



Cherokee County Planning Commission Work Session AGENDA

November 20, 2017
Business Center 6:30 PM

CALL TO ORDER

ZONING CASES

- 1. Case #17-12-028 S & K Property Advisors, LLC (BOC Dist. 4)**
Applicant is requesting to rezone 14.04 acres at 6794 Woodstock Road and 6690 Woodstock Road from R-40 to RD3 to allow for a forty (40) home neighborhood. The applicant also seeks three (3) variances to Article 7.4-1.1, paragraphs e.1, d.5, and g.4.b.
- 2. Case #17-12-029 Donald and Linda Lingerfelt (BOC Dist. 2)**
Applicant is requesting to rezone 1.0 acres at 6560 Hickory Flat Highway from R-40 to GC for commercial uses.
- 3. Case #17-12-030 Matt Dahlhauser (BOC Dist. 1)**
Applicant seeks to rezone 1.80 acres at 8010 Cumming Hwy from NC to GC to allow for a drive thru for a quick service restaurant.

OTHER BUSINESS

APPROVAL OF MINUTES

ADJOURN



Cherokee County, Georgia
Agenda Request

Item#: 1.

SUBJECT:

Case #17-12-028 S & K Property Advisors,
LLC (BOC Dist. 4)

MEETING DATE:

11/20/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 14.04 acres at 6794 Woodstock Road and 6690 Woodstock Road from R-40 to RD3 to allow for a forty (40) home neighborhood. The applicant also seeks three (3) variances to Article 7.4-1.1, paragraphs e.1, d.5, and g.4.b.

FACTS AND ISSUES:

Commission District: 4

Zoning Change: R-40 to RD3

Location: 6794 and 6690 Woodstock Road

Tax Map and Parcel No: 21N11, 096 and a portion of 101

Acres: 14.04

Proposed Development: Residential Neighborhood

Future Development Map: Suburban Living

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Zoning Case Summary	Exhibit
<input type="checkbox"/> Applicant Response Statement	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Existing Site Resource Map	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> PP Report	Exhibit



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

ZONING CASE SUMMARY

Date: October 27, 2017

Project number: PL20170001262
Application Type: Rezoning
Application Name: Ben Key
S & K Property Advisors, LLC

Contact Person: S & K Property Advisors, LLC

Location:
6794 Woodstock Rd, Acworth, GA 30102
101 (21N11 101)
096 (21N11 096)
6690 Woodstock Rd, Acworth, GA 30102

Acreage: 14.04

Comments: Applicant seeks to rezone 14.04 acres from R-40 to RD-3 to allow for a forty (40) home neighborhood. The applicant also seeks three (3) variances to Article 7.4-1.1, paragraphs e.1, d.5, and g.4.b. Please see Applicant Response Statement for additional details.

Current Zoning: R40
Current Land Use: Residential
Proposed Zoning: RD3
Proposed Land Use: Residential
Proposed Number of Lots: 40

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

S&K PROPERTY ADVISORS, LLC
121 E. MAIN ST. STE 201 CANTON, GA 30114

October 19, 2017

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

RE: APPLICANT RESPONSE STATEMENT – REZONING & VARIANCE REQUEST

Dear Planning and Zoning Department,

Please allow this letter to serve as our “Applicant Response Statement” and letter of intent to seek a rezoning of 14.04 acres known as Map/Parcel 21N11-096 and a portion of Map/Parcel 21N11-101 from R-40 to RD-3 with a variance to reduce the 30% alley access requirement to 15%, a variance to allow the Feature Pond (stormwater management) to be allowed in the open space, and a variance to reduce the garage recess requirement from the front plane of the home with carriage styled/painted garage doors from ten (10) feet to four (4) feet.

This zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property, nor will it adversely affect the existing use or usability of the adjacent and nearby property. The property does not have a reasonable economic use as currently zoned, nor will the proposed zoning cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

This request is in accordance with the Cherokee County Future Land Use Map. This proposed 40 home neighborhood will provide much needed supply to meet the increased housing demand in Southwest Cherokee County, due in large part to the overwhelming success and newly created jobs of the Cherokee 75 Corporate Park being developed by the Cherokee Office of Economic Development.

As mentioned previously, we are seeking a variance to reduce the thirty percent (30%) alley access requirement as described in *Article 7.4-1.1 Paragraph d.5* to fifteen percent (15%). Due to the small size and shape of this property, adding alleys to serve 12 lots would cause an unnecessary hardship and would be a detriment to the overall design and feel of the neighborhood.

Secondly, we are asking for the stormwater management pond that will be located within natural open space not to be deducted from our total open space calculation (*Article 7.4-1.1 Paragraph e.1*). The pond will be designed as a feature pond, and will

be an attribute to the overall development that will enhance the neighborhood greatly. This area of the property is beautiful with old growth trees, and will have a trail system that we believe will be utilized by the vast majority of the future residents. Due to the overall small size of the project, this is the only logical place for the pond.

Finally, with regards to *Article 7.4-1.1 Paragraph g.4.b*, we are asking that ten (10) feet be changed to four (4) feet. Most of, if not all, the homes will have covered front porches of at least eight (8) feet in depth. Those eight (8) feet plus the four (4) foot recessed garage requirement will not result in a "snout house" design, and will still maintain the overall desired feel and will support the Public Realm of the neighborhood. All garage doors will either be carriage style and/or be painted to match the predominate color of the home.

If granted, these variances would not cause any detriment to the public good or impair the purposes and intent of the RD-3 ordinance. In fact, there was overwhelming support for the reduction in alley served homes at the initial public participation meeting, as the neighbors stated that alleys tend to yield more to outdoor storage and too often become unsightly. Approving these variances will not impair adequate supply of light and air to the subject property, neighboring properties, or unreasonably increase the congestion of public streets, increase the danger of fire, imperil the public safety, unreasonably diminish or impair established property values within the surrounding areas or in any other respect impair the health, safety, comfort, morals or general welfare of the inhabitants of the County.

Thank you for your consideration.

Best regards,



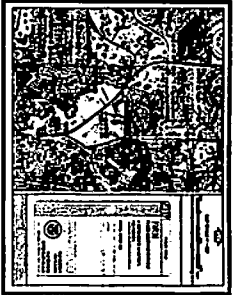
Benjamin Key
S&K Property Advisors, LLC

Legal Description

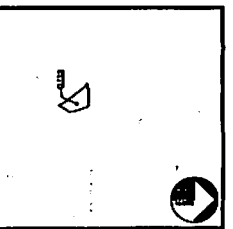
All that tract or parcel of land lying and being in Land Lots 968, 969, 976 and 977 of the 21st District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

BEGINNING at a point located at the intersection of the northwesterly right-of-way line of Victory Drive (an 80' width right-of-way) with the northeasterly right-of-way line of Woodstock Road (a variable width right-of-way); thence leave said intersection and run northwesterly along said northeasterly 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 270.16 feet to a point, said curve having a radius of 850.38 feet and being subtended by a chord bearing N27°17'50"W and a chord distance of 269.02 feet; N36°23'54"W a distance of 233.83 feet to a point; N38°28'37"W a distance of 447.53 feet to a point; along the arc of a curve to the left, an arc distance of 350.37 feet to an iron pin found (1/2" rebar), said curve having a radius of 1,735.02 feet and being subtended by a chord bearing N44°15'44"W and a chord distance of 349.77 feet; thence leave said northeasterly right-of-way line and run S89°01'46"E a distance of 204.12 feet to an iron pin found (1/2" rebar, bent); thence run N01°02'23"E a distance of 50.09 feet to an iron pin found (1/2" rebar); thence run S89°02'36"E a distance of 276.44 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N01°30'14"E a distance of 256.77 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S89°01'08"E a distance of 347.49 feet to an iron pin found (1/2" rebar) located on the Land Lot Line common to Land Lots 968 and 969; thence run southerly along said common Land Lot Line S00°08'25"W a distance of 256.64 feet to a 42" Red Oak; thence continue to run southerly along said common Land Lot Line S00°08'25"W a distance of 26.19 feet to an iron pin found (5/8" rebar); thence leave said common Land Lot Line and run S49°54'14"E a distance of 11.77 feet to an iron pin found (1/2" rebar); thence run S16°32'49"E a distance of 62.39 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S16°44'11"E a distance of 91.20 feet to an iron pin found (1/2" rebar); thence run S19°53'52"E a distance of 88.02 feet to an iron pin found (5/8" rebar); thence run S17°26'54"E a distance of 148.01 feet to an iron pin found (1/2" rebar, bent); thence run S13°27'50"E a distance of 104.10 feet to an iron pin found (1/2" rebar); thence run S09°12'33"E a distance of 105.55 feet to an iron pin found (1/2" rebar); thence run S08°44'26"E a distance of 84.37 feet to an iron pin found (1/2" rebar, bent) located on the northwesterly right-of-way line of Victory Drive; thence run southwesterly along said northwesterly right-of-way line the following courses and distances: along the arc of a curve to the left, an arc distance of 213.83 feet to a point, said curve having a radius of 805.09 feet and being subtended by a chord bearing S35°34'23"W and a chord distance of 213.20 feet; S28°36'19"W a distance of 224.50 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

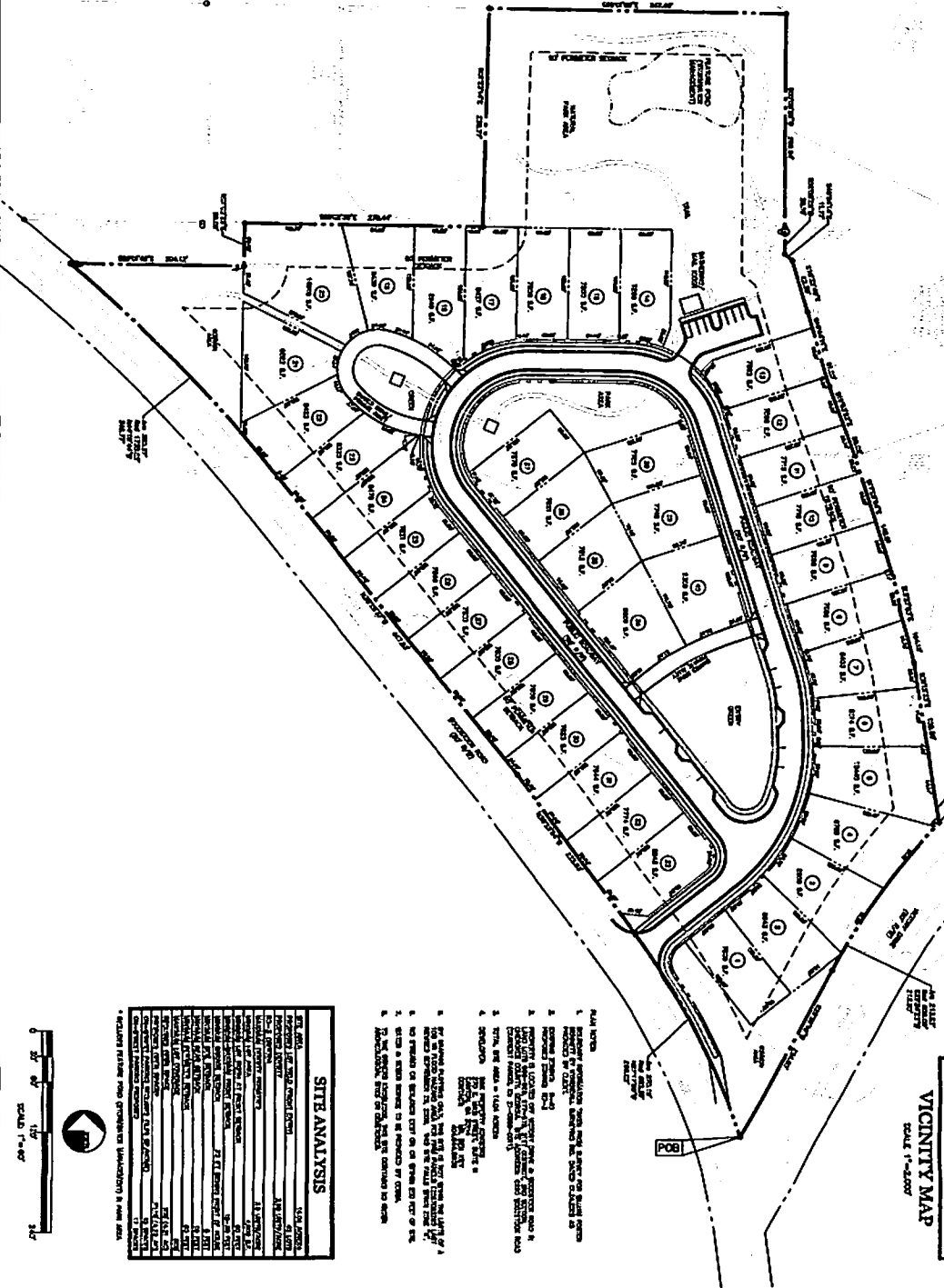
Said tract or parcel of land containing 14.045 acres.



FERMA MAP
SCALE 1"=1000'



VICINITY MAP
SCALE 1"=1000'

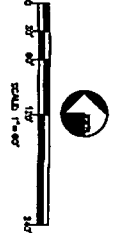


- PLAN NOTES**
1. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE ZONING REGULATIONS.
 2. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON ZONING ORDINANCES.
 3. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON SUBDIVISION REGULATIONS.
 4. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON UTILITY REGULATIONS.
 5. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON FIRE DEPARTMENT REGULATIONS.
 6. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON PLANNING DEPARTMENT REGULATIONS.
 7. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON PUBLIC WORKS DEPARTMENT REGULATIONS.
 8. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON POLICE DEPARTMENT REGULATIONS.
 9. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON FIRE DEPARTMENT REGULATIONS.
 10. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON PLANNING DEPARTMENT REGULATIONS.
 11. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON PUBLIC WORKS DEPARTMENT REGULATIONS.
 12. ALL PROPOSED BUILDINGS SHALL BE CONFORM TO THE CITY OF CANTON POLICE DEPARTMENT REGULATIONS.

SITE ANALYSIS

ITEM	DESCRIPTION	STATUS
1	EXISTING ZONING	RESIDENTIAL SINGLE-FAMILY
2	PROPOSED ZONING	RESIDENTIAL SINGLE-FAMILY
3	EXISTING SUBDIVISION	UNDEVELOPED
4	PROPOSED SUBDIVISION	UNDEVELOPED
5	EXISTING UTILITIES	WATER, SEWER, GAS
6	PROPOSED UTILITIES	WATER, SEWER, GAS
7	EXISTING ACCESS	EXISTING DRIVEWAY
8	PROPOSED ACCESS	NEW DRIVEWAY
9	EXISTING EROSION CONTROL	NO EROSION CONTROL
10	PROPOSED EROSION CONTROL	NEW EROSION CONTROL
11	EXISTING TREES	NO TREES
12	PROPOSED TREES	NEW TREES
13	EXISTING LIGHTING	NO LIGHTING
14	PROPOSED LIGHTING	NEW LIGHTING
15	EXISTING LANDSCAPE	NO LANDSCAPE
16	PROPOSED LANDSCAPE	NEW LANDSCAPE

* Additional notes from previous subdivision plan are noted.



CP & E
CHRISTOPHER PLANNING & ENGINEERING

DATE: 08/15/2013
BY: J. G. [Signature]

1340 GRABLE ROAD
ALPHARETTA, GA 30201
PHONE: 770.411.7233

ZONING PLAN
FOR:
VICTORY DRIVE TRACT

LAND LOTS 98B-99, 97A-97B
1ST DISTRICT AND SECTIONS
CANTON, GA 30114
PARCEL ID: 31-050-0011

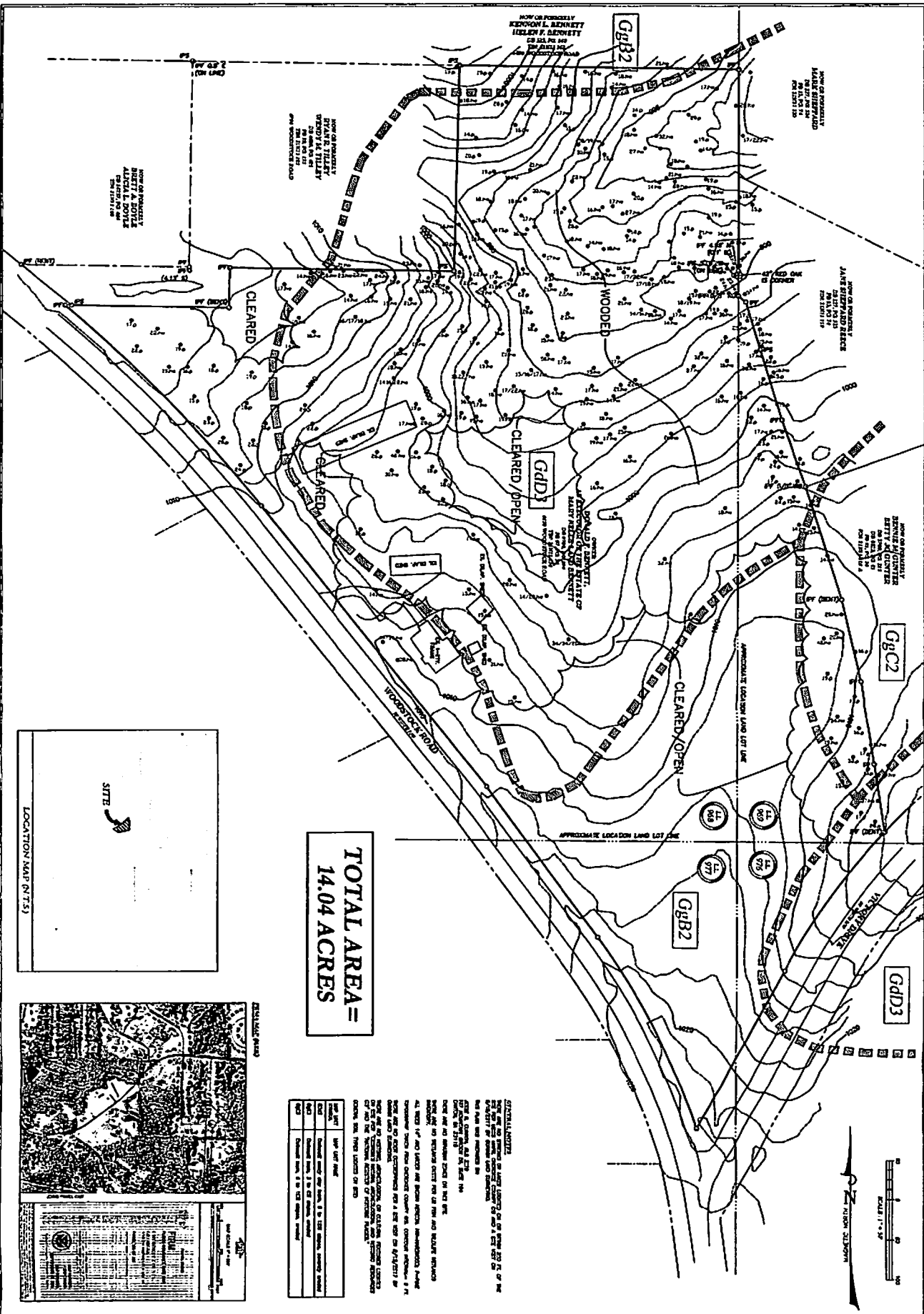
S&K PROPERTY ADVISORS
270 E. VAN STREET, SUITE 14
CANTON, GA 30114
PHONE: 404.414.6899

REVISIONS

NO.	DATE	DESCRIPTION

ZONING SITE PLAN
DATE: 08/15/2013
BY: J. G. [Signature]

7.2



JOHN A. BARNETT
DEBET A. BOWEN
ADRIAN L. BOWEN
THE ENCLAVE AT VICTORY

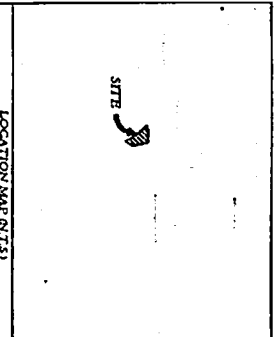
JOHN A. BARNETT
DEBET A. BOWEN
ADRIAN L. BOWEN
THE ENCLAVE AT VICTORY

JOHN A. BARNETT
DEBET A. BOWEN
ADRIAN L. BOWEN
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DEBET A. BOWEN
ADRIAN L. BOWEN
THE ENCLAVE AT VICTORY

JOHN A. BARNETT
DEBET A. BOWEN
ADRIAN L. BOWEN
THE ENCLAVE AT VICTORY



**TOTAL AREA =
14.04 ACRES**



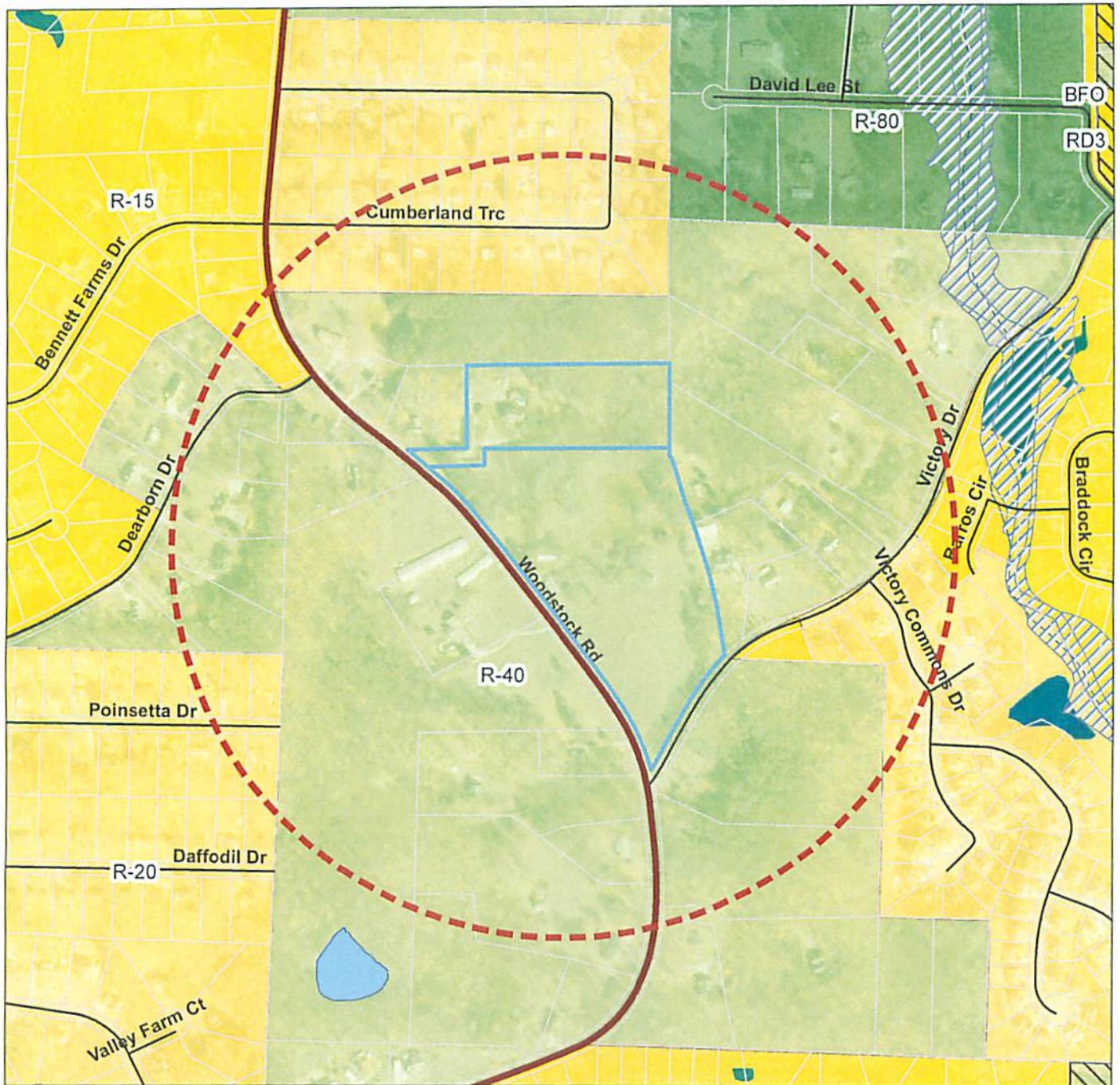
GENERAL NOTES:
 1. THIS MAP IS A PRELIMINARY SURVEY AND IS NOT TO BE USED FOR CONVEYANCE OF ANY INTEREST IN THE LAND.
 2. THE TOTAL AREA OF THE SITE IS 14.04 ACRES.
 3. THE MAP SHOWS THE CLEARING AND WOODING AREAS.
 4. THE MAP SHOWS THE CLEARING AND WOODING AREAS.
 5. THE MAP SHOWS THE CLEARING AND WOODING AREAS.
 6. THE MAP SHOWS THE CLEARING AND WOODING AREAS.
 7. THE MAP SHOWS THE CLEARING AND WOODING AREAS.
 8. THE MAP SHOWS THE CLEARING AND WOODING AREAS.
 9. THE MAP SHOWS THE CLEARING AND WOODING AREAS.
 10. THE MAP SHOWS THE CLEARING AND WOODING AREAS.

Gunnin
 LAND SURVEYING, LLC
 1000 W. 10th St., Suite 100
 Oklahoma City, Oklahoma 73106
 Phone: (405) 241-1111
 Fax: (405) 241-1112
 Website: www.gunninland.com

SITE RESOURCES MAP FOR
THE ENCLAVE AT VICTORY
 LOCATED ON LAND LOTS 104, 105, 106 AND 107
 10th DISTRICT - 2nd SECTION
 OKLAHOMA COUNTY, OKLAHOMA
 OCTOBER 1, 2017

DATE	REVISION

Case # 17-12-028 Ben Key S & K Property Advisors, LLC
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 | |



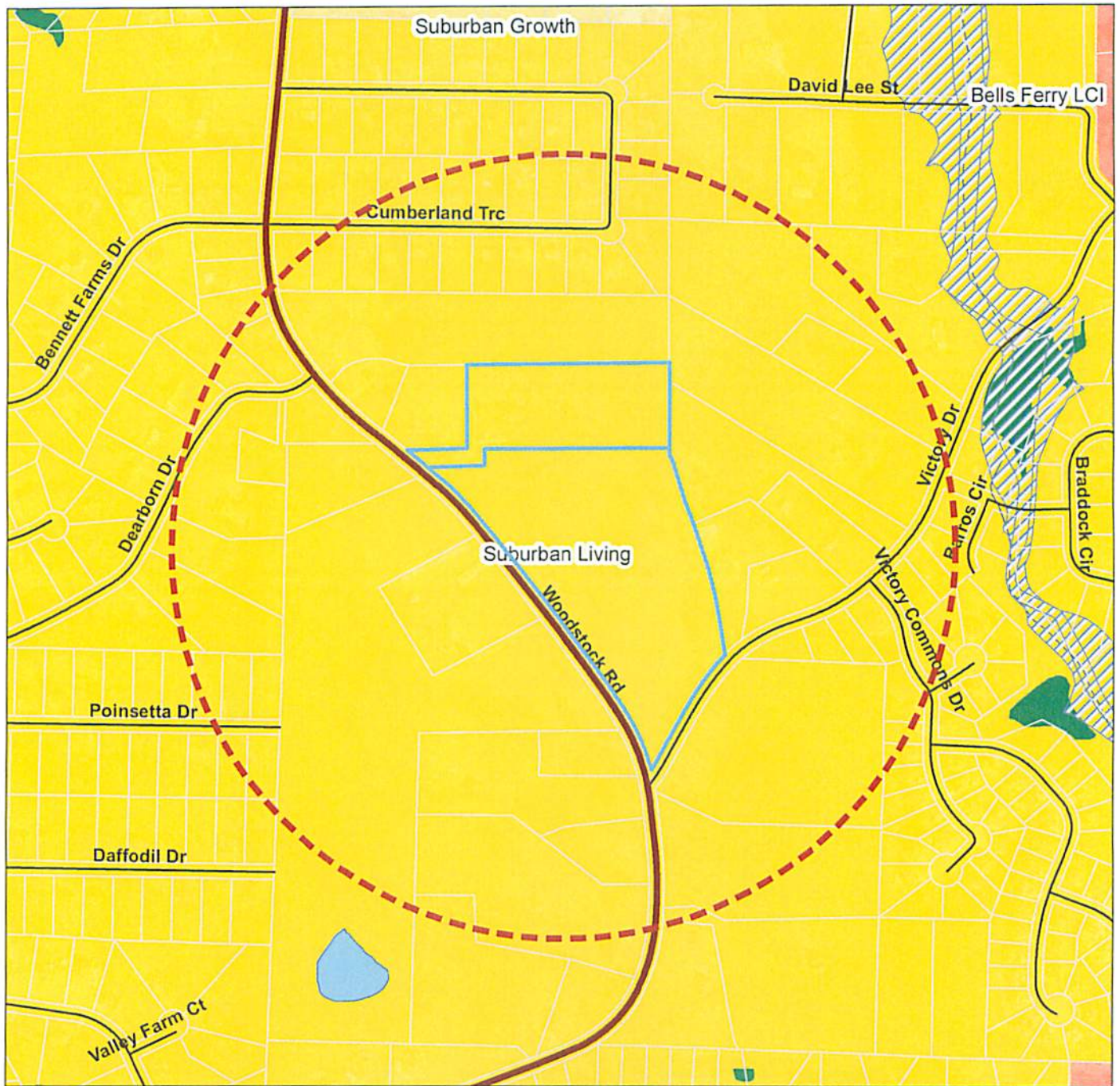
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



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



Case # 17-12-028 Ben Key S & K Property Advisors, LLC
 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
 31 October 2017



S&K Property Advisors, LLC

121 E. Main St. Ste. 201 Canton, GA 30114

October 10, 2017



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

RE: Public Participation Meeting Regarding Upcoming Rezoning Application of 14.04 Acres at Woodstock Rd. & Victory Dr., Map/Parcel 21N11-096 & a portion of 21N11-101

Dear Planning and Zoning Staff Members,

In accordance with the requirements set forth in the upcoming rezoning application, this letter is meant to serve as a summary of the Public Participation Meeting that was held on October 6, 2017 at the Oak Grove Community Services Center. The meeting was held in the community room beginning at 6:30 PM, and lasted approximately forty five minutes. This meeting was advertised to all property owners and HOAs within 750 feet of the subject property and all of the "interested parties." The meeting had six (6) attendees, including myself (see attached sign-in sheet).

With the exception of one attendee, the people in attendance were generally unopposed to the proposed 40 lot plan. The one attendee that was against it said that he could not support any additional development in the area until a traffic solution was in place for the area. Attendees were interested in what type of homes would be built in the subdivision and we informed them that we felt the market supported homes in the \$250,000 - \$325,000 price range. The attendees were indifferent on our intent to apply for variances to reduce the 30% alley-loaded lot requirement, the feature pond being located within the open space, and the reduction in garage recess.

The proposed site plan, site resource, current zoning, future land use maps, and application were all available for review at the meeting.

Best regards,

Benjamin Key
S&K Property Advisors, LLC



Cherokee County, Georgia
Agenda Request

Item#: 2.

SUBJECT: **Case #17-12-029 Donald and Linda Lingerfelt (BOC Dist. 2)** **MEETING DATE:** 11/20/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 1.0 acres at 6560 Hickory Flat Highway from R-40 to GC for commercial uses.

FACTS AND ISSUES:

Commission District: 2
Zoning Change: R-40 to GC
Location: 6560 Hickory Flat Hwy
Tax Map and Parcel No: 02N02, 056
Acres: 1.0
Proposed Development: Commercial Uses
Future Development Map: Community Village Node over Suburban Growth

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Zoning Case Summary	Exhibit
<input type="checkbox"/> Applicant Response Statement	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit
<input type="checkbox"/> PP Report	Exhibit



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

ZONING CASE SUMMARY

Date: October 27, 2017

Project number: PL20170001264
Application Type: Rezoning
Application Name: Donald and Linda Lingerfelt

Contact Person:

Location:
056 (02N02 056)
6560 Hickory Flat Hwy, Canton, GA 30115

Acreage: 1.00

Comments: Applicant seeks to rezone one acre from R-40 to General Commercial. The property is currently vacant and the property owner does not intend to develop the property. Please see Applicant Response Statement for additional information.

Current Zoning: R40
Current Land Use: Residential
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**.

ENTERED
10/27/17

10/16/2017

From: Donald and Linda Lingerfelt

**To: Cherokee County Planning and Zoning
Cherokee County, Georgia**

We are seeking rezoning of one acre of land from its current R-40 zoning to General Commercial. The property is located on Highway 140 directly across from the Old Batesville Road entrance on Highway 140. We were never given an address but the property is located between 6488 Hickory Flat Highway and the Kroger. The land is a wooded vacant one acre lot at the present time and shares boundaries with adjoining tracts that are zoned General Commercial.

Cherokee County future land use maps indicate this property as included in General Commercial for the area. Our proposal should not affect the properties around us as most of the properties, on the same side of Highway 140 as this property, are already zoned General Commercial.

If the property is not assembled with adjoining properties, the one acre lot size should not cause any excessive impacts to Highway 140 or any of the utilities or schools available in the area.

Since Cherokee County future land use has this area as potential General Commercial the rezoning would place this property in line with adjoining property and conform to Cherokee County's future land use plans.

We ourselves do not intend on developing this property and are just looking for the best use for the property. The area along the same side of Highway 140 in the area of this property has continued to grow with commercial development and we see no need in us retaining the current R-40 zoning and wish to bring this properties zoning in line with adjoining properties.

Sincerely,

Donald and Linda Lingerfelt

Owners

4465 064

FILED IN OFFICE
CLERK OF SUPERIOR COURT
CHEROKEE COUNTY, GA
01 FEB 26 AM 11:21
BOOK 4465 PAGE 064
Anne M. Resau

Return Recorded Document to:
SELLERS & WARREN, P.C.
8681 Highway 92, Suite #200 CHEROKEE
Woodstock, GA 30189
12.00 #6548

JOINT TENANCY WITH SURVIVORSHIP
WARRANTY DEED

STATE OF GEORGIA,
COUNTY OF Cherokee

File #: 0110751

This Indenture made this 22 day of February, 2001 between

DEAN B. WATERS and LEIGH A. WATERS

of the County of Cherokee, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and

LINDA A. LINGERFELT and DONALD P. LINGERFELT

as joint tenants with right of survivorship and not as tenants in common, as parties of the second part, hereinafter called Grantees (the words "Grantor" and "Grantees" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100'S (\$10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipts 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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them, in fee simple, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor, the following described property:

All that tract or parcel of land lying and being in Land Lot 289 of the 2nd District, 2nd Section, Cherokee County, Georgia, being more particularly described on Exhibit "A" attached hereto and incorporated herein by reference thereto.

This conveyance is made subject to all zoning ordinances, easements and restrictions of record affecting said bargained premises.

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 Grantees, as joint tenants and not as tenants in common, for and during their joint lives, and upon the death of either of them, then to the survivor of them in FEE SIMPLE, together with every contingent remainder and right of reversion, and to the heirs and assigns of said survivor.

THIS CONVEYANCE is made pursuant to Official Code of Georgia Section 44-6-190, and it is the intention of the parties hereto to hereby create in Grantees a joint tenancy estate with right of survivorship and not as tenants in common.

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 hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Wanda Abouch
Witness
Kim Seller
Notary Public
My commission expires:



Dean B. Waters (Seal)
DEAN B. WATERS
Leigh A. Waters (Seal)
LEIGH A. WATERS

CHEROKEE COUNTY, GA.
REAL ESTATE TRANSFER TAX
PAID 50.00
DATE February 26, 2001
Anne M. Resau
CLERK OF SUPERIOR COURT

BK PG
4465 065

EXHIBIT "A"

All that tract or parcel of land lying and being in Land Lot 289 of the 2nd District, 2nd Section, Cherokee County, Georgia, being 0.95 acre as shown on plat of survey prepared by Wikle Land Surveying, Inc., bearing the seal of Ron R. Wikle, Georgia RLS dated July 24, 1997, said plat being incorporated herein by reference thereto and said property being more particularly described as follows:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, begin at an iron pin located at the point of intersection of the West line of Land Lot 289 with the Westerly right of way of Georgia Highway 140 (Georgia Highway 140 having an 80 foot right of way); thence run in a Southeasterly direction along the Westerly right of way of Georgia Highway 140 a distance of 734.76 feet to an iron pin, said iron pin being the TRUE POINT OF BEGINNING; thence continuing in a Southeasterly direction along the Westerly right of way of Georgia Highway 140 the following courses and distances:
South 15 degrees 14' 45" East a distance of 48.88 feet to a point;
South 11 degrees 35' 25" East a distance of 54.12 feet to a point;
South 08 degrees 57' 45" East a distance of 56.91 feet to a point;
South 09 degrees 40' 00" East a distance of 38.44 feet to a point;
South 08 degrees 40' 20" East a distance of 44.73 feet to an iron pin; thence leaving said right of way South 88 degrees 32' 40" West a distance of 340.82 feet to an iron pin; thence North 50 degrees 02' 05" East a distance of 384.79 feet to an iron pin located on the West right of way of Georgia Highway No. 140 and being the True Point of Beginning.

F/0110751,Lingerfelt,des

Rec 2-27-2001

DONALD AND LINDA LINGERFECT



FIELD BOOK 38, PAGE 82, FILE 20913.

LEGEND:

- 1) I.P.S. - IRON PIN SET (85 R.)
- 2) I.P.V. - IRON PIN FOUND
- 3) L.L. - IRON LOT LINE
- 4) R.V. - REFORCING BAR
- 5) P.P. - POWER POLE
- 6) C. - CENTER LINE
- 7) R. - REFORCING BAR
- 8) P.P. - POWER POLE
- 9) N.P. - NAIL OR FORMERLY
- 10) --- - FENCE (APPROX. LOC.)
- 11) --- - OVERHEAD UTILITY LINE
- 12) S.L. - BUILDING LINE
- 13) D.E. - DRAINAGE EASEMENT
- 14) C.C. - CRUMP TOP
- 15)

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 35" PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

EQUIPMENT USED FOR MEASUREMENTS:
TOPCON GTS - 303, TOTAL STATION

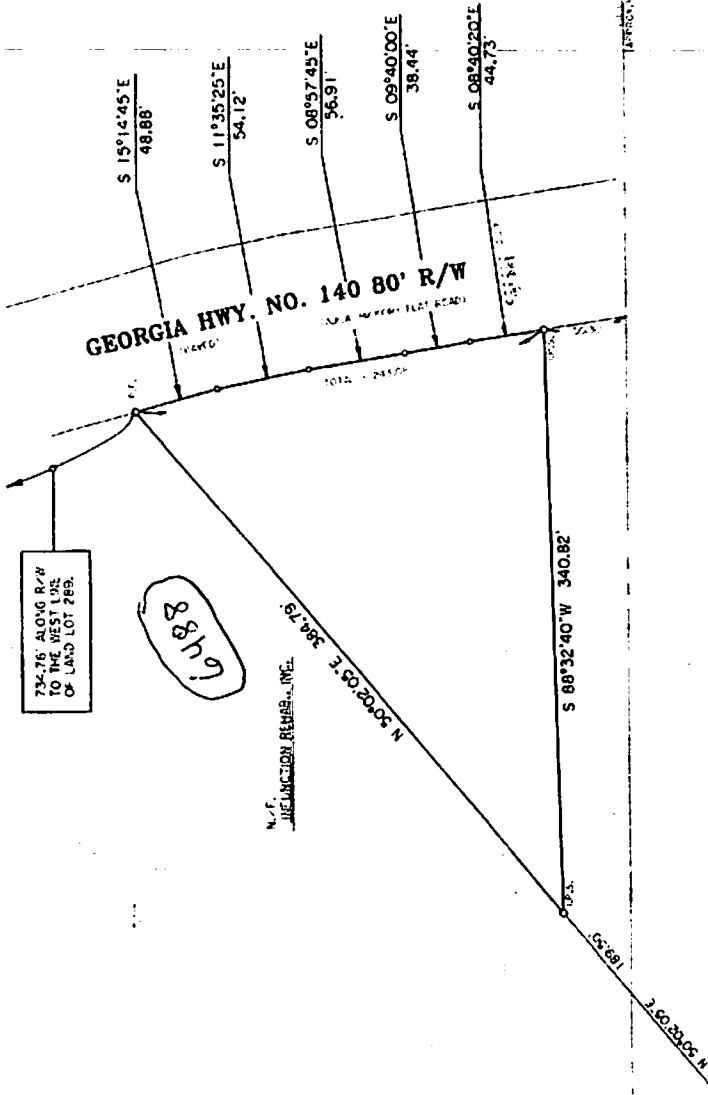
NOTES:

- 1) THIS PLAT IS SUBJECT TO ALL EASEMENTS AND RIGHTS OF WAY PRIVATE AND PUBLIC.
- 2) UNDERGROUND UTILITIES ARE NOT SHOWN.
- 3) REFERENCE: PLAT BOOK 10, PAGE 98.
- 4) REFERENCE: PLAT OF A SURVEY FOR "JUNCTION REHAB., INC. BY WRALE LAND SURVEYING INC. DATED OCT. 24, 1996, JOB 106-0913-101.C.
- 5)

734.76' ALONG R/W TO THE WEST LINE OF LAND LOT 289.

648.8

GEORGIA HWY. NO. 140 80' R/W



N.P. DONALD D. WILSON

LL 289

LL 360



AREA = 0.95 ACRE

ALL MATTERS OF TITLE ARE EXCEPTED

F.L.A. OFFICIAL FLOOD HAZARD MAP
COMMUNITY NO. 13022, PAGE 285.
FLOOD HAZARD ZONE
PROPERTY IS NOT IN AN AREA
HAVING SPECIAL FLOOD HAZARDS.

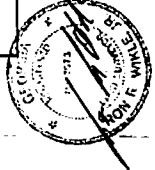
LOT SURVEY FOR:
GENE WATERS

LOCATED IN LAND LOTS: 289
DISTRICT - 2, SECTION - 2
CHEROKEE COUNTY, GEORGIA

PREPARED: JULY 24, 1997
SCALE: 1" = 50'

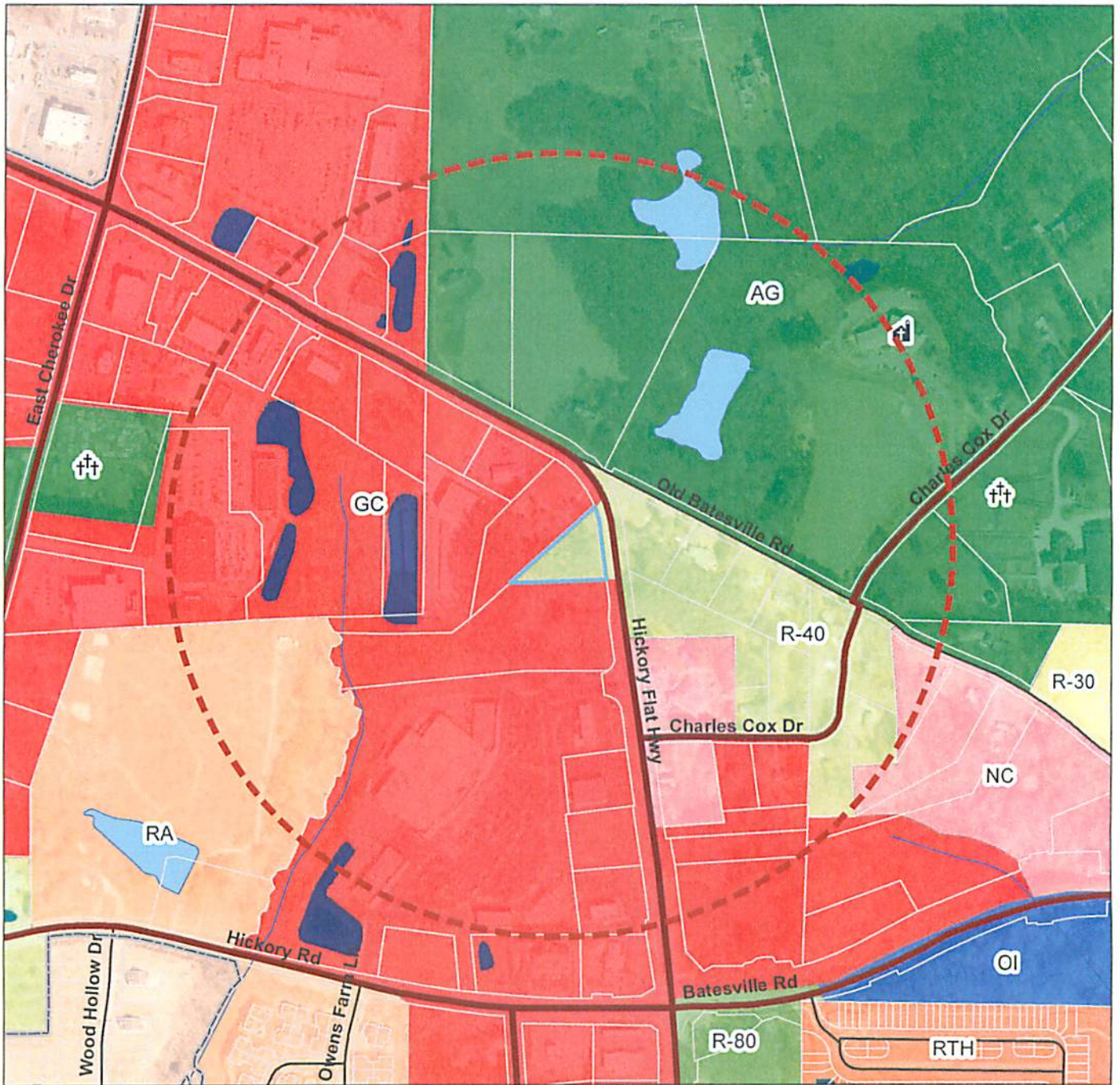
BY: WRALE LAND SURVEYING, INC.
10100 W. WINDY HILL RD.
CANTON, GEORGIA 30114
PHONE: (770) 470-8344
FAX: (770) 470-8344

WRALE LAND SURVEYING, INC.
470-8344
SINCE 1984



JOB NO. 97-0913-68C

Case # 17-12-029 Donald and Linda Lingerfelt
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 | |



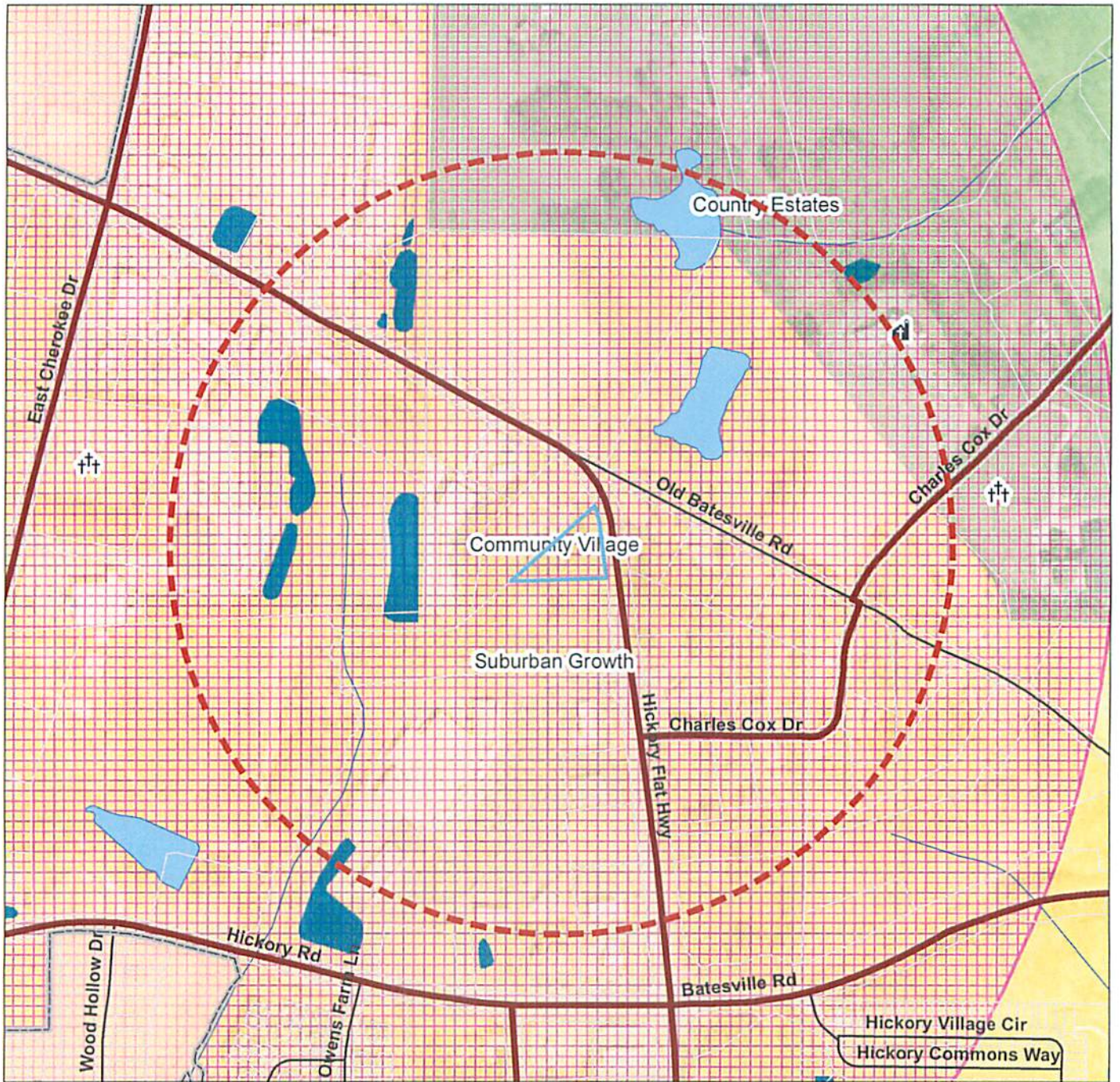
This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



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



Case # 17-12-029 Donald and Linda Lingerfelt
 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 | Waleka |
| 100 Year Flood Zone | Transitional Corridor | Bells Ferry LCI | Woodstock |
| Detention Pond | Development Corridor | Urban Core | |
| | | Workplace Center | |
| | | Regional Center | |
| | | Waste Management | |



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



Results of Public Participation Meeting

These are the results of the meeting that took place in the community room of Fire Station 23 located at 7625 Vaughn Road Canton, Ga. 30115 from 6:30 to 8:30 p.m. on Tuesday, October 24, 2017

There were two participants that came to the meeting; Tom Ware and Knox Wilmer.

During the meeting the two participants were shown the current Cherokee County zoning map of the area of the subject property where the adjoining properties were zoned General Commercial and the subject property was currently zoned R-40. We explained we were asking that the property be rezoned to General Commercial to bring this property in line with the zonings of the adjacent properties and that we were not going to develop the property.

A survey of the property was available to look at which showed the property has .95 of an acre. Another sheet showed the exact location of the property on Hickory Flat Highway (Hwy 140).

Both participants were asked if they had any questions or concerns and neither had any.





Cherokee County, Georgia
Agenda Request

Item#: 3.

SUBJECT: **Case #17-12-030 Matt Dahlhauser (BOC Dist. 1)**
MEETING DATE: 11/20/2017

SUBMITTED BY:
Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant seeks to rezone 1.80 acres at 8010 Cumming Hwy from NC to GC to allow for a drive thru for a quick service restaurant.

FACTS AND ISSUES:

Commission District: 1
Zoning Change: NC to GC
Location: 8010 Cumming Hwy
Tax Map and Parcel No: 03N10, 113
Acres: 1.80
Proposed Development: Quick Service Restaurant with drive thru
Future Development Map: Community Village

BUDGET:

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

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
<input type="checkbox"/> Zoning Case Summary	Exhibit
<input type="checkbox"/> Applicant Response Statement	Exhibit
<input type="checkbox"/> Legal Description	Exhibit
<input type="checkbox"/> Site Plan	Exhibit
<input type="checkbox"/> Zoning Map	Exhibit
<input type="checkbox"/> Future Development Map	Exhibit



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

ZONING CASE SUMMARY

Date: October 27, 2017

Project number: PL20170001265
Application Type: Rezoning
Application Name: Matt Dahlhauser

Contact Person: Matt Dahlhauser

Location:
113 (03N10 113)
8010 Cumming Hwy, Ball Ground, GA 30107

Acreage: 1.80

Comments: Applicant seeks to rezone from NC to GC to allow for a drive thru for a quick service restaurant. See Applicant Response Statement for additional information.

Current Zoning: NC
Current Land Use: Commercial
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**.

September 15, 2017

RE: Section V Written Narrative of Rezoning Application

Dear Cherokee County,

The Applicant, Matt Dahlhauser, submits this narrative in regards to the related Rezoning application submitted herewith (the "Application") for the purpose of rezoning an approximately 1.8 acre tract (the "Property") located at East Cherokee Drive and GA Highway 20, a.k.a. Cumming Highway. The Property is currently zoned Neighborhood Commercial.

The Applicant requests a rezoning of the property to General Commercial to allow for a drive thru for a quick service restaurant. The applicants proposed zoning falls in line with what the properties in the surrounding area along the GA Highway 20 commercial corridor are currently zoned. The site is not large enough to allow a development with enough density to have an adverse impact on traffic and additionally, will not have an excessive impact on the school system, streets, utilities or transportation facilities.

The General Commercial zoning does conform to the land use plan for the area and will allow for a more positive economic impact than its current zoning.

Sincerely,



Matt Dahlhauser

Deed Book **13409** Pg **175**

Filed 07/22/2015 03:14 PM

28-2015-024081

Transfer Tax 602.80

Patty Baker

Clerk of Superior Court Cherokee Cty, GA

Prepared by:
Walgreen Co.
Community and Real Estate Law Depart.
104 Wilmot Road MS1420
Deerfield, IL 60015
Attn: Dennis K. Lee

After Recording Please Return to:

Hughes White Kralicek, PC
2300 Windy Ridge Pkwy. SE, Suite 570 South
Atlanta, GA 30339
Phone: 770-692-2188

60337

Prior Instrument Reference: Book 7564 Page
367-Rec.12/10/2004
Canton

LIMITED WARRANTY DEED

THIS INDENTURE, made this 16th day of July 2015, by and between **WALGREEN CO., an Illinois corporation** (hereinafter referred to as "Grantor") and **CP WAGS North, LLC, a Georgia limited liability company**, (hereinafter referred to as "Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, successors and assigns where the context requires or permits).

WITNESSETH:

For and in consideration of the sum of Ten and No/100 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 are hereby acknowledged, Grantor has and hereby does grant, bargain, sell, alien, convey and confirm unto Grantee, and the legal representatives, successors, successors-in-title and assigns of Grantee, that tract or parcel of land lying and being located in Land Lot 806 of the 3rd District, 2nd Section of Cherokee County, Georgia as more particularly described on Exhibit A attached hereto and hereby made a part hereof.

TOGETHER with all the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining and all right, title and interest of Grantor, if any, in and to any land lying in the bed of any street, road or avenue, open, closed or proposed in front of or adjoining the Property, to the center line.

F:\legal\re-forms\lwdeed

To have and to hold said tract or parcel of land, together with any and all improvements located thereon, and any and all of the rights, members and appurtenances thereof to the same being, belonging or in anywise appertaining to the only proper use, benefit and behoof of Grantee and the legal representatives, successors, successors-in-title and assigns of Grantee, forever, in Fee Simple.

Said property is subject to the following matters: (i) general ad valorem real estate taxes and assessments not yet due and payable; (ii) current building codes, set back restrictions, zoning regulations and ordinances and other matters restricting the use of the Property, which have not been violated; (iii) matters done or suffered by or through the Grantee; and (iv) subject to those matters on Exhibit "B" attached hereto and made a part hereof.

The Grantor will warrant and forever defend the right and title to said land unto Grantee, subject only to the matters expressly set forth herein, against the claims of all persons claiming by, through or under Grantor.

[SIGNATURE PAGE FOLLOWS]

[COPY]

IN WITNESS WHEREOF, Grantor has caused this deed to be signed and delivered by its duly authorized representative as of the day and year first above written.

GRANTOR:

WALGREEN CO., an Illinois corporation

By: *[Signature]* Richard N. Steiner
Its: Director

Signed, sealed and delivered in the presence of:

Unofficial Witness

[Signature]
Print Name: Dennis K. Lee

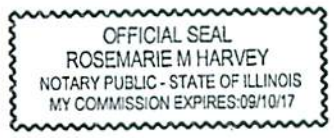
By: *Rosemarie M Harvey*

Notary Public

My Commission Expires: 9/10/17

[COPY]

[NOTARIAL SEAL]



**EXHIBIT A
LEGAL DESCRIPTION**

All that tract and parcel of land lying and being in Land Lot 806, 3rd District, 2nd Section of Cherokee County, Georgia which is more particularly described as follows:

Beginning at a point at the intersection of the Northern right-of-way of Georgia Highway 20 (100 foot right-of-way) and the Eastern right-of-way of East Cherokee Drive (80 foot right-of-way) said point being the POINT OF BEGINNING; thence from said point and along the Eastern right-of-way of East Cherokee Drive (80 foot right-of-way) North 00 degrees 58 minutes 08 seconds West a distance of 382.55 feet to a 1;2" rebar set; thence leaving said right-of-way, North 90 degrees 00 minutes 00 seconds East a distance of 184.82 feet to a Y:!" rebar set; thence South 22 degrees 53 minutes 48 seconds East a distance of 277.12 feet to a 1;2" rebar set on the Northern right-of-way of Georgia Highway 20 (100 foot right-of-way); thence along said right-of-way, South 66 degrees 58 minutes 03 seconds West a distance of 90.05 feet to a point; thence, continuing along said right-of way, South 65 degrees 39 minutes 23 seconds West a distance of 223.14 feet to a point; said point being the point of beginning.

Said property contains 1.80 acres 178,501 square feet and as shown on that certain "ALTAI ACSM Land Title Survey for Walgreen Co., Paradise Development, Inc. and Lawyers Title Insurance Corporation", dated April 16, 2004, last revised November 19, 2004, prepared by Julian D. Grace, Georgia Registered Land Surveyor No. 2679, said survey being incorporated herein by reference thereto.

TOGETHER WITH all right, title and interest in and to Sanitary Sewer Easement Agreement by and between WB Cherokee, LLC, a Georgia limited liability company, and Douglas E. Turner, dated September 24, 2001, filed October 1, 2001, and recorded in Deed Book 4787, Page 126, Cherokee County, Georgia Records, insofar as said Sanitary Sewer Easement Agreement benefits the above described property conveyed hereby and does not exclude the rights of Grantor or Grantor's successors and assigns to the use and benefit of the said Sanitary Sewer Easement Agreement with regard to the remainder of Grantor's property not conveyed hereby and described in the said Sanitary Sewer Easement Agreement.

F:\legal\re-forms\lw\deed

EXHIBIT "B"

PERMITTED EXCEPTIONS

1. Easement as contained within Right of Way Deed from R.F. Williams and H.A. Pinyan, in favor of Cherokee County, dated September 16, 1965, and recorded in Deed Book 82, Page 236, records of the Clerk of Superior Court of Cherokee County, Georgia.
2. Conveyance of Access Rights from R.F. and Sarah P. Williams, in favor of Department of Transportation, State of Georgia, dated June 3, 1991, and recorded in Deed Book 1010, Page 200, aforesaid records
3. Reciprocal Easement Agreement with Covenants, Conditions, and Restrictions by and between Douglas E. Turner and Walgreen Co., an Illinois corporation, dated December 9, 2004, filed December 10, 2004, and recorded in Deed Book 7564, Page 371, aforesaid records.
4. Matters disclosed by an ALTA/ACSM survey of the Property prepared by Watts & Browning Engineers, Inc., dated March 13, 2015, under Job No.150307.

[COPY]

PT-61 (Rev. 11/04) To be filed in **CHEROKEE COUNTY** PT-61 028-2015-006906

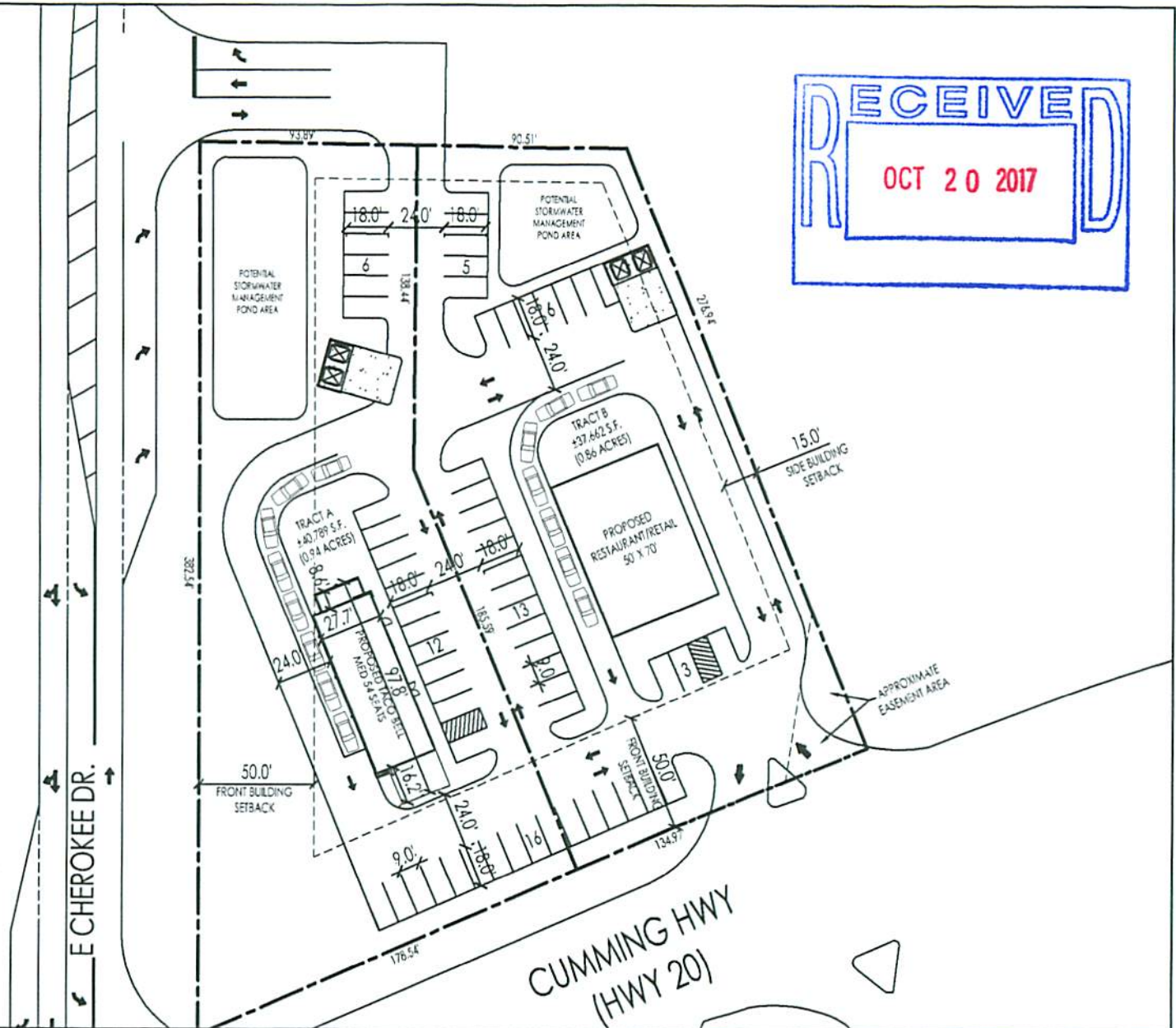
SECTION A – SELLER'S INFORMATION (Do not use agent's Information)			SECTION C – TAX COMPUTATION		
SELLER'S BUSINESS / ORGANIZATION / OTHER NAME WALGREEN CO.			Exempt Code If no exempt code enter NONE		NONE
MAILING ADDRESS (STREET & NUMBER) 104 Wilmont Road MS#1420			1. Actual Value of consideration received by seller Complete Line 1A if actual value unknown		\$602,740.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Deerfield, IL 60015 USA		DATE OF SALE 7/20/2015	1A. Estimated fair market value of Real and Personal property		\$0.00
SECTION B – BUYER'S INFORMATION (Do not use agent's Information)			2. Fair market value of Personal Property only		\$0.00
BUYERS'S BUSINESS / ORGANIZATION / OTHER NAME CP WAGS North, LLC			3. Amount of liens and encumbrances not removed by transfer		\$0.00
MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes) 6230 River Chase Circle			4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		\$602,740.00
CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY Atlanta, GA 30328 USA		Check Buyers Intended Use () Residential () Commercial () Agricultural () Industrial	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)		\$602.80
SECTION D – PROPERTY INFORMATION (Location of Property (Street, Route, Hwy, etc))					
HOUSE NUMBER & EXTENSION (ex 265A)		PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION			SUITE NUMBER
COUNTY CHEROKEE		CITY (IF APPLICABLE)		MAP & PARCEL NUMBER 03N10-113	ACCOUNT NUMBER
TAX DISTRICT	GMD	LAND DISTRICT 3rd	ACRES	LAND LOT 806	SUB LOT & BLOCK
SECTION E – RECORDING INFORMATION (Official Use Only)					
DATE	DEED BOOK	DEED PAGE	PLAT BOOK	PLAT PAGE	

ADDITIONAL BUYERS
None

AFTER RECORDING RETURN TO:
Frank J. Kralicek
Hughes White Kralicek, P.C.
2300 Windy Ridge Pkwy, Suite 570 South
Atlanta, Georgia 30339-5665

60337

[COPY]

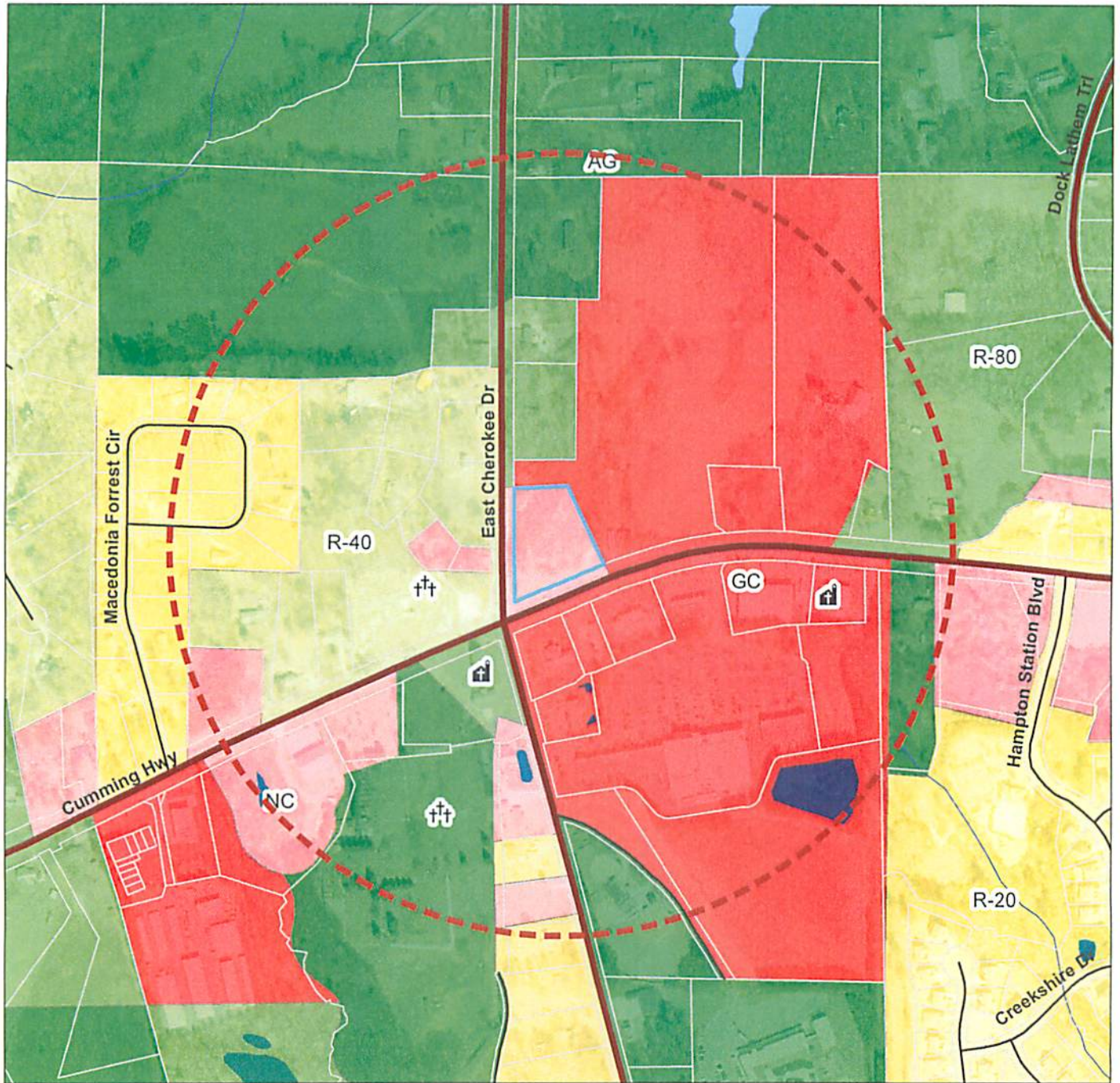


Carter Engineering Consultants, Inc.
3651 Mars Hill Road, Suite 2000
Watkinsville, GA 30677

P: 770.725.1200
F: 770.725.1204
www.carterengineering.net

CONCEPT PLAN CANTON (MACEDONIA), GEORGIA 61 SPACES, SCALE: NTS

Case # 17-12-030 CP Wags North, LLC Matt Dahlhauser
Zoning Map



Legend

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

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

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

- Ball Ground
- Canton
- Holly Springs
- Mountain Park
- Nelson
- Waleska
- Woodstock



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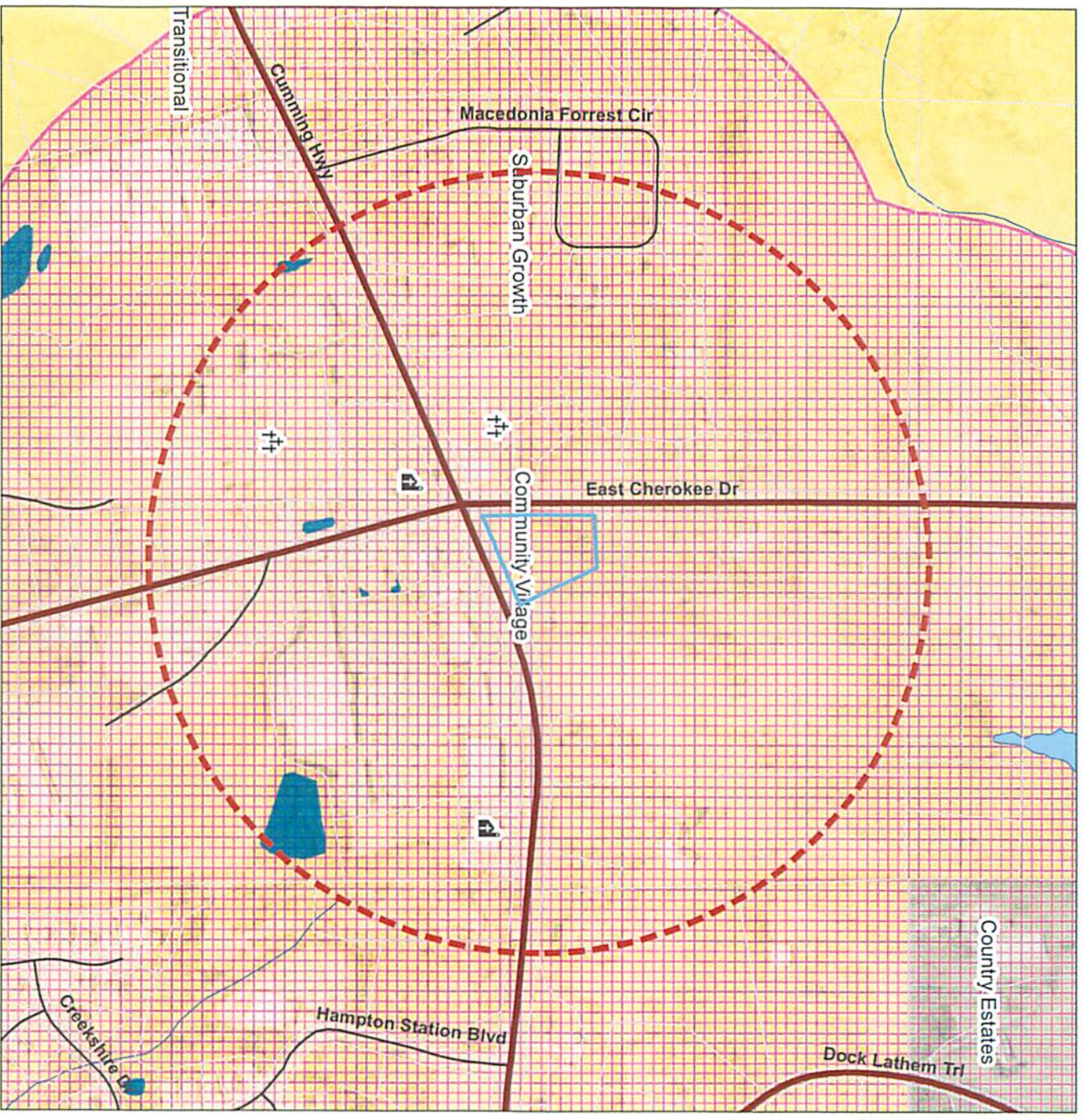


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
31 October 2017



Case # 17-12-030 CP Wags North, LLC Matt Dahlhauser

Future Development Map



Legend

- | | | | |
|--|------------------------|--|--------------------------|
| | Rezoning Parcel | | Development Nodes |
| | 1/4 Mile Radius | | County Crossroads |
| | School | | Hamlet |
| | Church | | Neighborhood Village |
| | Cemetery | | Community Village |
| | Parcel | | Corridors |
| | 100 Year Flood Zone | | Scenic Corridor |
| | Detention Pond | | Transitional Corridor |
| | | | Development Corridor |
| | | | Natural Preserve |
| | | | Rural Places |
| | | | County Estates |
| | | | Suburban Growth |
| | | | Suburban Living |
| | | | Neighborhood Living |
| | | | Ball Ground |
| | | | Canton |
| | | | Holly Springs |
| | | | Mountain Park |
| | | | Nelson |
| | | | Waleska |
| | | | Woodstock |
| | | | Urban Core |
| | | | Workplace Center |
| | | | Regional Center |
| | | | Waste Management |



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Planning and Land Use
Canton, Georgia
31 October 2017

