



# Cherokee County Planning Commission Work Session AGENDA

September 18, 2017  
Business Center 6:30 PM

## **CALL TO ORDER**

## **ZONING CASES**

- 1. Case #17-10-023 The Pacific Group/Becklund (BOC Dist. 4)**  
Applicant is requesting to rezone 22.04 +/- acres at 6572 Woodstock Road and 6632 Woodstock Road from R-40 to R-15 for a conservation subdivision.
- 2. Case #17-10-024 RBMH Holdings, LLC (BOC Dist. 2)**  
Applicant is requesting to rezone 2.16 acres at 5586 Old Highway 5 from GC to LI for new lease of construction equipment.
- 3. Case #17-10-025 The Pacific Group/Moss (BOC Dist. 1)**  
Applicant is requesting to rezone 23.96 acres on Fate Conn Road from AG to R-40 for a conservation subdivision.
- 4. Case #17-10-026 John Dearing (BOC Dist. 2)**  
Applicant is requesting to rezone 160.06 acres at 4165 Earney Road and 800 Riverlake Court from AG to R-20 for a conservation subdivision. Applicant is also requesting variances to reduce the front setback lines and minimum lot widths for several lots.

## **OTHER BUSINESS**

- 1. Discuss Amendments to Article 18 of the Zoning Ordinance**

## **APPROVAL OF MINUTES**

## **ADJOURN**



Cherokee County, Georgia  
Agenda Request

---

Item#: 1.

**SUBJECT:** **Case #17-10-023 The Pacific Group/Becklund (BOC Dist. 4)**  
**MEETING DATE:** 9/18/2017

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 22.04 +/- acres at 6572 Woodstock Road and 6632 Woodstock Road from R-40 to R-15 for a conservation subdivision.

---

**FACTS AND ISSUES:**

Commission District: 4  
Zoning Change: R-40 to R-15  
Location: 6572 Woodstock Road and 6632 Woodstock Road  
Tax Map and Parcel No: 21N11, 112, 113, 114, 115, 115B  
Acres: 22.04 +/-  
Proposed Development: Conservation Subdivision  
Future Development Map: Suburban Living

---

**BUDGET:**

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

---

**ADMINISTRATIVE RECOMMENDATION:**

---

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Public Participation	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: Kevin Seifert Phone: 678 409-8557  
 Email: kevin@pacificgroupinc.com

**Applicant's Information:**

Name: The Pacific Group

Address: 5755 Dupree Drive, Suite 130 Phone: 678 409-8557

City, State, Zip: Sandy Springs, GA 30327

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

Name: Jeffrey L. Becklund and Linda V Becklund & Julia D White, as Executrix of the Estate of Frankie L. Sheppard

Address: 6574 Woodstock Rd and 6632 Woodstock Rd Phone: 404-538-4040 and 770-608-0903

City, State, Zip: Acworth, GA 30102

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

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

<b>STAFF USE ONLY:</b>	<b>PUBLIC HEARING SCHEDULE:</b>
Commission District: <u>4</u>	Public Participation Meeting: _____
Case: <u>17-10-023</u>	PC Work Session Date: <u>9.18.17</u>
CityView #: <u>PL2017-1006</u>	Planning Commission Hearing: <u>10.3.17</u>
Received by: _____	Board of Commissioners: <u>10.17.17</u>
Fee Paid: \$ <u>500.00</u>	Zoning Board of Appeals: _____
Date: _____	Other: _____

**5 Signs**

SECTION II

Property Information:

Location: 6572 Woodstock Rd and 6632 Woodstock Rd, Acworth, GA 30102

Current Zoning: R-40 Proposed Zoning: R-15 Conservation Total Acreage: total of 22.0482

Tax Map #: 21 N <sup>11</sup> 112 Parcel #: [REDACTED] Land Lot(s): 0976, 977 District: 21

Future Development Map Designation: Suburban Living

Adjacent Zonings: North R-15 and R-20 South R-15 East R-20 West R-40

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

Re-zoning from R-40 to R-15 Conservation. There are 4 more parcels with the following Tax Map #s and PIN #s:

21N11 113	21-0976-0034
21N11 114	21-0976-0032
21N11 115	21-0976-0020
21N11 115B	21-0976-0002

Proposed Use(s) of Property:

54 single family residential homes.

Applicant Affidavit:

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

This form is to be executed under oath. I, Kevin Seifert, 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 25<sup>TH</sup> day of AUGUST, 20 17.

Print Name Kevin Seifert

Applicant Signature [Handwritten 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?

gravity sewer through CCWSA

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	54	0.725	39.15
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	54	9.57	516.78
220	Apartment		6.63	

**Notes:**

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

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

AUTHORIZATION OF PROPERTY OWNER

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

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

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

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

Applicant's Information:

Name: Kevin Seifert  
 Address: 5755 Dupree Drive, Suite 130 Phone: 678 409-8557  
 City, State, Zip: Sandy Spring, GA 30327

Property Owner's Information:

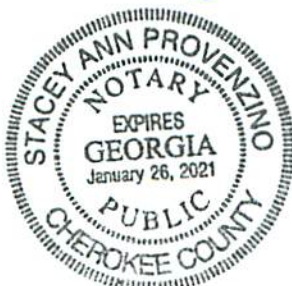
Name: Linda V. Becklund  
 Address: 6574 Woodstock Rd Phone: 404-538-4040  
 City, State, Zip: Acworth, GA 30102

Signature of Owner: *Linda V. Becklund* Date: 8-22-17  
 Print Name: Linda V. Becklund

Sworn to and Subscribed before me this: 22 day of AUG, 2017.

Notary Signature: *Stacey Ann Provenzano*

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

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

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

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

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

Applicant's Information:

Name: Kevin Seifert

Address: 5755 Dupree Drive, Suite 130 Phone: 678 409-8557

City, State, Zip: Sandy Spring, GA 30327

Property Owner's Information:

Name: Jeffrey L. Becklund

Address: 6574 Woodstock Rd Phone: 404-538-4040

City, State, Zip: Acworth, GA 30102

Signature of Owner: *Jeffrey L. Becklund* Date: 8/22/17

Print Name: Jeffrey L. Becklund

Sworn to and Subscribed before me this: 22 day of 8, 2017.

Notary Signature: *Stacey Ann Provenzano*

(Notary Seal)



**AUTHORIZATION OF PROPERTY OWNER**

Frankie Leon Sheppard  
I, Julia D. White, EXE, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

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

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

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

Applicant's Information:

Name: Kevin Seifert  
 Address: 5755 Dupree Drive, Suite 130 Phone: 678 409-8557  
 City, State, Zip: Sandy Spring, GA 30327

Property Owner's Information: Frankie Leon Sheppard,  
 Name: Julia D. White, EXE  
 Address: 6632 Woodstock Rd / MAIL-78 Ambrose Dr. Jasper, GA Phone: 770-608-0903  
 City, State, Zip: Acworth, GA 30102 30143

Signature of Owner: Frankie Leon Sheppard Julia D White, EXE Date: August 16, 2017  
 Print Name: Julia D. White

Sworn to and Subscribed before me this: 16 day of August, 2017.

Notary Signature: Sandra J Boling

(Notary Seal)





**Applicant Response Statement for 22.0482 +/- acres on Woodstock Rd in Acworth (Parcel Numbers 21N11 112-115B)**

Then intent of the requested re-zoning from R-40 to R-15 Conservation is to obtain 54 buildable residential lots.

The proposed zoning should be substantially suitable to adjacent and nearby properties. All the property is surrounded by R-15, R-20, and R-40. If you expand further out from immediately adjacent properties, but stay within a one-mile radius you can find R-15 in every direction with the exception of due east, where you find R-20.

The use of adjacent or nearby properties should not be affected considering the proposed use is the same as many of such properties.

The property has some steep terrain and reduces the likelihood for many agricultural uses. It is a tough property to have a current reasonable economic use.

The proposed zoning will contribute a moderate increase to the use of existing streets, transportation facilities, schools, and utilities. The County and CCWSA plan for these additional contributions based on the future development map and therefore it would not be excessive or burdensome.

The proposed zoning is in conformity with the policy and interest of the land use plan as it fits the Suburban Living designation.

There are no existing or changed conditions known to the applicant affecting the use and development of the property that would give supporting grounds for disapproval of the zoning.

DATE	1/17/2022
BY	J. J. [unreadable]
CHECKED	J. J. [unreadable]
SCALE	1" = 60' PL.

**ZONING RESOURCE PLAN**  
**WOODSTOCK ROAD**  
 WOODRIDGE COUNTY, GEORGIA  
**SITE PLAN**



**GREYDEN ENGINEERING**  
 2128 Peach Drive  
 Roswell, Georgia 30078  
 PH: 770-422-7442 FAX: 478-702-6362

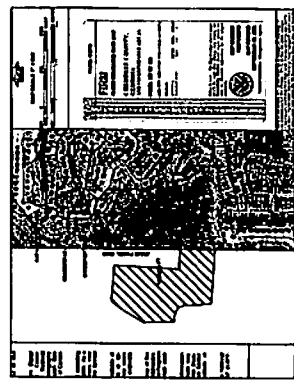
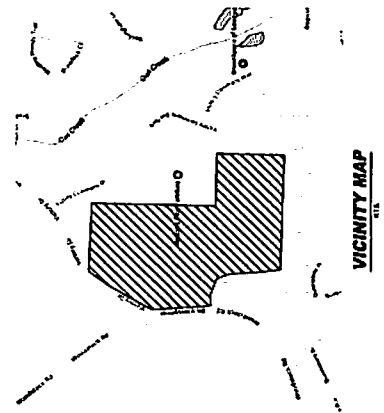
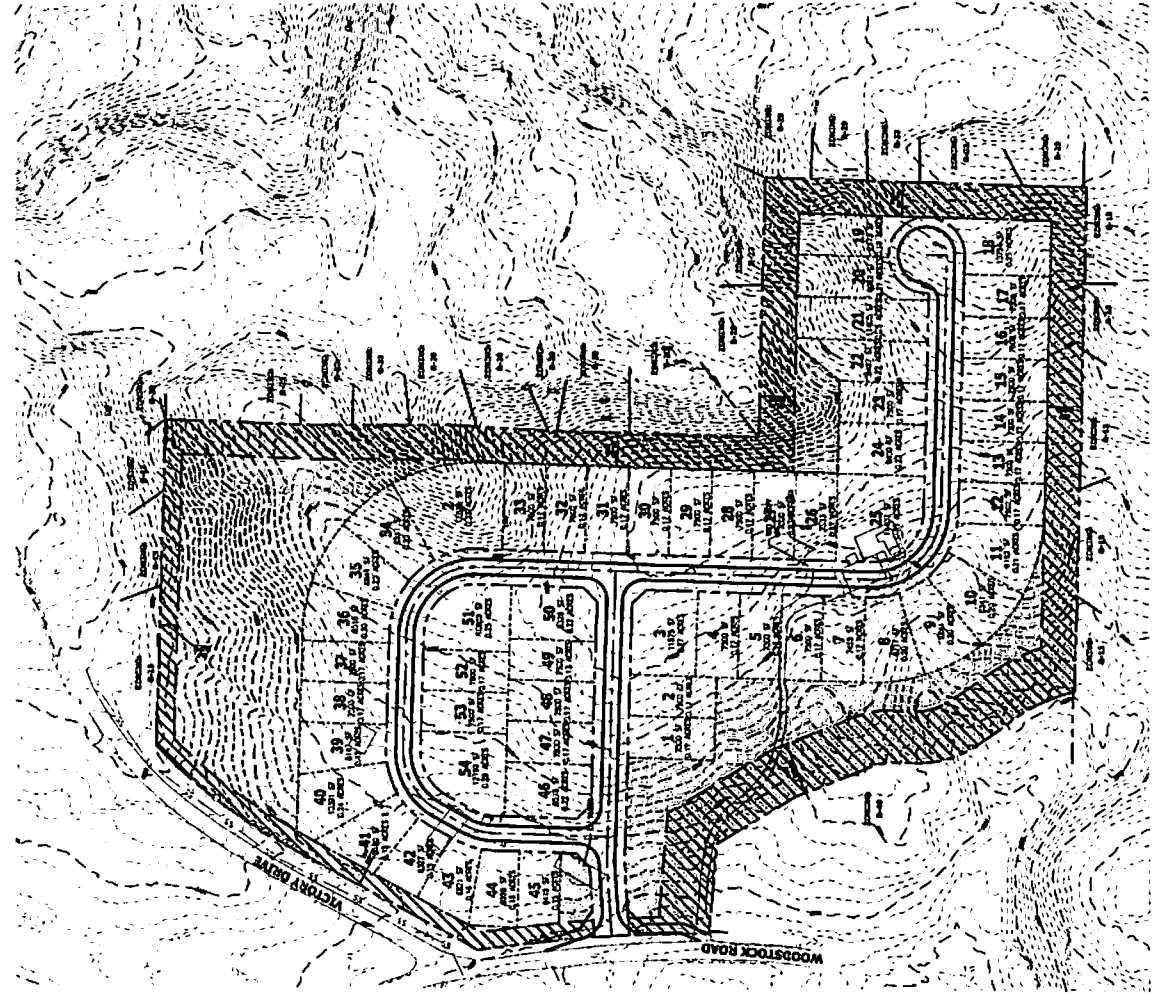
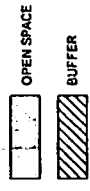
**PACIFIC GROUP INC.**  
 5725 Roswell Road, Suite 100  
 Atlanta, GA 30328  
 PH: 404-488-9123

NO. OF LOTS	54
TOTAL AREA	22.046 ACRES
AVG. LOT AREA	7,500 SF
PROPOSED OPEN SPACE	8.8 ACRES = 40%
PROPOSED LOTS	54
PROPOSED DENSITY	+2.45 UPA

**DEVELOPMENT SUMMARY**

TOTAL AREA = 22.046 ACRES  
 PROPOSED ZONING = R-15 CONSERVATION SETBACKS  
 FRONT = 35'  
 SIDE = MIN 15' BETWEEN STRUCTURES  
 REAR = 15'

AVG. LOT AREA: 7,500 SF  
 PROPOSED OPEN SPACE = 8.8 ACRES = 40%  
 PROPOSED LOTS = 54  
 PROPOSED DENSITY = +2.45 UPA



## Legal Description

All that tract or parcel of land lying and being in Land Lots 976 & 977 of the 21<sup>st</sup> District, 2<sup>nd</sup> Section of Cherokee County, Georgia and being more particularly described as follows:

**COMMENCE** at an iron pin found (1" open top pipe, with a 1" rod inside, bent) located at the Land Lot corner common to Land Lots 976, 977, 1040 and 1041; thence leave said common Land Lot corner and run easterly along the common Land Lot Line to Land Lots 976 and 1041 S88°24'44"E a distance of 359.98 feet to an iron pin set (1/2" rebar with cap) located at the intersection of said common Land Lot Line with the centerline of Tyson Road (not in use), said iron pin set being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence leave said Land Lot Line intersection and run northwesterly along said centerline of Tyson Road (not in use) the following courses and distances: along the arc of a curve to the left, an arc distance of 109.27 feet to an iron pin found (1/2" rebar), said curve having a radius of 237.28 feet and being subtended by a chord bearing N26°04'58"W and a chord distance of 108.31 feet; N34°09'56"W a distance of 54.20 feet to an iron pin found (1/2" rebar); along the arc of a curve to the right, an arc distance of 85.74 feet to an iron pin found (1/2" rebar), said curve having a radius of 160.42 feet and being subtended by a chord bearing N17°54'43"W and a chord distance of 84.72 feet; N01°03'22"E a distance of 33.59 feet to an iron pin found (1" rod); along the arc of a curve to the left, an arc distance of 50.66 feet to an iron pin found (1/2" rebar), said curve having a radius of 76.54 feet and being subtended by a chord bearing N12°04'50"W and a chord distance of 49.74 feet; thence leave said centerline of Tyson Road (not in use) and run N21°33'55"W a distance of 106.29 feet to an iron pin found (1/2" rebar); thence run N31°27'27"W a distance of 131.10 feet to an iron pin found (3/4" rebar); thence run N85°19'47"W a distance of 131.42 feet to an iron pin found (1" rod) located on the easterly right-of-way line of Woodstock Road (a Public 60' right-of-way width); thence run northerly along said easterly right-of-way line of Woodstock Road the following courses and distances: along the arc of a curve to the left, an arc distance of 269.38 feet to a point, said curve having a radius of 1993.87 feet and being subtended by a chord bearing N03°29'07"W and a chord distance of 269.17 feet; N07°21'21"W a distance of 66.62 feet to a point located at the intersection of the easterly right-of-way line of Woodstock Road with the southeasterly right-of-way line of Victory Drive, F/K/A Victory Road and Cherokee Mills Road (a Public 80' right-of-way width); thence leave said intersection and run northeasterly along said southeasterly right-of-way line of Victory Drive the following courses and distances: N28°33'04"E a distance of 255.09 feet to a point; along the arc of a curve to the right, an arc distance of 149.80 feet to a point, said curve having a radius of 1740.59 feet and being subtended by a chord bearing N31°01'00"E and a chord distance of 149.75 feet; along the arc of a curve to the right, an arc distance of 60.68 feet to a point, said curve having a radius of 490.17 feet and being subtended by a chord bearing N37°01'42"E and a chord distance of 60.64 feet; along the arc of a curve to the right, an arc distance of 86.79 feet to an iron pin set (1/2" rebar with cap) located at the intersection of said southeasterly right-of-way line with the Land Lot Line common to Land Lots 969 and 976, said curve having a radius of 781.06 feet and being subtended by a chord bearing N43°45'29"E and a chord distance of 86.75 feet; thence leave said southeasterly right-of-way line and run easterly along said common Land Lot Line S88°20'10"E a distance of 474.31 feet to an iron pin set (1/2" rebar with cap); thence leave said common Land Lot Line and run S01°46'08"W a distance of 78.54 feet to an iron pin found (3/4" open top pipe); thence run S02°34'28"W a distance of 125.91 feet to an iron pin found (1/2" rebar); thence run S00°01'46"W a distance of 33.46 feet to an iron pin found (5/8" rebar); thence run S00°01'05"W a distance of 170.00 feet to an iron pin found (5/8" rod); thence run S03°14'02"W a distance of 143.84 feet to an iron pin found (5/8" rebar); thence run S01°41'59"W a distance of 303.78 feet to an iron pin found (5/8" rebar); thence run S88°28'46"E a

distance of 188.05 feet to an iron pin found (1/2" rebar with cap); thence run S88°25'36"E a distance of 187.54 feet to an iron pin set (1/2" rebar with cap); thence run S01°41'46"W a distance of 464.73 feet to an iron pin found (1/2" rebar) located on the Land Lot Line common to Land Lots 976 and 1041; thence run westerly along said common Land Lot line the following courses and distances: N88°32'27"W a distance of 592.92 feet to an iron pin set (1/2" rebar with cap); N88°24'44"W a distance of 136.18 feet to an iron pin set (1/2" rebar with cap) located at the intersection of said common Land Lot Line with the centerline of Tyson Road (not in use), said iron pin set being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 22.048 acres.

**ZONING RESOURCE PLAN**  
**WOODSTOCK ROAD**  
 DECEMBER 2010

DATE	12/10/10
BY	JK
CHECKED BY	JK
SCALE	AS SHOWN
TITLE	ZONING RESOURCE PLAN
PROJECT	WOODSTOCK ROAD
CLIENT	PACIFIC GROUP INC.



**GREYDEN ENGINEERING**  
 2125 Main Drive  
 Roswell, Georgia 30076  
 404-773-0721 FAX 404-773-0204

**PACIFIC GROUP INC.**  
 1750 Peachtree Dunwoody Rd.  
 Atlanta, GA 30329  
 404-499-0200

DATE	12/10/10
BY	JK
CHECKED BY	JK
SCALE	AS SHOWN
TITLE	ZONING RESOURCE PLAN
PROJECT	WOODSTOCK ROAD
CLIENT	PACIFIC GROUP INC.



1 inch = 50 ft.

**DEVELOPER:**  
 PACIFIC GROUP INC.  
 1750 PEACHTREE DUNWOODY RD.  
 ATLANTA, GA 30329

**ENGINEER:**  
 GREYDEN ENGINEERING  
 2125 MAIN DRIVE  
 ROSWELL, GEORGIA 30076

**DATE:**  
 THESE ARE THE ZONING TYPES LOCATED ON THE SITE AS OF 12/10/10. THE ZONING MAPS AND A SITE VISIT ON 12/10/10 BY GREYDEN ENGINEERING.

THESE ARE NO BARRIERS LOCATED ON SITE AND THERE ARE NO BARRIERS LOCATED NEAR THE SITE FOR AND NEARBY THE SITE PROPERTY.

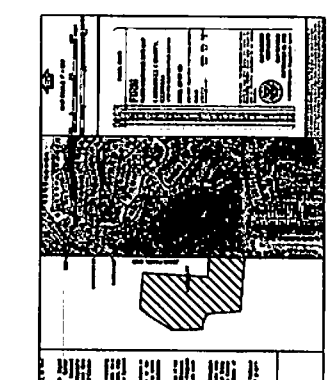
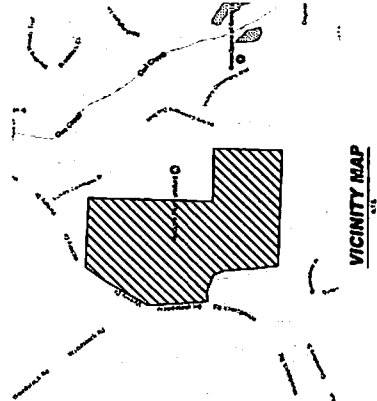
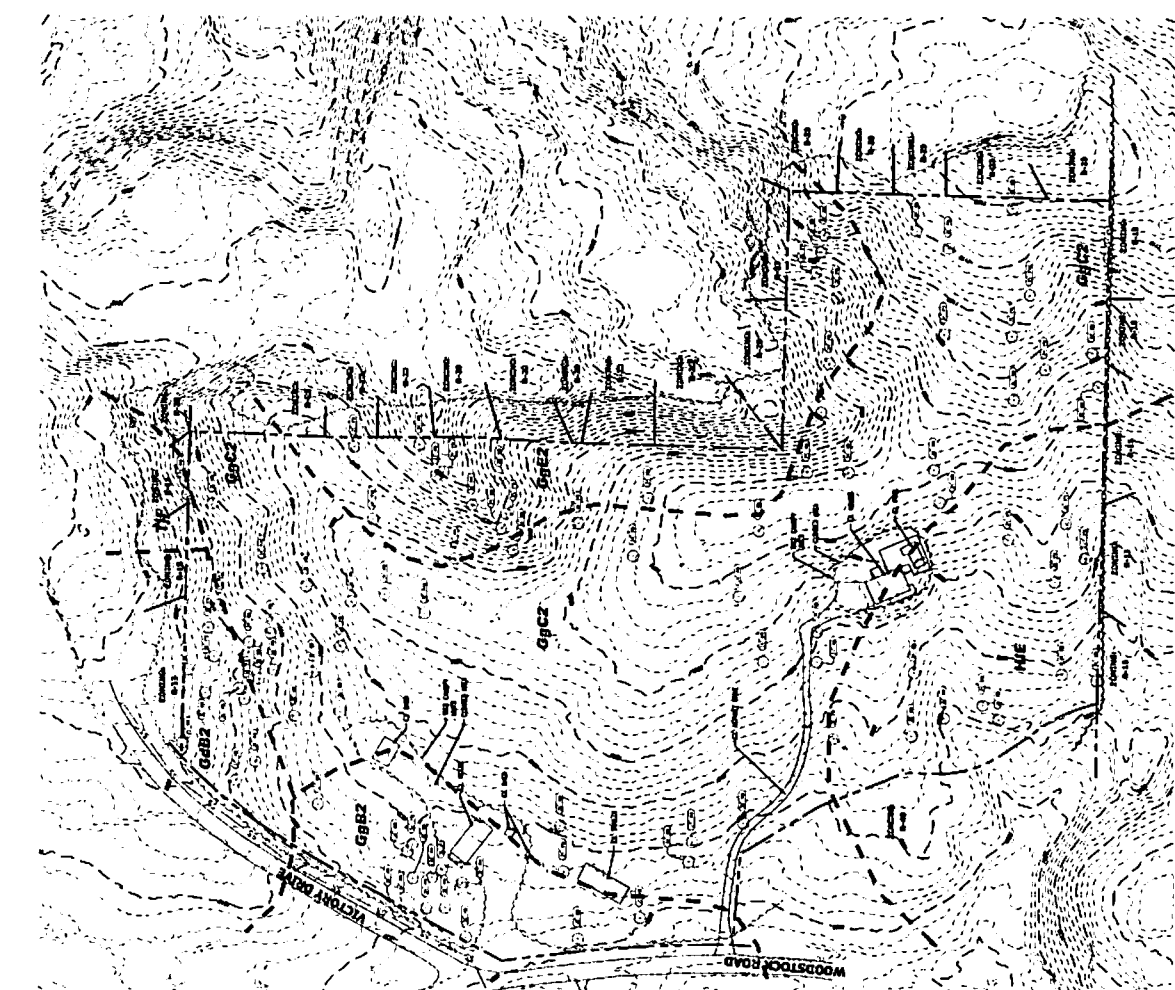
THESE ARE NO BARRIERS FOR A ROAD NOT PERFORMED BY GREYDEN ENGINEERING ON 12/10/10.

THESE ARE NO AGRICULTURAL AREAS OF 5 OR MORE CONTIGUOUS ACRES.

THESE ARE NO HISTORIC, ARCHITECTURAL OR CULTURAL RESOURCES LOCATED ON THE SITE AND THERE ARE NO HISTORIC, ARCHITECTURAL AND HISTORIC RESOURCES OFF AND THE "NATIONAL REGISTER OF HISTORIC PLACES".

**GENERAL SOA TYPES LOCATED ON SITE:**

SOA TYPE	DESCRIPTION
GBZ	General Business Zone
GB2	General Business Zone
GB1	General Business Zone
GB0	General Business Zone
GB-1	General Business Zone
GB-2	General Business Zone
GB-3	General Business Zone
GB-4	General Business Zone
GB-5	General Business Zone
GB-6	General Business Zone
GB-7	General Business Zone
GB-8	General Business Zone
GB-9	General Business Zone
GB-10	General Business Zone
GB-11	General Business Zone
GB-12	General Business Zone
GB-13	General Business Zone
GB-14	General Business Zone
GB-15	General Business Zone
GB-16	General Business Zone
GB-17	General Business Zone
GB-18	General Business Zone
GB-19	General Business Zone
GB-20	General Business Zone



DATE	12/10/10
BY	JK
CHECKED BY	JK
SCALE	AS SHOWN
TITLE	ZONING RESOURCE PLAN
PROJECT	WOODSTOCK ROAD
CLIENT	PACIFIC GROUP INC.

**Public Participation Plan and Report for 22.0482 +/- acres on Woodstock Rd in Acworth (Parcel Numbers 21N11 112-115B)**

We met on Monday August, 14<sup>th</sup> from 6:30 pm to approximately 8:30 pm in the Community Room at Oak Grove Fire Station 19 with a total attendance of 13 people, including myself, who showed up to the meeting that was mailed out to all parties within 750 feet of the site and the District interested parties. The attendees to the meeting were:

**James and Marilyn Johnson (Victory Commons residents)**

**James and Nancy Jicha (Queensbury Orchard residents)**

**Tom Ware (planning commission member)**

**Bobbie King (adjacent property owner at 6546 Woodstock Rd)**

**Donald Bennett (adjacent property owner across R/W at 6573 Woodstock Rd)**

**Stephen and Mildred Williams (Victory Commons residents)**

**Teresa Harlan (adjacent property owner across R/W at 6685 and 6597 Woodstock Rd)**

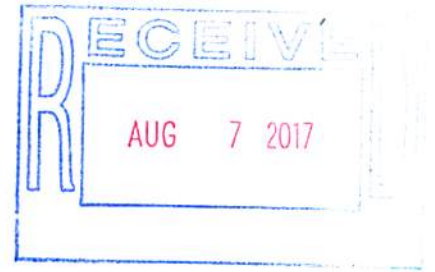
**John and Hannah Stewart (Victory Commons residents)**

**Kevin Selfert (applicant)**

As a follow up to the discussions at this meeting, we will be reaching out to all listed above with the preliminary grading plan that we hope to have complete in a couple weeks so they can understand anticipated limits of disturbance. We plan to continue discussions and/or answer any questions that come up between now and the public hearings. We hope to get to the planning commission hearing with support from all of these attendees of the meeting. Both John Stewart and Stephen Williams are on the Victory Commons HOA board, which will help communication with everyone.

Public Participation Meeting Notification

8/3/2017  
The Pacific Group, Inc.  
Kevin Seifert  
678.409.8557  
kevin@pacificgroupinc.com  
5755 Dupree Drive, Suite 130  
Sandy Springs, GA 30327



Dear Neighbor,

You are receiving this letter because you have registered with the Cherokee County Planning and Land Use department as being an interested party or your property lies within 750 feet of property we are considering requesting a change of zoning. As a part of the zoning process, Cherokee County requires any person requesting a change of zoning to host a public participation meeting. The purpose of this meeting is to ensure early and effective communication with nearby property owners and interested citizens, giving you the opportunity to review the proposed request for a change of zoning and to mitigate any impacts such proposal may have on the community. The meeting information is as follows:

August 14, 2017  
6:30 pm  
Oak Grove Fire Dept  
6724 Bells Ferry Rd, Woodstock, GA 30189

Our proposed design is for 54 residential homes, all consisting of single family lots with a minimum 7,500 square foot lot size based on an R-15 conservation layout. This calculates to a density of 2.449 units/acre. This proposed site is adjacent to R-15 and R-20 residential homes. The exterior buffers per the Cherokee County Zoning Ordinance will be 25 feet adjacent to R-15 and 50 feet adjacent to R-20

(Current Property Owner's name) **Jeffrey L. Becklund and Linda V Becklund and the Estate of Frankie L. Sheppard C/O Julia D. White**  
(Acreage of the Proposed Project) **22.0482**  
(Current Zoning of the property) **R-40** (Proposed Zoning of the property) **R-15**  
(Current Use of the property) **residential** (Proposed Use of the property) **residential**  
(Future Development Map designation) **Suburban Living**

A copy of the proposed site plan and a Project Fact Sheet have been included for your review.

You are invited to come to this meeting to share your thoughts and concerns and to gain additional information about the proposed project. Should you have any questions, please contact me at 678.409.8557 or at kevin@pacificgroupinc.com.

Sincerely,

Kevin Seifert  
Enclosures

## Project Fact Sheet

Applicant Name	Pacific Group, Inc.		
Applicant Mailing Address	5755 Dupree Drive	Suite 130	Sandy Springs, GA 30327
Applicant's Contact Person	Kevin Seifert		
Contact # / email	678.409.8557	kevin@pacificgroupinc.com	
Property Owner(s)	Jeffrey L. Becklund and Linda V Becklund	the Estate of Frankie L. Sheppard C/O Julia D. White	
Property location	6574 Woodstock Rd	6632 Woodstock Rd	
Parcel Number(s)	21N11 113, 21N11 112, 21N11 115, and 21N11 115B	21N11 114	
Future Development Map Designation	Suburban Living	Suburban Living	
Acreage of property	14.0482 acres	8 acres	
Current Zoning of property	R-40	1.089 (DU/AC) max	
Current Use of property	residential		
Proposed Zoning of property	R-15	2.904 (DU/AC) max	2.449 (DU/AC) proposed
Proposed Use of property	residential		
# of units (if residential)	54 units		
Sq. ft. of building (if commercial)			

*Note: DU/AC= dwelling unit per acre*



**DEVELOPMENT SUMMARY**

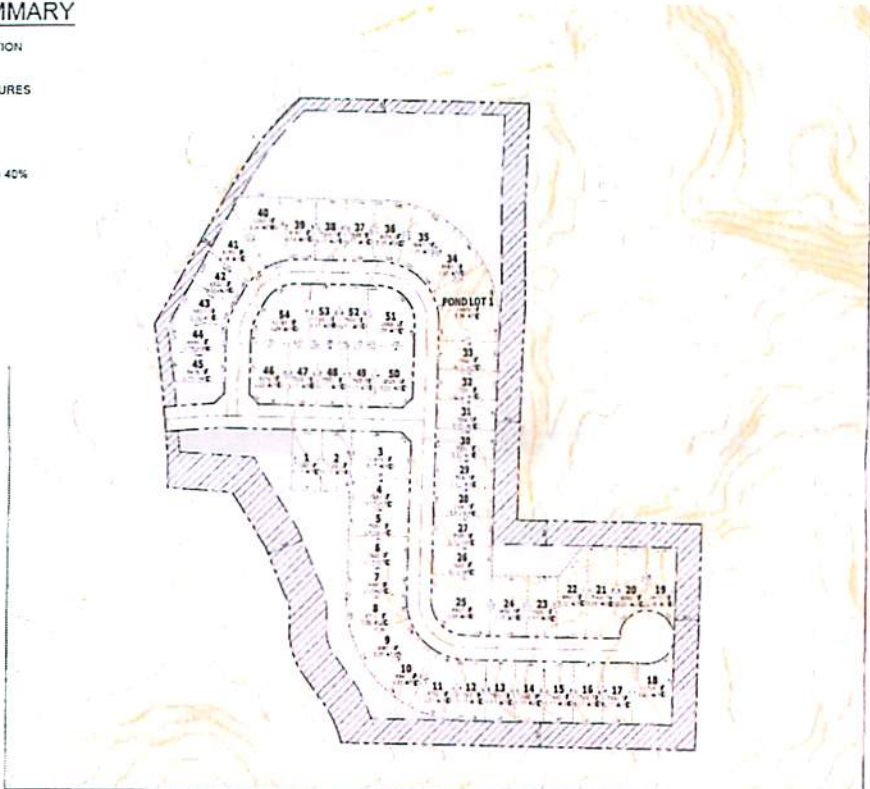
TOTAL AREA = 22.048 ACRES  
PROPOSED ZONING = R-15 CONSERVATION  
SETBACKS:  
FRONT = 35'  
SIDE = MIN 15' BETWEEN STRUCTURES  
REAR = 15'

AVG. LOT AREA: 7,500 SF

PROPOSED OPEN SPACE = 8.8 ACRES = 40%

PROPOSED LOTS = 54  
PROPOSED DENSITY = 2.45 UPA

-  OPEN SPACE
-  BUFFER

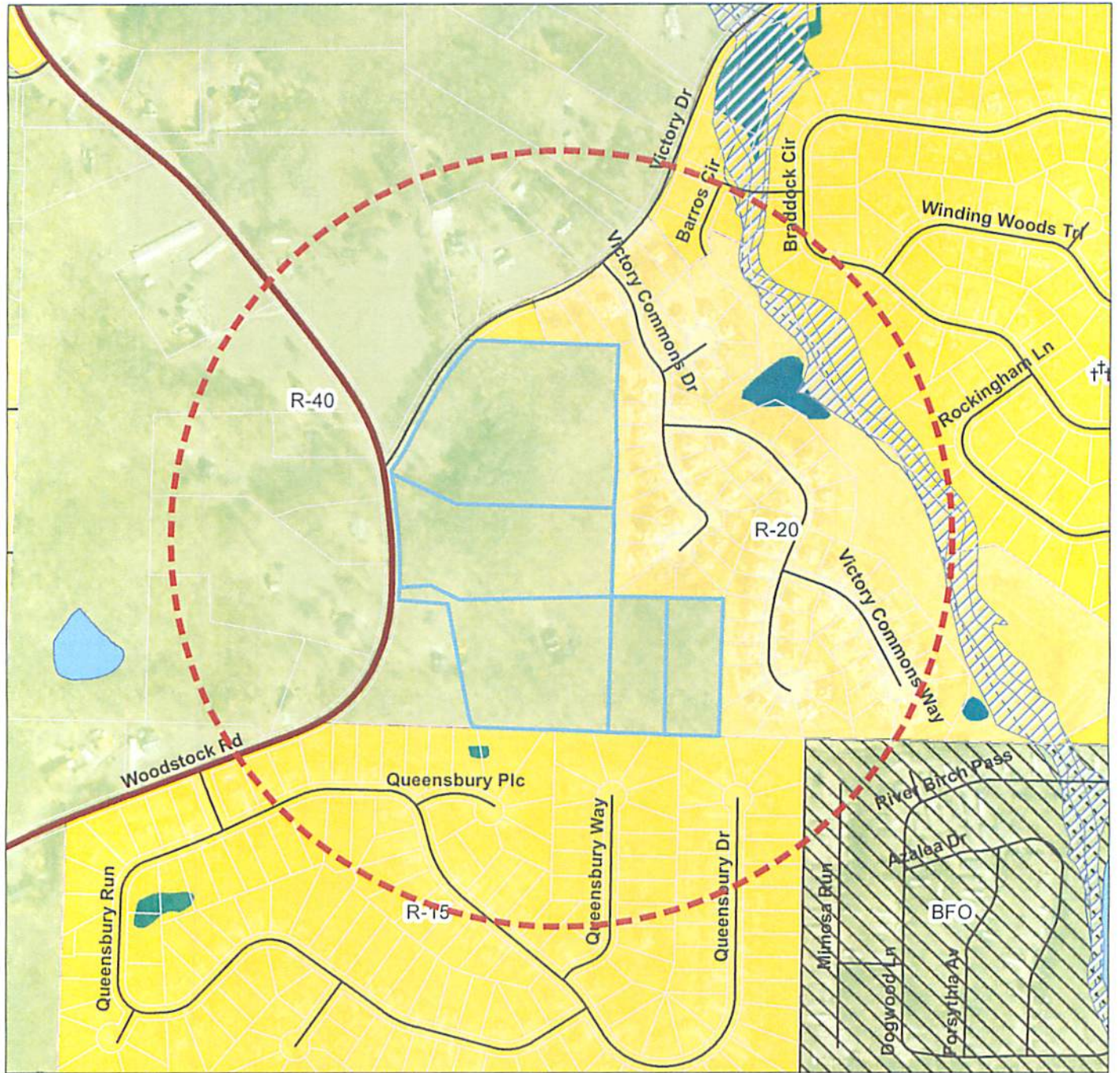


**WOODSTOCK ROAD TRACT**  
**CONCEPT PLAN**  
**CHEROKEE COUNTY, GEORGIA**

  
1" = 200'  
**GREYDEN**  
ENGINEERING  
1000 W. BROAD ST.  
SUITE 100  
ATLANTA, GA 30334  
404.525.1234  
WWW.GREYDEN.COM

# Case # 17-10-023    The Pacific Group

## Zoning Map



### Legend

- |                     |                               |                     |               |
|---------------------|-------------------------------|---------------------|---------------|
| Rezoning Parcel     | <b>Cherokee County Zoning</b> | RTH                 | Ball Ground   |
| 1/4 Mile Radius     | AG                            | RM10                | Canton        |
| School              | R80                           | RM16                | Holly Springs |
| Cemetery            | R60                           | TND                 | Mountain Park |
| Church              | R40                           | PUD                 | Nelson        |
| Parcel              | R30                           | OI                  | Waleska       |
| 100 Year Flood Zone | R20                           | NC                  | Woodstock     |
| Detention Pond      | R15                           | GC                  |               |
|                     | RD3                           | LI                  |               |
|                     | R10                           | HI                  |               |
|                     | RZL                           | Bells Ferry Overlay |               |
|                     | RA                            | Hwy 92 Overlay      |               |



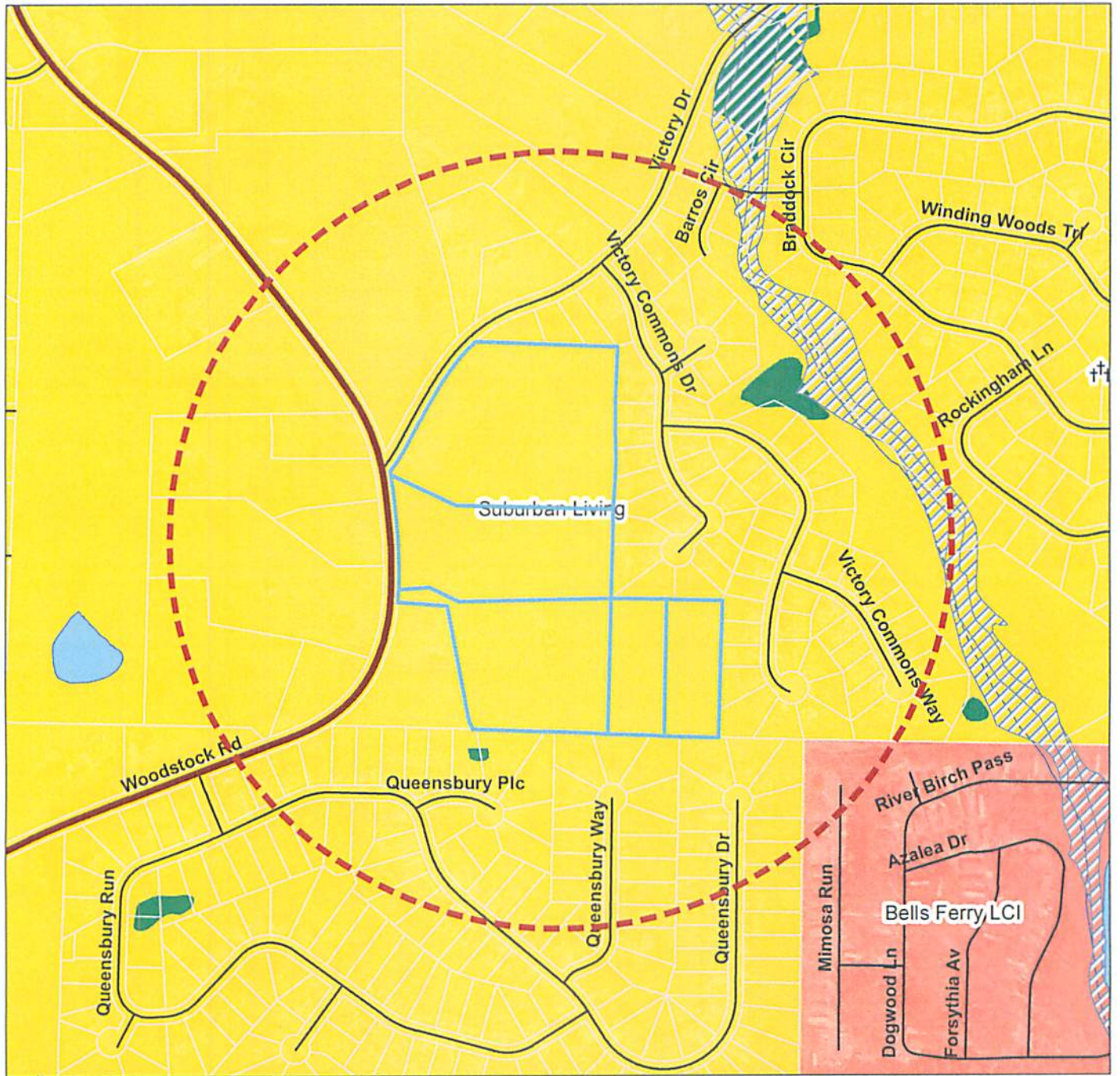
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:  
Cherokee County  
Planning and Land Use  
Canton, Georgia  
28 August 2017



Case # 17-10-023 The Pacific Group  
 Future Development Map



**Legend**

- |                     |                       |                     |               |
|---------------------|-----------------------|---------------------|---------------|
| Rezoning Parcel     | County Crossroads     | Natural Preserve    | Ball Ground   |
| 1/4 Mile Radius     | Hamlet                | Rural Places        | Canton        |
| School              | Neighborhood Village  | Country Estates     | Holly Springs |
| Cemetery            | Community Village     | Suburban Growth     | Mountain Park |
| Church              | <b>Corridors</b>      | Suburban Living     | Nelson        |
| Parcel              | Scenic Corridor       | Neighborhood Living | Waleska       |
| 100 Year Flood Zone | Transitional Corridor | Bells Ferry LCI     | Woodstock     |
| Detention Pond      | 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  
 28 August 2017





Cherokee County, Georgia  
Agenda Request

Item#: 2.

**SUBJECT:** **MEETING DATE:**  
Case #17-10-024 RBMH Holdings, LLC (BOC 9/18/2017  
Dist. 2)

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 2.16 acres at 5586 Old Highway 5 from GC to LI for new lease of construction equipment.

---

**FACTS AND ISSUES:**

Commission District: 3  
Zoning Change: GC to LI  
Location: 5586 Old Highway 5  
Tax Map and Parcel No: 15N16, 082  
Acres: 2.16  
Proposed Development: New lease of construction equipment  
Future Development Map: Suburban Living

---

**BUDGET:**

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

---

**ADMINISTRATIVE RECOMMENDATION:**

---

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Survey	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Public Participation	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: Rebecca Griffin Phone: 678 315 8524  
 Email: rgriffin@wastetech.com

**Applicant's Information:**

Name: RBMH Holdings, LLC  
 Address: P.O. Box 729 Phone: 678 315 8524  
 City, State, Zip: Lebanon GA 30146

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

Name: John A. Anderson and Donna E. Anderson  
 Address: 2093 Trade Winds Dr. Phone: 404 401 5720  
 City, State, Zip: Canton GA 30115 404 317 3526

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

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

<b>STAFF USE ONLY:</b>	<b>PUBLIC HEARING SCHEDULE:</b>
Commission District: <u>3</u>	Public Participation Meeting: <u>8/22/17</u>
Case: <u>17-10-024</u>	PC Work Session Date: <u>9/18/17</u>
CityView # <u>PL2017-1007</u>	Planning Commission Hearing: <u>10/3/17</u>
Received by: _____	Board of Commissioners: <u>10/17/17</u>
Fee Paid: \$ <u>750<sup>00</sup></u>	Zoning Board of Appeals: _____
Date: _____	Other: _____

*2 Signs*

SECTION II

Property Information:

Location: 5586 Old Hwy 5 Woodstock GA 30188

Current Zoning: GC Proposed Zoning: L1 Total Acreage: 2.16

Tax Map #: 15 N 16 Parcel #: ~~15A16-082~~ 6652704 Land Lot(s): ~~711, 712, 810, 811~~ District: 15

Future Development Map Designation: Suburban Living

Adjacent Zonings: North R-40 South Holly Springs Residential East R-40 & Holly Springs West R-40 & Holly Springs

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

Request to rezone L1 to store 30 yard containers and 3 CDL trucks. Continue to use building on site as office. Office hours 8-5 pm

Proposed Use(s) of Property:

New lease of construction equipment

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, Rebecca Griffin, 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 18 day of August, 20 17.

Print Name Rebecca Griffin.

Applicant Signature [Signature].

**SECTION III**

**Infrastructure Information:**

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

How is sewage from this site to be managed?  
Septic

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

If yes, what is the projected increase? 0 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home		0.725	
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? N/A 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.

770-592-8658  
ATTN: Becky Claidy

AUTHORIZATION OF PROPERTY OWNER

I, John A Anderson & Anderson <sup>Donna E.</sup> being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Cherokee County/Cherokee County, Georgia.

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

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

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

Applicant's Information:

Name: RBMH Holdings, LLC and 911dump, LLC  
 Address: 280 Heritage Walk Phone: 678-315-8524  
 City, State, Zip: Woodstock GA 30188

Property address : 5586 Old Hwy 5 Woodstock, GA. 30188  
 Property Owner's Information:

Name: John A. Anderson and Donna E. Anderson  
 Address: 2093 Trade Winds Dr. Phone: 404-401-5720  
404-317-3526  
 City, State, Zip: CANTON GA 30115

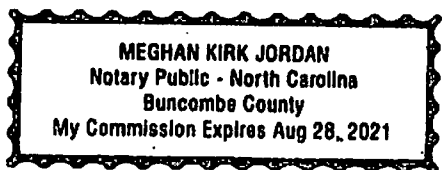
Signature of Owner: John A. Anderson  
 Signature of Owner: Donna E. Anderson Date: 8/6/17

Print Name: JOHN A. ANDERSON  
 Print Name DONNA E. ANDERSON DATE 8/6/17

Sworn to and Subscribed before me this: 6<sup>th</sup> day of AUGUST, 2017.

Notary Signature: Meghan Kirk Jordan

(Notary Seal)





**RBMH Holdings, LLC**

PO Box 729 Lebanon, GA 30146  
Phone: 678-315-8524

↳ **Cherokee County Planning and Zoning**

1130 Bluffs Parkway Canton, GA 30114  
Phone: 678-493-6101

---

**Dear Vicki Taylor Lee,**

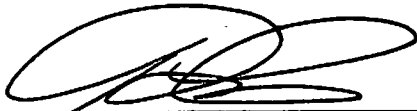
Our intent for the request of Light Industrial Zoning on property 5586 Old Hwy 5, is for the purpose of storing new construction lease equipment and trucks. The building on the property would be used for an office with one to three full time employee taking incoming calls and dispatching routes to drivers. We would be employing up to 10 new Cherokee county based employees with annual salaries from \$35,000 to \$65,000.

The property has always been used for commercial/construction business purposes and has two billboards on the property. The east lot across this street is vacant and all surrounding properties are zoned residential, but because of the site location, having a natural 35-foot high embankment across the west side and proposed fencing along the east side / highway, this property would not affect current residential planning. In fact, it doesn't appear to be suitable for residential use. This proposal would not adversely affect the current surrounding properties.

We do not anticipate the trucks causing excessive or burdensome use on Hwy 5 as they would be leaving in the morning and returning in the evening, having quick access to I-575 via Sixes Road. 3421 q

There is a need in this area for LI on this north end of Woodstock and based on all of the factors with this property. This is the perfect site for its use.

Sincerely,



---

**RBMH Holdings, LLC**  
Rebecca Griffin - President  
Wastetech, LLC  
8/18/2017

---

03236  
0179

Georgia, Cherokee County  
Filed in office this 7 day of Aug 1998  
at 3:30 P. M. Recorded in Book 3236 Page 179  
this 10 day of August 1998  
Anne M. Bureau  
Clerk Superior Court BK PG

CHEROKEE COUNTY, GA.  
REAL ESTATE TRANSFER TAX  
PAID \$ 140.00  
DATE 8-7-98

Anne M. Bureau  
CLERK OF SUPERIOR COURT

3236 179

2/5 AFTER RECORDING RETURN TO:  
SELLERS & WARREN, P.C.  
14.00 910 HOLCOMB BRIDGE RD., STE. 100  
ROSWELL, GA. 30075

FILE NO. R98BOC0113  
Anderson

STATE OF GEORGIA  
COUNTY OF CHEROKEE

WARRANTY DEED

THIS INDENTURE is made as of the 31<sup>st</sup> day of JULY, 1998 by and between

SARA KRISTEN ABERNATHY AKA SARAH KRISTEN ABERNATHY  
REBECCA ABERNATHY, TRUSTEE FOR SARAH KRISTEN ABERNATHY  
REBECCA ABERNATHY, TRUSTEE FOR JESSICA ELIZABETH ABERNATHY

as party of the first part, hereinafter referred to as "Grantor," and

**JOHN ANDY ANDERSON AND DONNA ANDERSON**

as party of the second part, hereinafter referred to as "Grantee," the words "Grantor" and "Grantee" to include the neuter, masculine and feminine genders, the singular and the plural.

W I T N E S S E T H :

FOR AND IN CONSIDERATION OF TEN DOLLARS (\$10.00) and other good and valuable consideration delivered to Grantor by Grantee at and before the execution, sealing and delivery hereof, the receipt and sufficiency of which is hereby acknowledged, Grantor has and hereby does grant, bargain, sell and convey unto Grantee and the heirs, legal representatives, successors and assigns of Grantee:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 665 AND 704 OF THE 15TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT "A" ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE THERETO.

Rebecca Abernathy as Trustee aforesaid warrants title to only that portion of the above described property which she acquired as Trustee for the aforesaid Trust by deeds from H. Steve Abernathy and Leslie Case Abernathy dated December 30, 1993, recorded at Deed Book 1697, Page 349 and 350, Cherokee County Deed Records, respectively.

The Trustee further has and hereby does remise, release, convey and forever Quit Claim unto Grantee all right, title and interest which she may hold on behalf of the aforesaid Trust.

TO HAVE AND TO HOLD the Property, together with any and all of the rights, members and appurtenances thereof to, the same being, belonging or in anyway appertaining to the only proper use, benefit and behoof of the Grantee and the heirs, legal representatives, successors and assigns of Grantee, forever, IN FEE SIMPLE.

03236  
0180

BK PG  
3236 180

GRANTOR SHALL WARRANT and forever defend the right and title to the Property unto the Grantee and the heirs, legal representatives, successors and assigns of Grantee, against the claims of all persons whomsoever.

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

Signed, sealed and delivered this 31st day of July, 1998 in the presence of:

*[Signature]*  
Unofficial Witness

BY: *[Signature]* (SEAL)  
SARA KRISTEN ABERNATHY  
AKA SARAH KRISTEN ABERNATHY

*[Signature]*  
Notary Public

*[Signature]*  
Unofficial Witness

BY: *[Signature]* (SEAL)  
REBECCA ABERNATHY, TRUSTEE FOR  
SARAH KRISTEN ABERNATHY

*[Signature]*  
Notary Public

BY: *[Signature]* (SEAL)  
L. REBECCA ABERNATHY, TRUSTEE FOR  
JESSICA ELIZABETH ABERNATHY

WS6/R98BOC0113, ANDERSON, WD, DG(WP)

COPY

03236  
0181BK PG  
3236 181

## EXHIBIT "A"

All that tract or parcel of land lying and being in the 15th District and 2nd Section, Cherokee County, Georgia and being a portion of Land Lots 704 and 665, more particularly described as follows:

Beginning at an iron pin at the intersection of the Western right of way of Georgia Highway 5 and the Eastern Right of Way of Payne Road (Formerly known as Kemp Road) from said point of beginning proceed in a southeasterly direction along the Western right of way of Georgia Highway 5 a distance of 563.08 feet to an iron pin at the intersection of said right of way and the common boundary of Land Lotn 704 and 703; thence in a Southerly direction along said common land lot line a distance of 199.81 feet to an iron pin; thence North  $56^{\circ}50'59''$  West a distance of 435.54 feet to an iron pin; thence North  $03^{\circ}32'56''$  East a distance of 399.57 feet along the eastern right of way of Payne Road to an iron pin, the same being the Point of Beginning.

This being the same 2.142 acre tract described and set forth in a survey for Earnest L. Payne by Kenneth L. Nutt, Registered Surveyor, and date January 24, 1985 and recorded in Plat Book 27, Page 67, Plat Records of the Clerk of Superior Court, Cherokee County, Georgia. The same being incorporated here by reference and made a part of this description.

COPY

Rec. 8-10-98

ANNE. M. RENEAU  
CLERK SUPERIOR COURT OF CHEROKEE COUNTY

**RETRACEMENT SURVEY**  
**PREPARED FOR**  
**RBMH Timber Holdings**

LAND LOTS 665 & 704  
 15th DISTRICT, 2nd SECTION  
 CHEROKEE COUNTY, GEORGIA

DATE : JULY 14, 2017

**REVISIONS:**

DATE	COMMENT

**LEGEND**

○ IRON PIN FOUND	□ FIRE HYDRANT	□ POWER BOX
● (IPS) IRON PIN SET	□ UTILITY POLE	□ UTILITY METER
△ NO MONUMENT	□ WATER METER	□ DRAIN INLET
■ ROCK	□ WATER VALVE	□ STORM PIPE
▨ MONUMENT	□ GAS METER	□ SEWER PIPE
□ MONUMENT	□ GAS VALVE	□ LIGHT POLE
P.O.B. — POINT OF BEGINNING	— — — — — LAND LOT LINE	— — — — — STREAM OR POND
P.L. — PROPERTY LINE	— — — — — CENTERLINE	— — — — — GUN POWER
C.L. — CENTERLINE	— — — — — FENCE	— — — — — RIGHT OF WAY
N/F — NOW OR FORMERLY	— — — — — UG GAS LINE	— — — — — UG POWER
DB/PS — DEED BOOK/PAGE	— — — — — SW/WATER LINE	— — — — — STORM LINE
PB/PS — PLAT BOOK/PAGE	— — — — — WATER LINE	— — — — — B/R TRACKS
PP — UTILITY POLE	— — — — — T — GUN TELEPHONE	— — — — —
RCP — REINFORCED CONC. PIPE	— — — — —	— — — — —
CMP — CORRUGATED METAL PIPE	— — — — —	— — — — —
CPP — CORRUGATED PLASTIC PIPE	— — — — —	— — — — —
ASPH — ASPHALT	+++++ EXIST. CONTOUR	+++++ PROP. CONTOUR
CONC — CONCRETE	—1000— EXIST. CONTOUR	—1000— PROP. CONTOUR
GRAV — GRAVEL	—1000— EXIST. CONTOUR	—1000— PROP. CONTOUR

MONUMENT DIMENSIONS ARE OUTSIDE/OVERALL DIMENSIONS. ALL IPS ARE CAPPED 3/8" REBAR UNLESS OTHERWISE NOTED.

"Thou shalt not remove thy neighbor's landmark, which they of old time have set."  
 Deuteronomy 19:14 KJV

**DISCLOSURE & NOTICE**

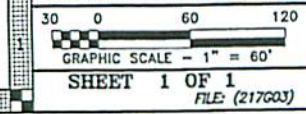
This drawing and any findings does not constitute a title or legal opinion by Chastain & Associates, P.C. Any provided certification is a statement based on facts and knowledge known to the registrant and is not a guarantee or warranty, either expressed or implied. Other documents or conditions may exist that would affect this property. As a unique pictorial and graphic professional work, this survey is subject to the Copyright laws of the United States. The latest date of field survey work is the date applicable to provisions of Statutes of Limitation. No certification or liability is extended to any party not named herein. Subsurface matters not certified unless excavated.

IN GOD WE TRUST

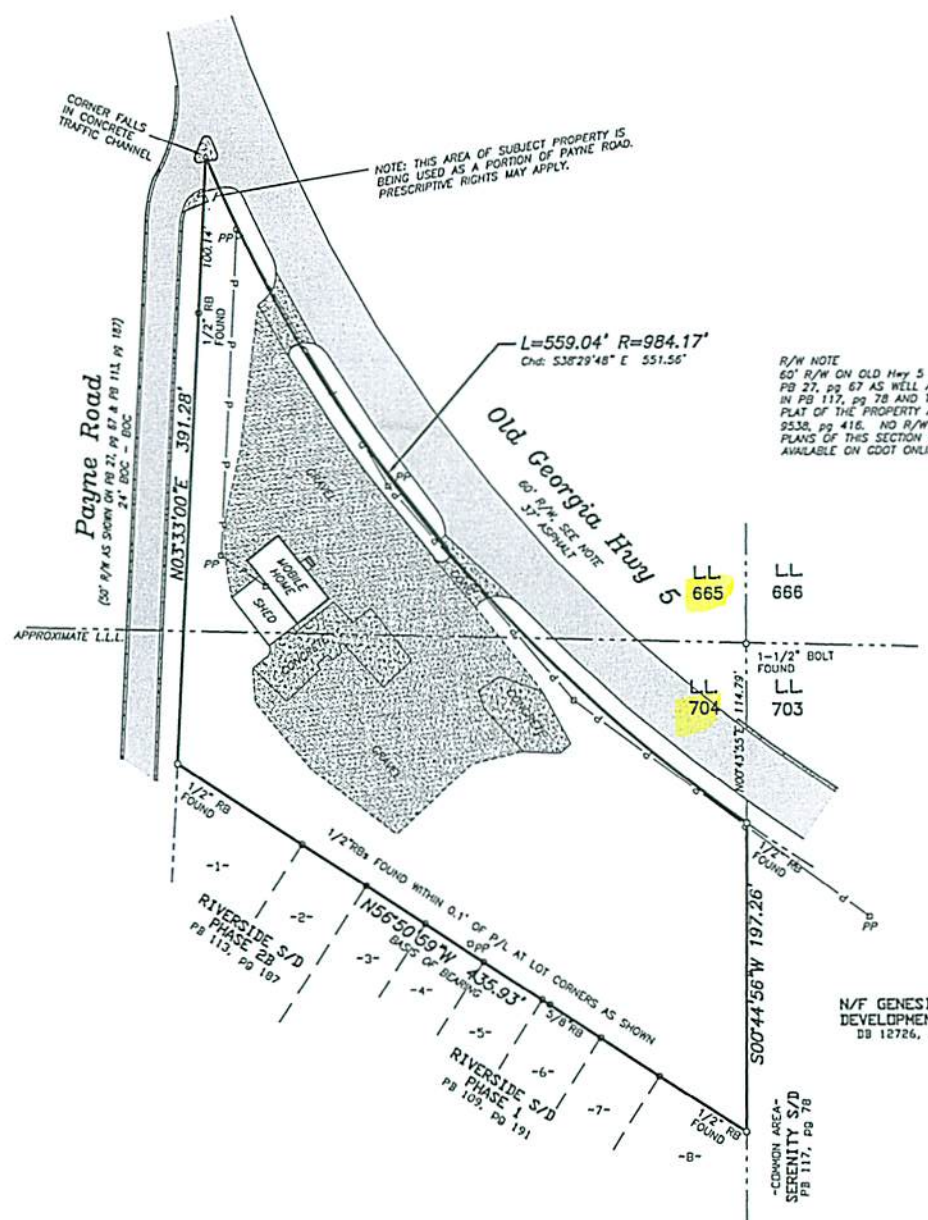
**PREPARED BY**  
**CHASTAIN & ASSOCIATES, P.C.**  
 SURVEYING-PLANNING-CONSULTING



"Covering Dixie Like The Dew"  
 CHASTAINASSOCIATES.COM  
 (706)276-7528 (770)889-1770  
 email: INFO@CHASTAINASSOCIATES.COM  
 288 N. Main St., Ellijay, GA 30540  
 GEORGIA CERTIFICATE OF AUTH. LSFO00281  
 TENNESSEE PROFESSIONAL REG. NO. 1937  
 NORTH CAROLINA LAND SURVEYING FIRM C-3198  
 ALABAMA LAND SURVEYING FIRM CA-052-LS  
 SOUTH CAROLINA SURVEYING FIRM COA No. 5205



REFERENCE NORTH  
 PB 109, pg 191  
 PB 113, pg 187



**R/W NOTE**  
 60' R/W ON OLD Hwy 5 IS SAME AS SHOWN ON PB 22, pg 67 AS WELL AS THE ADJACENT SURVEY IN PB 117, pg 78 AND THE DESCRIPTION AND PLAT OF THE PROPERTY ACROSS THE ROAD IN DB 9538, pg 418. NO R/W DEED WAS FOUND. NO PLANS OF THIS SECTION OF HIGHWAY WERE AVAILABLE ON CDOT ONLINE PLAYWAY SEARCH.

**2.16 Acres**

THE SPACE ABOVE IS RESERVED FOR THE CLERK OF SUPERIOR COURT FOR RECORDING DATA.

**GEORGIA SURVEYOR CERTIFICATION**  
 O.C.G.A. 15-6-67(c)(3)(A)(iv) (NO APPROVAL NEEDED)  
 This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

*[Signature]*  
 MARK E. CHASTAIN, RLS No. 2718 JULY 14, 2017



**GEORGIA SURVEY DATA**

A. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS CLOSURE PRECISION OF ONE FOOT IN THE 7081 FEET, AND AN ANGULAR ERROR OF (4) SECONDS PER ANGLE POINT, AND WAS ADJUSTED USING LEAST SQUARES.

B. THE PERIMETER OF THIS SURVEY HAS A CLOSURE PRECISION OF ONE FOOT IN (232,525) FEET.

C. ANGULAR AND LINEAR MEASUREMENTS OBTAINED BY USE OF A TOPCON (ES-105) TOTAL STATION.

D. DATE(S) OF FIELD SURVEY: (JULY 7, 2017).

E. OWNER INFORMATION AT TIME OF SURVEY:  
 OWNER: JOHN ANDY ANDERSON  
 TAX PARCEL: 15N16 082  
 TITLE DESC. SOURCE: DB 3236, pg 179

**TECHNICAL DATA**  
 TOTAL LAND AREA - 216 ACRES  
 CLUSTERED 2 STRUCTURES ARE PRESENT ON THE LOT. A 138' x 50' UTI OFFICE AND 800 SQ. DED. APPLICABLE TO THE LOT. STRUCTURES ARE ARRANGED TO BE NEARLY STRUCTURED ARE.  
 THE TOTAL SPACE OCCUPIED BY STREETS AND PARKING AREAS IS CURRENTLY 0.87 ACRES. NO ADDITIONAL PARKING AREAS OR STREETS ARE PROPOSED.

**~ SITE PLAN FOR REZONING ~**  
**RBMH HOLDINGS, LLC & WASTETECH, LLC**

**Owner**  
 JOHN A. ANDERSON  
 & DONNA E. ANDERSON  
 2093 TRADE WINDS DRIVE  
 WASHINGTON, GA 30677  
 PHONE: 404-401-5720  
 404-317-3526

**Applicant**  
 RBMH HOLDINGS, LLC  
 & WASTETECH, LLC  
 200 HERITAGE WALK  
 WASHINGTON, GA 30677  
 PHONE: 678-313-6224

CHEROKEE COUNTY TN / 12616 665  
 5000 WOODCROFT LANE  
 CLIENT ZONING - GC (GENERAL COMMERCIAL)  
 PROPOSED ZONING - U (LIGHT INDUSTRIAL)  
 TOTAL AVERAGE = 216 ACRES



REFERENCE POINT  
 70 112.74 117  
 70 112.74 117



UNITY MAP - 1\*2000\*  
 LATITUDE 34.1371 LONGITUDE 84.5027

**LEGEND**

1. 1" = 100'	2. 1" = 200'	3. 1" = 300'	4. 1" = 400'	5. 1" = 500'	6. 1" = 600'	7. 1" = 700'	8. 1" = 800'	9. 1" = 900'	10. 1" = 1000'
11. 1" = 1100'	12. 1" = 1200'	13. 1" = 1300'	14. 1" = 1400'	15. 1" = 1500'	16. 1" = 1600'	17. 1" = 1700'	18. 1" = 1800'	19. 1" = 1900'	20. 1" = 2000'

CHASTAIN & ASSOCIATES, P.C.  
 PREPARED BY  
 CHASTAIN & ASSOCIATES, P.C.  
 PLANNING-ENGINEERING-CONSULTING  
 100 W. W. STREET  
 CHATTANOOGA, TN 37403  
 (706) 323-4400  
 WWW.CHASTAINANDASSOCIATES.COM

DATE: JULY 15, 2017

PROJECT: RBMH HOLDINGS, LLC & WASTETECH, LLC

PREPARED FOR: RBMH HOLDINGS, LLC & WASTETECH, LLC

LAND LOTS 865 & 704  
 5000 WOODCROFT LANE SECTION  
 CHEROKEE COUNTY, GEORGIA

SCALE: 1" = 200'

GRAPHIC SCALE: 1" = 200'

SHRIMP | 1 | RBM 2702202



**Wastetech**<sup>®</sup>  
YOUR WASTE & RECYCLING PARTNER

Thursday, August 24, 2017

Vicki Taylor Lee  
Cherokee Planning and Land Use  
Insurance Company Name  
Canton, GA 30146



Dear Vicki,

Our Public Participation Meeting was held on August 22, 2017, at the Woodstock Public Library. The meeting started at 6:30 pm with 14 people in attendance; including myself and Sue Parsons from our office. 123 letters were mailed to homeowners on August 11, 2017.

The following is a list of concerns and issues discussed during our meeting.

- What will be the hour of operations? 7am to 6pm, 7 days a week
- Will there be waste on the property and where will the waste go? Never, transfer stations or landfills
- How much noise will there be and how often will the trucks be going in and out of the property? 3 Trucks entering for pickup and returning after routes are completed. Picking up containers as needed.
- Traffic issue was brought up. It was concluded by group discussion that traffic would be minimal and there would be much more traffic should a restaurant or the like be built there.
- Why did this property need to be rezoned and would it cause rezoning to property around it? LI is required to store this equipment, and it should not cause other LI as the remaining is R.
- Will a traffic light be installed? The city/county would have to determine that.
- Will trash be brought back onto the property? Never, containers would always be empty.

The concerns and issues were addressed. Our purpose for rezoning to LI and use of the property was presented. We shared of our plans for the facelift of the property with repainting/repairing the building, resurfacing the lot, fencing and planting Leland Cypress'.

In conclusion, the majority of the participants were in approval of the rezoning to LI and attendees were glad to hear of the improvements to the property. There were two attendees that were not in agreement with the rezoning Rosanne Martin, Delia Banach. Their names were not listed on the original mailing list, and were notified of the meeting by the Fox Creek HOA. The attendee list is attached.

Sincerely,

Rebecca Griffin

President



**Certificate of Mailing — Firm (Domestic)**

Name and Address of Sender

RSMH Holdings LLC  
 PO Box 729  
 Lebanon GA 30146

TOTAL NO. of Pieces Listed by Sender

123

TOTAL NO. of Pieces Received at Post Office™

5

Postmaster, per (Name of receiving employee)

*W Reedy*

Affix Stamp Here  
 Postmark with Date of Receipt



USPS® Tracking Number

Firm-specific Identifier

Address (Name, Street, City, State, and ZIP Code™)

Postage

Fee

Special Handling

Parcel Airlift

HAMILTON-GOSS, AMIEE & GOSS,  
 119 CAMDYN CIRCLE  
 WOODSTOCK, GA 30188

PAULETE, DANIEL  
 194 CAMDYN CIRCLE  
 WOODSTOCK, GA 30188

*CHAMBERS ROBERT  
 WOODSTOCK GA*

VANASCO, ROBERT EDWARD & TIerno,  
 136 RIVERSIDE WAY  
 WOODSTOCK, GA 30188


POOLE, GARY  
 5064 HICKORY HILLS DRIVE  
 WOODSTOCK, GA 30188

TYLER, PAMELA D  
 360 CHAMBERS UNIT 101  
 WOODSTOCK, GA 30188





# Certificate of Mailing — Firm (Domestic)

Name and Address of Sender  RBMH Holdings LLC PO Box 729 Lebanon GA 30146	TOTAL NO. of Pieces Listed by Sender  123	TOTAL NO. of Pieces Received at Post Office™  5	Affix Stamp Here Postmark with Date of Receipt.  			
	Postmaster, per (name of receiving employee)  <i>Keedy</i>					

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
<i>Bilene Allen</i>	ALLEN, BILLENE C 209 FOX CREEK BOULEVARD WOODSTOCK, GA 30188				
	DINKEL, ASHLEY N 220 FOX CREEK BLVD WOODSTOCK, GA 30188				
	L & D PROPERTY MANAGEMENT LLC 104 FAIRWAY OVERLOOK WOODSTOCK, GA 30188				
<i>Eileen McClellan</i>	MCCLELLAN, EILEEN L 214 FOX CREEK BOULEVARD WOODSTOCK, GA 30188				
	KASSAY-FARKS, JOAN & KASSAY-FARKS, 2056 WOODSIDE PARK DR WOODSTOCK, GA 30188				



# Certificate of Mailing — Firm (Domestic)

Name and Address of Sender  RMBH Holdings LLC PO Box 729 Lebanon GA 30146	TOTAL NO. of Pieces Listed by Sender  123	TOTAL NO. of Pieces Received at Post Office™  	Affix Stamp Here Postmark with Date of Receipt.  			
	Postmaster, per (name of receiving employee)   					

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
	CHOI, CHRISTOPHER & CHOI, HYUNJIN 109 CAMDYN CIRCLE WOODSTOCK, GA 30188				
	BLAKENEY, GILBERT JERALD 190 CAMDYN CIRCLE WOODSTOCK, GA 30188				
	CREEKSIDE HOLLY SPRINGS, LLC 1059 TRIAD COURT SUITE 12 MARIETTA, GA 30062				
	SHADEL PROPERTIES, LLC 112 FOX CREEK DR WOODSTOCK, GA 30188				
	HAVENS, LAURA A. 256 FOX CREEK BLVD WOODSTOCK, GA 30188				



# Certificate of Mailing — Firm (Domestic)

Name and Address of Sender	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt		
	Postmaster, per (name of receiving employee)				

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
Rosanne Martin	Woodstock, GA 30188 431 Red Coat Lane 678-622-1083				
Helia Banach	404 Red Coat Lane Woodstock Ga (770) 517-5661				
Beth Johnson	413 Red Coat Ln Woodstock GA 30188 678 413 8197				
Wendy A Fleury	278 Fox Creek Blvd Woodstock, GA 30188				
Judith Sanders	282 Fox Creek Blvd. Woodstock, GA. 30188				
Randall Sanders					



# Certificate of Mailing — Firm (Domestic)

Name and Address of Sender RBMH Holdings P O Box 729 Lebanon, GA 30146	TOTAL NO. of Pieces Listed by Sender	TOTAL NO. of Pieces Received at Post Office™	Affix Stamp Here Postmark with Date of Receipt <div style="text-align: center; border: 1px solid blue; padding: 10px;"> <span style="font-size: 2em; font-weight: bold; color: blue;">RECEIVED</span>  <span style="color: red; font-weight: bold;">AUG 24 2017</span> </div>
	Postmaster, per (name of receiving employee)		

USPS® Tracking Number Firm-specific Identifier	Address (Name, Street, City, State, and ZIP Code™)	Postage	Fee	Special Handling	Parcel Airlift
Pat Comeaux	76 Seven Hills Blvd Dallas GA 776 262 5643 30132				
TRICIE TIerno	110 Village Trail Suite 114 Woodstock GA 30188				
Becky Charisly	76 Seven Hills Blvd Dallas, GA 30132 770 835-5142				
Rebecca Griffin	219 Raven Park N Woodstock GA 30189				
Sue Parsons	219 Raven Park N. Woodstock GA 30189				



**Wastetech**.com  
YOUR WASTE & RECYCLING PARTNER

**Public Participation Meeting Notification**



**REVISED LETTER**

August 14, 2017  
Wastetech, LLC  
PO Box 729  
Lebanon, GA 30146

Dear Neighbor,

You are receiving this letter because you have registered with the Cherokee County Planning and Land Use department as being an interested party or your property lies within 750 feet of property we are considering requesting a change of zoning. As a part of the zoning process, Cherokee County requires any person requesting a change of zoning to host a public participation meeting. The purpose of this meeting is to ensure early and effective communication with nearby property owners and interested citizens, giving you the opportunity to review the proposed request for a change of zoning and to mitigate any impacts such proposal may have on the community.

August 22, 2017  
6:30 pm  
Woodstock Public Library  
7735 Main Street Woodstock, GA 30188

You are invited to a Public Participation Meeting to hear about the proposed use of the above property. Details on use will be given pertaining to the new leasing of construction equipment. You are receiving this notice because you own property within 750 feet to the proposed project.

<i>Current Property Owner's name</i>	<i>Andy Anderson Trucking, Inc</i>
<i>Acreage of the Proposed Project</i>	<i>2.16</i>
<i>Current Zoning of the property</i>	<i>General Commercial</i>
<i>Proposed Zoning of the property</i>	<i>Light Industrial</i>
<i>Current Use of the property</i>	<i>previous use – sand and gravel sales</i>
<i>Proposed Use of the property</i>	<i>new leasing of construction equipment</i>
<i>Future Development Map designation</i>	<i>attached</i>

A copy of the proposed site plan and a Project Fact Sheet have been included for your review.

You are invited to come to this meeting to share your thoughts and concerns and to gain additional information about the proposed project. Should you have any questions, please contact me at 678-315-8524

Sincerely,

*Rebecca Griffin*  
Enclosures



## Project Fact Sheet

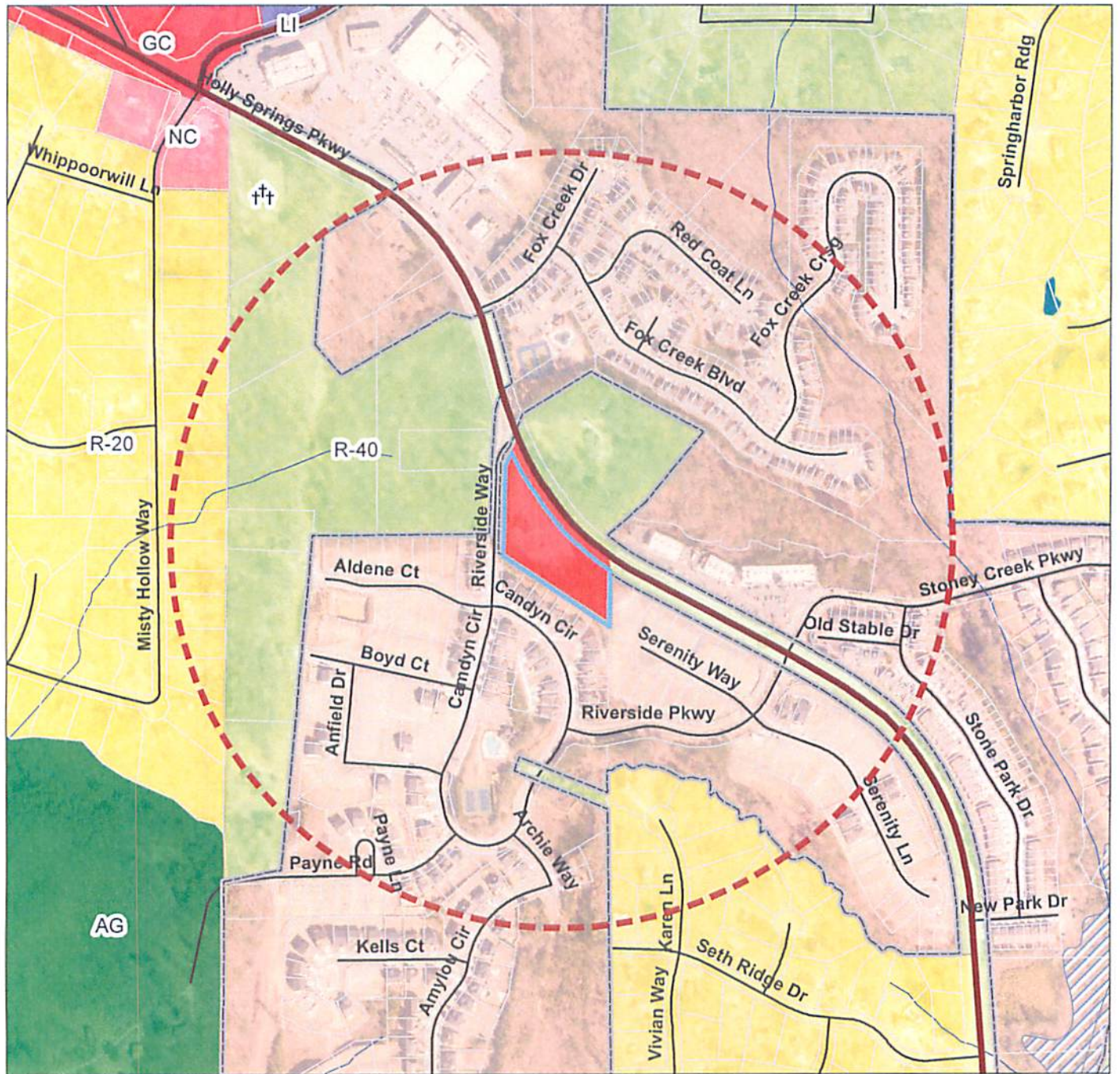
Applicant Name	Wastetech, LLC	
Applicant Mailing Address	PO Box 729 Lebanon GA 30146	
Applicant's Contact Person	Rebecca Griffin	
Contact # / email	678-315-8524 <a href="mailto:5586@wastetech.com">5586@wastetech.com</a>	
Property Owner	Andy Anderson Trucking Inc.	
Property location	5586 Old Hwy 5 Woodstock, GA 30188	
Maps & Parcel Number(s)	15N16, 082	
Future Development Map Designation	attached	
Acreage of property	2.16	
Current Zoning of property	General Commercial	(DU/AC) n/a
Current Use of property	Previous use – sand and gravel	
Proposed Zoning of property	Light Industrial	(DU/AC) n/a
Proposed Use of property	New leasing of construction equipment	
# of units (if residential)	n/a	
Sq. ft. of building (if commercial)	n/a	

Note: DU/AC= dwelling unit per acre



# Case # 17-10-024 RBMH Holdings, LLC

## Zoning Map



### Legend

Rezoning Parcel	<b>Cherokee County Zoning</b>	RTH	Ball Ground
1/4 Mile Radius	AG	RM10	Canton
School	R80	RM16	Holly Springs
Cemetery	R60	TND	Mountain Park
Church	R40	PUD	Nelson
Parcel	R30	OI	Waleska
100 Year Flood Zone	R20	NC	Woodstock
Detention Pond	R15	GC	
RA	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.



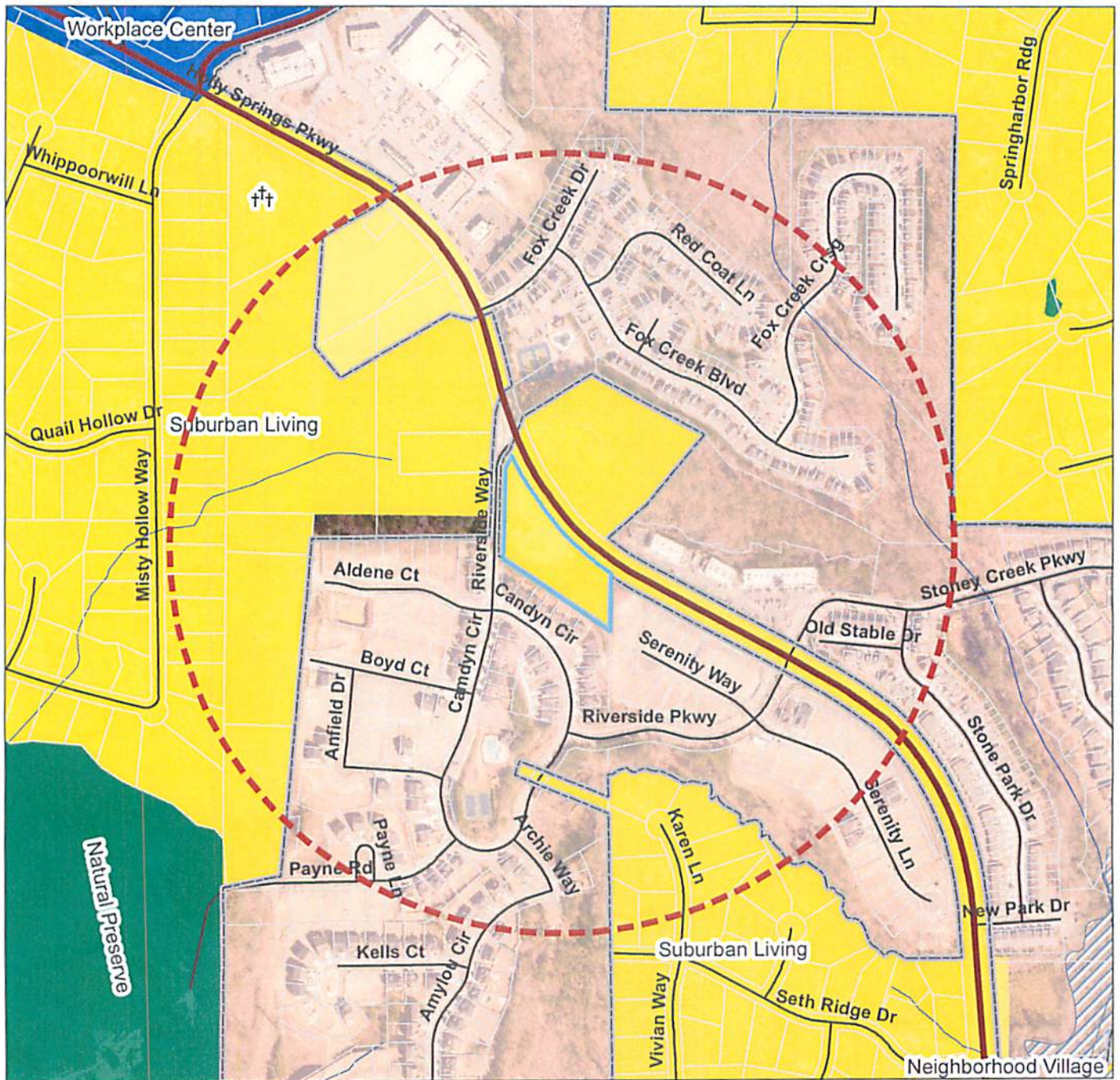
Prepared by:  
Cherokee County  
Planning and Land Use  
Canton, Georgia  
28 August 2017





# Case # 17-10-024 RBMH Holdings, LLC

## Future Development Map



### Legend

Rezoning Parcel	Development Nodes	Character Areas	Ball Ground
1/4 Mile Radius	County Crossroads	Natural Preserve	Canton
School	Hamlet	Rural Places	Holly Springs
Cemetery	Neighborhood Village	Country Estates	Mountain Park
Church	Community Village	Suburban Growth	Nelson
Parcel	Corridors	Suburban Living	Waleska
100 Year Flood Zone	Scenic Corridor	Neighborhood Living	Woodstock
Detention Pond	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  
28 August 2017





Cherokee County, Georgia  
Agenda Request

---

Item#: 3.

**SUBJECT:**  
Case #17-10-025 The Pacific Group/Moss  
(BOC Dist. 1)

**MEETING DATE:**  
9/18/2017

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 23.96 acres on Fate Conn Road from AG to R-40 for a conservation subdivision.

---

**FACTS AND ISSUES:**

Commission District: 1  
Zoning Change: AG to R-15  
Location: Fate Conn Road  
Tax Map and Parcel No: 14N21, 046  
Acres: 23.96  
Proposed Development: Conservation Subdivision  
Future Development Map: Suburban Development

---

**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"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> Public Participation	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: Kevin Seifert Phone: [redacted] Email: [redacted]

Applicant's Information:

Name: The Pacific Group

Address: 5755 Dupree Drive, Suite 130 Phone: [redacted]

City, State, Zip: Sandy Springs, GA 30327

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

Name: James D. Moss, Et al

Address: 273 Allison Ln Phone: [redacted]

City, State, Zip: Ballground, GA 30107

Requested Public Hearing (check all that apply):

- [x] Rezoning [ ] Amendment / Modification of Zoning
[ ] Variance / Appeal [ ] Other:

STAFF USE ONLY:

Commission District: 1
Case: 17-10-25
CityView #: PL 2017-1008
Received by:
Fee Paid: \$ 500.00
Date:

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 8/3/17
PC Work Session Date: 9/18/17
Planning Commission Hearing: 10/3/17
Board of Commissioners: 10/17/17
Zoning Board of Appeals:
Other:

SECTION II

Property Information:

Location: Fate Conn Rd, Canton, GA 30114

Current Zoning: AG Proposed Zoning: R-15 Total Acreage: 23.96

Tax Map #: 14 N 21 Parcel #: ~~14-0246-001~~ 046 Land Lot(s): 0245 District: 14

Future Development Map Designation: Suburban Development Area (surrounded by City)

Adjacent Zonings: North PD-Mixed Use South PD-Mixed Use East PD-Mixed Use West PD-Mixed Use

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

Re-zoning from AG to R-15.

Proposed Use(s) of Property:

49 single family residential homes for an active adult community.

Applicant Affidavit:

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

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

This 14 day of August, 20 17.

Print Name Kevin Seifert

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?

gravity sewer through CCWSA

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	49	0.725	n/a
Multi Family (Attached) Home		0.287	

**Traffic Generation:**

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

What is the estimated number of trips generated? \_\_\_\_\_ trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends <sup>+</sup>	Number of Trips
210	Single Family Home/ Townhome	49	9.57	468.93
220	Apartment		6.63	

**Notes:**

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

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

**Applicant Response Statement for for 14N21 046 on Fate Conn Rd in Canton, GA**

Then intent of the requested re-zoning from AG to R-15 is to obtain 49 buildable residential lots.

The proposed zoning should be substantially suitable to adjacent and nearby properties. All the property is surrounded by PD-Mixed Use zoning of property all in the City of Canton. The subdivision to the north and the subdivision to the east (both in the City of Canton) have lot sizes that include lots smaller than this proposed development.

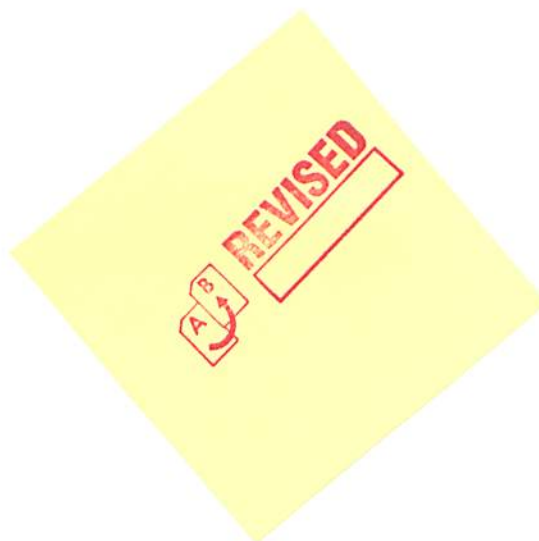
The use of adjacent or nearby properties should not be affected considering the proposed use is the same as many of such properties.

The property has some steep terrain and reduces the likelihood for many agricultural uses. It is a tough property to have a current reasonable economic use.

The proposed zoning will contribute a moderate increase to the use of existing streets, transportation facilities, and utilities. It should not contribute an increase to the school system as it is proposed as an active adult community. Therefore, it would not be excessive or burdensome.

The proposed zoning is in conformity with the policy and interest of the land use plan as it fits the Suburban Development Area of the City of Canton. It is unique that this unincorporated parcel is surrounded by City of Canton property.

There are no existing or changed conditions known to the applicant affecting the use and development of the property that would give supporting grounds for disapproval of the zoning.



538

321-538

Entire  
23.88 ac  
0.47 ac  
24.35 ac

Form No. BS-507 WARRANTY DEED (Long Form)

STATE OF GEORGIA, County of CHEROKEE

THIS INDENTURE, Made this \_\_\_\_\_ day of \_\_\_\_\_ in the  
Year of Our Lord One Thousand Nine Hundred and eighty-two between  
ERNEST BEAVERS

of the State of Georgia and County of Cherokee of the first part, and  
JAMES R. MOSS AND DOROTHY N. MOSS  
of the State of Georgia and County of Cherokee of the second part.

WITNESSETH: That the said party \_\_\_\_\_ of the first part, for and in consideration of the  
sum of --- TEN DOLLARS AND OTHER VALUABLE CONSIDERATIONS --- Dollars,  
in hand paid, at and before the sealing and delivery of these presents, the receipt of which is  
hereby acknowledged, ha<sup>s</sup> granted, bargained, sold and conveyed, and by these presents  
do<sup>es</sup> grant, bargain, sell and convey unto the said part<sup>ies</sup> of the second part, their  
heirs and assigns, all that tract or parcel of land lying and being in the 14th  
District, 2nd Section of Cherokee County, Georgia and being a portion  
of Land Lot 246 and being Tracts 1 and 3 as shown on a plat of survey  
prepared by Jerry Thacker and Associates dated November 30, 1976 and  
being more particularly described as follows:

TRACT I

BEGIN at a point formed by the intersection of the Northeast  
right of way of Keithburg - Waleska Road with the Northwest right of  
way of a Public Road (Keithburg - Waleska Road having a 50 foot right  
of way and the unnamed Public Road having a 30 foot right of way);  
thence along the Northeast right of way of Keithburg - Waleska Road  
the following courses and distances: North 41° 14' West 63.3 feet,  
North 48° 21' West 64.4 feet, North 58° 13' West 43.6 feet, North 68°  
39' West 44.4 feet, North 78° 34' West 44.2 feet, North 84° 10' West  
63.7 feet to an iron pin; thence leaving said right of way and  
traveling North 86° 34' East a distance of 95.0 feet to an iron pin;  
thence North 89° 44' East 95.1 feet to an iron pin; thence South 89°  
24' East a distance of 178.6 feet to an iron pin located on the  
Northwest right of way of the unnamed Public Road; thence along said  
right of way South 31° 47' West a distance of 27.6 feet; thence  
continuing along said right of way South 32° 32' West a distance of  
148.4 feet to an iron pin located at the point formed by the  
intersection of the Northwest right of way of the unnamed public road  
with the Northeast right of way of Keithburg - Waleska Road, the same  
being the POINT OF BEGINNING; and containing 0.47 acre.

TRACT III

BEGIN at an iron pin located at the original Southwest corner of  
Land Lot 246; thence North 01° 30' West along the West land lot line  
of Land Lot 246 a distance of 1,030.9 feet to an iron pin; thence  
leaving said land lot line and traveling North 78° 58' East a distance  
of 325.5 feet to an iron pin; thence North 09° 19' East a distance of  
88.7 feet to an iron pin located on the South right of way of the  
Keithburg - Waleska Road; thence along said right of way the following  
courses and distances: South 68° 38' East 35.6 feet, South 58° 20'  
East 33.4 feet, South 48° 21' East 58.1 feet, South 41° 18' East 58.1  
feet, South 35° 30' East 45.4 feet, South 32° 32' East 210.3 feet,  
South 36° 22' East 65.2 feet, South 43° 05' East 64.8 feet, South 47°  
22' East 167.5 feet, South 52° 05' East 50.8 feet, South 56° 42' East  
CONTINUED ON ADDENDUM "A" ATTACHED HERETO AND MADE A PART HEREOF  
BY REFERENCE.

539

321-539

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 parties of the second part, their heirs and assigns, forever, in Fee Simple.

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

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

Signed, sealed and delivered in presence of:

Witnesses: Ryan Johnson (Seal), Ernest Beavers (Seal), and Notary Public B. Todd (Seal). The notary seal is circular and contains the text 'NOTARY PUBLIC, GA., STATE AT LARGE' and 'GEORGIA PUBLIC STATE AT LARGE'.

WARRANTY DEED (Long Form) FROM ERNEST BEAVERS TO JAMES R. MOSS AND DOROTHY N. MOSS, GEORGIA, County of Cherokee. Filed for Record at 4:45 o'clock P.M. 5-10-1982. Recorded in Deed Book 321 Folio 538 5-11-1982. Signed by Ernest Beavers, Clerk.

100-100-00000 BUSINESS SERVICES, CANTON, GA.



540

321-540

ADDENDUM "A"

ATTACHED TO AND MADE A PART OF THE WARRANTY DEED BY ERNEST BEAVERS TO JAMES R. MOSS AND DOROTHY N. MOSS

67.8 feet, South 64° 20' East 61.2 feet, South 67° 51' East 69.4 feet, South 62° 44' East 31.4 feet, South 54° 18' East 18.9 feet, South 46° 30' East 41.2 feet, South 40° 45' East 89.2 feet, South 42° 51' East 66.2 feet, South 47° 04' East 139.3 feet, South 42° 49' East 61.4 feet, South 37° 10' East 61.0 feet, South 34° 42' East 61.5 feet, South 33° 05' East 61.5 feet, South 32° 57' East 57.1 feet to an iron pin located on the South land lot line of Land Lot 246; thence South 89° 35' West along the South land lot line of Land Lot 246 a distance of 1,468.4 feet to an iron pin located at the Southwest corner of said Land Lot, the same being the POINT OF BEGINNING; and containing 23.88 acres.

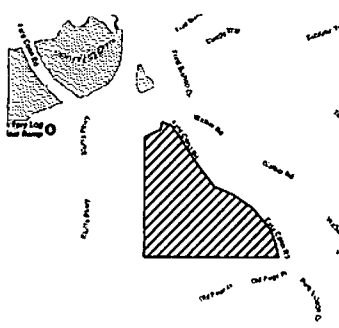
*E J Beavers*

*Cherokee* COUNTY, GA.  
REAL ESTATE TRANSFER TAX  
PAID 25.00 ✓  
DATE 5-10-82  
*Annette Fleming*  
CLERK OF SUPERIOR COURT

COPY

*Rec. 5-11-82*

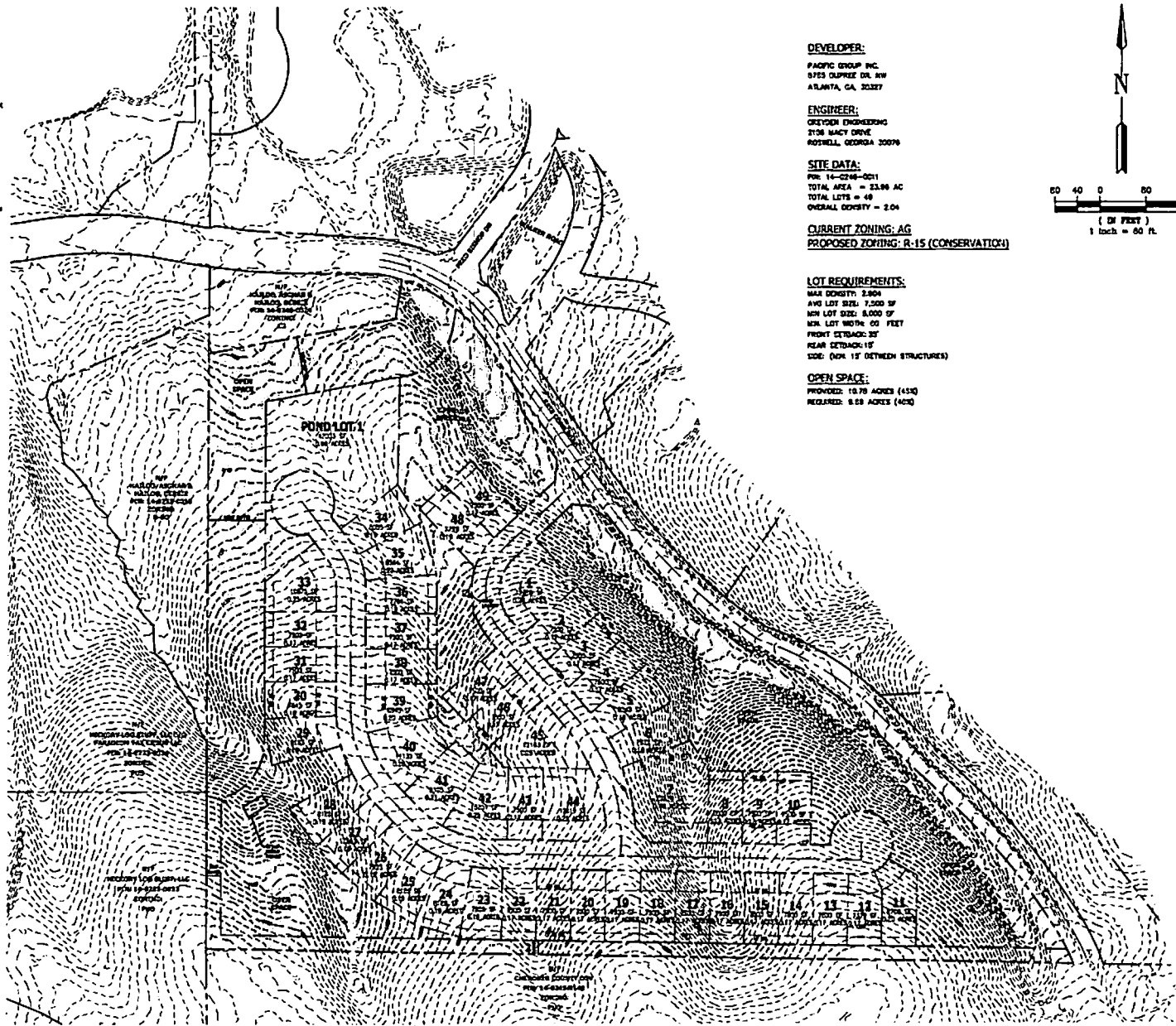
ANNETTE FLEMING  
Clerk, Superior Court of Cherokee County



**VICINITY MAP**  
SCALE



**FEMA MAP**  
SCALE



**DEVELOPER:**

PACIFIC GROUP INC.  
3753 CURRIE DR. NW  
ATLANTA, GA 30327

**ENGINEER:**

GREYDEN ENGINEERING  
2108 MACY DRIVE  
ROSWELL, GEORGIA 30076

**SITE DATA:**

PKN 14-0216-0211  
TOTAL AREA = 23.96 AC  
TOTAL LOTS = 48  
OVERALL DENSITY = 2.04

**CURRENT ZONING: AG**

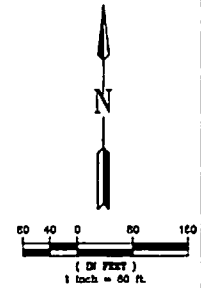
**PROPOSED ZONING: R-15 (CONSERVATION)**

**LOT REQUIREMENTS:**

MAX DENSITY: 2.004  
AVG LOT SIZE: 7,500 SF  
MIN LOT SIZE: 8,000 SF  
MIN LOT WIDTH: 60 FEET  
FRONT SETBACK: 35'  
REAR SETBACK: 15'  
SIDE (MIN 15' BETWEEN STRUCTURES)

**OPEN SPACE:**

PROVIDED: 10.78 ACRES (45%)  
REQUIRED: 8.88 ACRES (40%)



REVISION
DATE
BY
DESCRIPTION

NO.
DATE
BY
DESCRIPTION

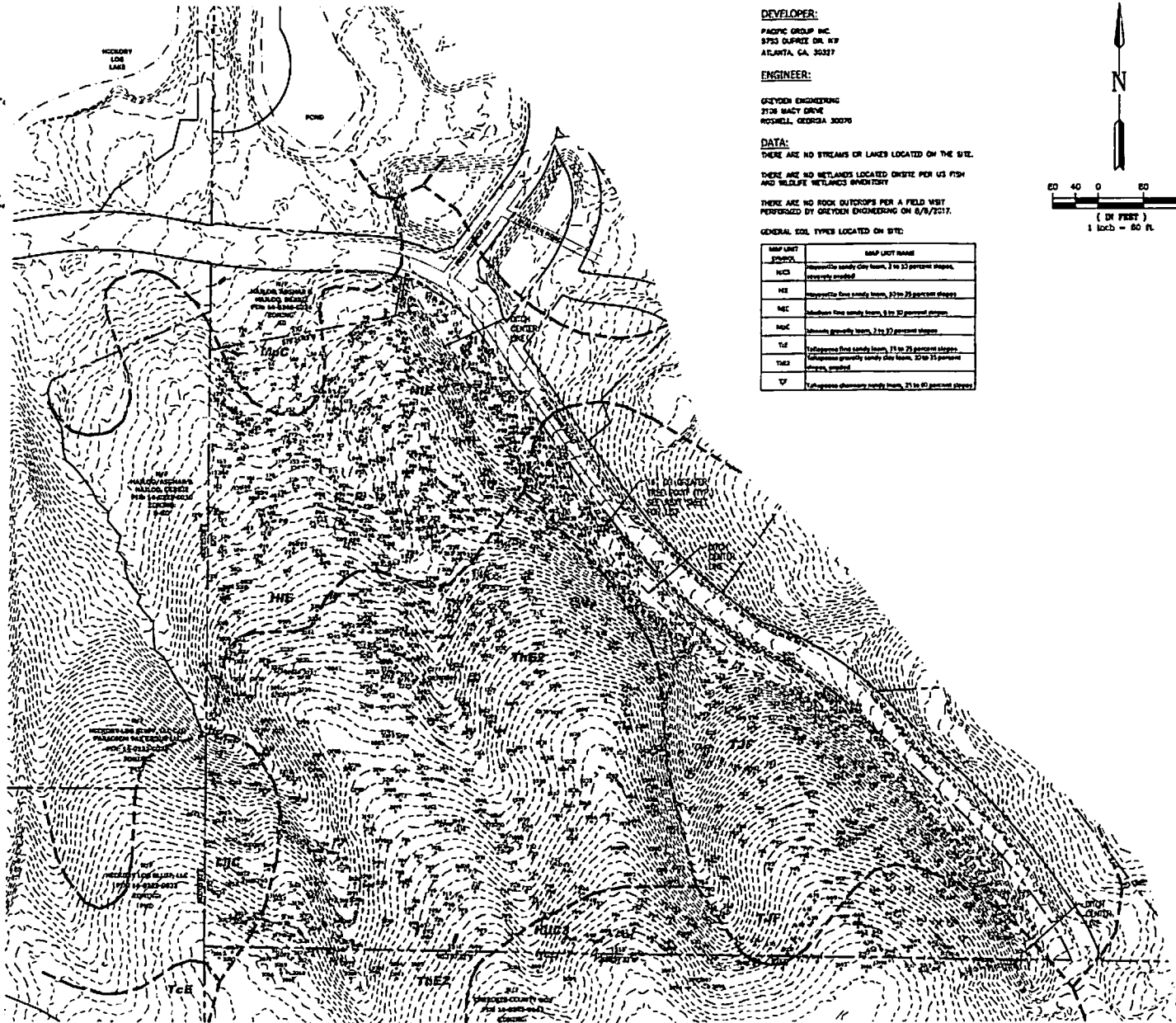
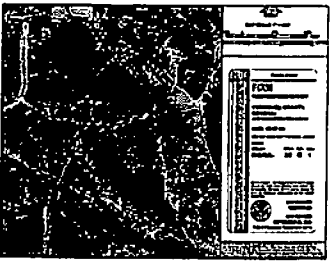
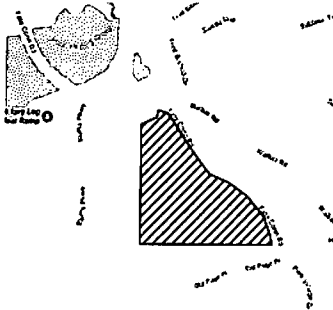
CLIENT: **PACIFIC GROUP INC.**  
3753 CURRIE DR. NW  
ATLANTA, GA 30327  
PKN 14-0216-0211

**GREYDEN ENGINEERING**  
2108 MACY DRIVE  
ROSWELL, GA 30076  
PH: 770-425-1438  
FX: 770-425-1433



**ZONING PLAN**  
**FATE CONN ROAD**  
**ZONING PLAN**

DATE	APPROVED
BY	BY
DATE	DATE
BY	BY
DATE	DATE
BY	BY



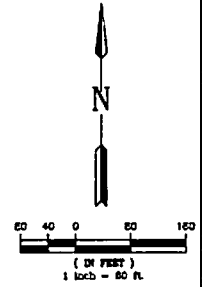
**DEVELOPER:**  
 PACIFIC GROUP INC.  
 5753 DUFFIE DR. NW  
 ATLANTA, GA. 30327

**ENGINEER:**  
 GREYDEN ENGINEERING  
 2104 MACY DRIVE  
 ROSWELL, GEORGIA 30076

**DATA:**  
 THERE ARE NO STREAMS OR LAKES LOCATED ON THE SITE.  
 THERE ARE NO WETLANDS LOCATED ON THE SITE PER US FISH AND WILDLIFE WETLANDS IDENTIFICATION.  
 THERE ARE NO ROCK OUTCROPS PER A FIELD VISIT PERFORMED BY GREYDEN ENGINEERING ON 8/9/2017.

GENERAL SOIL TYPES LOCATED ON SITE:

SOIL ABBV.	SOIL NAME
NC2	Hampton sandy clay loam, 8 to 20 percent slopes, severely eroded
ME1	Hampton fine sandy loam, 2 to 20 percent slopes
ME2	Hampton fine sandy loam, 8 to 20 percent slopes
ME3	Hampton fine sandy loam, 2 to 20 percent slopes
TE1	Talbot fine sandy loam, 1 to 20 percent slopes
TE2	Talbot fine sandy loam, 2 to 20 percent slopes
TE3	Talbot fine sandy loam, 2 to 20 percent slopes
TE4	Talbot fine sandy loam, 2 to 20 percent slopes
TE5	Talbot fine sandy loam, 2 to 20 percent slopes
TE6	Talbot fine sandy loam, 2 to 20 percent slopes
TE7	Talbot fine sandy loam, 2 to 20 percent slopes
TE8	Talbot fine sandy loam, 2 to 20 percent slopes
TE9	Talbot fine sandy loam, 2 to 20 percent slopes
TE10	Talbot fine sandy loam, 2 to 20 percent slopes
TE11	Talbot fine sandy loam, 2 to 20 percent slopes
TE12	Talbot fine sandy loam, 2 to 20 percent slopes
TE13	Talbot fine sandy loam, 2 to 20 percent slopes
TE14	Talbot fine sandy loam, 2 to 20 percent slopes
TE15	Talbot fine sandy loam, 2 to 20 percent slopes
TE16	Talbot fine sandy loam, 2 to 20 percent slopes
TE17	Talbot fine sandy loam, 2 to 20 percent slopes
TE18	Talbot fine sandy loam, 2 to 20 percent slopes
TE19	Talbot fine sandy loam, 2 to 20 percent slopes
TE20	Talbot fine sandy loam, 2 to 20 percent slopes
TE21	Talbot fine sandy loam, 2 to 20 percent slopes
TE22	Talbot fine sandy loam, 2 to 20 percent slopes
TE23	Talbot fine sandy loam, 2 to 20 percent slopes
TE24	Talbot fine sandy loam, 2 to 20 percent slopes
TE25	Talbot fine sandy loam, 2 to 20 percent slopes
TE26	Talbot fine sandy loam, 2 to 20 percent slopes
TE27	Talbot fine sandy loam, 2 to 20 percent slopes
TE28	Talbot fine sandy loam, 2 to 20 percent slopes
TE29	Talbot fine sandy loam, 2 to 20 percent slopes
TE30	Talbot fine sandy loam, 2 to 20 percent slopes
TE31	Talbot fine sandy loam, 2 to 20 percent slopes
TE32	Talbot fine sandy loam, 2 to 20 percent slopes
TE33	Talbot fine sandy loam, 2 to 20 percent slopes
TE34	Talbot fine sandy loam, 2 to 20 percent slopes
TE35	Talbot fine sandy loam, 2 to 20 percent slopes
TE36	Talbot fine sandy loam, 2 to 20 percent slopes
TE37	Talbot fine sandy loam, 2 to 20 percent slopes
TE38	Talbot fine sandy loam, 2 to 20 percent slopes
TE39	Talbot fine sandy loam, 2 to 20 percent slopes
TE40	Talbot fine sandy loam, 2 to 20 percent slopes
TE41	Talbot fine sandy loam, 2 to 20 percent slopes
TE42	Talbot fine sandy loam, 2 to 20 percent slopes
TE43	Talbot fine sandy loam, 2 to 20 percent slopes
TE44	Talbot fine sandy loam, 2 to 20 percent slopes
TE45	Talbot fine sandy loam, 2 to 20 percent slopes
TE46	Talbot fine sandy loam, 2 to 20 percent slopes
TE47	Talbot fine sandy loam, 2 to 20 percent slopes
TE48	Talbot fine sandy loam, 2 to 20 percent slopes
TE49	Talbot fine sandy loam, 2 to 20 percent slopes
TE50	Talbot fine sandy loam, 2 to 20 percent slopes
TE51	Talbot fine sandy loam, 2 to 20 percent slopes
TE52	Talbot fine sandy loam, 2 to 20 percent slopes
TE53	Talbot fine sandy loam, 2 to 20 percent slopes
TE54	Talbot fine sandy loam, 2 to 20 percent slopes
TE55	Talbot fine sandy loam, 2 to 20 percent slopes
TE56	Talbot fine sandy loam, 2 to 20 percent slopes
TE57	Talbot fine sandy loam, 2 to 20 percent slopes
TE58	Talbot fine sandy loam, 2 to 20 percent slopes
TE59	Talbot fine sandy loam, 2 to 20 percent slopes
TE60	Talbot fine sandy loam, 2 to 20 percent slopes
TE61	Talbot fine sandy loam, 2 to 20 percent slopes
TE62	Talbot fine sandy loam, 2 to 20 percent slopes
TE63	Talbot fine sandy loam, 2 to 20 percent slopes
TE64	Talbot fine sandy loam, 2 to 20 percent slopes
TE65	Talbot fine sandy loam, 2 to 20 percent slopes
TE66	Talbot fine sandy loam, 2 to 20 percent slopes
TE67	Talbot fine sandy loam, 2 to 20 percent slopes
TE68	Talbot fine sandy loam, 2 to 20 percent slopes
TE69	Talbot fine sandy loam, 2 to 20 percent slopes
TE70	Talbot fine sandy loam, 2 to 20 percent slopes
TE71	Talbot fine sandy loam, 2 to 20 percent slopes
TE72	Talbot fine sandy loam, 2 to 20 percent slopes
TE73	Talbot fine sandy loam, 2 to 20 percent slopes
TE74	Talbot fine sandy loam, 2 to 20 percent slopes
TE75	Talbot fine sandy loam, 2 to 20 percent slopes
TE76	Talbot fine sandy loam, 2 to 20 percent slopes
TE77	Talbot fine sandy loam, 2 to 20 percent slopes
TE78	Talbot fine sandy loam, 2 to 20 percent slopes
TE79	Talbot fine sandy loam, 2 to 20 percent slopes
TE80	Talbot fine sandy loam, 2 to 20 percent slopes
TE81	Talbot fine sandy loam, 2 to 20 percent slopes
TE82	Talbot fine sandy loam, 2 to 20 percent slopes
TE83	Talbot fine sandy loam, 2 to 20 percent slopes
TE84	Talbot fine sandy loam, 2 to 20 percent slopes
TE85	Talbot fine sandy loam, 2 to 20 percent slopes
TE86	Talbot fine sandy loam, 2 to 20 percent slopes
TE87	Talbot fine sandy loam, 2 to 20 percent slopes
TE88	Talbot fine sandy loam, 2 to 20 percent slopes
TE89	Talbot fine sandy loam, 2 to 20 percent slopes
TE90	Talbot fine sandy loam, 2 to 20 percent slopes
TE91	Talbot fine sandy loam, 2 to 20 percent slopes
TE92	Talbot fine sandy loam, 2 to 20 percent slopes
TE93	Talbot fine sandy loam, 2 to 20 percent slopes
TE94	Talbot fine sandy loam, 2 to 20 percent slopes
TE95	Talbot fine sandy loam, 2 to 20 percent slopes
TE96	Talbot fine sandy loam, 2 to 20 percent slopes
TE97	Talbot fine sandy loam, 2 to 20 percent slopes
TE98	Talbot fine sandy loam, 2 to 20 percent slopes
TE99	Talbot fine sandy loam, 2 to 20 percent slopes
TE100	Talbot fine sandy loam, 2 to 20 percent slopes



**GREYDEN ENGINEERING**  
 2104 MACY DRIVE  
 ROSWELL, GA 30076  
 PHONE: 770-571-1111  
 FAX: 770-571-1112  
 WWW.GREYDEN.COM

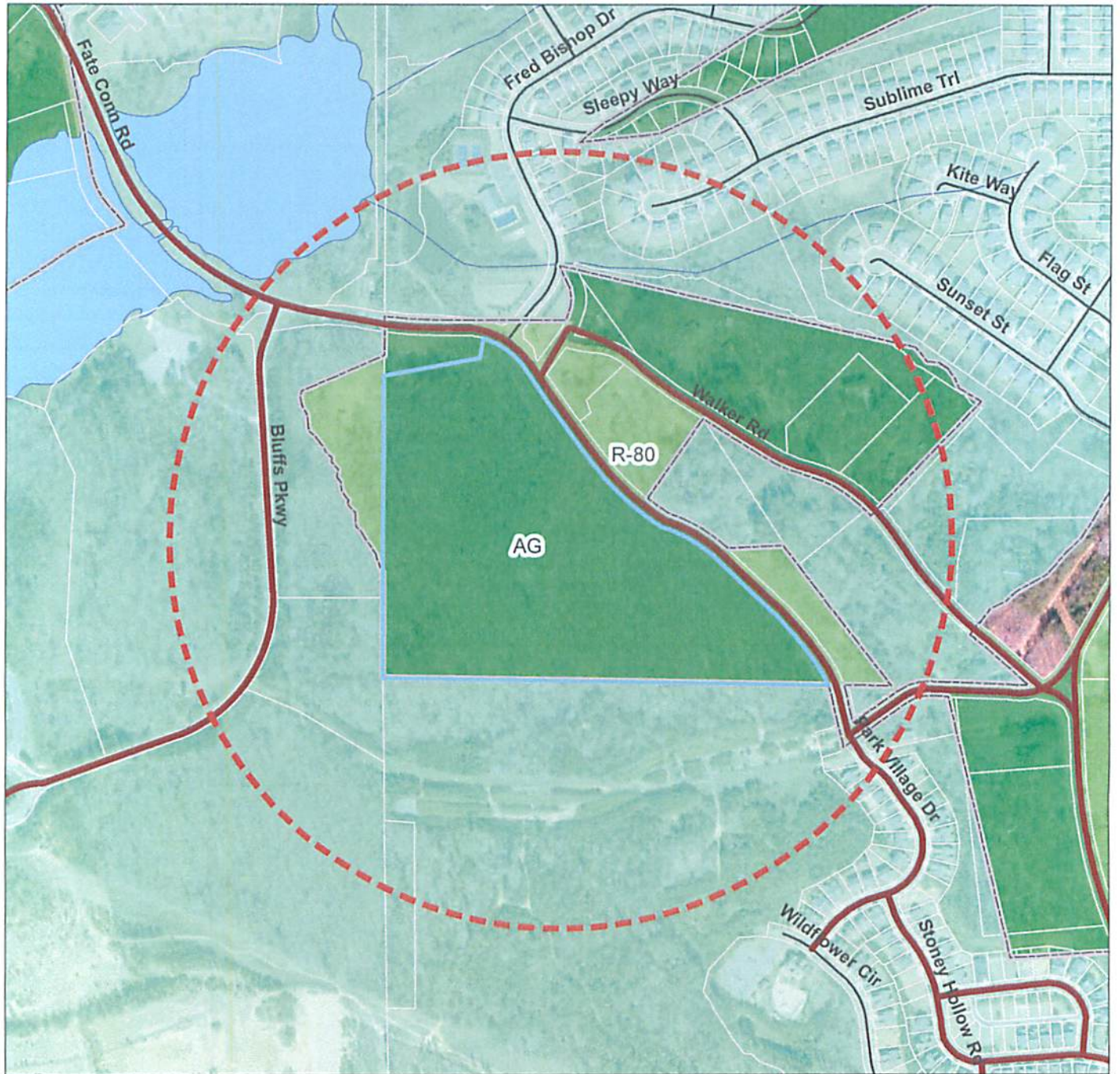
**PACIFIC GROUP INC.**  
 5753 DUFFIE DRIVE NW  
 ATLANTA, GA 30327  
 PHONE: 404-488-4337

**ZONING RESOURCE PLAN**  
**FATE CONN ROAD**  
 GENERAL COUNCIL, CONDON  
**SITE RESOURCE PLAN**

DATE: 8/10/2017  
 DRAWN BY: JAC  
 CHECKED BY: JAC  
 SCALE: AS SHOWN  
 SHEET: 1 OF 2



Case # 17-10-025 The Pacific Group James D. Moss  
Zoning Map



Legend

Rezoning Parcel	<b>Cherokee County Zoning</b>	RTH	Ball Ground
1/4 Mile Radius	AG	RM10	Canton
School	R80	RM16	Holly Springs
Cemetery	R60	TND	Mountain Park
Church	R40	PUD	Nelson
Parcel	R30	OI	Waleska
100 Year Flood Zone	R20	NC	Woodstock
Detention Pond	R15	GC	
	RD3	LI	
	R10	HI	
	RZL	Bells Ferry Overlay	
	RA	Hwy 92 Overlay	



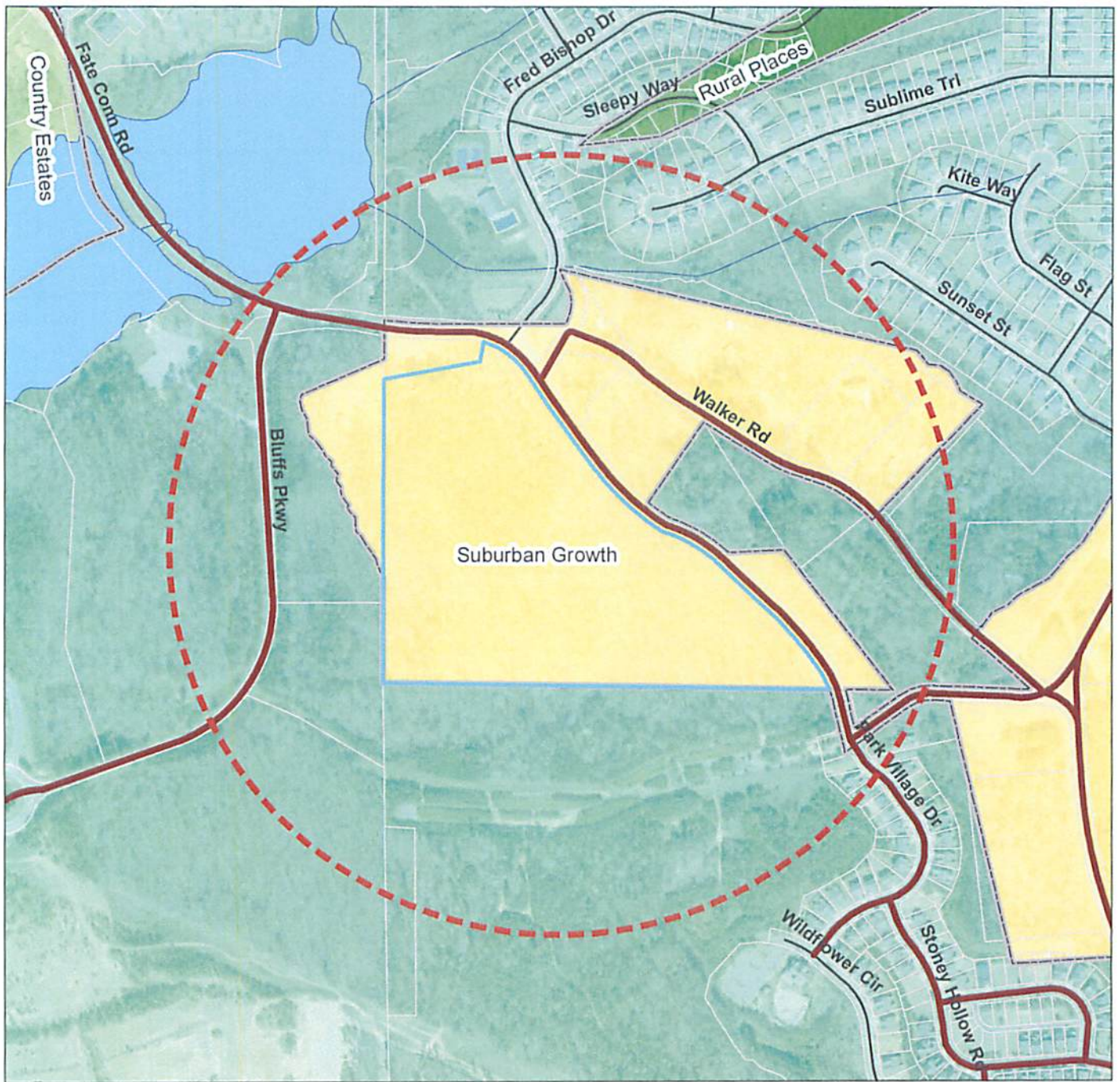
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:  
Cherokee County  
Planning and Land Use  
Canton, Georgia  
29 August 2017



Case # 17-10-025 The Pacific Group James D. Moss  
 Future Development Map



Legend

- |                     |                          |                        |               |
|---------------------|--------------------------|------------------------|---------------|
| Rezoning Parcel     | <b>Development Nodes</b> | <b>Character Areas</b> | Ball Ground   |
| 1/4 Mile Radius     | County Crossroads        | Natural Preserve       | Canton        |
| School              | Hamlet                   | Rural Places           | Holly Springs |
| Cemetery            | Neighborhood Village     | Country Estates        | Mountain Park |
| Church              | Community Village        | Suburban Growth        | Nelson        |
| Parcel              | <b>Corridors</b>         | Suburban Living        | Waleska       |
| 100 Year Flood Zone | Scenic Corridor          | Neighborhood Living    | Woodstock     |
| Detention Pond      | 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  
 29 August 2017



**Public Participation Plan and Report for 14N21 046 on Fate Conn Rd in Canton, GA**

We met on Thursday August, 3<sup>rd</sup> from 6:30 pm to approximately 7:30 pm in the Cherokee County Administration Building with a total attendance of 6 people, including myself, who showed up to the meeting that was mailed out to all parties within 750 feet of the site and the District interested parties. The attendees to the meeting were:

**Sheryl Ramsey (Park Village resident)**

**Lisa Hines (Park Village resident)**

**Regenia Reavis and her husband (property owner of property we are proposing to rezone)**

**Henry Moss (property owner of property we are proposing to rezone)**

**Kevin Seifert (applicant)**

Two others sat in the wrong room at the Administration building but we talked just after the meeting ended on the phone and caught up on what was discussed and they are included in our email and direct communications going forward.

**Lori and Danny Harper (Summer Walk residents)**

As a follow up to the discussions at this meeting, we will be reaching out to all listed above about anticipated home pricing and with a more detailed plan for the common area viewing pavilion we plan to include. We plan to continue discussions and/or answer any questions that come up between now and the public hearings. We hope to get to the planning commission hearing with support from these two Park Village residents and from the Summer Walk couple. We will also reach out directly to the Summer Walk HOA Board and to our other immediate adjacent neighbors to get any feedback from them as well.



Cherokee County, Georgia  
Agenda Request

---

Item#: 4.

**SUBJECT:** Case #17-10-026 John Dearing (BOC Dist. 2)      **MEETING DATE:** 9/18/2017

**SUBMITTED BY:**  
Tamala Davis

---

**COMMISSION ACTION REQUESTED:**

Applicant is requesting to rezone 160.06 acres at 4165 Earney Road and 800 Riverlake Court from AG to R-20 for a conservation subdivision. Applicant is also requesting variances to reduce the front setback lines and minimum lot widths for several lots.

---

**FACTS AND ISSUES:**

Commission District: 2  
Zoning Change: AG to R-20  
Location: 4165 Earney Road and 800 Riverlake Court  
Tax Map and Parcel No: 02N09, 001, 074  
Acres: 160.06  
Proposed Development: Conservation Subdivision  
Future Development Map: Suburban Growth and Suburban Living

---

**BUDGET:**

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

---

**ADMINISTRATIVE RECOMMENDATION:**

---

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Public Participation	Exhibit
<input type="checkbox"/> Existing Site Resources	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Variance Request	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: H. Michael Bray Phone: 770-479-1426  
 Email: mbray@brayandjohnson.com

**Applicant's Information:**

Name: John Dearing  
 Address: 6 Nacoochee Place NW Phone: 404-213-3250  
 City, State, Zip: Atlanta, GA 30305

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

Name: BFP Farms, LLC  
 Address: 110 Village Trail, Ste 218 Phone: 770-634-4041  
 City, State, Zip: Woodstock, GA 30188

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

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

<b>STAFF USE ONLY:</b>	<b>PUBLIC HEARING SCHEDULE:</b>
Commission District: <u>2</u>	Public Participation Meeting: <u>8-2-17</u>
Case: <u>17 - 10 - 026</u>	PC Work Session Date: <u>9-18-17</u>
CityView # <u>PL2017-1017</u>	Planning Commission Hearing: <u>10-3-17</u>
Received by: _____	Board of Commissioners: <u>10-17-17</u>
Fee Paid: \$ <u>1350.00</u>	Zoning Board of Appeals: <u>NA</u>
Date: _____	Other: _____

**SECTION II**

**Property Information:**

Location: 4165 Earney Road and 800 Riverlake Ct.

Current Zoning: AG Proposed Zoning: R-20 Total Acreage: 160.06  
02 09 001 730, 731, 782, 783, 801, 802, 855 & 856 2nd District  
Tax Map #: 02 N 09 Parcel #: 074 Land Lot(s): 730, 731, 782, 784 District: 2nd  
783, 801, 802, 855 & 856

Future Development Map Designation: Suburban Growth and Suburban Living

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

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

SEE ATTACHED SHEET FOR VARIANCE REQUEST

Article 23.4-3.1, Table 23-2

Proposed Use(s) of Property:

Conservation Subdivision R-20 (Single Family Detached)

**Applicant Affidavit:**

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

This form is to be executed under oath. I, John Dearing, 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 19 day of July, 2017.

Print Name JOHN J. DEARING.

Applicant Signature .

**SECTION III**

**Infrastructure Information:**

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

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

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

If yes, what is the projected increase? ~~108.5~~ 109 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	249	0.725	108.5
Multi Family (Attached) Home		0.287	

**Traffic Generation:**

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

What is the estimated number of trips generated? 2,383 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome		9.57	<u>2,383</u>
220	Apartment		6.63	

**Notes:**

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

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

**AUTHORIZATION OF PROPERTY OWNER**

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

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

Rezoning

Amendment / Modification of Zoning Conditions

Variance / Appeal

Other: all zoning matters

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

Applicant's Information:

Name: John Dearing  
Address: 6 Nacoochee Place Phone: (404) 355-0110  
City, State, Zip: Atlanta, GA 30305

Property Owner's Information:

Name: BFP Farms, LLC  
Address: 110 Village Trail, Ste 218 Phone: (770) 634-4041  
City, State, Zip: Woodstock, GA 30188

Signature of Owner: *Thomas Bradbury* Date: 7/12/17  
Print Name: Thomas L. Bradbury, Manager

Sworn to and Subscribed before me this: 12th day of July, 2017.

Notary Signature: *Leri Bradford*



## APPLICANT RESPONSE STATEMENT

1. Explain the intent of the requested zoning:

**RESPONSE:** The intent is to rezone the property to a zoning classification of R-20. With an R-20 classification the intent is to develop a first class subdivision as a "CONSERVATION SUBDIVISION" pursuant to Article 23 of the Cherokee County Zoning Ordinance. With use of the conservation subdivision regulations the developer will be able to provide significant green space while maintaining the prorated density of residential units for the overall site. The proposal is presented and designed pursuant to the County's Conservation Subdivision Regulations. The plan presented with application is more than concept but is the proposed development.

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

**RESPONSE:** The subject property is adjacent to a subdivision zoned R-20 and another subdivision zoned R-40. This proposal submitted to this board is consistent with adjacent nearby properties and is consistent with a significant portion of the Future Land Development Map. Upon consideration of the use existing of the property located south of the subject property there is no question that the proposed zoning is suitable to the adjacent nearby properties.

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

**RESPONSE:** The rezoning of this property to R-20 will not adversely affect use and usability of adjacent property but on the other hand will have a positive effect on the adjacent property. The intended development of the property will result in homes in a higher price range than homes adjacent to this property and value is consistent with the properties along Earney Road. The property is adjacent to Fulton County on the east side which is used as a Golf Course. The property runs along Little River.

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

**RESPONSE:** The property has no reasonable economic use in its current zoning classification. There are no opportunities to make a viable use of the property zoned as AG or used as an estate lot development. The reasonable economic use of the property is driven by the zoning classifications of the adjacent properties and is driven by the fact that you can make the best opportunity for the preservation of the streams on the subject property and preservation of the quality of Little River by having a well-built, correctly designed development with sanitary sewer (instead of septic tanks) and use the land that is suitable for homes and having created significant greenspace. It is expensive to provide sewer to the property but using sewer will help preserve Little River and protect the integrity of the property.

The value of the property and current zoning classification is in range \$4,000.00 to \$5,000.00 per acres but correctly zoned is \$40,000.00 to \$50,000.00 an acre. The highest and best use is R-20 Conservation Subdivision.

5. Whether the proposed zoning will result in a use which will not or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

**RESPONSE:** It is applicant's belief and position that there will be some obvious increase in number of students in the school system, which applicant believes is manageable since his project will be developed over a period of time. Further contact will be made with the school district personnel concerning the impact of the development on schools. As to utilities, there is no excessive burden and the property has three points of entrance which is believed will diminish any significant or excessive impact on the roadways. Consequently there are no excessive burdens on school system, transportation availability or existing roadways and streets.

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

**RESPONSE:** A significant portion of the subject property is in the Suburban Living characterization under the Future Land Map which suggests zoning districts from RD-3 to R-40. Our compromise suggestion is R-20 which when coupled with the conservation subdivision ordinance enables the development of this property consistent with public health, safety and general welfare of the county and with best flexibility as to the placement and locations of homes, additionally a conservation development will have a much better opportunity to protect the streams on the property, protect Little River and diminish the likelihood of flood erosion or water pollution. Further it would diminish the sprawling form of development referred to in the conservation ordinance by the manner lots are designed and allocated within the development.

A portion of this property is located in that area characterized as Suburban Growth which suggest an R-40 zoning classification. However in order to develop this property with maximum consideration of Little River and streams located on the property suggest the zoning district under Suburban Living which is R-20 is the most logical conclusion in this case.

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.

**RESPONSE:** There are changes that have occurred in this area which does affect the use and development of this property. Particularly the development of the subdivision which is adjacent and borders the subject property and which provides two points of entry to the property and also the proposal is adjacent to a similar developed property (although the homes in this project will be ultimately higher) practically dictates that the extension of R-20 is the only reasonable consideration for zoning of this property.

#### **REQUEST FOR VARIANCE**

Applicant believes the requested variances are the result of the odd shape and topography of the subject property and the effort to make the development more esthetically pleasing and basically

**more useable. If applicant is not granted the variance then there is difficulty in designing a conservation subdivision that would be both pleasing to the eye and pleasing to the use and enjoyment of the property as a home and community.**

**The variance requests are based upon the amount of available road frontage in the subdivision and being able to have sufficient number of houses to have a viable development. The smaller lot width requested will not affect quality of homes but allow sufficient quantity of lots to support the community and homeowners association. Similar variances have been allowed in Cherokee County.**

**There is no detriment to the public and a variance would not impair the purposes and intent of the conservation ordinance in that the use of the property is continued in the manner intended by development of a subdivision community under the conservation ordinance.**

**SEE ATTACHED ADDENDUM FOR VARIANCE REQUEST**

# Attachment to John Dearing Application for Rezoning

## VARIANCE REQUEST

Applicant has designed the subdivision to meet the required lot sizes under the Conservation Subdivision ordinance. Applicant has also designed lot sizes along the lake to be comparable to the lot sizes of neighboring lake homeowners.

In making the development plan compatible with the requested lot sizes consistent with conservation ordinance and neighbors, some lots have unique configuration, some lots are long and other short which means the setbacks on some lots need a variance in order to place home on the lot, and some lots need a variance to width to gain the lot design under the ordinance and proper placement of the home on the lot.

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

1. Variances for Front setback lines from 35 feet to 25 feet on lots: 7-26, 42-47, and 193-242.
2. Variances for Minimum Lot Widths from 190 feet to 90 feet on lot 129.
3. Variance for Minimum Lot Widths from 160 feet to 90 feet on lot 119.
4. Variance for Minimum Lot Widths from 135 feet to 90 feet on lots 20-24.
5. Variance for Minimum Lot Widths from 110 feet to 90 feet on lots 6 & 25.



6. Variance for Minimum Lot Widths from 95 feet to 90 feet on lot 244.
7. Variance for Minimum Lot Widths from 160 feet to 70 feet on lots 101, 102, 106, 108, 117 & 118.
8. Variance for Minimum Lot Widths from 135 feet to 70 feet on lots 107, 109 & 116.
9. Variance for Minimum Lot Widths from 110 feet to 70 feet on lot 110.
10. Variance for Minimum Lot Widths from 95 feet to 70 feet on lots 5, 123, 135 & 144.
11. Variance for Minimum Lot Widths from 75 feet to 70 feet on lots 27, 28, 77-79, 82-85, 88, 90-96, 98-100, 120, 127, 130-134, 136-140, 146, 193, 195, 196, 223, 226, 227, 235 & 239-242.
12. Variance for Minimum Lot Widths from 110 feet to 60 feet on lots 14-16 & 220.
13. Variance for Minimum Lot Widths from 95 feet to 60 feet on lots 13 & 221.
14. Variance for Minimum Lot Widths from 75 feet to 60 feet on lots 209-211, 214-219, 222 & 228.

**The Applicable Code Section is Article 23.4-3.1 Table 23-2  
Conservation Design Requirement**

**REQUESTED VARIANCES:**

1. VARIANCE FOR FRONT SET BACK LINES FROM 35 FEET TO 25 FEET FOR LOTS: 7-26, 42-47, AND 193-242.
2. VARIANCE FOR MINIMUM LOT WIDTHS OF 190, 160, 135, 110, AND 95 FEET, DOWN TO 90 FEET FOR LOTS: 6, 20-25, 119, 129, AND 244.
3. VARIANCE FOR MINIMUM LOT WIDTHS OF 160, 135, 110, 95, AND 75 FEET, DOWN TO 70 FEET FOR LOTS: 5, 27, 28, 77-79, 82-85, 88, 90-96, 98-102, 106-110, 116-118, 120, 123, 127, 130-140, 144, 146, 193, 195, 196, 223, 226, 227, 235, AND 239-242.
4. VARIANCE FOR MINIMUM LOT WIDTHS OF 110, 95, AND 75 FEET, DOWN TO 60 FEET FOR LOTS: 13-16, 209-211, 214-222, AND 228.



**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

August 10, 2017

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

RE: **Public Participation Meeting Report**  
Applicant: John Dearing

Dear Commission Members:

The public participation meeting on behalf of applicant, John Dearing, was held at the Hickory Flat Library on August 2, 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 presenter, H. Michael Bray, presented the concept of the intended development, plat and survey of the subject property, materials on the current zoning and future land development map. Efforts were made to generally describe the characterization of the property on the future land development map. The floor was then opened for discussion.

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.

*155 notices*

There were a total of 20 attendees at the public participation meeting.

In the opinion of the undersigned (presenter) there were some concerns, issues or problems expressed during the meeting. One of the concerns presented was property owners with extended lots and property along Aris Lake. It appears that each of the existing lake lot owners own property which extends into the lake.

These parties expressed concern about the lot sizes of the proposed lots and whether or not a trespass could occur on the Aris Lake Lot Owners and the impact of having smaller lots on the lake in terms of value of existing lake lot owners. The applicant recognized these concerns, redesigned the lots along the lake which made them comparable in size to other lake lot owners and similar in design. As a consequence the value on these lots will be more comparable to the other lake lot owners and will be higher end product in the development. In addition the lot sizes were increased in width on the lots within the development.

The applicant also reached out to the manger of the existing Lake Owners Association and that proposed lake lot owners on Aris Lake have membership in the new Homeowners Association with the right to use the swimming pool, tennis courts and to manage the lake. Therefore the Homeowners Association for the new development will have two classes of members. Applicant is also working with the existing Homeowner's Association for Aris Lake to have cross easement rights for each lake lot owner to use the entire lake.

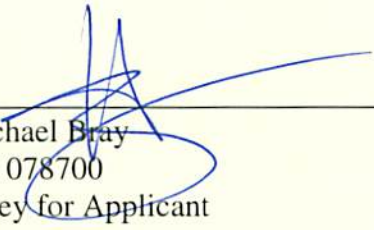
Some attendees expressed concern about the use of the subdivision roads in the existing subdivisions to provide access to the property. The Homeowner's also expressed concerns about construction traffic using the subdivision roads and the applicant advised that construction traffic would not be permitted to use the subdivision roads but would use the existing Earney Road for access to the development. The other issue raised by some of the attendees was relative to the increase in traffic that would naturally flow as a consequence of creating another subdivision.

Some other attendees expressed concern about using an R-20 Conservation Subdivision because of the allowance of smaller lots. There were discussions of benefits of conversation design.

In general there was an expressed concern over the density and number of homes in a proposed new subdivision.

Page Three  
August 10, 2017

Respectfully submitted for the consideration of the Planning Commission and the Board of Commissioners, this 10<sup>th</sup> day of August, 2017.



---

H. Michael Bray  
GBN.: 078700  
Attorney for Applicant

# Bray & Johnson

Attorneys at Law

P. O. Box 1649

Canton, Georgia 30169

Roger M. Johnson  
H. Michael Bray

Jennifer S. Gill  
Derek S. Poarch  
Marjorie M. Musgrave

Street Address:  
Ten North Street  
Canton, Georgia 30114

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

July 20, 2017

Cherokee County Property Owners  
Notice of Public Participation Meeting

Dear Resident:

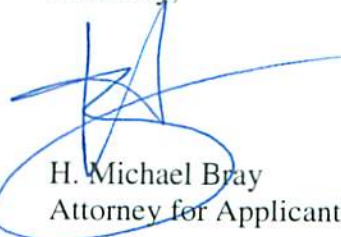
This letter is to serve as notice of a planned Public Participation Meeting as required by the Cherokee County Zoning ordinance for zoning amendments.

BFP Farms, LLC is the owner of 148.18 +/- acres and 19.63 +/- acres located on Earney Road and Riverlake Court as shown on the Cherokee County Tax Map 02N09 as parcel 001 and Tax Map 02N09 as parcel 074. The Applicant, John Dearing, is seeking a proposed zoning amendment to allow R-20 with conservation overlay on the 148.18 +/- acre parcel and the 19.63 +/- acre parcel.

The Public Participation Meeting is scheduled for 6:30 p.m. on August 2, 2017. The meeting will be held at the Hickory Flat Library located at 2740 E. Cherokee Drive, Canton, Georgia 30115.

Thank you for your consideration of this information.

Sincerely,



H. Michael Bray  
Attorney for Applicant and Owner

(162638)

John Dearing

# PLEASE SIGN IN

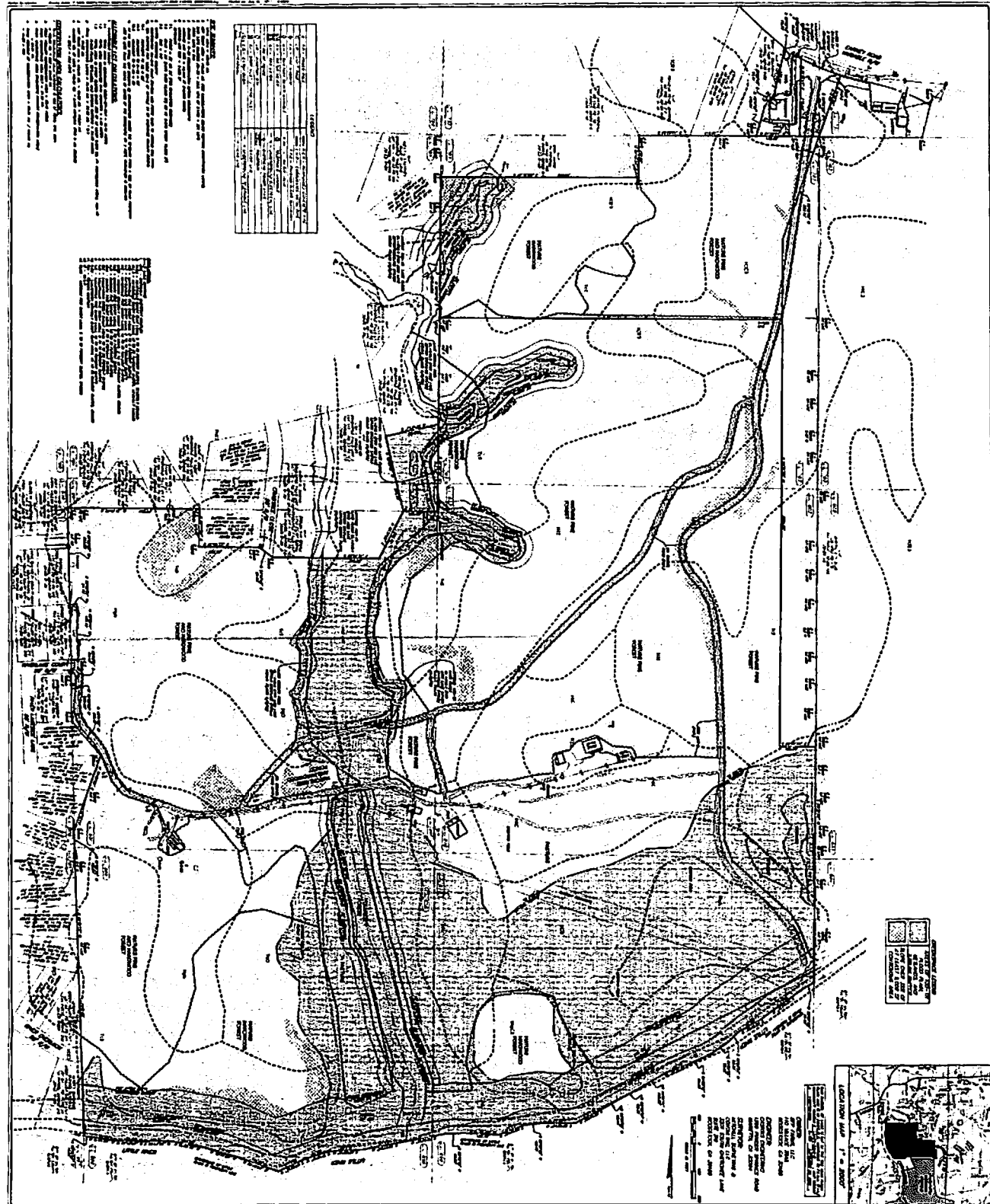
	NAME	ADDRESS	TELEPHONE NUMBER	EMAIL ADDRESS
	Gregory S. Gonroff	501 River Lakeside Ln	770-475-3224	ggonroff@aol.com
1.	CHRIS KOHL	606 River View Dr	770-867-8604	chris_kohl@hotmail.com
2.	DAVID AND KAREN POSS	418 RIVERLAKE CT	7-475-0418	SAILORPOSS @ AOL.COM
3.	Terry Kuykendall	4195 Earney Woodstock	770-289-4270	AMTOW@BellSouth.net
4.	Jim Beckinbale	—	678-449-7703	—
5.	Tom WARE			
6.	Beth Emswiff	—	770-712-0036	—
7.	HADA BEDOYA	522 River Lakeside Ln Woodstock 30188	678-357 1094	malui44@ hotmail.com
8.	Jerry Hicks	4164 Earney Rd Woodstock 30188	770-475-7546	
9.	Barbara Hicks	"	"	
10.	Lynne SEGAN	1007 COASTLINE CROSS WOODSTOCK	770-661- 7093	



## John Dearing

# PLEASE SIGN IN

	NAME	ADDRESS	TELEPHONE NUMBER	EMAIL ADDRESS
11.	CELLEN & DARRYL LANIER	183 PLANTATION TRC WOODSTOCK GA 30188	404-218-0077	CPLANIER@MINDSPRING.COM
12.	Rhonda Neubert	4162 Earney Rd WOODSTOCK 30188	404-353-7216	Rhondaneubert@Bellsouth.net
13.	Sim White copy of color	705 PLANTATION Cove WOODSTOCK, 30188	770-356-0720	JRMW61@BellSouth.net
14.	Darlene Geller-Staff	182 Plantation Tr Woodstock	7-740-8306	dgellerstoff@mindspring.com
15.	Dawn Kohlsdorf	526 Five Lakeside Cw Woodstock GA	7-356-8561	N/A
16.	RON POWERS	186 PLANTATION TRACE WOODSTOCK, GA 30188	678-488-5535	ron@ronaldpowers.com
17.	JAY OLLIFF	906 CRABAPPLE COURT WOODSTOCK, GA. 30188	770-843-1928	J.OLLIFF@COMCAST.NET
18.	Kyle Marshall	4115 Earney Road	770-667-6483	
19.				
20.				



Parcel No.	Area (Ac.)	Owner
1	0.15	...
2	0.15	...
3	0.15	...
4	0.15	...
5	0.15	...
6	0.15	...
7	0.15	...
8	0.15	...
9	0.15	...
10	0.15	...
11	0.15	...
12	0.15	...
13	0.15	...
14	0.15	...
15	0.15	...
16	0.15	...
17	0.15	...
18	0.15	...
19	0.15	...
20	0.15	...
21	0.15	...
22	0.15	...
23	0.15	...
24	0.15	...
25	0.15	...
26	0.15	...
27	0.15	...
28	0.15	...
29	0.15	...
30	0.15	...
31	0.15	...
32	0.15	...
33	0.15	...
34	0.15	...
35	0.15	...
36	0.15	...
37	0.15	...
38	0.15	...
39	0.15	...
40	0.15	...
41	0.15	...
42	0.15	...
43	0.15	...
44	0.15	...
45	0.15	...
46	0.15	...
47	0.15	...
48	0.15	...
49	0.15	...
50	0.15	...
51	0.15	...
52	0.15	...
53	0.15	...
54	0.15	...
55	0.15	...
56	0.15	...
57	0.15	...
58	0.15	...
59	0.15	...
60	0.15	...
61	0.15	...
62	0.15	...
63	0.15	...
64	0.15	...
65	0.15	...
66	0.15	...
67	0.15	...
68	0.15	...
69	0.15	...
70	0.15	...
71	0.15	...
72	0.15	...
73	0.15	...
74	0.15	...
75	0.15	...
76	0.15	...
77	0.15	...
78	0.15	...
79	0.15	...
80	0.15	...
81	0.15	...
82	0.15	...
83	0.15	...
84	0.15	...
85	0.15	...
86	0.15	...
87	0.15	...
88	0.15	...
89	0.15	...
90	0.15	...
91	0.15	...
92	0.15	...
93	0.15	...
94	0.15	...
95	0.15	...
96	0.15	...
97	0.15	...
98	0.15	...
99	0.15	...
100	0.15	...

Parcel No.	Area (Ac.)	Owner
101	0.15	...
102	0.15	...
103	0.15	...
104	0.15	...
105	0.15	...
106	0.15	...
107	0.15	...
108	0.15	...
109	0.15	...
110	0.15	...
111	0.15	...
112	0.15	...
113	0.15	...
114	0.15	...
115	0.15	...
116	0.15	...
117	0.15	...
118	0.15	...
119	0.15	...
120	0.15	...
121	0.15	...
122	0.15	...
123	0.15	...
124	0.15	...
125	0.15	...
126	0.15	...
127	0.15	...
128	0.15	...
129	0.15	...
130	0.15	...
131	0.15	...
132	0.15	...
133	0.15	...
134	0.15	...
135	0.15	...
136	0.15	...
137	0.15	...
138	0.15	...
139	0.15	...
140	0.15	...
141	0.15	...
142	0.15	...
143	0.15	...
144	0.15	...
145	0.15	...
146	0.15	...
147	0.15	...
148	0.15	...
149	0.15	...
150	0.15	...

Parcel No.	Area (Ac.)	Owner
151	0.15	...
152	0.15	...
153	0.15	...
154	0.15	...
155	0.15	...
156	0.15	...
157	0.15	...
158	0.15	...
159	0.15	...
160	0.15	...
161	0.15	...
162	0.15	...
163	0.15	...
164	0.15	...
165	0.15	...
166	0.15	...
167	0.15	...
168	0.15	...
169	0.15	...
170	0.15	...
171	0.15	...
172	0.15	...
173	0.15	...
174	0.15	...
175	0.15	...
176	0.15	...
177	0.15	...
178	0.15	...
179	0.15	...
180	0.15	...



Parcel No.	Area (Ac.)	Owner
181	0.15	...
182	0.15	...
183	0.15	...
184	0.15	...
185	0.15	...
186	0.15	...
187	0.15	...
188	0.15	...
189	0.15	...
190	0.15	...
191	0.15	...
192	0.15	...
193	0.15	...
194	0.15	...
195	0.15	...
196	0.15	...
197	0.15	...
198	0.15	...
199	0.15	...
200	0.15	...

**EARNEY ROAD TRACT**  
 FOR OFF FARMS, LLC  
 LAND LOTS 720, 731, 763, 784, 803, 804, 805, & 834  
 2ND DISTRICT, 2ND SECTION,  
 CHEMUNEE COUNTY, GEORGIA  
 ZONED AG



NOT ISSUED FOR CONSTRUCTION

*Legal Description*  
**HOLLY FARM  
R-20 CONSERVATION  
PROPERTY DESCRIPTION**

A tract or parcel of land situated in land lots 783, 784, 801, 802, 855 and 856, 2nd. District, 2nd. Section, Cherokee County, Georgia, the bearings of which are based on State Plane Grid System (Georgia West Zone) and being more particularly described as follows:

**Beginning** at a # 4 rebar at the intersection of land lots 730, 731, 782 and 783 and having State Plane Coordinates of N-1,502,089.5, E-2,233,853.3; thence leaving said land lot corner, S19°16'55"W for a distance of 388.72 feet; thence S00°31'26"W for a distance of 1,804.88 feet; thence S89°28'34"E for a distance of 125.00 feet to the intersection of said line with the property of (i) BFP Farms LLC and (ii) Capital City Club and the common line between land lots 802 and 803; thence along said line and continuing along the land lot line between land lots 854 and 855, S00°31'26"W for a distance of 839.24 feet to the intersection of said line with the centerline of Little River; thence along the centerline of Little River the following 28 courses and distances: [S59°07'39"W for a distance of 41.44 feet; S53°53'31"W for a distance of 184.63 feet; S62°04'01"W for a distance of 88.78 feet; S45°23'23"W for a distance of 53.38 feet; S54°04'56"W for a distance of 72.18 feet; S64°05'12"W for a distance of 89.85 feet; S69°31'31"W for a distance of 81.04 feet; S59°21'41"W for a distance of 118.26 feet; S62°42'51"W for a distance of 68.31 feet; S60°53'00"W for a distance of 65.96 feet; S62°34'06"W for a distance of 114.24 feet; S89°40'43"W for a distance of 123.96 feet; S82°40'30"W for a distance of 62.45 feet; S66°44'42"W for a distance of 93.18 feet; N87°02'48"W for a distance of 128.70 feet; S86°12'19"W for a distance of 67.84 feet; S78°30'55"W for a distance of 134.84 feet; S78°27'24"W for a distance of 153.12 feet; S87°08'16"W for a distance of 123.42 feet; S71°10'17"W for a distance of 86.71 feet; S63°39'41"W for a distance of 100.85 feet; N69°50'03"W for a distance of 146.09 feet; N73°34'28"W for a distance of 139.20 feet; N78°58'30"W for a distance of 104.95 feet; S89°57'39"W for a distance of 110.71 feet; N87°12'27"W for a distance of 91.34 feet; N81°04'24"W for a distance of 96.86 feet; N80°46'03"W for a distance of 14.25 feet] to the intersection of said line with the property of (i) BFP Farms LLC and (ii) Creek Hollow South Unit III as recorded in plat book 64 page 211 of Cherokee County, Georgia records; thence along said line the following 7 courses and distances: [N01°52'15"W for a distance of 1,030.59 feet; N01°03'39"W for a distance of 65.00 feet; N19°56'36"E for a distance of 278.15 feet to a # 4 rebar; N40°11'52"W for a distance of 158.12 feet to a # 4 rebar; N01°02'03"W for a distance of 222.99 feet; N89°00'51"E for a distance of 24.49 feet to a # 4 rebar; N00°59'11"W for a distance of 199.76 feet to a # 4 rebar; S89°00'51"W for a distance of 24.75 feet] to the intersection of said line with the property of (i) BFP Farms LLC and (ii) Creek Hollow South Unit IV as recorded in plat book 15 page 122 of Cherokee County, Georgia records; thence along said line, N01°03'39"W for a distance of 343.20 feet to a # 4 rebar to the intersection of said line with the property of (i) BFP Farms LLC and (ii) Crabapple Falls Unit 3 plat book 33 page 102 of Cherokee County, Georgia records; thence along said line the following 9 courses and distances: [S89°12'33"E for a distance of 465.53 feet to a # 4 rebar; S00°47'27"W for a distance of 134.41 feet to a # 4 rebar; S89°08'37"E for a distance of 212.56 feet to a # 4 rebar; S51°47'42"E for a distance of 56.98 feet to a # 5 rebar; S89°07'31"E for a distance of 375.00 feet; N26°31'22"E for a distance of 188.71 feet; N12°39'46"W for a distance of 273.54 feet; N77°19'22"E for a distance of 188.90 feet; N00°48'10"E for a distance of 879.98 feet] to a # 4 rebar at the

intersection of said line with the property of (i) BFP Farms LLC and (ii) Terry Wayne Kuykendall; thence along said line, S89°38'09"E for a distance of 700.01 feet to a # 4 rebar; thence N00°46'34"E for a distance of 150.02 feet to a # 4 rebar at the intersection of said line with the property of (i) BFP Farms LLC and (ii) Francine Renee Johnson and the common line between land lots 730 and 783; thence along said line, S89°36'01"E for a distance of 413.80 feet to a # 4 rebar to the intersection of said line with the property of (i) BFP Farms LLC and (ii) Tammy B. Willingham; thence along said line, S89°36'01"E for a distance of 152.86 feet to a crimp top pipe; thence S 89°00' 23"E for a distance of 66.95 feet to the **Point of Beginning** of said tract.

Containing **160.06 acres** or **6,972,305 square feet**.

# Attachment to John Dearing Application for Rezoning

## VARIANCE REQUEST

Applicant has designed the subdivision to meet the required lot sizes under the Conservation Subdivision ordinance. Applicant has also designed lot sizes along the lake to be comparable to the lot sizes of neighboring lake homeowners.

In making the development plan compatible with the requested lot sizes consistent with conservation ordinance and neighbors, some lots have unique configuration, some lots are long and other short which means the setbacks on some lots need a variance in order to place home on the lot, and some lots need a variance to width to gain the lot design under the ordinance and proper placement of the home on the lot.

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

1. Variances for Front setback lines from 35 feet to 25 feet on lots: 7-26, 42-47, and 193-242.
2. Variances for Minimum Lot Widths from 190 feet to 90 feet on lot 129.
3. Variance for Minimum Lot Widths from 160 feet to 90 feet on lot 119.
4. Variance for Minimum Lot Widths from 135 feet to 90 feet on lots 20-24.
5. Variance for Minimum Lot Widths from 110 feet to 90 feet on lots 6 & 25.

6. Variance for Minimum Lot Widths from 95 feet to 90 feet on lot 244.

7. Variance for Minimum Lot Widths from 160 feet to 70 feet on lots 101, 102, 106, 108, 117 & 118.

8. Variance for Minimum Lot Widths from 135 feet to 70 feet on lots 107, 109 & 116.

9. Variance for Minimum Lot Widths from 110 feet to 70 feet on lot 110.

10. Variance for Minimum Lot Widths from 95 feet to 70 feet on lots 5, 123, 135 & 144.

11. Variance for Minimum Lot Widths from 75 feet to 70 feet on lots 27, 28, 77-79, 82-85, 88, 90-96, 98-100, 120, 127,130-134, 136-140, 146, 193, 195, 196, 223, 226, 227, 235 & 239-242.

12. Variance for Minimum Lot Widths from 110 feet to 60 feet on lots 14-16 & 220.

13. Variance for Minimum Lot Widths from 95 feet to 60 feet on lots 13 & 221.

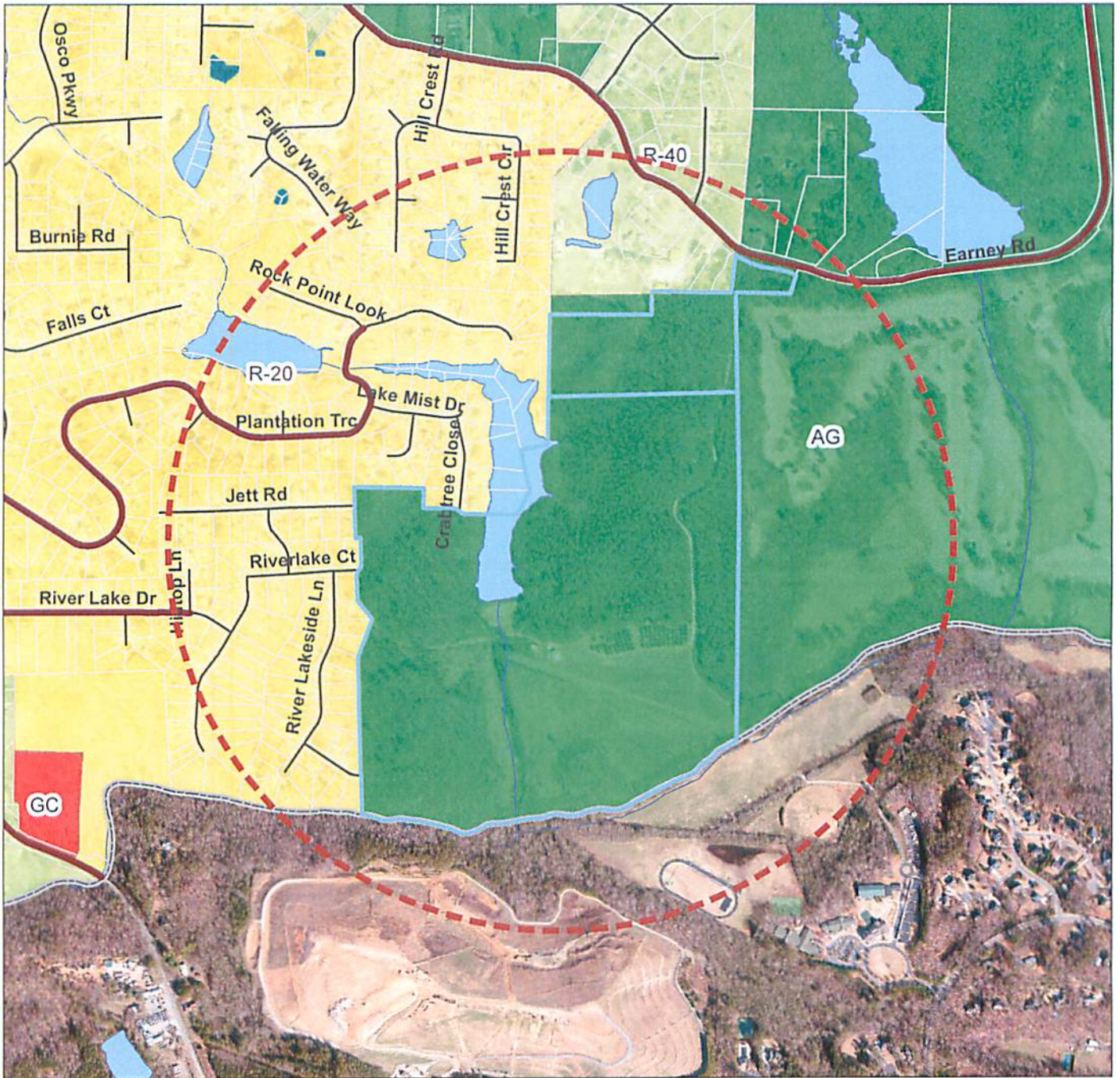
14. Variance for Minimum Lot Widths from 75 feet to 60 feet on lots 209-211, 214-219, 222 & 228.

**The Applicable Code Section is Article 23.4-3.1 Table 23-2  
Conservation Design Requirement**

**ENTERED**  
9/7/17



Case # 17-10-026 John Dearing  
Zoning Map



Legend

- |                     |                               |                     |               |
|---------------------|-------------------------------|---------------------|---------------|
| Rezoning Parcel     | <b>Cherokee County Zoning</b> | RTH                 | Ball Ground   |
| 1/2 Mile Radius     | AG                            | RM10                | Canton        |
| School              | R80                           | RM16                | Holly Springs |
| Cemetery            | R60                           | TND                 | Mountain Park |
| Church              | R40                           | PUD                 | Nelson        |
| Parcel              | R30                           | OI                  | Waleska       |
| 100 Year Flood Zone | R20                           | NC                  | Woodstock     |
| Detention Pond      | R15                           | GC                  |               |
|                     | RD3                           | LI                  |               |
|                     | R10                           | HI                  |               |
|                     | RZL                           | Bells Ferry Overlay |               |
|                     | RA                            | Hwy 92 Overlay      |               |



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

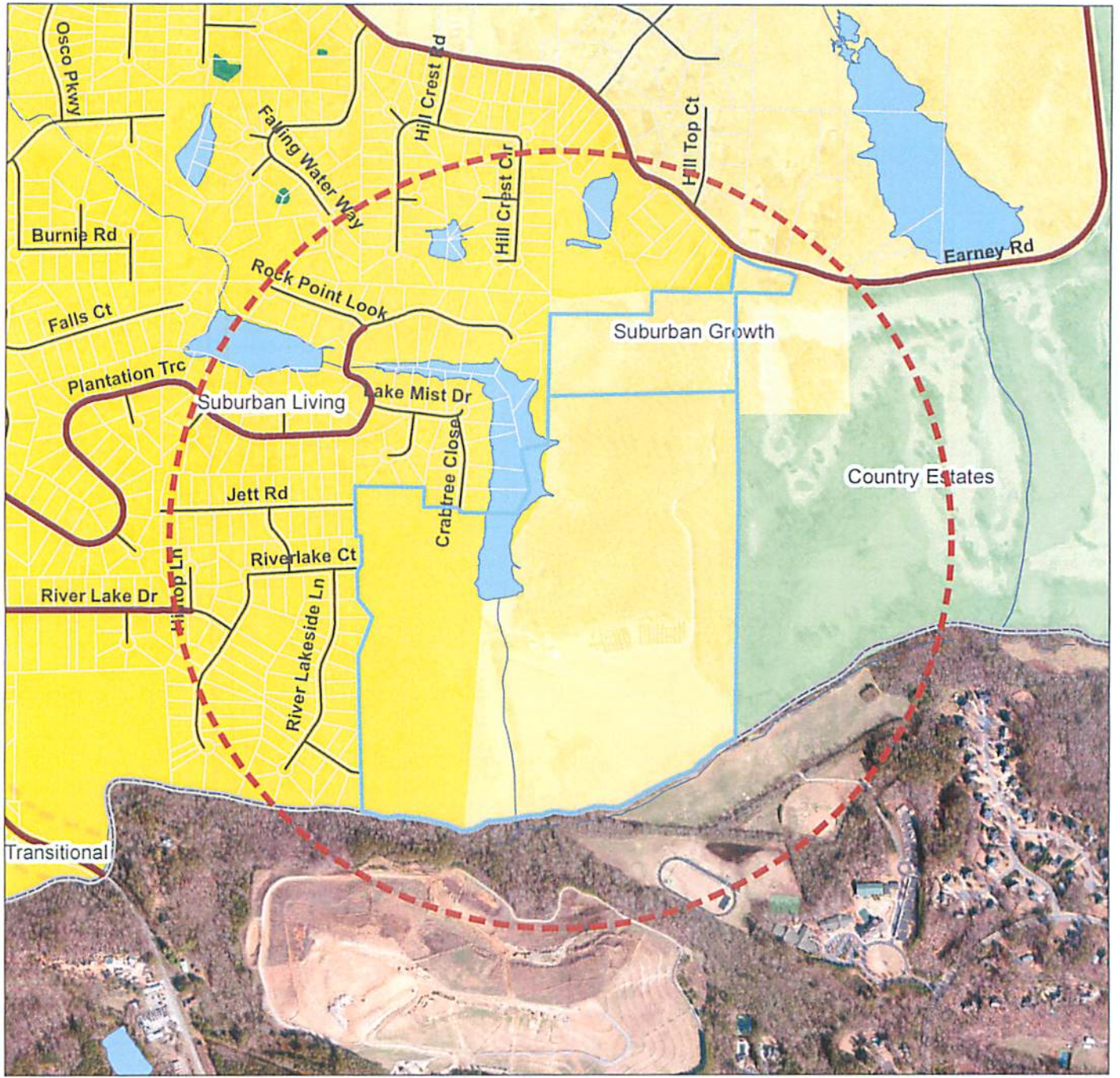


Prepared by:  
Cherokee County  
Planning and Land Use  
Canton, Georgia  
31 August 2017





Case # 17-10-026 John Dearing  
 Future Development Map



Legend

- |                     |                          |                        |               |
|---------------------|--------------------------|------------------------|---------------|
| Rezoning Parcel     | <b>Development Nodes</b> | <b>Character Areas</b> | Ball Ground   |
| 1/2 Mile Radius     | County Crossroads        | Natural Preserve       | Canton        |
| School              | Hamlet                   | Rural Places           | Holly Springs |
| Cemetary            | Neighborhood Village     | Country Estates        | Mountain Park |
| Church              | Community Village        | Suburban Growth        | Nelson        |
| Parcel              | <b>Corridors</b>         | Suburban Living        | Waleska       |
| 100 Year Flood Zone | Scenic Corridor          | Neighborhood Living    | Woodstock     |
| Detention Pond      | 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 August 2017





**Cherokee County, Georgia  
Agenda Request**

---

**Item#: 1.**

**SUBJECT:** **Discuss Amendments to Article 18 of the Zoning Ordinance**  
**MEETING DATE:** 9/18/2017

**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:**

---

**ATTACHMENTS:**

Description	Type
<input type="checkbox"/> New Zoning Guidebook	Exhibit
<input type="checkbox"/> Working Draft v3.2	Exhibit

# REZONING APPLICATION



Department of Planning & Land Use  
1130 Bluffs Parkway  
Canton, GA 30114  
678-493-6101

[pluse@cherokee.ga.gov](mailto:pluse@cherokee.ga.gov)

# CHEROKEE COUNTY PLANNING & LAND USE

## PROCESS FOR SUBMITTING A REZONING APPLICATION

All applications requesting a change in the zoning of a property are reviewed by the Planning & Land Use staff, the Cherokee County Municipal Planning Commission and the Cherokee County Board of Commissioners. The following outline identifies the steps within the process

### (1) Pre-Application Meeting prior to any submittal

A meeting scheduled with staff of the Planning & Land Use Department is required prior to submitting a request to change the zoning of their property. The purpose of the meeting is to communicate the intent to seek a change of zoning, to understand the documents required of the process, the timeline and the responsibilities for submitting a complete application.

### (2) Preliminary Review Meeting

After the pre-application meeting, but prior to submittal of an application requesting a change of zoning, the project shall be presented by the applicant in a Preliminary Review of the project. The purpose of the preliminary review meeting is to allow the Plan Approval team the opportunity to become familiar with the proposed site / project and to offer their comments as to what will be required of the proposed site / project

### (3) Submittal of Completed Application by Filing Deadline

After having met with staff in a Pre-application meeting and subsequently presenting their project in a Preliminary Review meeting, a completed application is to be submitted to the Department of Planning and Land Use. The application shall be submitted before 5:00 pm on the date of filing deadline (see Public Hearing Schedule). An applicant is **NOT REQUIRED** to wait to the submittal deadline to file an application. Applications shall be limited to **NO MORE THAN SIX (6) SCHEDULED FOR PUBLIC HEARING PER MONTH** on a first come, first served basis. In addition to said six (6), two (2) non-residential applications shall be accepted

### (4) Public Participation Meeting (if required)

Where required, a person requesting a change of zoning is required to host a Public Participation meeting the purpose of which is to ensure early and effective communication with nearby property owners and interested citizens, giving them the opportunity to understand the proposed request for a change of zoning and to mitigate any impacts such proposal may have on the community. A person seeking a change of zoning may host a Public Participation meeting any time after the project has been presented in both a Pre-Application meeting and a Preliminary Plan meeting.

### (5) Application Deemed Complete

The Department of Planning & Land Use shall review and assess all applications requesting a map amendment for completeness. If the application is deemed incomplete, the department staff shall inform the applicant in writing of the deficiencies of the application. The applicant requesting a map amendment shall correct all deficiencies **no later than 45 days prior to the public hearing date**, or the application will be continued until the next available public hearing date.

### (6) Planning Commission Work Session

Prior to the regularly scheduled public hearing date, the Planning Commission may schedule a work session at which all business items scheduled to come before the Planning Commission at a public hearing are to be presented. The purpose of the work session is to familiarize the members with the facts of each such item. Planning and Land Use staff shall provide technical assistance in preparing the agenda for the Work Session. The Work Session is a public meeting however; no presentations or unsolicited comments are welcomed.

### (7) Public Hearing

The Planning Commission shall conduct a public hearing for the purpose of hearing the application requesting a change of zoning and to make a recommendation for action on the request to the Board of Commissioners.

**(8) Board of Commissioners regular meeting**

Upon

DRAFT

## SUBMITTAL CHECKLIST

The following is the checklist of information required for submission of an Application for Public Hearing for a rezoning of property. Submission of the items in this checklist by the filing deadline does not imply the application has been accepted nor that it will appear at the Public Hearing.

Application Form

One (1) copy of the appropriate application form

Letter of Intent

One copy of a Letter of Intent

The Letter of Intent must give details of the property use of the property and should include at least the following information (as applicable):

1. A Statement regarding the proposed use of the property
2. The acreage or size of the tract
3. The zoning classification(s) requested
4. The number of lots or number of dwelling units property; house size proposed
5. The density in terms of gross square footage per acre, if commercial, industrial or office / institutional use
6. Number of parking spaces
7. Height of buildings

Applicant Response Statement

Property Owner Authorization

Conflict of Interest Certification

Campaign Contribution Certification

Application Fees

See attached schedule of fees. Acceptable payment methods are: cash, check, or credit card (Visa, Mastercard or Discover) Checks should be made payable to Cherokee County

Legal Description

The legal description must be a metes and bounds description. It must establish a point of beginning and from the point of beginning cite each dimension bounding the property, calling the directions (ie. North, Northeasterly, Southerly, etc.) which the boundary follows around the property returning to the point of beginning. If there are multiple property owners, all properties must be combined into one legal description. If the properties are not contiguous, a separate application and legal description must be submitted for each property. For requests for multiple zoning districts, a separate legal description must be submitted for each district requested.

Boundary Survey

One copy of a boundary survey to scale for the subject property, displaying all metes and bounds. This is not necessary if the Site Plan includes this information

Warranty Deed

A copy of the warranty deed that reflects the current owner(s) of the property. Security deeds are not acceptable

Site Plan

A site plan or a plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor, whose State registration is current and valid. (Plans must be stamped). One (1) drawing shall be no larger than 36" x 48" and two (2) copies must be 11" x 17".

Traffic Study

A traffic impact study prepared by a registered engineer will be required if:

- (1) the proposed subdivision exceeds 250 dwelling units;
- (2) the non-residential development contains more than 25,000 square feet of floor area;
- (3) or at the discretion of the County Engineer

Public Participation Plan (if required)

DRI Review Form (if meeting DRI thresholds)

Other



# CHEROKEE COUNTY

## Application for Public Hearing

### Important Notes:

1. Please check all information supplied on the following pages to ensure your application 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 678-493-6103 if you have questions regarding your application or the public hearing process.
4. Applicant, or representative for applicant, must attend the Zoning Hearings. Failure to attend may result in dismissal with prejudice, rejection of the application or continuance of the hearing at the Board's sole discretion. If continued due to failure to appear at hearing, applicant will be responsible for all costs associated for re-advertising and notice for public hearing.

### SECTION I

Contact Person: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Email: \_\_\_\_\_

### Applicant's Information:

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

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

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

**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  
 Special Use  Other: \_\_\_\_\_

### STAFF USE ONLY:

Commission District: \_\_\_\_\_  
 Case: \_\_\_\_\_-\_\_\_\_\_-\_\_\_\_\_  
 CityView # \_\_\_\_\_  
 Fee \$: \_\_\_\_\_  
 Date Paid: \_\_\_\_\_  
 # of Signs: \_\_\_\_\_

### PUBLIC HEARING SCHEDULE:

Public Participation Meeting: \_\_\_\_\_  
 PC Work Session Date: \_\_\_\_\_  
 Planning Commission Hearing: \_\_\_\_\_  
 Board of Commissioners: \_\_\_\_\_  
 Zoning Board of Appeals: \_\_\_\_\_  
 Other: \_\_\_\_\_



**SECTION II**

**Property Information:**

Location: \_\_\_\_\_

Current Zoning: \_\_\_\_\_ Proposed Zoning: \_\_\_\_\_ Total Acreage: \_\_\_\_\_

Tax Map #: \_\_\_\_\_ N \_\_\_\_\_ Parcel #: \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ District: \_\_\_\_\_

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

Adjacent Zonings: North \_\_\_\_\_ South \_\_\_\_\_ East \_\_\_\_\_ West \_\_\_\_\_

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

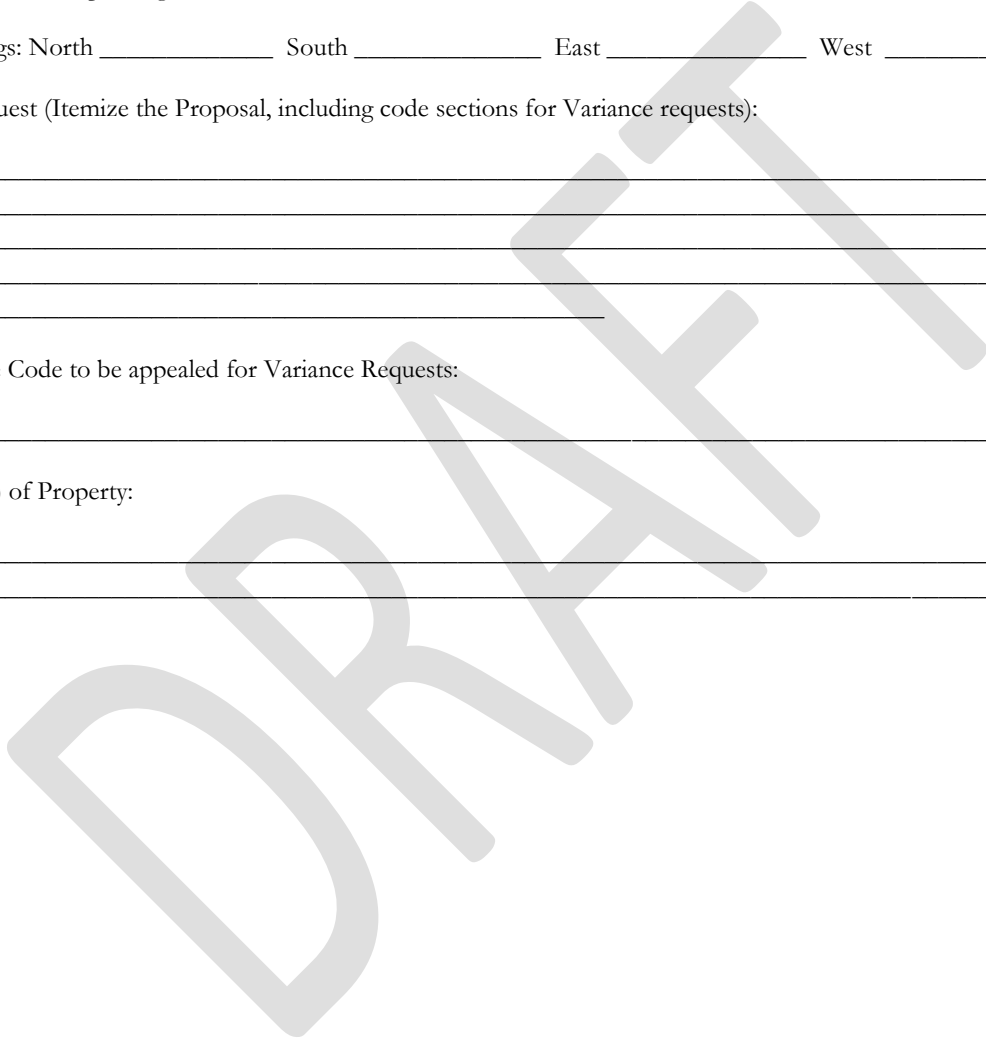
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Section(s) of the Code to be appealed for Variance Requests:

\_\_\_\_\_

Proposed Use(s) of Property:

\_\_\_\_\_  
\_\_\_\_\_



**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  No

If yes, what is the projected increase? \_\_\_\_\_ students

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

**Traffic Generation:**

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

What is the estimated number of trips generated? \_\_\_\_\_ trips

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

**Notes:**

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

## APPLICANT RESPONSE STATEMENT

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.

The applicant shall 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.

# AUTHORIZATION OF PROPERTY OWNER(S)

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

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

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

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

## Applicant's Information:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_

## Property Owner's Information:

Name: \_\_\_\_\_  
Address: \_\_\_\_\_ Phone: \_\_\_\_\_  
City, State, Zip: \_\_\_\_\_  
Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Signature of Owner: \_\_\_\_\_ Date: \_\_\_\_\_  
Print Name: \_\_\_\_\_

Sworn to and subscribed before me this: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Signature: \_\_\_\_\_

(Notary Seal)

# CONFLICT OF INTEREST CERTIFICATION

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

Signature of Applicant: \_\_\_\_\_ Date: \_\_\_\_\_

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

Signature of Applicant's Attorney: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_ Title: \_\_\_\_\_

Sworn to and subscribed before me this: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Signature: \_\_\_\_\_

(Notary Seal)

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

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

Sworn to and subscribed before me this: \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Notary Signature: \_\_\_\_\_

(Notary Seal)

## SITE PLAN

A site plan or a plat showing the dimensions, acreage and location of the tract(s) prepared by an architect, engineer, landscape architect or land surveyor, whose State registration is current and valid. (Plans must be stamped) The following information shall be prepared, where applicable:

- a. Location Map. A general location map.
- b. North Arrow
- c. Lot Lines
- d. Date of plan
- e. Graphic scale
- f. Bearing and distances
- g. Survey Boundaries. Surveyed boundaries of the entire tract and their relationship to adjoining properties, public rights-of-way, and easements.
- h. Existing zone district classification(s) of abutting properties
- i. Identification of abutting property type/land use
- j. Names of owners of abutting properties
- k. Building Locations. Location of all proposed buildings, their intended use, shape, size and setback in appropriate scale.
- l. Existing Structures or buildings
- m. Cemeteries
- n. Parking Spaces and Loading Areas
- o. Adjoining Streets with Right-of-Way. Location and right-of-way of streets, roads, alleys, railroads, with lengths and paving widths, road names or designations.
- p. Utility easements
- e. Buffers. Proposed zoning and landscaping buffers.
- f. Topography (at no less than 10 ft. intervals)
- g. General vegetative characteristics of property. (i.e.: Forested, Pasture, etc.)
- h. General soil types (if using septic systems)
- i. Flood Plain. Limits of 100-year floodplain and acreage of flood plain
- j. Lakes and streams, including required state or local buffers
- k. Wetlands
- l. Sketches. Representative architectural sketches or renderings of typical proposed structures, signs, landscaping, screening and/or fencing.
- j. Technical Data. Statistical or technical data as necessary to accurately describe the proposed development
  - i. Total land area.
  - ii. Amount of land to be used for recreational or open space purpose.
  - iii. Total number of dwelling units and gross density by type of land use.
  - iv. Amount of space to be occupied by streets and parking areas.
  - v. Amount of any submerged land within the project boundary.
  - vi. The total ground coverage and floor area of all buildings.
  - vii. A breakdown of the number of kinds of proposed buildings, including square footage, and the number and range of lot sizes and proposed setback and yard dimensions for typical lots and/or building types.

# PUBLIC PARTICIPATION PROCESS

## PUBLIC PARTICIPATION PLAN

A Public Participation Plan shall be required for all rezoning applications proposing office, commercial, multi-family residential, industrial, and single family residential of five (5) or more lots. A Public Participation Plan will also be required for AG rezoning requests proposing any commercial agriculture activity. (e.g. Breeding of livestock, sales of produce).

The applicant may submit a Public Participation Plan and begin implementation prior to formal application at his discretion; however, implementation shall not begin until the project has been presented in both a Pre-Application meeting and a Preliminary Plan meeting

At a minimum, the Public Participation Plan shall include the following information:

- (a) Which property owners, interested parties, political jurisdictions and public agencies may be affected by the application
- (b) How those interested in and potentially impacted by an application will be notified that an application has been made.
- (c) How those interested and potentially impacted parties will be informed of the substance of the development proposed by the applicant.
- (d) How those potentially impacted and interested parties will be afforded an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues or problems that they may have with the proposal, in advance of the public hearing.
- (e) The applicant's schedule for completion of the Public Participation Plan process.

## PUBLIC PARTICIPATION MEETING

Where required, it shall be the responsibility of the applicant to schedule and hold a public participation meeting. The public notification letter sent to the neighborhood shall identify the date, time, and place of the meeting.

**Minimum Public Notification Target Area.** The minimum public notification target area for the public participation meeting will include:

- (a) All properties that lie within 750 feet of the legal boundary of the subject property.
- (b) Any homeowners' associations which represent subdivisions or properties, that falls within the 750 foot boundary.
- (c) Other interested parties who have requested that they be placed on the Interested Parties Notification List, to be maintained by the Department of Planning & Land Use.
- (d) Department of Planning & Land Use
- (e) Cherokee County Board of Commissioners

**Meeting Notices.** Notices sent by the applicant to the properties in the Target Area and to the Interested Parties Notification List **SHALL BE MAILED NO LATER THAN 10 DAYS PRIOR** to the scheduled Public Participation Meeting date. (See Public Participation Meeting Notification Letter template)

**Certificate of Mailing.** The applicant will be required to submit to the Department of Planning and Land Use a Certificate of Mailing from the post office which lists those property owners within the Target Area who were invited to the scheduled Public Participation meeting.

**Meeting Protocol.** At the Public Participation meeting:

- (a) The applicant or authorized representative shall be available to answer questions of the general public for at least 30 minutes
- (b) The meeting location shall be held at a public facility within the community for which the applicant is seeking re-zoning request. The meeting location should be within a 5-mile radius from location of the subject property. If no such facility is available, the applicant may propose an alternate location to be approved by the Director of Planning & Land Use prior to making such arrangements.



- (c) The meeting shall not begin prior to 6:30 p.m. on the evening the meeting is to be held.
- (d) The applicant or authorized representative shall provide the following material for the general public to view:
  - Cherokee County Future Land Use Map.
  - Site plan proposed on application.
  - Contact information (name and phone number and/or e-mail address) for the applicant or authorized representative.
  - Procedure and contact information provided by Cherokee County Department of Planning & Land Use
- (e) Failure to comply with the public participation requirements herein will result in a request by staff to continue the case until such time as the applicant demonstrates compliance

---

## **PUBLIC PARTICIPATION REPORT**

The applicant shall provide a written report on the results of the public participation meeting to the Department of Planning & Land Use **one (1) week** prior to the Planning Commission Work Session. This report will be provided to the Planning Commission and Board of Commissioners.

At a minimum, the Public Participation Report shall include the following information:

Details of methods the applicant used to involve the public, including:

- (a) Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
- (b) Content, dated mailed and numbers of mailings, including letters, meeting notices, newsletters and other publications;
- (c) Where property owners and interested parties receiving notices or other written materials, are located; and
- (d) The number of people that participated in the process.

A summary of concerns, issues and problems expressed during the process, including:

- (a) The substance of the concerns, issues and problems;
- (b) How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
- (c) Concerns, issues and problems the applicant is unable or unwilling to address and why.

NEED TEMPLATES HERE

DRAFT

## DEVELOPMENT OF REGIONAL IMPACT

The State of Georgia, Department of Community Affairs has established specific thresholds for the identification of Developments of Regional Impact (DRI). Please refer to the Thresholds Table that is attached to this application to determine if the proposed project meets or exceeds any of the development thresholds. If the proposed project meets or exceeds any of the development thresholds, a Development of Regional Impact Review **MUST** be conducted prior to the Planning Commission Hearing. The rules and procedures for a DRI REVIEW are available from the Atlanta Regional Commission or the Georgia Department of Community Affairs respective websites.

DEVELOPMENTS OF REGIONAL IMPACT DEVELOPMENT THRESHOLDS

Type of Development	Notification Only	Rural and Developing Rural	Maturing Neighborhoods, Established Suburbs, Developing Suburbs and other places not mentioned in this table	Regional Centers, and Regional Employment Corridors	Region Core
(1) Office	400,000 gross sf	400,000 gross sf	500,000 gross sf	600,000 gross sf	700,000 gross sf
(2) Commercial	Greater than 300,000 gross sf	300,000 gross sf	400,000 gross sf	500,000 gross sf	600,000 gross sf
(3) Wholesale & Distribution	Greater than 500,000 gross sf	500,000 gross sf	500,000 gross sf	500,000 gross sf	500,000 gross sf
(4) Hospitals and Health Care Facilities	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	300 new beds	400 new beds	500 new beds	600 new beds
(5) Housing	Greater than 400 new lots or units	400 new lots or units	500 new lots or units	600 new lots or units	700 new lots or units
(6) Industrial	Greater than 500,000 gross sf; or employing more than 1,600 workers; or covering more than 400 acres	500,000 SF or 1,600 workers	500,000 SF or 1,600 workers	500,000 SF or 1,600 workers	500,000 SF or 1,600 workers
(7) Hotels	Greater than 400 rooms	400 rooms	500 rooms	600 rooms	700 rooms
(8) Mixed Use	Gross sf or 400,000 or more (with residential units calculated at either 1,800 sf per unit or, if applicable, the minimum sq footage allowed by local development regulations); or covering more than 120 acres; or if any of the individual uses meets or exceeds a threshold as identified herein	400,000 gross sf (with residential units calculated at 1,800 sf per unit, or the minimum allowed by the host local government)	500,000 gross sf (with residential units calculated at 1,500 sf per unit, or the minimum allowed by the host local government)	600,000 gross sf (with residential units calculated at 1,000 sf per unit, or the minimum allowed by the host local government)	700,000 gross sf (with residential units calculated at 1,000 sf per unit, or the minimum allowed by the host local government)
(9) Airports	All new airports, runways, and runway extensions	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more	New airports and runway extensions of 500 ft. or more
(10) Attractions & Recreational Facilities	Greater than 1,500 parking spaces or seating capacity of more than 6,000	1,500, seating capacity or 6000+	1,500, seating capacity or 6000+	1,500, seating capacity or 6000+	1,500, seating capacity or 6000+
(11) Post Secondary Schools	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity	New school with a capacity or more than 2,400 students; or expansion by at least 25% of capacity

<b>(12) Waste Handling Facilities</b>	New facility or expansion of use of an existing facility by 50% or more	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only
<b>(13) Quarries, Asphalt &amp; Cement Plants</b>	New facility or expansion of use of an existing facility by 50% or more	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only	New facility within 1 mile of a public facility (airport, school, reservoir, river, etc. ), otherwise, notification only
<b>(14) Wastewater Treatment Facilities</b>	New major conventional treatment facility or expansion of existing facility by more than 50%; or community septic treatment facilities exceeding 150,000 gallons per day or serving a development project that meets or exceeds an applicable threshold as identified herein	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
<b>(15) Petroleum Storage Facilities</b>	Storage greater than 50,000 barrels if within 1,000 ft of any water supply; otherwise, storage capacity greater than 200,000 barrels	50,000 barrels if within 1,000 ft of water supply	50,000 barrels if within 1,000 ft of water supply	50,000 barrels if within 1,000 ft of water supply	50,000 barrels if within 1,000 ft of water supply
<b>(16) Water Supply Intakes / Public Wells / Reservoirs / Treatment Facilities</b>	New Facilities	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
<b>(17) Intermodal Terminals</b>	New Facilities	New Facilities	New Facilities	New Facilities	New Facilities
<b>(18) Truck Stops</b>	New facility with more than 3 diesel fuel pumps, or containing a half acre of truck parking or 10 truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces	10 or more diesel fuel pumps or 20 or more truck parking spaces
<b>(19) Correctional / Detention Facilities</b>	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day	Greater than 300 new beds; or generating more than 375 peak hour vehicle trips per day
<b>(20) Any other development types not identified above (includes parking facilities)</b>	1,000 parking spaces or, if available, more than 5,000 daily trips generated	1,000 spaces or 5,000 daily trips	1,000 spaces or 5,000 daily trips	1,000 spaces or 5,000 daily trips	1,000 spaces or 5,000 daily trips

NEED FORM ONE FOR DRI HERE

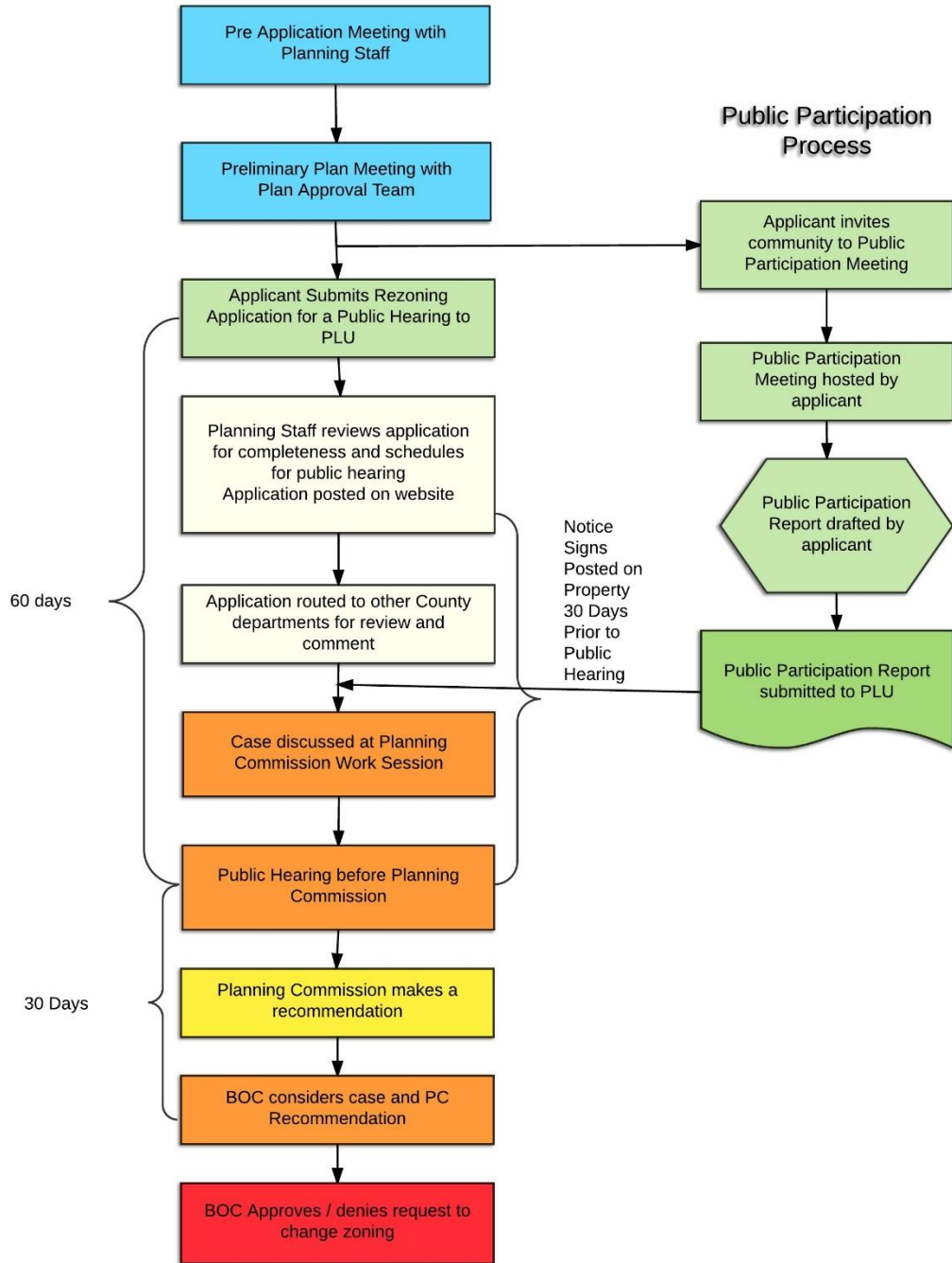
## PUBLIC HEARING SCHEDULE

Last Filing Day	Deemed Complete by	Signs Posted	PC Public Hearing	BOC Regular Meeting
4/7/2017	4/22/2017	5/7/2017	6/6/2017	7/11/2017
5/12/2017	5/27/2017	6/11/2017	7/11/2017	8/1/2017
6/2/2017	6/17/2017	7/2/2017	8/1/2017	9/5/2017
7/7/2017	7/22/2017	8/6/2017	9/5/2017	10/3/2017
8/4/2017	8/19/2017	9/3/2017	10/3/2017	11/7/2017
9/8/2017	9/23/2017	10/8/2017	11/7/2017	12/5/2017
10/6/2017	10/21/2017	11/5/2017	12/5/2017	1/2/2018
<b>No January Hearing</b>				
12/8/2017	12/23/2017	1/7/2018	2/6/2018	3/6/2018

## SCHEDULE OF FEES

Rezoning Applications			
Acres	Single Family Residential	Multi-Family Residential	Commercial / Industrial
<b>0-20</b>	\$ 250.00	\$ 500.00	\$ 750.00
<b>20-100</b>	\$ 500.00	\$ 750.00	\$ 850.00
<b>100+</b>	\$ 750.00 + \$ 10 / acre	\$ 1,000.00 + \$ 10 / acre	\$ 1,000.00 + \$ 15 / acre
<b>Max fee</b>	\$ 2,500.00		
<b>Modification of Zoning Conditions</b>	\$ 175.00		

# Cherokee County Zoning Process



## CONTACT LIST

### PLANNING & LAND USE

Vicki Taylor	Zoning Administrator	678-493-6105	<a href="mailto:vtaylor@cherokeega.com">vtaylor@cherokeega.com</a>
Margaret Stallings	Principal Planner	678-493-6106	<a href="mailto:mstallings@cherokeega.com">mstallings@cherokeega.com</a>
Michael Chapman	Planner	678-493-6112	
Tamala Davis	Planning Tech	678-493-6104	<a href="mailto:tdavis@cherokeega.com">tdavis@cherokeega.com</a>
Rhonda Hilliard	Exec. Assistant	678-493-6103	<a href="mailto:rlhilliard@cherokeega.com">rlhilliard@cherokeega.com</a>
Jeff Watkins	Community Dev. Director	678-493-6107	<a href="mailto:jwatkins@cherokeega.com">jwatkins@cherokeega.com</a>

### DEVELOPMENT SERVICE CENTER

### ENGINEERING

### FIRE MARSHAL

### PLANNING COMMISSION

## **Article 18 – Amendments and Zoning Procedures**

### **18.1 ADMINISTRATION AND LEGISLATIVE BODIES.**

The provisions of this Article of the Zoning Ordinance shall be administered by the Planning and Land Use Department, in association with and in support of the Planning Commission, and Board of Commissioners, as described herein.

### **18.2 PLANNING COMMISSION**

18.2.1 Jurisdiction. The Cherokee County Planning Commission shall exercise all those powers and duties as herein prescribed in this Article with respect to all unincorporated areas of Cherokee County.

#### **18.2-2 Powers and Duties**

A. Comprehensive Plan. The Planning Commission shall review and recommend a long-range comprehensive plan to guide the future development of Cherokee County.

B. Small Area Plans. The Planning Commission may prepare, review, and recommend to the Cherokee County Board of Commissioners for its adoption small area plans for identifiable areas wherein more detailed guidelines are provided to supplement the objectives of the comprehensive plan. The Planning Commission shall perfect and amend existing small area plans.

C. Zoning. The Planning Commission shall prepare and recommend for adoption to the governing authority of Cherokee County an official zoning map and zoning regulations for unincorporated Cherokee County and recommend perfection and amendment of such map.

D. Public Hearings and Recommendations. The Planning Commission is hereby delegated by the Board of Commissioners the responsibility for conducting public hearings on specific applications for an amendment to the official zoning map as required by Georgia law. The Planning Commission is also authorized to conduct and shall conduct public hearings on applications for Special use permits. The Planning Commission may make recommendations to the Board regarding amendments to the comprehensive plan, the text of this Code, and the official zoning map, and applications for special use permits. In the case of specific applications, the Planning Commission may make recommendations regarding amendments to the official zoning map, special use permits, and other applications as may be required to be considered by the Planning Commission pursuant to this Code.

E. Variances. The Planning Commission is hereby authorized to consider and make recommendations regarding variances, as defined by this Article, subject to the limitations and requirements of this Article.

F. Minutes and Public Records. The Planning Commission shall keep minutes of its proceedings. Written minutes of the Planning Commission's meetings and public hearings shall be prepared by the Department of Planning and Land Use for the Planning Commission and approved by the Planning Commission. All minutes of the Planning Commission's meetings and public hearings shall be maintained as public records in the Department of Planning and Land Use and available for public inspection during normal business hours.



G. Additional Powers. The Planning Commission shall exercise any other powers or duties as provided to it by law not otherwise delegated to the department by this Article

#### 18.2-3 Membership

The Cherokee County Planning Commission shall consist of nine (9) members who reside in Cherokee County. The Board of Commissioners of Cherokee County shall appoint seven (7) of the members with each Commissioner having one (1) appointment to run concurrently with the term of the person so appointing. In addition, two members shall be appointed by the Board of Commissioners of Cherokee County as a whole to serve at the pleasure of the Commission.

Two members of the Cherokee County Planning Commission shall consist of representatives of the City of Waleska and the City of Ball Ground. The City of Waleska and the City of Ball Ground shall appoint the respective members.

Within the first year of service, each member of the Planning Commission, regardless of how appointed, shall attend a minimum of one professional training session related to the role and responsibilities associated with the mission of a Planning Commission.

#### 18.2-4 Leadership

There is hereby established a Chairman of the Cherokee County Planning Commission to be appointed annually by the members of the Cherokee County Planning Commission. In addition, a Vice-Chair shall be designated by the members of the Cherokee County Planning Commission.

#### 18.2-5 Policies and Procedures

Copies of the Cherokee County Planning Commission Policies and Rules of Procedure shall be available for distribution to the general public through the Planning and Land Use Department.

### 18.3 ZONING ORDINANCE TEXT AND MAP AMENDMENTS.

#### 18.3-1 Zoning Ordinance and Official Zoning Map Amendment Procedure.

The Zoning Ordinance, including the Official Zoning Maps, may be amended from time to time by the Board of Commissioners in accordance with the requirements of the State Zoning Procedures Law (Ga. Laws 1985, page 1139; O.C.G.A. Sections 36-66-1 through 36-66-5) and this Ordinance.

#### 18.3-2 Initiation of Amendments.

Applications for amendment of the text or maps of the Zoning Ordinance may be initiated by the Board of Commissioners, the Planning Commission, the Director of Planning and Land Use, the County Engineer or by petition of any property owner addressed to the Board of Commissioners when public necessity, general welfare or good zoning practice justifies such action.. In the case of a petition for the rezoning of property, such petition shall be submitted by the owner of record of said property, the owner's agent or by a contract purchaser with the owner's written consent.

#### 18.3-3 Public Hearing Required.

- A. Prior to enacting either a text amendment to this code or a map amendment, the Board of Commissioners shall cause a public hearing to be held on the proposal.
- B. At least fifteen (15) but not more than forty-five (45) days prior to the date of each such hearing, the Board of Commissioners shall cause to be published within a newspaper of general circulation within the territorial boundaries of Cherokee County, a notice of the hearing. The notice shall state the time, place and purpose of the hearing.

#### 18.3-4 Text Amendments.

- A. Public Hearing. The Board of Commissioners shall schedule and conduct such public hearing. Alternatively, the Board of Commissioners may direct the Planning Commission to conduct a public hearing for the purpose of obtaining their recommendation. Following its public hearing or after receipt of the Planning Commission recommendation, the Board of Commissioners shall consider the text amendment and take final action.
- B. In considering a text amendment, action by the Planning Commission shall be considered by vote of the members present.
  1. A motion to recommend approval or denial of an amendment must be passed by an affirmative vote of at least a majority of the members present in order for the motion to carry.
  2. If a motion to recommend approval of an amendment fails, the amendment is automatically a recommendation for denial. If a motion to recommend denial of an amendment fails, another motion would be in order.
  3. A tie vote on any motion shall be deemed to be no action.
  4. If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting.
- C. In taking final action on an text amendment, the Board of Commissioners may:
  1. Approve, approve with changes, or deny the proposal; or,
  2. Table the proposal for consideration at its next scheduled meeting; or
  3. Return the proposed amendment to the Planning Commission for further consideration.
- D. Standards for text amendments.

The Planning Commission and / or the Board of Commissioners shall consider the following standards in considering any proposal that would result in a change to the text of this Ordinance, giving due weight or priority to those factors that are appropriate to the circumstances of each proposal:

  1. Is the proposed amendment consistent with the purpose and intent of this Ordinance as stated under Article 2 - Purpose?
  2. Does the proposed amendment further or is it compatible with the purpose and intent of the Comprehensive Plan?
  3. Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?

4. Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?
- E. Effect of text amendment approval.
1. Approval of a text amendment shall be in full force and effect upon its approval by the Board of Commissioners or upon the stated effective date thereof.
  2. For a property on which a use, building, structure or other improvements existed in conformity with this Ordinance prior to the effective date of a text amendment affecting the property, any such use, building, structure or other improvements no longer in conformance shall be governed by the provisions for Nonconforming Uses under Article 13 of this Ordinance, as applicable.
  3. Construction of any use, building, structure, or other improvements for which a permit has been issued in conformity with this Ordinance prior to the effective date of a text amendment may continue to completion as though no change had occurred and, upon completion, shall be governed by the provisions for Nonconforming Uses under Article 13 of this Ordinance, as applicable.

### 18.3-5 Map Amendments

In all applications for a map amendment the burden shall be on the applicant both to produce sufficient information to allow the Board of Commissioners, Planning Commission and County staff to fully consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the County.

#### A. Initiation of Map Amendment.

##### 1. Pre-Application Meeting prior to any submittal

Any person considering submitting a rezoning application, or an application for a special use permit per section 18.4 of this code, shall first schedule a meeting with staff of the Department of Planning and Land Use prior to submitting such application. The purpose of the pre-application meeting is to communicate the intent to seek a change of zoning, to understand the documents, the timeline and the responsibilities for submitting a complete application.

##### 2. Preliminary Review Meeting prior to any submittal

Any time after the pre-application meeting with staff, but prior to submittal of an application, the project shall be presented for a Preliminary Review of the project. The purpose of the preliminary review meeting is to allow the County's staff assigned to review and approve development plans the opportunity to become familiar with the proposed site / project and to offer their comments as to what their respective codes will require of the proposed site / project were the project to seek a development permit as proposed.

##### 3. Application Submitted

Any person seeking to change the zoning of their property, or a special use permit per section 18.4 of this code, having met with staff in a Pre-application meeting

and subsequently presenting their project in a preliminary review meeting, shall submit an application on forms provided by the Department of Planning and Land Use and contained in the Zoning Guidebook, latest version. In addition to the application form, the request for map amendment shall include additional information such as, but not limited to, site plans, surveys, legal descriptions and deeds of the property to be rezoned, traffic studies, letter of intent, existing resource maps, and other information as outlined herein or contained in the Zoning Guidebook, latest version.

The minimum application information required is as follows:

- i. Completed Application Form
- ii. Letter of Intent
- iii. Applicant Response Statement to Section 18.3-5 E (1) a-f, (see “Impact analysis” required by applicant as per Section 18.3-5 F 1)
- iv. Property Owner Authorization forms
- v. Campaign Contribution forms
- vi. Deed
- vii. Legal description of property for which the application is being requested
- viii. Boundary Survey, if site plan does not include metes and bounds boundary survey
- ix. Site Plan
- x. Existing Site Resource Map, when required
- xi. Public Participation documents:
  1. Map of target notification area
  2. Notification Letter
  3. Certificate of mailings, if Public Participation meeting is hosted before submitting an application
  4. Summary Report
- xii. Traffic Study, if:
  1. Project proposed exceeds 250 dwelling units; or
  2. contains more than 25,000 square feet of floor area; or
  3. where such study is at the request of the County Engineer, or designee
- xiii. DRI Form 1, if project meets or exceeds any DRI threshold
- xiv. Proposed conditions offered by the applicant, if any
- xv. Sketches or renderings of site and / or final product, if available

The Department of Planning and Land Use shall review and assess all applications requesting a rezoning, or a special use permit per section 18.4 of this code, and determine if any items listed above are missing or are deficient within five (5) business days of said application being submitted. If the application is lacking information, the department staff shall inform the applicant in writing of the deficiencies of the application, and the application shall receive no further processing until the deficiencies are corrected by the applicant.

An application shall be considered “accepted” where is submitted on the required form(s), includes all required submittal information, and is accompanied by the application processing fee as adopted by the Board of Commissioners and as may be revised periodically

#### 4. Public Participation Meeting (if required)

Any person submitting a rezoning application, or an application for a special use permit per section 18.4 of this code, will host a Public Participation meeting after the proposed project has been presented in both a Pre-Application meeting and a Preliminary Review meeting. The purpose of the meeting is to ensure early and effective communication with nearby property owners and interested citizens, giving them the opportunity to understand the proposed request for a change of zoning or proposed special use, and to mitigate any impacts such proposal may have on the community.

Public Participation is intended to facilitate fair, open and honest discussions between an applicant for rezoning or a special use permit, and citizens. Emerging out of these discussions should be a better understanding of the issues and an atmosphere for informed decision making. At best, citizens and the applicant work together to refine the proposal and try to mitigate any impacts the proposal might have on the surrounding community

This requirement applies to rezoning applications for any commercial, office, industrial, multi-family residential, single-family residential rezoning requests for major subdivisions (6 or more lots), commercial uses in agriculture and applications for a special use permit. Rezoning applications initiated by the Board of Commissioners are exempt from this requirement. Failure to comply with the public participation requirements herein will result in a request by staff to continue the case until such time as the applicant demonstrates compliance

No public participation meetings shall be scheduled by any applicant during the week of Thanksgiving, from the Monday prior to Thanksgiving Day to the following Sunday, or during the Christmas Holiday from December 20th to January 3rd

- a. The minimum public notification target area for the public participation meeting will include:
  - i. All properties that lie within 1,000 feet of the legal boundary of the subject property.
  - ii. Any homeowners associations which represent subdivisions or properties, that falls within the 1,000 foot boundary.
  - iii. Notifications shall be mailed at least 10 days prior to the scheduled meeting.
  - iv. The applicant must include certificates of mailing for the invitations and a meeting summary with their rezoning or special use application
  - v. Other interested parties who have requested that they be placed on the Interested Parties Notification List, to be maintained by the Planning and Land Use Office.
- b. Public Participation Letter. A copy of the letter to be sent to all persons and organizations per department procedures. The letter shall meet the requirements as set forth by the department, but at a minimum shall include:
  - i. Applicant name;

- ii. Contact information;
  - iii. Details regarding the date, time and location of the required public participation meeting and any additional proposed meetings;
  - iv. Statement of what type of application will be / was submitted to the county;
  - v. Brief description of the project and/or scope of proposed development and where more information may be obtained, e.g. via the county's Web site;
  - vi. 8.5 x 11" copy of the site plan
  - vii. Current zoning of property
  - viii. Proposed zoning of property
- c. Meeting Protocol.
- i. The meeting location shall be held at a public facility within the community for which the applicant is seeking re-zoning request. The meeting location should be within a 5-mile radius from location of the subject property. If no such facility is available, the applicant may propose an alternate location to be approved by the Director of Planning & Land Use prior to making such arrangements
  - ii. The applicant or authorized representative shall be available to answer questions of the general public for at least 30 minutes
  - iii. The meeting shall not begin prior to 6:30 pm nor later than 8:30 pm on the evening the meeting is to be held.
  - iv. The applicant or authorized representative shall provide the following material for the general public to view:
    - 1. Cherokee County Future Land Use Map.
    - 2. Proposed Site plan proposed.
    - 3. Existing Site Resource Map
    - 4. Contact information (name and phone number and/or e-mail address) for the applicant or authorized representative.
    - 5. Procedure and contact information provided by Cherokee County Department of Planning & Land Use
- d. Public Participation Meeting Summary. The applicant shall provide a written report on the results of the public participation meeting to the Planning and Land Use one (1) week prior to the Planning Commission Work Session. At a minimum, the meeting summary shall include the following information:
- i. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;
  - ii. Content, dated mailed and numbers of mailings, including letters, meeting notices, newsletters and other publications;

- iii. The number of people that participated in the process.
- iv. A summary of concerns, issues and problems expressed during the process, including:
  1. The substance of the concerns, issues and problems;
  2. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
  3. Concerns, issues and problems the applicant is unable or unwilling to address and why.

These requirements will apply, in addition to the formal notification provisions typically undertaken by the County. The basis for this target area is to provide an expanded notification area beyond the legal notification required for rezoning requests (adjacent properties) to enhance public participation opportunities.

#### 5. Review of Application Submitted

Once accepted for submittal, the Department of Planning and Land Use shall schedule each application for a Zoning Review meeting and forward for review and comment all submittal information to the County's staff assigned to review and approve development plans. The review of the application shall focus upon:

- a) Applicability of county policies, plans and requirements as they apply to the proposed development;
- b) Appropriateness of the development with respect to the policies set forth in the Comprehensive Plan and the regulations in this ordinance;
- d) Any site plan considerations or requirements;
- e) Any concerns or requirements related to the anticipated impact upon public rights-of-way and public improvements and appropriate requirements to mitigate those impacts;
- f) Any concerns related to land use and overall project design;
- g) Possible alternatives or modifications related to proposed application;
- h) Potential conditions upon the site or the proposed use which may make it acceptable and consistent with the purposes of the district(s), and
- i) Procedures that will need to be completed prior to the application moving forward for Board consideration

Staff shall provide their review and comments in writing within five (5) days following the Zoning Review meeting to the applicant. Where staff has identified plan corrections, the applicant shall make such corrections and resubmit their plan for subsequent review and comment. When staff finds no plan corrections are necessary or recommended, and all application materials are accepted, the application shall be deemed complete and the Director shall assign the application a date for public hearing based upon the calendar for public hearings, as adopted.

No more than eight (8) new applications, which have been deemed complete by staff, shall be scheduled for public hearing per month on a first come, first served basis.

#### 6. Planning Commission Work Session

Prior to the regularly scheduled public hearing date, the Planning Commission shall schedule a work session at which all business items scheduled to come before the Planning Commission at a public hearing shall be presented in order to familiarize the members with the facts of each such item. Planning and Land Use staff shall provide technical assistance in preparing the agenda for the Work Session.

#### 7. Map Amendment Initiated by Board of Commissioners

A map amendment may be initiated by the Board of Commissioners. An application promulgated by the County Board of Commissioners shall require legal notice as per 18.3-3 of this ordinance referencing the time, date, place and purpose of the Public Hearing at which the map amendment will appear. Map amendments initiated by the Board of Commissioners are exempt from items 1-5 of this section.

B. Public Hearing.. The Board of Commissioners shall schedule and conduct such public hearing. Alternatively, the Board of Commissioners may direct the Planning Commission to conduct a public hearing for the purpose of obtaining their recommendation. Following its public hearing or after receipt of the Planning Commission recommendation, the Board of Commissioners shall consider the map amendment, or special use permit, and take final action

#### C. Public Notice for Map Amendments:

1. The legal notice, in addition to the requirements in 18.3-3 above, shall include the location of the property, the present zoning classification of the property, the proposed zoning classification of the property and proposed use of the property;
2. The Director shall cause a copy of the contents of the legal notice to be sent by regular mail to the applicant and adjoining property owners at the address listed in the current county tax records at least ten (10) days prior to the public hearing.
3. A sign containing the information outlined above shall be placed in a conspicuous location on the property not less than thirty (30) days prior to the date of the hearing. The applicant shall make a good faith effort to insure the notice sign remains in place and visible during the 30 days' notice period. Acts of vandalism or natural occurrences limiting the effectiveness of notice by a sign posted on the property shall not invalidate any proceedings or action taken on the proposed application.

#### D. Limitation on Permits.

Once a rezoning application is submitted by a property owner or their agent, no application for a land disturbance, building, development or other similar permit, or for a Variance or Special Use Permit for the affected property shall be accepted for processing or acted upon until final action is taken by the Board of Commissioners on the proposed map amendment.



If the Board of Commissioners does not take final action on the rezoning application within six (6) months from the date of a complete application, Permit, Variance and Special Use Permit applications shall again be accepted and reviewed pursuant to existing zoning. And, further provided that such permit applications shall be accepted during the map amendment process if the proposed use is authorized under the same conditions in both the existing and proposed zoning district.

E. Criteria for Evaluating Map Amendments.

1. The Board of Commissioners finds that the following criteria are relevant in balancing the interest of promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. These criteria shall be used to evaluate rezoning applications:
  - a. Whether a proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property;
  - b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;
  - c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;
  - d. Whether the proposed rezoning will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
  - e. Whether the proposed rezoning is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map; and
  - f. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning.
2. The Planning Commission and Board of Commissioners may also consider the following factors in evaluating rezoning applications:
  - a. Impact on the road system and traffic flow;
  - b. Adequacy of the water service system to the area proposed for development;
  - c. Availability or adequacy of sanitary sewer systems or whether the soils in the area proposed for development are suitable to absorb the projected flows from septic tank systems;
  - d. Impact on economic values in the area;
  - e. Impact on the health, safety, and general welfare of the area; and
  - f. Suitability of the site for the proposed use in overall size, topography and neighborhood compatibility.

F. Impact Analysis for Map Amendments.

1. The initiating party, if a party other than the Board of Commissioners, shall be required to file, with its application for rezoning, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 18.3-5 E (1) a-f, above.

2. The Department of Planning and Land Use shall, with respect to each such zoning proposal, evaluate and make a finding with respect to each of the matters enumerated in Section 18.3-5 E (1) a-f above. This investigation may involve consulting with other County departments or governmental units to evaluate the impact of the proposal on public facilities and services.
3. The Department shall make a written record of its investigation and finding,
4. The Planning Commission shall, with respect to each such request for a map amendment, evaluate and make a recommendation with respect to each of the matters enumerated in Section 18.3-5 E (1) a-f above.

G. Planning Commission Action

1. In considering an application for rezoning or a special use permit, action shall be considered by vote of the members present.
2. The Planning Commission shall recommend to :
  - a. Continue the case to the next scheduled public hearing date upon a request by the applicant, staff, and / or of their own motion; or
  - b. Approve the proposed map amendment, or special use permit, as presented; or
  - c. Approve the proposed map amendment, or special use permit, with conditions; or
  - d. Approve a substitute zoning classification with or without conditions; or
  - e. Deny the proposed map amendment, or special use permit, in its entirety.
3. A motion to recommend approval or denial of an application for rezoning or a special use permit must be passed by an affirmative vote of at least a majority of the members present in order for the motion to carry.
4. If a motion to recommend approval or denial of an application for rezoning or a special use permit fails to get a second, another motion would be in order.
5. A tie vote on a motion to recommend approval or denial of an application for rezoning or a special use permit shall result in no action being taken.
6. If no action is taken on an application for rezoning or a special use permit, it shall be considered tabled and action deferred to the next scheduled public hearing. If no action is taken at the next scheduled public hearing, the application shall move on to the Board of Commissioners with a recommendation for denial from the Planning Commission.
7. Failure of the applicant or his agent(s) to be present at the public hearing constitutes abandonment and dismissal of the case unless the applicant shows just cause by reason of illness or health or other emergency within a reasonable time, in writing, and accompanied by new costs for re-advertisement and hearing
8. In carrying out its responsibilities in reviewing and taking action on an application, the Planning Commission may adopt rules and regulations for the conduct of public hearings and meetings as are consistent with State law and County ordinances and appropriate to its responsibilities. Robert's Rules of Order may be used as a procedural guide in the absence of a rule or policy.
9. The decision of the Planning Commission is advisory only.

#### H. Action by Board of Commissioners.

Following the public hearing by the Planning Commission and after receipt of their recommendation on an application for rezoning or a special use permit, the Board of Commissioners may:

1. Approve the proposed map amendment, or special use permit, as presented;
2. Approve the proposed map amendment, or special use permit, with conditions;
3. Approve a similar or less intense use, with or without conditions, only with the applicants' consent ;
4. Deny the proposed map amendment, or special use permit, in its entirety;
5. Remand the proposed map amendment, or special use permit, back to the Planning Commission for re-hearing;
6. Table final action to a future regularly scheduled meeting. If the Board of Commissioners has not taken action on such application as enumerated in items 1–5 above within ninety (90) days of the Planning Commission's recommendation and the applicant has not requested postponement, the application shall be deemed to be denied without prejudice.

#### I. Plans and Other Documents Showing Proposed Use and Impact Required.

An application for a map amendment to create or extend a Zoning District shall be accompanied by a site plan to scale and such other plans, elevations or additional information as requested by County Staff, required on forms provided by the Department of Planning and Land Use and contained in the Zoning Guidebook, latest version, and/ or as this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional requested information may include without limitation traffic studies, utility studies, drainage studies and information about the existing site resources on the tract(s) in terms of topography, hydrologic features, trees \ vegetation, historic \ archeological \ cultural features, general soil types, existing roads and structures, and surrounding property land use.

#### J. Concurrent Variances.

An application for a map amendment may include a request for variance to the provisions of the Zoning Ordinance. Concurrent variances must be advertised with the rezoning application, specifically identifying the section(s) of the ordinance from which relief is requested.

The purpose of a variance request concurrent with a map amendment is to address factors that affect a significant portion of the proposed development of the property. The factors are so critical that they are evident even at this very early stage of development. The granting of the concurrent variance will help to overcome significant topographic, environmental or access challenges on the site and prevent the need for a number of variances later in the process. It is the burden of the applicant to demonstrate the hardship that necessitates a concurrent variance.

These variances shall be limited to building setbacks, lot widths, and zoning buffers. Variances to permitted uses or minimum lot size are not permitted.

In

### 18.3-6 Modification of Existing Zoning Conditions.

Applications for changes to the conditions of an approved rezoning shall follow a streamlined process but meet the minimum standards in accordance with the requirements of the State Zoning Procedures Law (Ga. Laws 1985, page 1139; O.C.G.A. Sections 36-66-1 through 36-66-5).

These applications shall be submitted to the Planning and Land Use Department for analysis per Section 18.3-5 E. The public shall be notified through the publication of a legal notice and posting of a sign on the property no less than 15 days prior to the public hearing, which will be held by the Board of Commissioners with a decision to follow. The applicant and adjoining property owners shall also be notified by mail as described in Section 18.3-5 (C) 2 .

### 18.3-7 Actions to be taken if Plans are not Implemented within Specified Time Limits.

- A. Purpose: The purpose of this section is to reduce map amendments of a speculative nature in Cherokee County. Where a rezoning application was approved on or after Jan. 1, 2018, and no discernable development activity has occurred in reliance of the approved rezoning application in the 12 months following the date such application was approved by the BOC, a notice shall be delivered to the property owner(s) of record, by the Department of Planning and Land Use advising that a BOC-initiated rezoning to a constitutional zoning designation for the subject property may occur if the property owner does not initiate some action within thirty (30) days of said notice.
- a. The property owner may request the BOC for an extension of time not to exceed 12 months from the date of notice sent by the Department of Planning and Land Use as described herein.
    - i. If the request for extension is the first such extension requested by the property owner, the extension shall be granted administratively by the Director of Planning and Land Use.
    - ii. Any subsequent request for extension of time shall be heard and decided by the BOC.
  - b. Alternatively, in response to the notice of a potential BOC initiated rezoning, the property owner may present evidence to the Director of Planning and Land Use of specific actions taken in reliance upon the approved rezoning to effect development of the property.
  - c. Discernable development activity would include, but not be limited to, the preparation of documents and/ or plans by a professional surveyor, engineer, architect or landscape architect for the clearing, grading, installation of infrastructure, or other activity for submission to Cherokee County in anticipation of the approval of a land disturbance permit, final plat, subdivision plat, site development permit or building permit.
  - d. Upon no discernable development activity being initiated 30 days after notice tendered, and no extension of time being requested or evidence presented to the contrary, the property shall be placed upon a Board agenda for consideration of a County-initiated rezoning.
  - e. Nothing contained within this paragraph shall impair or otherwise limit the Board's authority to initiate a rezoning of property at any time subject only to vested right considerations

- B. The Board of Commissioners may review the zoning district classification of an approved zoning map amendment as described above and determine whether it shall be continued or initiated for rezoning if it meets all of the following criteria:
1. The Board of Commissioners is not the applicant
  2. Zoning district is not AG, R-80, R-60 or R-40
- C. If the Board of Commissioners decides to initiate a map amendment, the application shall follow the same process as any other Board-initiated map amendment application.

#### **18.4 SPECIAL USE PERMITS.**

##### 18.4-1 Purpose.

The purpose of a Special Use Permit is to provide a process for review of a use that is generally compatible with the use characteristics of a zoning district, but requires individual review of its location, design, height, intensity, configuration and public facility impact to determine the appropriateness of the use for any particular site and its compatibility with adjacent uses.

##### 18.4-2 Authority.

The Board of Commissioners shall take final action on applications for Special Use Permits in accordance with the procedures, standards and limitations of the Zoning Ordinance. In order to accommodate these special uses, the Special Use Permit allows the Board of Commissioners to approve a special use on a particular parcel without changing the general zoning district. Such approval shall be subject to the requirements set forth in this Zoning Ordinance and any additional conditions deemed necessary to ensure the compatibility of the special use with the surrounding properties. All Special Use Permit applications shall be for a specific proposed use only. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time.

##### 18.4-3 Special Use Permit Procedure.

The application and review process for a Special Use Permit shall be the same as those contained in Section 18.3-5 Map Amendments, herein.

In addition to the information and/or site plans which are required to be submitted for the proposed development, additional information deemed necessary by the Planning Director in order to evaluate a proposed use and its relationship to the surrounding area shall be submitted as requested.

##### 18.4-4 Staff Analysis.

The staff analysis on each application for a Special Use Permit shall follow the same procedures as those contained in Section 18.3-5, herein. In the review process, particular emphasis shall be given to the evaluation of the characteristics of the proposed use in relationship to neighboring properties and the compatibility of the proposed use with its surroundings.

##### 18.4-5 Public Hearing Required

The public hearing process, impact analysis and application for a Special Use Permit shall be the same as those contained in Section 18.3-5, herein.

#### 18.4-6 Special Use Permit Review Criteria.

- A. The Board of Commissioners may grant a Special Use Permit for the uses enumerated with an “S” in Table 7.2 Permitted Uses of this Ordinance. The granting of a Special Use Permit is based upon the site plan presented to the Board and are subject to the following process and review procedure:
- B. The Board may grant Special Use Permits for limited periods of time based upon the criteria set forth in 18.4-6 C.
- C. In addition to district regulations, the Board shall consider, at a minimum, the following in its determination of whether or not to grant a Special Use Permit, whether to limit the time such Special Use is allowed and whether to restrict the Special Use to a particular owner or party:
  1. Whether or not there will be a significant adverse effect on the surrounding area in which the proposed use will be located.
  2. Whether or not the use is otherwise compatible with the surrounding area.
  3. Whether or not the use proposed will result in a nuisance as defined under state law.
  4. Whether or not quiet enjoyment of surrounding property will be adversely affected.
  5. Whether or not property values of surrounding property will be adversely affected.
  6. Whether or not adequate provisions are made for parking and traffic considerations.
  7. Whether or not the site or intensity of the use is appropriate.
  8. Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Plan.
  9. Whether or not adequate provisions are made regarding hours of operation.
  10. Whether or not adequate controls and limits are placed on commercial and business deliveries.
  11. Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.
  12. Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
  13. Whether the application complies with any applicable specific requirements set forth in the Zoning Ordinance for particular types of uses.
  14. Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.
  15. Whether the Special Use requested emits or creates unusual odors which would warrant use of an odor elimination/attenuation system as recommended by industry standards.

- D. In all applications for a Special Use Permit the burden shall be on the applicant both to produce sufficient information to allow the Board of Commissioners to fully consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the County.

#### 18.4-7 Voluntary Termination of a Special Use Permit.

The owner of the property approved for a Special Use Permit may voluntarily request termination of the Special Use Permit by notifying the Director in writing. The Director shall notify the Board of Commissioners of voluntary terminations as they occur. The approval of a Special Use Permit for a specific use which may be operated by a lessee under a private agreement with a lessor in any zoning district shall not obligate the Board of Commissioners to be responsible for or be required to resolve any disputes which may arise out of the voluntary termination of the Special Use Permit by the property owner.

#### 18.4-8 Change in Conditions or Modification of a Special Use Permit.

Changes to the conditions or modification of an approved Special Use Permit shall be subject to the same application, review and approval process as a new application, including the payment of relevant fees.

#### 18.4-9 Development of an Approved Special Use.

- A. The issuance of a Special Use Permit shall only constitute approval of the proposed use, and development of the use shall not be carried out until the applicant has secured all other permits and approvals required. The Department shall not issue a Certificate of Occupancy for the specific use unless all requirements and conditions of the Special Use Permit have been fulfilled by the owner of the property.
- B. If an application is approved and a Special Use Permit is granted, all conditions which may have been attached to the approval are binding on the property. All subsequent development and use of the property shall be in accordance with the approved plan and conditions. Once established, the special use shall be in continuous operation. Upon discovery that the operation of the special use has or had ceased for a period of 90 days or more and the owner of the property has not requested voluntary termination of the Special Use Permit, the Director may forward a report to the Board of Commissioners which may recommend that action be taken to remove the Special Use Permit from the property.

#### 18.4-10 Compliance with Special Use Permit Requirements.

The Planning and Land Use Department shall have the right to periodically examine the operation of the specific use to determine compliance with the requirements and any conditions. If the Director determines that the requirements and conditions are being violated, a written notice shall be issued to the owner of the property outlining the nature of the violation and giving the owner of the property a maximum of 10 days to come into compliance. If after 10 days the violations continue to exist, the Director shall forward a report to the Board of Commissioners to recommend that action be taken to remove the Special Use Permit from the property.

#### 18.4-11 Actions to be Taken if Plans of Property Owner are not Implemented within Specified Time Limits.

The use for which a Special Use Permit is granted shall commence operations or construction within 12 months of the date of approval by the Board of Commissioners. If, at the end of this 12-month period, the Director determines that active efforts are not proceeding toward operation or construction, a report may be forwarded to the Board of Commissioners which may recommend that action be taken to remove the Special Use Permit from the property.

#### 18.4-12 Appeal of a Special Use Permit Decision.

Any person, persons or entities jointly or severally aggrieved by any decision of the Board of Commissioners regarding a Special Use Permit application may take an appeal to the Superior Court of the County. The appeal shall be limited to the proceedings and record of the Board of Commissioners. Any appeal must be filed within 30 days of the decision of the Board of Commissioners, and upon failure of such appeal, the decision of the Board of Commissioners shall be final.

### 18.5 CONDITIONAL APPROVALS.

#### 18.5-1 Purpose.

In adopting a map amendment to the Official Zoning Map, or approving a Special Use Permit, the Planning Commission may recommend to, and the Board of Commissioners may impose special conditions which are deemed necessary in order to make the requested action acceptable and consistent with the purposes of the district(s) involved and to further the goals and objectives of the Comprehensive Plan.

#### 18.5-2 Such conditions may consist of (but are not limited to):

- A. Restrictions as to what land uses or activities shall be permitted;
- B. Permitted hours of operation;
- C. Setback requirements from any lot line;
- D. Specified or prohibited locations for buildings, parking, loading or storage areas or other land uses;
- E. Maximum building heights or other dimensions;
- F. Architectural style, or exterior treatments;
- G. Driveway curb cut restrictions, or inter-parcel access requirements;
- H. Landscaping or planted areas which may include the location, type and maintenance of plant materials;
- I. Preservation of existing trees or other vegetation;
- J. Fences, walls, berms, or other buffering provisions or protective measures;
- K. Special measures to alleviate undesirable views, light, glare, noise, dust or odor;
- L. A requirement that the existing building(s) be removed or retained, or a limitation on exterior modifications of existing buildings;
- M. Special drainage or erosion provisions;
- N. A requirement that developers must build according to the site plans as adopted;
- O. Any other requirement that the Board of Commissioners may deem appropriate and necessary as a condition of rezoning or issuance of a Special Use Permit.

#### 18.5-3 Such conditions shall:



- A. Only be valid if they are included in the motion approving the map amendment, or special use permit, for adoption;
- B. Be recorded in the Resolution of the Board of Commissioners if enacted pursuant to an amendment of the Official Zoning Maps, or for issuance of a special use permit.
- C. Be continually in effect, or for the period of time specified in the amendment or permit.
- D. Be required of the property owner and all subsequent owners as a condition of their use of the property.
- E. Be interpreted and continually enforced by the Director in the same manner as any other provision of this Zoning Ordinance.

#### 18.5-4 Violations of Conditions

Notwithstanding any other remedies available in this Zoning Ordinance and under local and state law, violations of conditions imposed pursuant to this Section 18.5 shall be handled in accordance with Article 19.

### **18.6 WITHDRAWAL OF AN APPLICATION.**

Once an application, other than those initiated by the Board of Commissioners, for an amendment to the Official Zoning Map or an application for a Special Use Permit has been made, the applicant may withdraw such application without prejudice only until such time as the official withdrawal deadline published in the Public Hearing Schedule, maintained by the Department.

An application may not be withdrawn by an applicant or property owner under any circumstance after the official withdrawal deadline. Once past the published withdrawal deadline, all applications shall be considered by the Board of Commissioners and shall receive final action. At their discretion, the Board of Commissioners may allow an application to be withdrawn without prejudice at any time.

### **18.7 LAPSE OF TIME REQUIREMENT FOR REAPPLICATION.**

The following shall apply to the reapplication for a Zoning Map Amendment, or Special Use Permit.

No application or reapplication for any zoning map amendment affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of Commissioners unless such 12-month period is waived by the Board of Commissioners, and in no case may such an application or reapplication be reconsidered in less than six months from the date of last action by the Board of Commissioners.

No application or reapplication for the same type of Concurrent Variance or Special Use Permit affecting the same land or any portion thereof shall be acted upon within 12 months from the date of last action by the Board of Commissioners.