



Cherokee County Planning Commission Work Session AGENDA

October 16, 2017

Business Center 6:30 PM

CALL TO ORDER

ZONING CASES

1. 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-15 for a conservation subdivision.

2. Case #17-11-027 Brandon Smith (BOC Dist. 3)

Applicant is requesting to rezone 1.0 acre at 2361 Toonigh Road from AG to GC for a commercial office.

OTHER BUSINESS

APPROVAL OF MINUTES

ADJOURN



Cherokee County, Georgia
Agenda Request

Item#: 1.

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

MEETING DATE:
10/16/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 23.96 acres on Fate Conn Road from AG to R-15 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 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):

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

STAFF USE ONLY:	PUBLIC HEARING SCHEDULE:
Commission District: <u>1</u>	Public Participation Meeting: <u>8/3/17</u>
Case: <u>17-10-25</u>	PC Work Session Date: <u>9/18/17</u>
CityView #: <u>PL 2017-1008</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: _____

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*	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.

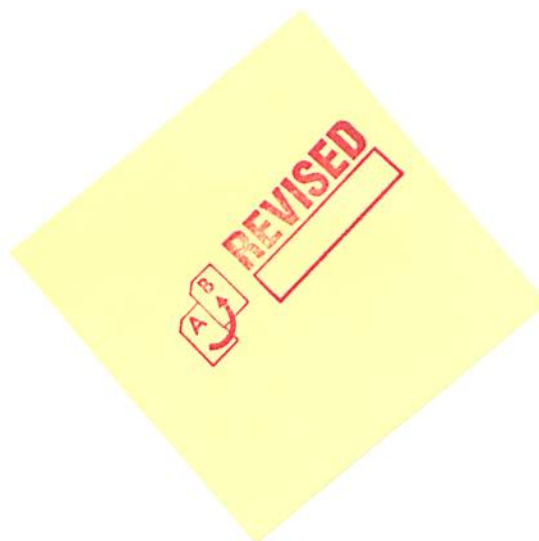
The use of adjacent or nearby properties should not be affected considering the proposed use is the same as many of such properties.

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^s granted, bargained, sold and conveyed, and by these presents
do^{es} grant, bargain, sell and convey unto the said part^{ies} 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:

Witness signatures: Ryan Johnson, Ernest Beavers, and Notary Public B. Todd. Includes 'NOTARY PUBLIC, GA., STATE AT LARGE' stamp.

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 on 5-10-1982. Recorded in Deed Book 321 Folio 538 on 5-11-1982. Signed by Dorothy N. Moss, 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.

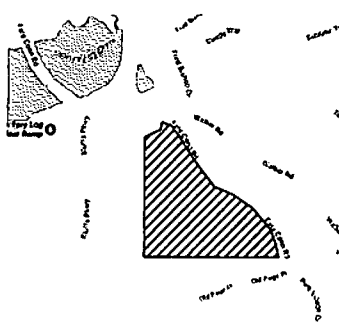
E J Beavers

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

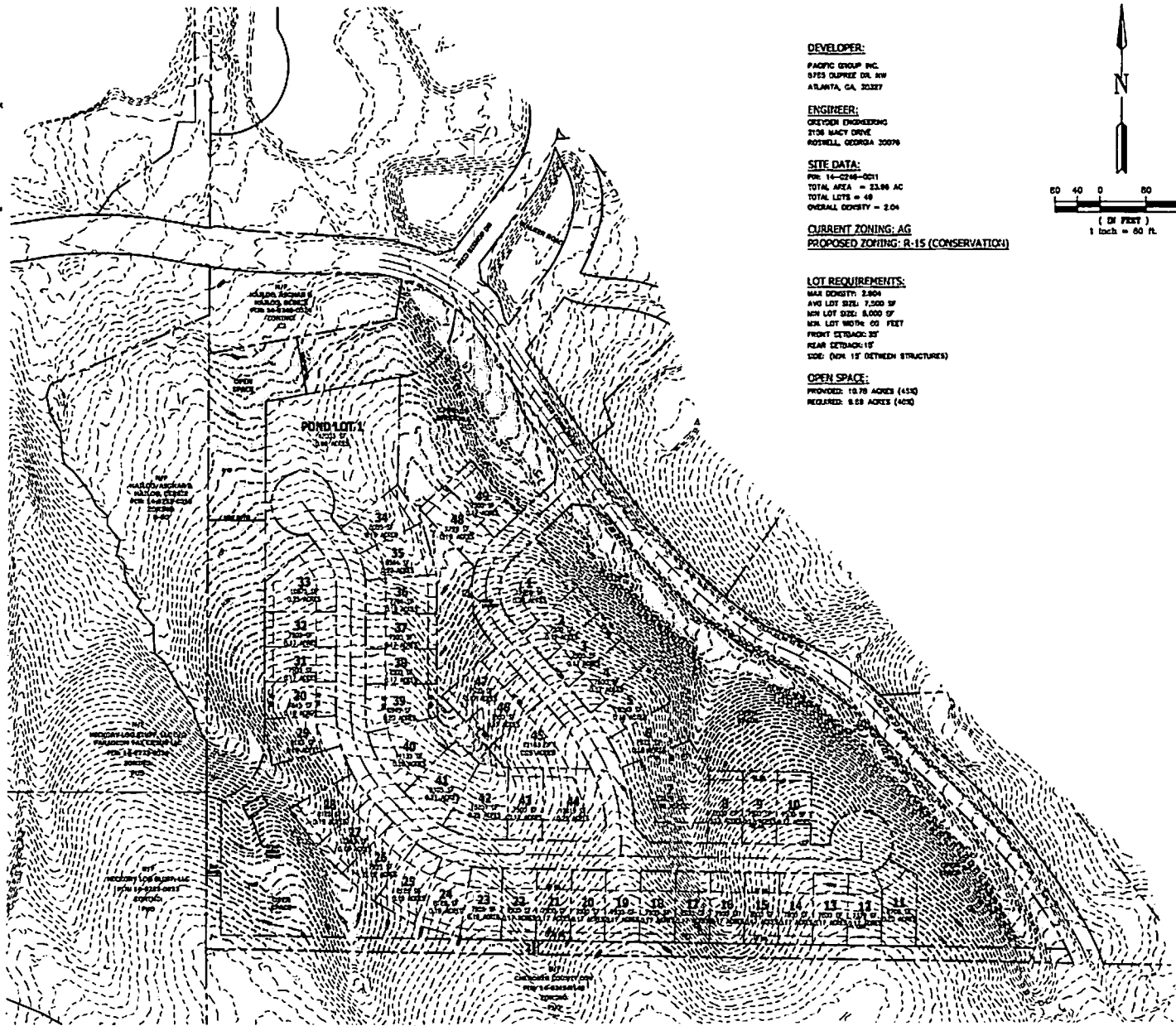
ANNETTE FLEMING
Clerk, Superior Court of Cherokee County



VICINITY MAP
SCALE



FEMA MAP
SCALE



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

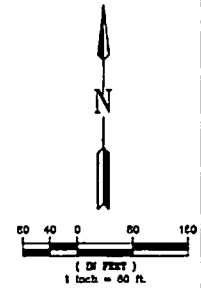
ENGINEER:
GREYDEN ENGINEERING
2108 MACY DRIVE
ROSWELL, GEORGIA 30076

SITE DATA:
PK: 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%)



REVISIONS
DATE
BY
DESCRIPTION

CLIENT
PACIFIC GROUP INC.
3753 CURRIE DR. NW
ATLANTA, GA 30327
PH: 404-542-4222

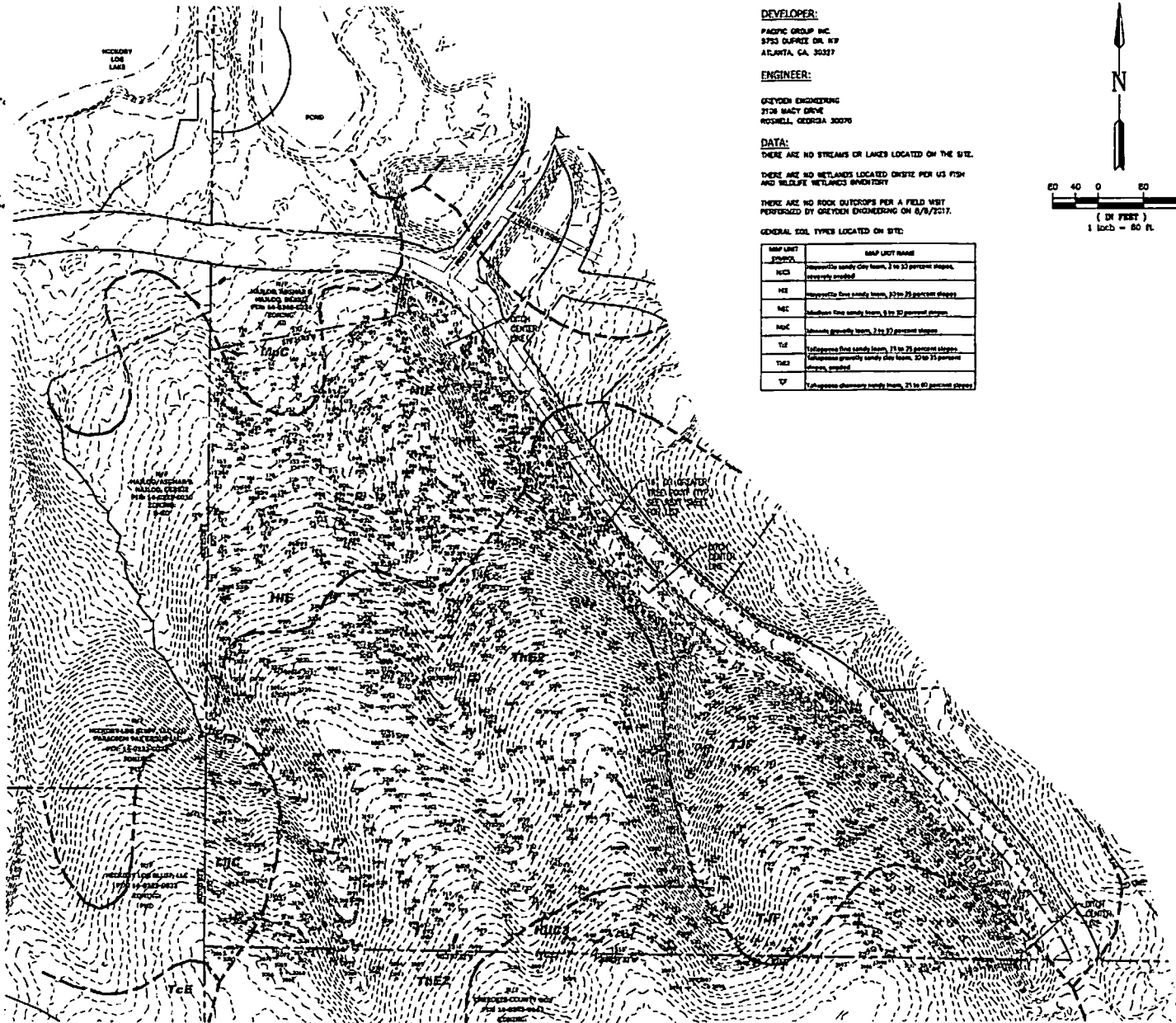
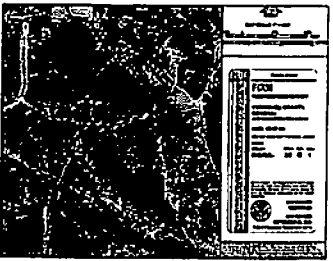
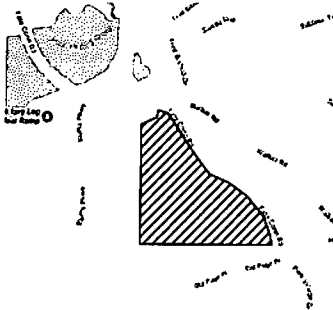
GREYDEN
ENGINEERING
2108 MACY DRIVE
ROSWELL, GA 30076
PH: 770-422-1426 FAX: 770-422-1430



ZONING PLAN
FATE CONN ROAD
ZONING PLAN

DATE	APPROVED

1 of 1



DEVELOPER:

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

ENGINEER:

GREYDEN ENGINEERING
2104 MACY DRIVE
ROSWELL, GEORGIA 30076

DATA:

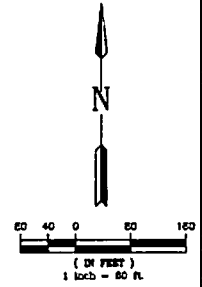
THERE ARE NO STREAMS OR LAKES LOCATED ON THE SITE.

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
NCB	Hampton sandy clay loam, 8 to 20 percent slopes, severely eroded
ME	Hampton fine sandy loam, 2 to 20 percent slopes
MEC	Hampton fine sandy loam, 8 to 20 percent slopes
MEC	Hampton fine sandy loam, 2 to 20 percent slopes
TE	Talbot fine sandy loam, 15 to 25 percent slopes
TEC	Talbot fine sandy loam, 25 to 40 percent slopes, eroded
TE	Talbot fine sandy loam, 25 to 40 percent slopes



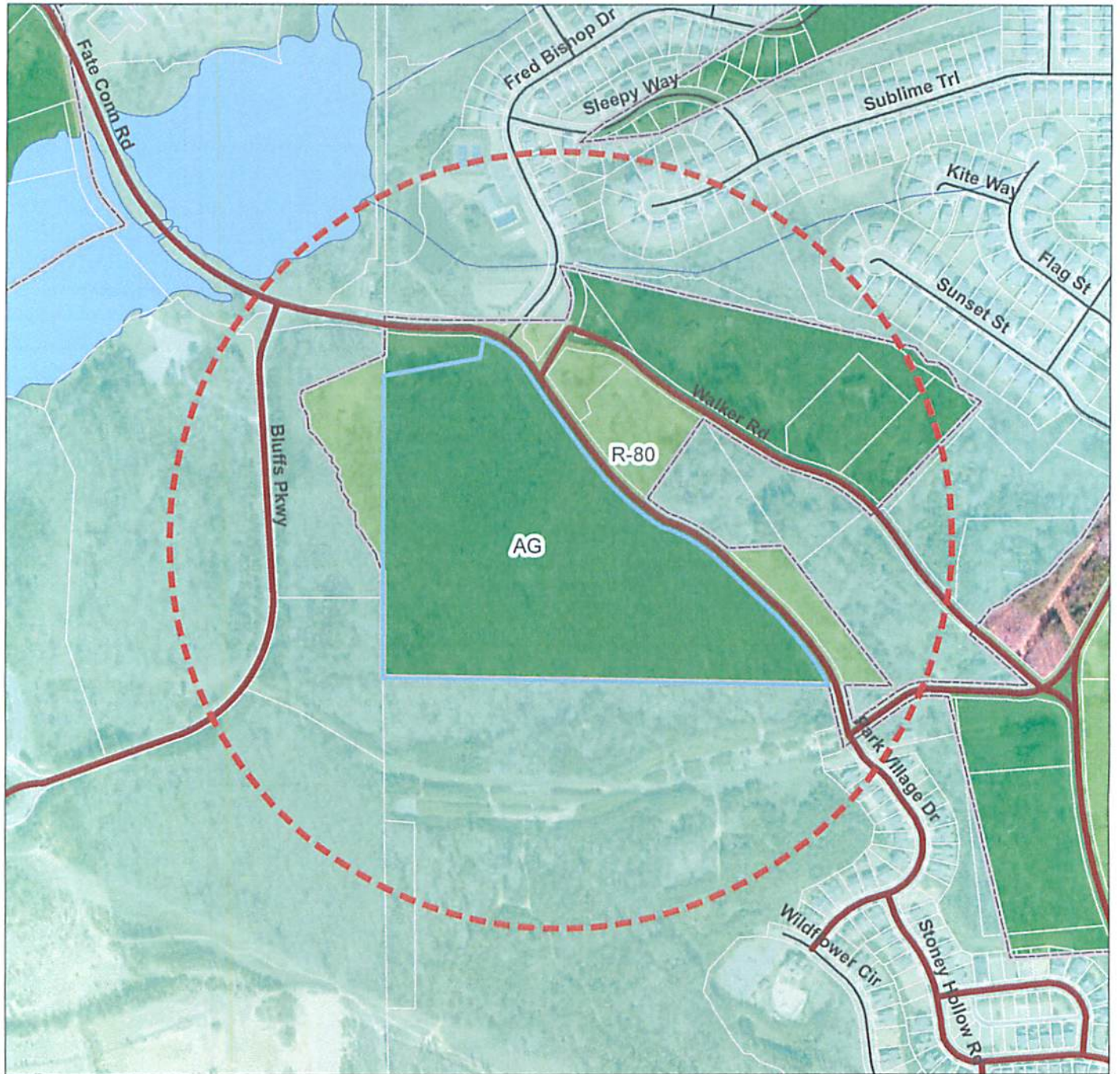
CLIENT:
PACIFIC GROUP INC.
5753 DUFFIE DR. NW
ATLANTA, GA. 30327
PH: 404-488-4337

GREYDEN ENGINEERING
2104 MACY DRIVE
ROSWELL, GEORGIA 30076
PH: 770-571-1411 FAX: 770-571-2434

ZONING RESOURCE PLAN FOR FATE CONN ROAD (GENERAL COUNTY, GEORGIA) 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	Cherokee County Zoning	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	



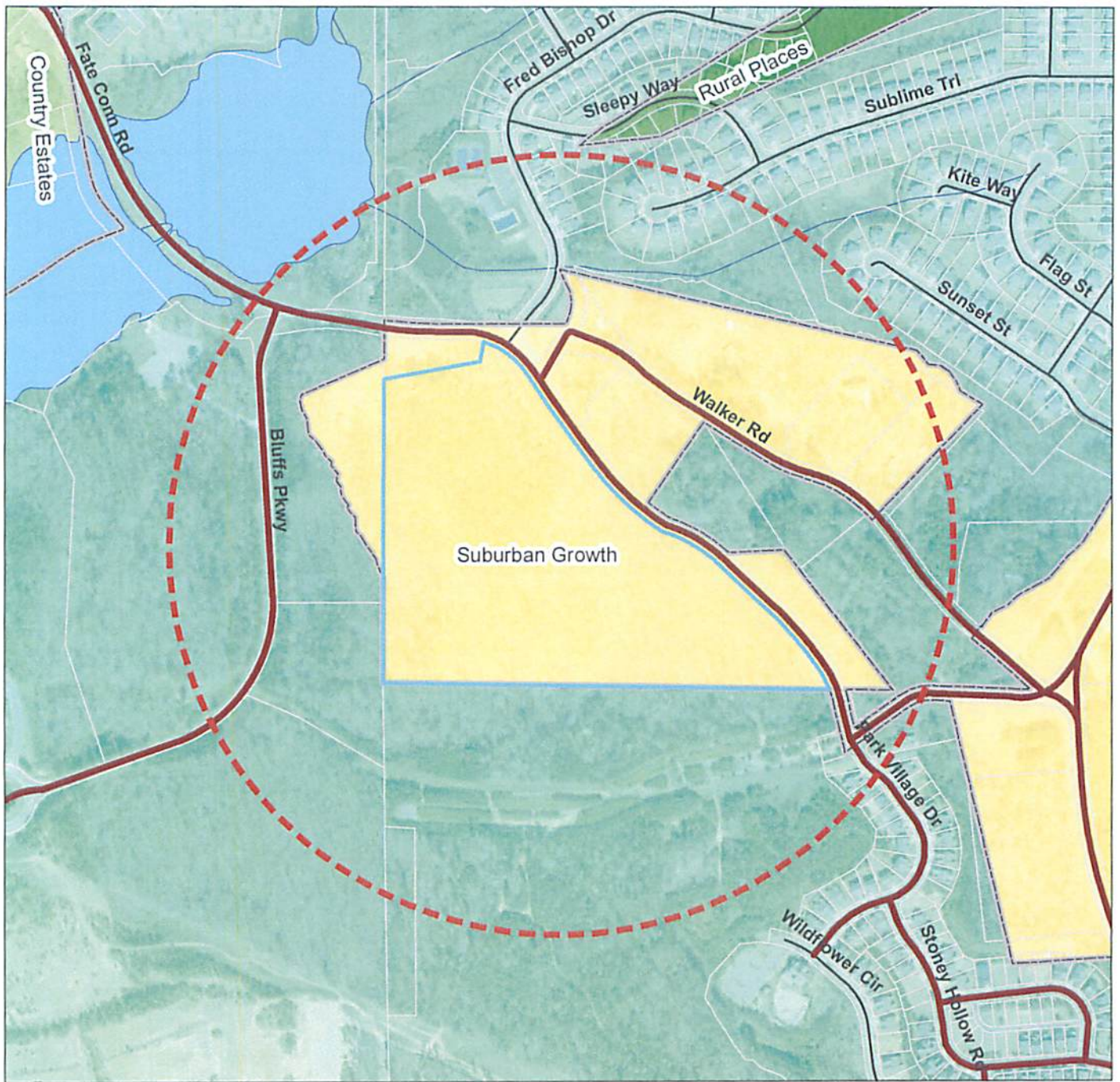
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



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 | 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
 29 August 2017



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

We met on Thursday August, 3rd 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#: 2.

SUBJECT: **MEETING DATE:**
Case #17-11-027 Brandon Smith (BOC Dist. 3) 10/16/2017
SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 1.0 acre at 2361 Toonigh Road from AG to GC for a commercial office.

FACTS AND ISSUES:

Commission District: 3
Zoning Change: AG to GC
Location: 2361 Toonigh Road
Tax Map and Parcel No: 15N20, 378
Acres: 1.0
Proposed Development: Commercial Office
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"/> Zoning Case Summary	Exhibit
<input type="checkbox"/> Application	Exhibit
<input type="checkbox"/> Deed	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> PP Report	Exhibit

ENTERED
9/29/17



Cherokee County
Planning & Land Use
1130 Bluffs Parkway
Canton, GA 30114

ZONING CASE SUMMARY

Date: September 29, 2017

Project number: PL20170001115
Application Type: Rezoning
Application Name: Brandon Smith

Contact Person: Smith, Brandon P. & Olivia C.

Location:
378 (15N20 378)
2361 Toonigh Rd, Canton, GA 30115

Acreage: 1.00

Comments: Applicant seeks to rezone from Agriculture to General Commercial in order to use the existing structure as is for standard office space utilized by current sales staff of three (3) employees.

Current Zoning: AG
Current Land Use: Agriculture
Proposed Zoning: GC
Proposed Land Use: Commercial
Proposed Number of Lots:

For additional information regarding this application contact **Planning and Land Use** at **678-493-6103**.



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: Brandon Smith Phone: Email:

Applicant's Information:

Name: Brandon Smith

Address: 754 Crescent Circle Phone:

City, State, Zip: Canton, GA 30115

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

Name: Billie Jane McFarland

Address: 2628 Marliegh Farms Rd., NW Phone:

City, State, Zip: Kennesaw, GA 30152

Requested Public Hearing (check all that apply):

- X Rezoning Amendment / Modification of Zoning
Variance Other:

STAFF USE ONLY: Commission District: 3 Case: 17-11-027 CityView #: PL2017-1115 Fee \$: 750 Date Paid: # of Signs: 2 PUBLIC HEARING SCHEDULE: Public Participation Meeting: 10.6.17 PC Work Session Date: 10.16.17 Planning Commission Hearing: 11.7.17 Board of Commissioners: 11.21.17 Zoning Board of Appeals: Other:

September 21, 2017

Brandon Smith

754 Crescent Circle
Canton, GA 30115



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.

October 6th, 2017

6:30 p.m.

Hickory Road Baptist Church, Main Sanctuary
2146 Hickory Road
Canton, GA 30115

The property is currently zoned as agricultural and has been used a rental property for the past 12 years. It is desired for the property to be zoned general commercial in order to use the existing structure as is for standard office space. The 1,390 square feet space will be utilized by a current sales staff of three employees. There will be no modifications to the exterior of the structure or property other than those required by the building authorities to utilize the property as a commercial office space. There will be the addition of a few parking spaces as needed to accommodate the staff.

McFarland Property located at:
2361 Toonigh Road, Canton, GA 30115

1 acre track
Currently zoned agricultural and proposed to be rezoned to general commercial.
Currently being used as residential and to be utilized as office space for BASE Innovations & BASE Lightning Protection, Inc.
Future Development map attached

A copy of the proposed site plan and 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 404-895-7729.

Sincerely,

Brandon Smith
Enclosures

Project Fact Sheet

Applicant Name Brandon Smith

Applicant Mailing Address 754 Crescent Circle, Canton

Applicant's Contact Person Brandon Smith

Property Owner Billie Jane McFarland

Property location 2361 Toonigh Road, Canton, GA 30115

Parcel Number(s) 378

Future Development Map Designation Suburban Living

Acreage of property 1

Current Zoning of property Agricultural (DU/AC) 1

Current Use of property Residential

Proposed Zoning of property General Commercial^(DU/AC)

Proposed Use of property Office space

of units (if residential) _____

Sq. ft. of building (if commercial) 1,398

Note: DU/AC= dwelling unit per acre

September 13, 2017

Brandon Smith

754 Crescent Circle
Canton, GA 30115

Applicant Response Statement

Dear Planning & Zoning,

Re: 2361 Toonigh Road, Canton, GA 30115

The property is currently zoned as agricultural and has been used a rental property for the past 12 years. It is intended for the property to be rezoned general commercial in order to use the existing structure as is for standard office space. The 1,398 square feet space will be utilized by a current sales staff of three employees. There will be no modifications to the exterior of the structure or property other than those required by the building authorities to utilize the property as a commercial office space and as determined by a professional feasibility study. There will be the addition of a few parking spaces as needed to accommodate the staff and ADA compliance.

The property's use shall not alter or adversely affect the existing use or usability of adjacent or nearby properties. Nor shall there be any impact on existing streets, transportation facilities, utilities, or schools.

The future land use plan has the land to be used as suburban living however the property has three sides of road frontage with high traffic and is not suitable for continued residential use. There are currently adjacent properties to the north and west that are zoned general commercial.

Sincerely,

A handwritten signature in black ink, appearing to read "Brandon Smith", with a long horizontal flourish extending to the right.

Brandon Smith

FILE # 05055

WARRANTY DEED

1/2 Sellers, Atkinson & Low
1715 Hwy 92
Ste. 203
Woodstock, GA 30188

STATE OF GEORGIA, COUNTY OF CHEROKEE

THIS INDENTURE, made the 10th day of December, in the year one thousand nine hundred NINETY-ONE, between

TYRONE K. MCFARLAND AND BILLIE JANE MCFARLAND of the County of CHEROKEE, and State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

TYRONE KENNETH MCFARLAND and BILLIE JANE MCFARLAND BOOK 1101 PAGE 195

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

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

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 336 AND 385 OF THE 15TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, AS SHOWN ON PLAT OF SURVEY FOR TYRONE E. MCFARLAND AND BILLIE JANE MCFARLAND, DATED NOVEMBER 14, 1991 MADE BY HERNDON SURVEING & DESIGN, INC. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF HICKORY ROAD, WHICH IRON PIN IS LOCATED 187.6 FEET NORTHWESTERLY FROM THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY OF HICKORY ROAD AND THE SOUTHEAST CORNER OF LAND LOT 336, AS MEASURED ALONG THE SOUTHWESTERLY RIGHT OF WAY OF HICKORY ROAD; THENCE SOUTH 04 DEGREES 20 MINUTES 19 SECONDS WEST 19.67 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 04 DEGREES 20 MINUTES 19 SECONDS WEST 172.10 FEET TO AN IRON PIN LOCATED ON THE NORTHERLY RIGHT OF WAY OF TOONIGH ROAD; THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF TOONIGH ROAD THE FOLLOWING COURSES AND DISTANCES: NORTH 83 DEGREES 58 MINUTES 39 SECONDS WEST 14.00 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 54 MINUTES 11 SECONDS WEST 57.59 FEET TO AN IRON PIN; THENCE SOUTH 84 DEGREES 10 MINUTES 22 SECONDS WEST 58.02 FEET TO AN IRON PIN; THENCE SOUTH 78 DEGREES 21 MINUTES 56 SECONDS WEST 3.67 FEET TO AN IRON PIN; THENCE NORTHERLY ALONG THE ARC OF A CURVE 173.85 FEET TO AN IRON PIN (SAID ARC SUBTENDED BY A CHORD NORTH 08 DEGREES 30 MINUTES 58 SECONDS EAST 170.83 FEET); THENCE NORTH 27 DEGREES 04 MINUTES 43 SECONDS EAST 61.78 FEET TO AN IRON PIN; THENCE SOUTH 62 DEGREES 54 MINUTES 18 SECONDS EAST 103.82 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING.

Georgia, Cherokee County
Filed in office this 23 day of Dec 19 91
at 10:30 A.M. Recorded in Book 1101 Page 195
this 29 day of Dec 19 91
Annette Fleming
Clerk Superior Court

CHEROKEE COUNTY, GA.
REAL ESTATE TRANSFER TAX
PAID 0-0-0
DATE 12-23-91

Annette Fleming
CLERK OF SUPERIOR COURT

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

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

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

Signed and delivered in the presence of:



Tyrone K. McFarland (Seal)
Billie Jane McFarland (Seal)

Notary Public, Cobb County, Georgia
My Commission Expires Jan 15, 1994

Rec 12-27-91
ANNETTE FLEMING
CLERK, SUPERIOR COURT OF CHEROKEE COUNTY

RECORD AND MAIL TO:

Billie Jane McFarland
2361 ~~Stonewall~~ Rd
Coaston, Ga
30115

EXECUTOR'S DEED

STATE OF GEORGIA.

COUNTY OF CHEROKEE:

THIS INDENTURE is made as of Feb 28, 2005, between **Billie Jane McFarland**, Executor of the Last Will and Testament of **Tyrone K. McFarland**, (hereinafter referred to as the "Deceased"), late of Cherokee County, Georgia (hereinafter referred to as "Grantor") and **Billie Jane McFarland**, (hereinafter referred to as "Grantee") ("Grantor" and "Grantee" to include their respective heirs, successors, executors, administrators, legal representatives and assigns where the context requires or permits).

WITNESSETH

GRANTOR (acting under and by virtue of the power and authority contained in the Will of **Tyrone K. McFarland**, the Deceased, said Will has been duly probated and recorded in the Court of Probate of Cherokee County, Georgia), for and in consideration of the sum of Ten (\$10.00) Dollars and other valuable consideration in hand paid at and before the sealing and delivery of these presents (the receipt of which is hereby acknowledged), has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto Grantee, the following described property:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 336 AND 385 OF THE 15TH DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, AS SHOWN ON PLAT OF SURVEY FOR TYRONE E. MCFARLAND AND BILLIE JANE MCFARLAND, DATED NOVEMBER 14, 1991 MADE BY HERNDON SURVEYING & DESIGN, INC. AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

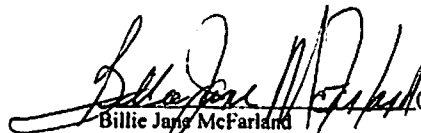
TO FINE THE TRUE POINT OF BEGINNING, BEGIN AT AN IRON PIN LOCATED ON THE SOUTHWESTERLY RIGHT OF WAY OF HICKORY ROAD, WHICH IRON PIN IS LOCATED 187.6 FEET NORTHWESTERLY FROM THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY OF HICKORY ROAD AND THE SOUTHEAST CORNER OF LAND LOT 336, AS MEASURED ALONG THE SOUTHWESTERLY RIGHT OF WAY OF HICKORY ROAD; THENCE SOUTH 04 DEGREES 20 MINUTES 19 SECONDS WEST 19.67 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING; THENCE SOUTH 04 DEGREES 20 MINUTES 19 SECONDS WEST 172.10 FEET TO AN IRON PIN LOCATED ON THE NORTHERLY RIGHT OF WAY OF TOONIGH ROAD; THENCE WESTERLY ALONG THE NORTHERLY RIGHT OF WAY OF TOONIGH ROAD THE FOLLOWING COURSES AND

BJM

DISTANCES; NORTH 83 DEGREES 58 MINUTES 39 SECONDS WEST 14.00 FEET TO AN IRON PIN; THENCE NORTH 89 DEGREES 54 MINUTES 11 SECONDS WEST 57.59 FEET TO AN IRON PIN; THENCE SOUTH 84 DEGREES 10 MINUTES 22 SECONDS WEST 58.02 FEET TO AN IRON PIN; THENCE SOUTH 78 DEGREES 21 MINUTES 56 SECONDS WEST 3.67 FEET TO AN IRON PIN; THENCE NORTHERLY ALONG THE ARC OF A CURVE 173.85 FEET TO AN IRON PIN (SAID ARC SUBTENDED BY A CHORD NORTH 08 DEGREES 30 MINUTES 58 SECONDS EAST 170.83 FEET); THENCE NORTH 27 DEGREES 04 MINUTES 43 SECONDS EAST 61.78 FEET TO AN IRON PIN; THENCE SOUTH 62 DEGREES 54 MINUTES 18 SECONDS EAST 103.82 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING

TO HAVE AND TO HOLD the 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 Grantees forever, IN FEE SIMPLE in as full and ample a manner as the same was held, possessed and enjoyed, or might have been held, possessed and enjoyed, by the Deceased.

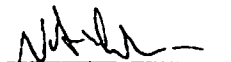
EXECUTED under seal as of the date above.

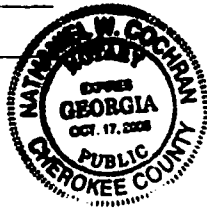
 (SEAL)
Billie Jane McFarland
Executor under the Will of
Tyrone K. McFarland, Deceased

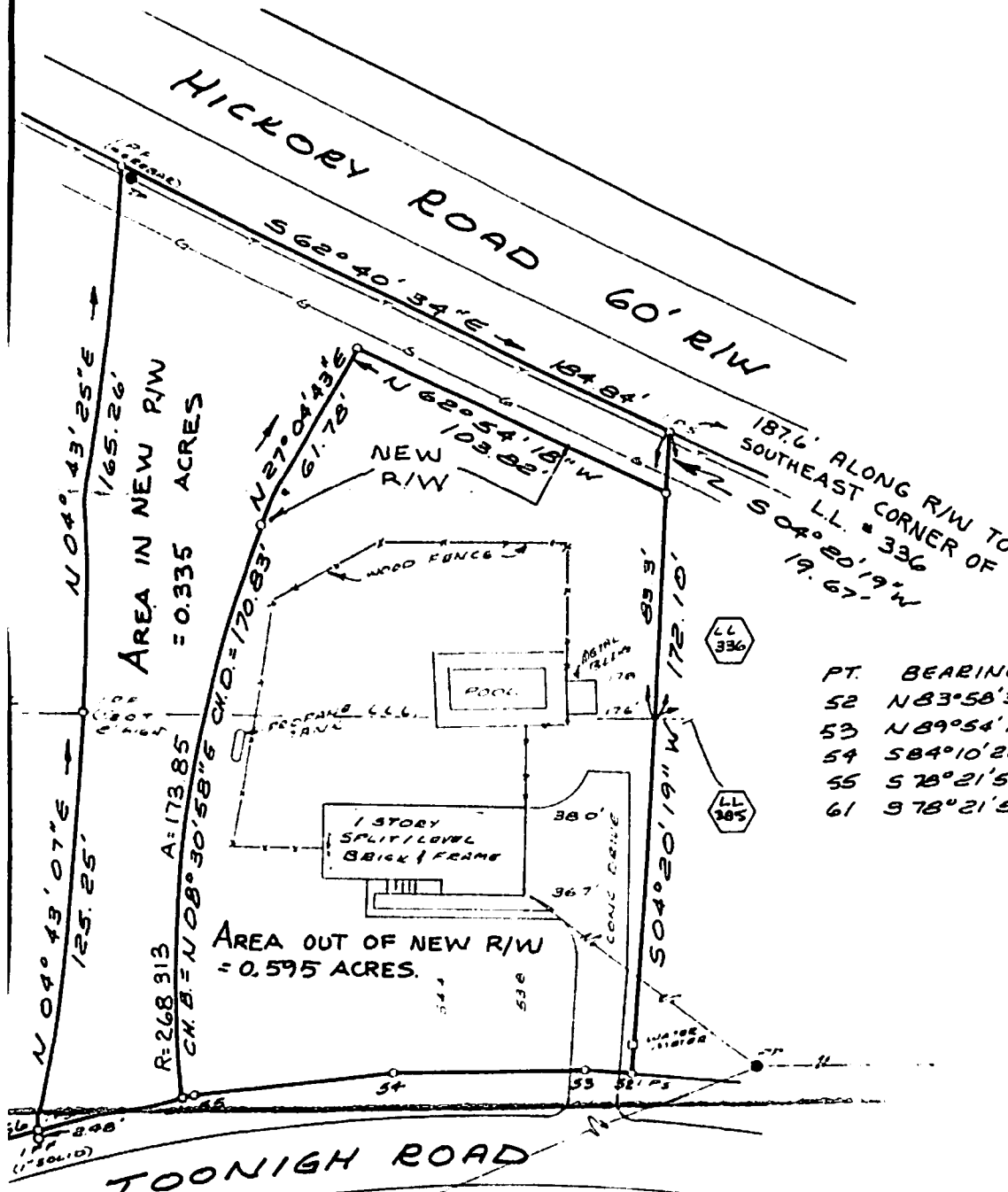
Signed, sealed and delivered

in the presence of:


Judi A. Hamilton
Unofficial Witness

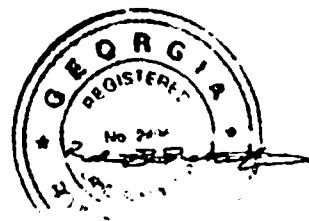

Notary Public
My Commission Expires:





PT.	BEARING	DIST
52	N 83° 58' 39\"W	14.0
53	N 89° 54' 11\"W	57.5
54	S 84° 10' 22\"W	58.0
55	S 78° 21' 56\"W	3.6
61	S 78° 21' 55\"W	41.0

NOTE: BOUNDARY IN TAKEN FROM PLAT PARTIN & KATHY KO JERRY THACKER & ASS 3/23/84, JOB NO. 84



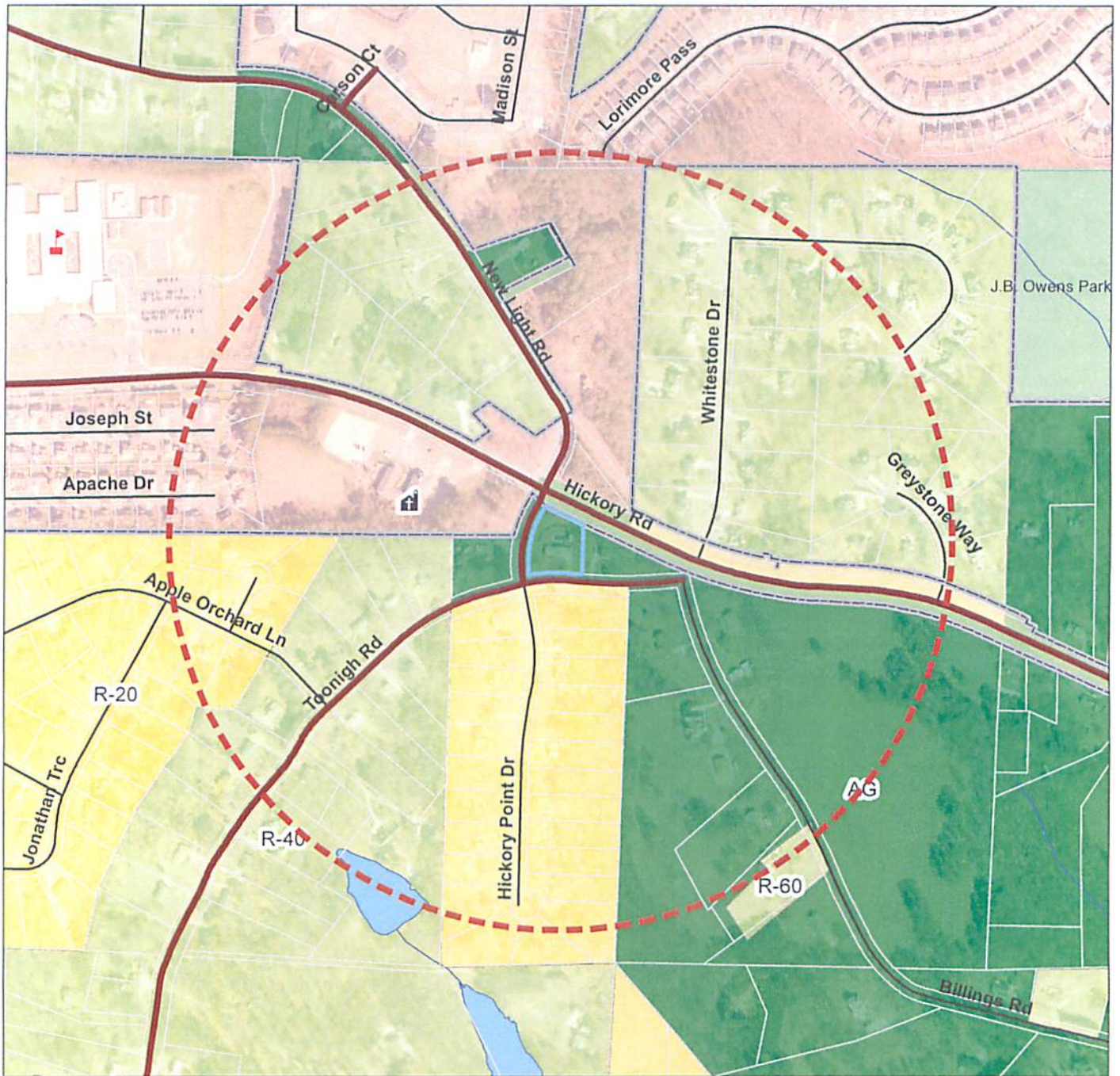
SURVEY & PLAT OF PROPERTY LOCATED IN:
 LAND LOTS 336 & 335, 15TH D
 CHEROKEE COUNTY, GEORGIA
 DATE: NOVEMBER 14, 1991
 SCALE: 1" = 40'

MADE FOR:
TYRONE E. McFARLAN
BILLIE JANE McFARLAN

CCB: PLAT FOR: KEVIN PARTIN & JOSEEB, BY: JERRY THACKER & ASSOC., 3-23-84, JOB NO: 84-5460-57E
 CE RIGHT OF WAY MAP, PREOP-8600-1(057) CHEROKEE CO., 18-89, SHEET NO. 9.

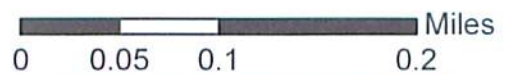
Case # 17-11-027 Brandon Smith

Zoning Map



Legend

- | | | | |
|---------------------|-------------------------------|---------------------|---------------|
| Rezoning Parcel | Cherokee County Zoning | 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 | |



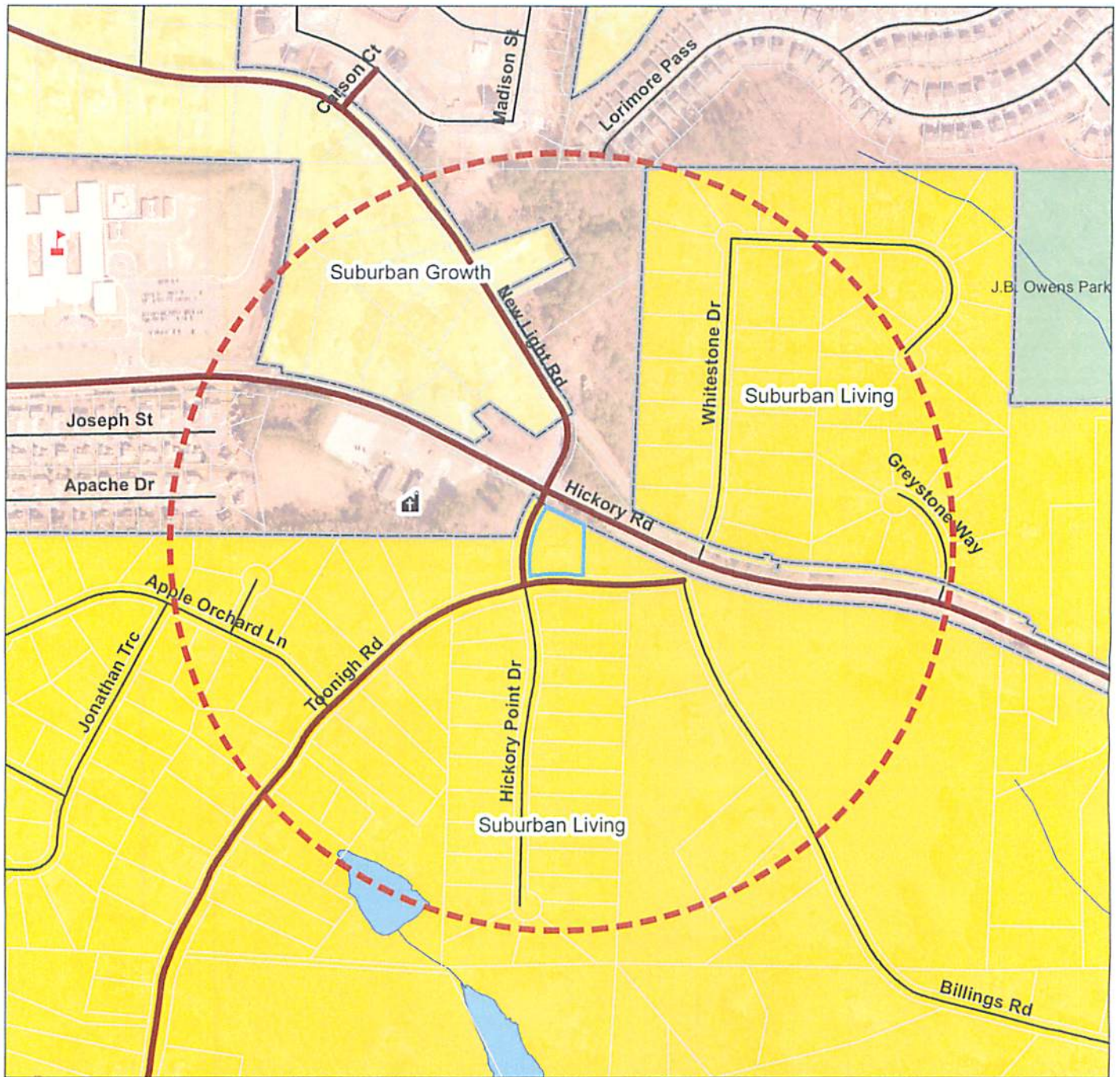
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
02 October 2017



Case # 17-11-027 Brandon Smith
 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 | Corridors | 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
 02 October 2017





Public Participation Meeting and Report Notes:

September 22, 2017 the attached announcement for a Public Participation meeting was mailed to 67 addresses as attached.

The public participation meeting for 2361 Toonigh Road (rezoning) was held on Friday, October 6th, 2017 at Hickory Road Baptist Church from 6:30 – 7:30 p.m.

There were 24 attendees that signed in, sign-in sheet attached.

Summary of concerns raised by citizens (response is below each question or concern):

- 1) "We don't want a gas station at this location"
 - a) The intent is make this office into our primary office space
- 2) Is there enough room to accommodate traffic? Truck traffic
 - a) All office deliveries for inbound materials will be on LTL trucking lines, our typical delivery is on a 20' flatbed truck with a lift gate. We can request this type of delivery whenever possible.
- 3) What's going to happen with the existing in ground pool?
 - a) The pool will either be filled in or a commercial grade pool covering installed
- 4) Why do you need to be rezoned GC?
 - a) The current zoning does not allow me to operate my business as I need to with any other zoning than GC.
- 5) Can you operate your business out of the house being zoned agricultural?
 - a) The agricultural zoning designation does not all for the property to operate primarily as a business or in the capacity that we need for our business.
- 6) If you rezone commercial others will more than likely follow suite
 - a) I have no control over other properties. There are currently 2 adjoining properties to this parcel that are zoned general commercial.
- 7) Have there been any variances filled with the application for rezoning?
 - a) There are no variance fillings with the pending zoning request.
- 8) "Why can't you find something somewhere else?" A real estate agent/neighbor said there numerous properties that were better than this one on the market.
 - a) We believe that the location of this property best suites what we are looking for in a business location.
- 9) What lighting are you planning on adding to the property for security reasons?

- a) There are no plans for additional lighting however there will be a security system added.
- 10) Concerns were raised about adjacent property value if this parcel is rezoned.
- a) It is my belief that the rezoning of this property should not devalue any of the surrounding properties
- 11) Fritz isn't zoned commercial, why do you need to be?
- a) The agricultural zoning designation does not allow for the property to operate primarily as a business or in the capacity that we need for our business.

The majority of the participants were residents of Billings Road and have expressed their concerns of not wanting the property to be later turned into something that is "undesirable" or that will decrease their property's value or appeal.