOTS

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

EXISTING UTILITIES:

1. WATER SERVICE: THE SITE WILL BE SERVED BY A CONNECTION TO THE EXISTING WATER MAIN LOCATED IN THE ADJACENT ROW.
2. SANITARY SEWER SERVICE: MOST LOTS WILL BE SERVED BY THE PUBLIC SANITARY SEWER SYSTEM, AVAILABLE IN THE ADJACENT PROPERTY TO THE SOUTH. SEVERAL LOTS TO THE NORTH WILL HAVE ON-SITE SEWAGE DISPOSAL SYSTEM (SEPTIC TANK).

ZONING PLAN
MANOR AT CREEKVIEW

| | |
|-------------|---------------------------------|
| LAND LOT(S) | 854, 955, 990 & 991 |
| DISTRICT | 3 SECTION - 2 |
| CITY | CHEROKEE COUNTY, GA |
| PREPARED | JAN 30, 2017 SCALE: 1" = 100 FT |
| DRAWN BY | JAW |
| DRG FILE | J4376 R20 CONSER BUFFERS.dwg |
| JOB NO. | 17-4376 |



ADJACENT LAND USE
 THE ADJACENT LANDS ARE A MIX OF OPEN AGRICULTURAL LAND, WITH SOME MATURE FOREST. WITH ONE EXCEPTION TO THE SOUTHEAST LIES CREEKVIEW HIGH SCHOOL.

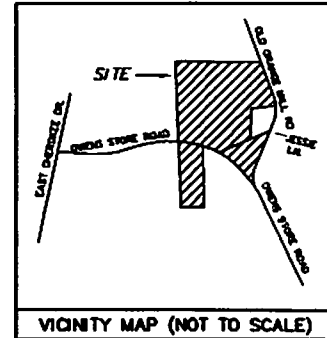
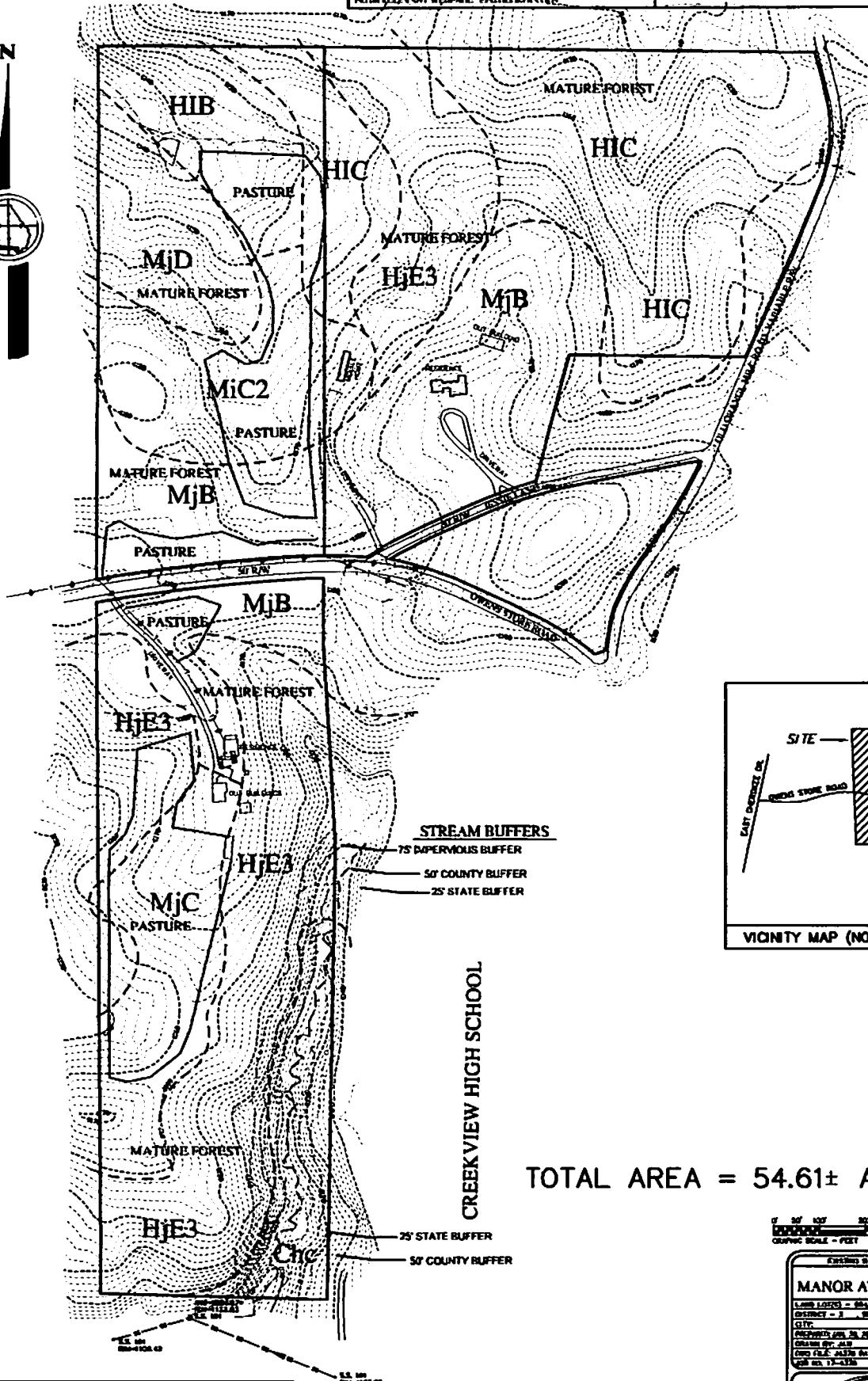
GENERAL SOIL TYPES
 THE SITE CONSISTS PRIMARILY OF HAYESVILLE FINE SANDY LOAM AND MADISON FINE SANDY LOAM.

FLOOD PLAIN
 NO FEMA FLOOD PLAIN, OR CHESAPEAKE COUNTY FUTURE FLOOD PLAIN IS WITHIN 500 HORIZONTAL FEET OF THIS PROPERTY.

GROUNDWATER RECHARGE
 THIS PROJECT DOES NOT LIE WITHIN AN AREA OF SPECIFIC CONCERN AFTER RECHARGE OR BEST PRACTICES FOR GROUNDWATER PROTECTION. PER DEPARTMENT OF NATURAL RESOURCES HYDROLOGIC ATLAS (A MOST RECENT EDITION, IF AVAILABLE FROM RELEVANT DEPARTMENT) FOR THE REGION.

IMPAIRED STREAMS
 THIS PROPERTY LIES MORE THAN 1 MILE FROM ANY IMPAIRED STREAM, PER THE GEORGIA SOIL AND WATER CONSERVATION COMMISSION.

ENDANGERED SPECIES
 PER THE U.S. FISH AND WILDLIFE SERVICE, THERE ARE NO CRITICAL HABITATS FOR ENDANGERED OR THREATENED SPECIES OR NATURAL HABITATS FOR ENDANGERED OR THREATENED VEGETATIVE TYPES ARE PRESENT IN ALL LOCAL FORESTS.



TOTAL AREA = 54.61± ACRES

EXISTING SITE VEGETATION
 THE SITE IS PRIMARILY MATURE FOREST, MIXED WITH OPEN FIELDS.

HISTORIC, ARCHEOLOGICAL, CULTURAL FEATURES
 THIS PROJECT HAS NO KNOWLEDGE OF THE PRESENCE OF HISTORIC, ARCHEOLOGICAL, OR CULTURAL FEATURES LOCATED WITHIN THIS SITE. THE NATIONAL REGISTER OF HISTORICAL PLACES DOES NOT LIST ANY SIGNIFICANT LOCATIONS ON THIS PROJECT.

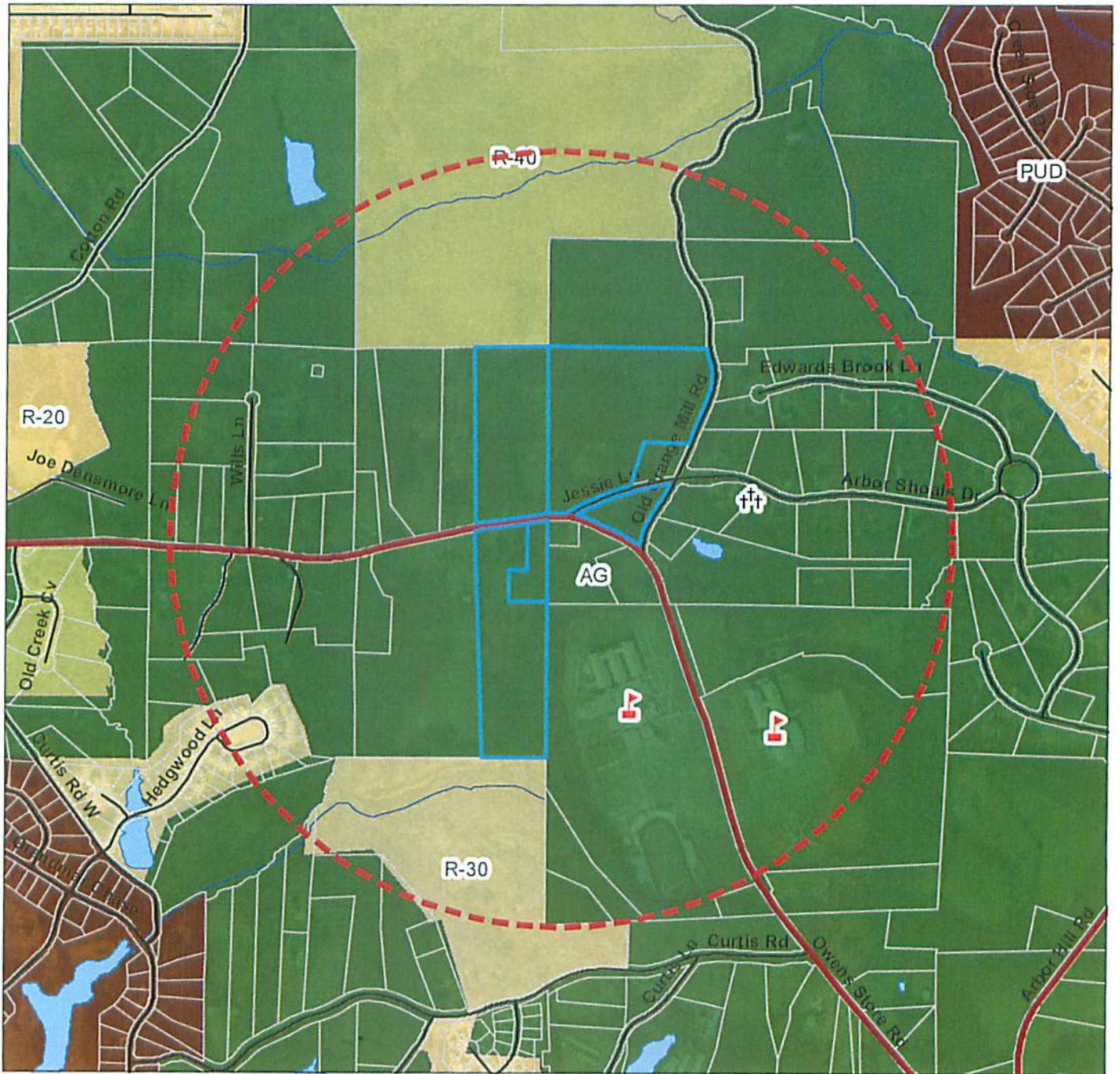
WETLANDS
 THIS SITE DOES NOT HAVE WATERS WHICH ARE SHOWN. NO WETLANDS WERE IDENTIFIED IN ANY PLACE, BUT THERE ARE SMALL AREAS AWAY FROM THE PROPERTY WHICH COULD POSSIBLY CONTAIN WETLANDS.

| Existing site measurements map | |
|---------------------------------|--------------------|
| MANOR AT CREEKVIEW | |
| LAND LOTS - 200, 201, 202 & 203 | |
| SECTION - 2 | TOWNSHIP - 2 |
| CITY - | COUNTY - |
| CREATED ON 08/20/2017 | SCALE: 1" = 500 FT |
| DRAWN BY: JLB | |
| CHECKED BY: JLB | |
| DATE: 08/20/2017 | |

100 NORTH BRIDGE ROAD / P.O. BOX 110
 BELLINGHAM, WASHINGTON 98220
 (770) 735-1100

Case # 17-04-013 R. Venture, LLC

Zoning Map



Legend

| | | |
|---------------------|-------------------------------|---------------------|
| Rezoning Parcel | Cherokee County Zoning | RTH |
| 1/2 Mile Radius | AG | RM10 |
| School | R80 | RM16 |
| Cemetery | R60 | PUD |
| Church | R40 | OI |
| Street | R30 | NC |
| Parcel | R20 | GC |
| 100 Year Flood Zone | RD3 | LI |
| | R15 | 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.

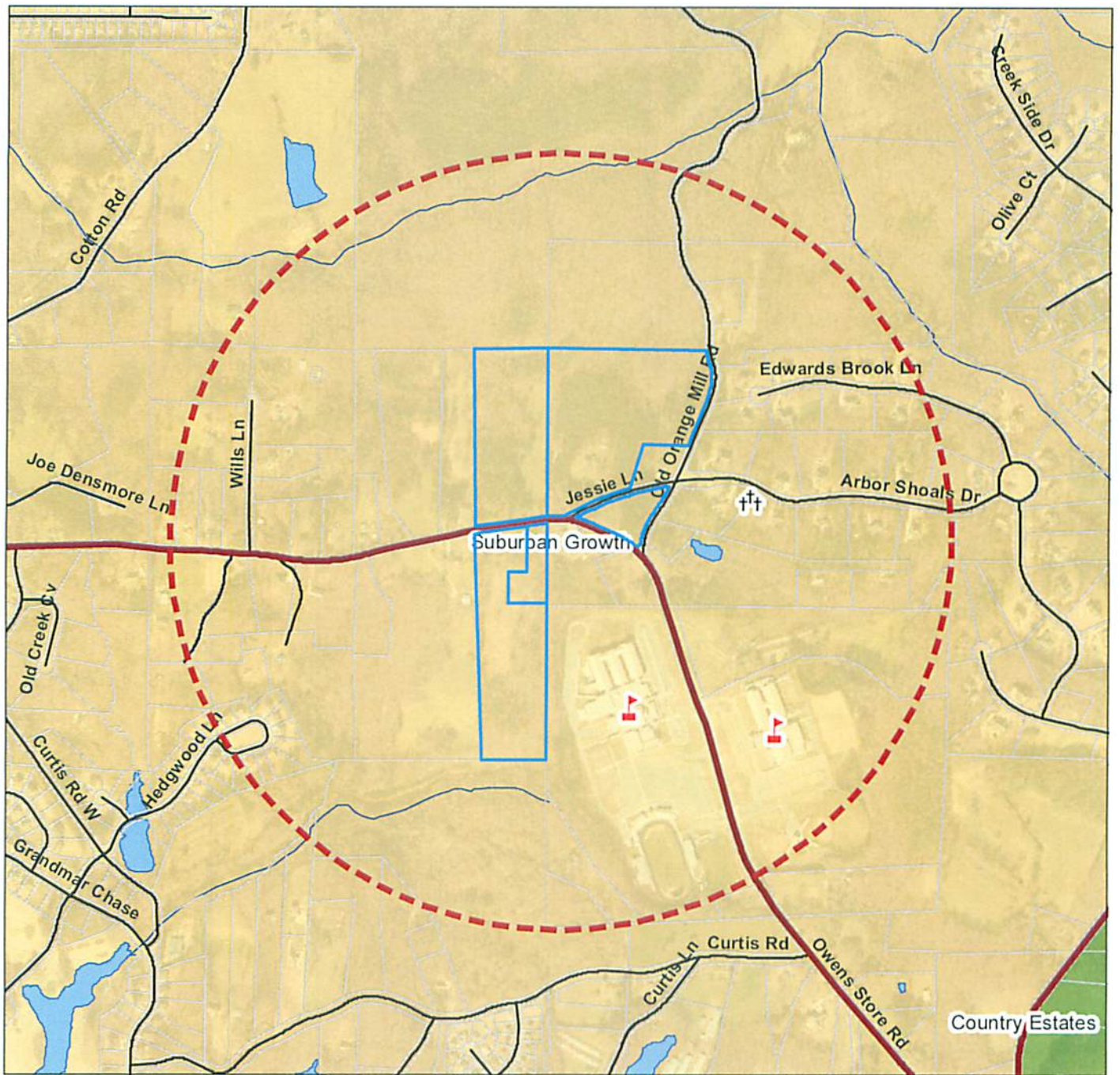


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
03 March 2017



Case # 17-04-013 R. Venture, LLC

Future Development Map



Legend

| | | |
|---------------------|--------------------------|------------------------|
| Rezoning Parcel | Development Nodes | Character Areas |
| 1/2 Mile Radius | County Crossroads | Natural Preserve |
| School | Hamlet | Rural Places |
| Cemetery | Neighborhood Village | Country Estates |
| Church | Community Village | Suburban Growth |
| Street | Corridors | Suburban Living |
| Parcel | Scenic Corridor | Neighborhood Living |
| 100 Year Flood Zone | 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
03 March 2017



PUBLIC PARTICIPATION REPORT

R. Venture, LLC, led by Hardy Smith, organized and conducted a Public Participation meeting on February 15, 2017 at 6:30pm at the R.T. Jones Library in Canton, GA to discuss the rezoning of 54.61+/- acres on Jessie Lane, Owens Store Road, and Old Orange Mill Road from AG to R-20 in order to develop a high end residential subdivision. Fifty Six invitations were sent on via USPS to all property owners within 750 feet of the subject property.

The meeting began at 6:30pm and concluded around 7:45pm. There were 32 people who signed in on the attached sign in sheets.

Listed below is a sample of the comments/questions that were discussed at the meeting:

What is the quantity of open space?

What is the price range of the homes?

Where are you going to get sewer?

Did applicant know about the noise from the high school?

Attendees did have concerns about traffic.

One attendee did say the applicant builds a nice product.

Asked applicant to keep community feel

Asked about the tax rolls

One attendee suggested an entrance off of Old Orange Mill Road.

Some attendees have concerns about closing Jessie lane.

One attendee asked for a personal meeting with applicant at the property.

Attendees asked for bigger lots.

| Name | Address: | Phone: | Email: |
|--------------------|-------------------------------|-------------------|------------------------------|
| Ricky Foster | 4996 HWY. 411, NE, FAIRMOUNT, | 770 | 891-7197 |
| ANITA FOSTER | " " " " " GA 3009 | 770 | 891-9752 |
| Pamela Richards | 820 OWENS STORE Rd. Canton | 770 | 479-1323 |
| JERRY Richards | 820 OWENS STORE Rd. Canton | 770 | 479-1323 |
| Mike Rogers | 762 OWENS STORE RD CANTON | 904 | 993-2250 |
| A.C. ROGERS | 700 Owens Store Rd Canton | 706 | 910-2487 |
| CARDLYN ROGERS | 700 Owens Store Rd Canton | 706 | 910-2487 |
| JOE STRATTON | 114 ARBOR SHOALS DR CANTON | 678 | 5951194 |
| CAROL STRATTON | 114 ARBOR SHOALS DR CANTON | 678 | 5951194 |
| Robert Chambers | 220 Edwards Brook Ct Canton | | rgc57@windstream.net |
| JOHN B. SALO | 536 OWENS STORE Rd. CANTON | 404 3885354 | JACKSALO@GMAIL.COM |
| Debbie Champion | 195 Jessie Lane Canton | 404) 625- 4307 | dixiteach@comcast.net |
| STAN BRYAN | 317 EDWARDS BROOK LANE CANTON | 678 | 493-1719 |
| George Satterfield | 142 OWENS STORE Rd | 770 | 329-5426 |
| Bonnie Satterfield | 142 " " " | 770 | 720-058 |
| Angie Edwards | 1139 Owens Store Rd. | 404-403-2501 | angieedwards@windstream.net |
| Barry Zuber | 1275 Owens Store Rd | 770-6559 | BZUBER@EWZUSA.COM |
| Rickey Curtis | 203 Curtis Ln. | 770 653-7079 | |
| Ed Cochran | 4880 Drew Rd | 770 8278269 | Coch1031@Gmail.com |
| Brian Dean | 237 Cecil Holloway Ln | 7704024167 | |
| Lisa Letchworth | 747 Owens Store Rd | 7703019308 | lyjffersletchworth@gmail.com |
| Sean Letchworth | 747 Owens Store Rd | 770-363-8359 | seanletchworth@gmail.com |
| Kim McClacken | 300 Edwards Brook Lane | 678-414-6514 | sbqueen1231@gmail.com |
| Sally Morrow | 311 Edwards Brook Lane | 770-704-8201 | Sohn MORROW austin@aol.com |
| John Morrow | 311 Edwards Brook Lane | 770-704-8201 | SallyMORROWbc@aol.com |
| Chris Wilbanks | 312 Edwards Brook Lane | 678-880-3061 | crwilbanks@njwilbanks.com |
| Jorie Lopez | 534 Owens Store Rd. | 404 415-0076 | |

| <u>Name</u> | <u>Address</u> | <u>Phone</u> | <u>Email</u> |
|-------------------|----------------------|--------------|--------------------------------|
| Courtney Faulkner | 200 Edwards Brook Ct | 678-493-2987 | courtneytucker @hotmail.com |
| Larry Lewis | 100 Arbor Street Dr | 770-624-6686 | LarryLewis13@ Gmail.com |
| MARY & Richard | | | |
| Huattk | 322 EDWARDS BROOK W. | 678.880.0866 | |
| R Kunning | 108 ARSON STONKS Rd | | PLAYIS@MIND SPRING .com |

PLEASE NOTE THE CHANGE IN DATE & TIME FOR THIS MEETING!!!!

February 6, 2017



To Whom It May Concern:

You are receiving this letter because you are either on the Cherokee County's "Interested Party" list or are a property owner within 750 feet of 155 Jessie Lane, Canton, GA 30115 and/or 876 Owens Store Road, Canton, GA 30115. On February 15, 2017 at 6:30 pm, there will be a public participation meeting concerning the rezoning of the two properties on Jessie Lane and Owens Store Road from AG to R-20. The meeting will take place at R.T Jones Memorial Library at 116 Brown Industrial Parkway, Canton, GA 30114.

The purpose of the meeting is to inform interested parties and allow them to express any concerns or issues in advance of the public hearing with the property owners Estate of Hazel Foster and Ruth Howell.

The general plan for the rezone would be to do a high end subdivision with homes starting in the \$600's. We invite you to come to the meeting for more information. Should you have any questions, please contact me at 678-776-2001.

Sincerely,

Hardy Smith

R Venture, LLC



**Cherokee County, Georgia
Agenda Request**

Item#: 1.

SUBJECT:
February 20, 2017 Minutes

MEETING DATE:
4/4/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:



**Cherokee County, Georgia
Agenda Request**

Item#: 2.

SUBJECT:
March 7, 2017 Minutes

MEETING DATE:
4/4/2017

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:
