



Cherokee County Planning Commission Public Hearing AGENDA

June 6, 2017
Cherokee Hall 7:00 PM

CALL TO ORDER

ZONING CASES

1. Case #17-05-016 Landman Partners, LLC (BOC Dist. 4)

Applicant is requesting to rezone 22.08 +/- acres on Woodstock Road from R-40 to RZL for single family detached residences. The applicant is also requesting a variance from Article 7, Section 7.4-2(c) to increase the distance against the lot line on one side of a lot from 0 feet to 5 feet; and a variance from Article 7, Section 7.4-2(d) to decrease the distance against the lot line on one side of a lot from 10 feet to 5 feet.

Applicant has requested this application be postponed until July 11, 2017 Planning Commission Public Hearing

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

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

3. Case #17-04-013 R. Venture, LLC (BOC Dist. 1)

Applicant is requesting to rezone 54.61 +/- acres at Jessie Lane, Owens Store Road and Old Orange Mill Road from AG to R-30 for a single family residential subdivision.

4. Case #17-05-014 Wyatt Wilkie (BOC Dist. 1)

Applicant is requesting to rezone 11.28 acres on Ball Ground Road from GC to AG for residential uses.

5. Case #17-06-017 The Pacific Group (BOC Dist. 2)

Applicant is requesting to rezone 4.98 acres at 3884 Hickory Road from AG to R-30 for a minor subdivision.

6. Case #17-06-018 GRT Therapy, LLC (BOC Dist. 2)

Applicant is requesting to rezone 4.51 acres at 9880 Hickory Flat Highway from R-40 to OI for a pediatric therapy office/clinic.

7. Case #17-06-019 Aaron Properties, LLC (BOC Dist. 4)

Applicant is requesting to rezone 3.246 acres on Old Alabama Road from R-40 to LI for development of a warehouse.

OTHER BUSINESS

1. Public Hearing before the Planning Commission for proposed amendments to Article 18 of Cherokee County Zoning Ordinance

A Public Hearing before the Planning Commission to hear proposed changes to Article 18 of the Zoning Ordinance at their June 6, 2017 meeting at 7:00 p.m.

APPROVAL OF MINUTES

1. April 17, 2017 Work Session Minutes

2. May 2, 2017 Minutes

ADJOURN



Cherokee County, Georgia Agenda Request

Item#: 1.

SUBJECT:

**Case #17-05-016 Landman Partners, LLC
(BOC Dist. 4)**

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 22.08 +/- acres on Woodstock Road from R-40 to RZL for single family detached residences. The applicant is also requesting a variance from Article 7, Section 7.4-2(c) to increase the distance against the lot line on one side of a lot from 0 feet to 5 feet; and a variance from Article 7, Section 7.4-2(d) to decrease the distance against the lot line on one side of a lot from 10 feet to 5 feet.

Applicant has requested this application be postponed until July 11, 2017 Planning Commission Public Hearing

FACTS AND ISSUES:

Commission District: 4

Zoning Change: R-40 to RZL

Location: Woodstock Road

Tax Map and Parcel No: 21N11, 112, 113, 114, 115 and 115B

Acres: 22.08 +/-

Proposed Development: Single Family Detached Residences

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
☐ Postponement Letter	Exhibit
☐ Staff Report	Exhibit
☐ Application	Exhibit
☐ Legal Description	Exhibit
☐ Site Plan	Exhibit
☐ Survey	Exhibit
☐ Zoning Map	Exhibit

- ▣ Future Development Map
- ▣ PP Report

Exhibit
Exhibit

Rhonda L Hilliard

ENTERED
5/17/17

From: Vicki Taylor Lee
Sent: Wednesday, May 17, 2017 12:53 PM
To: Rhonda L Hilliard
Subject: Fwd: Woodstock Rd.



Here's the exchange

Vicki Taylor Lee, AICP
Zoning Administrator
Land Use Management

Sent from my iPhone

Begin forwarded message:

From: Vicki Taylor Lee <vtaylor@cherokeega.com>
Date: May 16, 2017 at 4:54:29 PM EDT
To: Doyle Rabren <drabren@gmail.com>
Subject: RE: Woodstock Rd.

However, I will let them know that you do not want to be heard on June 6th for RZL zoning, but continued until July 11th so that you can submit an R-15 plan.

No changes can be made after the work session, so we will need an opportunity to review the changes and get a new report before the June 19th work session in order to be heard on July 11th.

Vicki Taylor Lee, AICP

From: Doyle Rabren [<mailto:drabren@gmail.com>]
Sent: Tuesday, May 16, 2017 4:04 PM
To: Vicki Taylor Lee <vtaylor@cherokeega.com>
Subject: Woodstock Rd.

Hello Vickie-

Please table our zoning meeting tonight for 30 days. Since we will not get approval for RZL we will need to do a layout for R15.

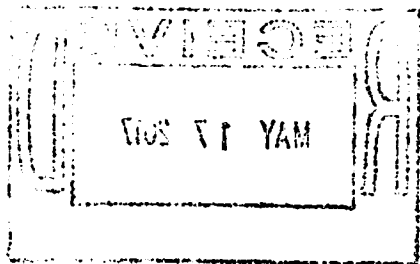
Thank you and have a good evening.

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Best regards,

Doyle Rabren
770.862.3030

ENTERED





Staff Report

Case No: 17-05-016

Applicant Name: Landman Partners, LLC.

Location: 6632, 6574, 6560 Woodstock Road and two unaddressed parcels (21N11, 112, 113, 114, 115, and 115B)

From/To: R-40 to RZL

Proposed Use: Single Family Residential

Commission Post: 4

	Existing Zoning	Existing Land Use
North	R-15 and R-20	Rural Residential
South	R-15	Rural Residential
East	R-20	Rural Residential
West	R-40	Rural Residential

Future Development Map

Character Area/Node/Corridor	
Suburban Living	Established residential neighborhoods with potential infill and redevelopment opportunities. Public water available, public sewerage available or planned; local public facilities.

Analysis and Comment

The subject parcels total approximately 22 acres and lie on the east side of Woodstock Road at Victory Drive. This applicant held the Public Participation Meeting on March 15, 2017. There were approximately 30 people in attendance. The petition is not consistent with the Future Development Map designation of Suburban Living.

The applicant has requested a side building setback variance as a part of the rezoning request. RZL requires each house to sit on a side property line while the other side be set back 10 feet. Applicant is requesting they be allowed to sit the homes 5 feet off the side lot lines.

1 Findings

1.1 Engineering Department

- Attached

1.2 Cherokee County Water and Sewerage Authority

- CCWSA stated there is an 8 inch water line available and adequate for this project. In addition, the site already has sewer and there is capacity available.

1.3 Cherokee County Board of Education

- The Board of Education estimates 58 students from the planned 80 lots. However, this is an age targeted community and would most likely produce less than that number.

1.4 Fire Marshal's Office

-

1.5 Sheriff's Office

-

Case # 17-05-016 - Community Agenda Analysis

Section 1 – Community Vision

Community	Woodstock Road, one mile northwest of the intersection of SR 92 and Bells Ferry Road
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Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

Applicant seeks to rezone from R-40 to RZL for 80 single-family detached homes.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Housing Choice	Project may add to the range of housing options in the area.
Aging in Place	Project is proposed as age targeted for people over 55 years of age.

Project Neutral

Diverse Economic Opportunities	During development, there may be a temporary increase in construction jobs. However, no long-term positive impact is anticipated.
Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
Designing with the Environment	No evidence of impact.
Preserve and Enhance Sense of Place	No evidence of impact.

Project Neglects

Section 3 – Character Area Description

Character Area	Suburban Living
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The intent of this Character Area is to support existing suburban development with compatible residential and commercial development. Suitable development in this area should be similar to the existing pattern of development in terms of size, scale, and lot density. Houses tend to be on modest sized lots within large scale residential developments. Suggested zoning districts are R-40, R-30, R-20, R-15, and RD-3. This project is not consistent with the Character Area.

Node or Corridor	n/a
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REZONING MEMORANDUM

Case Number: 17-05-016

Applicant: Landman Partners, LLC

Current Zoning: R-40

Proposed Zoning: RZL

● Transportation:

- **Primary Public Access** – The primary public access for the property in this application is Woodstock Road. Woodstock Road is currently a two-lane local roadway that is approximately 20-24 feet wide. The geometry of the roadway is generally good.
- **Planned Improvements** – There was a traffic study completed where the intersection of Woodstock Road and Victory Drive. It is in the long-term plans to reconstruct this intersection to a roundabout.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is an increase of 1,034 vehicles per day.

Zoning	Units	Trips Per Day
Current R-40	24 units	229
Proposed RZL	132 units	1,263

- **Development Related Improvements** – The applicant would need to apply for a residential entrance at the time of development. It is anticipated that the entrance would need a right-turn deceleration lane and possibly a left turn lane.

● Stormwater:

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

● Conclusion:

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

Cherokee County Water & Sewerage Authority

Applicant: **LANDMAN PARTNERS, LLC**
Re-Zoning Case No.: **17-05-016**
Present Zoning: **R-40**
Proposed Zoning: **RZL**
Tax Map: **21N11**
Parcel No.: **112,113,114,115, & 115B**

Water

- 1) Is Water Available at Development: YES ☒ NO ☐
- 2) Size of Existing Water Line (If Available): **8"**
- 3) Is there Adequate Water Pressure for the Additional Fire Protection that may be Required for the New Project: YES ☐ NO ☐
Additional Comments: **DETERMINED BY FLOW TEST**
- 4) Is Existing Water Line Adequate for Project, If not what size will be Required: YES ☒ NO ☐
- 5) What are the Future Plans for Expansion of Water Lines and Give Approximate Time Table: **NONE**

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

Sewer

- 1) Is Sewer Available to the Project: YES ☒ NO ☐
- 2) How far from the Proposed Development are the Nearest Sewer Lines: **On Site**
- 3) Approximate Length of Time Before Sewer Line will be Reasonably Assessable to Development: **TBD**
- 4) Estimated Waste Generation: **32,000** ADF **115,200** PEAK
- 5) Treatment Plant: **Rose Creek/Fitz Creek WPCP**
- 6) Plant Capacity: Available ☒ Not Available ☐
- 7) Line Capacity: Available ☒ Not Available ☐
- 8) Projected Plant Availability: 0-5 Years ☒ 5-10 Years ☐ 10+ Years ☐
- 9) Additional Comments:

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

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

X

Plant Capacity Comments:

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

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



Rezoning Case Impact Report

Jurisdiction		Rezoning Case Number		Applicant Name	
Cherokee County		17-05-016		Landman Partners, LLC	
Acreage	Number of Lots	Current Zoning		Proposed Zoning	Housing Type
22.08	80	R-40		RZL	Single Family Residential
Estimated Student Impact ⁽¹⁾		Additional Capacity Needed		Additional Capacity Cost ⁽²⁾	Annual Student Cost ⁽³⁾
58	Students	3	Classroom(s)	\$79,090.91	\$414,758.00
Planning Commission Meeting Date		County Commission/City Council Meeting Date			Map and Parcel
5/2/2017		5/16/2017			21N11/112,113,114,115,115B
Property Description					
Suburban Living					

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Oak Grove ES	512	775	66.06%
Middle School	MS Enrollment	MS Capacity	% Capacity
E.T. Booth MS	1763	1663	106.01%
High School	HS Enrollment	HS Capacity	% Capacity
Etowah HS	2381	3175	74.99%

All Enrollment and Capacities are based on the last published Cherokee County Inventory of School Housing (CCISH) Numbers

It is the position of CCSD that all developers should attempt to mitigate as much of the impact of their proposed development as possible. In every such case, the district designates a minimum contribution expected to help provide adequate facilities for the school age children who will occupy the residences in the development.

Please recommend to all Residential Zoning applicants to contact Mitch Hamilton at 770-721-8429 to discuss mitigation of their subdivision prior to appearing before the Zoning Board. If the applicant cannot meet during that time period, we request that the Zoning Board put a condition on the zoning so they must meet with Mr. Hamilton prior to the City Council/County Commission Meeting.

The 2014 estimated cost for building an elementary school is 22 to 27 million dollars, middle school is 35 to 40 million, and the cost of building a high school is 55 to 60 million dollars.

(1) - All increases to student enrollment should be considered cumulative in nature. All recent cases will impact the affected Schools. The School District may have to transport the students of any given development to an alternate district due to over-enrollment.

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

(3) - Annual Cost is calculated using the 2013 General Fund Operating Expenditure cost per pupil of \$7,151.00, and does not count for inflation.



DR. BRIAN V. HIGHTOWER
Superintendent of Schools

KYLA CROMER
School Board Chair

PATSY JORDAN
School Board Vice-Chair

MIKE CHAPMAN

JOHN HARMON

CLARK MENARD

KELLY POOLE

ROBERT RECHSTEINER

12 April 2017

Landman Partners, LLC
2295 Towne Lake Pkwy., Ste 116-323
Woodstock, GA 30189

Dear Landman Partners, LLC:

The Cherokee County School District's Office of School Support, Construction and Facility Management is in receipt of your zoning application 17-05-016 requesting the rezoning of 22.08 acres from R 40 to RZL for construction of 80 residential units. Please reference the attached zoning impact report for details on the projected effect of your proposed development on CCSD enrollment.

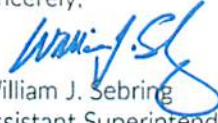
It is the position of the School District that all developers should attempt to voluntarily mitigate the impact of their proposed development. In every such case, the District designates a minimum contribution to help provide adequate facilities for the school age children who will occupy the residences in the development. A meeting between the School District and the property developer is requested prior to the zoning hearing in order to discuss the impact of your proposed development on area schools as well as a consistent donation to mitigate the impact on the School District.

Over a decade of rapid growth and development has increased the overall population of Cherokee County, placing a strain on infrastructure and public safety. These same developments have an impact on School District facilities as well. The School District strives to be proactive in establishing new schools to open when and where they are most needed. Given the explosive growth of the past decade, rising budget constraints, and un-funded or under-funded State mandates, achieving this objective continues to be a formidable task. The School District relies on donations provided by developers to help obtain additional property to construct schools, or to purchase/relocate portable classrooms to provide temporary relief for overcrowding and offset the costs while a more permanent solution is developed. It is the School District's belief that your willingness to voluntarily address and mitigate the logical consequences of your proposed development will promote the value and marketability of your development by providing adequate school facilities for the new residents of your development.

In cases where no agreement can be reached, the School District can make no guarantee that the proposed development will remain in the same school boundary area. All school boundaries are evaluated annually for overcrowding concerns during the annual Boundary Focus Group (BFG) Process.

Please contact my office at your earliest convenience to arrange an appointment and discuss the impact of your proposed development, as well as any possible mitigation.

Sincerely,



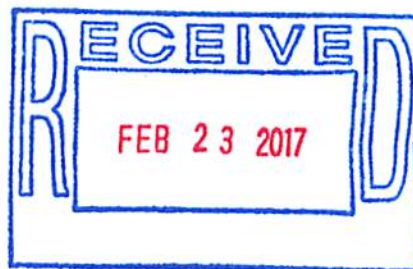
William J. Sebring
Assistant Superintendent
Support Services and Construction/Facilities Management

WJS:dm
Attachment

cc: Dr. Brian V. Hightower, Superintendent of Schools
Trey Olson, Deputy Superintendent, School Operations, Programs
and Support
Mitch Hamilton, Coordinator, Planning/Facilities
Cherokee County Board of Commissioners
Cherokee County Planning Commission



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: J. Ethan Underwood Phone: 770-781-4100
Email: eunderwood@mhtlegal.com

Applicant's Information:

Name: Landman Partners, LLC

Address: 2295 Towne Lake Pkwy., Ste. 116-323 Phone: 770-781-4100

City, State, Zip: Woodstock, GA, 30189

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

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

☒ Rezoning

☐ Amendment / Modification of Zoning

☒ Variance / Appeal

☐ Other: _____

STAFF USE ONLY:

Commission District: 4

Case: 17-05-016

CityView # PL 2017 0407

Received by: _____

Fee Paid: \$ 500.00

Date: 3/31/17

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 3/15/17

PC Work Session Date: 4/17/17

Planning Commission Hearing: 5/2/17

Board of Commissioners: 5/16/17

Zoning Board of Appeals: _____

Other: _____

SECTION II

Property Information:

Location: 6632, 6574, & 6560 Woodstock Rd.; 2-unaddressed parcels
0 Eagle Dr. off Woodstock Rd.

Current Zoning: R-40 Proposed Zoning: RZL Total Acreage: 22.08 ±

Tax Map #: 21 N 11 Parcel #: See attached Land Lot(s): 976 & 977 District: 21

112, 113, 114, 115, 115B
Future Development Map Designation: Suburban Living

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

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

1) Zone from R-40 to RZL

2) Variance for each lot to Zoning Ord. § 7.4-2(c) to increase the distance against the lot line on one side of a lot from 0 to 5 feet.

3) Variance for each lot to Zoning Ord. § 7.4-2(d) to decrease the distance against the lot line on one side of a lot from 10 to 5 feet.

Proposed Use(s) of Property:

80 single-family detached residences.

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, Doyle Rabren, 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 23 day of February, 2017.

Print Name Landman Partners LLC
Doyle Rabren

Applicant Signature Landman Partners LLC
Doyle Rabren

SECTION III

Infrastructure Information:

Is water available to this site? ☒ Yes ☐ No

Jurisdiction: Cherokee County Water & Sewer Authority

How is sewage from this site to be managed?

Subject Property will be served by sanitary sewer, connecting on Tax Map Parcel # 21N11 114.

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

If yes, what is the projected increase? 58 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	80	0.725	58
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? 766 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	80	9.57	766
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, 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: Landman Partners, LLC

Address: 2295 Townlake Pkwy 116-323 Phone: 770-862-3030

City, State, Zip: Woodstock, GA 30189

Property Owner's Information:

Name: Jeffrey L. Becklund

Address: P.O. Box 2011 Phone: 404-538-4040

City, State, Zip: Acworth, GA 30102

Signature of Owner: Jeffrey L. Becklund Date: 2/22/17

Print Name: Jeffrey L. Becklund

Sworn to and Subscribed before me this: 22nd day of February, 20 17.

Notary Signature: Cynthia L. Segers

(Notary Seal)



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: Landman Partners, LLC

Address: 2295 Town Lake Pkwy 116-323 Phone: 770-862-3030

City, State, Zip: Woodstock, GA 30189

Property Owner's Information:

Name: Linda V. Becklund

Address: P.O. Box 2011 Phone: 404-538-4040

City, State, Zip: Acworth, GA 30102

Signature of Owner: Linda V. Becklund Date: 2/22/17

Print Name: Linda V. Becklund

Sworn to and Subscribed before me this: 22nd day of February, 20 17.

Notary Signature: Cynthia L. Segers



AUTHORIZATION OF PROPERTY OWNER

I, Julia White, executrix, 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: Landman Partners, LLC
Address: 2295 Town Lake Pkwy 116-323 Phone: 770-862-3030
City, State, Zip: Woodstock GA 30189

Property Owner's Information:

Name: Estate of Frankie L. Sheppard executrix Julia White
Address: 78 Ambrose Dr. Phone: _____
City, State, Zip: Jasper, GA 30143
Signature of Owner: Frankie L. Sheppard Date: 2/02/17
Print Name: Estate of Frankie L. Sheppard executrix Julia White

Sworn to and Subscribed before me this: 23rd day of February, 2017.

Notary Signature: Cynthia L. Segers

(Notary Seal)



GEORGIA PROBATE COURT
STANDARD FORM

FILED IN OFFICE

This 6th day of June, 2006
at 2:05 P.M.

[Signature]
Clerk, Cherokee County Probate Court

STATE OF GEORGIA
COUNTY OF Cherokee

#2006-229

LETTERS TESTAMENTARY
(Relieved of Filing Returns)

By Kipling L. McVay, Judge of the Probate Court of said County.

KNOW ALL WHOM IT MAY CONCERN:

That on the 6th day of June, 2006, at a regular term of the Probate Court, the Last Will and Testament dated October 27, 2005 of Frankie Leon Sheppard a/k/a Frank Sheppard, deceased, at the time of his death a resident of said County, was legally proven in solemn form and was admitted to record by order, and it was further ordered that Julia "Judy" Denise White, named as Executor in said Will, be allowed to qualify, and that upon so doing, Letters Testamentary be issued to such Executor.

NOW THEREFORE, the said Julia "Judy" Denise White having taken the oath of office and complied with all the necessary prerequisites of the law, is legally authorized to discharge all the duties and exercise all the powers of Executor under the Will of said deceased, according to the Will and the law.

Given under my hand and official seal, the 6th day of June, 2006.

Kipling L. McVay
Kipling L. McVay
Judge, Cherokee County Probate Court

(SEAL)

Effective 7/87

GPCSF 24

J. Ethan Underwood
eunderwood@mhtlegal.com

APPLICANT RESPONSE STATEMENT/LETTER OF INTENT

Applicant:	Landman Partners, LLC
Subject Property:	22.08 Acres Designated as Cherokee County Tax Parcels: 21N11-114, 21N11-112, 21N11-113, 21N11-115, & 21N11-115B
Current Zoning:	Single Family Residential District (R-40)
Proposed Zoning:	Zero-Lot-Line Residential (RZL)
Proposed Use:	80 Single-Family Residential Units
ROW Access:	Woodstock Road

This statement is intended to comply with the application procedures established by the Zoning Ordinance of Cherokee County (the "Zoning Ordinance"), the Cherokee County Application for Public Hearing, and other Cherokee County Ordinances and Standards, and is otherwise intended as the Applicant Response Statement required thereby.

The Applicant incorporates all statements made in the Application for Public Hearing by the Applicant (the "Application"). Any zoning request, conditional use permit, and variance applications submitted concurrently with the Application are also incorporated herein by this reference. The Application sets forth a preliminary development plan for the Subject Property, to evaluate the proposed development and its zoning classification, based upon factors set forth by Cherokee County. The Applicant has provided all required information and has submitted the appropriate application fees. The requested Application meets all judicial and statutory requirements for approval.

1. Intent of the requested zoning.

The Applicant seeks a rezoning of the Subject Property for Dwellings, Zero-Lot-Line, pursuant to § 18.3-2 of the Zoning Ordinance. To accomplish this, the Applicant requests the Proposed Zoning and Proposed Use. The Applicant incorporates herein the statements contained in the Written Evaluation, submitted as part of the Application, to substantiate its zoning request.

The Subject Property is zoned R-40, to allow Single-Family Residential dwellings. The Applicant intends to develop an 80 Lot, age targeted residential subdivision on the subject property.

2. Whether the proposed use is suitable.

The Subject Property adjoins other properties zoned R-15 to the south, R-40 to the west, R-15 and R-20 to the north, and R-20 to the east. The Subject Property is surrounded by residential subdivisions on the same side of the Woodstock Road; as such a residential subdivision of greater intensity than allowed in the R-40 zoning category is in keeping with the surrounding properties. Moreover, an age targeted development will have less impact on public infrastructure than would a traditional residential neighborhood.

3. Whether the proposal will adversely affect area uses.

The Applicant believes the proposed project will enhance surrounding property values. Homes sales from the Proposed Use will bolster area property values, and be harmonious with the surrounding residential uses.

4. Whether the existing zoning has a reasonable economic use.

There is no reasonable use of the Subject Property under any other zoning classification than as requested by the Applicant and no resulting benefit to the public from designation to any other classification would accrue. This is evidenced by the fact that the Subject Property has not been developed while all surrounding lands on the east side of Woodstock Road have.

5. Whether the proposed use will excessively burden infrastructure.**(A) Public Road System**

Permanent access to the subdivision will be from the ROW Access. All of the development's interior streets will be privately-owned and maintained.

Traffic generated from the development will be minimal and access to public thoroughfares will be at a location where sight distance is sufficient. All curb cuts shall be coordinated and approved by Cherokee County and acceleration and deceleration lanes will be installed as required. All streets within the development will be constructed to conform to Cherokee County standards. Parking will be provided onsite as required by the Zoning Ordinance.

In addition, residents of age-targeted developments tend to drive more during off-peak hours, lessening the traffic burden than would be created by a traditional residential neighborhood.

(B) County School System

The Applicant does not anticipate there will be a major impact on the school system. The development is projected for planning purposes to produce approximately the number of new students within the Cherokee County School System as provided in the application submitted herewith; however, the Applicant anticipates this planning factor grossly overestimates the number of school-age children who would be living in this age-targeted development.

(E) County Water and Waste Water Systems

The community's water and sewer needs will be served by the Cherokee County Water and Sewer Authority.

(F) Utilities

With regard to public utilities, water, sanitary sewer, natural gas, electricity and cable are available to

the Subject Property. The impact on public utilities is anticipated to be minimal. The Applicant will install underground utility lines within the development to serve the project on an as-needed basis.

(G) Environmental Impact

The project should also have a minimal impact on the environment. There should be no impact on air quality. Drainage, soil erosion, and sedimentation controls will be extensively utilized on the site after obtaining all required approvals from the Soil Conservation Service and Cherokee County.

The Applicant will submit plans detailing the development for approval by the Cherokee Planning & Zoning, the Cherokee County Department of Engineering, the Cherokee County Water and Sewer Authority, the Cherokee County Health Department, and any other appropriate governmental agencies, based on conformity with subdivision and zoning requirements, as well as other ordinances, statutes and regulations.

6. Whether the proposed use is conforms to the Future Land Use Plan.

The Joint Comprehensive Plan for Cherokee County, Ball Ground and Waleska “(Comprehensive Plan)” and the Future Development Map incorporated therein designates the Subject Property as being located in the Suburban Living Character Area.

The Proposed Use conforms to the intent of the Comprehensive Plan and will facilitate the Zoning Ordinance’s intent to support “existing suburban development with compatible residential and commercial development.” The Proposed Use will be served by public water and public sewer with sufficient treatment capacity.

While the proposed density of 3.6 units per acre is slightly greater than called for in the Comprehensive Plan, the Proposed Use is not out of character for the area. The Proposed Use, being age targeted, would have less impact on traffic than other residential developments and will have little impact on the school system.

7. Whether existing or changing conditions support the proposed zoning.

The demand for age targeted housing has increased dramatically to satisfy the need for low-maintenance yards, with lots and homes designed for smaller family units. The Proposed Use will facilitate socialization of residents, as well as housing demand for the increasing population over 55 years of age.

8. Proposed variances.

The Applicant has requested the following concurrent variances:

- 1) Variance for each lot to Zoning Ord. § 7.4-2(c) to increase the distance against the lot line on one side of a lot from 0 to 5 feet.

- 2) Variance for each lot to Zoning Ord. § 7.4-2(d) to decrease the distance against the lot line on one side of a lot from 10 to 5 feet.

The subject property's shape, size, and topography substantially limit the buildable area of the subject property, and without a variance, the Zoning Ordinance mandates that units have one side façade located at the side property line. Approval of the proposed variances will allow shifting the property lines between structures to facilitate maintenance access of the owners to driveways and the sides of the individual homes.

Approval of the proposed variance will not contradict the intention of the Zoning Ordinance. The proposed variances will maintain the minimum required building separation of 10 feet.

The application of this particular provision of the Zoning Ordinance to the property, due to extraordinary and exceptional conditions pertaining to that property, creates an unnecessary hardship for the owners of the homes in that they will have difficulty accessing one side of their respective properties. Approval of the proposed variance would cause no detriment to the public and would be unnoticeable at completion of construction.

The variances requested is the minimum necessary to facilitate the proposed development and will have no adverse impact on adjoining property owners, including without limitation, supply of light and air to adjacent properties. The proposed variances will not impact congestion of public streets, increase the danger of fire, imperil the public safety, diminish or impair property values. Approval of the proposed variances will not cause or create a detriment to the health, safety, comfort, morals or welfare of the public, or be injurious to other property.

CONCLUSION

The Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

LEGAL DESCRIPTION

Landman Partners, LLC

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN CHEROKEE COUNTY, GEORGIA, AND BEING KNOWN AND DESIGNATED AS LOT 5 ON A PLAT OF SURVEY FOR BOYD W. SHEPPARD, DATED JUNE 10, 1977, AND RECORDED IN PLAT BOOK 13, PAGE 74, OF THE RECORDS OF THE CLERK OF THE SUPERIOR COURT OF CHEROKEE COUNTY, GEORGIA, AS WELL AS ALL IMPROVEMENTS THEREON.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 976 AND 977 OF THE 21ST DISTRICT, 2ND SECTION CHEROKEE COUNTY, GEORGIA BEING SHOWN AS LOT 6 ON A PLAT OF SURVEY RECORDED IN PLAT BOOK 13, PAGE 74 CHEROKEE COUNTY RECORDS WHICH PLAT IS INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

Lot 7 - PB 13/74

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 976 OF THE 21ST DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, BEING A TRACT CONTAINING 5.03 ACRES, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN, SAID IRON PIN BEING LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 976, 354.66 FEET EASTERLY FROM THE SOUTHWESTERLY CORNER OF LAND LOT 976; THENCE LEAVING THE SOUTHERLY LAND LOT LINE OF LAND LOT 976 AND ALONG THE ROAD RED OF OLD TYSON ROAD AND ALONG THE ARC OF A CURVE, SAID CURVE BEING SUBTENDED BY A CHORD LINE HAVING A MAGNETIC BEARING OF NORTH 23 DEGREES 41 MINUTES 23 SECONDS WEST, AN ARC DISTANCE OF 106.94 FEET AND A CHORD LENGTH OF 106.04 FEET TO A POINT LOCATED ON THE CENTER LINE OF OLD TYSON ROAD; THENCE ALONG THE CENTER LINE OF OLD TYSON ROAD NORTH 34 DEGREES 59 MINUTES 00 SECONDS WEST 54.08 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE, SAID CURVE BEING SUBTENDED BY A CHORD LINE HAVING A MAGNETIC BEARING OF NORTH 18 DEGREES 38 MINUTES 00 SECONDS WEST AN ARC DISTANCE OF 85.79 FEET AND A CHORD LENGTH OF 84.77 FEET TO A POINT; THENCE NORTH 00 DEGREES 34 MINUTES 00 SECONDS EAST 33.52 FEET TO A POINT; THENCE ALONG THE ARC OF A CURVE, SAID CURVE BEING SUBTENDED BY A MAGNETIC CHORD LINE HAVING A BEARING OF NORTH 12 DEGREES 05 MINUTES 00 SECONDS WEST AN ARC DISTANCE OF 49.71 FEET AND A CHORD LENGTH OF 48.84 FEET TO A POINT; THENCE NORTH 22 DEGREES 17 MINUTES 00 SECONDS WEST 106.30 FEET TO A POINT; THENCE NORTH 31 DEGREES 58 MINUTES 00 SECONDS WEST 130.85 FEET TO AN IRON PIN SET; THENCE NORTH 86 DEGREES 03 MINUTES 00 SECONDS WEST 131.89 FEET TO AN IRON PIN LOCATED ON THE EASTERLY RIGHT OF WAY OF

WOODSTOCK ROAD, (HAVING A 60 FOOT RIGHT OF WAY); THENCE ALONG THE EASTERLY RIGHT OF WAY OF WOODSTOCK ROAD NORTH 01 DEGREE 18 MINUTES 00 SECONDS WEST 30.13 FEET TO AN IRON PIN; THENCE LEAVING THE EASTERLY RIGHT OF WAY OF WOODSTOCK ROAD ALONG PROPERTY NOW OR FORMERLY OWNED BY JOYCE GRIER SOUTH 86 DEGREES 03 MINUTES 00 SECONDS EAST 159.64 FEET TO AN IRON PIN; THENCE SOUTH 42 DEGREES 17 MINUTES 00 SECONDS EAST 109.57 FEET TO AN IRON PIN; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 487.97 FEET TO AN IRON PIN LOCATED ADJACENT TO PROPERTY OWNED BY CHEROKEE COUNTY WATER AND SEWER AUTHORITY, OWL CREEK TREATMENT FACILITY; THENCE SOUTH 01 DEGREE 08 MINUTES 00 SECONDS WEST 465.37 FEET TO AN IRON PIN LOCATED ON THE SOUTHERLY LAND LOT LINE OF LAND LOT 976, AND ADJACENT TO A 80 FOOT OGLETHORPE POWER LINE EASEMENT AND PROPERTY NOW OR FORMERLY OWNED BY HOKE SMITH; THENCE NORTH 89 DEGREES 05 MINUTES 00 SECONDS WEST 359.36 FEET TO AN IRON PIN, AND THE POINT OF BEGINNING, BEING THE SAME PROPERTY AS SHOWN ON PLAT OF SURVEY PREPARED BY R. J. BREEDLOVE, SURVEYOR, DATED NOVEMBER 7, 1990.

TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 976 OF THE 21ST DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, BEING 2.01 ACRES AS SHOWN ON SURVEY FOR JEFF L. BECKLUND AND CINDY M. BECKLUND, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT AN IRON PIN LOCATED ON THE SOUTH LINE OF LAND LOT 976 A DISTANCE OF 714.02 FEET EASTERLY AS MEASURED ALONG THE SOUTH LINE OF LAND LOT 976 FROM THE SOUTHWEST CORNER OF LAND LOT 976; FROM SAID POINT OF BEGINNING THENCE LEAVE SAID LAND LOT LINE AND PROCEED NORTH 01 DEGREE, 08 MINUTES, 00 SECONDS EAST A DISTANCE OF 465.37 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 89 DEGREES, 05 MINUTES, 00 SECONDS EAST A DISTANCE OF 188.0 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 01 DEGREE, 08 MINUTES, 00 SECONDS WEST A DISTANCE OF 465.37 FEET TO AN IRON PIN LOCATED ON THE SOUTH LINE OF LAND LOT 976; THENCE PROCEED NORTH 89 DEGREES, 05 MINUTES, 00 SECONDS WEST ALONG THE SOUTH LINE OF LAND LOT 976 A DISTANCE OF 188.0 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING.

SAID PROPERTY CONTAINING 2.01 ACRES MORE OR LESS BEING MORE PARTICULARLY DESCRIBED BY PLAT OF SURVEY PREPARED BY A.O. CARLILE-LAND SURVEYOR FOR JEFF L. BECKLUND AND CINDY M. BECKLUND DATED MAY 7, 1999 WHICH PLAT OF SURVEY IS HEREBY INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE.

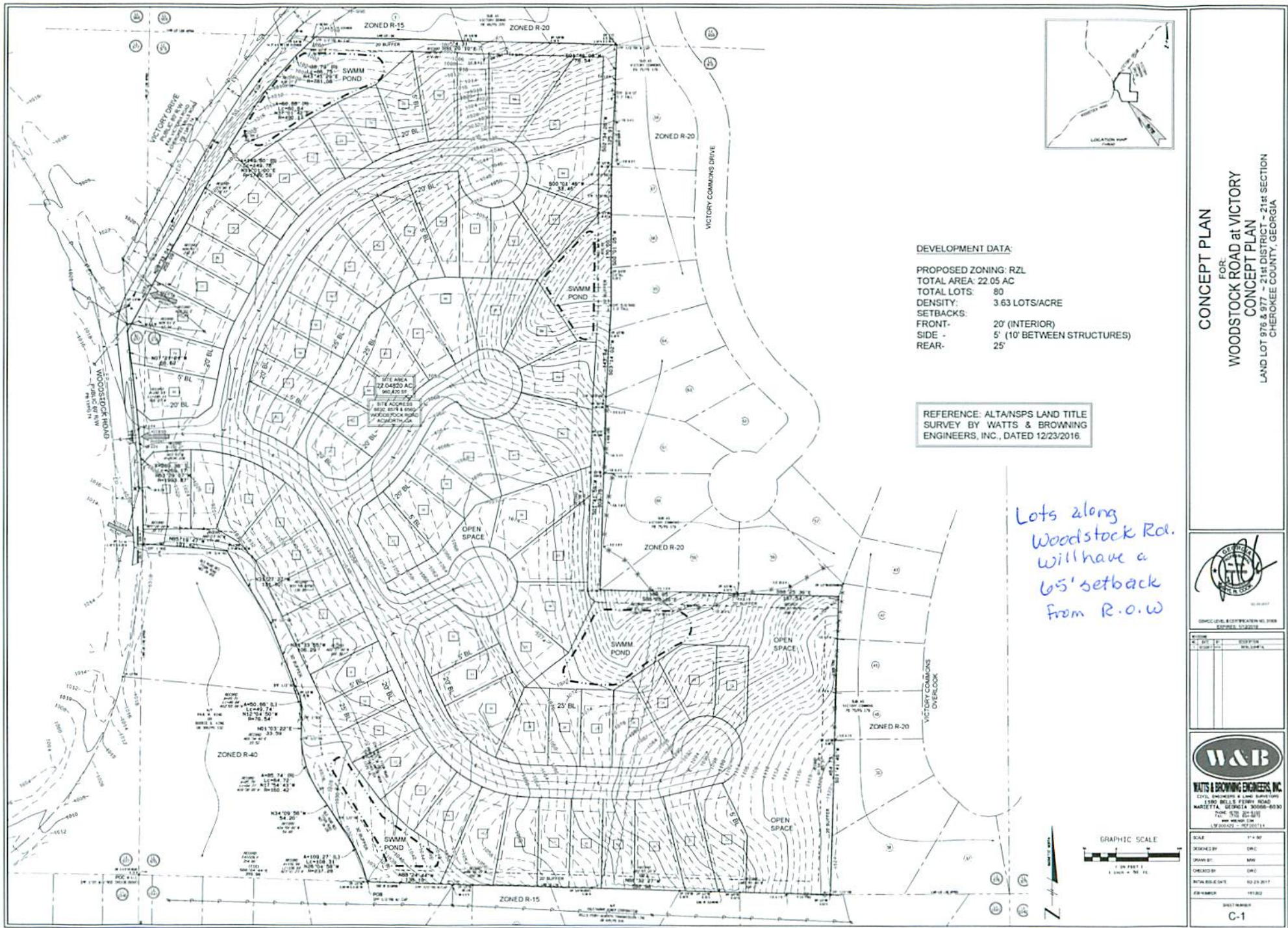
TOGETHER WITH THE FOLLOWING DESCRIBED PROPERTY:

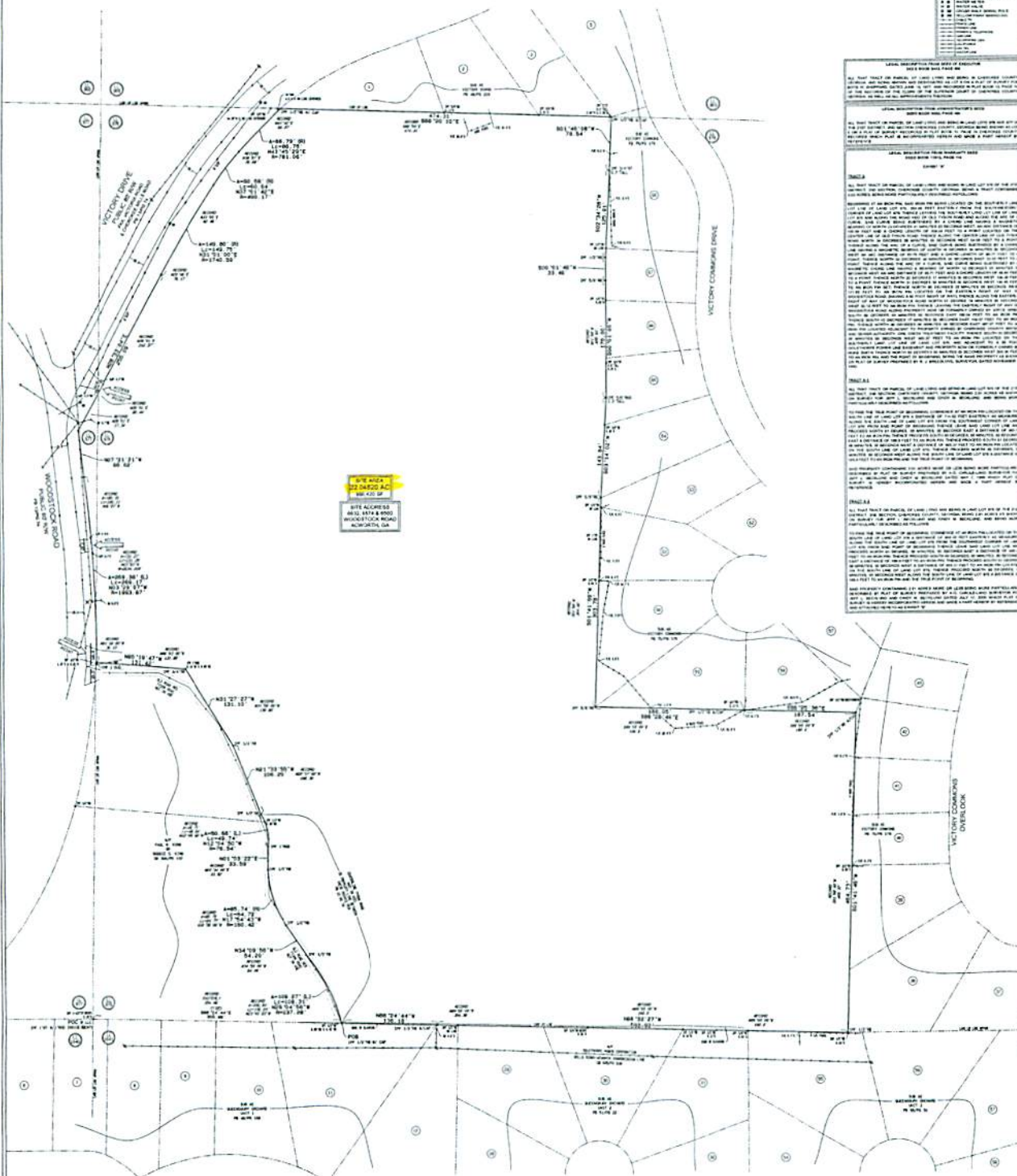
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 976 OF THE 21ST DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA, BEING 2.01 ACRES AS SHOWN ON SURVEY FOR JEFF L. BECKLUND AND CINDY M. BECKLUND, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT AN IRON PIN LOCATED ON THE SOUTH LINE OF LAND LOT 976 A DISTANCE OF 902.02 FEET EASTERLY AS MEASURED ALONG THE SOUTH LINE OF LAND LOT 976 FROM THE SOUTHWEST CORNER OF LAND LOT 976; FROM SAID POINT OF BEGINNING THENCE LEAVE SAID LAND LOT LINE AND PROCEED NORTH 01 DEGREE, 08 MINUTES, 00 SECONDS EAST A DISTANCE OF 465.37 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 89 DEGREES, 05 MINUTES, 00 SECONDS EAST A DISTANCE OF 188.0 FEET TO AN IRON PIN; THENCE PROCEED SOUTH 01 DEGREE, 08 MINUTES, 00 SECONDS WEST A DISTANCE OF 465.37 FEET TO AN IRON PIN LOCATED ON THE SOUTH LINE OF LAND LOT 976; THENCE PROCEED NORTH 89 DEGREES, 05 MINUTES, 00 SECONDS WEST ALONG THE SOUTH LINE OF LAND LOT 976 A DISTANCE OF 188.0 FEET TO AN IRON PIN AND THE TRUE POINT OF BEGINNING.

SAID PROPERTY CONTAINING 2.01 ACRES MORE OR LESS BEING MORE PARTICULARLY DESCRIBED BY PLAT OF SURVEY PREPARED BY A.O. CARLILE-LAND SURVEYOR FOR JEFF L. BECKLUND AND CINDY M. BECKLUND DATED JULY 17, 2000 WHICH PLAT OF SURVEY IS HEREBY INCORPORATED HEREIN AND MADE A PART HEREOF BY REFERENCE AND ATTACHED HERETO AS EXHIBIT "B".

This legal description is prepared solely for the purpose of facilitating a zoning application and should not be relied upon for any other purpose.





LARGE SCALE MAP OF THE AREA
SCALE 1:50,000

LEGEND

1. AREA OF INTEREST
2. AREA OF INTEREST
3. AREA OF INTEREST
4. AREA OF INTEREST
5. AREA OF INTEREST
6. AREA OF INTEREST
7. AREA OF INTEREST
8. AREA OF INTEREST
9. AREA OF INTEREST
10. AREA OF INTEREST

MAP

GRAPHIC SCALE
0 1000 METERS

1:50,000



TO : U.S. MARSHAL, S.W.

FROM :

THIS IS TO CERTIFY THAT THIS NAME ON PLIST WAS THE SUBJECT OF SEARCH OF 16 STATES
AND THAT AN INVESTIGATION OF THE YEAR 2010-2011 REVEALED AVERAGE OF 100%
OF THE PLIST WAS FOUND TO BE A FUGITIVE. THE PLIST WAS FOUND TO BE A FUGITIVE
ON 10/10/2011. THE PLIST WAS FOUND TO BE A FUGITIVE ON 10/10/2011.

THE PLIST WAS FOUND TO BE A FUGITIVE ON 10/10/2011.

DATE OF PLIST: 10/10/2011

[Signature]

NAME OF MARSHAL: MARSHAL U.S. MARSHAL SERVICE

APPROVED BY THE BOARD OF DIRECTORS, MARSHAL AND U.S. MARSHAL, ON
OCTOBER 10, 2011.

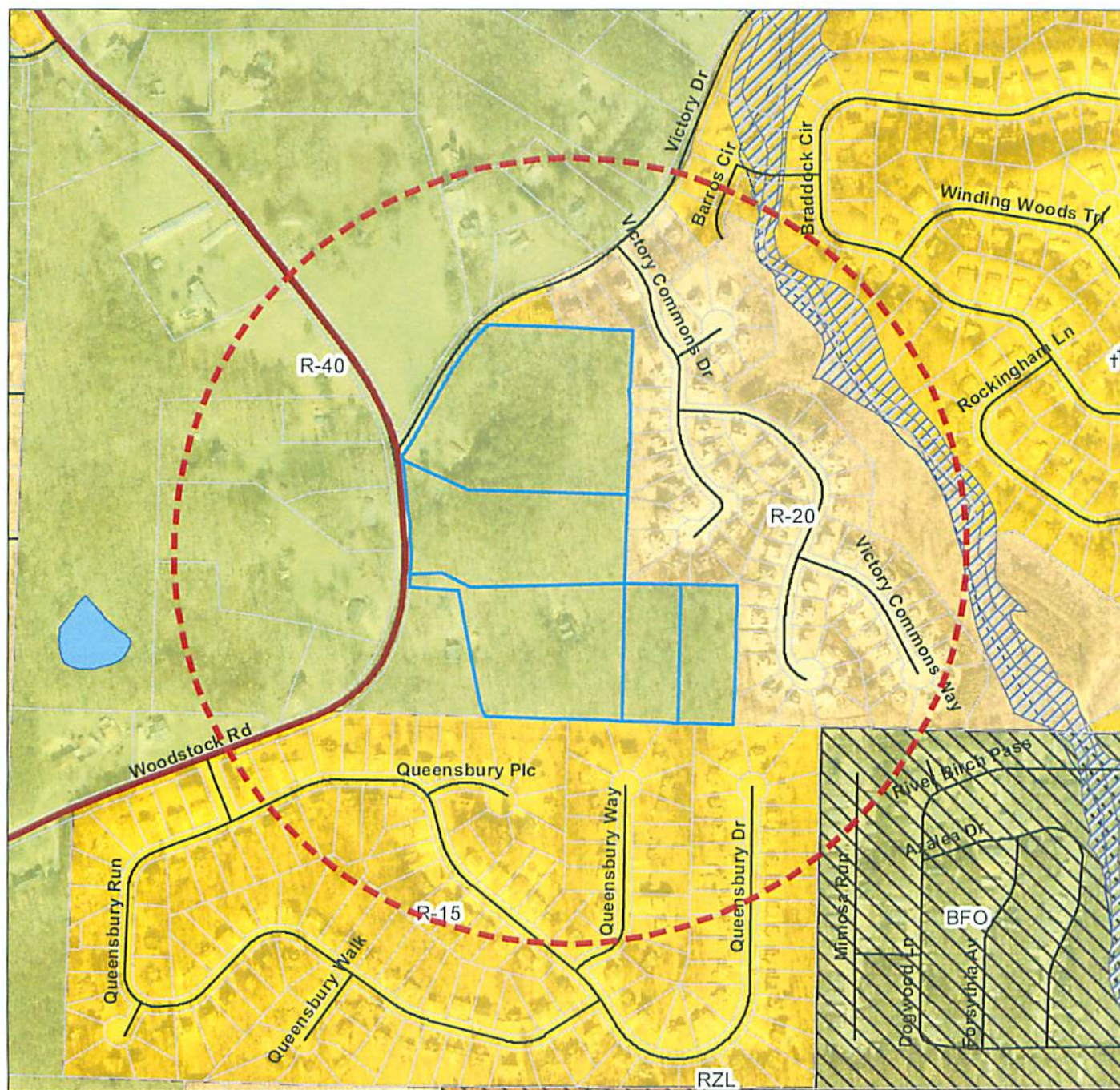
APPROVED BY THE BOARD OF DIRECTORS, MARSHAL AND U.S. MARSHAL, ON
OCTOBER 10, 2011.

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ALTA/NSPS LAND TITLE SURVEY FOR
D.R. HORTON
LOCATED IN
LAND LOTS 976 & 977
21ST DISTRICT, 2ND SECTION
CHEROKEE COUNTY, GEORGIA

Case # 17-05-016 Landman Partners, LLC

Zoning Map



Legend

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

Cherokee County Zoning

- AG
- R80
- R60
- R40
- R30
- R20
- R15
- RD3
- R10
- RZL
- RA

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



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

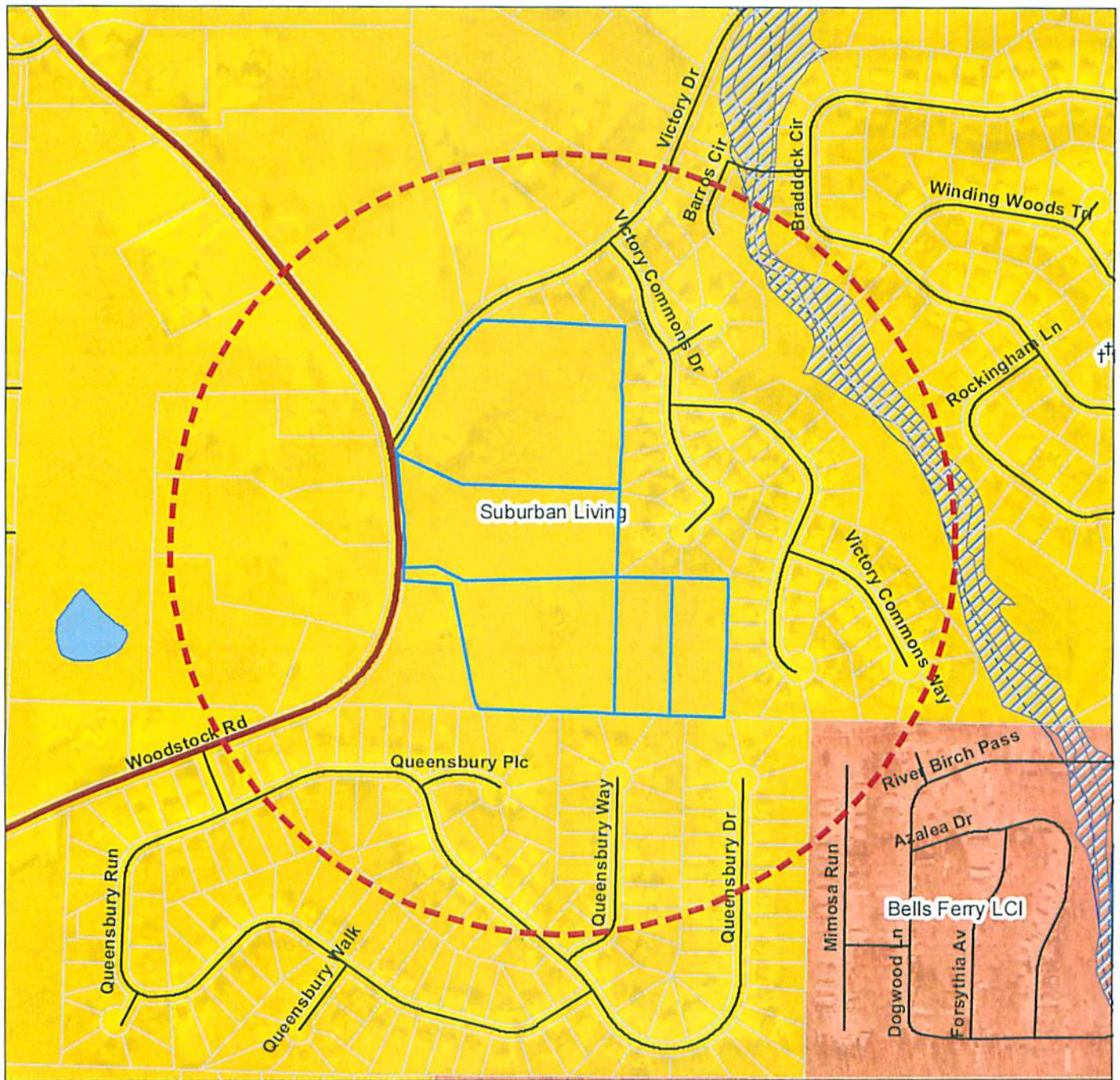


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
03 April 2017



Case # 17-05-016 Landman Partners, LLC

Future Development Map



Legend

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

Development Nodes Character Areas

- County Crossroads
- Hamlet
- Neighborhood Village
- Community Village
- Suburban Growth
- Suburban Living
- Neighborhood Living
- Bells Ferry LCI
- Urban Core
- Workplace Center
- Regional Center
- Waste Management
- Natural Preserve
- Rural Places
- Country Estates
- Scenic Corridor
- Transitional Corridor
- Development Corridor



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



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





**Miles Hansford
& Tallant, LLC**
ATTORNEYS AT LAW



2002 Triangle Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

J. Ethan Underwood
eunderwood@mhtlegal.com

**PUBLIC PARTICIPATION REPORT
ZONING APPLICATION**

2017-03-17

RE: Applicant: Landman Partners, LLC
 Subject Property: 22.08 Acres Designated as Cherokee County Tax Parcels:
 21N11-114, 21N11-112, 21N11-113, 21N11-115, & 21N11-115B
 Current Zoning: Single Family Residential District (R-40)
 Proposed Zoning: Zero-Lot-Line Residential (RZL)
 Proposed Use: 80 Single Family Residential Units
 ROW Access: Woodstock Road

Pursuant to §18.3-7(d)(5) of the Zoning Ordinance of Cherokee County (the "Zoning Ordinance"), Landman Partners, LLC (the "Applicant") submits this Public Participation Report (the "Report") setting forth the results of its efforts to inform residents, property owners, interested parties, political jurisdictions, and public agencies about the land use changes proposed in the above-referenced application.

A. Details of methods Applicant used to involve the public.

1. **Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal:**

The Applicant held its mandatory public participation meeting for this application on March 15, 2017 at 7:00 PM at Shoney's, located at 1129 Hwy 92, Acworth, Georgia 30102, at which approximately 30 people were in attendance. A copy of the sign-in sheet from that meeting is attached as Exhibit "A," incorporated by reference.

2. **Content, dates, and numbers of mailings, including letters, meeting notices, newsletters and other publications:**

A detailed letter notifying people of the date, time and location of the public hearing was sent to nearby property owners by the Applicant on March 9, 2017. A copy of the letter is attached as Exhibit "B," incorporated by reference. A list of all adjacent and nearby residents and property owners who were notified of the project is attached as Exhibit "C," incorporated herein by reference. All interested and potentially affected parties will be encouraged to discuss with the Applicant's representatives any problems, concerns, or issues prior to the public hearing through private meetings, group meetings, letters, telephone, e-mails, or any other appropriate means.

3. Where property owners and interested parties receiving notices or other written materials, are located:

- a) All properties that lie within 750 feet of the legal boundary of the subject property, according to a list provided by the Cherokee County Department of Planning and Land Use, attached as Exhibit "C."
- b) Any homeowners associations which represent subdivisions or properties, that falls within the 750 foot boundary, according to a list provided by the Cherokee County Department of Planning and Land Use, attached as Exhibit "D."
- c) All District 4 Interested Parties identified on the Interested Parties Notification List, provided by the Cherokee County Department of Planning and Land Use, attached and incorporated as Exhibit "E."

4. People who participated in the process:

a. Adjacent and Nearby Residents and Property Owners, described above.

b. Government Officials:

1. Board of Commissioners –

- i. Chairman L.B. Ahrens
- ii. District 1 Commissioner Steve West
- iii. District 2 Commissioner Ray Gunnin
- iv. District 3 Commissioner Bob Kovacs
- v. District 4 Commissioner Scott Gordon

2. Planning Commission –

- i. H. Kenneth Smith, Jr.
- ii. Scott Barnes
- iii. Bob Whitaker
- iv. Thais Escondo
- v. Nicole Carbetta
- vi. Richard Weatherby
- vii. Jerald Hill
- viii. Tom Ware
- ix. Rick Whiteside

3. The Cherokee County Government – All involved departments.

c. Additional District 4 Interested Parties.

All parties recognized in subsections 4(a) through (c), above were notified of this amendment by the following methods:

1. Group (a) was personally notified by letter and the public participation meeting, and will be notified additionally by the legal advertisement and Public Notice Sign.
2. Group (b) is intended to be notified by meetings with the Applicant's representatives and the application process.
3. Group (c) was personally notified by letter and the public participation meeting, and will be notified additionally by the legal advertisement and Public Notice Sign.

B. Summary of concerns, issues and problems expressed during the public participation process:

1. The substance of the concerns, issues and problems expressed during the process:

- Issue #1:** Neighbors expressed concerns regarding the additional traffic that will be created the development.
- Issue #2:** Neighbors expressed concerns regarding the impact of the development on area schools.
- Issue #3:** Neighbors expressed concerns regarding the density and compatibility with surrounding developments.
- Issue # 4:** Certain neighbors stated they believe the boundary markers attached by the surveyor are incorrect.
- Issue #5:** Neighbors expressed concerns that because the proposed homes are "age-targeted," rather than "age-restricted," the purchasers of the homes will be families with school-age children and who drive during peak traffic times.
- Issue #6:** Certain neighbors expressed opposition to a roundabout being constructed at the intersection of Woodstock Road and Victory Drive.

2. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process.

- Response #1:** The additional homes will have minimal impact traffic, as age-targeted residents will most likely be older and not drive during peak traffic times.
- Response #2:** The additional homes will have minimal impact on area schools, as age-targeted residents will most likely be older with non-school age children.

Response #3: The Subject Property adjoins other properties zoned R-15 to the south, R-40 to the west, R-15 and R-20 to the north, and R-20 to the east. The Subject Property is surrounded by residential subdivisions on the same side of the Woodstock Road; as such a residential subdivision of greater intensity than allowed in the R-40 zoning category is in keeping with the surrounding properties. Moreover, an age targeted development will have less impact on public infrastructure than would a traditional residential neighborhood.

The Proposed Use conforms to the intent of the Comprehensive Plan and will facilitate the Zoning Ordinance's intent to support "existing suburban development with compatible residential and commercial development." The Proposed Use will be served by public water and public sewer with sufficient treatment capacity.

While the proposed density of 3.6 units per acre is slightly greater than called for in the Comprehensive Plan, the Proposed Use is not out of character for the area. The Proposed Use, being age targeted, would have less impact on traffic than other residential developments and will have little impact on the school system.

Response #4: The Applicant is investigating whether the property boundaries are correctly marked.

Response #5: The Applicant's experience is that the proposed home designs and lot sizes do not attract young families, and that the typical age-targeted residents will older, will not have school-age children, and will not drive during peak traffic times.

Response #6: The Applicant does not control any of the land located on the west side of Woodstock Road and cannot force anyone to sell their property without their consent. However, the Applicant will work with the County to facility required road improvements.

3. Concerns, issues and problems the applicant is unable or unwilling to address and why.

The Applicant is willing to address any and all reasonable concerns raised by the public.

The Applicant will continue to keep the Department of Planning and Land Use informed of any new developments pertaining to public participation efforts by way of letters, e-mails, telephone conferences, or meetings, as necessary and as required by the Zoning Ordinance.



Public Participation Meeting
Sign In Sheet for
Landman Partners, LLC
Shoneys
March 15, 2017 at 7 p.m.

Name:	Address:	Phone #:	Email:
* Stephen Deal	1475 Kellogg Creek Rd	770-757-3264	
* Juanita & Danny Granger	6805 Victory Dr, Acworth 30102	770-926-6486	-grangerjhg@yahoo.com
Bobbie Jean Abernathy	6546 Woodstock Rd. Acworth 30102	770-926-2412	
Ronnie & Linda Futrel	6537 Woodstock Rd. Acworth 30102	770-974-9308	LBFL2@BellSouth.net
Larry Bennett	6521 Woodstock Rd Acworth 30102		
Bonnie & Guntlee	10469 Victory Dr Acworth	770-324-5083	
Larry Levinson	121 Victory Commons Dr Acworth GA	770 655 8928	
Vito DeMaltaris	1048 Queensbury Run, Acworth, GA	770-928-4573	vdemal1@comcast.net
John Perle	2018 Queensbury Dr., Acworth, GA	770-517-8445	-johnperle@ebellsouth.net
Les Davis	6479 Victory Dr. Acworth, Ga 30102	678-640-4732	leslie_davis@yahoo.com
Randy Lewis	1052 Queensbury Run, Acworth GA 30102	770 364 2509	KAL8913@AOL.com
Will Hasty	200 Eagles Nest Dr. Ste 100-C Canton 3015	770 351 6953	WillHasty33@gmail.com
Orlando Picket	113 Victory Commons Dr	770-366-8774	OrlandoPicket@yahoo.com
Ryan Cahill	1056 Queensbury Run Acworth, GA 30102		cahillryan@gmail.com
Jimmy & Marilyn Johnson	118 Victory Commons Dr	404 376 4415	jimmyjko@bellsouth.net

**Public Participation Meeting
Sign In Sheet for
Landman Partners, LLC
Shoneys
March 15, 2017 at 7 p.m.**

[illegible]



202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

J. Ethan Underwood
eunderwood@mhtlegal.com

March 9, 2017

Re: Landman Partners, LLC – Zoning Application

Dear Neighbors:

Our firm is representing Landman Partners, LLC (the “Applicant”) in its effort to rezone approximately 22.08 acres from Single Family Residential District (R-40) to a Zero-Lot Line Residential (RZL) for the purpose of developing an 80-unit, age targeted, single family residential subdivision.

Enclosed is a copy of the conceptual site plan depicting the subject property and the proposed project.

A public participation meeting will be held on March 15, 2017 at 7:00 PM at Shoney’s, located at 1129 Hwy 92, Acworth, Georgia 30102. This meeting is not the public hearing. Its purpose is to provide neighbors and interested parties the opportunity to meet with the Applicant, ask questions and voice concerns regarding this application.

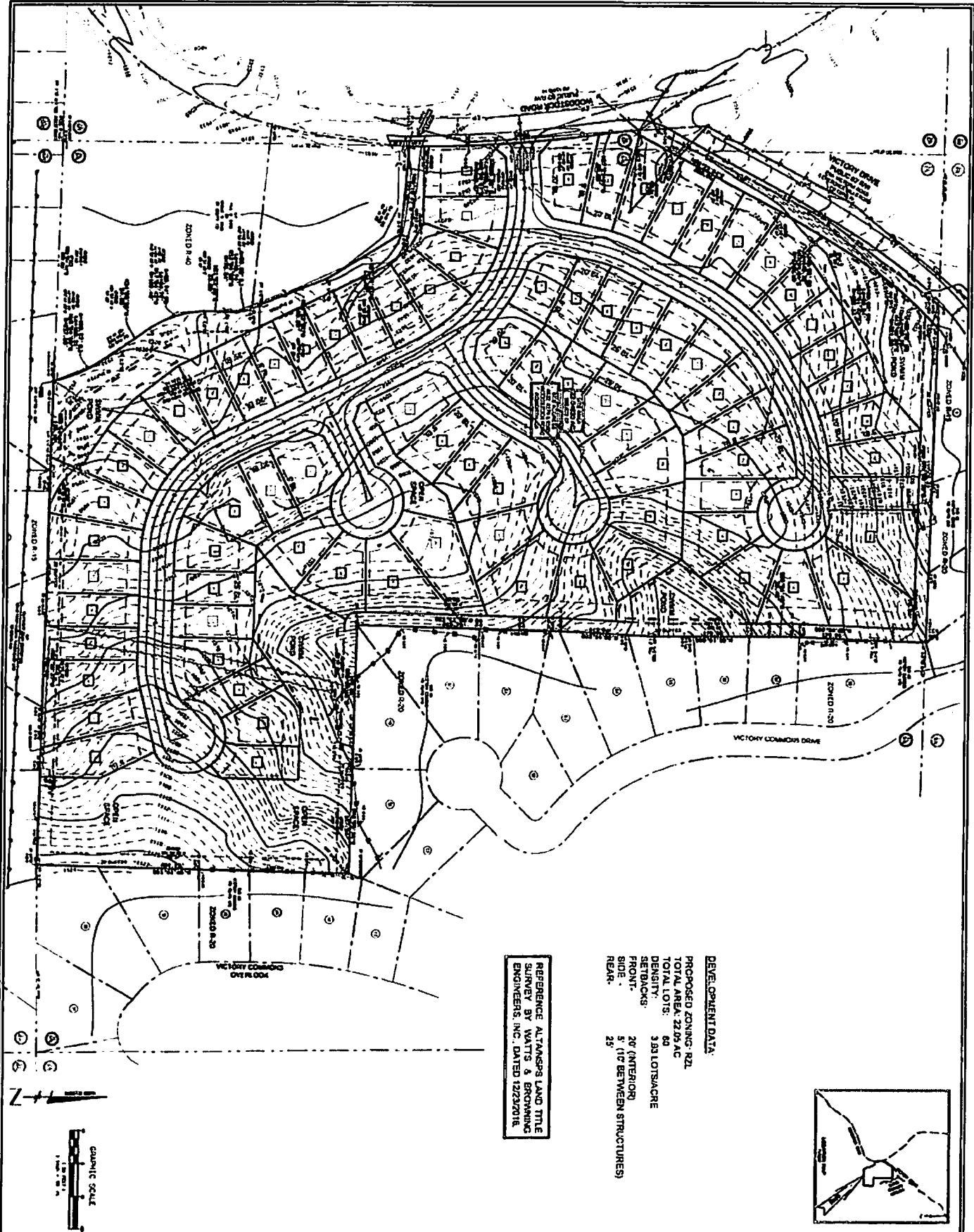
The Applicant is committed to keeping the public informed during the approval process. If you have any questions, comments or concerns, please contact our office.

Sincerely,

Ethan Underwood

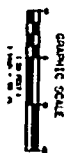
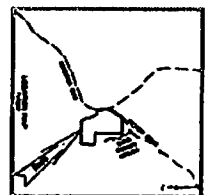
Enclosure



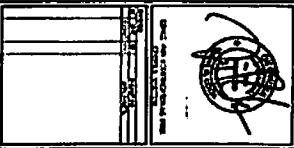


REFERENCE: ATLANTAS LAND TITLE
SURVEY BY WATTS & BROWNING
ENGINEERS, INC. DATED 12/22/2016

DEVELOPMENT DATA:
PROPOSED ZONING: RZL
TOTAL AREA: 22.05 AC
TOTAL LOTS: 80
DENSITY: 3.63 LOTS/ACRE
FRONT: 20' (INTERIOR)
SIDE: 5' (17' BETWEEN STRUCTURES)
REAR: 25'



NO.	DATE	DESCRIPTION
1	12/22/2016	PRELIMINARY
2	12/22/2016	FINAL
3	12/22/2016	FINAL
4	12/22/2016	FINAL
5	12/22/2016	FINAL
6	12/22/2016	FINAL
7	12/22/2016	FINAL
8	12/22/2016	FINAL
9	12/22/2016	FINAL
10	12/22/2016	FINAL



CONCEPT PLAN
FOR:
WOODSTOCK ROAD at VICTORY
CONCEPT PLAN
LAND LOT 876 & 977 - 21st DISTRICT - 21st SECTION
CHEROKEE COUNTY, GEORGIA



FUTRAL, RONNIE L & LINDA B
6537 WOODSTOCK ROAD
ACWORTH, GA 30102

BENNETT, LARRY
6521 WOODSTOCK ROAD
ACWORTH, GA 30101

BECKLUND, JEFFREY L. & BECKLUND,
P O BOX 2011
ACWORTH, GA 30102

KNIGHTEN, REBECCA N & KNIGHTEN,
507 QUEENSBURY WAY
ACWORTH, GA 30102

RULE, WILLIAM SCOTT & RULE, LINDA J
2049 QUEENSBURY DRIVE
ACWORTH, GA 30102

MCGHEE, STEVEN K
2022 QUEENSBURY DRIVE
ACWORTH, GA 30102

BIRTZ, JENNIFER W. & JAMES M.
2055 QUEENSBURY DRIVE
ACWORTH, GA 30102

MEAD, SALLIE J
509 QUEENSBURY WAY
ACWORTH, GA 30102

STANLEY, GLADYS
2051 QUEENSBURY DR.
ACWORTH, GA 30102

MCGAW, KEITH & MCGAW, CHRISTINA
2009 QUEENSBURY DRIVE
ACWORTH, GA 30102

WICHERS, CALE C.
2005 QUEENSBURY DR.
ACWORTH, GA 30102

ATWELL, ROY D JR ATWELL, ANGELA
403 QUEENSBURY PLACE
ACWORTH, GA 30102

PITTMAN, JERRY N.
2015 QUEENSBURY DRIVE
ACWORTH, GA 30102

VIAN, JOHN T. & VIAN, KACEE S.
2025 QUEENSBURY DRIVE
ACWORTH, GA 30102

BELSITO, SHAUN BELSITO, MIGDALIA
516 QUEENSBURY WAY
ACWORTH, GA 30102

FREEPOR TIT L & GUARANTY, INC
517 QUEENSBURY WAY
ACWORTH, GA 30102

JICHA, JAMES G. & NANCY D.
506 QUEENSBURY WAY
ACWORTH, GA 30102

ELKINS, DAVID M. & LINDA A.
2066 QUEENSBURY DRIVE
ACWORTH, GA 30102

MCNAIR, DAVID NATHANIEL
2062 QUEENSBURY DRIVE
ACWORTH, GA 30102

ALVAREZ, JORGE O. & ALVAREZ, RITA A.
6472 VICTORY DRIVE
ACWORTH, GA 30102

HORNSBY, JERRY S. & PATRICIA C
6474 VICTORY DRIVE
ACWORTH, GA 30102

MAYNARD, CHRISTOPHER M. &
6486 VICTORY DR
ACWORTH, GA 30102

LOPEZ, CELSO
1018 BRADDOCK CR.
WOODSTOCK, GA 30189

RAMBALLIE, SEAN JEROME
P.O. BOX 825701
PEMBROKE PINES, FL 33082

BYRNE, WENDELL & BYRNE, CINTHIA
304 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

HUNG, LIYA
4290 BELLS FERRY RD NW STE 134-30
KENNESAW, GA 30144

PATEL, ATULKUMAR & PATEL, RITALBEN
302 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

BISHOP, GEORGE A. & BISHOP, APRIL N.
204 VICTORY COMMONS CIRCLE
ACWORTH, GA 30102

GREER, ALAN C. JR & GREER, TRISH A.
123 SPANISH OAK WY
DALLAS, GA 30132

MCCLAIN, DOUGLAS A & MCCLAIN,
106 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

VLR CONSTRUCTION, INC C/O
127 PEACHTREE STREET NE #700
ATLANTA, GA 30303

QUICK, RESA A. & QUICK, ORLANDO B.
113 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

MCCOY, SCOTT & MCCOY, JESSIE
117 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

JONES, BRYAN M. & JONES, JENNIFER L.
114 VICTORY COMMONS DR.
ACWORTH, GA 30102

JOHNSON, JAMES H & JOHNSON,
118 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

AHRENS, RYAN
P.O. BOX 695
ROSWELL, GA 30077

MILLER, DEANA M. & MILLER, MICHAEL J.
319 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

HILBERT, JEFFREY A. & HILBERT, SARAH
403 VICTORY COMMONS WAY
ACWORTH, GA 30102

THOMPSON, WILLIAM D. & THOMPSON,
201 VICTORY COMMONS COURT
ACWORTH, GA 30102

SYDORYSHYN, SERHIY
901 BARROS CIR
WOODSTOCK, GA 30189

BECKLUND, JEFFREY L. & BECKLUND,
P O BOX 2011
ACWORTH, GA 30102

BECKLUND, JEFFREY L. & BECKLUND,
P O BOX 2011
ACWORTH, GA 30102

GRANT, CATHY LYNN & ANTHONY, DUANE
655 SUNSHINE TRACE
ACWORTH, GA 30102

BECKLUND, JEFF L & CASTLE, LINDA V
PO BOX 2011
ACWORTH, GA 30102

KING, BOBBIE JEAN
6546 WOODSTOCK ROAD
ACWORTH, GA 30102

HOWE, PAUL & ERIKA
505 QUEENSBURY WAY
ACWORTH, GA 30102

VERITY, JUDITH & MILLER, JEFFREY
2006 QUEENSBURY DRIVE
ACWORTH, GA 30102

BIEDERMAN, BRYAN R. & TAMARA D
2011 QUEENSBURY DRIVE
ACWORTH, GA 30102

GARLAND WILLIAM S. & JENNIFER C.
2007 QUEENSBURY DRIVE
ACWORTH, GA 30102

DURHAM, CHARLES & DURHAM, ANGEL J.
405 QUEENSBURY PLACE
ACWORTH, GA 30102

KUNTZ, DONALD J. & KUNTZ, CYNTHIA L.
401 QUEENSBURY PLACE
ACWORTH, GA 30102

LYONS, RANDAL W.
2027 QUEENSBURY DRIVE
ACWORTH, GA 30102

GRANT, JAMES A. & JENNIFER
2061 QUEENSBURY DRIVE
ACWORTH, GA 30102

MCKEITH, BRUCE
514 QUEENSBURY WAY
ACWORTH, GA 30102

VOGEL, MATTHEW P
518 QUEENSBURY WAY
ACWORTH, GA 30102

LEVINE, MARCUS & LEVINE, CALIFORNIA
3990 COPPERHEAD RD SE
ACWORTH, GA 30102

WOOSLEY, MINDY MICHELLE
2064 QUEENSBURY DRIVE
ACWORTH, GA 30102

STEINBRENNER, FREDERICK JAMES III
2060 QUEENSBURY DRIVE
ACWORTH, GA 30101

SHEPPARD, MARK
6487 VICTORY DR
ACWORTH, GA 30102

SBY 2014-1 BORROWER LLC
3300 FERNBROOK LN NORTH, STE 210
PLYMOUTH, MN 55447

DROKE, VICKIE
6488 VICTORY DRIVE
ACWORTH, GA 30102

REECE, JANE SHEPPARD
6483 VICTORY DRIVE
ACWORTH, GA 30102

PROGRESS RESIDENTIAL 2015-2
PO BOX 4090
SCOTTSDALE, AZ 85261

ELLIS, ANDREA
402 VICTORY COMMONS WAY
ACWORTH, GA 30102

BROWN, BARBARA L. & BROWN, RENEE
314 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

PATEL, DIVYESH K & PATEL,
322 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

SHEPPARD, FRANKIE LEON A/K/A FRANK
C/O JULIA WHITE 78 AMBROSE DR
JASPER, GA 30143

DOSSANTOS, LINDOLFO C.
202 VICTORY COMMONS COURT
ACWORTH, GA 30102

MOHAMMED, SHAFFICK & MOHAMMED,
105 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

PATEL, BRIJESH C
615 SHENANDOAH DRIVE
CALHOUN, GA 30701

DELGADO, VICTOR M
109 VICTORY COMMON DR
ACWORTH, GA 30102

MEDINA, ALFREDO H.
115 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

SEIZ, ALLEN P BOYETT, KRYSTAL M
1108 MONARDA WAY
ACWORTH, GA 30102

IH4 PROPERTY GEORGIA, LP C/O
1717 MAIN STREET SUITE 2000
DALLAS, TX 75201

ULRICH, DANIEL K & ULRICH, KATHLEEN
321 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

WILKINS, JOSEPH
317 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

CHILDS, MARY & BEDGOOD, ANDREW
100 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

WARD, SANDRA S
1035 BRADDOCK CIRCLE
WOODSTOCK, GA 30189

PAYNE, TRACY L. & BANKS, JULIA M.
13550 BIRMINGHAM HWY
ALPHARETTA, GA 30004

PROGRESS RESIDENTIAL 2014-1
PO BOX 4090
SCOTTSDALE, AZ 85261

SITHOLE, FARAI
119 PLANTERS ROW
MADISON, MS 39110

YES COMPANIES EXP2 FRED LLC
1900 16TH ST STE 950
DENVER, CO 80202

BENNETT, DONALD F. & BENNETT,
6573 WOODSTOCK ROAD
ACWORTH, GA 30102

BILLINGSLEY, MARY HARLAN
6597 WOODSTOCK RD
ACWORTH, GA 30102

RYAN, CARL E. & JUDY DIANNE
2008 QUEENSBURY DRIVE
ACWORTH, GA 30102

POOLE, JOHN M. & PEGGY J.
2018 QUEENSBURY DRIVE
ACWORTH, GA 30102

SCHOPP, CHRISTY M
2020 QUEENSBURY DRIVE
ACWORTH, GA 30102

CASTRO, IDALIA J
2016 QUEENSBURY DRIVE
ACWORTH, GA 30102

OWENS, STEVEN
2053 QUEENSBURY DRIVE
ACWORTH, GA 30102

JEAN-BART, MARTINE
2013 QUEENSBURY DRIVE
ACWORTH, GA 30102

HALL, DUANE H.
400 QUEENSBURY PLACE
ACWORTH, GA 30102

MARSAC, RAYMOND F. & KAREN G.
2019 QUEENSBURY DRIVE
ACWORTH, GA 30102

HEBERLING, THEODORE P & HEBERLING,
8701 PEBBLE CREEK LANE
SARASOTA, FL 34238

BLACK, GIDGET D BLACK, JAMES L
2023 QUEENSBURY DRIVE
ACWORTH, GA 30102

AMH 2014-1 BORROWER, LLC
30601 AGOURA ROAD SUITE 200
AGOURA HILLS, CA 91301

ROLLINS, THERESA MARIE & DOMINIAK,
DOMINIAK, TED R. 2056 QUEENSBURY DRI
ACWORTH, GA 30102

STEPHAN, NORMAN S., III & NANCY P.
2054 QUEENSBURY DRIVE
ACWORTH, GA 30102

WORLEY, LILLIAN C & HARLAN, TERESA
RESIDUARY TRUST 6685 WOODSTOCK RD
ACWORTH, GA 30102

VAN HORN, ROY JR & VAN HORN,
6484 VICTORY DR
ACWORTH, GA 30102

BAYS-FINCH, DEBBIE F/K/A BAYS, DEBBIE
6479 VICTORY DIRVE
ACWORTH, GA 30102

BISHOP, BENJAMIN W
1520 DAVID LEE ST
ACWORTH, GA 30102

GUNTER, BENNIE M. & BETTY JO
6469 VICTORY DRIVE
ACWORTH, GA 30102

BENNETT, DONALD F. EXECUTOR OF THE
BENNETT 6573 WOODSTOCK RD
ACWORTH, GA 30102

MILLER, NATHAN A. & ANASTASIO,
404 VICTORY COMMONS WY
ACWORTH, GA 30102

GLAWSON, JERRY A. & GLAWSON,
110 VICTORY COMMONS DR.
ACWORTH, GA 30102

SBY 2014-1 BORROWER LLC
3300 FERNBROOK LN NORTH, STE 210
PLYMOUTH, MN 55447

STEWART, JOHN O & HANNAH P &
318 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

LOGAN, LANNY R
108 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

WOOD, ASHLEY G.
307 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

WELLS, JOAN M.
309 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

LOGUE, STANLEY C. & LOGUE, MICHELE
311 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

REYNOLDS, EVETTE TAYLOR
300 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

FRY, SHANE
405 VICTORY COMMONS WAY
ACWORTH, GA 30102

AMERICAN RESIDENTIAL LEASING
% AMERICAN HOMES 4 RENT/ PROP TAX D
AGOURA HILLS, CA 91301

HOEFLING, MICHAEL
409 VICTORY COMMONS WAY
ACWORTH, GA 30102

MUCHUGIA, JOSEPH
411 VICTORY COMMONS WAY
ACWORTH, GA 30102

FISCHER, ERIC
413 VICTORY COMMONS WAY
ACWORTH, GA 30102

KEENE, JANET & KEENE, DOUGLAS
509 ALLATOONA HILL DR.
WOODSTOCK, GA 30189

PATEL, HARSHADBHAI & PATEL, HEMANG
PATEL, NIRAV 410 VICTORY COMMONS
ACWORTH, GA 30102

HARSHMAN, GLENN A. & HARSHMAN,
414 VICTORY COMMONS WAY
ACWORTH, GA 30102

DAVIS, ELBERT, JR. & DAVIS, WYDAS Y.
412 VICTORY COMMONS WY.
ACWORTH, GA 30102

GREEN, FREDERICK A. GREEN, CHRISTY
415 VICTORY COMMONS WAY
ACWORTH, GA 30102

DOEKES GUNNING HOMES, INC.
2619 JESTERS COURT
MARIETTA, GA 30068

MONTGOMERY, TIMOTHY F &
2014 QUEENSBURY DRIVE
ACWORTH, GA 30102

BENNETT, LARRY A
6521 WOODSTOCK ROAD
ACWORTH, GA 30101

BROWN, LYANNE
503 QUEENSBURY WAY
ACWORTH, GA 30102

IH4 PROPERTY GEORGIA, LP C/O
1717 MAIN STREET SUITE 2000
DALLAS, TX 75201

VOLKERT, NIKOLAUS
2010 QUEENSBURY DRIVE
ACWORTH, GA 30102

SIMMONS, MICHELLE NESMITH
407 QUEENSBURY PLACE
ACWORTH, GA 30102

KAMAU, AGNES R
2344 GALE LANE
CHATTANOOGA, TN 37421

FRAIS, CHRISTOPHER B & FRAIS, JULIE A
404 QUEENSBURY PLACE
ACWORTH, GA 30102

DURBIN, ALICIA & DURBIN, PHILLIP
402 QUEENSBURY PLACE
ACWORTH, GA 30102

SWIATLON, THOMAS A. & HELEN
2059 QUEENSBURY DRIVE
ACWORTH, GA 30102

GERMON, JOSHUA R & WYANT, KARLY S
2914 CEDAR MILL DRIVE
ACWORTH, GA 30102

FRENCH, KRISTIE
2057 QUEENSBURY DRIVE
ACWORTH, GA 30102

BARRETO, ALEXANDRIA & WANDA
513 QUEENSBURY WAY
ACWORTH, GA 30102

SARGENT, STEVEN J
508 QUEENSBURY WAY
ACWORTH, GA 30102

ELLINGTON, SCOTT & ELLINGTON, LINDA
208 IVY PARK SQ
AVONDALE, GA 30002

AMERICAN HOMES 4 RENT PROPERTIES
30601 AGOURA ROAD #200
AGOURA HILLS, CA 91301

MCCRICKARD, TIMOTHY E
2068 QUEENSBURY DRIVE
ACWORTH, GA 30102

MASON, JORDAN RAY & MASON,
200 VICTORY COMMONS COURT
ACWORTH, GA 30102

SPRECHER, DAVID W & SPRECHER,
316 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

HARTMAN, KINSEY T & HARTMAN,
112 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

BRADDOCK, LINDA G.
406 VICTORY COMMONS WAY
ACWORTH, GA 30102

PARSONS, NANCY W.
205 VICTORY COMMONS COURT
ACWORTH, GA 30102

WELLS, MITCHELL A. & WELLS, KATHY M.
206 VICTORY COMMONS CT.
ACWORTH, GA 30102

O'HARE, ROBERT R. & O'HARE,
102 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

IH3 PROPERTY GEORGIA, L P C/O
1717 MAIN STREET SUITE 2000
DALLAS, TX 75201

DEROSA, LEONARD
111 VICTORY COMMONS DR
ACWORTH, GA 30102

PROGRESS RESIDENTIAL 2015-2
PO BOX 4090
SCOTTSDALE, AZ 85261

KAZALAS, PETER & LEVINSON,
121 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

CALOCA, SUZETTE
119 VICTORY COMMONS DRIVE
ACWORTH, GA 30102

BLACK, MICHAEL
1783 ASCOT RUN
ACWORTH, GA 30102

ASH, WILLIAM S. & ASH, STEPHANIE R.
330 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

WILLIAMS, STEPHEN R. SR & WILLIAMS,
P O BOX 1932
WOODSTOCK, GA 30188

PATEL, DINESH CHANDRA & PATEL,
323 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

JENKINS, RICHARD STEVE & JOANN
1029 BRADDOCK CIRCLE
WOODSTOCK, GA 30189

MANGRUM, JAMES R. & MANGRUM,
310 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102

HENDRICKS, ANNETT MARIE &
308 VICTORY COMMONS OVERLOOK
ACWORTH, GA 30102



Name and Address of Sender

D.R. Horton

Check type of mail or service

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☐ Certified Mail ☐ Return Receipt for Merchandise
☐ Certified Mail Restricted Delivery ☐ Signature Confirmation
☐ COD Hold For Pickup ☐ Signature Confirmation Restricted Delivery
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USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Live Sender if COD	Fee	Fee	Fee	Fee	Fee	Fee	SCRD Fee	SH Fee
1.	Bobo, Bobo, Lord & Fitts, Inc. PO Box 1092 Woodstock, GA 30188	.46													
2.	Bobo, Bobo, Lord & Fitts, Inc. 125 Bascomb Park Drive Woodstock, GA 30189	.46													
3.	YES Companies EXP2 Fred, LLC 40 Technology Pkwy South, #300 Norcross, GA 30092	.46													
6.	Victory Commons Homeowners Association, Inc. 91 Ewewick Court Dallas, GA 30132	.46													
7.	Victory Commons Homeowners Association, Inc. 8385 Cherokee Blvd, Ste 204 Douglasville, GA 30134	.46													
8.															
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5															



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Bobbie Behrendt

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Ship date

Mon 3/13/2017

Actual delivery:

Tue 3/14/2017 11:33 am

Miles Hansford & Tallant, LLC

Bobbie Haddow

Suite 200

202 Tribble Gap Road

Cumming, GA US 30040

770 781-4100

Delivered

Signed for by J WHITE

BOBO, BOBO, LORD & FITTS, Inc.

Elwin Bobo

125 Bascomb Park Drive

WOODSTOCK, GA US 30189

770 926-3937

Travel History

▲ Date/Time	Activity	Location
- 3/14/2017 - Tuesday		
11:33 am	Delivered	WOODSTOCK, GA
8:46 am	On FedEx vehicle for delivery	MARIETTA, GA
7:17 am	At local FedEx facility	MARIETTA, GA
- 3/13/2017 - Monday		
9:12 pm	At destination sort facility	ATLANTA, GA
8:17 pm	Left FedEx origin facility	ALPHARETTA, GA
6:53 pm	Picked up	ALPHARETTA, GA
2:28 pm	Shipment information sent to FedEx	

Shipment Facts

Tracking number	778638869858	Service	FedEx Standard Overnight
Delivery attempts	1	Delivered To	Receptionist/Front Desk
Total pieces	1	Terms	Not Available
Shipper reference	8574.0010	Packaging	FedEx Envelope
Special handling section	Deliver Weekday	Standard transit	3/14/2017 by 3:00 pm



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778639041779

Ship date:

Mon 3/13/2017

Miles Hansford & Tallant, LLC

Bobbie Hardow
Suite 200
202 Tribble Gap Road
Cumming, GA US 30040
770 781-4100



Delivered

Signed for by: A PHILLIPS

FedEx FedEx FedEx FedEx FedEx FedEx
FedEx FedEx FedEx FedEx FedEx FedEx
FedEx FedEx FedEx FedEx FedEx FedEx
FedEx FedEx FedEx FedEx FedEx FedEx
FedEx FedEx FedEx FedEx FedEx FedEx

Actual delivery:

Tue 3/14/2017 10:50 am

YES Companies EXP2 Fred, LLC

Corporation Service Company
40 Technology Pkwy South #300
Norcross, GA US 30092
866 403-5272

Travel History

▲ Date/Time	Activity	Location
- 3/14/2017 - Tuesday		
10:50 am	Delivered	Norcross, GA
8:38 am	On FedEx vehicle for delivery	NORCROSS, GA
7:55 am	At local FedEx facility	NORCROSS, GA
- 3/13/2017 - Monday		
9:12 pm	At destination sort facility	ATLANTA, GA
8:17 pm	Left FedEx origin facility	ALPHARETTA, GA
6:53 pm	Picked up	ALPHARETTA, GA
2:28 pm	Shipment information sent to FedEx	

Shipment Facts

Tracking number	778639041779	Service	FedEx Standard Overnight
Delivery attempts	1	Delivered To	Receptionist/Front Desk
Total pieces	1	Terms	Not Available
Shipper reference	8574.0010	Packaging	FedEx Envelope
Special handling section	Deliver Weekday	Standard transit	3/14/2017 by 3:00 pm



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778639189835

Ship date:

Mon 3/13/2017

Miles Hansford & Tallant, LLC
Bobbie Haddow
Suite 200
202 Tribble Gap Road
Cumming, GA US 30040
770 781-4100



Delivered

Signed for by: N MIMS

FedEx FedEx FedEx FedEx FedEx FedEx
FedEx FedEx FedEx FedEx FedEx FedEx
FedEx FedEx FedEx FedEx FedEx FedEx
FedEx FedEx FedEx FedEx FedEx FedEx

Actual delivery:

Tue 3/14/2017 12:10 pm

Vickery Commons Homeowners
Ass.
8385 Cherokee Blvd. Suite 204
DOUGLASVILLE, GA US 30134
770 949-5663

Travel History

▲ Date/Time	Activity	Location
- 3/14/2017 - Tuesday		
12:10 pm	Delivered	DOUGLASVILLE, GA
8:20 am	On FedEx vehicle for delivery	LITHIA SPRINGS, GA
8:11 am	At local FedEx facility	LITHIA SPRINGS, GA
- 3/13/2017 - Monday		
9:12 pm	At destination sort facility	ATLANTA, GA
8:17 pm	Left FedEx origin facility	ALPHARETTA, GA
6:53 pm	Picked up	ALPHARETTA, GA
2:39 pm	Shipment information sent to FedEx	

Shipment Facts

Tracking number	778639189835	Service	FedEx Standard Overnight
Delivery attempts	1	Delivered To	Receptionist/Front Desk
Total pieces	1	Terms	Not Available
Shipper reference	8574.0010	Packaging	FedEx Envelope
Special handling section	Deliver Weekday	Standard transit	3/14/2017 by 3:00 pm



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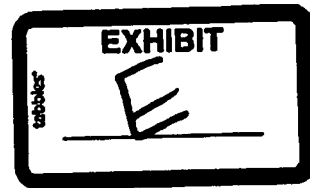
Other Resources
FedEx Compatible
Developer Resource Center
FedEx Ship Manager Software
FedEx Mobile

Companies
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FedEx Office
FedEx Freight
FedEx Custom Critical
FedEx Trade Networks
FedEx Cross Border
FedEx Supply Chain

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District 4 Interested Parties List 2016



H. Kenneth Smith, Jr.
300 Hillside Drive #1360
Waleska, Ga. 30183

Scott Barnes
147 Preserve Pkwy
Ball Ground, GA 30107

Bob Whitaker
751 Iron Mountain Road
Canton, Ga. 30115

Thais Escondo
5206 Willow Creek Overlook
Woodstock, GA 30188

Nicole Carbetta
1132 Blankets Creek Drive
Canton, GA 30114

Richard Weatherby
1887 Lower Birmingham Road
Canton, GA 30115

Jerald Hill
109 Bridlewood Pass
Ball Ground, GA 30107

Tom Ware
440 Beavers Road
Canton, GA 30115

Rick Whiteside
3225 South Cherokee Lane
Building 800
Woodstock, GA 30188

Vicki Taylor Lee
Planning & Land Use
1130 Bluffs Parkway
Canton, GA 30114

Debbie Jefferson
2911 Emerald Lane
Acworth, GA 30102

Jerri & Scott Beach
2876 Emerald Lane
Acworth, GA 30102

Richard Taylor
5711 Priest Road
Acworth, GA 30102

Juanita Granger
6805 Victory Drive
Acworth, GA 30102

Melvin Wilbur
5929 Priest Road
Acworth, GA 30102

Cynthia Castello
6483 Kellogg Creek Drive
Acworth, GA 30102

Kirby Jones
2502 Macy Drive
Roswell, GA 30076

Chairman L. B. Ahrens
1130 Bluffs Parkway
Canton, GA 30114

Alessandrina Miller
310 N Briar Ridge
Woodstock, GA 30189

Andrea M. Daniels
1130 Bluffs Parkway
Canton, GA 30114

Commissioner Steve West
1130 Bluffs Parkway
Canton, GA 30114

Commissioner Raymond Gunnin
1130 Bluffs Parkway
Canton, GA 30114

Commissioner Bob Kovacs
1130 Bluffs Parkway
Canton, GA 30114

Commissioner K. Scott Gordon
1130 Bluffs Parkway
Canton, GA 30114



Cherokee County, Georgia Agenda Request

Item#: 2.

SUBJECT:

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

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

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

FACTS AND ISSUES:

Commission District: 2

Zoning Change: AG and R-40 to NC and RZL

Location: Arnold Mill Road and Highway 140

Tax Map and Parcel No: 02N04, 215C, 215E, 219 and 223

Acres: 39.575

Proposed Development: Mixed Use Development

Future Development Map: Suburban Living in a transitional corridor.

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
☐ Staff Report	Exhibit
☐ Application	Exhibit
☐ Legal Description	Exhibit
☐ Revised Site Plan and Traffic Study	Exhibit
☐ Site Plan	Exhibit
☐ Existing Site Resources	Exhibit
☐ Public Participation	Exhibit
☐ Zoning Map	Exhibit
☐ Future Development Map	Exhibit
☐ Revised Site Resource Map	Exhibit



Staff Report

Case No: 17-03-006

REVISED

Applicant Name: Oak Hall Companies, LLC.
Location: Arnold Mill Road at Highway 140
(02N04, 215C, 215E, 219, and 223)

From/To: AG and R-40 to NC and RZL

Proposed Use: Single family homes and retail pods

Commission Post: 2

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

Future Development Map

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

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

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

Analysis and Comment

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

1 Findings

1.1 Engineering Department

- Attached.

1.2 Cherokee County Water and Sewerage Authority

1.3 Cherokee County Board of Education

- This has been proposed as an age restricted development. Barring that, the Board of Education estimated 99 students in a 137 lot subdivision. Reducing the number of lots to 112 results in a possible 83 new students.

1.4 Fire Marshal's Office

1.5 Sheriff's Office

Case # 17-03-006 - Community Agenda Analysis

Section 1 – Community Vision

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

Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

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

Section 2 - Core Issues

Project Supports

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

Project is Neutral

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

Project Neglects

Section 3 – Character Area Description

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

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

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

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

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

Cherokee County Government

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



REZONING MEMORANDUM

Case Number: 17-03-006
Current Zoning: AG & R-40

Applicant: Oak Hall Companies, LLC
Proposed Zoning: NC, RTH & RZL

● Transportation:

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

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

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

● Stormwater:

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

● Conclusion:

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

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



Rezoning Case Impact Report

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

Affected Schools Capacity Information

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

All Enrollment and Capacities are based on the last published Cherokee County Inventory of School Housing (CCISH) Numbers

It is the position of CCSD that all developers should attempt to mitigate as much of the impact of their proposed development as possible. In every such case, the district designates a minimum contribution expected to help provide adequate facilities for the school age children who will occupy the residences in the development.

Please recommend to all Residential Zoning applicants to contact Mitch Hamilton at 770-721-8429 to discuss mitigation of their subdivision prior to appearing before the Zoning Board. If the applicant cannot meet during that time period, we request that the Zoning Board put a condition on the zoning so they must meet with Mr. Hamilton prior to the City Council/County Commission Meeting.

The 2014 estimated cost for building an elementary school is 22 to 27 million dollars, middle school is 35 to 40 million, and the cost of building a high school is 55 to 60 million

(1) - All increases to student enrollment should be considered cumulative in nature. All recent cases will impact the affected Schools. The School District may have to transport the students of any given development to an alternate district due to over-enrollment.

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

(3) - Annual Cost is calculated using the 2013 General Fund Operating Expenditure cost per pupil of \$7,151.00, and does not count for inflation.



CHEROKEE COUNTY Application for Public Hearing

Important Notes:

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

SECTION I

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

Applicant's Information:

Name: Oak Hall Companies, LLC

Address: 5256 Peachtree Road, Suite 195 Phone: _____

City, State, Zip: Atlanta, GA 30341

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

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

 X Rezoning

 Amendment / Modification of Zoning

 Variance / Appeal

 Other: _____

STAFF USE ONLY:

Commission District: 2

Case: 17-03-006

CityView # PL20170000103

Received by: _____

Fee Paid: \$ 1250⁰⁰

Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 1/10/17

PC Work Session Date: 2/20/17

Planning Commission Hearing: 3/7/17

Board of Commissioners: 3/21/17

Zoning Board of Appeals: _____

Other: _____

SECTION II

Property Information:

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

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

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

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

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

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

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

Proposed Use(s) of Property:

Single family homes and retail pods.

Applicant Affidavit:

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

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

This 20 day of January, 2017.

Print Name Parks F. Huff, Attorney for Applicant.

Applicant Signature [Signature].

SECTION III

Infrastructure Information:

Is water available to this site? ☒ Yes ☐ No

Jurisdiction: Cherokee County

How is sewage from this site to be managed?

Cherokee Water and Sewer

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

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

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

Traffic Generation:

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

What is the estimated number of trips generated? 1,311 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	137	9.57	1,311.09
220	Apartment		6.63	

Notes:

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

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

EXHIBIT "A"
CHEROKEE COUNTY APPLICATION FOR PUBLIC HEARING

Property Owners List

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

SECTION V

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

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

1. Explain the intent of the requested zoning.

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

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

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

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

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

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

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

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

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

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

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

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

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

Legal Description

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

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

Legal Description

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

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

Legal Description

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

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

Legal Description

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

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

Legal Description

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

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

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

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

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

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

April 4, 2017

**VIA EMAIL AND
REGULAR MAIL**

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



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

Dear Ms. Taylor Lee:

Enclosed please find the updated Site Plan and a Traffic Study for the above-referenced application. If you have any questions regarding them, please let me know. Thank you for your time and attention to this matter.

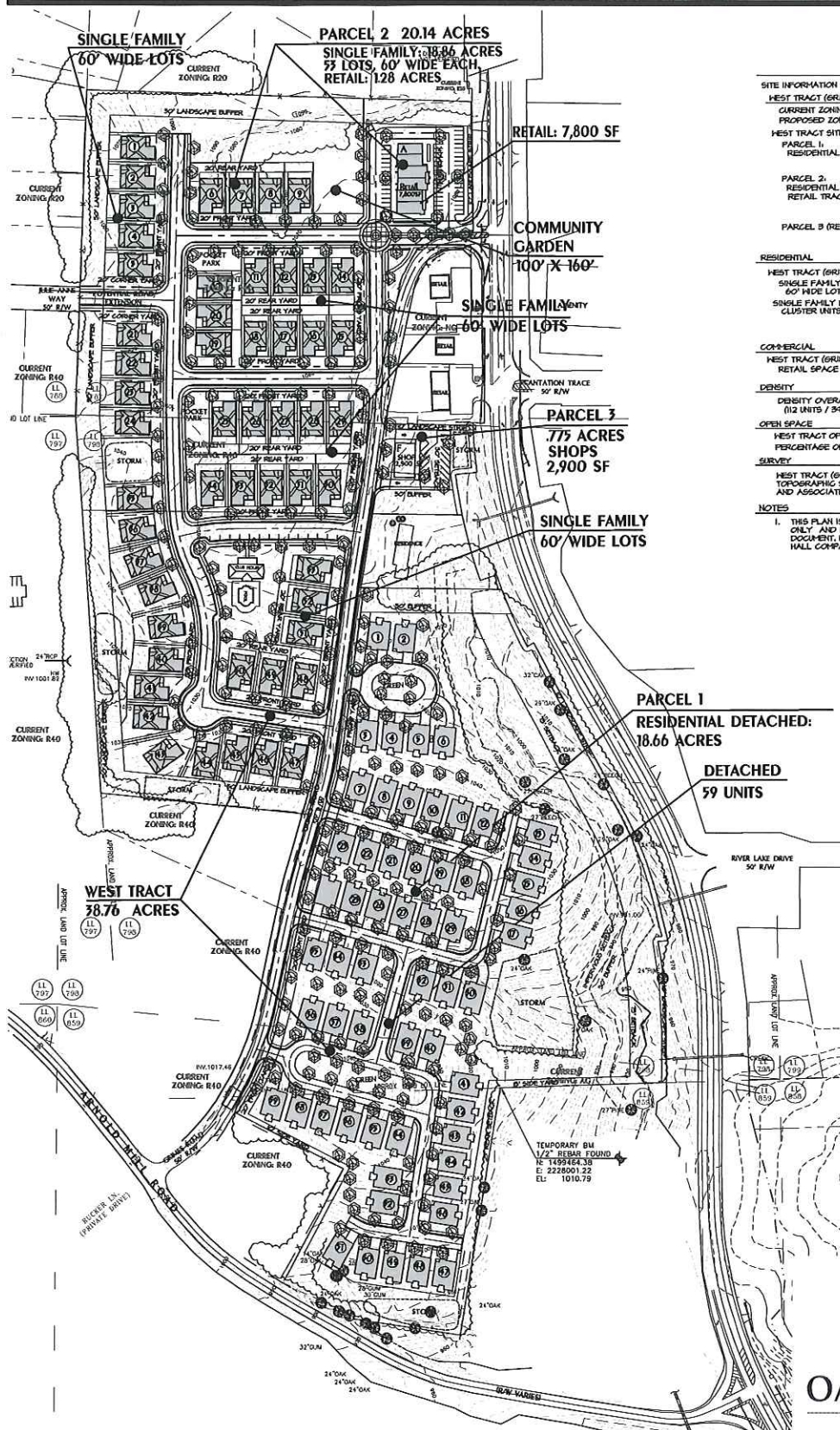
Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

Parks F. Huff
phuff@slhb-law.com

PFH/dvm
Enclosures

cc: Oak Hall Companies, LLC
Geoffrey E. Morton, PE, Public Works Agency Director
Brett Buchanan, PE, Assistant County Engineer
Rhonda L. Hilliard, Executive Assistant



SITE SUMMARY

SITE INFORMATION	
WEST TRACT (GRIMES RD.)	
CURRENT ZONING:	R40 & AG
PROPOSED ZONING:	RZL & HC
WEST TRACT SITE AREA:	
PARCEL 1:	18.66 ACRES
RESIDENTIAL DETACHED:	
PARCEL 2:	18.66 ACRES
RESIDENTIAL DETACHED:	
RETAIL TRACT:	128 ACRES
2014 ACRES	
PARCEL 3 (RETAIL):	.775 ACRES
TOTAL:	34.58 ACRES
RESIDENTIAL	
WEST TRACT (GRIMES RD.)	
SINGLE FAMILY DETACHED	53 LOTS
60' WIDE LOTS	
SINGLE FAMILY DETACHED	54 LOTS
CLUSTER UNITS	
TOTAL:	112 UNITS
COMMERCIAL	
WEST TRACT (GRIMES RD.)	
RETAIL SPACE	10,300 SF
DENSITY	
DENSITY OVERALL PROJECT:	2.83 UNITS / ACRE
(112 UNITS / 39.58 ACRES)	
OPEN SPACE	
WEST TRACT OPEN SPACE:	10.5 ACRES
PERCENTAGE OF OPEN SPACE OVERALL PROJECT:	21.1 %
SURVEY	
WEST TRACT (GRIMES ROAD), BOUNDARY AND	
TOPOGRAPHIC SURVEY PREPARED BY MCFARLAND DYER	
AND ASSOCIATES DATED JAN, 2011	
NOTES	
1. THIS PLAN IS TO BE USED FOR PLANNING PURPOSES ONLY, AND IS NOT INTENDED TO BE A CONSTRUCTION DOCUMENT. PLAN IS PREPARED FOR USE ONLY BY OAK HALL COMPANIES, LLC.	



OAK HALL
COMPANIES LLC

140 TOWNSHIP A MIXED-USE COMMUNITY

CONCEPT PLAN

**Development
Consultants, Inc.**

Lead Planning Site Development Landscape Architects
4030 Sunset Drive, Indian, OK 73060, Tel: 405-261-2000, Cell: 405-261-2000



Prepared for
Oak Hall Companies, LLC
5256 Peachtree Road, Suite 195
770-662-5995
Atlanta, GA 30341
DATE: 3/14/2017



Memorandum

Date: April 3, 2017

From: Marc R. Acampora, PE

Subject: Trip Generation Comparison for Proposed 140 Township Multi-Use Development
Cherokee County, Georgia

The trip generation was calculated for the proposed 140 Township multi-use development in Cherokee County. The site is located along the east and west side Grimes Road between Hickory Flat Highway and Arnold Mill Road. The location of the site is shown in Figure 1 and the proposed site plan is shown in Figure 2.

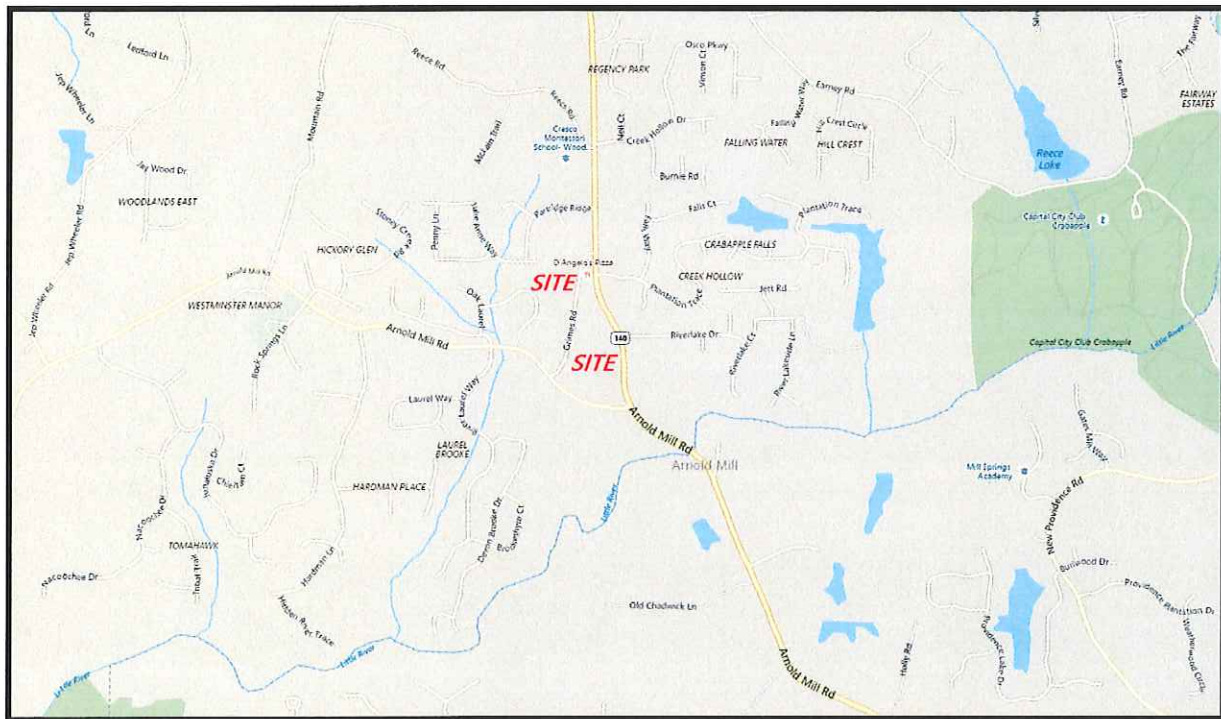
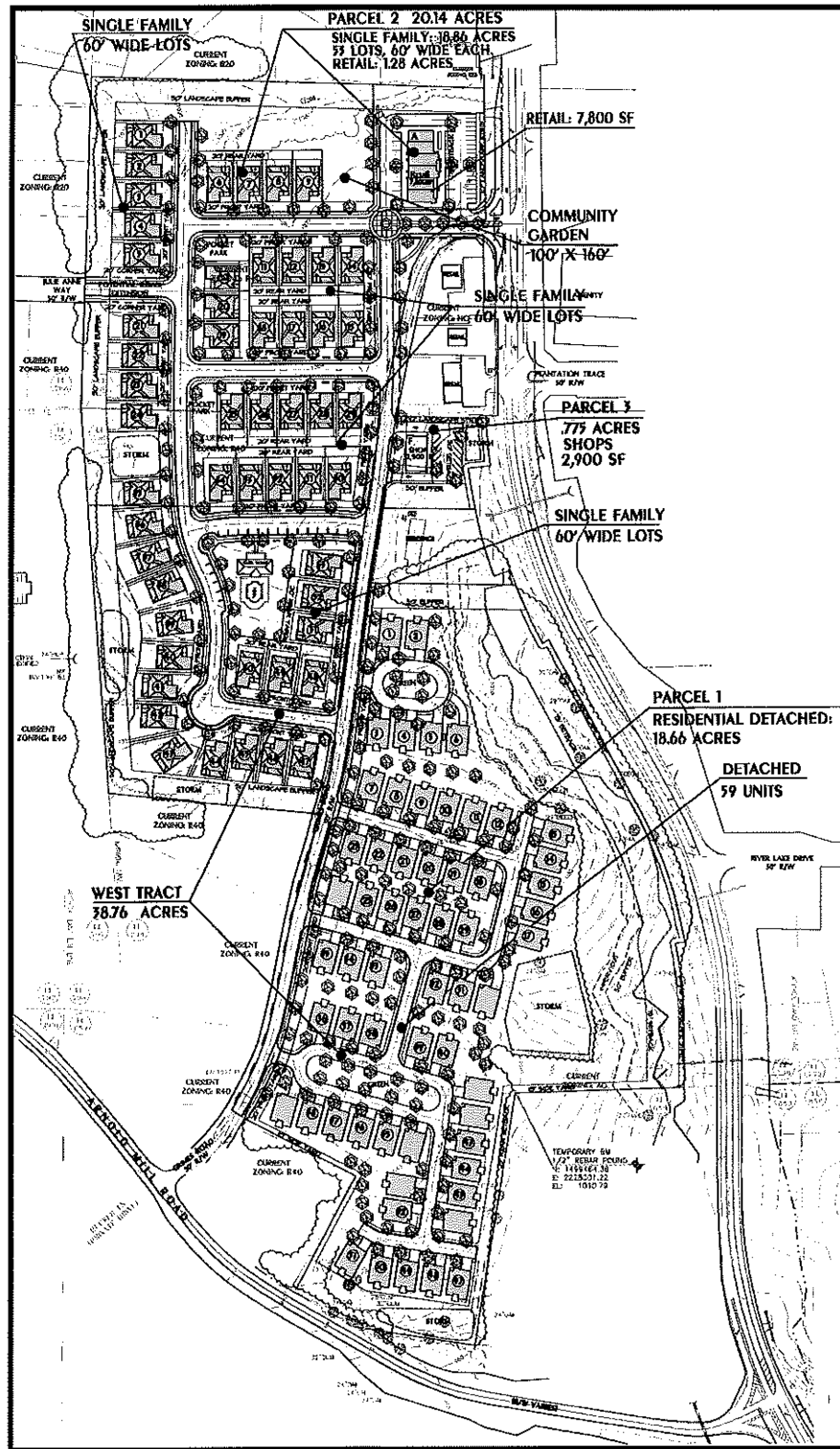


Figure 1 – 140 Township Site Location Map



site plan by Site Development Consultants, Inc.

Figure 2 – Proposed 140 Township Site Plan

MARC R. ACAMPORA, PE, LLC
TRAFFIC ENGINEERING

The volume of traffic that will be generated by the proposed development was calculated using the rates and equations in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. Raw trip generation was calculated for the residential and retail components of the project. The retail trips were adjusted to account for pass-by trips. These are trips that are already on Arnold Mill Road and Hickory Flat Highway, and will just turn into the site for shopping or dining purposes, then continue on their trip to their final destination. The methodology for calculating pass-by trips is provided in the *ITE Trip Generation Manual, Volume 1: Users Guide and Handbook*. The trip generation calculations are shown in Table 1.

Table 1 – Proposed 140 Township Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
			In	Out	Total	In	Out	Total	2-Way
Senior Adult Housing - Detached	251	112 homes	9	16	25	18	12	30	412
Specialty Retail Center	826	10,700 ft ²	6	4	10	13	16	29	474
-pass-by		24%/34%/24%	-1	-1	-2	-4	-5	-9	-114
Total Retail New Trips			5	3	8	9	11	20	360
Total Project New Trips			14	19	33	27	23	50	772

For comparison purposes, the trip generation was calculated if the site was developed with a standard, non-age-restricted single family subdivision with 68 homes and the same level of retail. Those calculations are shown in Table 2.

Table 2 – Alternative Development Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
			In	Out	Total	In	Out	Total	2-Way
Single-Family Detached Housing	210	68 homes	14	43	57	47	27	74	736
Specialty Retail Center	826	10,700 ft ²	6	4	10	13	16	29	474
-pass-by		24%/34%/24%	-1	-1	-2	-4	-5	-9	-114
Total Retail New Trips			5	3	8	9	11	20	360
Total Project New Trips			19	46	65	56	38	94	1,096

Table 3 provides a comparison of the total trips that will be generated by the proposed development, with senior-age-restricted homes, and the alternative development, with standard single family homes.

Table 3 – Trip Generation Comparison

Land Use	A.M. Peak Hour			P.M. Peak Hour			24-Hour
	In	Out	Total	In	Out	Total	2-Way
Proposed Development Total Project New Trips	14	19	33	27	23	50	772
Potential Alternative Development Total Project New Trips	19	46	65	56	38	94	1,096

The trips that will be generated by the 140 Township project were assigned to the adjacent roadways, including Hickory Flat Highway and Arnold Mill Road, in the traffic impact study for the project, dated March 29, 2017. This study also included traffic counts collected at nearby intersections and future traffic volume projections that included the trips that will be generated by the 140 Township project.

At the intersection of Grimes Road at Hickory Flat Highway, the project will contribute 21 new trips (total entering and exiting) in the a.m. peak hour. The total intersection volume, including the new site trips, will be 1,176 during that same hour. Therefore, the site trips will represent 1.8% of the trips at that intersection in the a.m. peak hour. In the p.m. peak hour, the site will account for 35 of the 1,435 trips, or 2.4% of the trips.

At the intersection of Arnold Mill Road at Grimes Road, the site will contribute 13 of 680 trips, or 1.9% in the a.m. peak hour and 20 of 962, or 2.1% in the p.m. peak hour.

In a 24-hour weekday, the project will add approximately 546 two-way trips to Hickory Flat Highway and 226 two-way trips to Arnold Mill Road. The 2015 Georgia DOT Annual Average Daily Traffic (AADT) volume on Hickory Flat Highway near Grimes Road was 14,500 vehicles (vpd) and the count on Arnold Mill Road near Grimes Road was 6,910 vpd. Without applying any background growth, the 140 Township project will account for approximately 546 of 15,046 trips, or 3.6% of the traffic on Hickory Flat Highway and 226 of 7,136 trips, or 3.2% of the traffic on Arnold Mill Road. These percentages will decrease slightly with likely background growth in volumes on these roadways while the 140 Township project is being developed.

Traffic Impact Study

Proposed 140 Township Development
Cherokee County, Georgia

March 29, 2017

MARC R ACAMPORA, PE, LLC
TRAFFIC ENGINEERING



Traffic Impact Study

Proposed 140 Township Development
Cherokee County, Georgia

study prepared for:

Oak Hall Companies, LLC
5256 Peachtree Road, Suite 195
Atlanta, Georgia 30341

March 29, 2017



MARC R. ACAMPORA, PE, LLC
TRAFFIC ENGINEERING

858 Myrtle Street, NE
Atlanta, Georgia 30308
(678) 637-1763

e-mail: acamporatraffic@comcast.net
web: www.acamporatraffic.com

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Introduction

This study assesses the traffic impact of a proposed residential and retail development in Cherokee County, Georgia. The site is located along the east and west sides of Grimes Road, west of Hickory Flat Highway and north of Arnold Mill Road, as shown in the location map in Figure 1. The project will include 112 detached senior-age-restricted single-family residential homes and approximately 10,700 square feet of specialty retail shops. The development will be built with a grid of streets connecting to Grimes Road, with vehicular access at multiple points along Grimes Road. The primary access points for the development to the area major roadways will be at the Grimes Road intersections with Hickory Flat Highway and with Arnold Mill Road.

The purpose of this traffic impact study is to determine existing traffic operating conditions in the vicinity of the proposed development, project future traffic volumes, assess the impact of the subject development, then develop conclusions and recommendations to mitigate the project traffic impact and ensure safe and efficient existing and future traffic conditions in the vicinity of the project.



Figure 1 – 140 Township Site Location Map

Existing Traffic Conditions

Existing traffic operating conditions in the vicinity of the proposed 140 Township development were assessed. The following is a description of existing transportation facilities, traffic volumes, and intersection operations.

Description of Existing Roadways

Hickory Flat Highway (Georgia State Route 140) is a minor arterial with a northwest / southeast orientation in the vicinity of the subject site. The road has one through lane in each direction, with exclusive northbound left turn lanes at Arnold Mill Road and at Grimes Road, as well as at other locations, and an exclusive southbound right turn lane at Arnold Mill Road, as well as at other locations. The terrain along GA 140 is very gently rolling and the posted speed limit is 45 mph. The land along this section of GA 140 is primarily undeveloped, low density single-family residential, and some spot retail uses.

Arnold Mill Road is a minor arterial with a general east / west orientation near the subject site. The road has one through travel lane per direction with a short separate left turn bay and sweeping right turn flare eastbound at its intersection with GA 140. This eastbound approach of Arnold Mill Road is side street stop sign controlled at GA 140. The terrain along Arnold Mill Road is gently rolling and the posted speed limit is 45 mph. The land along this section of Arnold Mill Road is a mix of undeveloped and low density single-family residential.

Grimes Road is a local two lane roadway that connects GA 140 to Arnold Mill Road, then continues south of Arnold Mill Road as Rucker Lane, an unimproved roadway with negligible traffic volumes. Grimes Road serves primarily undeveloped land, some low-density single family residential, and the rear access to some retail fronting on GA 140. The road has one through lane in each direction and is side street stop sign controlled at its two ends. The terrain is gently rolling, with a downhill grade approaching Arnold Mill Road, and the posted speed limit is 25 mph.

Intersection Sight Distance, Grimes Road at Arnold Mill Road

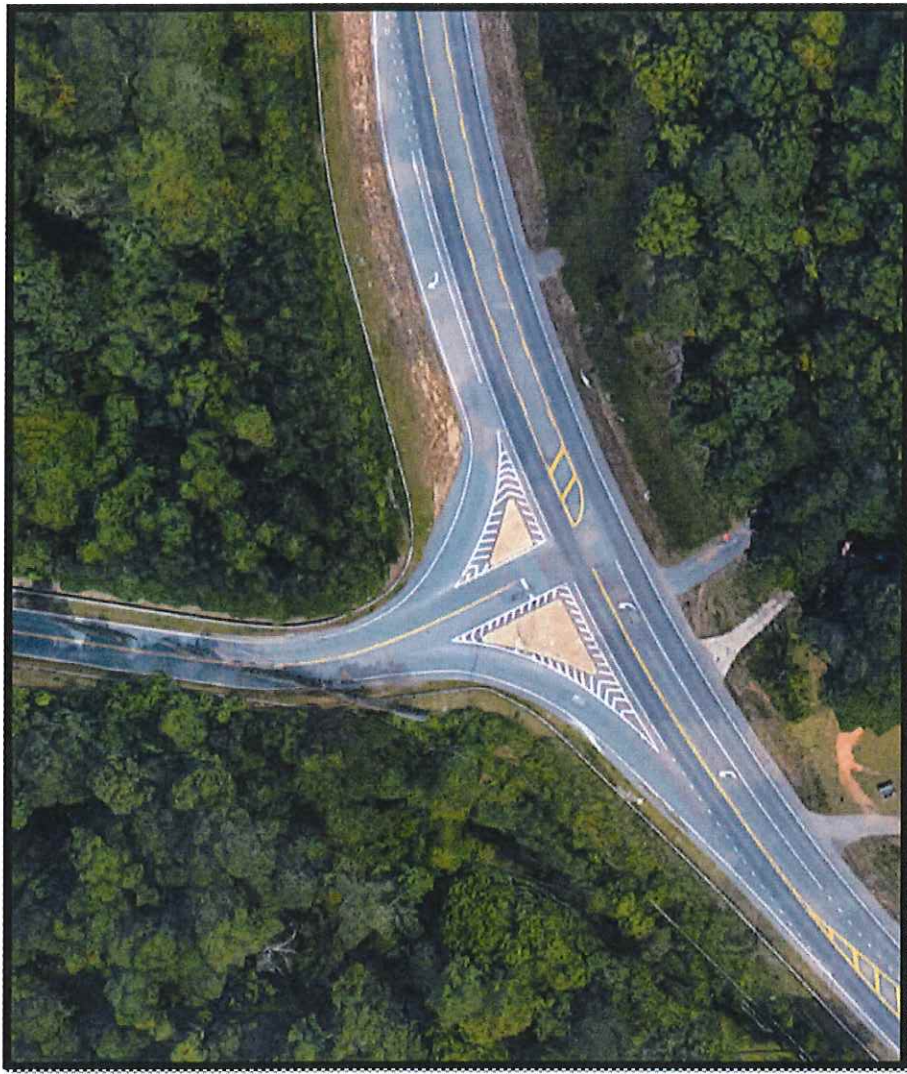
The line of sight is limited between southbound Grimes Road and the westbound approach on Arnold Mill Road. The minimum intersection sight distance was calculated and measured in the field according to the standards set forth in Cherokee County's detail – Intersection Sight Distance Requirements for Driveways and Side Streets. This detail is provided in Appendix E of this report. The calculation was based on the posted speed limit of 45 mph on Arnold Mill Road (which may differ slightly from the design speed). The minimum required sight distance is 500 feet for vehicles turning left, and 430 feet for vehicles crossing or turning right. The available sight distance measured on-site, from the Grimes Road approach, to the east on Arnold Mill Road is 198 feet, which does not meet the County's minimum standard. The sight distance to the

west was observed to be in excess of 500 feet. The sight distance limitation to the east will be discussed at the end of this report.

Pedestrian, Bicycle, and Transit Accessibility

There are no striped designated bicycle lanes or sidewalks on any of the roadways in this traffic study. There are no crosswalks or ADA-accessible ramps at any of the study intersections. There is no regularly scheduled mass transit service in the immediate vicinity of the proposed 140 Township development.

Photographs 1 through 5 show various locations and views on the roadways evaluated in this study.



Photograph 1 – Aerial Photograph of the Intersection of GA 140 and Arnold Mill Road



Photograph 2 – View Facing East from Grimes Road at GA 140



Photograph 3 – Typical Section of Grimes Road



Photograph 4 – Grimes Road Facing South at Arnold Mill Road



Photograph 5 – View From Driver's Eye on Southbound Grimes Road Facing East at Arnold Mill Road

Existing Traffic Volumes

Existing full turning movement traffic volume counts were collected at the following intersections in the vicinity of the proposed development:

- Hickory Flat Highway (GA 140) at Grimes Road
- Hickory Flat Highway (GA 140) at Arnold Mill Road
- Arnold Mill Road at Grimes Road

The counts were collected on Wednesday, March 22, 2017, from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. Area schools were in standard session on the day on which the counts were recorded. From the count data, the highest four consecutive 15-minute interval volumes at each intersection, during each time period, were determined. These volumes make up the typical weekday a.m. and p.m. peak hour traffic volumes at that intersection. The existing a.m. and p.m. peak hour turning movement volumes are shown in Figure 2. The raw count data is found in Appendix A.

In addition to the intersection turning movement counts, Georgia Department of Transportation (Georgia DOT) annual average daily traffic (AADT) volume counts were obtained on nearby roadways for the five years from 2011 to 2015 (the latest year for which volumes are available). Table 1 presents the historic Georgia DOT counts and the annual growth rates between the counts.

Table 1 – Historic Georgia DOT Traffic Volume Counts and Annual Growth Rates

Year	GA 140 N of Grimes	Annual Growth	Arnold Mill W of Grimes	Annual Growth	GA 140 S of Lackey Rd	Annual Growth
Station ID	0570114		0570162		1210332	
2011	13,000		6,970		18,460	
2012	12,620	-2.9%	6,850	-1.7%	18,360	-0.5%
2013	12,540	-0.6%	6,810	-0.6%	17,350	-5.5%
2014	13,500	7.7%	6,810	0.0%	17,400	0.3%
2015	14,500	7.4%	6,910	1.5%	19,500	12.1%
avg annual growth		2.8%		-0.2%		1.4%

The AADT volume on GA 140 north of Grimes Road was 14,500 in 2015 and the AADT on Arnold Mill Road west of Grimes Road was 6,910 in 2015.

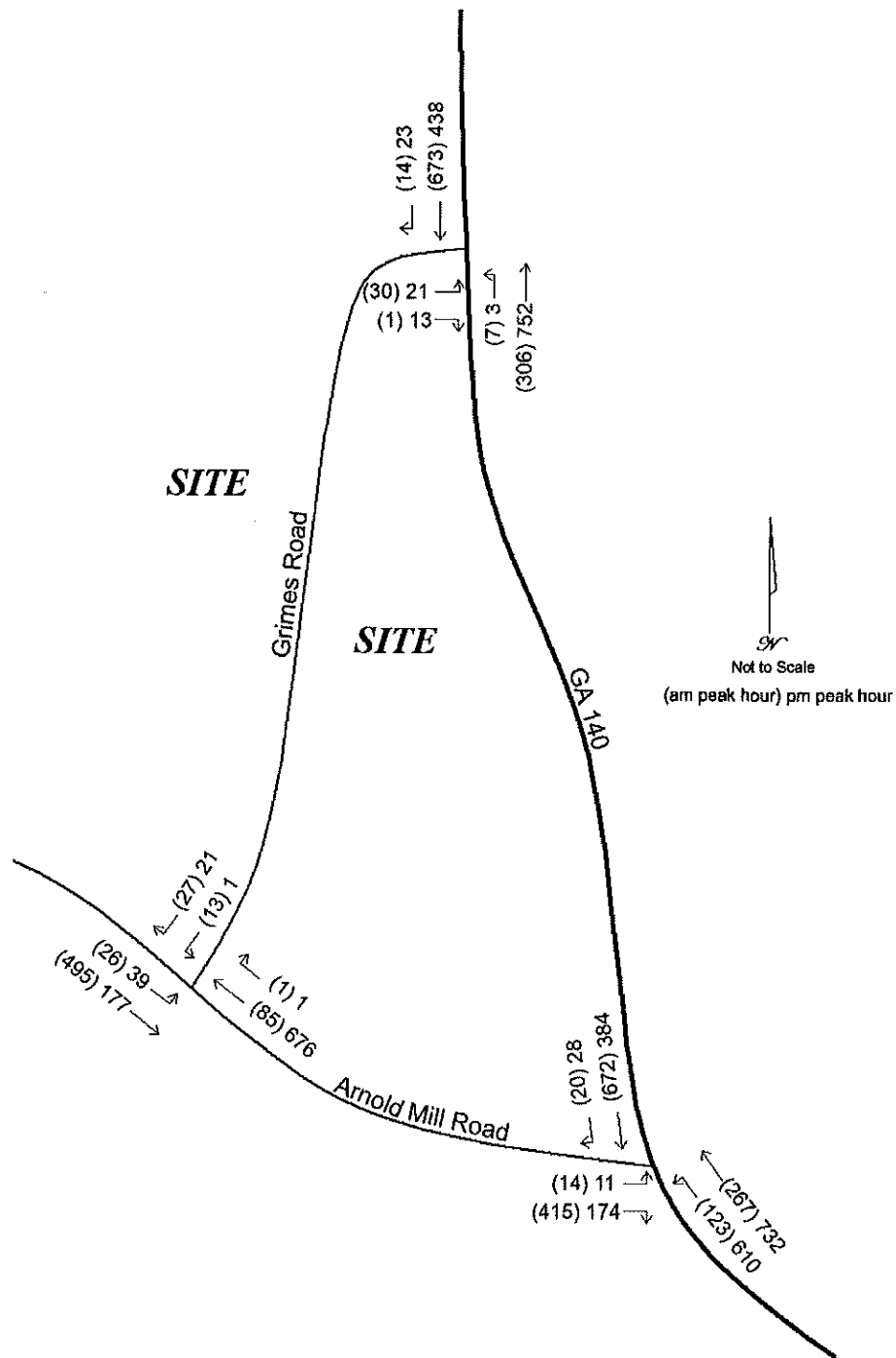


Figure 2 – Existing Weekday A.M. and P.M. Peak Hour Traffic Volumes

It is noted that some of the volumes do not exactly balance between adjacent intersections. This is due to the fact that the peak hours at each intersection were slightly different.

Existing Intersection Operations

Existing traffic operations were analyzed at the counted intersections using Synchro software, version 8, in accordance with the methodology presented in the Transportation Research Board's 2010 *Highway Capacity Manual* (HCM 2010). The HCM 2010 methodology is presented in Appendix B. The results of the analysis are shown in Table 2. Computer printouts containing detailed results of the analysis are located in Appendix C. Levels of service and delays are provided for the overall intersection and for each approach or controlled movement.

Table 2 – Existing Intersection Operations

Intersection / Approach	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay (s/veh)	LOS	Delay (s/veh)
1. GA 140 at Grimes Road	A	0.7	A	0.7
northbound left turn	A	9.2	A	8.3
eastbound approach	C	21.7	C	22.9
2. GA 140 at Arnold Mill Road	D	31.6	A	7.8
northbound left turn	A	10.0	B	11.9
eastbound left turn	D	33.0	F	493.1
eastbound right turn	F	111.1	B	12.8
3. Arnold Mill Road at Grimes Road	A	1.3	A	1.0
southbound approach	B	11.2	B	14.4
eastbound left turn	A	7.4	A	9.3

The analysis reveals acceptable operations at the two Grimes Road intersections. At the GA 140 / Arnold Mill Road intersection, heavy delays are experienced on the eastbound approach of Arnold Mill Road. In the a.m. peak hour, the higher delays are experienced by the eastbound right turners, with 415 a.m. peak hour right turns attempting to find gaps in the southbound through flow of 672 vehicles. In the p.m. the right turn delays are moderate because both the eastbound right turns and the southbound throughs are lower. The higher delays in the p.m. are incurred by the eastbound left turners. However, these delays are only incurred by a low volume of vehicles (11 in the p.m. peak hour). Signalization of this intersection would reduce the side street delays but would introduce new delays to the GA 140 approaches. The appropriateness of signalization is determined through a signal warrant study performed according to the standards proscribed in the Federal Highway Administration's *Manual On Uniform Traffic Control Devices* (MUTCD). No signal warrant analysis was performed as part of this traffic impact study. For signal warrant studies on Georgia state routes, the Georgia DOT typically requires that side street right turn volumes be excluded, since side street right turns can usually be made without the assistance of a signal. The proportionately very high eastbound right turn volumes may merit atypical consideration in a warrant analysis for this intersection. However, with these right turns removed from the analysis, it is considered unlikely that a signal would meet warrants at this intersection.

Project Traffic Characteristics

This section describes the anticipated traffic characteristics of the proposed 140 Township development, including a site description, how much traffic the project will generate, and where that traffic will travel.

Project Description

The 140 Township project will include 112 detached senior-age-restricted single-family residential homes and approximately 10,700 square feet of specialty retail shops. The development will be built with a grid of streets connecting to Grimes Road, with vehicular access at multiple points along Grimes Road. The primary access points for the development to the area major roadways will be at the Grimes Road intersections with Hickory Flat Highway and with Arnold Mill Road. The site plan calls for the addition of a southbound exclusive right turn lane on GA 140 at Grimes Road and modifications to the alignment of Grimes Road near GA 140. The site plan is presented in Figure 3.

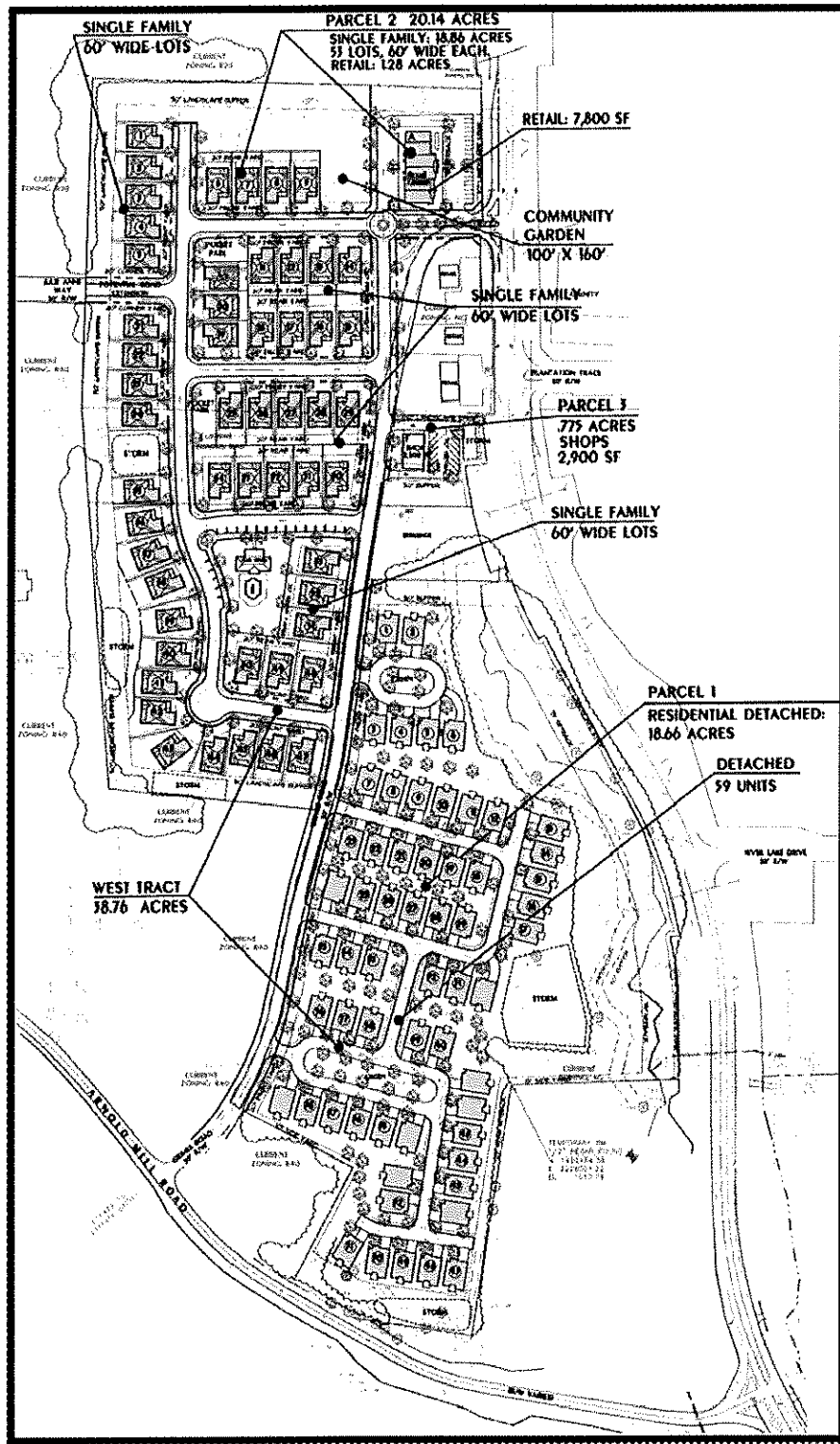


Figure 3 – Site Plan

Trip Generation

The volume of traffic that will be generated by the proposed development was calculated using the rates in the Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9th Edition. Raw trip generation was calculated for the residential and retail components. The retail trips were adjusted to account for pass-by trips. These are trips that are already on Arnold Mill Road and Hickory Flat Highway, and will just turn into Grimes Road to access the retail sites for shopping or dining purposes, then continue on their trip to their final destination. The methodology for calculating pass-by trips is provided in the ITE *Trip Generation Manual*, Volume 1: Users Guide and Handbook. The trip generation calculations are shown in Table 3.

Table 3 – 140 Township Trip Generation

Land Use	ITE Code	Size	A.M. Peak Hour			P.M. Peak Hour			24-Hour
			In	Out	Total	In	Out	Total	2-Way
Senior Adult Housing - Detached	251	112 homes	9	16	25	18	12	30	412
Specialty Retail Center	826	10,700 ft ²	6	4	10	13	16	29	474
-pass-by		24%/34%/24%	-1	-1	-2	-4	-5	-9	-114
Total Retail New Trips			5	3	8	9	11	20	360
Total Project New Trips			14	19	33	27	23	50	772

Trip Distribution and Assignment

The trip distribution percentages indicate what proportion of the project's trips will travel to and from various directions. The residential trip distribution percentages were based on the locations of trip attractors for seniors, such as retail shopping, recreation, and urban centers. The retail new trip distribution percentages were based on the locations and proximity of residential development in the area. The retail pass-by trips were assigned based on the prevailing flows passing the site on GA 140 and Arnold Mill Road. The project trips, shown in Table 3, were assigned to the roadway network based on the trip distribution percentages. The project trip distribution percentages and the a.m. and p.m. peak hour trips expected to be generated by the project are shown in Figure 4.

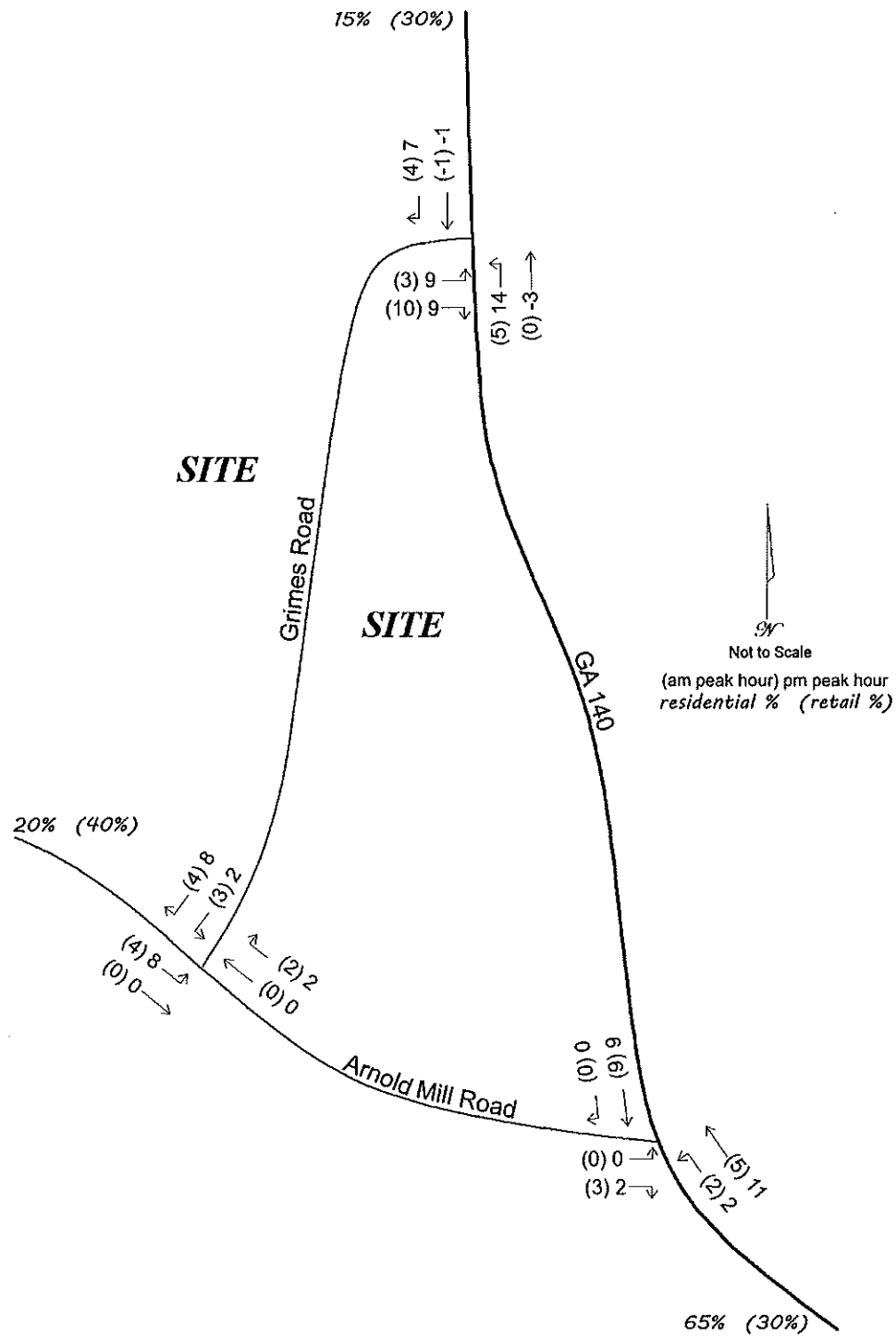


Figure 4 – Project Trip Distribution Percentages and Weekday A.M. and P.M. Peak Hour Site Trips

Future Traffic Conditions

The historic growth trends identified previously in Table 1, were used to develop an annual growth rate in traffic volumes of 4%, or a total of 12.5% on GA 140 and 1%, or a total of 3.0% on Arnold Mill Road, for the anticipated three year project build-out horizon. This growth rate was applied to the counted volumes at the study intersections to develop 2020 background traffic volumes. The site volumes, shown previously in Figure 4, were then added to the 2020 background volumes. This produces the future volumes that will be at each study intersection after the 140 Township project is built and operational. These future volumes are shown in Figure 5.

Programmed Improvements

The Atlanta Regional Commission's interactive mapping database was reviewed to identify programmed transportation improvements in the vicinity of the proposed 140 Township development. One project was identified – AR-300. This project will make operational and safety improvements along GA 140 from I-575 to GA 9. The project is considered long term, programmed for 2031-2040, and the budget is projected at \$20,000,000. This project will not affect the intersections in this traffic study by the time of the build-out of the 140 Township development.

Future Intersection Operations

An operational analysis was performed for the anticipated 2020 future project build-out year, at the study intersections. This analysis includes the new southbound exclusive right turn lane proposed in the site plan on GA 140 at Grimes Road. Table 4 presents the results of this analysis. Computer printouts containing detailed results of the analysis are located in Appendix D.

Table 4 – Future Intersection Operations

Intersection / Approach	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay (s/veh)	LOS	Delay (s/veh)
1. GA 140 at Grimes Road	A	1.0	A	1.4
northbound left turn	A	9.5	A	8.5
eastbound approach	C	24.9	D	31.3
2. GA 140 at Arnold Mill Road	F	51.5	A	9.6
northbound left turn	B	10.6	B	13.2
eastbound left turn	E	41.9	F	845.8
eastbound right turn	F	195.3	B	13.9
3. Arnold Mill Road at Grimes Road	A	1.5	A	1.3
southbound approach	B	11.6	C	15.7
eastbound left turn	A	7.5	A	9.4

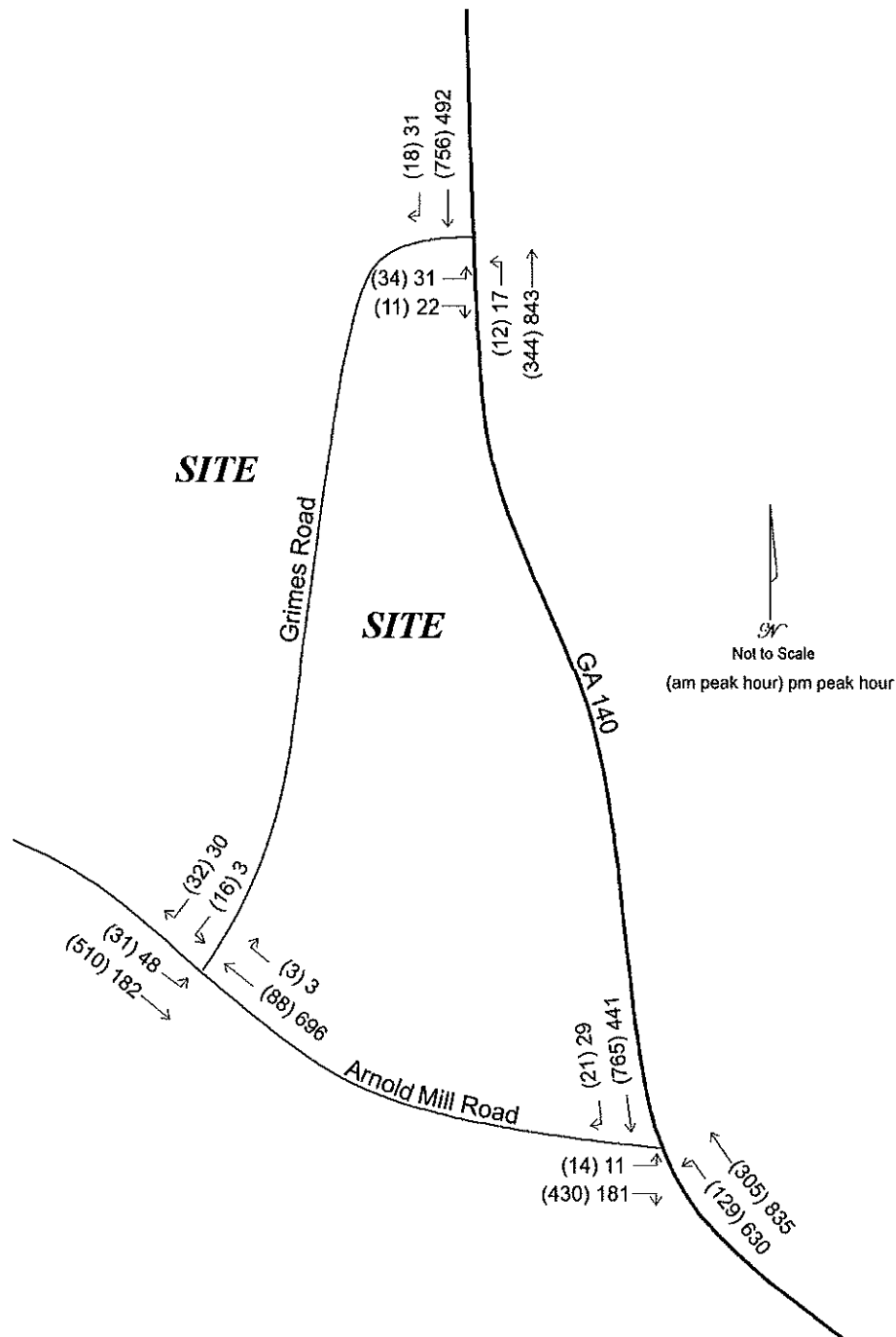


Figure 5 – Future Weekday A.M and P.M. Peak Hour Traffic Volume Projections

The future analysis shows slight increases in delays, but continued acceptable operations, at the two Grimes Road intersections. The GA 140 / Arnold Mill Road intersection will continue to experience high delays on the side street stop sign controlled eastbound approach on Arnold Mill Road. The next section of this report discusses these findings.

Conclusions and Recommendations

The existing analysis reveals acceptable operations at the intersections of GA 140 / Grimes Road and Arnold Mill Road at Grimes Road. Side street stop sign controlled approach volumes on Grimes Road at both locations are moderate and delays are low.

A sight distance limitation was identified between the southbound approach of Grimes Road and the westbound approach of Arnold Mill Road. The sight distance limitation creates a potential safety concern and should be addressed before additional vehicle trips are introduced to this intersection. The limitation is caused by a combination of factors including a slight crest in the roadway on Arnold Mill Road, and a steep earth embankment close to the north side of the roadway. Shaving back the embankment would improve the sight distance. However, there are barn/shed structures on the private property, close to the embankment, that might be impacted. It is recommended that the developer's civil engineer assess the feasibility of shaving back the embankment. There is an advisory speed limit sign on westbound Arnold Mill Road in advance of Grimes Road, advising of the presence of Grimes Road and a speed of 20 MPH. A "Limited Sight Distance" sign could be posted to supplement this sign. The installation of a warning beacon at the intersection might merit consideration. This would alert motorists, possibly on either approach, of the presence of a vehicle on the other approach.

The proposed 140 Township development will add a very moderate volume of new trips to the area intersections. The residential homes will be age-restricted to seniors. This age restriction reduces trip generation from that of standard single-family homes, especially during the peak times. The retail will be located on Grimes Road and are anticipated to be specialty shops that have a local clientele, and, therefore, will also generate very moderate volumes of traffic.

It is recommended that Grimes Road remain one lane entering and one lane exiting at both GA 140 and Arnold Mill Road. The side street approaches should continue to be controlled by side street stop sign and accompanying stop bar (which require restriping at both intersections).

The southbound right turn lane proposed in the site plan on GA 140 at Grimes Road is recommended and should be constructed to meet applicable Georgia DOT design standards. The existing northbound left turn lane on GA 140 at Grimes Road appears to be shorter than the Georgia DOT standards for left turn lanes on a 45 mph roadway, as it is limited by a southbound left turn lane serving the entrance to the Crabapple Falls subdivision, to the south of the Grimes Road intersection. This existing configuration is logical for the given conditions. The northbound left turn volumes are currently very low and are projected to continue to be low after the development of 140 Township, and are expected to be accommodated in the existing left turn lane storage provided.

The modifications to Grimes Road near GA 140 that will accompany the proposed development may reduce the modest cut-through volume that uses Grimes Road. Due to the rolling terrain along Grimes Road, it is recommended that all site accesses along Grimes Road be designed to ensure that sufficient sight distances are available.

Appendix A

Traffic Count Data and Volume Worksheets

140 Township Traffic Impact Study
Cherokee County, Georgia

March 2017

Intersection: 1. Hickory Flat Highway (Georgia State Route 140) at Grimes Road

Weekday A.M. Peak Hour	Northbound GA 140			Southbound GA 140			Eastbound Grimes Road		
	L	T	Tot	T	R	Tot	L	R	Tot
Counted Volumes (Wednesday, March 22, 2017)	7	306	313	673	14	687	30	1	31
Total Annual Background Growth	3.0%	12.5%		12.5%	3.0%		3.0%	3.0%	
No-Build Volumes	7	344	351	767	14	772	31	1	32
Proposed Senior Homes	4	0	4	0	1	1	2	8	10
Proposed Retail New Trips	1	0	1	0	2	2	1	1	2
Proposed Retail Pass-by Trips	0	0	0	-1	1	0	0	1	1
Total 140 Township Trips	5	0	5	-1	4	3	3	10	13
Build Volumes	12	344	356	766	18	775	34	11	45

Weekday P.M. Peak Hour	Northbound GA 140			Southbound GA 140			Eastbound Grimes Road		
	L	T	Tot	T	R	Tot	L	R	Tot
Counted Volumes (Wednesday, March 22, 2017)	3	752	755	438	23	461	21	13	34
Total Annual Background Growth	3.0%	12.5%		12.5%	3.0%		3.0%	3.0%	
No-Build Volumes	3	846	849	493	24	516	22	13	35
Proposed Senior Homes	9	0	9	0	3	3	2	6	8
Proposed Retail New Trips	2	0	2	0	3	3	4	3	7
Proposed Retail Pass-by Trips	3	-3	0	-1	1	0	3	0	3
Total 140 Township Trips	14	-3	11	-1	7	6	9	9	18
Build Volumes	17	843	860	492	31	522	31	22	53

MARCO R. ACAMPORA, PE, LLC

140 Township Traffic Impact Study
Cherokee County, Georgia

March 2017

Intersection: 2. Hickory Flat Highway (Georgia State Route 140) at Arnold Mill Road

Weekday A.M. Peak Hour	Northbound GA 140			Southbound GA 140			Eastbound Arnold Mill Road		
	L	T	Tot	T	R	Tot	L	R	Tot
Counted Volumes (Wednesday, March 22, 2017)	123	267	390	672	20	692	14	415	429
Total Annual Background Growth	3.0%	12.5%		12.5%	3.0%		3.0%	3.0%	
No-Build Volumes	127	300	427	756	21	777	14	427	442
Proposed Senior Homes	2	4	6	8	0	8	0	3	3
Proposed Retail New Trips	0	1	1	1	0	1	0	0	0
Proposed Retail Pass-by Trips	0	0	0	0	0	0	0	0	0
Total 140 Township Trips	2	5	7	9	0	9	0	3	3
Build Volumes	129	305	434	765	21	786	14	430	445

Weekday P.M. Peak Hour	Northbound GA 140			Southbound GA 140			Eastbound Arnold Mill Road		
	L	T	Tot	T	R	Tot	L	R	Tot
Counted Volumes (Wednesday, March 22, 2017)	610	732	1342	384	28	412	11	174	185
Total Annual Background Growth	3.0%	12.5%		12.5%	3.0%		3.0%	3.0%	
No-Build Volumes	628	824	1452	432	29	461	11	179	191
Proposed Senior Homes	2	9	11	6	0	6	0	2	2
Proposed Retail New Trips	0	2	2	3	0	3	0	0	0
Proposed Retail Pass-by Trips	0	0	0	0	0	0	0	0	0
Total 140 Township Trips	2	11	13	9	0	9	0	2	2
Build Volumes	630	835	1465	441	29	470	11	181	193

MARC R. ACAMPORA, PE, LLC

140 Township Traffic Impact Study
Cherokee County, Georgia

March 2017

Intersection: 3. Arnold Mill Road at Grimes Road

Weekday A.M. Peak Hour		Southbound Grimes Road			Eastbound Arnold Mill Road			Westbound Arnold Mill Road		
		L	R	Tot	L	T	Tot	T	R	Tot
Counted Volumes (Wednesday, March 22, 2017)		13	27	40	26	495	521	85	1	86
Total Annual Background Growth		3.0%	3.0%		3.0%	3.0%		3.0%	3.0%	
No-Build Volumes		13	28	41	27	510	537	88	1	89
Proposed Senior Homes		3	3	6	2	0	2	0	2	2
Proposed Retail New Trips		0	1	1	2	0	2	0	0	0
Proposed Retail Pass-by Trips		0	0	0	0	0	0	0	0	0
Total 140 Township Trips		3	4	7	4	0	4	0	2	2
Build Volumes		16	32	48	31	510	541	88	3	91

Weekday P.M. Peak Hour		Southbound Grimes Road			Eastbound Arnold Mill Road			Westbound Arnold Mill Road		
		L	R	Tot	L	T	Tot	T	R	Tot
Counted Volumes (Wednesday, March 22, 2017)		1	21	22	39	177	216	676	1	677
Total Annual Background Growth		3.0%	3.0%		3.0%	3.0%		3.0%	3.0%	
No-Build Volumes		1	22	23	40	182	222	696	1	697
Proposed Senior Homes		2	2	4	4	0	4	0	2	2
Proposed Retail New Trips		0	4	4	4	0	4	0	0	0
Proposed Retail Pass-by Trips		0	2	2	0	0	0	0	0	0
Total 140 Township Trips		2	8	10	8	0	8	0	2	2
Build Volumes		3	30	33	48	182	230	696	3	699

MARC R. ACAMPORA, PE, LLC

Reliable Traffic Data Services, LLC

Tel: (770) 578-8158 | Fax: (770) 578-8159
info@reliabletraffic.org | www.reliabletraffic.org

TMC Data
Hickory Flat Hwy (SR140) @ Grimes Rd
Woodstock, GA
7-9am | 4-6pm

File Name : 40170002
Site Code : 40170002
Start Date : 3/22/2017
Page No : 1

Groups Printed- Cars, Buses and Trucks

Start Time	Hickory Flat Hwy (SR140) Northbound					Hickory Flat Hwy (SR140) Southbound					Grimes Rd Eastbound					Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
07:00 AM	2	59	0	0	61	0	174	13	0	187	5	0	0	0	5	0	0	0	0	0	253
07:15 AM	4	84	0	0	88	0	132	5	0	137	7	0	0	0	7	0	0	0	0	0	232
07:30 AM	2	91	0	0	93	0	135	3	0	138	4	0	4	0	8	0	0	0	0	0	239
07:45 AM	1	60	0	0	61	0	138	8	0	146	7	0	0	0	7	0	0	0	0	0	214
Total	9	294	0	0	303	0	579	29	0	608	23	0	4	0	27	0	0	0	0	0	938
08:00 AM	1	81	0	0	82	0	154	4	0	158	8	0	0	0	8	0	0	0	0	0	248
08:15 AM	4	74	0	0	78	0	174	4	0	178	7	0	1	0	8	0	0	0	0	0	264
08:30 AM	1	82	0	0	83	0	180	5	0	185	8	0	0	0	8	0	0	0	0	0	276
08:45 AM	1	69	0	0	70	0	165	1	0	166	7	0	0	0	7	0	0	0	0	0	243
Total	7	306	0	0	313	0	673	14	0	687	30	0	1	0	31	0	0	0	0	0	1031
*** BREAK ***																					
04:00 PM	0	197	0	0	197	0	106	6	0	112	6	0	3	0	9	0	0	0	0	0	318
04:15 PM	0	168	0	0	168	0	111	7	0	118	2	0	5	0	7	0	0	0	0	0	293
04:30 PM	0	181	0	0	181	0	105	6	0	111	8	0	2	0	10	0	0	0	0	0	302
04:45 PM	3	206	0	0	209	0	116	4	0	120	5	0	3	0	8	0	0	0	0	0	337
Total	3	752	0	0	755	0	438	23	0	461	21	0	13	0	34	0	0	0	0	0	1250
05:00 PM	2	174	0	0	176	0	103	5	0	108	3	0	2	0	5	0	0	0	0	0	289
05:15 PM	2	144	0	0	146	0	106	3	0	109	7	0	1	0	8	0	0	0	0	0	263
05:30 PM	2	152	0	0	154	0	108	5	0	113	12	0	2	0	14	0	0	0	0	0	281
05:45 PM	1	161	0	0	162	0	93	3	0	96	9	0	3	0	12	0	0	0	0	0	270
Total	7	631	0	0	638	0	410	16	0	426	31	0	8	0	39	0	0	0	0	0	1103
Grand Total	26	1983	0	0	2009	0	2100	82	0	2182	105	0	26	0	131	0	0	0	0	0	4322
Apprch %	1.3	98.7	0	0		0	98.2	3.8	0		80.2	0	19.8	0		0	0	0	0	0	
Total %	0.6	45.9	0	0	46.5	0	48.6	1.9	0	50.5	2.4	0	0.6	0	3	0	0	0	0	0	

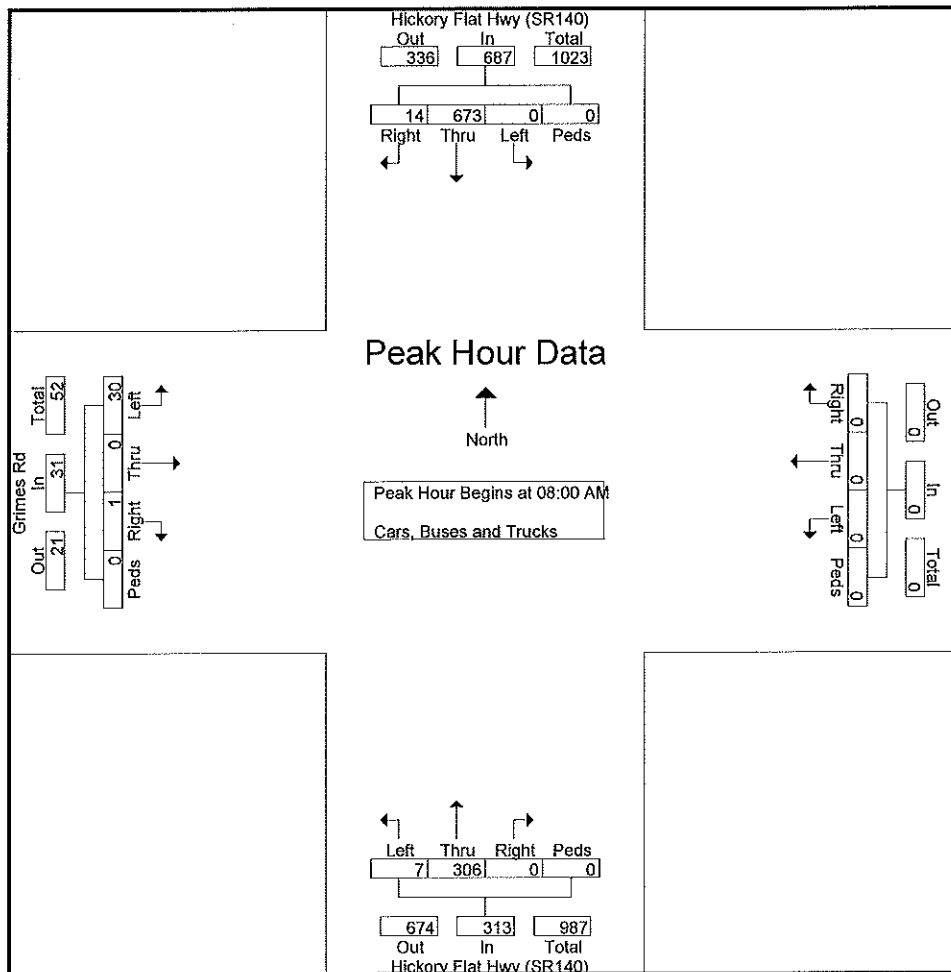
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TMC Data
Hickory Flat Hwy (SR140) @ Grimes Rd
Woodstock, GA
7-9am | 4-6pm

File Name : 40170002
Site Code : 40170002
Start Date : 3/22/2017
Page No : 2

	Hickory Flat Hwy (SR140) Northbound					Hickory Flat Hwy (SR140) Southbound					Grimes Rd Eastbound					Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00 AM																					
08:00 AM	1	81	0	0	82	0	154	4	0	158	8	0	0	0	8	0	0	0	0	0	248
08:15 AM	4	74	0	0	78	0	174	4	0	178	7	0	1	0	8	0	0	0	0	0	264
08:30 AM	1	82	0	0	83	0	180	5	0	185	8	0	0	0	8	0	0	0	0	0	276
08:45 AM	1	69	0	0	70	0	165	1	0	166	7	0	0	0	7	0	0	0	0	0	243
Total Volume	7	306	0	0	313	0	673	14	0	687	30	0	1	0	31	0	0	0	0	0	1031
% App. Total	2.2	97.8	0	0		0	98	2	0		96.8	0	3.2	0		0	0	0	0		
PHF	.438	.933	.000	.000	.943	.000	.935	.700	.000	.928	.938	.000	.250	.000	.969	.000	.000	.000	.000	.000	.934



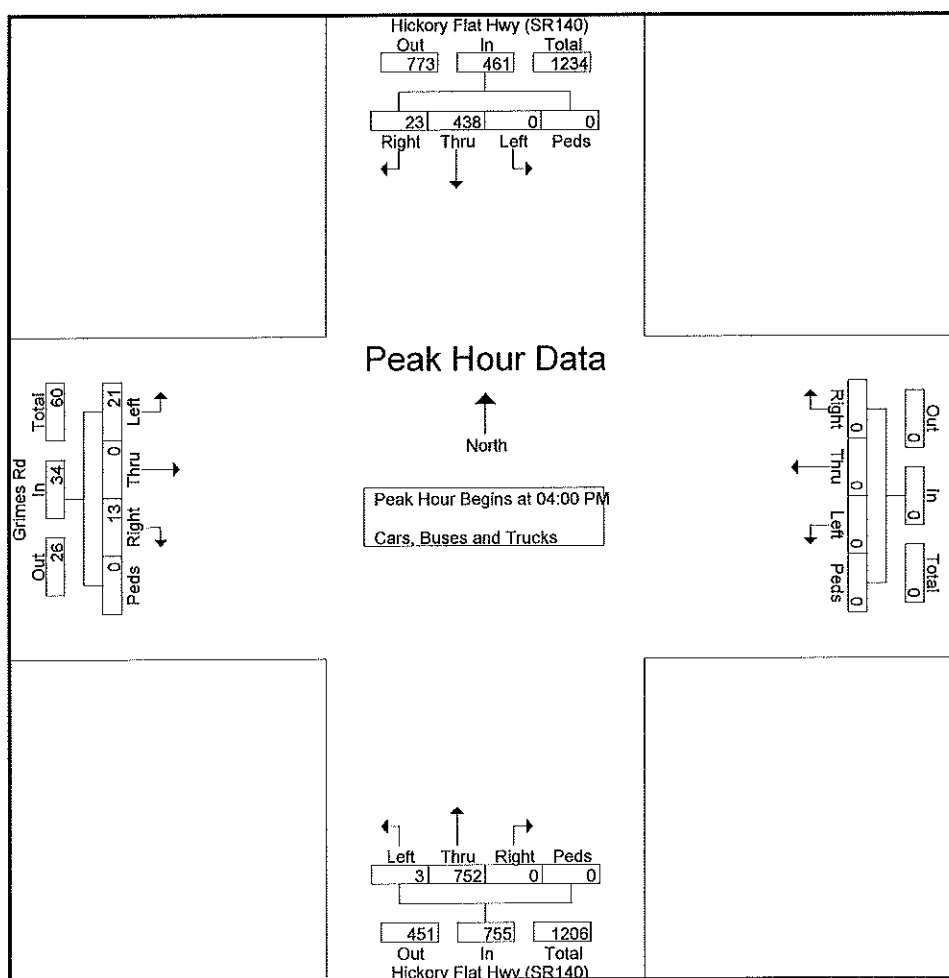
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File Name : 40170002
Site Code : 40170002
Start Date : 3/22/2017
Page No : 3

	Hickory Flat Hwy (SR140) Northbound					Hickory Flat Hwy (SR140) Southbound					Grimes Rd Eastbound					Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:00 PM																					
04:00 PM	0	197	0	0	197	0	106	6	0	112	6	0	3	0	9	0	0	0	0	0	318
04:15 PM	0	168	0	0	168	0	111	7	0	118	2	0	5	0	7	0	0	0	0	0	293
04:30 PM	0	181	0	0	181	0	105	6	0	111	8	0	2	0	10	0	0	0	0	0	302
04:45 PM	3	206	0	0	209	0	116	4	0	120	5	0	3	0	8	0	0	0	0	0	337
Total Volume	3	752	0	0	755	0	438	23	0	461	21	0	13	0	34	0	0	0	0	0	1250
% App. Total	0.4	99.6	0	0		0	95	5	0		61.8	0	38.2	0		0	0	0	0		
PHF	.250	.913	.000	.000	.903	.000	.944	.821	.000	.960	.656	.000	.650	.000	.850	.000	.000	.000	.000	.000	.927



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Arnold Mill Rd, Woodstock, GA
7-9am | 4-6pm

File Name : 40170001
Site Code : 40170001
Start Date : 3/22/2017
Page No : 1

Groups Printed- Cars, Buses and Trucks

	Arnold Mill Rd (SR140) Northbound					Hickory Flat Hwy (SR140) Southbound					Arnold Mill Rd Eastbound					Private Drwy Westbound						
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total	
07:00 AM	18	54	0	0	72	0	198	1	0	199	1	0	143	0	144	0	1	0	0	0	1	416
07:15 AM	22	67	0	0	89	0	164	3	0	167	0	0	128	0	128	0	0	0	0	0	0	384
07:30 AM	27	78	0	0	105	0	124	1	0	125	0	0	115	0	115	0	0	0	0	0	0	345
07:45 AM	23	65	0	0	88	0	127	2	0	129	0	0	102	0	102	0	0	0	0	0	0	319
Total	90	264	0	0	354	0	613	7	0	620	1	0	488	0	489	0	1	0	0	0	1	1464
08:00 AM	32	71	0	0	103	0	143	2	0	145	4	0	105	0	109	0	0	0	0	0	0	357
08:15 AM	28	58	0	0	86	0	176	7	0	183	2	0	98	0	100	0	0	0	0	0	0	369
08:30 AM	31	61	0	0	92	0	187	5	0	192	3	0	116	0	119	0	0	0	0	0	0	403
08:45 AM	32	77	0	0	109	0	166	6	0	172	5	0	96	0	101	1	0	0	0	0	1	383
Total	123	267	0	0	390	0	672	20	0	692	14	0	415	0	429	1	0	0	0	0	1	1512
*** BREAK ***																						
04:00 PM	123	195	0	0	318	0	93	11	0	104	3	0	35	0	38	0	0	0	0	0	0	460
04:15 PM	152	176	0	0	328	0	96	6	0	102	4	0	42	0	46	0	0	0	0	0	0	476
04:30 PM	146	187	0	0	333	0	99	9	0	108	1	0	40	0	41	0	0	0	0	0	0	482
04:45 PM	150	202	0	0	352	0	102	6	0	108	4	0	44	0	48	0	0	0	0	0	0	508
Total	571	760	0	0	1331	0	390	32	0	422	12	0	161	0	173	0	0	0	0	0	0	1926
05:00 PM	162	167	0	0	329	0	87	7	0	94	2	0	48	0	50	0	0	0	0	0	0	473
05:15 PM	167	158	0	0	325	1	90	6	0	97	1	0	45	0	46	0	0	0	0	0	0	468
05:30 PM	169	161	0	0	330	0	101	7	0	108	2	0	44	0	46	0	0	0	0	0	0	484
05:45 PM	172	162	0	0	334	0	84	6	0	90	1	0	39	0	40	0	0	0	0	0	0	464
Total	670	648	0	0	1318	1	362	26	0	389	6	0	176	0	182	0	0	0	0	0	0	1889
Grand Total	1454	1939	0	0	3393	1	2037	85	0	2123	33	0	1240	0	1273	1	1	0	0	2	6791	
Approch %	42.9	57.1	0	0		0	95.9	4	0		2.6	0	97.4	0		50	50	0	0			
Total %	21.4	28.6	0	0	50	0	30	1.3	0	31.3	0.5	0	18.3	0	18.7	0	0	0	0	0		

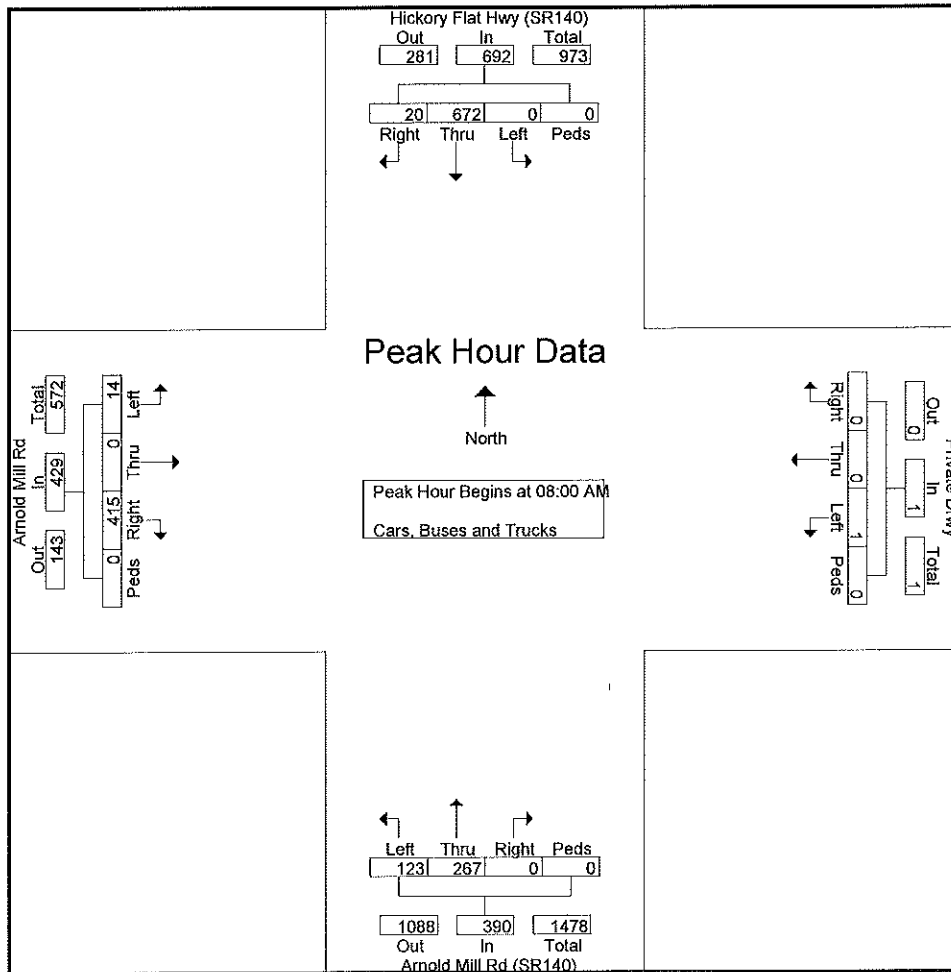
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TMC Data
Hickory Flat Hwy (SR140) @
Arnold Mill Rd, Woodstock, GA
7-9am | 4-6pm

File Name : 40170001
Site Code : 40170001
Start Date : 3/22/2017
Page No : 2

	Arnold Mill Rd (SR140) Northbound					Hickory Flat Hwy (SR140) Southbound					Arnold Mill Rd Eastbound					Private Drwy Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 08:00 AM																					
08:00 AM	32	71	0	0	103	0	143	2	0	145	4	0	105	0	109	0	0	0	0	0	357
08:15 AM	28	58	0	0	86	0	176	7	0	183	2	0	98	0	100	0	0	0	0	0	369
08:30 AM	31	61	0	0	92	0	187	5	0	192	3	0	116	0	119	0	0	0	0	0	403
08:45 AM	32	77	0	0	109	0	166	6	0	172	5	0	96	0	101	1	0	0	0	1	383
Total Volume	123	267	0	0	390	0	672	20	0	692	14	0	415	0	429	1	0	0	0	1	1512
% App. Total	31.5	68.5	0	0		0	97.1	2.9	0		3.3	0	96.7	0		100	0	0	0		
PHF	.961	.867	.000	.000	.894	.000	.898	.714	.000	.901	.700	.000	.894	.000	.901	.250	.000	.000	.000	.250	.938



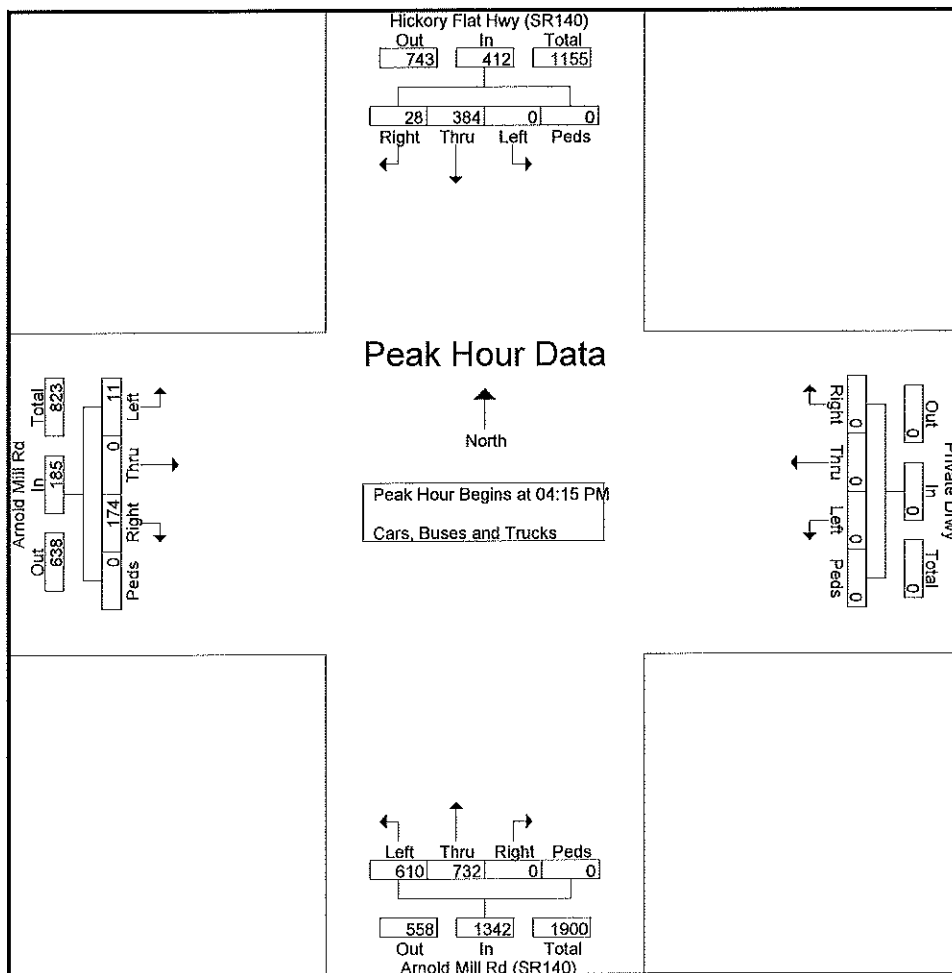
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Tel: (770) 578-8158 | Fax: (770) 578-8159
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TMC Data
Hickory Flat Hwy (SR140) @
Arnold Mill Rd, Woodstock, GA
7-9am | 4-6pm

File Name : 40170001
Site Code : 40170001
Start Date : 3/22/2017
Page No : 3

	Arnold Mill Rd (SR140) Northbound					Hickory Flat Hwy (SR140) Southbound					Arnold Mill Rd Eastbound					Private Drwy Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 04:15 PM																					
04:15 PM	152	176	0	0	328	0	96	6	0	102	4	0	42	0	46	0	0	0	0	0	476
04:30 PM	146	187	0	0	333	0	99	9	0	108	1	0	40	0	41	0	0	0	0	0	482
04:45 PM	150	202	0	0	352	0	102	6	0	108	4	0	44	0	48	0	0	0	0	0	508
05:00 PM	162	167	0	0	329	0	87	7	0	94	2	0	48	0	50	0	0	0	0	0	473
Total Volume	610	732	0	0	1342	0	384	28	0	412	11	0	174	0	185	0	0	0	0	0	1939
% App. Total	45.5	54.5	0	0		0	93.2	6.8	0		5.9	0	94.1	0		0	0	0	0		
PHF	.941	.906	.000	.000	.953	.000	.941	.778	.000	.954	.688	.000	.906	.000	.925	.000	.000	.000	.000	.000	.954



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TMC Data
Arnold Mill Rd @ Grimes Rd
Woodstock, GA
7-9am | 4-6pm

File Name : 40170003
Site Code : 40170003
Start Date : 3/22/2017
Page No : 1

Groups Printed- Cars, Buses and Trucks

Start Time	Private Drwy Northbound					Grimes Rd Southbound					Arnold Mill Rd Eastbound					Arnold Mill Rd Westbound					Int. Total
	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	
07:00 AM	0	0	0	0	0	11	0	6	0	17	7	140	0	0	147	0	18	0	0	18	182
07:15 AM	0	0	0	0	0	1	0	7	0	8	6	128	0	0	134	0	19	0	0	19	161
07:30 AM	0	0	0	0	0	1	0	4	0	5	5	122	0	0	127	0	23	1	0	24	156
07:45 AM	0	0	0	0	0	0	0	10	0	10	8	105	0	0	113	0	25	0	0	25	148
Total	0	0	0	0	0	13	0	27	0	40	26	495	0	0	521	0	85	1	0	86	647
08:00 AM	0	0	0	0	0	1	0	5	0	6	6	98	0	0	104	0	34	0	0	34	144
08:15 AM	0	0	0	0	0	0	0	8	0	8	6	133	0	0	139	0	30	0	0	30	177
08:30 AM	0	1	0	0	1	0	0	7	0	7	8	92	0	0	100	0	38	0	0	38	146
08:45 AM	0	0	0	0	0	0	0	4	0	4	7	114	0	0	121	0	34	0	0	34	159
Total	0	1	0	0	1	1	0	24	0	25	27	437	0	0	464	0	136	0	0	136	626
*** BREAK ***																					
04:00 PM	0	0	0	0	0	0	0	6	0	6	8	46	0	0	54	0	123	0	0	123	183
04:15 PM	0	0	0	0	0	0	0	10	0	10	9	42	0	0	51	0	164	1	0	165	226
04:30 PM	0	0	0	0	0	0	0	3	0	3	6	47	0	0	53	0	154	1	0	155	211
04:45 PM	0	0	0	0	0	0	0	3	0	3	7	49	0	0	56	0	143	0	0	143	202
Total	0	0	0	0	0	0	0	22	0	22	30	184	0	0	214	0	584	2	0	586	822
05:00 PM	0	0	0	0	0	0	1	8	0	9	3	42	0	0	45	0	168	1	0	169	223
05:15 PM	0	0	0	0	0	0	0	4	0	4	8	43	0	0	51	0	171	0	0	171	226
05:30 PM	0	0	0	0	0	0	0	8	0	8	16	52	0	0	68	0	179	0	0	179	255
05:45 PM	0	0	0	0	0	0	0	1	0	1	12	40	0	0	52	0	158	0	0	158	211
Total	0	0	0	0	0	0	1	21	0	22	39	177	0	0	216	0	676	1	0	677	915
Grand Total	0	1	0	0	1	14	1	94	0	109	122	1293	0	0	1415	0	1481	4	0	1485	3010
Apprch %	0	100	0	0		12.8	0.9	86.2	0		8.6	91.4	0	0		0	99.7	0.3	0		
Total %	0	0	0	0	0	0.5	0	3.1	0	3.6	4.1	43	0	0	47	0	49.2	0.1	0	49.3	

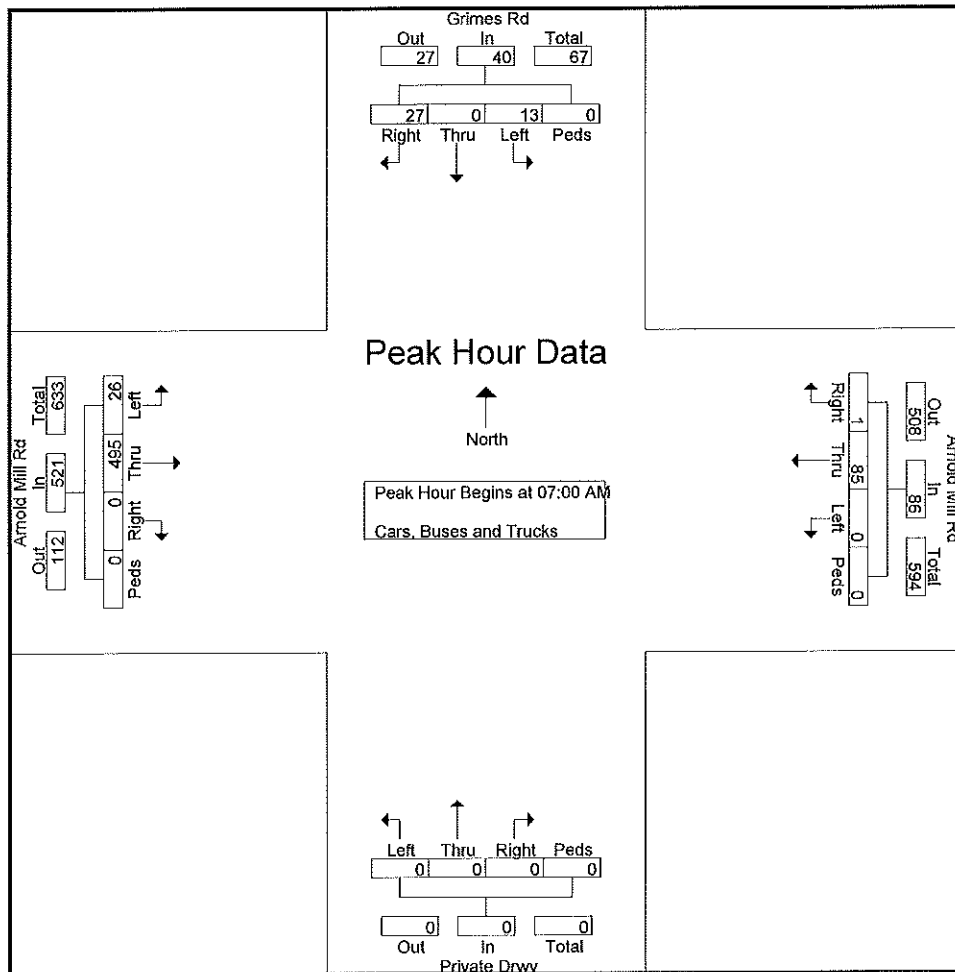
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TMC Data
Arnold Mill Rd @ Grimes Rd
Woodstock, GA
7-9am | 4-6pm

File Name : 40170003
Site Code : 40170003
Start Date : 3/22/2017
Page No : 2

	Private Drwy Northbound					Grimes Rd Southbound					Arnold Mill Rd Eastbound					Arnold Mill Rd Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 07:00 AM to 08:45 AM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 07:00 AM																					
07:00 AM	0	0	0	0	0	11	0	6	0	17	7	140	0	0	147	0	18	0	0	18	182
07:15 AM	0	0	0	0	0	1	0	7	0	8	6	128	0	0	134	0	19	0	0	19	161
07:30 AM	0	0	0	0	0	1	0	4	0	5	5	122	0	0	127	0	23	1	0	24	156
07:45 AM	0	0	0	0	0	0	0	10	0	10	8	105	0	0	113	0	25	0	0	25	148
Total Volume	0	0	0	0	0	13	0	27	0	40	26	495	0	0	521	0	85	1	0	86	647
% App. Total	0	0	0	0	0	32.5	0	67.5	0		5	95	0	0		0	98.8	1.2	0		
PHF	.000	.000	.000	.000	.000	.295	.000	.675	.000	.588	.813	.884	.000	.000	.886	.000	.850	.250	.000	.860	.889



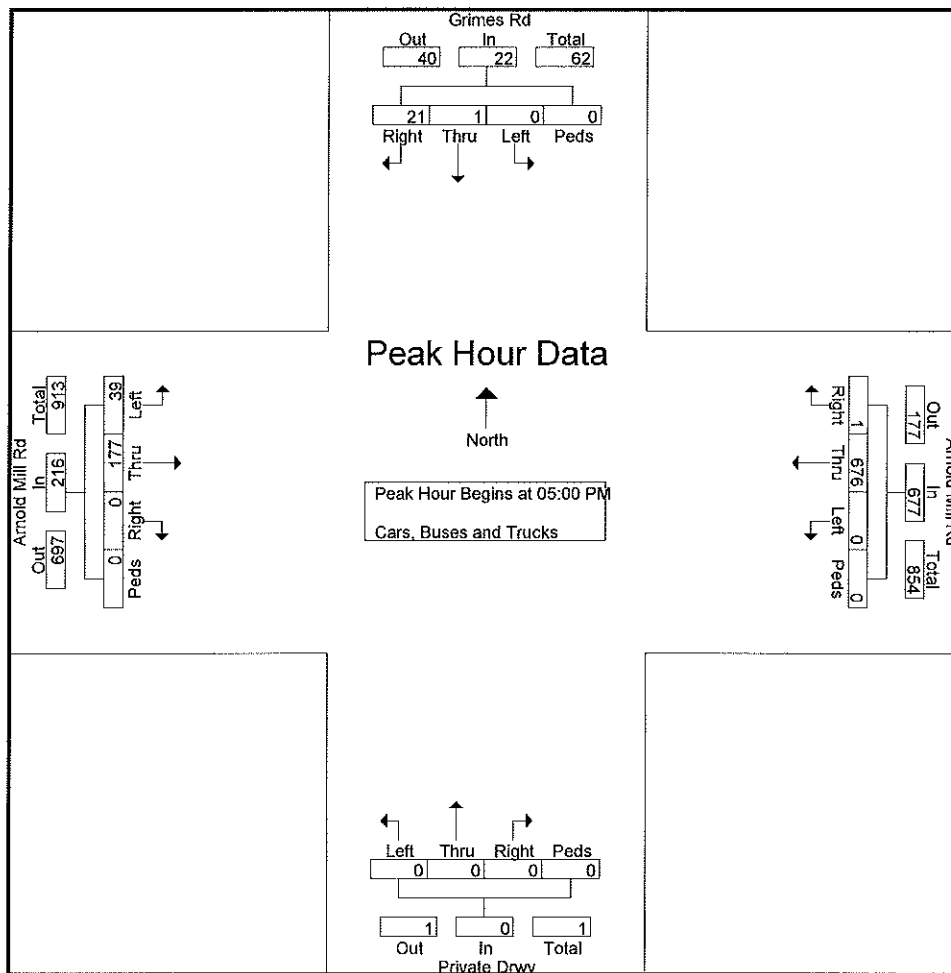
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Start Date : 3/22/2017
Page No : 3

	Private Drwy Northbound					Grimes Rd Southbound					Arnold Mill Rd Eastbound					Arnold Mill Rd Westbound					
Start Time	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Left	Thru	Right	Peds	App. Total	Int. Total
Peak Hour Analysis From 04:00 PM to 05:45 PM - Peak 1 of 1																					
Peak Hour for Entire Intersection Begins at 05:00 PM																					
05:00 PM	0	0	0	0	0	0	1	8	0	9	3	42	0	0	45	0	168	1	0	169	223
05:15 PM	0	0	0	0	0	0	0	4	0	4	8	43	0	0	51	0	171	0	0	171	226
05:30 PM	0	0	0	0	0	0	0	8	0	8	16	52	0	0	68	0	179	0	0	179	255
05:45 PM	0	0	0	0	0	0	0	1	0	1	12	40	0	0	52	0	158	0	0	158	211
Total Volume	0	0	0	0	0	0	1	21	0	22	39	177	0	0	216	0	676	1	0	677	915
% App. Total	0	0	0	0	0	0	4.5	95.5	0		18.1	81.9	0	0		0	99.9	0.1	0		
PHF	.000	.000	.000	.000	.000	.000	.250	.656	.000	.611	.609	.851	.000	.000	.794	.000	.944	.250	.000	.946	.897



Appendix B

Intersection Analysis Methodology

Intersection Analysis Methodology

The methodology used for evaluating traffic operations at intersections is presented in the Transportation Research Board's *Highway Capacity Manual*, 2010 edition (HCM 2010). Synchro 8 software, which emulates the HCM 2010 methodology, was used for all analyses. The following is an overview of the methodology employed for the analysis of signalized intersections and stop-sign controlled (unsignalized) intersections.

Signalized Intersections

The criteria for evaluating signalized intersections are capacity and level of service. The capacity analysis of an intersection compares the volume of traffic using the various lane groups at the intersection to the capacity of those lane groups. This produces a volume-to-capacity (v/c) ratio for each lane group. A v/c ratio greater than 1.0 indicates that the volume of traffic has exceeded the capacity available and indicates a temporary excess of demand. The HCM 2010 methodology computes a critical v/c ratio for an intersection based on the critical lane groups or approaches. This critical v/c ratio is an indication of overall intersection sufficiency.

Level of service for a signalized intersection is defined in terms of control delay per vehicle. For signalized intersections, a composite intersection level of service is determined. The thresholds for each level of service are higher for signalized intersections than for unsignalized intersections. This is attributable to a variety of factors including expectation and acceptance of higher delays at signals, and the fact that drivers can relax when waiting at a signal as opposed to having to remain attentive as they proceed through the unsignalized intersection. The level of service criteria for signalized intersections are shown in Table A.

Table A – Level of Service Criteria for Signalized Intersections

Control Delay (s/veh)	Level of Service by Volume-to-Capacity Ratio	
	≤1.0	>1.0
≤ 10	A	F
> 10 and ≤ 20	B	F
> 20 and ≤ 35	C	F
> 35 and ≤ 55	D	F
> 55 and ≤ 80	E	F
> 80	F	F

Source: *Highway Capacity Manual 2010*

Unsignalized Intersections

The operations at an unsignalized intersection are defined in terms of levels of service. Level of service (LOS) is a measure of driver discomfort, frustration, fuel consumption, and lost travel time. Level of service for an unsignalized intersection is defined in terms of control delay per vehicle. Control delay is that portion

of delay attributable to the control device and includes initial deceleration delay, queue move-up time, stopped delay, and final acceleration delay. The delays at unsignalized intersections are based on gap acceptance theory, factoring in availability of gaps, usefulness of the gaps, and the priority of right-of-way given to each traffic stream.

Levels of service are assigned letters A through F. LOS A indicates operations with very low control delay while LOS F describes operations with high control delay. LOS F is considered to be unacceptable by most drivers, while LOS E is typically considered to be the limit of acceptable delay. The level of service criteria for unsignalized intersections are presented in Table B.

Table B – Level of Service Criteria for Unsignalized Intersections

Control Delay (s/veh)	Level of Service by Volume-to-Capacity Ratio	
	≤1.0	>1.0
0 – 10	A	F
> 10 and ≤ 15	B	F
> 15 and ≤ 25	C	F
> 25 and ≤ 35	D	F
> 35 and ≤ 50	E	F
> 50	F	F

Source: Highway Capacity Manual 2010

Appendix C

Existing Intersection Operational Analysis

140 Township
1: GA 140 & Grimes Road

existing a.m.

Intersection						
Int Delay, s/veh	0.7					
Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	30	1	7	306	673	14
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	80	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	94	94	93	93
Heavy Vehicles, %	1	1	1	2	2	1
Mvmt Flow	31	1	7	326	724	15
Major/Minor	Minor2	Major1		Major2		
Conflicting Flow All	1071	731	739	0	-	0
Stage 1	731	-	-	-	-	-
Stage 2	340	-	-	-	-	-
Critical Hdwy	6.41	6.21	4.11	-	-	-
Critical Hdwy Stg 1	5.41	-	-	-	-	-
Critical Hdwy Stg 2	5.41	-	-	-	-	-
Follow-up Hdwy	3.509	3.309	2.209	-	-	-
Pot Cap-1 Maneuver	246	423	872	-	-	-
Stage 1	478	-	-	-	-	-
Stage 2	723	-	-	-	-	-
Platoon blocked, %				-	-	-
Mov Cap-1 Maneuver	244	423	872	-	-	-
Mov Cap-2 Maneuver	244	-	-	-	-	-
Stage 1	478	-	-	-	-	-
Stage 2	717	-	-	-	-	-
Approach	EB	NB		SB		
HCM Control Delay, s	21.7	0.2		0		
HCM LOS	C					
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR	
Capacity (veh/h)	872	-	247	-	-	
HCM Lane V/C Ratio	0.009	-	0.129	-	-	
HCM Control Delay (s)	9.2	-	21.7	-	-	
HCM Lane LOS	A	-	C	-	-	
HCM 95th %tile Q(veh)	0	-	0.4	-	-	

140 Township
2: GA 140 & Arnold Mill Road

existing a.m.

Intersection

Int Delay, s/veh 31.6

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	14	415	123	267	672	20
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	60	0	200	-	-	200
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	89	89	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	16	461	138	300	747	22

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1323	747	0
Stage 1	747	-	-
Stage 2	576	-	-
Critical Hdwy	6.42	6.22	4.12
Critical Hdwy Stg 1	5.42	-	-
Critical Hdwy Stg 2	5.42	-	-
Follow-up Hdwy	3.518	3.318	2.218
Pot Cap-1 Maneuver	172	~ 413	861
Stage 1	468	-	-
Stage 2	562	-	-
Platoon blocked, %			-
Mov Cap-1 Maneuver	144	~ 413	861
Mov Cap-2 Maneuver	144	-	-
Stage 1	468	-	-
Stage 2	472	-	-

Approach	EB	NB	SB
HCM Control Delay, s	108.6	3.1	0
HCM LOS	F		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	861	-	144	413	-	-
HCM Lane V/C Ratio	0.161	-	0.108	1.116	-	-
HCM Control Delay (s)	10	-	33	111.1	-	-
HCM Lane LOS	A	-	D	F	-	-
HCM 95th %tile Q(veh)	0.6	-	0.4	16.5	-	-

Notes

~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon

140 Township
3: Arnold Mill Road & Grimes Road

existing a.m.

Intersection						
Int Delay, s/veh	1.3					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Vol, veh/h	26	495	85	1	13	27
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	89	89	86	86	59	59
Heavy Vehicles, %	1	2	2	1	1	1
Mvmt Flow	29	556	99	1	22	46
Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	100	0	-	0	714	99
Stage 1	-	-	-	-	99	-
Stage 2	-	-	-	-	615	-
Critical Hdwy	4.11	-	-	-	6.41	6.21
Critical Hdwy Stg 1	-	-	-	-	5.41	-
Critical Hdwy Stg 2	-	-	-	-	5.41	-
Follow-up Hdwy	2.209	-	-	-	3.509	3.309
Pot Cap-1 Maneuver	1499	-	-	-	399	960
Stage 1	-	-	-	-	927	-
Stage 2	-	-	-	-	541	-
Platoon blocked, %		-	-	-		
Mov Cap-1 Maneuver	1499	-	-	-	388	960
Mov Cap-2 Maneuver	-	-	-	-	388	-
Stage 1	-	-	-	-	927	-
Stage 2	-	-	-	-	526	-
Approach	EB		WB		SB	
HCM Control Delay, s	0.4		0		11.2	
HCM LOS					B	
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	1499	-	-	-	649	
HCM Lane V/C Ratio	0.019	-	-	-	0.104	
HCM Control Delay (s)	7.4	0	-	-	11.2	
HCM Lane LOS	A	A	-	-	B	
HCM 95th %tile Q(veh)	0.1	-	-	-	0.3	

140 Township
1: GA 140 & Grimes Road

existing p.m.

Intersection

Int Delay, s/veh 0.7

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	21	13	3	752	438	23
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	80	-	-	-
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	85	85	90	90	96	96
Heavy Vehicles, %	1	1	1	2	2	1
Mvmt Flow	25	15	3	836	456	24

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1310	468	480
Stage 1	468	-	-
Stage 2	842	-	-
Critical Hdwy	6.41	6.21	4.11
Critical Hdwy Stg 1	5.41	-	-
Critical Hdwy Stg 2	5.41	-	-
Follow-up Hdwy	3.509	3.309	2.209
Pot Cap-1 Maneuver	176	597	1088
Stage 1	632	-	-
Stage 2	424	-	-
Platoon blocked, %	-	-	-
Mov Cap-1 Maneuver	176	597	1088
Mov Cap-2 Maneuver	176	-	-
Stage 1	632	-	-
Stage 2	423	-	-

Approach	EB	NB	SB
HCM Control Delay, s	22.9	0	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	1088	-	241	-	-
HCM Lane V/C Ratio	0.003	-	0.166	-	-
HCM Control Delay (s)	8.3	-	22.9	-	-
HCM Lane LOS	A	-	C	-	-
HCM 95th %tile Q(veh)	0	-	0.6	-	-

140 Township
2: GA 140 & Arnold Mill Road

existing p.m.

Intersection							
Int Delay, s/veh	7.8						
Movement	EBL	EBR	NBL	NBT	SBT	SBR	
Vol, veh/h	11	174	610	732	384	28	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	60	0	200	-	-	200	
Veh in Median Storage, #	0	-	-	0	0	-	
Grade, %	0	-	-	0	0	-	
Peak Hour Factor	93	93	95	95	95	95	
Heavy Vehicles, %	2	2	2	2	2	2	
Mvmt Flow	12	187	642	771	404	29	
Major/Minor	Minor2	Major1		Major2			
Conflicting Flow All	2459	404	404	0	-	0	
Stage 1	404	-	-	-	-	-	
Stage 2	2055	-	-	-	-	-	
Critical Hdwy	6.42	6.22	4.12	-	-	-	
Critical Hdwy Stg 1	5.42	-	-	-	-	-	
Critical Hdwy Stg 2	5.42	-	-	-	-	-	
Follow-up Hdwy	3.518	3.318	2.218	-	-	-	
Pot Cap-1 Maneuver	34	647	1155	-	-	-	
Stage 1	674	-	-	-	-	-	
Stage 2	108	-	-	-	-	-	
Platoon blocked, %				-	-	-	
Mov Cap-1 Maneuver	15	647	1155	-	-	-	
Mov Cap-2 Maneuver	15	-	-	-	-	-	
Stage 1	674	-	-	-	-	-	
Stage 2	48	-	-	-	-	-	
Approach	EB	NB		SB			
HCM Control Delay, s	41.4	5.4		0			
HCM LOS	E						
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR	
Capacity (veh/h)	1155	-	15	647	-	-	
HCM Lane V/C Ratio	0.556	-	0.789	0.289	-	-	
HCM Control Delay (s)	11.9	-	493.1	12.8	-	-	
HCM Lane LOS	B	-	F	B	-	-	
HCM 95th %tile Q(veh)	3.6	-	1.9	1.2	-	-	

140 Township
3: Arnold Mill Road & Grimes Road

existing p.m.

Intersection						
Int Delay, s/veh	1					
Movement	EBL	EBT	WBT	WBR	SBL	SBR
Vol, veh/h	39	177	676	1	1	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Free	Free	Free	Free	Stop	Stop
RT Channelized	-	None	-	None	-	None
Storage Length	-	-	-	-	0	-
Veh in Median Storage, #	-	0	0	-	0	-
Grade, %	-	0	0	-	0	-
Peak Hour Factor	79	79	95	95	61	61
Heavy Vehicles, %	1	2	2	1	1	1
Mvmt Flow	49	224	712	1	2	34
Major/Minor	Major1		Major2		Minor2	
Conflicting Flow All	713	0	-	0	1035	712
Stage 1	-	-	-	-	712	-
Stage 2	-	-	-	-	323	-
Critical Hdwy	4.11	-	-	-	6.41	6.21
Critical Hdwy Stg 1	-	-	-	-	5.41	-
Critical Hdwy Stg 2	-	-	-	-	5.41	-
Follow-up Hdwy	2.209	-	-	-	3.509	3.309
Pot Cap-1 Maneuver	892	-	-	-	258	434
Stage 1	-	-	-	-	488	-
Stage 2	-	-	-	-	736	-
Platoon blocked, %	-	-	-	-	-	-
Mov Cap-1 Maneuver	892	-	-	-	242	434
Mov Cap-2 Maneuver	-	-	-	-	242	-
Stage 1	-	-	-	-	488	-
Stage 2	-	-	-	-	690	-
Approach	EB		WB		SB	
HCM Control Delay, s	1.7		0		14.4	
HCM LOS					B	
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1	
Capacity (veh/h)	892	-	-	-	419	
HCM Lane V/C Ratio	0.055	-	-	-	0.086	
HCM Control Delay (s)	9.3	0	-	-	14.4	
HCM Lane LOS	A	A	-	-	B	
HCM 95th %tile Q(veh)	0.2	-	-	-	0.3	

Appendix D

Future Intersection Operational Analysis

140 Township
1: GA 140 & Grimes Road

future a.m.

Intersection

Int Delay, s/veh 1

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	34	11	12	344	756	18
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	0	-	80	-	-	0
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	97	97	94	94	93	93
Heavy Vehicles, %	1	1	1	2	2	1
Mvmt Flow	35	11	13	366	813	19

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	1204	813	813 0
Stage 1	813	-	- -
Stage 2	391	-	- -
Critical Hdwy	6.41	6.21	4.11 -
Critical Hdwy Stg 1	5.41	-	- -
Critical Hdwy Stg 2	5.41	-	- -
Follow-up Hdwy	3.509	3.309	2.209 -
Pot Cap-1 Maneuver	204	380	818 -
Stage 1	438	-	- -
Stage 2	686	-	- -
Platoon blocked, %			- -
Mov Cap-1 Maneuver	201	380	818 -
Mov Cap-2 Maneuver	201	-	- -
Stage 1	438	-	- -
Stage 2	675	-	- -

Approach	EB	NB	SB
HCM Control Delay, s	24.9	0.3	0
HCM LOS	C		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR
Capacity (veh/h)	818	-	227	-	-
HCM Lane V/C Ratio	0.016	-	0.204	-	-
HCM Control Delay (s)	9.5	-	24.9	-	-
HCM Lane LOS	A	-	C	-	-
HCM 95th %tile Q(veh)	0	-	0.7	-	-

140 Township
2: GA 140 & Arnold Mill Road

future a.m.

Intersection	
Int Delay, s/veh	51.5

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	14	430	129	305	765	21
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	60	0	200	-	-	200
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	90	90	89	89	90	90
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	16	478	145	343	850	23

Major/Minor	Minor2	Major1		Major2	
Conflicting Flow All	1483	850	850	0	-
Stage 1	850	-	-	-	-
Stage 2	633	-	-	-	-
Critical Hdwy	6.42	6.22	4.12	-	-
Critical Hdwy Stg 1	5.42	-	-	-	-
Critical Hdwy Stg 2	5.42	-	-	-	-
Follow-up Hdwy	3.518	3.318	2.218	-	-
Pot Cap-1 Maneuver	138	~ 360	788	-	-
Stage 1	419	-	-	-	-
Stage 2	529	-	-	-	-
Platoon blocked, %				-	-
Mov Cap-1 Maneuver	113	~ 360	788	-	-
Mov Cap-2 Maneuver	113	-	-	-	-
Stage 1	419	-	-	-	-
Stage 2	432	-	-	-	-

Approach	EB	NB	SB
HCM Control Delay, s	190.5	3.1	0
HCM LOS	F		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	788	-	113	360	-	-
HCM Lane V/C Ratio	0.184	-	0.138	1.327	-	-
HCM Control Delay (s)	10.6	-	41.9	195.3	-	-
HCM Lane LOS	B	-	E	F	-	-
HCM 95th %tile Q(veh)	0.7	-	0.5	22.6	-	-

Notes						
~: Volume exceeds capacity \$: Delay exceeds 300s +: Computation Not Defined *: All major volume in platoon						

140 Township
3: Arnold Mill Road & Grimes Road

future a.m.

Intersection							
Int Delay, s/veh	1.5						
Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Vol, veh/h	31	510	88	3	16	32	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Free	Free	Free	Free	Stop	Stop	
RT Channelized	-	None	-	None	-	None	
Storage Length	-	-	-	-	0	-	
Veh in Median Storage, #	-	0	0	-	0	-	
Grade, %	-	0	0	-	0	-	
Peak Hour Factor	89	89	86	86	59	59	
Heavy Vehicles, %	1	2	2	1	1	1	
Mvmt Flow	35	573	102	3	27	54	
Major/Minor	Major1		Major2		Minor2		
Conflicting Flow All	106	0	-	0	747	104	
Stage 1	-	-	-	-	104	-	
Stage 2	-	-	-	-	643	-	
Critical Hdwy	4.11	-	-	-	6.41	6.21	
Critical Hdwy Stg 1	-	-	-	-	5.41	-	
Critical Hdwy Stg 2	-	-	-	-	5.41	-	
Follow-up Hdwy	2.209	-	-	-	3.509	3.309	
Pot Cap-1 Maneuver	1491	-	-	-	382	953	
Stage 1	-	-	-	-	923	-	
Stage 2	-	-	-	-	525	-	
Platoon blocked, %	-	-	-	-	-	-	
Mov Cap-1 Maneuver	1491	-	-	-	369	953	
Mov Cap-2 Maneuver	-	-	-	-	369	-	
Stage 1	-	-	-	-	923	-	
Stage 2	-	-	-	-	507	-	
Approach	EB		WB		SB		
HCM Control Delay, s	0.4		0		11.6		
HCM LOS					B		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1		
Capacity (veh/h)	1491	-	-	-	624		
HCM Lane V/C Ratio	0.023	-	-	-	0.13		
HCM Control Delay (s)	7.5	0	-	-	11.6		
HCM Lane LOS	A	A	-	-	B		
HCM 95th %tile Q(veh)	0.1	-	-	-	0.4		

140 Township
1: GA 140 & Grimes Road

future p.m.

Intersection							
Int Delay, s/veh	1.4						
Movement	EBL	EBR	NBL	NBT	SBT	SBR	
Vol, veh/h	31	22	17	843	492	31	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Stop	Stop	Free	Free	Free	Free	
RT Channelized	-	None	-	None	-	None	
Storage Length	0	-	80	-	-	0	
Veh in Median Storage, #	0	-	-	0	0	-	
Grade, %	0	-	-	0	0	-	
Peak Hour Factor	85	85	90	90	96	96	
Heavy Vehicles, %	1	1	1	2	2	1	
Mvmt Flow	36	26	19	937	512	32	
Major/Minor	Minor2	Major1		Major2			
Conflicting Flow All	1487	513	513	0	-	0	
Stage 1	513	-	-	-	-	-	
Stage 2	974	-	-	-	-	-	
Critical Hdwy	6.41	6.21	4.11	-	-	-	
Critical Hdwy Stg 1	5.41	-	-	-	-	-	
Critical Hdwy Stg 2	5.41	-	-	-	-	-	
Follow-up Hdwy	3.509	3.309	2.209	-	-	-	
Pot Cap-1 Maneuver	138	563	1058	-	-	-	
Stage 1	603	-	-	-	-	-	
Stage 2	368	-	-	-	-	-	
Platoon blocked, %				-	-	-	
Mov Cap-1 Maneuver	136	563	1058	-	-	-	
Mov Cap-2 Maneuver	136	-	-	-	-	-	
Stage 1	603	-	-	-	-	-	
Stage 2	361	-	-	-	-	-	
Approach	EB	NB		SB			
HCM Control Delay, s	31.3	0.2		0			
HCM LOS	D						
Minor Lane/Major Mvmt	NBL	NBT	EBLn1	SBT	SBR		
Capacity (veh/h)	1058	-	198	-	-		
HCM Lane V/C Ratio	0.018	-	0.315	-	-		
HCM Control Delay (s)	8.5	-	31.3	-	-		
HCM Lane LOS	A	-	D	-	-		
HCM 95th %tile Q(veh)	0.1	-	1.3	-	-		

140 Township
2: GA 140 & Arnold Mill Road

future p.m.

Intersection	
Int Delay, s/veh	9.6

Movement	EBL	EBR	NBL	NBT	SBT	SBR
Vol, veh/h	11	181	630	835	441	29
Conflicting Peds, #/hr	0	0	0	0	0	0
Sign Control	Stop	Stop	Free	Free	Free	Free
RT Channelized	-	None	-	None	-	None
Storage Length	60	0	200	-	-	200
Veh in Median Storage, #	0	-	-	0	0	-
Grade, %	0	-	-	0	0	-
Peak Hour Factor	93	93	95	95	95	95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	12	195	663	879	464	31

Major/Minor	Minor2	Major1	Major2
Conflicting Flow All	2669	464	0
Stage 1	464	-	-
Stage 2	2205	-	-
Critical Hdwy	6.42	6.22	4.12
Critical Hdwy Stg 1	5.42	-	-
Critical Hdwy Stg 2	5.42	-	-
Follow-up Hdwy	3.518	3.318	2.218
Pot Cap-1 Maneuver	25	598	1097
Stage 1	633	-	-
Stage 2	90	-	-
Platoon blocked, %			
Mov Cap-1 Maneuver	~ 10	598	1097
Mov Cap-2 Maneuver	~ 10	-	-
Stage 1	633	-	-
Stage 2	36	-	-

Approach	EB	NB	SB
HCM Control Delay, s	61.6	5.7	0
HCM LOS	F		

Minor Lane/Major Mvmt	NBL	NBT	EBLn1	EBLn2	SBT	SBR
Capacity (veh/h)	1097	-	10	598	-	-
HCM Lane V/C Ratio	0.605	-	1.183	0.325	-	-
HCM Control Delay (s)	13.2	-	845.8	13.9	-	-
HCM Lane LOS	B	-	F	B	-	-
HCM 95th %tile Q(veh)	4.3	-	2.2	1.4	-	-

Notes						
~: Volume exceeds capacity	\$: Delay exceeds 300s	+: Computation Not Defined	*: All major volume in platoon			

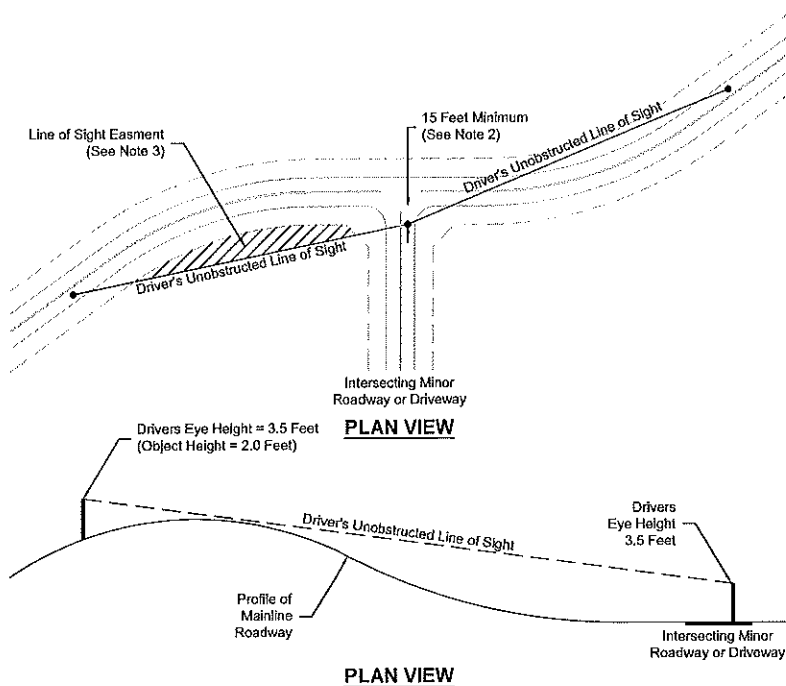
140 Township
3: Arnold Mill Road & Grimes Road

future p.m.

Intersection							
Int Delay, s/veh	1.3						
Movement	EBL	EBT	WBT	WBR	SBL	SBR	
Vol, veh/h	48	182	696	3	3	30	
Conflicting Peds, #/hr	0	0	0	0	0	0	
Sign Control	Free	Free	Free	Free	Stop	Stop	
RT Channelized	-	None	-	None	-	None	
Storage Length	-	-	-	-	0	-	
Veh in Median Storage, #	-	0	0	-	0	-	
Grade, %	-	0	0	-	0	-	
Peak Hour Factor	79	79	95	95	61	61	
Heavy Vehicles, %	1	2	2	1	1	1	
Mvmt Flow	61	230	733	3	5	49	
Major/Minor	Major1		Major2		Minor2		
Conflicting Flow All	736	0	-	0	1086	734	
Stage 1	-	-	-	-	734	-	
Stage 2	-	-	-	-	352	-	
Critical Hdwy	4.11	-	-	-	6.41	6.21	
Critical Hdwy Stg 1	-	-	-	-	5.41	-	
Critical Hdwy Stg 2	-	-	-	-	5.41	-	
Follow-up Hdwy	2.209	-	-	-	3.509	3.309	
Pot Cap-1 Maneuver	874	-	-	-	240	422	
Stage 1	-	-	-	-	477	-	
Stage 2	-	-	-	-	714	-	
Platoon blocked, %	-	-	-	-	-	-	
Mov Cap-1 Maneuver	874	-	-	-	221	422	
Mov Cap-2 Maneuver	-	-	-	-	221	-	
Stage 1	-	-	-	-	477	-	
Stage 2	-	-	-	-	657	-	
Approach	EB		WB		SB		
HCM Control Delay, s	2		0		15.7		
HCM LOS					C		
Minor Lane/Major Mvmt	EBL	EBT	WBT	WBR	SBLn1		
Capacity (veh/h)	874	-	-	-	390		
HCM Lane V/C Ratio	0.07	-	-	-	0.139		
HCM Control Delay (s)	9.4	0	-	-	15.7		
HCM Lane LOS	A	A	-	-	C		
HCM 95th %tile Q(veh)	0.2	-	-	-	0.5		

Appendix E

Cherokee County Sight Distance Detail



Design Intersection Sight Distance

Case B1 - Left Turn From Stop

Case B2 - Right Turn From Stop

Case B3 - Crossing Maneuver

Design Speed (MPH)	Driveways	Streets & Commercial Entrances		
	Stopping Sight Distance (FEET)	Intersection Sight Distance Case 1 (FEET)	Case 2 (FEET)	Case 3 (FEET)
15	80	170	145	145
20	115	225	195	195
25	155	280	240	240
30	200	335	290	290
35	250	390	335	335
40	305	445	385	385
45	360	500	430	430
50	425	555	480	480
55	495	610	530	530

Note: Intersection Sight Distance shown is for a stopped passenger vehicle to perform a maneuver onto a two-lane highway with no median and grades 3 percent or less. For other conditions, the time gap must be adjusted and required sight distance recalculated.

Adjustment Factors for Sight Distance Based on Approach Grade

Approach Grade (%)	Design Speed (MPH)									
	15	20	25	30	35	40	45	50	55	
-6	1.1	1.1	1.1	1.1	1.1	1.1	1.1	1.2	1.2	
-5	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1	1.1	
-4	1.0	1.0	1.0	1.1	1.1	1.1	1.1	1.1	1.1	
-3 to +3	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	1.0	
+4	1.0	1.0	1.0	1.0	0.9	0.9	0.9	0.9	0.9	
+5	1.0	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.9	
+6	1.0	1.0	0.9	0.9	0.9	0.9	0.9	0.9	0.9	

Notes:

1. Drivers eye height and object heights shall both be 3.5 feet for intersecting streets commercial entrances and 2.0 feet for residential driveways in determining proper sight distance.
2. The intersection sight distances provided are based on turning onto a two-lane highway and grades of 3 percent or less. For mainline roadways wider than two lanes or Stop Bars located further back than the minimum, provide calculations for the additional lanes, medians, or length.
3. For intersections where the entire unobstructed line of sight is not contained within the right-of-way, provide a "Line of Sight Easement" so that the line of sight will remain unobstructed.
4. The object height of 3.5 feet must be visible for the entire distance from the specified intersection sight distance to the intersection.



Intersection Sight Distance Requirements for Driveways and Side Streets

Date: 08/15/06
Drawn By: BRB

Standard Detail **204**

Appendix F

Programmed Improvements Fact Sheets

Short Title

SR 140 OPERATIONAL AND SAFETY IMPROVEMENTS IN CHEROKEE COUNTY AND NORTHERN FULTON COUNTY FROM I-575 TO SR 9 (ALPHARETTA HIGHWAY)

GDOT Project No.

TBD

Federal ID No.

N/A

Status

Long Range

Service Type

Roadway / Operations & Safety

Sponsor

GDOT

Jurisdiction

Multi-County

Analysis Level

Exempt from Air Quality Analysis (40 CFR 93)

Existing Thru Lane

2

LCI

☐

Planned Thru Lane

2

Flex

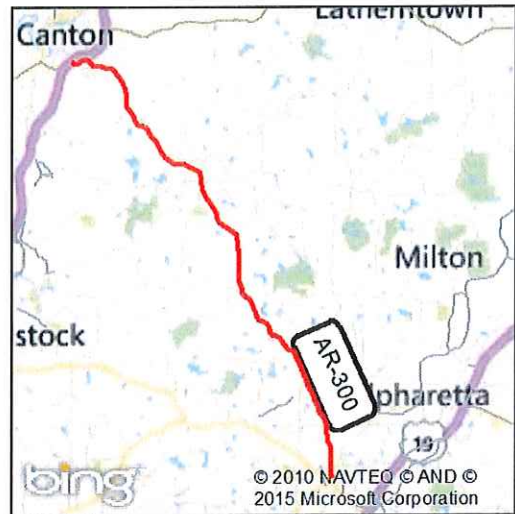
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Network Year

TBD

Corridor Length

TBD miles



Detailed Description and Justification

This project will address operational and safety improvements needed in North Fulton and Cherokee County from I-575 to SR 9 (Alpharetta Highway).

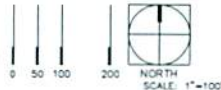
Phase Status & Funding Information		Status	FISCAL YEAR	TOTAL PHASE COST	BREAKDOWN OF TOTAL PHASE COST BY FUNDING SOURCE			
					FEDERAL	STATE	BONDS	LOCAL/PRIVATE
ALL	General Federal Aid 2022-2040		LR 2031-2040	\$20,000,000	\$16,000,000	\$4,000,000	\$0,000	\$0,000
				\$20,000,000	\$16,000,000	\$4,000,000	\$0,000	\$0,000

SCP: Scoping PE: Preliminary engineering / engineering / design / planning PE-OV: GDOT oversight services for engineering ROW: Right-of-way Acquisition
 UTL: Utility relocation CST: Construction / Implementation ALL: Total estimated cost, inclusive of all phases



For additional information about this project, please call (404) 463-3100 or email transportation@atlantaregional.com.





Site Resources Map

(Tract north of Arnold Mill Road)

Prepared for
Oak Hall Companies, LLC 5255
Peachtree Road, Suite 195
770-662-5995
Atlanta, GA 30341
DATE: 1/5/2017

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770•422•7016

TELEPHONE

770•426•6583

FACSIMILE

ADAM J. ROZEN

SLHB-LAW.COM

January 20, 2017

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

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

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

Dear Vicki:

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

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

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

Ms. Vicki Taylor Lee, AICP, Zoning Administrator
Cherokee County Planning and Zoning Department

January 20, 2017

Page 2

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

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



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

PFH/dvm

Attachments

cc: Oak Hall Companies, LLC

PUBLIC INPUT PLAN

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

1.

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

2.

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

3.

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

4.

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

5.

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

6.

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

Respectfully submitted this 20 day of January, 2017.

SAMS, LARKIN, HUFF & BALLI, LLP



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

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

Zoning Map



Legend

- Rezoning Parcel
- 1/2 Mile Radius
- School
- Cemetery
- Church
- Street
- Parcel
- 100 Year Flood Zone

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



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

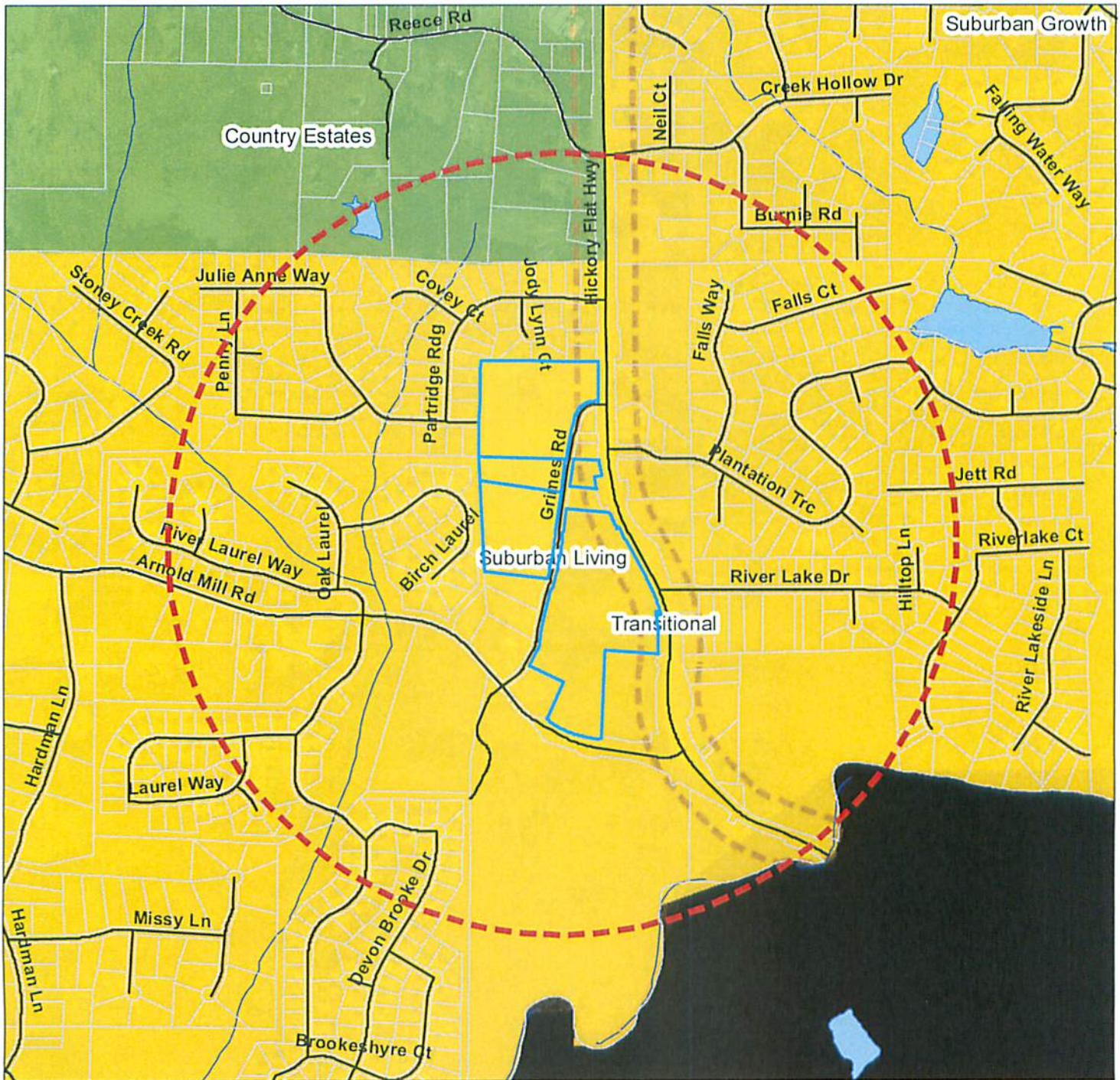


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
30 January 2017



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

Future Development Map



Legend

- Rezoning Parcel
- 1/2 Mile Radius
- School
- Cemetery
- Church
- Street
- Parcel
- 100 Year Flood Zone

Development Nodes

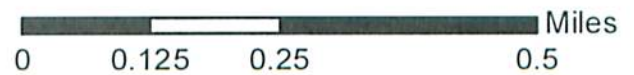
- County Crossroads
- Hamlet
- Neighborhood Village
- Community Village

Corridors

- Scenic Corridor
- Transitional Corridor
- Development Corridor

Character Areas

- Natural Preserve
- Rural Places
- Country Estates
- Suburban Growth
- Suburban Living
- Neighborhood Living
- Bellis Ferry LCI
- Urban Core
- Workplace Center
- Regional Center
- Waste Management

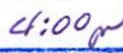


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Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
30 January 2017





Land Planning • Site Development • Landscape Architecture
and Street Trees, reports, CA 94060, tel 916-931-0900, fax 916-931-0909

3. SOIL TYPE IS PRIMARY AGRICULTURE.
4. FLOOD PLAIN - FIRM HAZ MAP NUMBER B003200000 EFFECTIVE 09-20-2000 AND FIRM HAZ MAP NUMBER B003200000 EFFECTIVE 09-20-2000. THE MAP INDICATES THAT THESE TRACTS DO NOT LIE IN AN AREA DESIGNATED AS HAVING FLOOD HAZARD.
5. SURVEY - BURNED BY THE CALIFORNIA FIRE DEPARTMENT BY NEWMAN-AND-OTTER & ASSOCIATES DATED 2/20/2001
6. METEOROLOGICAL - AN ENVIRONMENTAL INVESTIGATION OF THE SITE IS TO BE PERFORMED TO DETERMINE IF METEOROLS EXIST ON SITE.
7. NO SIGNIFICANT NATURAL RESOURCES ARE LOCATED ON THE SITE. NO BIODIVERSITY RECHARGE AREAS ARE INDICATED ON THE SURVEY.
8. POTENTIAL SPECIES CONCERNED OR THREATENED SPECIES OR HABITAT HAVE BEEN IDENTIFIED ON THE PROPERTY.
9. NO HISTORICAL OR CULTURAL SITES, CHATEAUXES AND BURIAL REMAINS HAVE BEEN IDENTIFIED ON THE PROPERTY. THE SITE IS NOT ON ANY HISTORIC



PROPERTY IS LOCATED IN LAND LOTS 787,798 & 839 OF THE
2ND DISTRICT, SECOND SECTION CHEROKEE COUNTY GEORGIA

Prepared for
Oak Hill Companies, LLC 5256
Peachtree Road, Suite 105
770-662-5995
Atlanta, GA 30341
DATE: 5/15/2017



Cherokee County, Georgia Agenda Request

Item#: 3.

SUBJECT:

Case #17-04-013 R. Venture, LLC (BOC Dist. 1)
1)

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 54.61 +/- acres at Jessie Lane, Owens Store Road and Old Orange Mill Road from AG to R-30 for a single family residential subdivision.

FACTS AND ISSUES:

Commission District: 1

Zoning Change: AG to R-30

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

Tax Map and Parcel No: 03N17, 37, 37A and 54

Acres: 54.6 +/-

Proposed Development: Residential Subdivision

Future Development Map: Suburban Growth

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
☐ Staff Report	Exhibit
☐ Application	Exhibit
☐ Legal Description	Exhibit
☐ Revised Site Plan	Exhibit
☐ Revised Existing Site Resource Map	Exhibit
☐ Existing trees	Exhibit
☐ Primary Base Map	Exhibit
☐ Secondary Base Map	Exhibit
☐ Zoning map	Exhibit
☐ Future Development Map	Exhibit
☐ PP Report	Exhibit



Staff Report

Case No: 17-04-013 **REVISED**

Applicant Name: Mike Bray
~~Hardy Smith~~ for R. Venture, LLC.

Location: 155 Jessie Lane, Owens Store Road, and
Old Orange Mill Road
(03N17, 037, 037A and 054)

From/To: AG to R-30

Proposed Use: Single Family Residential Subdivision

Commission Post: 1

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

Future Development

Character Area/Node/Corridor	Description
Suburban Growth	The intent of this Character Area is to channel growth pressures to areas that are suitable in terms of land use patterns and infrastructure investment to create more sustainable communities. This is an area in transition from a rural to suburban area, often characterized by pockets of development interspersed among a rural landscape. Conservation Subdivisions are a primary land use in Suburban Growth.

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

Analysis and Comment

The subject parcels a total of 54.61 acres and lies at the northwest intersection of Owens Store Road and Old Orange Mill Road. This proposal is to allow the development of a single family residential subdivision of 68 homes under conservation design. These homes are planned to have public water and sewer with the Cherokee County Water and Sewerage Authority. The first public participation letter set the day and time for February 9 at 4:00 pm. Staff alerted the applicant of the time requirement of Article 18 and the meeting was re-set for February 15 at 6:30 pm. That was held with 32 people signing in as attendees.

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

1 Findings

1.1 Engineering Department

- Attached.

1.2 Cherokee County Water and Sewerage Authority

- 1.3 Cherokee County Board of Education** – The Board of Education estimates 50 students from these 68 lots. While the Board uses that number as additional to the current enrollment, it is likely some number would be currently enrolled in the school system.

1.4 Fire Marshal's Office

1.5 Sheriff's Office

Case # 17-04-013 - Community Agenda Analysis

Section 1 – Community Vision

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

Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

Revised to R-30
Applicant seeks to rezone from AG to ~~R-20~~ for a residential subdivision.

Section 2 - Core Issues

Project Supports

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

Project is Neutral

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

Project Neglects

Section 3 – Character Area Description

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

The intent of this Character Area is to channel growth pressures to areas that are suitable in terms of land use patterns and infrastructure investment to create more sustainable communities. This is an area in transition from a rural to suburban area, often characterized by pockets of development interspersed among a rural landscape. Conservation Subdivisions are a primary land use in Suburban Growth. Suggested zoning districts in this Character Area are R-80, R-60, and R-40. This project is not consistent with the Character Area.

Node or Corridor	n/a
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Rezoning Case Impact Report

PL2017-0257

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

Affected Schools Capacity Information

Elementary School	ES Enrollment	ES Capacity	% Capacity
Macedonia ES	770	862	89.33%
Middle School	MS Enrollment	MS Capacity	% Capacity
Creekland MS	1494	1287	116.08%
High School	HS Enrollment	HS Capacity	% Capacity
Creekview HS	1993	1925	103.53%

All Enrollment and Capacities are based on the last published Cherokee County Inventory of School Housing (CCISH) Numbers

It is the position of CCSD that all developers should attempt to mitigate as much of the impact of their proposed development as possible. In every such case, the district designates a minimum contribution expected to help provide adequate facilities for the school age children who will occupy the residences in the development.

Please recommend to all Residential Zoning applicants to contact Mitch Hamilton at 770-721-8429 to discuss mitigation of their subdivision prior to appearing before the Zoning Board. If the applicant cannot meet during that time period, we request that the Zoning Board put a condition on the zoning so they must meet with Mr. Hamilton prior to the City Council/County Commission Meeting.

The 2014 estimated cost for building an elementary school is 22 to 27 million dollars, middle school is 35 to 40 million, and the cost of building a high school is 55 to 60 million

(1) - All increases to student enrollment should be considered cumulative in nature. All recent cases will impact the affected Schools. The School District may have to transport the students of any given development to an alternate district due to over-enrollment.

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

(3) - Annual Cost is calculated using the 2013 General Fund Operating Expenditure cost per pupil of \$7,151.00, and does not count for inflation.



REZONING MEMORANDUM

Case Number: 17-04-013

Applicant: R. Venture, LLC

Current Zoning: AG

Proposed Zoning: R-20

● Transportation:

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

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

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

● Stormwater:

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

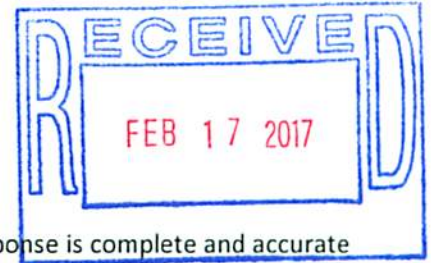
● Conclusion:

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

Rec. 2/17/17
Joke



CHEROKEE COUNTY
Application for Public Hearing



Important Notes:

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

SECTION I

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

Applicant's Information:

Name: R. Venture, LLC

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

City, State, Zip: Milton, GA 30004

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

Name: _____

Address: _____ Phone: _____

City, State, Zip: _____

Requested Public Hearing (check all that apply):

☒ Rezoning

☐ Amendment / Modification of Zoning

☐ Variance / Appeal

☐ Other: _____

STAFF USE ONLY:

Commission District: 1

Case: 17-04-13

CityView # PL2017-0257

Received by: _____

Fee Paid: \$ 500.00

Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 2/15/17

PC Work Session Date: 3/20/17

Planning Commission Hearing: 4/4/17

Board of Commissioners: 4/18/17

Zoning Board of Appeals: _____

Other: Prelim. Rev - 2/9/17

(8 signs)

SECTION II

Property Information:

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

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

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

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

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

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

Applicant Request an R-20 zoning for a residential
Subdivision

Proposed Use(s) of Property:

Residential Subdivision

Applicant Affidavit:

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

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

This 15 day of FEBRUARY, 20 17.

Print Name R. Hardy Smith.

Applicant Signature [Signature].

SECTION III

Infrastructure Information:

Is water available to this site? ☒ Yes ☐ No

Jurisdiction: Cherokee County

How is sewage from this site to be managed?

Sewer

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

If yes, what is the projected increase? 63.075 students 64

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	<u>87</u>	0.725	<u>63.075</u>
Multi Family (Attached) Home		0.287	

Traffic Generation:

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

What is the estimated number of trips generated? 832.59 833 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends ⁺	Number of Trips
210	Single Family Home/ Townhome	<u>87</u>	9.57	<u>832.59</u>
220	Apartment		6.63	

Notes:

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

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

SECTION V

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

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

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

1. Explain the intent of the requested zoning.

The Intent is to provide 87 high quality custom homes.

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

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

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

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

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

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

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

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

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

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

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

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

LEGAL DESCRIPTION NORTHERN TRACT

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

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

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

South 23 Degrees 52 Minutes 47 Seconds West for a distance of 66.80 feet to an iron pin; thence leaving said right of way North 89 Degrees 13 Minutes 54 Seconds West for a distance of 385.65 feet to an iron pin; thence South 14 Degrees 42 Minutes 51 Seconds West for a distance of 289.30 feet to an iron pin on the Northern right of way (30 foot) of Jessie Lane; thence Westerly along said right of way the following bearings and distances:

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

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

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

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

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

LEGAL DESCRIPTION SOUTHERN TRACT

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

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

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

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

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

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

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

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

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

LEGAL DESCRIPTION EASTERN TRACT

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

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

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

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

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

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

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

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

North 70 Degrees 11 Minutes 00 Seconds West for a distance of 59.58 feet;

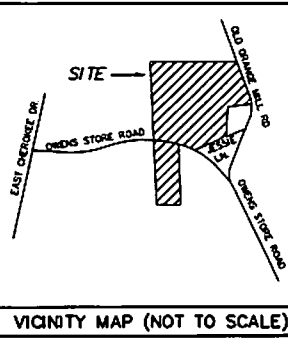
North 73 Degrees 24 Minutes 38 Seconds West for a distance of 52.64 feet;

North 78 Degrees 43 Minutes 33 Seconds West for a distance of 39.25 feet to a point and the
TRUE POINT OF BEGINNING.

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

HISTORIC ARCHEOLOGICAL CULTURAL FEATURES

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



VICINITY MAP (NOT TO SCALE)

1. EXISTING ZONING: AG
2. PROPOSED ZONING: R-30 (CONSERVATION)
3. TOTAL ACREAGE: 54.61 ±
4. MINIMUM LOT SIZE: 7,500 SF
5. PROPOSED MINIMUM AVERAGE LOT SIZE: 12,000 S.F.
6. MINIMUM LOT WIDTH: 95 FEET
7. PROPOSED LOTS: 64
8. PROPOSED DENSITY: 1.25 DU/AC
9. MAXIMUM ALLOWED DENSITY: 1.452 DU/AC
10. 28.49 ACRES OF OPEN SPACE PROVIDED
11. 54.61 ACRES * 40% = 21.84 ACRES REQUIRED

0' 50' 100' 200' 300' 400'

GRAPHIC SCALE - FEET

MANOR AT CREEKVIEW

LAND LOT(S) - 004, 015, 000 & 001
DISTRICT - 3 SECTION - 3
CITY: CHEROKEE COUNTY, GA
PREPARED MAR 30, 2017 SCALE: 1" = 100'
DRAWN BY: JAW
DWG FILE: J4370 [ending CINGER.dwg
JOB NO: 134578

1100 HOWELL DRIVE ROAD / P.A. BOX 12
BAY GROVE, GEORGIA 30207
(770) 735-1100

MAX. DENSITY CALCULATIONS: R-30 CONSERVATION
 SITE AREA: 54.61AC ±
 CONSTRAINED AREA: ARTICLE 21-42 CHEROKEE CO ZONING ORDINANCE
 ITEM A: 2-4.3.2 AC
 ITEM E: 4.15 AC ± ASSUMED RATIO
 ITEM F: 0.0 AC
 TOTAL = $1.22 + 5.91 + .4 + 15.1 = 100\% = 5.76 \text{ AC} \pm$
 NET TRACT AREA: $\text{NTA} = \text{GROSS TRACT ACRES} - \text{CONSTRAINED AREA}$
 $\text{NTA} = 54.61 - 5.76 = 48.85 \text{ ACRES}$
 MAX. LOTS ALLOWED = $\frac{\text{SITE AREA} - \text{CONSTRAINED AREA} \pm \text{DVA, OR THE LOTS OBTAINED FROM A LOT}}{\text{MINIMUM LOT AREA}} = \frac{54.61 - 5.76}{.11} = 437.72$
 MAX. V.U. ALLOWED = $\frac{\text{NET TRACT AREA} \pm \text{DVA, OR THE LOTS OBTAINED FROM A LOT}}{\text{MINIMUM LOT AREA}} = \frac{48.85 - 5.76}{.11} = 391.73$

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

EXISTING UTILITIES:

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

ADJACENT LAND USE

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

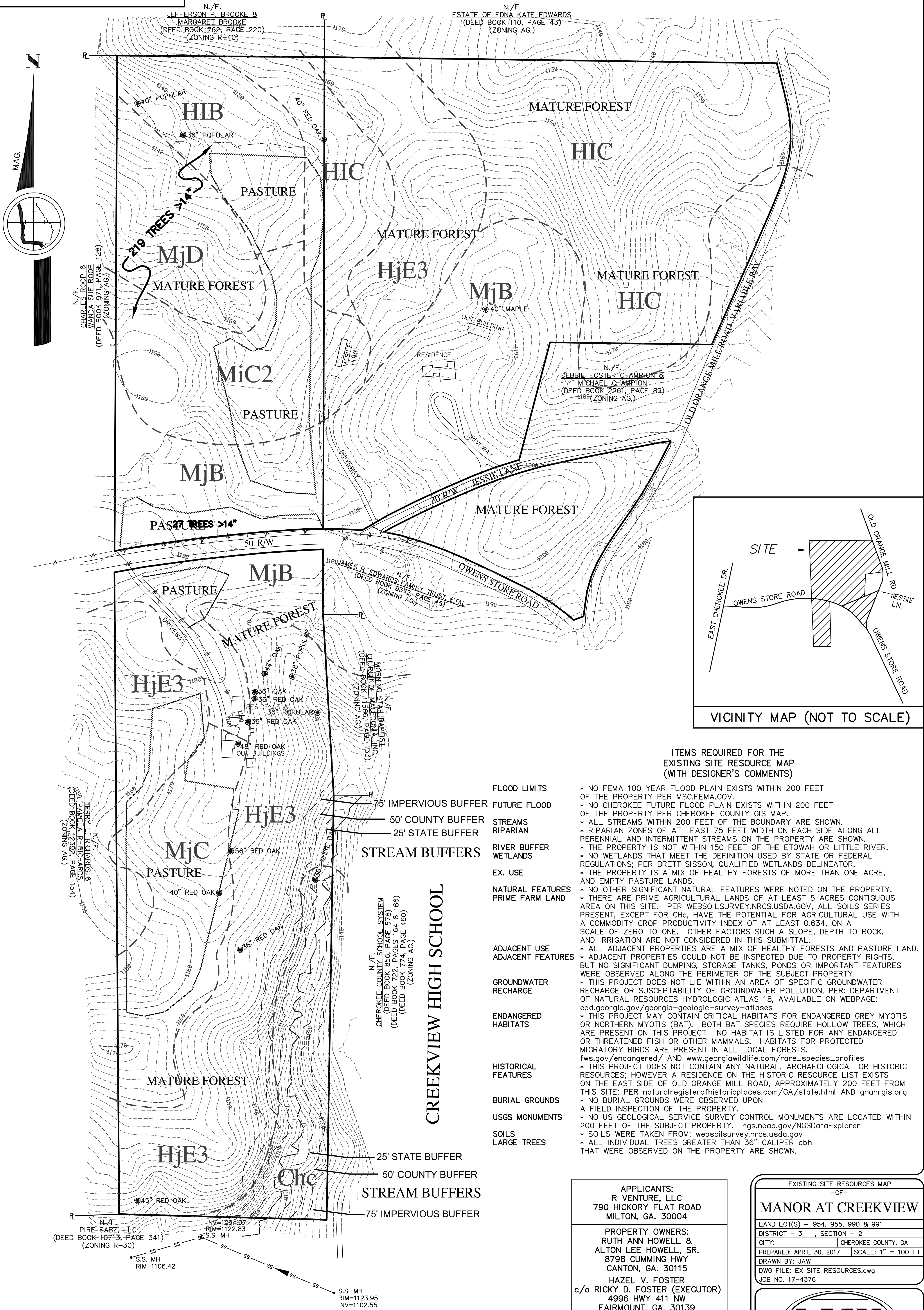
GENERAL SOIL TYPES

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

REVISED 5/11/2017

IMPAIRED STREAMS

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



ITEMS REQUIRED FOR THE EXISTING SITE RESOURCE MAP (WITH DESIGNER'S COMMENTS)

- FLOOD LIMITS
- FUTURE FLOOD
- STREAMS RIPARIAN
- RIVER BUFFER WETLANDS
- EX. USE
- NATURAL FEATURES PRIME FARM LAND
- ADJACENT USE ADJACENT FEATURES
- GROUNDWATER RECHARGE
- ENDANGERED HABITATS
- HISTORICAL FEATURES
- BURIAL GROUNDS
- USGS MONUMENTS
- SOILS LARGE TREES

- * NO FEMA 100 YEAR FLOOD PLAIN EXISTS WITHIN 200 FEET OF THE PROPERTY PER MSC.FEMA.GOV.
- * NO CHEROKEE FUTURE FLOOD PLAIN EXISTS WITHIN 200 FEET OF THE PROPERTY PER CHEROKEE COUNTY GIS MAP.
- * ALL STREAMS WITHIN 200 FEET OF THE BOUNDARY ARE SHOWN.
- * RIPARIAN ZONES OF AT LEAST 75 FEET WIDTH ON EACH SIDE ALONG ALL PERENNIAL AND INTERMITTENT STREAMS ON THE PROPERTY ARE SHOWN.
- * THE PROPERTY IS NOT WITHIN 150 FEET OF THE ETOWAH OR LITTLE RIVER.
- * NO WETLANDS THAT MEET THE DEFINITION USED BY STATE OR FEDERAL REGULATIONS; PER BRETT SISSON, QUALIFIED WETLANDS DELINEATOR.
- * THE PROPERTY IS A MIX OF HEALTHY FORESTS OF MORE THAN ONE ACRE, AND EMPTY PASTURE LANDS.
- * NO OTHER SIGNIFICANT NATURAL FEATURES WERE NOTED ON THE PROPERTY.
- * THERE ARE PRIME AGRICULTURAL LANDS OF AT LEAST 5 ACRES CONTIGUOUS AREA ON THIS SITE. PER WEBSOILSURVEY.NRCS.USDA.GOV, ALL SOILS SERIES PRESENT, EXCEPT FOR CHC, HAVE THE POTENTIAL FOR AGRICULTURAL USE WITH A COMMODITY CROP PRODUCTIVITY INDEX OF AT LEAST 0.634, ON A SCALE OF ZERO TO ONE. OTHER FACTORS SUCH A SLOPE, DEPTH TO ROCK, AND IRRIGATION ARE NOT CONSIDERED IN THIS SUBMITTAL.
- * ALL ADJACENT PROPERTIES ARE A MIX OF HEALTHY FORESTS AND PASTURE LAND.
- * ADJACENT PROPERTIES COULD NOT BE INSPECTED DUE TO PROPERTY RIGHTS, BUT NO SIGNIFICANT DUMPING, STORAGE TANKS, PONDS OR IMPORTANT FEATURES WERE OBSERVED ALONG THE PERIMETER OF THE SUBJECT PROPERTY.
- * THIS PROJECT DOES NOT LIE WITHIN AN AREA OF SPECIFIC GROUNDWATER RECHARGE OR SUSCEPTABILITY OF GROUNDWATER POLLUTION, PER: DEPARTMENT OF NATURAL RESOURCES HYDROLOGIC ATLAS 18, AVAILABLE ON WEBPAGE: epd.georgia.gov/georgia-geologic-survey-atlases
- * THIS PROJECT MAY CONTAIN CRITICAL HABITATS FOR ENDANGERED GREY MYOTIS OR NORTHERN MYOTIS (BAT). BOTH BAT SPECIES REQUIRE HOLLOW TREES, WHICH ARE PRESENT ON THIS PROJECT. NO HABITAT IS LISTED FOR ANY ENDANGERED OR THREATENED FISH OR OTHER MAMMALS. HABITATS FOR PROTECTED MIGRATORY BIRDS ARE PRESENT IN ALL LOCAL FORESTS.
- * fws.gov/endangered/ AND www.georgiawildlife.com/rare_species_profiles
- * THIS PROJECT DOES NOT CONTAIN ANY NATURAL, ARCHAEOLOGICAL OR HISTORIC RESOURCES; HOWEVER A RESIDENCE ON THE HISTORIC RESOURCE LIST EXISTS ON THE EAST SIDE OF OLD ORANGE MILL ROAD, APPROXIMATELY 200 FEET FROM THIS SITE; PER naturalregisterofhistoricplaces.com/GA/state.html AND gnahrgis.org
- * NO BURIAL GROUNDS WERE OBSERVED UPON A FIELD INSPECTION OF THE PROPERTY.
- * NO US GEOLOGICAL SERVICE SURVEY CONTROL MONUMENTS ARE LOCATED WITHIN 200 FEET OF THE SUBJECT PROPERTY. ngs.noaa.gov/NGSDDataExplorer
- * SOILS WERE TAKEN FROM: websoilsurvey.nrcs.usda.gov
- * ALL INDIVIDUAL TREES GREATER THAN 36" CALIPER dbh THAT WERE OBSERVED ON THE PROPERTY ARE SHOWN.

APPLICANTS:
R VENTURE, LLC
790 HICKORY FLAT ROAD
MILTON, GA. 30004

PROPERTY OWNERS:
RUTH ANN HOWELL &
ALTON LEE HOWELL, SR.
8798 CUMMING HWY
CANTON, GA. 30115
HAZEL V. FOSTER
c/o RICKY D. FOSTER (EXECUTOR)
4996 HWY 411 NW
FAIRMOUNT, GA. 30139

EXISTING SITE RESOURCES MAP -OF-

MANOR AT CREEKVIEW

LAND LOT(S) - 954, 955, 990 & 991
DISTRICT - 3 , SECTION - 2
CITY: CHEROKEE COUNTY, GA
PREPARED: APRIL 30, 2017 | SCALE: 1" = 100 FT.
DRAWN BY: JAW
DWG FILE: EX SITE RESOURCES.dwg
JOB NO. 17-4376



1100 HOWELL BRIDGE ROAD / P.O. BOX 129
BALL GROUND, GEORGIA 30107

(770) 735-1100

TOTAL AREA = 54.61± ACRES

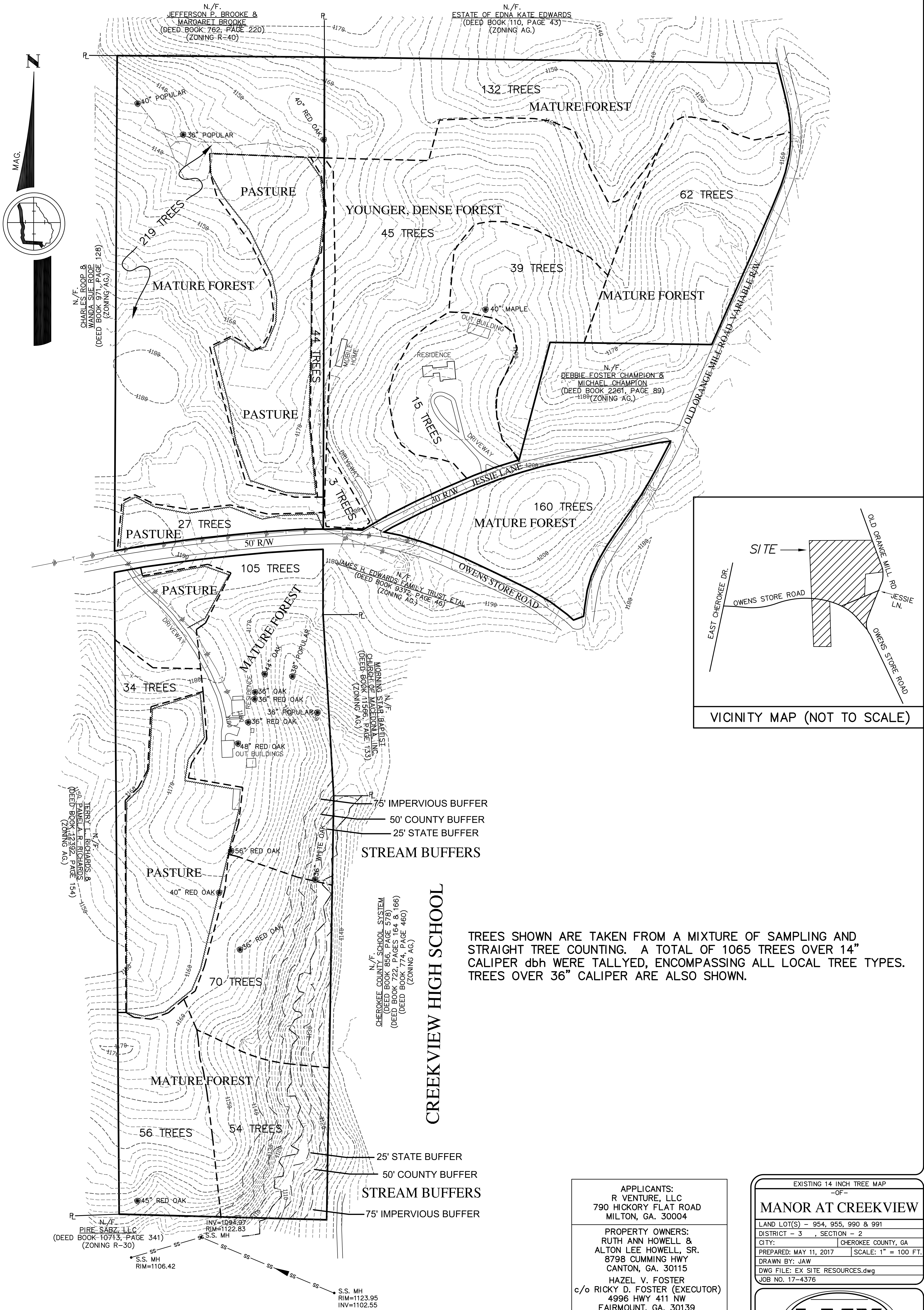
ADJACENT LAND USE

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IMPAIRED STREAMS

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

REVISED 5/11/2017



TOTAL AREA = 54.61± ACRES

APPLICANTS:
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HAZEL V. FOSTER
c/o RICKY D. FOSTER (EXECUTOR)
4996 HWY 411 NW
FAIRMOUNT, GA. 30139

EXISTING 14 INCH TREE MAP
-OF-

MANOR AT CREEKVIEW

LAND LOT(S) - 954, 955, 990 & 991
DISTRICT - 3, SECTION - 2
CITY: CHEROKEE COUNTY, GA
PREPARED: MAY 11, 2017 SCALE: 1" = 100 FT.
DRAWN BY: JAW
DWG FILE: EX SITE RESOURCES.dwg
JOB NO. 17-4376

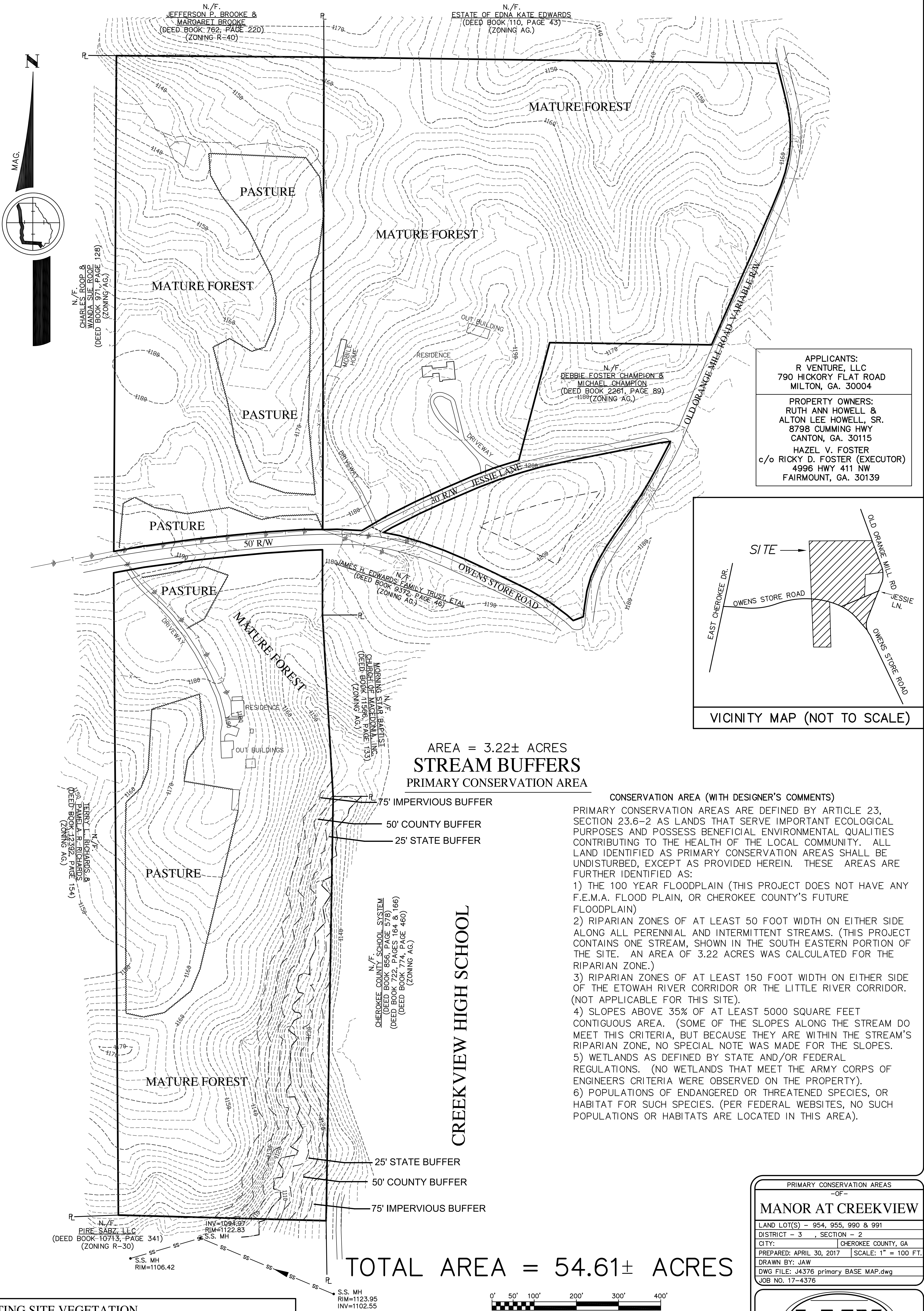


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BALL GROUND, GEORGIA 30107
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PRIMARY CONSERVATION AREAS FORM THE CORE OF THE GREENSPACE TO BE PROTECTED. BECAUSE PRIMARY CONSERVATION AREAS ARE SENSITIVE ENVIRONMENTAL AREAS, CHEROKEE COUNTY REQUIRES SUCH AREAS BE PERMANENTLY PROTECTED THROUGH THE THOUGHTFUL DESIGN AND PROTECTION INSTRUMENTS OUTLINED HEREIN. THE TOTAL AREA OF LAND IDENTIFIED AS PRIMARY CONSERVATION AREAS SHALL BE CONSERVED AND PROTECTED TO THE MAXIMUM AMOUNT AND EXTENT PHYSICALLY POSSIBLE.

MANOR AT CREEKVIEW

REVISED 5/11/2017



AREA = 3.22± ACRES
STREAM BUFFERS
PRIMARY CONSERVATION AREA

CONSERVATION AREA (WITH DESIGNER'S COMMENTS)

PRIMARY CONSERVATION AREAS ARE DEFINED BY ARTICLE 23, SECTION 23.6-2 AS LANDS THAT SERVE IMPORTANT ECOLOGICAL PURPOSES AND POSSESS BENEFICIAL ENVIRONMENTAL QUALITIES CONTRIBUTING TO THE HEALTH OF THE LOCAL COMMUNITY. ALL LAND IDENTIFIED AS PRIMARY CONSERVATION AREAS SHALL BE UNDISTURBED, EXCEPT AS PROVIDED HEREIN. THESE AREAS ARE FURTHER IDENTIFIED AS:

- 1) THE 100 YEAR FLOODPLAIN (THIS PROJECT DOES NOT HAVE ANY F.E.M.A. FLOOD PLAIN, OR CHEROKEE COUNTY'S FUTURE FLOODPLAIN)
- 2) RIPARIAN ZONES OF AT LEAST 50 FOOT WIDTH ON EITHER SIDE ALONG ALL PERENNIAL AND INTERMITTENT STREAMS. (THIS PROJECT CONTAINS ONE STREAM, SHOWN IN THE SOUTH EASTERN PORTION OF THE SITE. AN AREA OF 3.22 ACRES WAS CALCULATED FOR THE RIPARIAN ZONE.)
- 3) RIPARIAN ZONES OF AT LEAST 150 FOOT WIDTH ON EITHER SIDE OF THE ETOWAH RIVER CORRIDOR OR THE LITTLE RIVER CORRIDOR. (NOT APPLICABLE FOR THIS SITE).
- 4) SLOPES ABOVE 35% OF AT LEAST 5000 SQUARE FEET CONTIGUOUS AREA. (SOME OF THE SLOPES ALONG THE STREAM DO MEET THIS CRITERIA, BUT BECAUSE THEY ARE WITHIN THE STREAM'S RIPARIAN ZONE, NO SPECIAL NOTE WAS MADE FOR THE SLOPES.
- 5) WETLANDS AS DEFINED BY STATE AND/OR FEDERAL REGULATIONS. (NO WETLANDS THAT MEET THE ARMY CORPS OF ENGINEERS CRITERIA WERE OBSERVED ON THE PROPERTY).
- 6) POPULATIONS OF ENDANGERED OR THREATENED SPECIES, OR HABITAT FOR SUCH SPECIES. (PER FEDERAL WEBSITES, NO SUCH POPULATIONS OR HABITATS ARE LOCATED IN THIS AREA).

TOTAL AREA = 54.61± ACRES

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

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

WETLANDS
THE SITE CONTAINS STATE WATERS WHICH ARE SHOWN. NO WETLANDS DELINEATION HAS TAKEN PLACE, BUT ONLY SMALL AREAS AWAY FROM DEVELOPMENT WOULD POSSIBLY CONTAIN WETLANDS.



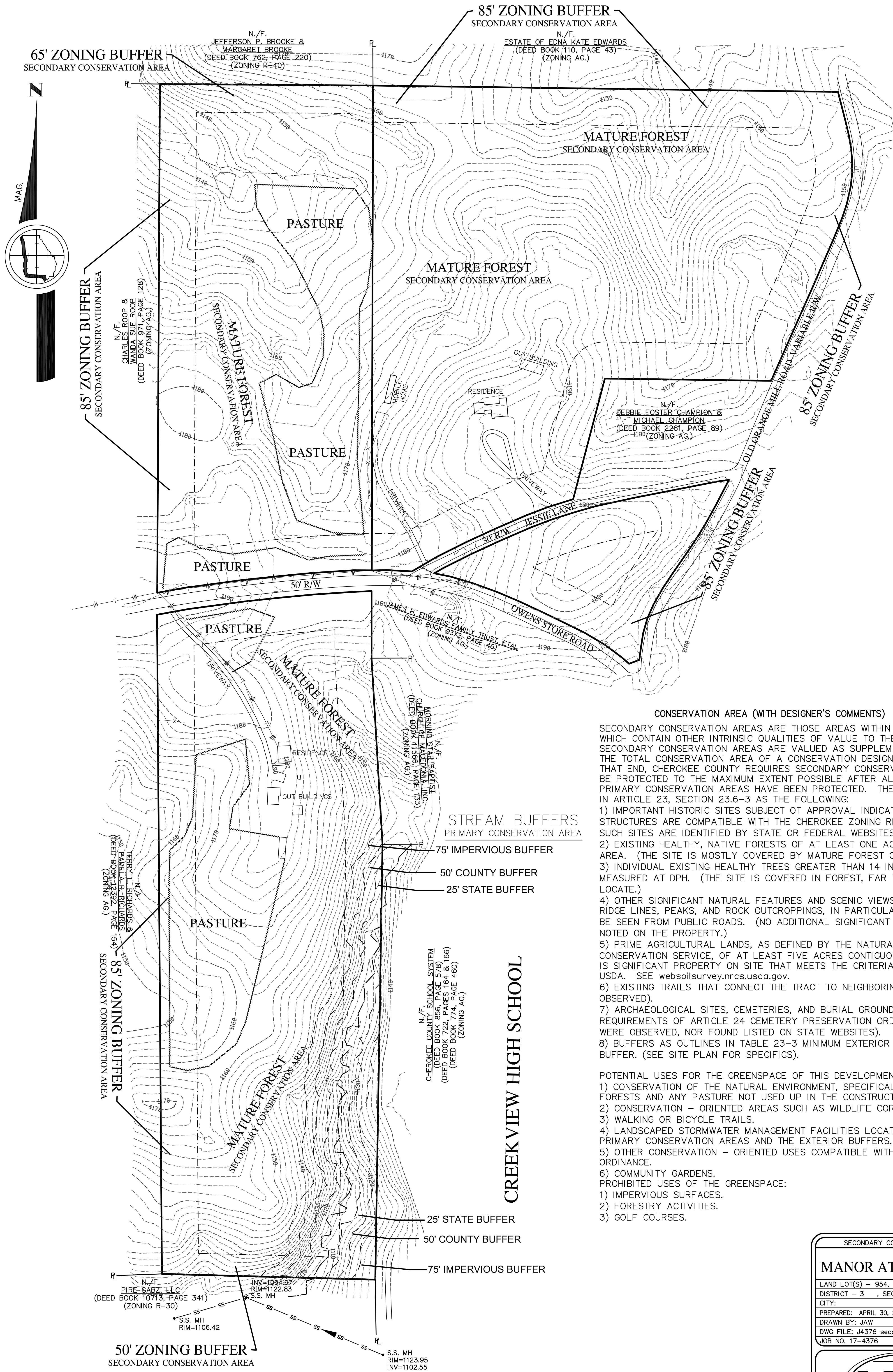
PRIMARY CONSERVATION AREAS	
-OF-	
MANOR AT CREEKVIEW	
LAND LOT(S) - 954, 955, 990 & 991	
DISTRICT - 3, SECTION - 2	
CITY: CHEROKEE COUNTY, GA	
PREPARED: APRIL 30, 2017 SCALE: 1" = 100 FT.	
DRAWN BY: JAW	
DWG FILE: J4376 primary BASE MAP.dwg	
JOB NO. 17-4376	



1100 HOWELL BRIDGE ROAD / P.O. BOX 129
BALL GROUND, GEORGIA 30107
(770) 735-1100

MANOR AT CREEKVIEW

REVISED 5/11/2017



CONSERVATION AREA (WITH DESIGNER'S COMMENTS)

SECONDARY CONSERVATION AREAS ARE THOSE AREAS WITHIN A PROPERTY WHICH CONTAIN OTHER INTRINSIC QUALITIES OF VALUE TO THE COMMUNITY. SECONDARY CONSERVATION AREAS ARE VALUED AS SUPPLEMENTAL AREA TO THE TOTAL CONSERVATION AREA OF A CONSERVATION DESIGN COMMUNITY. TO THAT END, CHEROKEE COUNTY REQUIRES SECONDARY CONSERVATION AREAS TO BE PROTECTED TO THE MAXIMUM EXTENT POSSIBLE AFTER ALL IDENTIFIED PRIMARY CONSERVATION AREAS HAVE BEEN PROTECTED. THEY ARE IDENTIFIED IN ARTICLE 23, SECTION 23.6-3 AS THE FOLLOWING:

- 1) IMPORTANT HISTORIC SITES SUBJECT OF APPROVAL INDICATING THAT THESE STRUCTURES ARE COMPATIBLE WITH THE CHEROKEE ZONING REGULATIONS. (NO SUCH SITES ARE IDENTIFIED BY STATE OR FEDERAL WEBSITES).
- 2) EXISTING HEALTHY, NATIVE FORESTS OF AT LEAST ONE ACRE CONTIGUOUS AREA. (THE SITE IS MOSTLY COVERED BY MATURE FOREST OF MIXED TREES).
- 3) INDIVIDUAL EXISTING HEALTHY TREES GREATER THAN 14 INCHES CALIPER MEASURED AT DPH. (THE SITE IS COVERED IN FOREST, FAR TOO MANY TO LOCATE.)
- 4) OTHER SIGNIFICANT NATURAL FEATURES AND SCENIC VIEWSHEDS SUCH AS RIDGE LINES, PEAKS, AND ROCK OUTCROPPINGS, IN PARTICULAR THOSE THAT CAN BE SEEN FROM PUBLIC ROADS. (NO ADDITIONAL SIGNIFICANT FEATURES WERE NOTED ON THE PROPERTY.)
- 5) PRIME AGRICULTURAL LANDS, AS DEFINED BY THE NATURAL RESOURCE CONSERVATION SERVICE, OF AT LEAST FIVE ACRES CONTIGUOUS AREA. (THERE IS SIGNIFICANT PROPERTY ON SITE THAT MEETS THE CRITERIA LAID OUT BY THE USDA. SEE websoilsurvey.nrcs.usda.gov).
- 6) EXISTING TRAILS THAT CONNECT THE TRACT TO NEIGHBORING AREAS. (NONE OBSERVED).
- 7) ARCHAEOLOGICAL SITES, CEMETERIES, AND BURIAL GROUNDS SUBJECT TO THE REQUIREMENTS OF ARTICLE 24 CEMETERY PRESERVATION ORDINANCE. (NONE WERE OBSERVED, NOR FOUND LISTED ON STATE WEBSITES).
- 8) BUFFERS AS OUTLINES IN TABLE 23-3 MINIMUM EXTERIOR BOUNDARY BUFFER. (SEE SITE PLAN FOR SPECIFICS).

POTENTIAL USES FOR THE GREENSPACE OF THIS DEVELOPMENT:

- 1) CONSERVATION OF THE NATURAL ENVIRONMENT, SPECIFICALLY THE MATURE FORESTS AND ANY PASTURE NOT USED UP IN THE CONSTRUCTION OF HOMES.
 - 2) CONSERVATION - ORIENTED AREAS SUCH AS WILDLIFE CORRIDORS.
 - 3) WALKING OR BICYCLE TRAILS.
 - 4) LANDSCAPED STORMWATER MANAGEMENT FACILITIES LOCATED OUTSIDE PRIMARY CONSERVATION AREAS AND THE EXTERIOR BUFFERS.
 - 5) OTHER CONSERVATION - ORIENTED USES COMPATIBLE WITH THE ZONING ORDINANCE.
 - 6) COMMUNITY GARDENS.
- PROHIBITED USES OF THE GREENSPACE:
- 1) IMPERVIOUS SURFACES.
 - 2) FORESTRY ACTIVITIES.
 - 3) GOLF COURSES.

SECONDARY CONSERVATION AREAS

-OF-

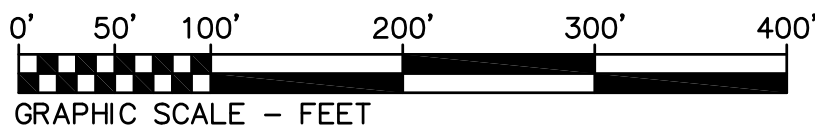
MANOR AT CREEKVIEW

LAND LOT(S) - 954, 955, 990 & 991
DISTRICT - 3, SECTION - 2
CITY: CHEROKEE COUNTY, GA
PREPARED: APRIL 30, 2017 SCALE: 1" = 100 FT.
DRAWN BY: JAW
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JOB NO. 17-4376



1100 HOWELL BRIDGE ROAD / P.O. BOX 129
BALL GROUND, GEORGIA 30107

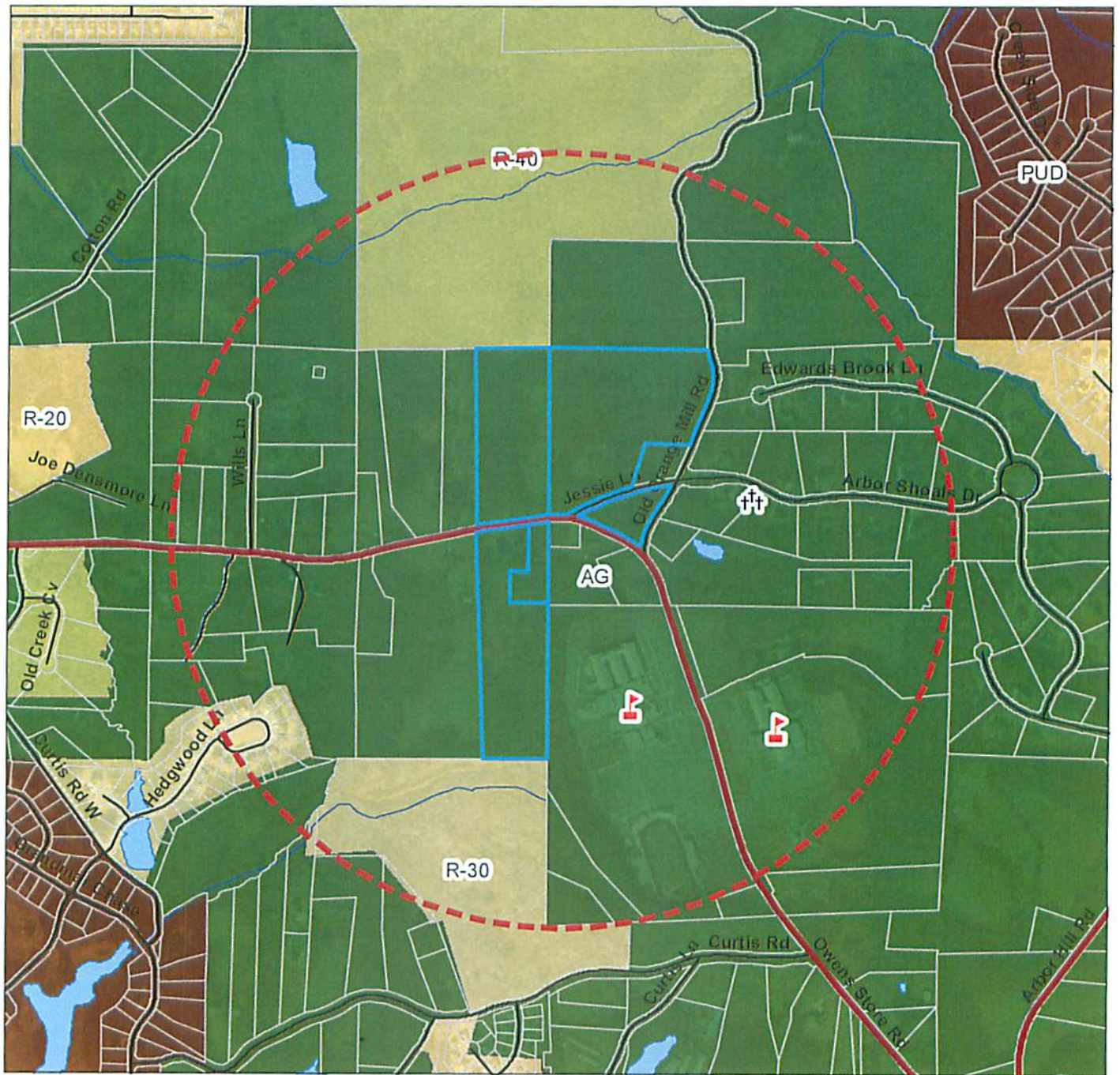
(770) 735-1100



TOTAL AREA = 54.61± ACRES

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

Zoning Map



Legend

- Rezoning Parcel
- 1/2 Mile Radius
- School
- Cemetery
- Church
- Street
- Parcel
- 100 Year Flood Zone

Cherokee County Zoning

- | | |
|-----|---------------------|
| AG | RTH |
| R80 | RM10 |
| R60 | RM16 |
| R40 | TND |
| R30 | PUD |
| R20 | OI |
| R15 | NC |
| RD3 | GC |
| R10 | LI |
| RZL | HI |
| RA | Bells Ferry Overlay |
| | Hwy 92 Overlay |

0 0.125 0.25 0.5 Miles

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

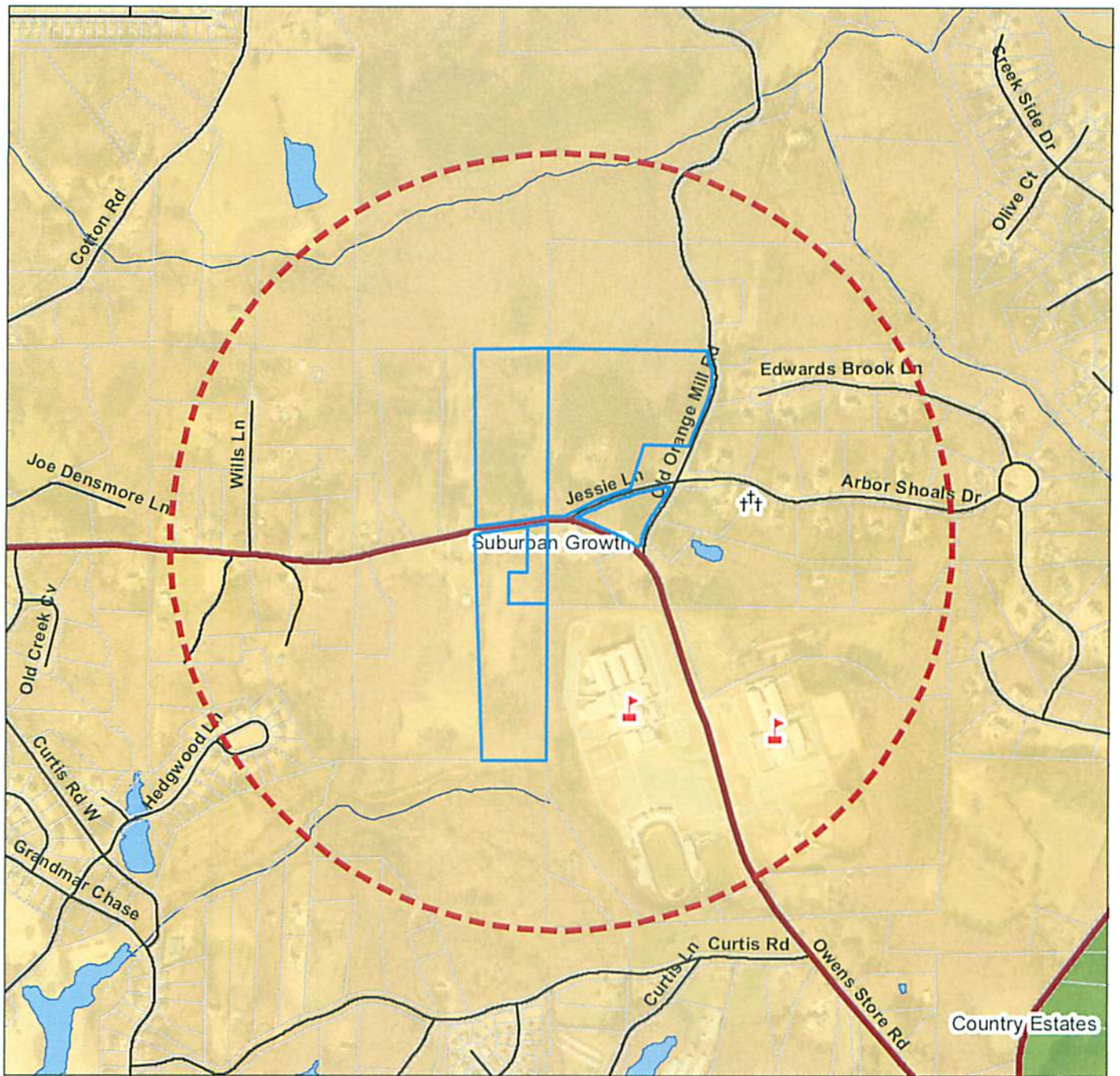


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
03 March 2017



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

Future Development Map



Legend

- Rezoning Parcel
- 1/2 Mile Radius
- School
- Cemetery
- Church
- Street
- Parcel
- 100 Year Flood Zone

Development Nodes Character Areas

- County Crossroads
- Hamlet
- Neighborhood Village
- Community Village
- Suburban Living
- Neighborhood Living
- Scenic Corridor
- Transitional Corridor
- Development Corridor
- Natural Preserve
- Rural Places
- Country Estates
- Suburban Growth
- Bell's Ferry LCI
- Urban Core
- Workplace Center
- Regional Center
- Waste Management



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



PUBLIC PARTICIPATION REPORT

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

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

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

What is the quantity of open space?

What is the price range of the homes?

Where are you going to get sewer?

Did applicant know about the noise from the high school?

Attendees did have concerns about traffic.

One attendee did say the applicant builds a nice product.

Asked applicant to keep community feel

Asked about the tax rolls

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

Some attendees have concerns about closing Jessie lane.

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

Attendees asked for bigger lots.

Name	Address:	Phone:	Email:
Ricky Foster	4996 HWY. 411, NE, FAIRMOUNT,	770	891-7197
ANITA FOSTER	" " " " " GA 3009	770	891-9752
Pamela Richards	820 Owens Store Rd. Canton	770	479-1323
JERRY Richards	820 Owens Store Rd. Canton	770	479-1323
Wiley Rogers	762 Owens Store Rd. Canton	904	993-2250
A.C. Rogers	700 Owens Store Rd. Canton	706	910-2487
CARDLYN ROGERS	700 Owens Store Rd. Canton	706	910-2487
JOE STRATTON	114 ARBOR SHOALS DR. CANTON	678	5951194
CAROL STRATTON	114 ARBOR SHOALS DR. CANTON	678	5951194
Robert Chambers	220 Edwards Brook Ct. Canton		rgc57@windstream.net
JOHN B. SALO	536 OWENS STORE Rd. CANTON	404 3885354	JACKSALO@GMAIL.COM
Debbie Champion	195 Jessie Lane Canton	404 625-4307	dixiteach@comcast.net
STAN BRYAN	317 EDWARDS BROOK LANE CANTON	678	493-1719
George Satterfield	142 Owens Store Rd.	770	329-5426
Bonnie Satterfield	142 " " "	770	720-058
Angie Edwards	1139 Owens Store Rd.	404-403-2501	angieedwards@windstream.net
Barry Zuber	1275 Owens Store Rd.	770-6559	BZUBER@EW2USA.COM
Rickey Curtis	203 Curtis Ln.	770 653-7079	
Ed Cochran	4880 Drew Rd.	770 8278269	Coch1031@Gmail.com
Brian Dean	237 Cecil Holloway Ln	770 4024167	
Lisa Letchworth	747 Owens Store Rd.	770 3619308	ljettersletchworth@gmail.com
Sean Letchworth	747 Owens Store Rd.	770-363-8359	seanletchworth@gmail.com
Kim McCracken	300 Edwards Brook Lane	678-414-6514	sbqueen1231@gmail.com
Sally Morrow	311 Edwards Brook Lane	770-704-8201	Sohn Morrow@aol.com
John Morrow	311 Edwards Brook Lane	770-704-8201	SallyMORROWbc@aol.com
Chris Wilbanks	312 Edwards Brook Lane	678-880-3061	crwilbanks@njwilbanks.com
Doris Lopez	534 Owens Store Rd.	404 415-0676	

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

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

February 6, 2017



To Whom It May Concern:

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

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

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

Sincerely,

Hardy Smith

R Venture, LLC



Cherokee County, Georgia Agenda Request

Item#: 4.

SUBJECT:

Case #17-05-014 Wyatt Wilkie (BOC Dist. 1)

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 11.28 acres on Ball Ground Road from GC to AG for residential uses.

FACTS AND ISSUES:

Commission District: 1

Zoning Change: GC to AG

Location: Ball Ground Road

Tax Map and Parcel No: 03N21, 045B

Acres: 11.28

Proposed Development: Residential Uses

Future Development Map: Country Estates - Neighborhood Village

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
☐ STAFF REPORT	Exhibit
☐ Application	Exhibit
☐ Legal Description	Exhibit
☐ Boundary Survey	Exhibit
☐ Zoning Map	Exhibit
☐ Future Development Map	Exhibit



Staff Report

Case No: 17-05-014

Applicant Name: Wyatt Wilkie

Location: 6383 and 6385 Ball Ground Road
(03N21, 045B)

From/To: GC to AG

Proposed Use: Single Family Residential

Commission Post: 1

	Existing Zoning	Existing Land Use
North	AG	Rural Residential
South	GC and AG	Rural Residential
East	AG	Rural Residential
West	AG	Rural Residential

Future Development Map

Character Area/Node/Corridor	
Neighborhood Village Node Country Estates	Small-scaled commercial designed to serve a single neighborhood with access and size restrictions. May be part of a residential development. 50,000 sf Maximum. (OI, NC, GC) Area of low intensity land use with a mixture of single-family housing on large lots and farms. Local-serving roads, potentially with public water, typically lacks sewer. Suggested zonings of AG and R-80.

Analysis and Comment

The subject parcel is 11.28 acres and lies on the westerly side of Ball Ground Road (State Route 372). No Public Participation Meeting or Existing Site Resource map was required. We have received no communication in support of or in opposition to this application. The petition is consistent with the Future Development Map designation of Country Estates.

1 Findings

1.1 Engineering Department

- Attached

1.2 Cherokee County Water and Sewerage Authority

- CCWSA stated there is a 10 inch water line available and adequate for this project.

1.3 Cherokee County Board of Education

-

1.4 Fire Marshal's Office

-

1.5 Sheriff's Office

-

Case # 17-05-014 - Community Agenda Analysis

Section 1 – Community Vision

Community	Intersection of SR 369 and SR 372
-----------	-----------------------------------

Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

Applicant seeks to rezone from GC to AG in order to subdivide into two parcels with one single family home on each parcel.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Housing Choice	Project may add to the range of housing options in the area.

Project Neutral

Diverse Economic Opportunities	If a house is built, there may be a temporary increase in construction jobs. No long-term positive impact.
Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
Aging in Place	No evidence of impact.
Designing with the Environment	No evidence of impact.
Preserve and Enhance Sense of Place	No evidence of impact.

Project Neglects

Section 3 – Character Area Description

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

The Country Estates Character Area seeks to provide a low-intensity residential community. Homesteads on individual lots is one of the primary land uses in the Country Estates Character Area. Development of large lot estates that blend into the overall fabric of the area is encouraged in this Character Area. Suggested zoning districts are AG and R-80. This project is consistent with the Character Area.

Node or Corridor	Neighborhood Village
------------------	----------------------

Neighborhood Village is a small-scale commercial Development Node designated to serve a single neighborhood. Neighborhood Village Nodes feature an assortment of retail establishments, professional services, and local institutions. Single family residential neighborhoods are a secondary land use in a Neighborhood Village. Suggested zoning districts are OI, NC, and GC. This project is not consistent with the Development Node.

Cherokee County Government

ENGINEERING DEPARTMENT

1130 Bluffs Parkway – Canton, Georgia 30114

678-493-6077 – Fax 678-493-6055



REZONING MEMORANDUM

Case Number: 17-05-014

Applicant: Wyatt Wilkie

Current Zoning: GC

Proposed Zoning: AG

● Transportation:

- **Primary Public Access** – The primary public access for the property in this application is State Route 372. State Route 372 is currently a two-lane minor arterial roadway that is approximately 24 feet wide. The geometry of the roadway is generally good. There was a recorded traffic count of 7,270 vehicles per day in the area in 2015.
- **Planned Improvements** – The Georgia DOT is currently upgrading the intersection of State Route 372 and State Route 369 from the existing multi-way stop to a roundabout. The project should be completed within the next 12 months.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is a decrease of 453 vehicles per day.

Zoning	Units	Trips Per Day
Current GC	Estimate	500
Proposed AG	5 units	47

- **Development Related Improvements** – The property owner would need to apply for a driveway permit through the Georgia Department of Transportation.

● Stormwater:

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

● Conclusion:

It is the opinion of the Cherokee County Engineering Department that State Route 372 should be able to handle the traffic generated by this application.

Cherokee County Water & Sewerage Authority

Applicant: **WYATT WILKIE**
Re-Zoning Case No.: **17-05-014**
Present Zoning: **GC**
Proposed Zoning: **AG**
Tax Map: **03N21**
Parcel No.: **045B**

Water

- 1) Is Water Available at Development: YES ☒ X
NO ☐
- 2) Size of Existing Water Line (If Available): **10"**
- 3) Is there Adequate Water Pressure for the Additional Fire Protection that may be Required for the New Project: YES ☐
NO ☐
Additional Comments: **DETERMINED BY FLOW TEST**
- 4) Is Existing Water Line Adequate for Project, If not what size will be Required: YES ☒ X
NO ☐ ☐
- 5) What are the Future Plans for Expansion of Water Lines and Give Approximate Time Table: **NONE**

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

Sewer

- 1) Is Sewer Available to the Project: YES ☐
NO ☒ X
- 2) How far from the Proposed Development are the Nearest Sewer Lines:
- 3) Approximate Length of Time Before Sewer Line will be Reasonably Assessible to Development:
- 4) Estimated Waste Generation: ADF PEAK
- 5) Treatment Plant:
- 6) Plant Capacity: Available ☐
Not Available ☐
- 7) Line Capacity: Available ☐
Not Available ☐
- 8) Projected Plant Availability: 0-5 Years ☐
5-10 Years ☐
10+ Years ☐
- 9) Additional Comments:

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

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

Plant Capacity Comments:

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

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



CHEROKEE COUNTY
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: Wyatt Wilkie Phone: 770 337 7546
Email: Wyatt.wilkie@cherokee.k12.ga.us

Applicant's Information:

Name: Wyatt Wilkie

Address: 6401 Ball Ground Rd Phone: 770 337 7546

City, State, Zip: Ball Ground GA 30107

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

Name: Justin & Mary Ann Wilkie

Address: 3037 Bransford Rd Phone: 706 825 8531

City, State, Zip: Augusta GA 30909

Requested Public Hearing (check all that apply):

☒ Rezoning

☐ Amendment / Modification of Zoning

☐ Variance / Appeal

☐ Other: _____

STAFF USE ONLY:

Commission District: 1
Case: 17 - 04 - 014
CityView # PL2017-0390
Received by: _____
Fee Paid: \$ 250⁰⁰
Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: N/A
PC Work Session Date: 4/17/17
Planning Commission Hearing: 5/2/17
Board of Commissioners: 5/16/17
Zoning Board of Appeals: N/A
Other: pre-file 3/13/17

SECTION II

Property Information:

6387 Ball Ground Rd.

Location: Ball Ground Road, Old Hightower Road

Current Zoning: GC Proposed Zoning: AG Total Acreage: 11.28

Tax Map #: 03 N 21 Parcel #: 045B Land Lot(s): 604 & 621 District: 3, section 2

Future Development Map Designation: Country Estates - Neighborhood Village

Adjacent Zonings: North AG South GC & AG East AG West GC & AC

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

Residential uses

Proposed Use(s) of Property:

Split into 2 parcels with 1 single home sites each

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

This 15 day of March, 20 17.

Print Name Wyatt Wilkie

Applicant Signature Wyatt Wilkie

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? 4 students

Potentially

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	5	0.725	3.625
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? 48 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends ⁺	Number of Trips
210	Single Family Home/ Townhome	5	9.57	47.85
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, Justin & MaryAnn Wilkie, 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: Wyatt Wilkie

Address: 6401 Ball Ground Rd Phone: 770 337 7251

City, State, Zip: Ball Ground GA 30107

Property Owner's Information:

Name: Justin & Mary Ann Wilkie

Address: 3037 Bransford Rd Phone: 706-825-8531

City, State, Zip: Augusta GA 30909

Signature of Owner: Justin Wilkie MaryAnn Wilkie Date: 16 Mar 2017

Print Name: Justin Wilkie MaryAnn Wilkie

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

Notary Signature: Dorinda S. Dunning

My commission expires June 19th, 2017.

(Notary Seal)

1. The intent is to rezone the land from general commercial to agricultural. The property will likely be split into 2 parcels with 2 potential home sites. I am looking to sell at least one lot to my brother.
2. The surrounding land is all agricultural, except that which has significant road frontage on HWY 372. The parcel to be rezoned has approximately 60 feet of road frontage on HWY 372 for a driveway.
3. The rezoning should not have any negative effects on the current or future usability of the surrounding property. Currently there has been no commercial development along HWY 372. The commercial potential for the property along HWY 372 will not be changed by changing this parcel to agricultural.
4. I do not believe the parcel of land to be rezoned has any reasonable commercial potential given the topography and that it does not have significant road frontage on HWY 372.
5. The proposed rezoning to agriculture would not cause any significant burdens on existing streets, schools, or utilities.
6. The current land use plan lists the area as a 'neighborhood village', presumably because it is near the intersection of HWY 372 and HWY 369. While some commercial development of this area is likely, the land to be rezoned is bordered on 3 sides by land that is unlikely to be developed. The land on the eastern border is owned by my father.
7. I know of no other existing or changing conditions that would affect the use and development of the property.

WILKIE 11.28 ACRE WRITTEN DESCRIPTION

ALL That Tract or Parcel of Land lying and being located in Land Lot 604 and 621 of the 3rd District, 2nd Section, Cherokee County, Georgia and being more particularly described as follows:

BEGIN AT the Northeast corner of Land Lot 621 point being the common corner of Land Lots 621, 620, 604, and 605

thence along the East line of Land Lot 621 South 01 Degrees 02 Minutes 37 Seconds East a distance of 762.57 feet to a point in the centerline of a creek; thence following the centerline of the stream North 75 Degrees 50 Minutes 10 Seconds West a distance of 77.79 feet;

thence South 76 Degrees 00 Minutes 00 Seconds West a distance of 30.00 feet;
thence North 74 Degrees 00 Minutes 00 Seconds West a distance of 18.00 feet;
thence South 75 Degrees 40 Minutes 00 Seconds West a distance of 23.00 feet;
thence North 85 Degrees 30 Minutes 00 Seconds West a distance of 27.00 feet;
thence North 71 Degrees 40 Minutes 00 Seconds West a distance of 31.00 feet;
thence South 68 Degrees 10 Minutes 00 Seconds West a distance of 27.00 feet;
thence North 78 Degrees 30 Minutes 00 Seconds West a distance of 51.00 feet;
thence South 68 Degrees 20 Minutes 00 Seconds West a distance of 24.00 feet;
thence North 70 Degrees 20 Minutes 00 Seconds West a distance of 67.00 feet;
thence North 48 Degrees 50 Minutes 00 Seconds West a distance of 30.00 feet;
thence North 21 Degrees 50 Minutes 00 Seconds West a distance of 14.00 feet;
thence North 56 Degrees 28 Minutes 28 Seconds West a distance of 40.19 feet;
thence North 54 Degrees 00 Minutes 00 Seconds West a distance of 29.00 feet;
thence South 86 Degrees 20 Minutes 00 Seconds West a distance of 14.00 feet;
thence North 16 Degrees 10 Minutes 00 Seconds West a distance of 35.00 feet;
thence North 38 Degrees 40 Minutes 00 Seconds West a distance of 36.00 feet;
thence North 05 Degrees 50 Minutes 00 Seconds West a distance of 10.00 feet;
thence North 56 Degrees 50 Minutes 00 Seconds West a distance of 28.00 feet;
thence North 42 Degrees 14 Minutes 54 Seconds West a distance of 27.01 feet;

thence leaving said creek centerline and along a gully South 49 Degrees 45 Minutes 21 Seconds West a distance of 91.82 feet;
thence South 12 Degrees 19 Minutes 08 Seconds West a distance of 33.20 feet;
thence South 85 Degrees 13 Minutes 42 Seconds West a distance of 45.87 feet;
thence South 72 Degrees 00 Minutes 58 Seconds West a distance of 59.53 feet;
thence South 68 Degrees 05 Minutes 15 Seconds West a distance of 95.92 feet;
thence South 57 Degrees 22 Minutes 41 Seconds West a distance of 161.57 feet to the northeasterly 100 foot right of way of State Route 372 also known as Ball Ground Highway; Thence along the northeasterly right of way; with a curve turning to the right with an arc length of 60.12 feet, with a radius of 2603.81 feet, with a chord bearing of North 35 Degrees 16 Minutes 24 Seconds West, with a chord length of 60.11 feet;; thence leaving said right of way

North 57 Degrees 24 Minutes 12 Seconds East a distance of 164.97 feet;
thence North 60 Degrees 45 Minutes 23 Seconds East a distance of 309.65 feet to the centerline of a creek; thence along the centerline of the creek

North 30 Degrees 19 Minutes 38 Seconds West a distance of 45.87 feet;
thence North 67 Degrees 12 Minutes 35 Seconds West a distance of 14.01 feet;
thence North 32 Degrees 40 Minutes 00 Seconds West a distance of 14.00 feet;
thence North 10 Degrees 20 Minutes 00 Seconds West a distance of 20.00 feet;
thence North 46 Degrees 20 Minutes 00 Seconds West a distance of 87.00 feet;
thence North 33 Degrees 53 Minutes 14 Seconds West a distance of 46.41 feet;
thence leaving the centerline of the creek;

North 03 Degrees 40 Minutes 08 Seconds West a distance of 12.45 feet;
thence North 02 Degrees 39 Minutes 32 Seconds West a distance of 233.44 feet;
thence South 87 Degrees 19 Minutes 19 Seconds West a distance of 40.05 feet;
thence North 02 Degrees 39 Minutes 07 Seconds West a distance of 45.98 feet;
thence North 14 Degrees 24 Minutes 07 Seconds West a distance of 180.77 feet;
thence North 28 Degrees 47 Minutes 09 Seconds West a distance of 65.84 feet;
thence North 73 Degrees 34 Minutes 38 Seconds West a distance of 152.21 feet to the southeasterly 30 foot right of way of Old Hightower Road; thence along the southeasterly right of way

North 34 Degrees 29 Minutes 53 Seconds East a distance of 41.70 feet;
thence leaving the right of way

thence South 73 Degrees 35 Minutes 22 Seconds East a distance of 155.66 feet;
thence South 28 Degrees 49 Minutes 54 Seconds East a distance of 87.31 feet;
thence South 14 Degrees 27 Minutes 23 Seconds East a distance of 189.67 feet;
thence North 88 Degrees 00 Minutes 06 Seconds East a distance of 701.19 feet;

The survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67



LINE	BEARING	DISTANCE
1.1	N 75°50'10" W	77.79'
1.2	S 76°10'00" W	30.00'
1.3	N 74°00'00" W	18.00'
1.4	S 75°40'00" W	23.00'
1.5	N 85°30'00" W	27.00'
1.6	N 71°40'00" W	31.00'
1.7	S 68°10'00" W	27.00'
1.8	N 78°30'00" W	51.00'
1.9	S 68°20'00" W	24.00'
1.10	N 70°20'00" W	67.00'
1.11	N 48°50'00" W	30.00'
1.12	N 21°50'00" W	14.00'
1.13	N 56°28'28" W	40.19'
1.14	N 54°00'00" W	29.00'
1.15	S 86°20'00" W	14.00'
1.16	N 16°10'00" W	35.00'
1.17	N 38°40'00" W	36.00'
1.18	N 05°50'00" W	10.00'
1.19	N 56°50'00" W	28.00'
1.20	N 42°14'54" W	27.01'
1.21	S 49°45'21" W	91.82'
1.22	S 12°19'08" W	33.20'
1.23	S 85°13'42" W	45.87'
1.24	S 72°00'58" W	59.53'
1.25	S 68°05'15" W	95.92'
1.26	N 30°19'38" W	45.87'
1.27	N 67°12'35" W	14.01'
1.28	N 32°40'00" W	14.00'
1.29	N 10°20'00" W	20.00'
1.30	N 46°20'00" W	87.00'
1.31	N 33°53'14" W	46.41'
1.32	N 03°40'08" W	12.45'

AREA
11.28 ACRES

THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS OF WAY BOTH PUBLIC AND PRIVATE. ALL MATTERS OF TITLE EXCEPTED. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 103572 FEET AND AN ANGULAR ERROR OF 1" 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 1000000 FEET.

EQUIPMENT USED FOR FIELD MEASUREMENTS:
ANGULAR - LEICA TS02
LINEAR - ELECTRONIC DISTANCE METER.
DRAWN AND FIELDWORK BY: D. SHIRLEY
ALL IRON PINS FOUND AND SET ARE 1/2" REBAR UNLESS OTHERWISE NOTED.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A LEGAL TITLE SEARCH, AND IS SUBJECT TO ANY AND ALL DISCLOSURES PRODUCED BY SAME INCLUDING EASEMENTS WHETHER OR NOT SHOWN ON THIS PLAT. THIS SURVEY WAS PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITY NAMED HEREON. EDITING OR REPRODUCTION WITHOUT THE CONSENT OF THE SURVEYOR IS PROHIBITED. THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN ACCORDING TO F.E.M.A./ F.I.R.M. MAP# 13057C0195D DATED 9/29/2006

ADDRESS: 6385 BALLGROUND ROAD
BALLGROUND, GA. 30107



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

LEGEND

- PROPERTY CORNER WITHOUT MONUMENT
- MONUMENTED
- PROPERTY CORNER
- CTP OPEN TOP PIPE
- CTP CRIMPED TOP PIPE
- R/W RIGHT OF WAY
- DB DEED BOOK
- PB PLAT BOOK
- PG PAGE
- N/T PRESENT OR FORMER OWNER
- N.T.S. NOT TO SCALE
- IPSF IRON PIN SET FUTURE
- IPF IRON PIN FOUND
- LL LAND LOT
- S/D SUBDIVISION
- P.O.B. POINT OF BEGINNING
- POWER POLE
- OVERHEAD POWER LINE
- DE DRAINAGE EASEMENT
- SSE SANITARY SEWER EASEMENT
- FENCE
- BL BUILDING LINE
- TOP TOP OF STREAM BANK

THE INTENT OF THIS PLAT IS TO REZONE
TAX PARCEL 03N21 045 B.

PROPERTY OWNERS CERTIFICATION
I hereby certify that I am the owner(s) of the property described hereon, which property is located within the jurisdiction of Cherokee County, Georgia.

Owner _____ Date _____
Owner _____ Date _____

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

Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser as to intended use of any parcel.
The Registered Land Surveyor further certifies that this map, plat, or plan complies with the minimum standards and specifications of the State Board of Registration for Professional Engineers and Land Surveyors and the Georgia Superior Court Clerks' Cooperative Authority.
David W. Shirley
David W. Shirley Registered Land Surveyor #2670
03/15/2017
Date

BOUNDARY SURVEY FOR:
**JUSTIN L. WILKIE &
MARY ANN D. WILKIE**

TAX PARCEL 03N21 045 B
LAND LOTS 604 & 621, DISTRICT 3, SECTION 2
CHEROKEE COUNTY, GEORGIA
DATE OF FIELDWORK: 2/14/2017 MAP DATE: 3/15/2017

PREPARED BY:
D & S LAND SURVEYING, INC.
DAVID W. SHIRLEY, R.L.S.
313 RED FOX DRIVE
CANTON, GA 30114
770-720-4443
LSF#000756
JOB NUMBER: 17-050



Case # 17-05-014 Wyatt Wilkie

Zoning Map



Legend

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

Cherokee County Zoning

- AG
- R80
- R60
- R40
- R30
- R20
- R15
- RD3
- R10
- RZL
- RA

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

0 0.05 0.1 0.2 Miles

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

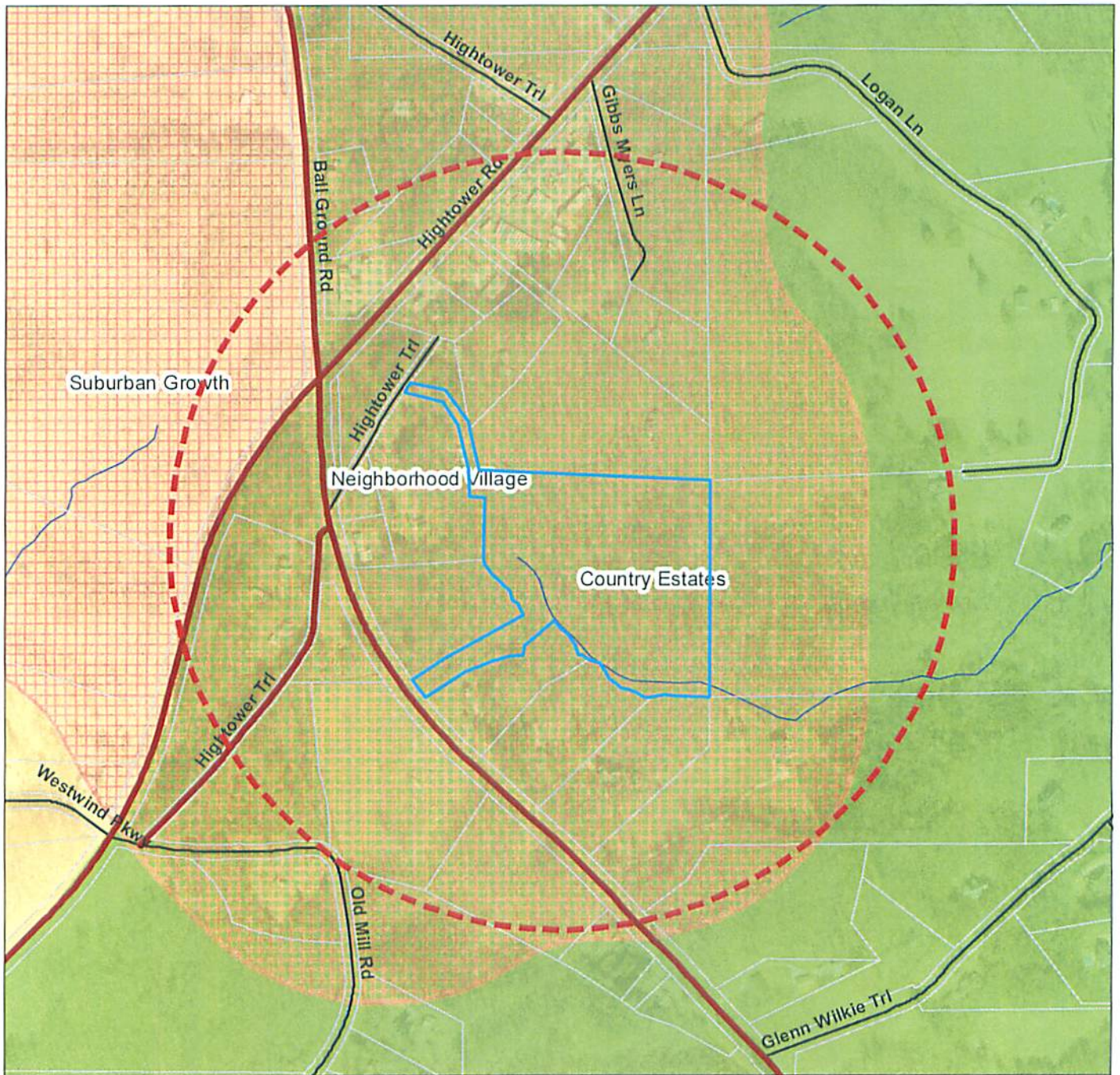


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
03 April 2017



Case # 17-05-014 Wyatt Wilkie

Future Development Map



Legend

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

Development Nodes

- County Crossroads
- Hamlet
- Neighborhood Village
- Community Village

Corridors

- Scenic Corridor
- Transitional Corridor
- Development Corridor

Character Areas

- Natural Preserve
- Rural Places
- Country Estates
- Suburban Growth
- Suburban Living
- Neighborhood Living
- Bell's Ferry LCI
- Urban Core
- Workplace Center
- Regional Center
- Waste Management

0 0.05 0.1 0.2 Miles

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



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





Cherokee County, Georgia Agenda Request

Item#: 5.

SUBJECT:

Case #17-06-017 The Pacific Group (BOC Dist. 2)

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 4.98 acres at 3884 Hickory Road from AG to R-30 for a minor subdivision.

FACTS AND ISSUES:

Commission District: 2

Zoning Change: AG to R-30

Location: 3884 Hickory Road

Tax Map and Parcel No: 15N26, 023

Acres: 4.98

Proposed Development: Minor 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
☐ Staff Report	Exhibit
☐ Application	Exhibit
☐ Conditions of Zoning	Exhibit
☐ Legal Description	Exhibit
☐ Revised Site Plan	Exhibit
☐ Site Plan	Exhibit
☐ Public Participation Report	Exhibit
☐ Zoning Map	Exhibit
☐ Future Development Map	Exhibit



Staff Report

Case No: 17-06-017

Applicant Name: The Pacific Group

Location: 3884 Hickory Road, Canton
(15N26, 023)

From/To: AG to R-30

Proposed Use: Single Family Residential

Commission Post: 2

	Existing Zoning	Existing Land Use
North	R-15, AG and Holly Springs	Residential
South	PUD	Hickory Trails Park
East	PUD	Hickory Trails Park and Residential
West	PUD	Hickory Trails Park

Future Development Map

Character Area/Node/Corridor	
Suburban Living	Established residential neighborhoods with potential infill and redevelopment opportunities. Public water available, public sewerage available or planned; local public facilities.

Analysis and Comment

The subject parcel is 4.98 acres and lie on the south side of Hickory Road approximately 750 feet west of the entrance to Edgewater subdivision. The applicant held the Public Participation Meeting on March 7, 2017. There were 3 people in attendance. The petition is consistent with the Future Development Map designation of Suburban Living.

1 Findings

1.1 Engineering Department

- Attached

1.2 Cherokee County Water and Sewerage Authority

-

1.3 Cherokee County Board of Education

-

1.4 Fire Marshal's Office

-

1.5 Sheriff's Office

-

Case # 17-06-017 - Community Agenda Analysis

Section 1 – Community Vision

Community	Hickory Road, one mile west of East Cherokee Drive.
-----------	---

Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

Applicant seeks to rezone from AG to R-30 for five residential home sites.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Housing Choice	Project may add to the range of housing options in the area.

Project Neutral

Diverse Economic Opportunities	If houses are built, there may be a temporary increase in construction jobs. No long-term positive impact.
Land Use Patterns that Promote Connectivity and Mobility	No evidence of impact.
Aging in Place	No evidence of impact.
Designing with the Environment	No evidence of impact.
Preserve and Enhance Sense of Place	No evidence of impact.

Project Neglects

Section 3 – Character Area Description

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

The intent of this Character Area is to support existing suburban development with compatible residential and commercial development. Suitable development in this area should be similar to the existing pattern of development in terms of size, scale, and lot density. Suggested Zoning Districts are R-40, R-30, R-20, R-15, and RD-3. This project is consistent with the Character Area.

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



REZONING MEMORANDUM

Case Number: 17-06-017

Applicant: The Pacific Group

Current Zoning: AG

Proposed Zoning: R-30

● Transportation:

- **Primary Public Access** – The primary public access for the property in this application is Hickory Road. Hickory Road is currently a two-lane major collector roadway that is approximately 24 feet wide. A traffic count was performed by GDOT in 2015 and recorded a volume of 10,900 vehicles per day. The geometry of the roadway is generally good.
- **Planned Improvements** – The County plans improving the intersection of Hickory Road and Stringer Road/Carriage Lane with the installation of right-turn and left-turn lanes and the installation of a traffic signal.
- **Trip Generation** – Based on the current zoning compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is an increase of 47 vehicles trips per day.

Zoning	Units	Trips Per Day
Current AG	2 units	19
Proposed R-30	7 units	66

- **Development Related Improvements** – It is our understanding that the property is to be developed as a minor subdivision which would limit it to 5 units. If that is the case, then they would apply for a residential driveway permit. If it is developed as 7 units, then it would require a residential entrance per the Development Regulations.

The County's Hickory Road at Stringer Road intersection improvement project includes the addition of sidewalk along the south side of Hickory Road to Hickory Trails Park. We recommend that the developer of this project continue the installation of curb and gutter and sidewalk across the frontage of their parcel.

● Stormwater:

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

● Conclusion:

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

In addition, the developer of this project should install curb, gutter and sidewalk across the Hickory Road frontage of this parcel.

CHEROKEE SHERIFF'S OFFICE
MEMORANDUM

CASE NUMBER: 17-06-017

APPLICANT: The Pacific Group

PRESENT ZONING: AG

PROPOSED ZONING: R-30

1. IS ADEQUATE POLICE PROTECTION IN AREA PRESENTLY?

Generally, yes. This area is served by the Hickory Flat Precinct.

2. ESTIMATED RESPONSE TIME TO REQUEST:

Response times will vary with the nature of the request, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from four to eleven minutes.

3. WILL ADDITIONAL PERSONNEL AND EQUIPMENT BE NECESSARY TO CONTINUE EFFICIENT SERVICE IN THE AREA?

The proposed change will not have a noticeable impact on patrol operations.

IF SO, LIST APPROXIMATE NEEDS:

4. ADDITIONAL REMARKS:

PL2017-0335



CHEROKEE COUNTY
Application for Public Hearing



PL20170000335

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: Briarcliff Haven, Inc.

Address: 115 Perimeter Center Place, Suite 100

Phone: 678 576-1485

City, State, Zip: Atlanta, GA 30346

Requested Public Hearing (check all that apply):

☒ Rezoning

☐ Amendment / Modification of Zoning

☐ Variance / Appeal

☐ Other: _____

STAFF USE ONLY:

Commission District: 2

Case: 17-06-017

CityView #: PL20170000335

Received by: _____

Fee Paid: \$ _____

Date: _____

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 3/7 & 4/10

PC Work Session Date: 5/15/17

Planning Commission Hearing: 6/10/17

Board of Commissioners: 6/20/17

Zoning Board of Appeals: N/A

Other: _____

SECTION II

Property Information:

Location: 3884 Hickory Rd, Canton, GA 30115

Current Zoning: AG Proposed Zoning: R-30 Total Acreage: 4.98

Tax Map #: 15 N 26 Parcel #: 15-0392-0008 Land Lot(s): 392 District: 15

Future Development Map Designation: 023 Suburban Living

Adjacent Zonings: North R-15 & AG South PUD East PUD West PUD

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

Re-zoning from AG to R-30. It will improve this very unsightly site into 5
residential lots, of which will be much larger than the small, high density lots across the street in the Edgewater community that was
annexed and approved in Holly Springs.

Proposed Use(s) of Property:

5 residential homesites

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 13 day of march, 20 17.

Print Name Kevin Seifert

Applicant Signature K-Seifert

SECTION III

Infrastructure Information:

Is water available to this site? ☒ Yes ☐ No

Jurisdiction: Cherokee County

How is sewage from this site to be managed?

septic system for each residential home

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

If yes, what is the projected increase? 3,625 4 students

Proposed Use(s)	# of units	Multiplier	Number of Students
Single Family (Detached) Home	5	0.725	3.265
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? 48 trips

Code	Land Use(s)	# of units or sqft*	Daily Trip Ends*	Number of Trips
210	Single Family Home/ Townhome	5	9.57	47.85
220	Apartment		6.63	

Notes:

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

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

CAMPAIGN DISCLOSURE STATEMENT

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

X 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: _____

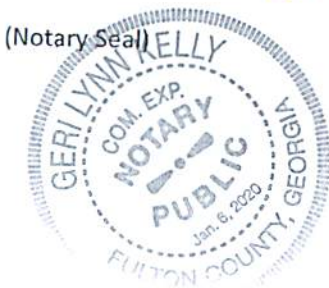
Date of Contribution: _____

Signature of Applicant: K-Sifert Date: 3/13/17

Print Name: Kevin Seifert

Sworn to and Subscribed before me this: 13 day of March, 2017.

Notary Signature: Gerilyn Kelly



SECTION IV

CONFLICT OF INTEREST CERTIFICATION

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

Signature of Applicant: K-S [Signature] Date: 3/13/17
Print Name: Kevin Seifert

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

Sworn to and Subscribed before me this: 13 day of march, 20 17.

Notary Signature: Gerilynn Kelly

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, Rocco Kaufmann, 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: Briarcliff Haven, Inc.

Address: 115 Perimeter Center Place, Suite 100 Phone: 678 576-1485

City, State, Zip: Atlanta, GA 30346

Signature of Owner: [Signature] Date: 3-2-17

Print Name: Rocco Kaufmann

Sworn to and Subscribed before me this: 2nd day of March, 20 17.

Notary Signature: [Signature]

(Notary Seal)





GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRIAN P. KEMP

[HOME \(/\)](#)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name: **BRIARCLIFF HAVEN, INC.** Control Number: **H100658**

Business Type: **Domestic Profit Corporation** Business Status: **Active/Compliance**

Business Purpose:

Principal Office Address: **PO BOX 720593, ATLANTA, GA, 30358-2593** Date of Formation / Registration Date: **1/25/1971**

State of Formation: **Georgia** Last Annual Registration Year: **2017**

REGISTERED AGENT INFORMATION

Registered Agent Name: **Kaufmann, Rocco**

Physical Address: **115 Perimeter Center Place , Suite 100 Atlanta, GA 30346, Fulton, Atlanta, GA, 30346, USA**

OFFICER INFORMATION

Name	Title	Business Address
KAUFMANN ROCCO	CEO	BOX 720593, ATLANTA, GA, 30358, USA
ROCCO KAUFMANN	CFO	BOX 720593, ATLANTA, GA, 30358, USA
Rocco Kaufmann	Secretary	PO Box 720593, Atlanta, GA, 30358, USA

[Back](#)

[Filing History](#)

[Name History](#)

[Return to Business Search](#)

Applicant Response Statement for 3884 Hickory Rd, Canton, GA 30115

Then intent of the requested re-zoning from AG to R-30 is to obtain 5 buildable residential lots. The cost of the demolition and trash removal of this property is extensive. In order to feasibly clean the site and restore it to a presentable condition, at least 5 residential lots are needed.

The proposed zoning should be substantially suitable to adjacent and nearby properties. The minimum 30,000 square foot lots are larger than many lots that fall within the 750 radius of this site. Additionally, it would seem all adjacent and nearby properties would appreciate 5 new homes in place of the existing site that most would agree is currently an eye sore.

The use of adjacent or nearby properties should not be affected considering the proposed use is the same as many of such properties. The park would be the only non-residential property adjacent.

The property currently has dilapidated structures and years' worth of material accumulated that need to be demolished and removed. The cost to do this work makes this a tough property to have a current reasonable economic use.

The proposed zoning will contribute a very small increase to the use of existing streets, transportation facilities, utilities, and schools with 5 new homes (replacing 1 existing home). 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 character area the property is designated for.

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.

Rhonda L Hilliard

From: Vicki Taylor Lee
Sent: Thursday, May 04, 2017 8:40 AM
To: Rhonda L Hilliard
Subject: FW: Pacific Group Rezone Case

Vicki Taylor Lee, AICP

From: Kevin Seifert [mailto:kseifert@pacificgroupinc.com]
Sent: Wednesday, May 03, 2017 5:59 PM
To: Vicki Taylor Lee <vtaylor@cherokeega.com>
Subject: RE: Pacific Group Rezone Case

Got it. We would like to propose the following five (5) conditions of zoning based on all our continued conversations with neighbors and to address the buffer. What is the proper method of proposing these? Can we bring in an updated zoning exhibit to include these items more clearly and submit these conditions and the updated exhibit that would be reviewed at the Planning Commission hearing? Thanks!

1. A natural buffer of 20' shall be given along the west and south property line abutting the County park property. This is only required to remain as it exists and there shall be no requirement for any additional plantings
2. A natural buffer of 30' shall be given along the east property line abutting the parcel owned by Phillip & Amy Wallace. This is only required to remain as it exists and there shall be no requirement for any additional plantings with the exception of half of the rear yard of proposed lot 2 on zoning exhibit A. In this section of the rear of lot 2, applicant shall provide a total of fourteen (12) 6-8' tall evergreen trees shall be planted in a double row offset by 10'. Each of the 6 trees in each row shall be planted 12' on center.
3. An easement in favor of the parcel owned by Gregory E. & Margaret C. Caudle shall be allowed to encroach into the 30' buffer in the southeast corner of the property. There will be no setbacks within this easement as shown on zoning exhibit A, so that the Caudle's can permit a covered structure to park their tractor and/or equipment under.
4. This minor subdivision into 5 lots shall only require a 60' access easement with a shared driveway of a minimum of 16' in width to provide access to lots 2-5. A mandatory HOA shall be created to share in the maintenance of the shared driveway. The driveway must consists of at least 6" of GAB and 2" of binder
5. Front setbacks shall be as follow:
 - a. Lots 1 and 2: 80'
 - b. Lots 3 and 4: 90'
 - c. Lot 5: 40'

Kevin Seifert
The Pacific Group, Inc.
Cell: 678.409.8557
www.pacificgroupinc.com

From: Vicki Taylor Lee [mailto:vtaylor@cherokeega.com]
Sent: Wednesday, May 3, 2017 4:17 PM

Please Return to:

Jed S. Beardsley, Esq.
Baker, Donelson, Bearman,
Caldwell & Berkowitz, PC
3414 Peachtree Road, N.E.,
Monarch Plaza, Suite 1600
Atlanta, Georgia 30326

STATE OF GEORGIA
COUNTY OF CHEROKEE

EXECUTOR'S DEED

THIS INDENTURE is made this 28th day of July, 2016, by and between **JOHN CONRAD MOORE, JR., as Executor under the Last Will and Testament of JOHN CONRAD MOORE a/k/a JOHN C. MOORE** (hereinafter referred to as the "Deceased"), late of Cherokee County, Georgia ("Grantor") and **BRIARCLIFF HAVEN, INC.**, a Georgia corporation ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits.)

RECITALS:

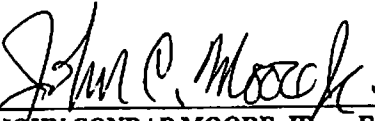
GRANTOR (acting under and by virtue of the power and authority contained in the Last Will and Testament of the Deceased, it having been duly probated and recorded in the **Probate Court of Cherokee County, Georgia**, as Estate No. 2016-ES-0071), for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) in hand paid at and before the sealing the 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, **an undivided one-half (1/2) interest in and to the following real property:**

See **Exhibit "A"** attached hereto and incorporated herein by reference.

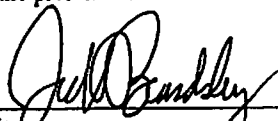
TO HAVE AND TO HOLD the Land with all and singular the rights, members, and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit, and behoof of Grantee forever, in as full and ample a manner as the same was held, possessed, and enjoyed by Decedent in his lifetime; subject to all liens, encumbrances and other matters of record.

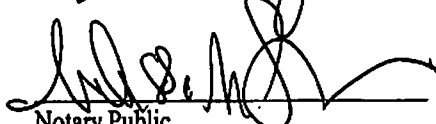
IN WITNESS WHEREOF, Grantor has hereunto set his hand and seal the day and year first above written.

GRANTOR:

 (SEAL)
JOHN CONRAD MOORE, JR., as Executor under
the Last Will and Testament of JOHN CONRAD
MOORE A/K/A JOHN C. MOORE

Signed, sealed, and delivered
in the presence of:


Witness


Notary Public

Commission Expiration Date:

{NOTARIAL SEAL



EXHIBIT "A"
Legal Description

All that tract or parcel of land lying and being in Land Lot 392 and 401 of the 15th District, 2nd Section, Cherokee County, Georgia, as shown on a plat for James Kaufman, prepared by Jerry Thacker & Associates dated October 23, 1978 and recorded in Plat Book 15, Page 21, Cherokee County, Georgia Records, which plat is incorporated herein by reference for a more complete description, and being more particularly described as follows:

TO ASCERTAIN THE TRUE POINT OF BEGINNING, begin at a point formed by the West land lot line of Land Lot 392 with the Southwest right of way of Holly Springs-Hickory Flat Road (said road having a 60 foot right of way); thence a Southeasterly direction along the Southwestern right of way of Holly Springs-Hickory Flat Road and following the curvatures thereof a distance of 352.7 feet to an iron pin, the same being THE TRUE POINT OF BEGINNING; thence continuing in a Southeasterly direction along the Southwestern right of way of Holly Springs-Hickory Flat Road and following the curvature thereof the following courses and distances: South 69° 58' East 109.8 feet, South 66° 40' East 98.1 feet, South 62° 29' East 87.1 feet, South 56° 40' East 77.7 feet to an iron pin; thence leaving the Southwest right of way of Holly Springs-Hickory Flat Road South 64° 00' West a distance of 23.8 feet to an iron pin; thence South 20° 17' West a distance of 154.7 feet to an iron pin; thence South 10° 18' East a distance of 449.7 feet to an iron pin located in Land Lot 401; thence South 88° 29' West a distance of 242.1 feet to an iron pin; thence North 17° 34' West a distance of 610.1 feet to an iron pin located in Land Lot 392; thence North 05° 06' East a distance of 61.2 feet to an 18 inch Poplar tree; thence North 04° 42' West a distance of 53.8 feet to an iron pin; thence North 51° 15' East a distance of 108.1 feet to an iron pin located on the Southwest right of way of Holly Springs-Hickory Flat Road, said point being the true point of beginning.

Subject Property Address: 3884 Hickory Road, Canton, GA

Parcel ID: 15N26 023

[illegible]

PRIARCLIFF HAVEN INC.
BOX 770868, ATLANTA, GA 30308-2983
404.896.2977

GREYDEN
ENGINEERING
2105 May Drive
Roswell, Georgia 30075
PH: 770-573-4811 FAX: 678-302-4382



ZONING RESOURCE PLAN
FOR
3884 HICKORY ROAD
LOCATED IN LANE 1166 AND 1186, 15TH DISTRICT
CHOCOMA COUNTY, GEORGIA
SITE RESOURCE PLAN

DATE	3/2/17
JOB NO.	18-053
TRAIN	PAO
CHECKED	PAO
SCALE	AS NOTED
SHEET	



VICINITY MAP



FEMA MAP

DEVELOPER:
BRANCLIFF HAVEN INC.
PO BOX 720563
ATLANTA, GA, 30308

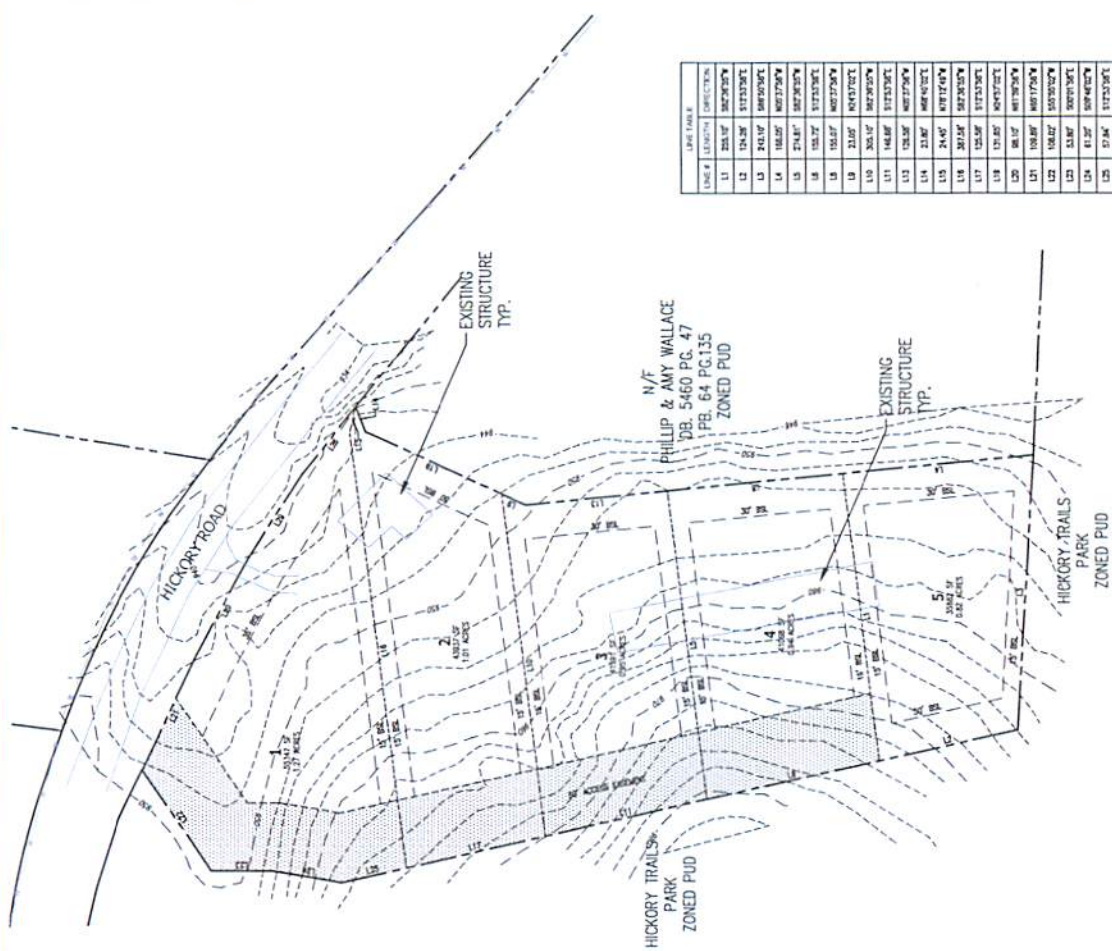
ENGINEER:
GREYDEN ENGINEERING
2108 MACY DRIVE
ROSWELL, GEORGIA 30078

NOTES:

GENERAL SOL TYPES LOCATED ON SITE:

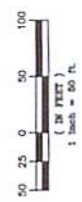
Map Use Requested	Map Use Status	Access to Map	Percent of Map
Map Use Requested	Map Use Status	Access to Map	Percent of Map
Map Use Requested	Map Use Status	Access to Map	Percent of Map

Rep	Size	Tree
1	25	RED OAK
2	25	WHITE OAK
3	27	RED OAK
4	35	RED OAK
5	30	RED OAK
6	35	WHITE OAK
7	37	RED OAK



ZONED PUD

Time of day	Temperature (°C)	Relative humidity (%)	Wind speed (m/s)	Wind direction (°)	Cloud cover (%)	Soil temperature (°C)	Soil moisture (%)
06:00	18.5	65.2	1.2	135	10	15.2	12.5
07:00	19.1	66.8	1.5	140	15	15.8	13.2
08:00	20.3	68.5	1.8	145	20	16.5	14.0
09:00	21.5	70.2	2.1	150	25	17.2	14.8
10:00	22.8	72.0	2.5	155	30	18.0	15.5
11:00	24.0	73.8	2.8	160	35	18.8	16.2
12:00	25.2	75.5	3.0	165	40	19.5	17.0
13:00	26.5	77.2	3.2	170	45	20.2	17.8
14:00	27.8	79.0	3.5	175	50	21.0	18.5
15:00	29.0	80.8	3.8	180	55	21.8	19.2
16:00	30.2	82.5	4.0	185	60	22.5	20.0
17:00	31.5	84.2	4.2	190	65	23.2	20.8
18:00	32.8	86.0	4.5	195	70	24.0	21.5
19:00	34.0	87.8	4.8	200	75	24.8	22.2
20:00	35.2	89.5	5.0	205	80	25.5	23.0
21:00	36.5	91.2	5.2	210	85	26.2	23.8
22:00	37.8	93.0	5.5	215	90	27.0	24.5
23:00	39.0	94.8	5.8	220	95	27.8	25.2
00:00	40.2	96.5	6.0	225	100	28.5	26.0
01:00	41.5	98.2	6.2	230	100	29.2	26.8
02:00	42.8	100.0	6.5	235	100	30.0	27.5
03:00	44.0	100.0	6.8	240	100	30.8	28.2
04:00	45.2	100.0	7.0	245	100	31.5	29.0
05:00	46.5	100.0	7.2	250	100	32.2	29.8



Public Participation Plan and Report for 3884 Hickory Rd, Canton, GA 30115

We met on Tuesday March, 7th from 6 pm to 8 pm with the three neighboring property owners who showed up to the meeting that was mailed out to all parties within 750 feet of the site and the District 2 interested parties. The three attendees to the meeting were:

Valerie Buchanan

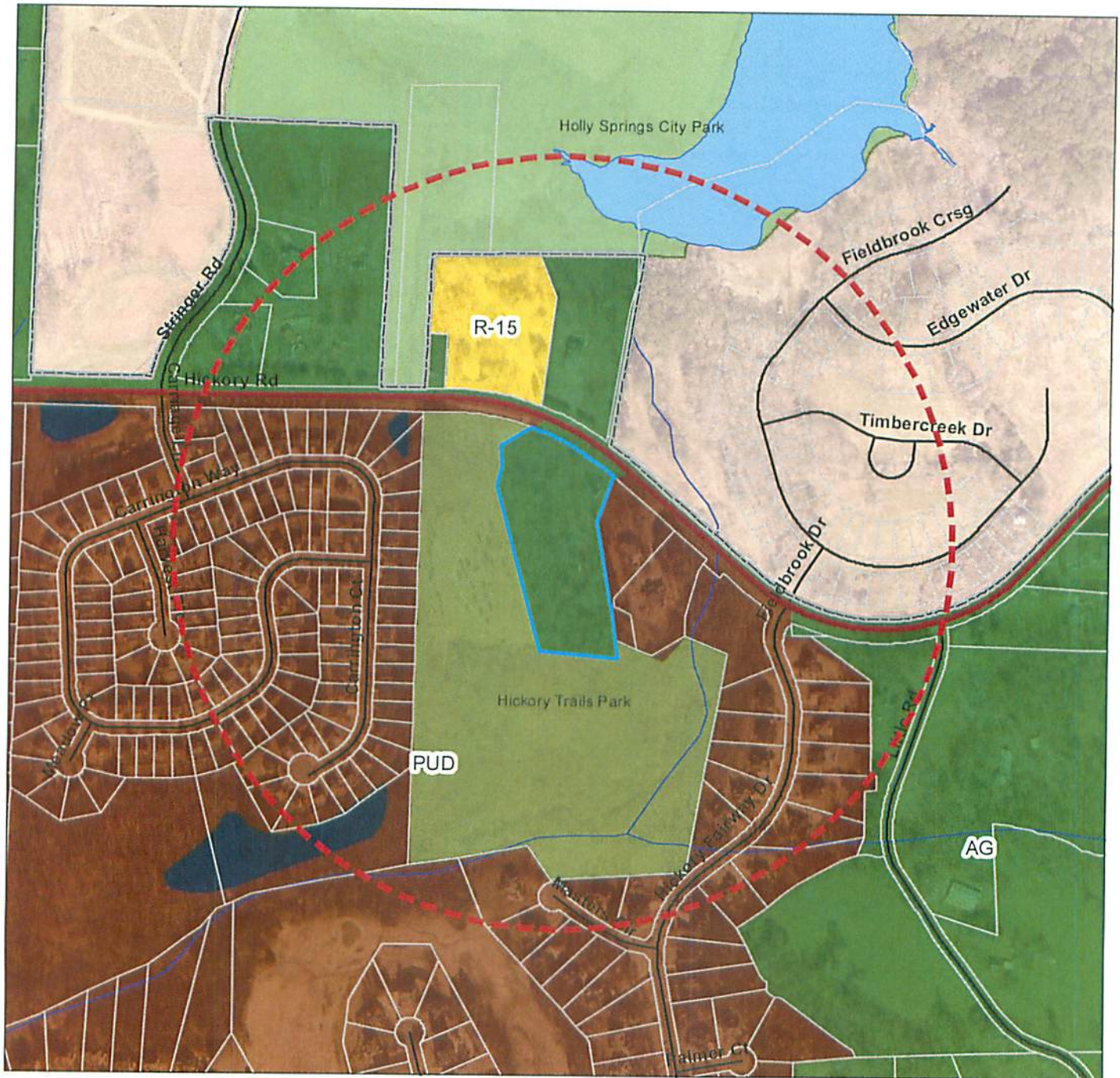
Samantha Moss

Roger McIver (representing Greg and Margaret Caudel)

As a follow up to the discussions at this meeting, we will be reaching out to Ms. Buchanan and Ms. Moss about their view shed from their back yards and the second story rear windows. As for Mr. McIver, we will be reaching back out to discuss a possible easement for the Caudel's. We plan to continue discussions of these main topics of concern and hope to get to the planning commission hearing with support from these three parties.

Case # 17-06-017 The Pacific Group

Zoning Map



Legend

Resizing Parcel	Cherokee County Zoning	RTH
1/4 Mile Radius	R60	RM10
School	R60	RM16
Cemetery	R40	TND
Church	R30	PUD
Street	R20	CI
Parcel	R15	NC
100 Year Flood Zone	RD3	GC
Ball Ground	R10	U
Canton	RZL	HI
Holly Springs	RA	Bells Ferry Overlay
Woodstock		Hwy 92 Overlay
Detention Pond		

Miles
0 0.05 0.1 0.2

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.

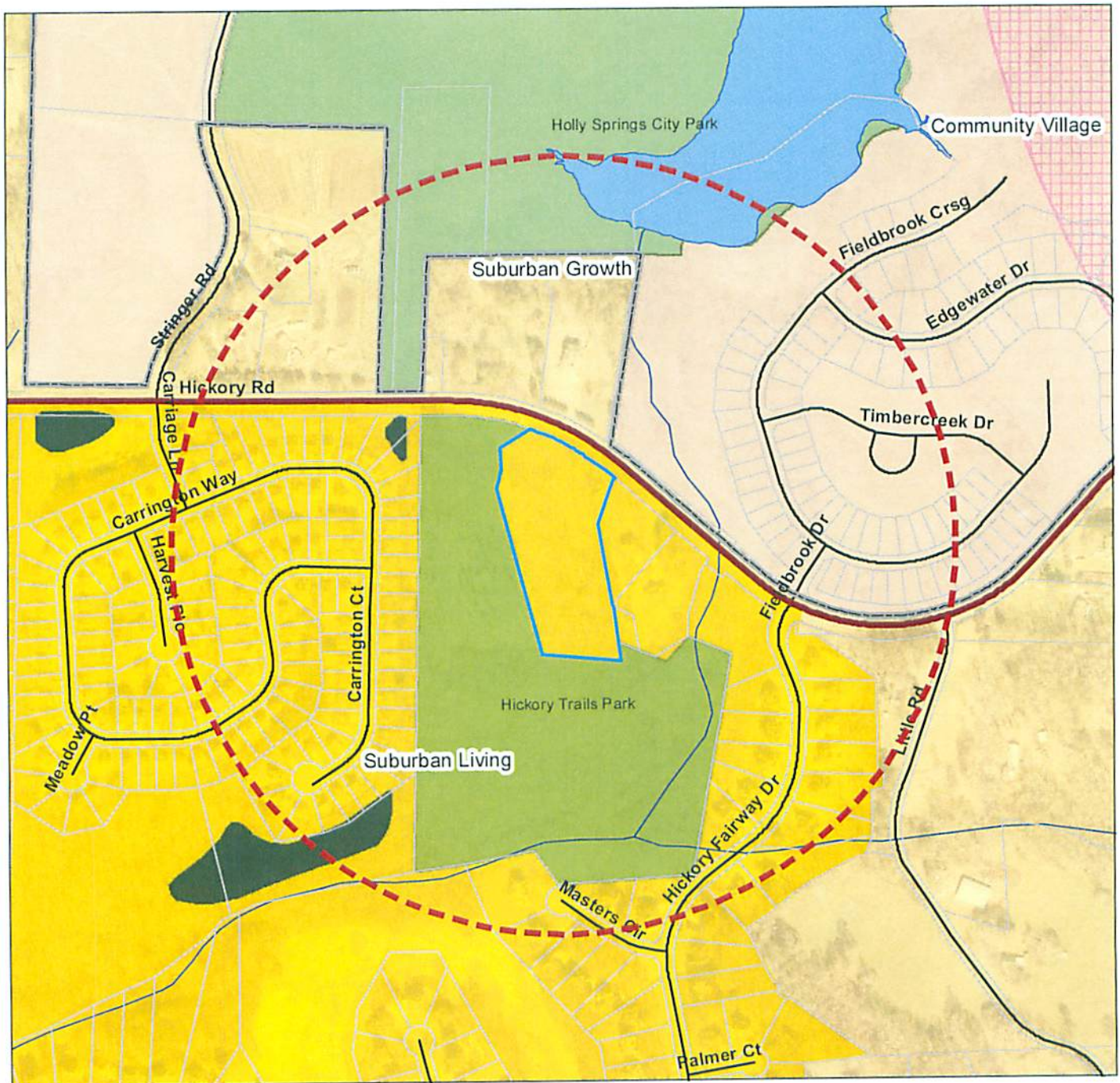


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
01 May 2017



Case # 17-06-017 The Pacific Group

Future Development Map



Legend

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



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
01 May 2017





Cherokee County, Georgia Agenda Request

Item#: 6.

SUBJECT:

**Case #17-06-018 GRT Therapy, LLC (BOC
Dist. 2)**

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 4.51 acres at 9880 Hickory Flat Highway from R-40 to OI for a pediatric therapy office/clinic.

FACTS AND ISSUES:

Commission District: 2

Zoning Change: R-40 to OI

Location: 9880 Hickory Flat Hwy

Tax Map and Parcel No: 02N04, 254

Acres: 4.51

Proposed Development: Pediatric therapy office/clinic

Future Development Map: Transitional

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
☐ Staff Report	Exhibit
☐ Application	Exhibit
☐ Legal Description	Exhibit
☐ Site Plan	Exhibit
☐ Zoning Map	Exhibit
☐ Future Development Map	Exhibit
☐ Public Participation Report	Exhibit



Staff Report

Case No: 17-06-018

Applicant Name: Benson Chambers for GRT Therapy, LLC.

Location: 9880 Hickory Flat Hwy, Woodstock
(02N04, 254)

From/To: R-40 to O-1

Proposed Use: Pediatric Therapy Office

Commission Post: 2

	Existing Zoning	Existing Land Use
North	R-40	Residential
South	R-40	Residential
East	R-20 and R-40	Residential
West	R-40	Vacant

Future Development Map

Character Area/Node/Corridor	
Country Estates on a Transitional Corridor	Areas located outside identified centers that are experiencing a high volume of residential growth, primarily single-family houses. This corridor is designed to allow more intensive residential uses and limited compatible nonresidential uses along major roadways. Restrictions in this corridor allow a smooth transition to surrounding area. Size, appearance and parking standards apply to this corridor.

Analysis and Comment

The subject parcel is 4.51 acres and lies on the west side of Hickory Flat Highway just south of Reece Road. The applicant held the Public Participation Meeting on April 6, 2017. Of the eighty-one (81) notices mailed, there were no attendees. The petition is consistent with the Future Development Map Transition Corridor.

1 Findings

1.1 Engineering Department

- Attached

1.2 Cherokee County Water and Sewerage Authority

-

1.3 Cherokee County Board of Education

-

1.4 Fire Marshal's Office

-

1.5 Sheriff's Office

-

Case # 17-06-018 - Community Agenda Analysis

Section 1 – Community Vision

Community	SR 140 (Hickory Flat Highway), one mile north of Arnold Mill Road.
-----------	--

Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

Applicant seeks to rezone from R-40 to OI for a pediatric therapy office/clinic.

Section 2 – Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Diverse Economic Opportunities	The office/clinic could employ several staff members.

Project Neutral

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

Project Neglects

Section 3 – Character Area Description

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

The Country Estates Character Area seeks to provide a low-intensity residential community. The intent of this Character Area is to support existing production-oriented agricultural activities, encourage upscale executive housing, and encourage and accommodate the further development of large lot estates. Suggested Zoning Districts are AG and R80. This project is not consistent with the Character Area.

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

The intent of the Transitional Corridor is to allow more intense development immediately adjacent to the road and transitioning to lower intensity surrounding areas. Professional services, including physicians, are envisioned as a land use in the Transitional Corridor. Suggested Zoning Districts are AG, OI, and NC. This project is consistent with the Transitional Corridor.

Cherokee County Government

ENGINEERING DEPARTMENT

1130 Bluffs Parkway – Canton, Georgia 30114

678-493-6077 – Fax 678-493-6055



REZONING MEMORANDUM

Case Number: 17-06-018

Applicant: GRT Therapy, LLC

Current Zoning: R-40

Proposed Zoning: O/I

● Transportation:

- **Primary Public Access** – The primary public access for the property in this application is State Route 140. State Route 140 is currently a two-lane minor arterial roadway with a center turn-lane for a total width of approximately 36 feet. A traffic count in this area of SR 140 was performed by GDOT in 2015 and recorded a volume of 14,500 vehicles per day. The geometry of the roadway is generally good.
- **Planned Improvements** – There are no planned improvements to this section of SR 140.
- **Trip Generation** – Based on the current zoning use (daycare) compared to the proposed zoning, the difference in trip generation from the property as currently zoned to the proposed zoned condition is a decrease of 346 vehicles per day.

Zoning	Units	Trips Per Day
Current R-40 (Daycare)	8,000 sf	635
Proposed O/I	8,000 sf	289

- **Development Related Improvements** – The existing entrance on State Route 140 already includes a left-turn lane and a deceleration lane into the property. No improvements are anticipated at this time.

● Stormwater:

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

● Conclusion:

It is the opinion of the Cherokee County Engineering Department that State Route 140 should be able to handle the traffic generated by this application.



CHEROKEE COUNTY
Application for Public Hearing



Important Notes:

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

Contact Person: E. Benson Chambers

Phone: 770-720-4600 ext. 4

Email: ebchamberslaw@gmail.com

SECTION I

Applicant's Information:

Name: GRT Therapy, LLC d/b/a In Harmony Pediatric Therapy

Address: 4280 Hickory Flat Hwy Phone: 770-345-2804

City, State, Zip: Canton, Georgia 30115 Fax: 770-720-4646

Property Owner's Information: same as above

Name: Fortunella International Company

Address: 9880 Hickory Flat Hwy Phone: 770-720-4600

City, State, Zip: Woodstock, GA 30188 Fax:

Requested Public Hearing (check all that apply):

☒ Rezoning

☐ Amendment / Modification of Zoning

☐ Variance

☐ Other:

STAFF USE ONLY:

Commission District: 2

Case: 17-06-018

Received by:

Fee Paid: \$ 750.00

Date:

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 4/6/17

PC Work Session Date: 5/15/17

Planning Commission Hearing: 6/6/17

Board of Commissioners: 6/20/17

Other:

SECTION II

Property Information:

Location: 9880 Hickory Flat Hwy, Woodstock, GA 30188, North of Arnold Mill Road, West Side Hwy 140

Current Zoning: R-40 Proposed Zoning: Office/Institutional O/I Total Acreage: 4.51 acres

Tax Map #: 02 N 04 Parcel #: 254 Land Lot(s): 726 District: 2nd

Future Development Map Designation: Transistional

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

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

Applicant proposes to rezone this property to Office/Institutional to correct what appears to have been a legal non-conforming use. The Applicant is a pediatric therapy provider and desires to utilize the property for their office/clinic location.

Proposed Use(s) of Property:

Applicant desires to use the property and improvements for their pediatric therapy office/clinic.

SECTION III

Infrastructure Information:

Is water available to this site? ☒ Yes ☐ No Jurisdiction: Cherokee County Water and Sewer

How is sewage from this site to be managed?

Sewage management is in place on the property.

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:

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*	Daily Trip Ends	Number of Trips
210	Single Family Home/ Townhome		9.57	
220	Apartment		6.63	
A unit for residential purposes is equal to one residential unit. For commercial/industrial uses it is defined in the ITE table, but most often is equal to 1,000 square feet of floor area for the use specified.				

SECTION IV

Authorization:

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

This form is to be executed under oath. I, Jennifer Puckett & Kristi Estes, 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 6 day of April, 20 17.

Print Name Jennifer Puckett Kristi Estes.

Applicant Signature [Signature] K Estes.

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: *[Signature]* Kest Date: 4-6-17
Print Name: Jennifer A. Ruckett Kristi Estes

Signature of Applicant's Attorney: *[Signature]* Date: 4-6-17
Print Name: E. Benson Chambers Title: Attorney

Sworn to and Subscribed before me this: 6th day of April, 2017.
Notary Signature: *[Signature]*

(Notary Seal)



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.

 X 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: *Jennifer W. Puckett* *K. Estes* Date: _____
Print Name: Jennifer W. Puckett Kristi Estes

Sworn to and Subscribed before me this: *6* day of *April*, 20 *17*.

Notary Signature: *[Signature]*

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, Li Tang, 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

☐ 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: GRT Therapy, LLC d/b/a In Harmony Pediatric Therapy / Fortunella International Company

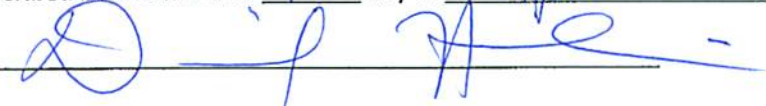
Address: 4280 Hickory Flat Hwy Phone: 770-345-2804

City, State, Zip: Canton, Georgia 30115 Fax: 770-720-4646

Signature of Owner:  Date: 4/17/2017

Print Name: Li Tang, CEO

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

Notary Signature: 

(Notary Seal)





GEORGIA CORPORATIONS DIVISION

GEORGIA SECRETARY OF STATE
BRIAN P. KEMP

[HOME \(/\)](#)

BUSINESS SEARCH

BUSINESS INFORMATION

Business Name: FORTUNELLA INTERNATIONAL COMPANY
Control Number: 0234700
Business Type: Domestic Profit Corporation
Business Status: Active/Compliance
Business Purpose:
Principal Office Address: 245 Southern Hill Dr., Duluth, GA, 30097, USA
Date of Formation / Registration Date: 7/3/2002
State of Formation: Georgia
Last Annual Registration Year: 2017

REGISTERED AGENT INFORMATION

Registered Agent Name: LI TANG

Physical Address: 245 Southern Hill Dr., Fulton, Dulth, GA, 30097, USA

OFFICER INFORMATION

Name	Title	Business Address
JING-TIAN LING	Secretary	245 Southern Hill Dr., Duluth, GA, 30097, USA
JING-TIAN LING	CEO	245 Southern Hill Dr., Duluth, GA, 30097, USA
LI TANG	CFO	245 Southern Hill Dr., Duluth, GA, 30097, USA

[Back](#)

[Filing History](#)

[Name History](#)

[Return to Business Search](#)



E B CHAMBERS LAW

E. Benson Chambers

Attorney at Law

April 21st, 2017

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

RE: GRT Therapy, LLC d/b/a In Harmony Pediatric Therapy
Letter of Intent

Dear Commissioners:

GRT Therapy, LLC is filing an application for rezone on 4.51 acres located at 9880 Hickory Flat Hwy, Woodstock, GA 30188. The property is located in the Transitional Corridor which suggests the zoning classifications of AG, OI, NC.

GRT Therapy, LLC seeks an OI classification for property where they intend to locate their Pediatric Therapy clinic. The property is currently zoned R-40, however the property is fully developed and is intended for use as is. The property most recently was the location of a private school and originally built as a daycare center.

GRT Therapy, LLC d/b/a In Harmony Pediatric Therapy is an established clinic in the Hickory Flat area, currently located at 4280 Hickory Flat Hwy, Suite 108, Canton, GA 30114.

Yours truly,



E. Benson Chambers

APPLICANT RESPONSE STATEMENT

REZONINGS AND AMENDMENTS / MODIFICATIONS TO ZONING CONDITIONS

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

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

1. Explain the intent of the requested zoning.

The subject property is improved with a building believed to have been built as a pre-school/daycare center. The property was most recently utilized as a private school. Applicant is a pediatric therapy provider which intends to utilize the property as an office/clinic for their therapy practice.

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

The subject property fronts on State Route 140 which has a mix of commercial, neighborhood commercial, non-residential and residential uses.

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

The property has previously been used as a pre-school/daycare and private school. The use proposed is in the nature of a professional/medical office and will not require any changes to the current structure making the proposed use like and similar to the previous uses with an expected lower traffic count to the location.

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

No the current zoning is residential R-40. The building and it's elements, such as parking, infrastructure are constructed for non-residential use. It's viability as single family residential is limited.

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

The proposed use of the property is not expected to cause an excessive or burdensome use of services or infrastructure as all requirements for the location are in place and recently in use for a like and similar use as proposed.

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

The subject property fronts on State Route 140 and is in the character area of Transitional Corridor which allows more intensive residential uses and limited compatible nonresidential uses along major roadways. O/I Office/Institutional is one of the designated uses for this character area.

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.

As previously indicated this property was developed for an institutional non-residential use. Its location on State Route 140 makes an institutional office use as proposed a good use of the property in an area where residential uses also exist.

Transfer Tax \$850.00
Patty Baker
Clerk of Superior Court Cherokee Cty, GA

STATE OF GEORGIA
COUNTY OF FULTON

After recording return to:
Barbara A. Lincoln
Kitchens Kelley Gaynes, P.C.
3495 Piedmont Road
Building 11, Suite 900
Atlanta, Georgia 30305
7124 47

LIMITED WARRANTY DEED

THIS INDENTURE is made this 31 day of August, 2010, by and between Pate Holdings, LLC, a Georgia limited liability company (hereinafter referred to as "Grantor"), and Fortunella International Company, a Georgia corporation (hereinafter referred to as "Grantee"); the words "Grantor" and "Grantee" to include their respective successors and assigns where the context requires or permits.

WITNESSETH, that Grantor for and in consideration of the sum of Ten and 00/100ths (\$10.00) Dollars, and other valuable consideration, 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 of Grantor's right, title, and interest in and to the following described property, to wit:

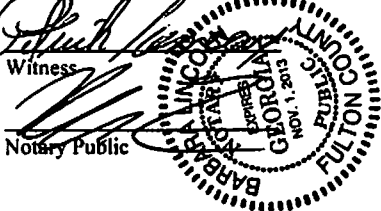
ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 726 of the 2nd District, 2nd Section, Cherokee County, Georgia, being property shown on survey for Johnny R. Wright at Plat Book 21, page 16, Cherokee County, Georgia records and being more particularly described on Exhibit "A" attached hereto and made a part hereof by reference.

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

AND the Grantor hereby covenants with said Grantee that it is lawfully seized of said land in fee simple; that it has good right and lawful authority to sell and convey said land; and that it 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.

IN WITNESS WHEREOF, the Grantor has executed these presents and affixed its seal the day and year first above written.

Signed, sealed and delivered
in the presence of:



GRANTOR:

Pate Holdings, LLC

By: Vita M. Terry (SEAL)
Vita M. Terry, Manager

EXHIBIT "A"

All that tract or parcel of land lying and being in the 2nd District, 2nd Section, Cherokee County, Georgia being a portion of Land Lot 726 and being more particularly shown on that survey for Fortunella International Company, RBC Bank, Kitchens Kelley Gaynes and Chicago Title Insurance Company, prepared by Adam & Lee Land Surveying, Gary L. Cooper, R.L.S. No. 2606, dated August 25, 2010, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin located at the Northwest corner of Land Lot 726 (this pin is also a common corner for Land Lot 715, 716 and 725); thence traveling along the land lot line dividing Land Lot 725 and 726 South 02° 27' 00" West a distance of 531.29 feet to an iron pin found and the TRUE POINT OF BEGINNING; thence traveling South 70° 18' 41" East 379.81 feet to an iron pin; thence running South 81° 10' 18" East 357.75 feet to an iron pin set on the westerly right-of-way line of Hickory Flat Highway (a/k/a Georgia Highway 140) (right-of-way varies); thence running South 02° 38' 11" East along the westerly right-of-way line of Hickory Flat Highway 202.97 feet to an iron pin set; thence running North 87° 58' 48" West 736.30 feet to an iron pin found; thence running North 02° 27' 00" East 360 feet to the TRUE POINT OF BEGINNING; said parcel containing 4.384 acres and having improvements thereon known as 9880 Hickory Flat Highway according to the present system of numbering in Cherokee County, Georgia.

V.T.

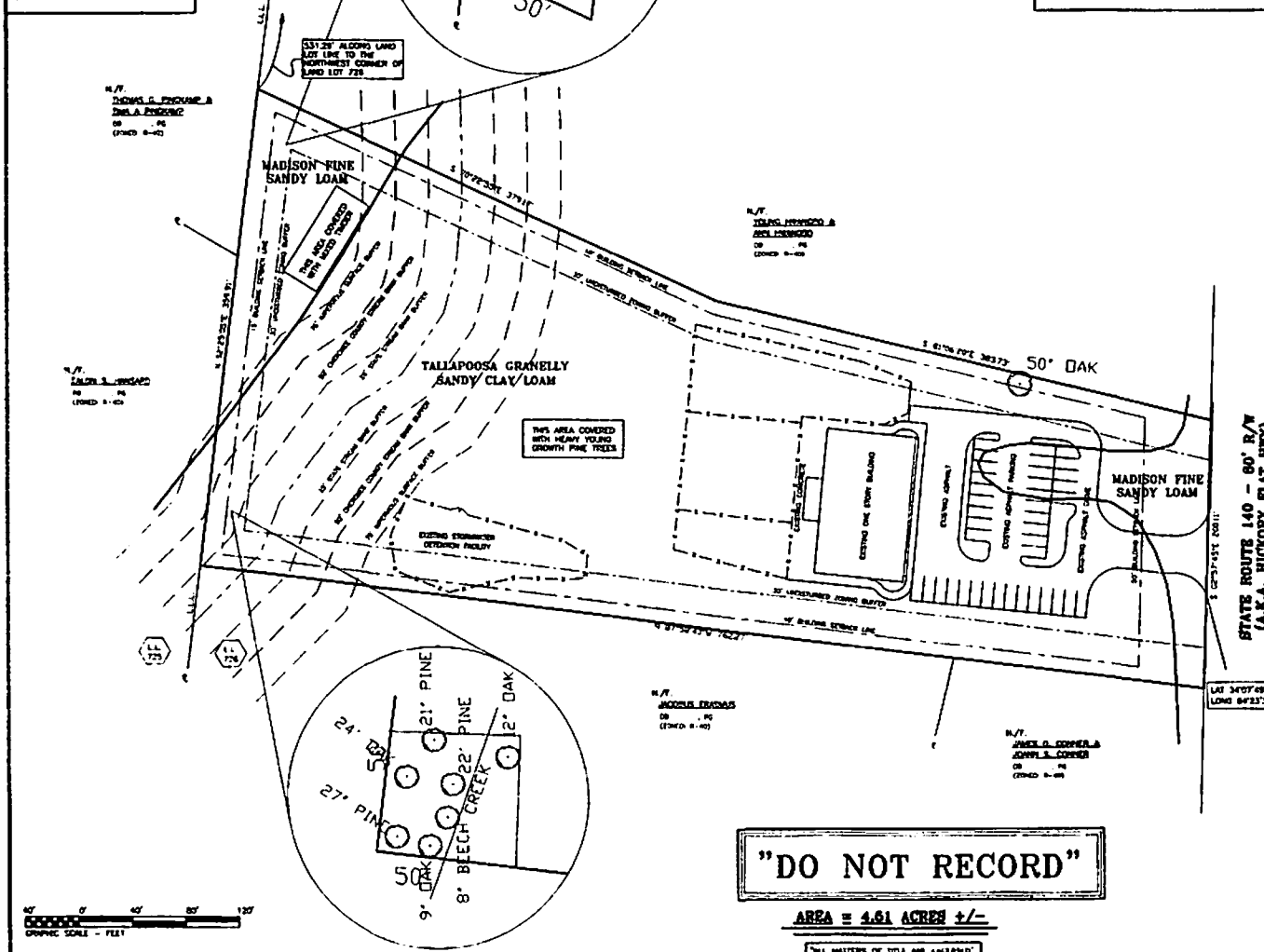
- LEGEND
- 1) L.P.S. - IRON PIN SET (P.S. R.)
 - 2) L.P.F. - IRON PIN FOUND (P.S. R.)
 - 3) L.L.L. - LAND LOT LINE
 - 4) R/W - RIGHT OF WAY
 - 5) E - PROPERTY LINE
 - 6) C - CENTER LINE
 - 7) R - REINFORCING BAR
 - 8) P.P. - POWER (S/G) PHONE POLE
 - 9) N.Y. - NOW OR FORMERLY
 - 10) --- FENCE (APPROX. LOC.)
 - 11) --- CHIMNEY UTILITY LINE
 - 12) D.L. - BUILDING LINE
 - 13) D.E. - DRAINAGE EASEMENT
 - 14) S.S.B. - SUPERVISORY SURFACE BUFFER
 - 15) S.S.B. - STATE STREAM BANK BUFFER
 - 16) C.S.B. - COUNTY STREAM BANK BUFFER
 - 17)

NOTES

- 1) BOUNDARY INFORMATION SHOWN WAS TAKEN FROM A SURVEY BY: ARISTIDES LAND SURVEYING, INC. DATED: 10-18-08.
- 2) TOPOGRAPHIC INFORMATION SHOWN WAS TAKEN FROM A LEAD CONTOUR FOR CHEROKEE COUNTY AND HAS NOT BEEN VERIFIED FOR ACCURACY.
- 3) NO FIELD WORK WAS PERFORMED FOR THIS MAP.
- 4) THIS PROPERTY CURRENTLY HAS AN EXISTING BUILDING WHICH WAS USED FOR A DAYCARE CENTER.
- 5) PRESENT ZONING: R-40
- 6) PROPOSED ZONING: C-1
- 7)



DESCRIPTION	COMMENTS
1. All property boundaries shown on this map are based on the most reliable information available to the surveyor and are not guaranteed to be correct.	
2. The surveyor has not been required to verify the accuracy of the information shown on this map.	
3. The surveyor has not been required to verify the accuracy of the information shown on this map.	
4. The surveyor has not been required to verify the accuracy of the information shown on this map.	
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16. The surveyor has not been required to verify the accuracy of the information shown on this map.	
17. The surveyor has not been required to verify the accuracy of the information shown on this map.	



"DO NOT RECORD"

AREA = 4.61 ACRES +/-

THE MATTERS OF TITLE ARE UNLAPSED



RESOURCE MAP FOR
GRT THERAPY, LLC
d/b/a IN HARMONY
PEDIATRIC THERAPY

LOCATED IN LAND LOT 726
DISTRICT - 2, SECTION - 2
CHEROKEE COUNTY, GEORGIA

PREPARED: MARCH 20, 2017
SCALE: 1" = 40'

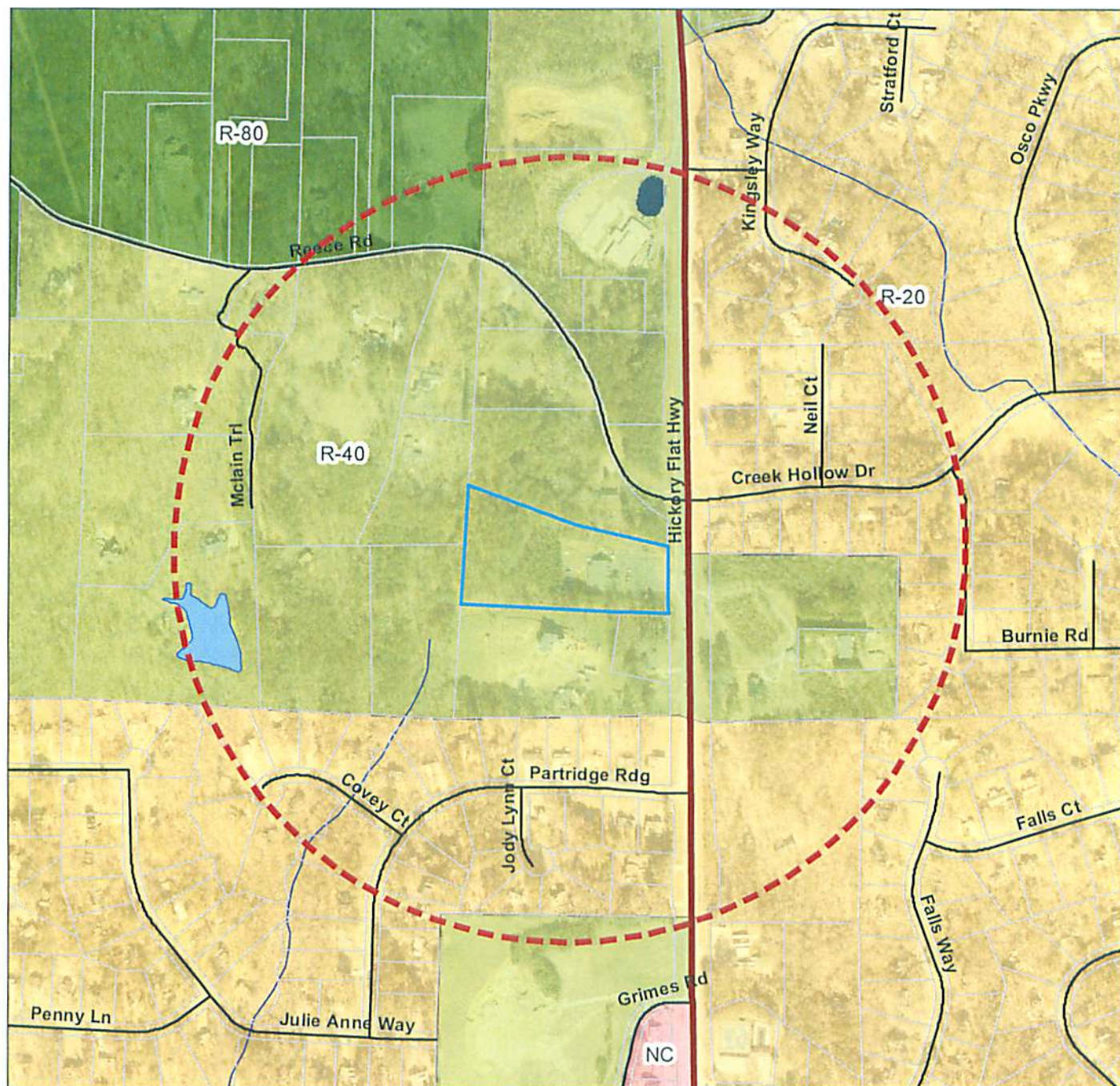
BY: BOLE LAND SURVEYING, P.C.
P.O. BOX 1184
DANTON, GEORGIA 30169
PHONE: (770) 479-6584

APPLICANT
GRT THERAPY, LLC
d/b/a IN HARMONY PEDIATRIC THERAPY
8000 HICKORY FLAT HWY
WOODSTOCK, GA 30188
PHONE: (770) 842-2117

STATE OF GEORGIA
SOCIETY OF SURVEYORS

DATE: 03-20-2017
JOB NO. 17-2842-103

Zoning Map



Legend

-
- Cherokee County Zoning**
- Legend:**
- Zoning Districts:**
 - AG
 - R80
 - R60
 - R40
 - R30
 - R20
 - R15
 - RD3
 - R10
 - RZL
 - RA
 - RTH
 - RM10
 - RM16
 - TND
 - PUD
 - CI
 - NC
 - GC
 - LI
 - HI
 - Other Features:**
 - 1/4 Mile Radius
 - School
 - Cemetery
 - Church
 - Street
 - Parcel
 - 100 Year Flood Zone
 - Ball Ground
 - Canton
 - Holly Springs
 - Woodstock
 - Deferation Pond
 - Bells Ferry Overlay
 - Hwy 92 Overlay

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

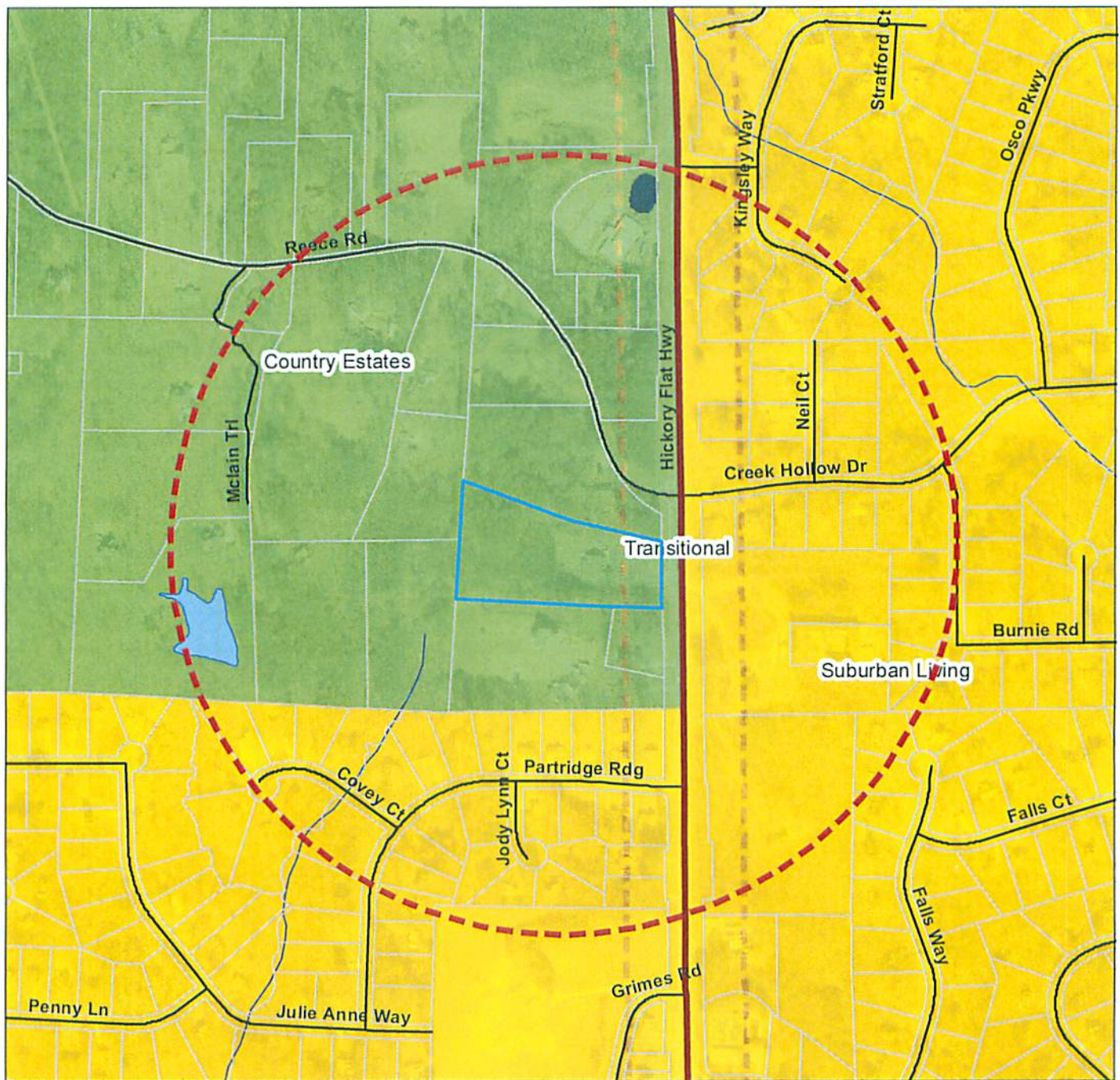


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
01 May 2017



Case # 17-06-018 GRT Therapy, LLC

Future Development Map



Legend

- | | |
|--|---|
| <ul style="list-style-type: none"> Rezoning Parcel 1/4 Mile Radius School Cemetery Church Street Parcel 100 Year Flood Zone Ball Ground Canton Holly Springs Woodstock Detention Pond | Development Nodes Character Areas <ul style="list-style-type: none"> County Crossroads Hamlet Neighborhood Village Community Village Scenic Corridor Transitional Corridor Development Corridor Natural Preserve Rural Places Country Estates Suburban Growth Suburban Living Neighborhood Living Bells Ferry LCI Urban Core Workplace Center Regional Center Waste Management |
|--|---|

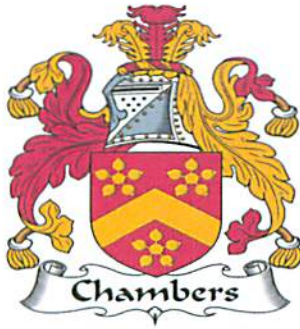


This map has been compiled from the most up to date and reliable sources available. Cherokee County is not responsible for errors and omissions contained in this map. No warranties or representations are expressed or implied in fact or in law.



Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
01 May 2017





E B CHAMBERS LAW

E. Benson Chambers
Attorney at Law

April 7th, 2017

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

RE: **GRT Therapy, LLC d/b/a In Harmony Pediatric Therapy**
Public Participation Meeting Report

Dear Commissioners:

The **public participation meeting** for the above referenced applicant **was held on April 6th, 2017**. The meeting was held at the applicant's current clinic location 4280 Hickory Flat Hwy Suite 108, Canton, GA 30115. At the meeting attendees were given the opportunity to review the proposed site plan, existing site resources map, ariel photos of the property, the Cherokee County Zoning Map for the area around the subject property and a copy of the application for public hearing. The meeting began at 6:30 p.m. and ended at 7:10 p.m. Eighty one (81) notices for the meeting were mailed and no one attended.

Thank you for your consideration of this information.

Yours truly,



E. Benson Chambers
Attorney for Applicant.



Cherokee County, Georgia
Agenda Request

Item#: 7.

SUBJECT:

Case #17-06-019 Aaron Properties, LLC (BOC Dist. 4)

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

Applicant is requesting to rezone 3.246 acres on Old Alabama Road from R-40 to LI for development of a warehouse.

FACTS AND ISSUES:

Commission District: 4

Zoning Change: R-40 to LI

Location: Old Alabama Road

Tax Map and Parcel No: 21N05, 195, 196, 197

Acres: 3.246

Proposed Development: Warehouse

Future Development Map: Suburban Growth

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

ATTACHMENTS:

Description	Type
☐ Staff Report	Exhibit
☐ Application	Exhibit
☐ Legal Description	Exhibit
☐ Site Plan	Exhibit
☐ Revised Existing Site Resource Map	Exhibit
☐ Zoning Map	Exhibit
☐ Future Development Map	Exhibit
☐ Public Participation Report	Exhibit



Staff Report

Case No: 17-06-019

Applicant Name: Mike Bray for Aaron Properties, LLC.

Location: 6086, 6106, and 6130 Old Alabama Road, Acworth (21N05, 195, 196, and 197)

From/To: R-40 to LI

Proposed Use: Warehouse

Commission Post: 4

	Existing Zoning	Existing Land Use
North	R-40	Residential
South	LI	Cherokee 75 Corporate Park
East	LI	Cherokee 75 Corporate Park
West	R-40	Vacant

Future Development Map

Character Area/Node/Corridor	
Suburban Growth	Areas located outside identified centers that are experiencing a high volume of residential growth, primarily single-family houses.

Analysis and Comment

The subject parcels total 3.246 acres and lies on the east side of Old Alabama Road approximately 1800 feet north of Highway 92. The applicant held the Public Participation Meeting on April 25, 2017 with 10 attendees. The petition is not consistent with the Future Development Map Character Area of Suburban Growth.

1 Findings

1.1 Engineering Department

- Attached

1.2 Cherokee County Water and Sewerage Authority

-

1.3 Cherokee County Board of Education

-

1.4 Fire Marshal's Office

-

1.5 Sheriff's Office

-

Case # 17-06-019 - Community Agenda Analysis

Section 1 – Community Vision

Community	Old Alabama Road, 0.5 mile north of SR 92.
-----------	--

Vision:

- Natural beauty and diversity make Cherokee County a desirable and sustainable community.
- Commitment to grow responsibly from rich agricultural foundation through careful community design.
- Lake Allatoona and Etowah River provide water supply and recreation opportunities to be preserved.
- Balance needed between housing, employment, education, recreation, infrastructure, and community services.

Applicant seeks to rezone from R-40 to LI for expansion of LI development.

Section 2 - Core Issues

Project Supports

Planning for Sustainable Growth	This location has most infrastructure and services nearby.
Diverse Economic Opportunities	With the expansion of the nearby warehouse facility, more people may be employed.

Project Neutral

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

Project Neglects

Section 3 – Character Area Description

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

The intent of this Character Area is to channel growth pressures to areas that are suitable in terms of land use patterns and infrastructure investment to create more sustainable communities. This Character Area is primarily residential in nature. Suggested Zoning Districts are R-80, R-60, and R-40. While this project is not consistent with the Suburban Growth Character Area, it is next to a large existing LI development.

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

Cherokee County Government

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



REZONING MEMORANDUM

Case Number: 17-06-019

Applicant: Aaron Properties, LLC

Current Zoning: R-40

Proposed Zoning: LI

● **Transportation:**

- **Primary Public Access** – The primary public access for the property in this application is Old Alabama Road. Old Alabama Road is currently a two-lane local roadway that is approximately 20-24 feet wide. A traffic count was performed by GDOT in 2015 and recorded a volume of 2,160 vehicles per day. The geometry of the roadway is generally good.
- **Planned Improvements** – There are no planned improvements to this section of Old Alabama Road.
- **Trip Generation** – It is not anticipated that this particular parcel will create an increase in traffic as it is joining a much larger Light Industrial development.
- **Development Related Improvements** – It is anticipated that each of the proposed entrances along this parcel will require a deceleration lane into the property.

● **Stormwater:**

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

● **Conclusion:**

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

CHEROKEE SHERIFF'S OFFICE

MEMORANDUM

CASE NUMBER: 17-06-019

APPLICANT: Aaron Properties, LLC

PRESENT ZONING: R-40 **PROPOSED ZONING:** LI

1. IS ADEQUATE POLICE PROTECTION IN AREA PRESENTLY?

Generally, yes. This area is served by the Oak Grove Precinct.

2. ESTIMATED RESPONSE TIME TO REQUEST:

Response times will vary with the nature of the request, workload, proximity and driving conditions at the time of dispatch. Based upon historical data, response times for calls will normally range from three to seven minutes.

3. WILL ADDITIONAL PERSONNEL AND EQUIPMENT BE NECESSARY TO CONTINUE EFFICIENT SERVICE IN THE AREA?

The proposed change will not have a noticeable impact on patrol operations.

IF SO, LIST APPROXIMATE NEEDS:

4. ADDITIONAL REMARKS:

DL2017-0509

Lieutenant D. Clark #368
Cherokee Sheriff's Office



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: Aaron Properties, LLC

Address: 100 Robin Road Extension Phone: 404-583-0356

City, State, Zip: Acworth, GA 30102

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

Name: Development Authority of Cherokee County

Address: One Innovative Way Phone: 770-345-0600

City, State, Zip: Woodstock, GA 30188

Requested Public Hearing (check all that apply):

☒ Rezoning

☐ Amendment / Modification of Zoning

☐ Variance / Appeal

☐ Other: _____

STAFF USE ONLY:

Commission District: 4

Case: 17-06-019

CityView # PL2017 0509

Received by: _____

Fee Paid: \$ 750.00

Date: pd 4/27/17

PUBLIC HEARING SCHEDULE:

Public Participation Meeting: 4/25/17

PC Work Session Date: 5/15/17

Planning Commission Hearing: 6/6/17

Board of Commissioners: 6/20/17

Zoning Board of Appeals: N/A

Other: _____

SECTION II

Property Information:

Location: 6130 Old Alabama Rd.; 6106 Old Alabama Rd.; 6086 Old Alabama Rd; (LL:1059, 21st Dist.)

Current Zoning: R-40 Proposed Zoning: LI Total Acreage: 3.246 (2nd Section)

Tax Map #: 21 N 05 Parcel #: 195, 196, 197 Land Lot(s): 1059 District: 21st

Future Development Map Designation: Suburban Growth

Adjacent Zonings: North R-40 South R-40 East LI West R-40

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

The subject property was purchased by the Cherokee County Development Authority to become a part of the Industrial Development Park. It is a small 3.246 acre parcel that lies between the existing Light Industrial property and Old Alabama Road.

The adjoining property was rezoned LI on May 6, 2014. See Resolution No.: 2014-R-013 Case#14-04-008

Proposed Use(s) of Property:

The property shall be used as part of Aaron Properties' development of a warehouse on another parcel that is already a part of the Light Industrial Park.

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, IRVIN W. AARON, JR, 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 13th day of April, 2017.

Print Name IRVIN W. AARON, JR.

Applicant Signature Irvin W. Aaron, Jr.

SECTION III

Infrastructure Information:

Is water available to this site? ☒ Yes ☐ No

Jurisdiction: Cherokee County Water & Sewer

How is sewage from this site to be managed?

Sanitary Sewer

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

If yes, what is the projected increase? N/A students

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

Traffic Generation: N/A

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.

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: *Irwin W. Acker, Jr.* Date: 4-13-17

Print Name: Irwin W. Acker, Jr.

Sworn to and Subscribed before me this: 13 day of April, 2017.

Notary Signature: *Tracey L. Buttrey*

(Notary Seal)



SECTION IV

CONFLICT OF INTEREST CERTIFICATION

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

Signature of Applicant:  Date: 4-13-17

Print Name: IRVIN W. AARON, JR

Signature of Applicant's Attorney:  Date: 4-13-17

Print Name: H. Michael Bracy Title: Atty For Applicant

Sworn to and Subscribed before me this: 13 day of April, 20 17.

Notary Signature: 

(Notary Seal)



AUTHORIZATION OF PROPERTY OWNER

I, Marshall L. Day, 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: AaronProperties, LLC

Address: 100 Robin Road Extension Phone: 404-583-0356

City, State, Zip: Acworth, GA 30102

Property Owner's Information:

Name: Development Authority of Cherokee County

Address: One Innovative Way Phone: 770-345-0600

City, State, Zip: Woodstock, GA 30188

Signature of Owner: *Marshall L. Day* Date: 4/13/17

Print Name: Marshall L. Day, Chairman

Sworn to and Subscribed before me this: 13th day of April, 2017.

Notary Signature: *Misti Martin*

(Notary Seal)



APPLICANT RESPONSE STATEMENT

1. Explain the intent of the requested zoning:

RESPONSE: The property will become a part of a larger tract that is already zoned LI. It is the intent to use this particular property for part of the parting lot for the warehouse facility.

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 use and development of adjacent and nearby property has been LI which is part of the Development Authority's Light Industrial development.

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

RESPONSE: It will not affect the existing use or usability of adjacent or nearby property since it is part of a development plan by the Cherokee County Development Authority. Additionally certain protections are in place by virtue of the covenants applicable to property developed in the industrial park.

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

RESPONSE: The property does not have a reasonable economic use as it is residential right adjacent to LI. The only reasonable use of this property is LI.

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: No, the existing streets are adequate for the proposed project plus there is a new parkway developed to serve the industrial properties in the development.

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

RESPONSE: The proposal is not consistent with Suburban Growth, but is consistent with the development of property along the light industrial and commercial corridor near I-75.

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: The most obvious change of condition is the use of property in the vicinity of the subject property, the adjacent property and the development of the light industrial park by the Development Authority.

Written Description:
Old Alabama Road Tracts 1-3

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 1059 of the 21st District, 2nd Section, Cherokee County, Georgia, and being more particularly described as follows:

COMMENCING at a 1/2" rebar found at the northeast corner of Land Lot 1059, said corner being common to Land Lots 1030, 1031, 1058, and 1059 and being the **TRUE POINT OF BEGINNING**;

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED;

thence along the common line of Land Lots 1058 and 1059 S01°03'00"W for a distance of 796.18 feet to a 1/2" rebar found on the easterly right of way of Old Alabama Road (apparent 50' R/W); thence along said right of way the following courses and distances:

268.86 feet along the arc of a curve to the right, said curve having a radius of 1742.88 feet and being subtended by a chord of N24°47'08"W, 268.59 feet to a point; N20°21'59"W for a distance of 374.75 feet to a point; 31.84 feet along the arc of a curve to the left, said curve having a radius of 3721.06 feet and being subtended by a chord of N20°36'41"W, 31.84 feet to a point; 196.75 feet along the arc of a curve to the left, said curve having a radius of 1807.05 feet and being subtended by a chord of N23°19'54"W, 196.65 feet to a 1/2" rebar set on the common line of Land Lots 1030 and 1059; thence leaving said right of way of Old Alabama Road and along said Land Lot Line S88°25'50"E for a distance of 346.83 feet to a 1/2" rebar found and the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land contains 3.246 acres.

The Legal Description for the 3.246 acres that applicant is seeking to rezone.

MEMORANDUM



TO: Vicki Taylor Lee, Zoning Administrator
Cherokee County Board of Commissioners
Cherokee County Planning Commission

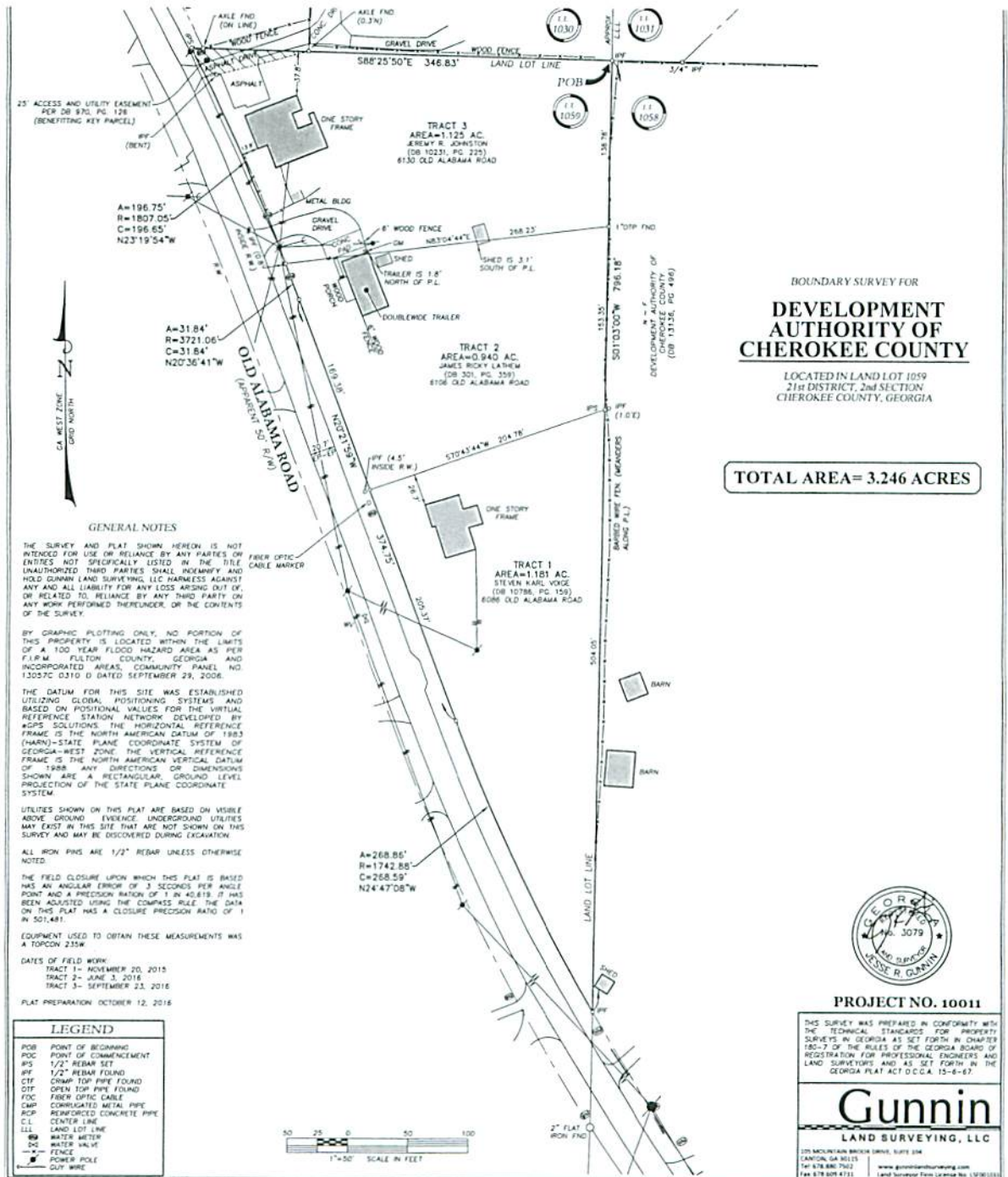
FROM: H. Michael Bray

DATE: April 21, 2017

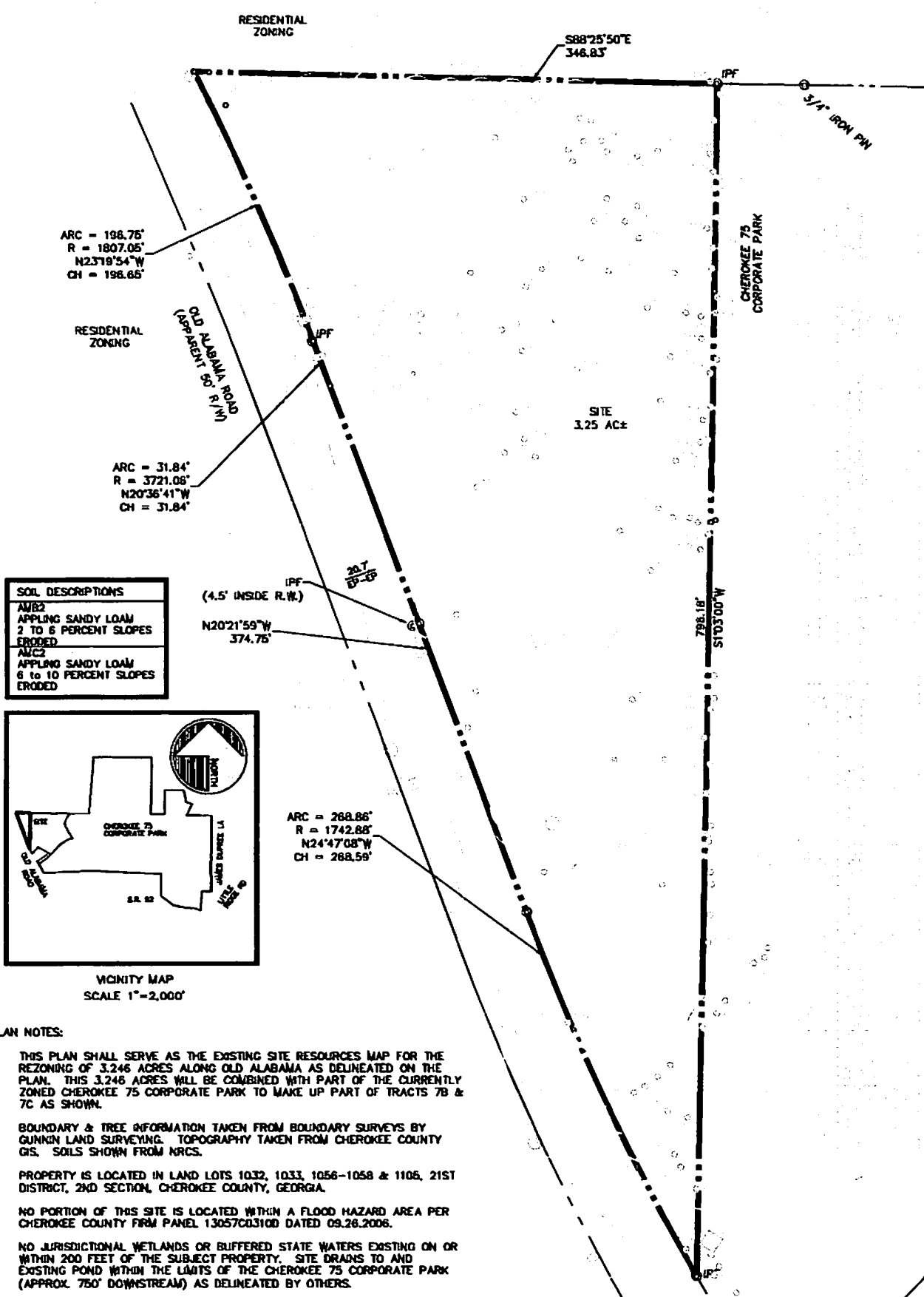
RE: Application for Rezone for Aaron Properties, LLC

Included with this application is a site plan which includes the adjacent property that applicant is going to purchase from the Cherokee County Development Authority. The entire site is 15.39 acres more or less. The 3.246 acre parcel subject to the zoning application is shown in hatch marked / grey. The parcel will be used primarily as the parking lot for the proposed building.

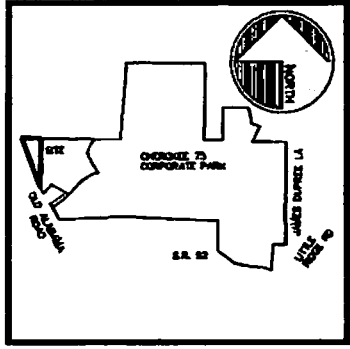
It was thought it more appropriate to show it in conjunction with the adjoining parcel in order to understand the application for rezoning.



the original 3 parcels send to Vicki



SOIL DESCRIPTIONS	
AUB2	APPLYING SANDY LOAM
	2 TO 6 PERCENT SLOPES
ERODED	
AUC2	APPLYING SANDY LOAM
	6 TO 10 PERCENT SLOPES
ERODED	



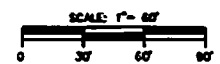
VICINITY MAP
SCALE 1"=2,000'

PLAN NOTES:

1. THIS PLAN SHALL SERVE AS THE EXISTING SITE RESOURCES MAP FOR THE REZONING OF 3.246 ACRES ALONG OLD ALABAMA AS DELINEATED ON THE PLAN. THIS 3.246 ACRES WILL BE COMBINED WITH PART OF THE CURRENTLY ZONED CHEROKEE 75 CORPORATE PARK TO MAKE UP PART OF TRACTS 7B & 7C AS SHOWN.
2. BOUNDARY & TREE INFORMATION TAKEN FROM BOUNDARY SURVEYS BY GUNNIN LAND SURVEYING. TOPOGRAPHY TAKEN FROM CHEROKEE COUNTY GIS. SOILS SHOWN FROM NRCS.
3. PROPERTY IS LOCATED IN LAND LOTS 1032, 1033, 1056-1058 & 1105, 21ST DISTRICT, 2ND SECTION, CHEROKEE COUNTY, GEORGIA.
4. NO PORTION OF THIS SITE IS LOCATED WITHIN A FLOOD HAZARD AREA PER CHEROKEE COUNTY FIRM PANEL 13057C03100 DATED 09.26.2006.
5. NO JURISDICTIONAL WETLANDS OR BUFFERED STATE WATERS EXISTING ON OR WITHIN 200 FEET OF THE SUBJECT PROPERTY. SITE DRAINS TO AND EXISTING POND WITHIN THE LIMITS OF THE CHEROKEE 75 CORPORATE PARK (APPROX. 750' DOWNSTREAM) AS DELINEATED BY OTHERS.
6. SUBJECT PROPERTY IS GENERALLY COMPRISED OF TWO TREE COVER TYPES INCLUDING HARDWOOD/PINE MIX AND OPEN/RESIDENTIAL LANDSCAPE YARDS. AS NOTED ON PLAN, TREE SIZES RANGE FROM 6"-24"/28" DBH WITH VARIABLE UNDERGROWTH CONDITIONS (SEE PLAN FOR LOCATIONS).
7. TO OWNERS KNOWLEDGE, THIS SITE DOES NOT CONTAIN A SIGNIFICANT WILDLIFE HABITAT OR HISTORIC/ARCHAEOLOGICAL/CULTURAL FEATURES.
8. ENGINEER: CHRISTOPHER PLANNING & ENGINEERING, INC.
12460 CRABAPPLE ROAD, SUITE 202-612
ALPHARETTA, GA 30004
CONTACT: MR. SOTIR J. CHRISTOPHER 770.331.7303

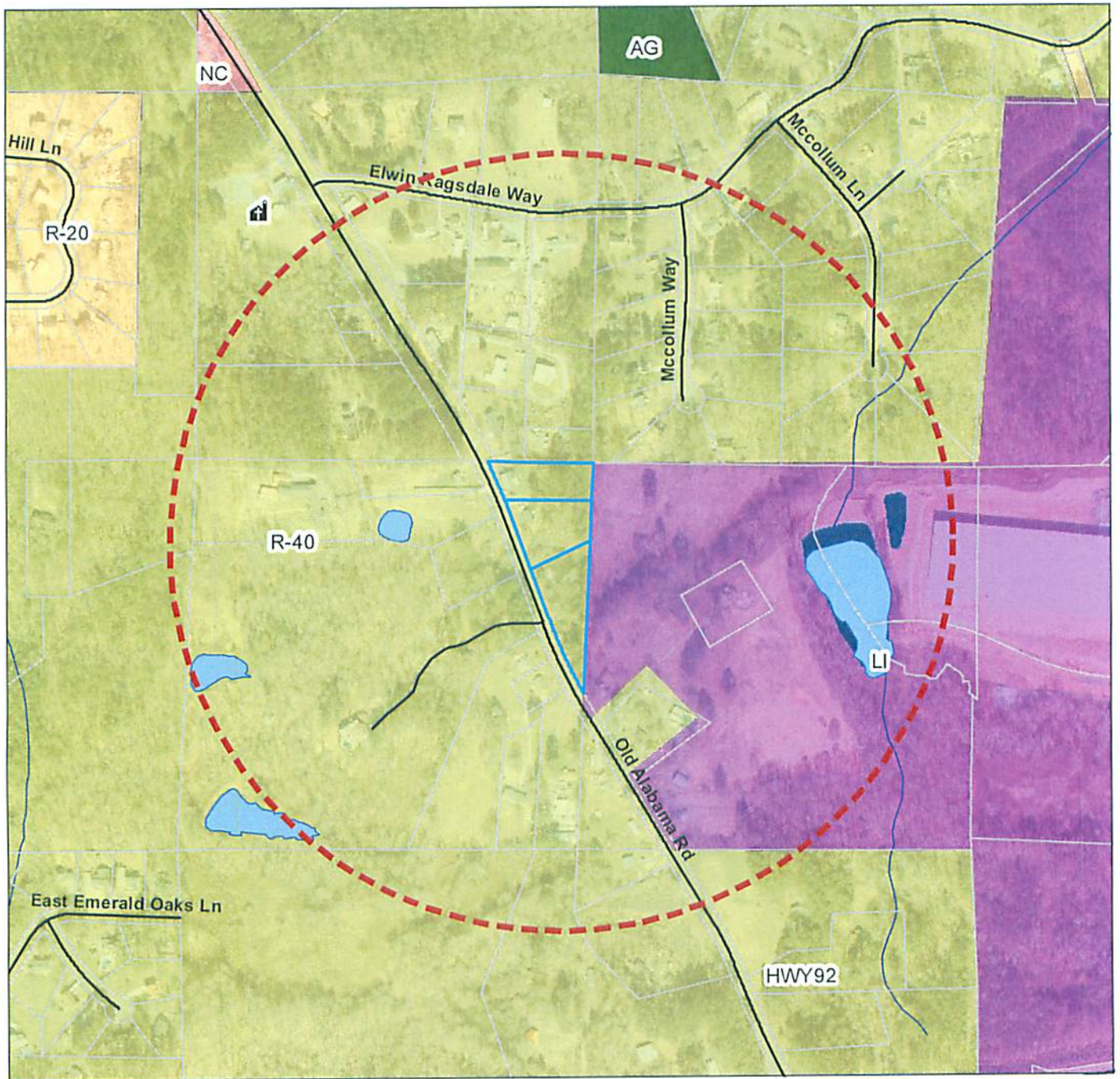
**EXISTING SITE
RESOURCE MAP**

DATE: MAY 8, 2017
CP&E PROJECT NO: 2017114EX1



Case # 17-06-019 Aaron Properties, LLC

Zoning Map



Legend

- | | | |
|--|---|--|
| <ul style="list-style-type: none"> Rezoning Parcel 1/4 Mile Radius School Cemetery Church Street Parcel 100 Year Flood Zone Ball Ground Canton Holly Springs Woodstock Detention Pond | Cherokee County Zoning <ul style="list-style-type: none"> AG R80 R50 R40 R30 R20 R15 RD3 R10 RZL RA | <ul style="list-style-type: none"> RTH RM10 RM16 TND PUD OI NC GC LI HI Isles Ferry Overlay HWY 92 Overlay |
|--|---|--|

0 0.05 0.1 0.2 Miles

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.

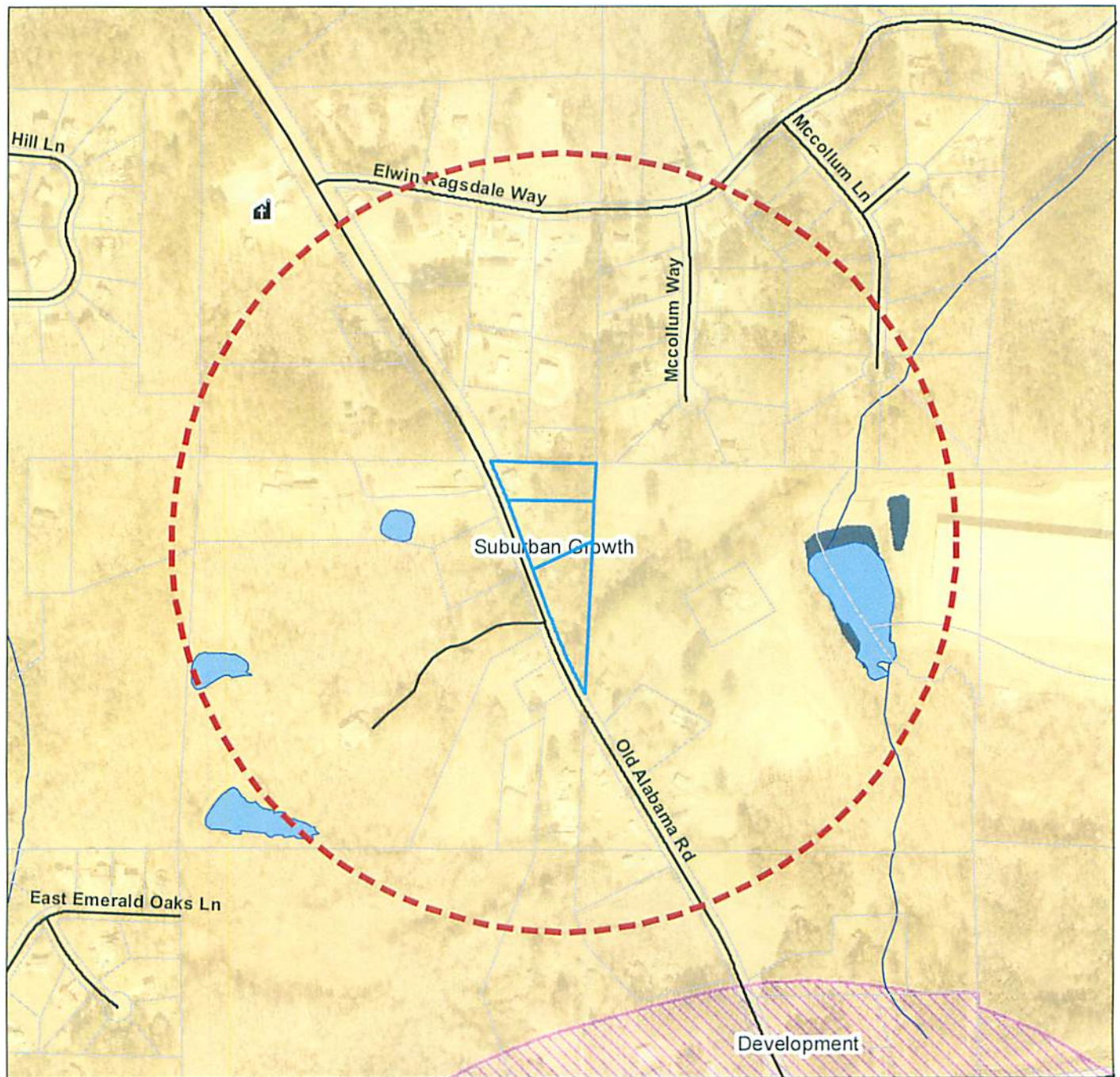


Prepared by:
Cherokee County
Planning and Land Use
Canton, Georgia
02 May 2017



Case # 17-06-019 Aaron Properties, LLC

Future Development Map



Legend

- | | | |
|--|---|---|
| <ul style="list-style-type: none"> Resizing Parcel 1/4 Mile Radius School Cemetery Church Street Parcel 100 Year Flood Zone Ball Ground Canton Holly Springs Woodstock Detention Pond | Development Nodes <ul style="list-style-type: none"> County Crossroads Hamlet Neighborhood Village Community Village Corridors <ul style="list-style-type: none"> Scenic Corridor Transitional Corridor Development Corridor | Character Areas <ul style="list-style-type: none"> Natural Preserve Rural Places Country Estates Suburban Growth Suburban Living Neighborhood Living Bells Ferry LCI Urban Core Workplace Center Regional Center Waste Management |
|--|---|---|

0 0.05 0.1 0.2 Miles

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 May 2017



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

April 27, 2017

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



RE: **Public Participation Meeting Report**
Applicant: Aaron Properties, LLC

Dear Commission Members:

The public participation meeting on behalf of applicant, Aaron Properties, LLC, was held at the Oak Grove Community Room next to Fire Station #19 on April 25, 2017. The meeting began at 6:30 p.m. and did not conclude until 7:30 p.m.

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

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

At the meeting the content of the zoning proposal was submitted to the people in attendance. The floor was open for discussion on the Aaron Properties, LLC's application for rezoning.

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

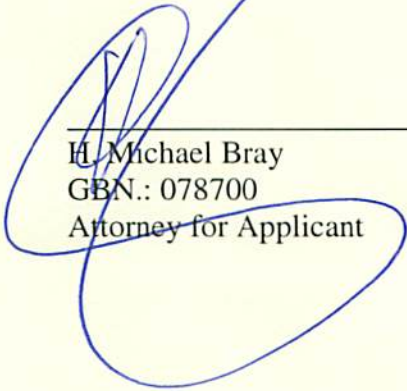
It was further explained that the next process would involve a presentation to the Planning Board for Cherokee County and their decision would be forwarded to the Board of Commissioners of Cherokee County for a final decision.

Page Two
April 27, 2017

There were a total of 10 attendees at the public participation meeting. While the attendees did not express any particular concern, issues or problems, there were questions about the buffers and noise level controls and some discussion of summer traffic on Old Alabama Road.

Nevertheless, it was a good meeting and the people in attendance did not express any strong issues or problems with the rezoning of Aaron Properties, LLC.

Respectfully submitted for the consideration of the Planning Commission and the Board of Commissioners, this 27th day of April, 2017.



H. Michael Bray
GBN.: 078700
Attorney for Applicant

Aaron Properties, LLC

PLEASE SIGN IN

	NAME	ADDRESS	TELEPHONE NUMBER	EMAIL ADDRESS
11.	Tony & Carmi Key	6132 Old Alabama Rd Acworth, Ga 30102	770-975-3434	Carmi.mickey01@comcast.net
12.	Wayne Tyson Ken Oliver Lisa Barber	6148 Old Alabama Rd Acworth GA 30102	404-310-9124	Wayne.Tyson41@icloud.com
13.	Jerry Brooks	6008 Old Alabama Rd. Acworth GA 30102	6-591-9861	411hvn@gmail.com
14.	Jerry Brooks	6136 Old Alabama Rd Acworth 30102	770-894-2420	jerryebrooksmusic@gmail.com
15.	Scotty Beach Jerr. Beach	2876 Emerald Lane Acworth	678-548 9198	jab2001@yahoo.com
16.	Gregory Padgett Yanisketh Padgett	6291 McCollum Way Acworth GA 30102	678-873-0134	jpeh553@aol.com
17.				
18.				
19.				
20.				



Cherokee County, Georgia Agenda Request

Item#: 1.

SUBJECT:

**Public Hearing before the Planning
Commission for proposed amendments to Article
18 of Cherokee County Zoning Ordinance**

MEETING DATE:

6/6/2017

SUBMITTED BY:

COMMISSION ACTION REQUESTED:

A Public Hearing before the Planning Commission to hear proposed changes to Article 18 of the Zoning Ordinance at their June 6, 2017 meeting at 7:00 p.m.

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:

Hold Public Hearing before the Planning Commission at their June 6, 2017 meeting at 7:00 p.m. regarding proposed amendments to Article 18 of the Zoning Ordinance.

ATTACHMENTS:

Description	Type
☐ Executive Summary	Backup Material
☐ Proposed Amendments	Backup Material
☐ Zoning Guide book	Backup Material
☐ Presentation	Cover Memo
☐ Proposed Changes	Exhibit

May 10, 2017

MEMORANDUM

TO: Chairman Ahrens
Commission Members
Jerry Cooper, County Manager

FROM: Jeff Watkins, Comm. Dev. Director

RE: Article 18 Zoning Procedures Outline of Issues

Article 18 of the Cherokee County Zoning Ordinance contains the procedures by which amendments to the text of the ordinance are accomplished as well as how one rezones property from one zoning classification to another. Staff has prepared a draft amendment to Article 18 to address several issues raised by citizens, Planning Commission, County attorneys and the Board of Commissioners. The following is a summary of the issues related to Article 18 and current zoning procedures that have been raised and our recommendations / solutions to those issues.

- *Code does not adequately distinguish between text amendments of the Zoning Ordinance and map amendments to the Official Zoning Map*

There are two types of amendments, one is amending the actual text of the Zoning Ordinance, and the second is a Map amendment to the Official Zoning Map. Most of the code speaks about how to rezone a property from one zone category to another, or map amendments, and very little on how to make a text amendment. Both types of amendments are considered zoning decisions under the State Zoning Procedures Act and under the statute follow similar procedures.

Recommendation: To add section to specifically address the Text amendment process

- *BOC should be able to hold public hearing on text amendments when necessary*

Currently, the code is ambiguous as to the exact process for hearing text amendments. At one place it mentions the Board of Commissioner by their own motion can hear such items, however it also says all amendments must be heard first by the Planning Commission. The result has been that some public hearings on text amendments have been held only by the BOC and others have been held by the Planning Commission.

The issue that arises is that some text amendments come directly at the request or direction of the BOC and are either related to a subject not within the scope of the Planning Commission's mission, or the Planning Commission has not been involved in the subject of the text amendment. For example, the recent change to the Sign Code in Article 11 of the Zoning Ordinance. It was in response to the Supreme Court case Reid v Gilbert, and was brought to the BOC by the County Attorney. The Planning Commission does not deal with sign permitting however due the

ambiguosness in the code, the safe approach was to have the Planning Commission hold the public hearing.

Planning Commission Public Hearings are held once a month, which limits when a text amendment can be considered, particularly when time is of the essence in getting an amendment to a code section.

Recommendation would be to allow the public hearing for text amendments promulgated by the BOC to be held by the BOC or, at the discretion of the BOC, by the Planning Commission

- *Requirements for an Application for Map Amendments are specified in the text of the code*

Sections 18.3-2 and 18.3-3 specify what information is to be submitted on an application for a map amendment as well as what is to be on a site plan and the format it should take. Because it is in the zoning ordinance, to change the information required for an application or the format of the site plan requires a public hearing and following the State Zoning Procedures.

Staff needs to be able to change application requirements as circumstances or environment dictates. Such as going from paper to electronic submission.

Recommend removing the specifics for the application materials from Art. 18 and adopting an application guidebook that includes such specific information

“Zoning Application Guidebook” to include:

1. Application
 - a. Instructions based upon type of submittal
2. Submittal checklist of items required
3. Site plan / Legal Descriptions / Surveys
4. Process work flow
5. Timeline with process milestones
6. Fee schedule
7. Public hearing schedule
8. Public Participation information
 - Instructions for mailings / template letter

- *Conduct of Planning Commission Hearings.*

Section 18.3-9 specifies how the chairman of the Planning Commission is to conduct the hearing. It includes the details of the conduct of the hearing. The Planning Commission should adopt their rules of procedure similarly to the BOC.

Recommend removing this section to have Planning Commission adopt their Rules of Procedure for the operation of their hearing annually.

- *Concurrent variances*

In past, variances have been granted to items such as buffers or building setbacks as a part of the consideration of a map amendment, however they typically were done via conditions attached to the approval of a request for a change of zoning. The code does not specifically permit but also does not specifically prohibit requesting a variance during the map amendment process.

Some applicants requesting a change of zoning have also requested the Planning Commission to consider a variance, but the Planning Commission has been reluctant to do so since the code does not specifically authorize them to hear such request. The Planning Commission has chosen to not entertain the variance and instead directed the applicant to go through the Zoning Board of Appeals. However, the ZBA has been uncomfortable to consider variances project-wide where it may produce a better plan for a project but may not necessarily be a hardship

Recommendation would be to add to Article 18 the ability for an applicant to request a concurrent variance with a map amendment but only where such concurrent variance request is:

- (1) advertised with the map amendment, specifically identifying the section(s) of the ordinance from which relief is requested,
- (2) it addresses factors that affect a significant portion of the proposed development of the property;
- (3) is limited to building setbacks, lot widths, and zoning buffers and
- (4) variances to permitted uses or minimum lot size are not permitted

- *Special Use permits*

Currently, the Zoning Ordinance does not have a process for the BOC to consider any Special Uses. Section 18.1-4 mentions “the approval or disapproval of a special use exception” however there is no process for considering special uses, nor does the ordinance identify any special uses.

Other communities in the Metro Atlanta area, and in Cherokee County, employ a process to review certain uses that while they may be appropriate for the zoning district, may not be appropriate in certain circumstances. Often the impacts of the use can be reduced or limitations placed on the scope of the use can help them “fit in” to a community. For example, outdoor recreation uses are permitted in the AG district, and while a riding academy for training in horseback riding might well fit into a community, a racetrack for automobiles or motorcycles might not.

A solution would be to add to Article 18 a section for Special Uses, which would be very similar to zoning request of a property. This solution would require identifying on the Permitted Uses Table in Article 7 those uses to designate as Special Uses and thus would be subject to this process. Other uses that may be subject to such designation might include Outdoor Recreational Uses, Special Event Facilities, Used Car dealers.

- *Reversion of Zoning / timing of development*

On certain occasions, property owners have been presented offers by development interests to purchase their land pending the zoning, only to have the deal fall through. This can leave the property owner with land that is zoned and no prospect for the land to be developed. In other situations, projects have gone through the process of changing the zoning and have been approved but no activity occurs often for years if ever. Over time, the area may have gone through a significant change and the previous zoning no longer fits the vision for the area.

A solution would be to add to the code a section requiring some development activity to occur based upon the approval of a request for a change of zoning within a certain timeframe or be subject to a review by the BOC to “revert” back to the original zoning.

- *Time frames for submittal of a rezoning application does not give sufficient time for staff to review and prepare the case*

18.3-2 states an application is to be submitted 45 days prior to public hearing date. Section 18.3-7 requires the sign to be posted on the property 30 days prior to public hearing date. This only gives 15 days between date application is submitted, not necessarily complete, and date of posting on property. Zoning procedures for the state of Georgia requires notification of a zoning decision to be posted not more than 45 days but not less than 15 days, this includes the notice in the newspaper. The advertisement for the newspaper has to be prepared at a minimum of a week prior to the date the legal ad will run.

The timeframe does not offer adequate time to properly prepare and vet cases for inclusion on the Planning Commission agenda. Nowhere in the code is the application for map amendment determined to be complete and ready to move forward.

Recommend moving to a 60-day calendar from time application is submitted to Planning Commission Public Hearing, and establishing date by which application it to deemed complete.

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
No January Hearing				
11/3/2017	11/18/2017	12/3/2017	1/2/2018	2/6/2018
12/8/2017	12/23/2017	1/7/2018	2/6/2018	3/6/2018

- *Public participation notices not mailed in time for neighbors to make arrangements to attend*

Recommend requiring notification of meeting be mailed no later than 10 days before the date of the scheduled public participation meeting. This can be verified by the certificate of mailing required to be submitted to Planning and Land Use.

- *Public Participation meeting held during the Holidays*

Recommend stating in the code:

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.

- *Public Participation meeting is to be in the community*

Recommend stating in the code:

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

- *No public hearing in January*

Public hearings are held on the First Tuesday of each month. This means that the Planning Commission meeting in January occurs during the holiday season. Often many citizens cannot attend due to their holiday arrangements being in conflict.

Recommend not holding any public hearing for zoning cases in January

- *Conditional Approvals*

In many of the zoning cases in Cherokee County conditions of zoning approvals are applied to a property or project. The conditions are important to capture those items that may make a

proposed project acceptable or consistent with the surrounding area or the comp plan. However, conditions of zoning can be problematic to enforce.

Recommend adding to Article 18 a section specifying the use and application of conditions of zoning and to provide for their enforcement under the zoning ordinance by making them subject to Article 19 Remedies and enforcement.

Article 18 – Amendments and Zoning Procedures**18.1 ~~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 ~~18.2~~ ZONING ORDINANCE TEXT AND MAP AMENDMENTS.**18.2-1 ~~18.2-1~~ 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.

18.2-2 ~~18.2-3~~ 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.

18.2-3 ~~18.2-2~~ 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.

18.2-4 ~~(c)~~ Text a Amendments.

~~(1) Public Hearing. The Board of Commissioners may schedule and conduct such public hearing, or may direct the Planning Commission to conduct a public hearing for the purpose of getting their recommendation. Failure by the Planning Commission to make a recommendation on any proposed text amendment shall go forward to the Board of Commissioners as "No Comment."~~

A. (2) 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. ~~(3)~~—In considering a text amendment, action by the Planning Commission shall be considered by vote of the members present.

1. ~~a.~~—A motion to ~~recommend approval or denial~~~~approve or deny~~ of an amendment must be ~~approved~~passed by an affirmative vote of at least a majority of the members present in order for the motion to ~~be approved~~carry.
2. ~~b.~~—If a motion to ~~approve~~recommend approval of an amendment fails, the amendment is automatically denied. If a motion to ~~recommend denial~~of~~deny~~ an amendment fails, another motion would be in order.
3. ~~c.~~—A tie vote on a motion to ~~recommend for~~approval of an amendment shall be deemed a ~~recommendation for~~denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
4. ~~d.~~—If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting.

C. ~~(4)~~—In taking final action on an ~~text~~ amendment, the Board of Commissioners may:

1. ~~a.~~—Approve, approve with changes, or deny the proposal; or,
2. ~~b.~~—Table the proposal for consideration at its next scheduled meeting; or
3. ~~c.~~—Return the proposed amendment to the Planning Commission for further consideration.

D. Standards for text amendments.

The Planning Commission and 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. ~~(1)~~—Is the proposed amendment consistent with the purpose and intent of this Ordinance as stated under Article 2 - ~~Purpose~~?
2. ~~(2)~~—Does the proposed amendment further or is it compatible with the purpose and intent of the Comprehensive Plan?
3. ~~(3)~~—Is the proposed amendment required to adequately address new or changing conditions or to properly implement the Comprehensive Plan?
4. ~~(4)~~—Does the proposed amendment reasonably promote the public health, safety, morality or general welfare?

E. -Effect of text amendment approval.

1. ~~(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. ~~(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. ~~(3)~~—Construction of any use, building, structure, or other improvements for which a ~~building~~ 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.

18.2-5 Map Amendments

A. ~~(1)~~—Public HearingInitiation of Map Amendment.

a. Pre-Application Meeting prior to any submittal

Any person considering a request to change the zoning of their property shall first schedule a meeting with staff of the department of Planning and Land Use prior to submitting such request. 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.

b. Preliminary Review Meeting prior to any submittal

Any time after the pre-application meeting with staff, but prior to submittal of an application requesting a change of zoning, the project may be presented for 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 their respective codes will require of the proposed site / project were the project to seek a development permit as proposed.

c. Application Submitted (~~75~~60 days)

Any person seeking a change of zoning of their property, having met with staff in a Pre-application meeting and subsequently presenting their project in a preliminary review meeting, may submit an application requesting a map amendment on forms provided by the Department of Planning and Land Use. The application shall be submitted a minimum of ~~75~~60 days in advance of the scheduled public hearing. In addition to the application, the request for map amendment may 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.

d. Public Participation Meeting (if required)

The rezoning process, by nature, often creates a contentious atmosphere for all parties involved. This is primarily because of lack of meaningful interaction between the parties, creating an “information void”, leading to a misunderstanding of the issues at hand among the involved parties. Therefore, any 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 subject to the request for a change of zoning has been presented in both a Pre-Application meeting and a Preliminary Plan meeting.

e. Application Deemed Complete (45 days)

The Department of Planning and 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 such deficiencies no later than 45 days prior to the public hearing date, or the application may be subject to a request by staff to continue the case until the next available public hearing date.

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. This eight (8) application limit shall not apply to the number of cases heard each month by the Cherokee County Municipal Planning Commission nor the Board of Commissioners of Cherokee County

~~Notice and Advertising (30/15 days)~~

f. PC 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 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.

~~PC Public Hearing~~

~~Board of Commissioners Decision~~

~~B. Public Hearing. The Board of Commissioners may schedule and conduct such public hearing, or may direct the Planning Commission to conduct a public hearing for the purpose of getting their recommendation.~~

~~Failure by the Planning Commission to make a recommendation on any proposed text amendment shall go forward to the Board of Commissioners as "No Comment."~~

~~18.2-2~~ 18.2-2 Public Hearing Required.

~~A. Prior to enacting an 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.~~

- C. Public Notice for Map Amendments~~If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of 25 or fewer parcels of land, then:~~

1. The legal notice, in addition to the requirements in 18.2-3 above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification of the property;
2. The Director shall cause a copy of the contents of the legal notice ~~from Section 18.2-2(B)~~ 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 seven (7) 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. 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 amendment.

~~18.2-3A. 18.2-3 Initiation of Amendments.~~

~~A. 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, or by petition of any property owner addressed to the Board of Commissioners. 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.~~

18.2-4D. 18.2-4 Limitation on Permits.

Once a map amendment is initiated by a property owner or their agent, other than by the Board of Commissioners, 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.

Provided, however, that if the Board of Commissioners does not take final action on the proposed map amendment within six (6) months from the date of initiation, 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.

~~18.2-5E.~~ 18.2-5 Standards for Governing Exercise of the Zoning PowerEvaluating Map Amendments.

1. The Board of Commissioners finds that the following standards are relevant in balancing the interest ~~in~~of promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property. These standards and shall be used to evaluate map amendment applications: govern the exercise of the zoning power:

A.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.b. Whether a proposed rezoning will adversely affect the existing use or usability of adjacent or nearby property;

C.c. Whether the property to be affected by a proposed rezoning has a reasonable economic use as currently zoned;

D.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.e. Whether the proposed rezoning is in conformity with the policy and intent of the Comprehensive Plan and Future Development Map; and

F.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. 18.2-5.1 The Planning Commission and Board of Commissioners shallmay also consider the following factors in evaluating an application for map amendment:

a. A. Impact on the road system and traffic flow;

b. B. AAdequacy of the water service system to the area proposed for development;

c. 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. D. Impact on economic values in the area;

e. E. Impact on the health, safety, and general welfare of the area; and

- ~~f. F.~~ Suitability of the site for the proposed use in overall size, topography and neighborhood compatibility.

~~18.2-6F.~~ 18.2-6 Impact Analysis for Map Amendments.

- ~~— If a proposed amendment is for the rezoning of property and involves a change in the zoning classification of 25 or fewer parcels of land, then:~~

- ~~A-1.~~ The initiating party, if a party other than the Board of Commissioners, shall be required to file, with its application for amendment, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 18.2-5 ~~DE (1) a-f~~, above. ~~Such a zoning proposal and analysis shall be a public record.~~

- ~~B-2.~~ The Department shall, with respect to each such zoning proposal, investigate and make a finding with respect to each of the matters enumerated in Section 18.2-5 ~~DE (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.

- ~~C-3.~~ The Department shall make a written record of its investigation and finding, ~~and this record shall be a public record.~~

- ~~4.~~ The Planning Commission shall, with respect to each such ~~zoning request for a map amendment proposal~~, investigate and make a recommendation with respect to each of the matters enumerated in Section 18.2-5 ~~DE (1) a-f~~ above. The Planning Commission shall make a written record of its investigation and recommendations.

- ~~D.~~ , and this record shall be a public record.

G. Planning Commission Action

- ~~1.~~ In considering a map amendment, action shall be considered by vote of the members present.
- ~~2.~~ The ~~Cherokee County Municipal Planning Planning~~ Commission may recommend to :
 - a. Continue the case to the next scheduled public hearing date upon a request by staff, and / or of their own motion; or
 - b. Approve the proposed ~~map~~ amendment as presented; or
 - c. Approve the proposed ~~map~~ amendment with conditions; or
 - d. Approve a substitute zoning classification (including special uses) with or without conditions ~~(including special uses), with or without conditions; or~~

e. Deny the proposed map amendment in whole or in part its entirety;

3. A motion to recommend approval or denial of a map amendment 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 a map amendment fails to get a second, another motion would be in order.
5. A tie vote on a motion to recommend approval or denial of a map amendment shall result in no action being taken.
6. If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting. If no action is taken at the second meeting, the application for map amendment shall move on to the Board of Commissioners with a recommendation for denial from the Planning Commission.

~~If a decision is not reached, the matter continues to be tabled for consideration until a vote carries. If the Cherokee County Municipal Planning Commission fails to recommend action on the application within sixty-five (65) days and the applicant does not agree to a waiver of this time limit, the applicant may take it to the Board of Commissioners without a Cherokee County Municipal Planning Commission recommendation.~~

7. In carrying out its responsibilities in reviewing and taking action on an application, the Cherokee County Municipal Planning Commission may adopt rules and regulations for the conduct of public hearings and meetings as are consistent with State and County law and appropriate to its responsibilities. Robert's Rules of Order may be used as a procedural guide in the absence of a rule or regulation.

8. The decision of the Cherokee County Municipal Planning Commission is advisory only.

~~18.2-7H.~~ 18.2-87 Action by Board of Commissioners.

Following the public hearing by the Planning Commission and after receipt of their recommendation on a request for map amendment, the Board of Commissioners may:

- ~~A.1.~~ 1. Approve the proposed map amendment as presented;
- ~~B.2.~~ 2. Approve the proposed map amendment with conditions;
- ~~C.3.~~ 3. Approve a similar or less intense use (including special uses), with or without conditions, only with the applicants' consent if the proposed amendment is for the rezoning of property;
4. Deny the proposed map amendment in ~~whole or in part its entirety;~~
- ~~D.5.~~ 5. Remand the proposed map amendment back to the Planning Commission for re-hearing;
- ~~E.~~ Refer the matter back to the Planning Commission for reconsideration;

~~F.6.~~ Table final action to a future regularly scheduled business session or public hearing meeting, or table the final action indefinitely. If the Board of Commissioners has not taken action on such application as enumerated in items A1–E45 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.

~~18.2-8I.~~ ~~18.2-89~~ 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 concept plan ~~at to~~ scale and such other plans, elevations or additional information as the Director and this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional 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.

~~18.2-9J.~~ ~~18.2-910~~ Public Participation.

Public Participation is intended to facilitate fair, open and honest discussions between the applicant and citizens in order to defuse the contentious nature of the rezoning process. —Emerging out of these discussions should be a better understanding of the issues and, therefore, 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 will have on the surrounding community.

Applicants for map amendments must illustrate in their application ~~for map amendment~~ the ~~depth and breadth~~ extent of their public participation efforts and results. At a minimum, all property owners within 750 feet of the subject property according current tax assessor records and interested citizens must be invited to a meeting at a public location in Cherokee County, no earlier than 6:30 pm in the evening to review the contents of the application and provide feedback to the applicant. Notifications shall be mailed not later than 10 days prior to the scheduled meeting. The applicant must include certificates of mailing for the invitations and a meeting summary in their map amendment application package.

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.

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. The applicant must include certificates of mailing for the invitations and a meeting summary in their map amendment application package.

This requirement applies only to rezoning applications for commercial agriculture, office, ~~commercial~~, multi-family residential, industrial and single-family residential rezoning requests for major subdivisions (5-6 or more lots). 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.

~~18.2-10K. 18.2-101~~ Concurrent Variances.

~~If an application for a proposed map amendment is for the rezoning of property and involves a change in the zoning classification of 25 or fewer parcels of land, then the application may include requests for variances to the provisions of the Zoning Ordinance. Concurrent variances must be advertised with the map amendment, specifically identifying the section(s) of the ordinance from which relief is requested.~~

~~The purpose of a variance request that is 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 concurrent variance applications must meet the standards outlined in Article 15 – Zoning Board of Appeals. These variances shall be limited to building setbacks, lot widths, and zoning bufferslot widths. Variances to permitted uses or minimum lot size are not permitted.shall not be subject to hearing~~

Add parameters for what types of variances

Purpose of concurrent variances

- Factors affecting a significant portion of the development
- Prevent multiple individual variances
- Not for use or lot size

~~18.2-1118.2-6 18.2-10-2~~ Modification Of of existing Existing zoning Zoning conditionsConditions.

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 18.2-5D. 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 18.2-5 (C) 2.

~~be subject to the same application, review and approval process as a new application, including the payment of relevant fees.~~

~~Goes to BOC and follows ZPA process only.~~

~~18.2-7~~ ~~23~~ 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.

B. The Board of Commissioners may review the zoning district classification of any zoning map amendment 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
3. No land disturbance permit, building permit or certificate of occupancy has been issued within 24 months of the date of approval of the map amendment.

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.

~~18.3~~

~~Purpose – reduce speculative nature of map amendments~~

~~Change it to 24 months timeframe~~

~~Spell out what zoning districts could be considered or whether it just reverts to previous~~

~~Follows Board-initiated process~~

18.3 SPECIAL USE PERMITS.

~~18.2-12~~ ~~18.3-1~~ ~~18.3-1~~ 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.

~~18.2-13~~ ~~18.3-2~~ ~~18.3-2~~ 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 firm development proposals only. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time.

~~18.2-14~~18.3-3 ~~18.3-3~~ Special Use Permit Procedure.

The application and review process for a Special Use Permit shall be the same as those contained in Section 18.2-~~5~~ (Map Amendments), herein, ~~excluding Section 18.2-95 (H)~~10 Public Participation.

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.

~~18.2-15~~18.3-4 ~~18.3-4~~ Staff Analysis.

The ~~Staff-staff~~ analysis on each application for a Special Use Permit shall follow the same procedures as those contained in Section 18.2-~~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.

~~18.2-16~~18.3-5 ~~18.3-5~~ Public Hearing Required

• The public hearing process, impact analysis and application ~~application of the Standards Governing the Exercise of Zoning Power~~ for a Special Use Permit shall be the same as those contained in Section 18.2-~~5~~, herein.

18.3-6 ~~18.3-6~~ Special Use Permit Review Criteria.

A. 1. 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 article Ordinance. The granting of a Special Use Permit is based upon the site plan presented to and considered by the Board and are subject to the following process and review procedure:

B. 2. The Board may grant Special Use Permits for limited periods of time based upon the criteria set forth in 18.3-6 C.

C. 3. 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. a) Whether or not there will be a significant adverse effect on the surrounding area in which the proposed use will be located.

2. b) Whether or not the use is otherwise compatible with the surrounding area.

3. e) —Whether or not the use proposed will result in a nuisance as defined under state law.
 4. d) —Whether or not quiet enjoyment of surrounding property will be adversely affected.
 5. e) —Whether or not property values of surrounding property will be adversely affected.
 6. f) —Whether or not adequate provisions are made for parking and traffic considerations.
 7. g) —Whether or not the site or intensity of the use is appropriate.
 8. h) —Whether or not special or unique conditions created by the use are consistent with the purpose, intent and goals of the Comprehensive Plan.
 9. i) —Whether or not adequate provisions are made regarding hours of operation.
 10. j) —Whether or not adequate controls and limits are placed on commercial and business deliveries.
 11. k) —Whether or not adequate landscape plans are incorporated to ensure appropriate transition between adjacent or nearby properties.
 12. l) —Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.
 13. m) —Whether the application complies with any applicable specific requirements set forth in ~~this chapter for Special Use Permits~~the Zoning Ordinance for particular types of uses.
 14. n) —Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.
 15. o) —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. 4. —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.

18.2-17 18.3-6 Action by the Board of Commissioners

When considering a Special Use Permit application, the Board of Commissioners shall consider the policies and objectives of the Comprehensive Plan and Future Development Map, particularly in relationship to the proposed site and surrounding area, and shall consider the potential adverse impacts on the surrounding area, especially in regards to but not limited to traffic, storm drainage, land values and compatibility of land use activities. Following its public hearing the Board of Commissioners may:

- ~~A. Approve the proposed special use as presented;~~
- ~~B. Approve the proposed special use with conditions;~~
- ~~C. Deny the proposed special use in whole or in part;~~
- ~~D. Refer the matter back to the Planning Commission for reconsideration;~~
- ~~E. Table final action to a future regularly scheduled business session or public hearing, or table the final action indefinitely.~~

~~18.2-18~~ ~~18.3-77~~ 18.3-88 ~~Special Uses Within or Accessory to a Dwelling.~~

~~An application for a Special Use Permit in a residential zoning district where the use is proposed to operate in a dwelling or as an accessory use to a dwelling is subject to the following additional requirements:~~

- ~~A. The Special Use Permit shall be valid for no more than an initial two-year period. Upon or before the expiration of the Special Use Permit, the owner shall make application to renew the Special Use Permit if continuance is desired. As part of a Special Use Permit renewal, the Board of Commissioners may waive any subsequent time limitation.~~
- ~~B. The special use shall operate within the dwelling on the property or, if approved by the Board of Commissioners, in an accessory structure.~~
- ~~C. The exterior character of the dwelling shall be preserved in its residential state and there shall be no outside evidence of the operation of the special use to the neighborhood, except for any accessory structure approved by the Board of Commissioners.~~
- ~~D. The owner of the property or business shall occupy the property and shall operate any business associated with the special use.~~
- ~~E. The owner of the property shall submit with the application a signed statement in which he/she agrees that the Special Use Permit, if approved, shall automatically terminate in the event that the property is sold, transferred, or otherwise conveyed to any other party; or the business which operates the special use is sold, transferred, otherwise conveyed or discontinued. The owner shall also agree to notify the Director in writing upon the occurrence of any of these events.~~
- ~~F. In addition to the information and/or site plans required, the owner of the property shall submit with the application for a Special Use Permit information regarding the ownership of any business associated with the use, the experience and background qualifications related to the operation of said business, prior similar businesses operated, applicable State of Georgia certifications, licenses and like information.~~

~~18.2-19~~ ~~18.3-7~~ ~~18.3-88~~ 18.3-88 ~~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 ~~through the Planning Commission~~ of voluntary terminations as they occur ~~and shall change the official zoning maps to reflect any voluntary terminations~~. 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.

~~18.2-20~~~~18.3-8~~ ~~18.3-99~~ 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.

~~18.2-21~~~~18.3-9~~ ~~18.3-100~~ 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 ~~through the Planning Commission~~ which may recommend that action be taken to remove the Special Use Permit from the property.

~~B.~~

~~18.2-22~~~~18.3-10~~ ~~18.3-111~~ Compliance with Special Use Permit Requirements.

The Planning and ~~Development~~ 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.

~~18.2-23~~~~18.3-11~~ ~~18.3-122~~ Actions to be Taken if Plans of Property Owner are not Implemented within Specified Time Limits.

The ~~special~~ 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 ~~through the Planning Commission~~ which may recommend that action be taken to remove the Special Use Permit from the property.

~~18.2-24~~~~18.3-12~~ ~~18.3-133~~ 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.

18.4 ~~18.4~~ CONDITIONAL APPROVALS.

18.2-25~~18.4-1~~ ~~18.4-1~~ PPurpose.

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~~it deems~~ 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.

18.2-26~~18.4-2~~ ~~18.4-2~~ 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.

18.2-27~~18.4-3~~ ~~18.4-3~~ Such conditions shall:

- ~~a.A.~~ Only be valid if they are included in the motion approving the amendment for adoption;
- ~~b.B.~~ Be recorded in the Resolution of the Board of Commissioners if enacted pursuant to an amendment of the ~~text of the Zoning Ordinance or the~~ Official Zoning Maps.
- ~~c.C.~~ Be continually in effect, or for the period of time specified in the amendment.
- ~~d.D.~~ Be required of the property owner and all subsequent owners as a condition of their use of the property.

~~e.E.~~ Be interpreted and continually enforced by the Director in the same manner as any other provision of this Zoning Ordinance.

~~18.2-28~~~~18.4-4~~ ~~18.4-4~~ 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 18.4 shall be handled in accordance with ~~Chapter 120~~ Article 19.

~~18.5~~ ~~18.65~~ WITHDRAWAL OF ~~AN~~ APPLICATION.

~~18.5-1~~ ~~18.56-1~~ 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.

~~18.65-2-2~~ 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 ~~or Zoning Board of Appeals, as appropriate~~, and shall receive final action, ~~unless having been administratively withdrawn for cause by the Department. At their discretion, the Board of Commissioners may allow an application to be withdrawn without prejudice at any time.~~

~~18.6~~ ~~18.76~~ LAPSE OF TIME REQUIREMENT FOR REAPPLICATION.

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

~~18.67-1~~ 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 ~~or Zoning Board of Appeals~~, as appropriate, unless such 12 month period is waived by the Board of Commissioners ~~or Zoning Board of Appeals as appropriate~~, 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 ~~or Zoning Board of Appeals~~, as appropriate.

~~18.67-2 Administrative variances, as outlined in Section 270-13018.8-15, shall not be subject to this time lapse requirement.~~

~~18.7~~ ~~18.87~~ ~~Cherokee County Municipal~~ PLANNING COMMISSION

~~18.2-29~~ ~~18.7-1~~ ~~18.87-1~~ Purpose

There is hereby established a Cherokee County ~~Municipal~~ Planning Commission for the purposes of providing recommendations to the Board of Commissioners of Cherokee County concerning re-zoning applications, zoning, and land use.

~~18.2-30~~ ~~18.7-2~~ ~~18.87-2~~ Membership

The Cherokee County ~~Municipal~~ Planning Commission shall consist of nine (9) members. 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 ~~Municipal~~ 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.

~~18.2-31~~ ~~18.7-3~~ ~~18.87-3~~ Leadership

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

~~18.2~~ ~~18.7-4~~ ~~18.87-4~~ Policies and Procedures

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

~~Formatting still needs adjusting.~~

REZONING APPLICATION



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

pluse@cherokee.ga.com

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 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 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 may 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)

Any 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 may be subject to a request by staff to continue the case 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

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".

☐ **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:

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, _____, 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 _____ day of _____, 20 _____.

Print Name _____.

Applicant Signature _____.

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 ⁺	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.

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

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

AUTHORIZATON 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.
- g. **General vegetative characteristics of property.**
- h. **General soil types**
- 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

The Public Participation Plan shall be required for all rezoning applications that require the submittal of a site plan. A Plan shall be submitted with any application for public hearing requesting a change of zoning.

This includes all office, commercial, multi-family residential, industrial, and single family residential rezoning requests that consist 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

It is mandatory for the rezoning applicant to schedule and hold a public participation meeting. The public notification letter sent 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 rezoning request.

- (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

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

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
(12) Waste Handling Facilities	New facility or	New facility within 1	New facility within 1	New facility within 1	New facility within 1

	expansion of use of an existing facility by 50% or more	mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only	mile of a public facility (airport, school, reservoir, river, etc.), otherwise, notification only
(13) Quarries, Asphalt & Cement Plants	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
(14) Wastewater Treatment Facilities	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)
(15) Petroleum Storage Facilities	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
(16) Water Supply Intakes / Public Wells / Reservoirs / Treatment Facilities	New Facilities	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)	Notification only (MNGWPD)
(17) Intermodal Terminals	New Facilities	New Facilities	New Facilities	New Facilities	New Facilities
(18) Truck Stops	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
(19) Correctional / Detention Facilities	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
(20) Any other development types not identified above (includes parking facilities)	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

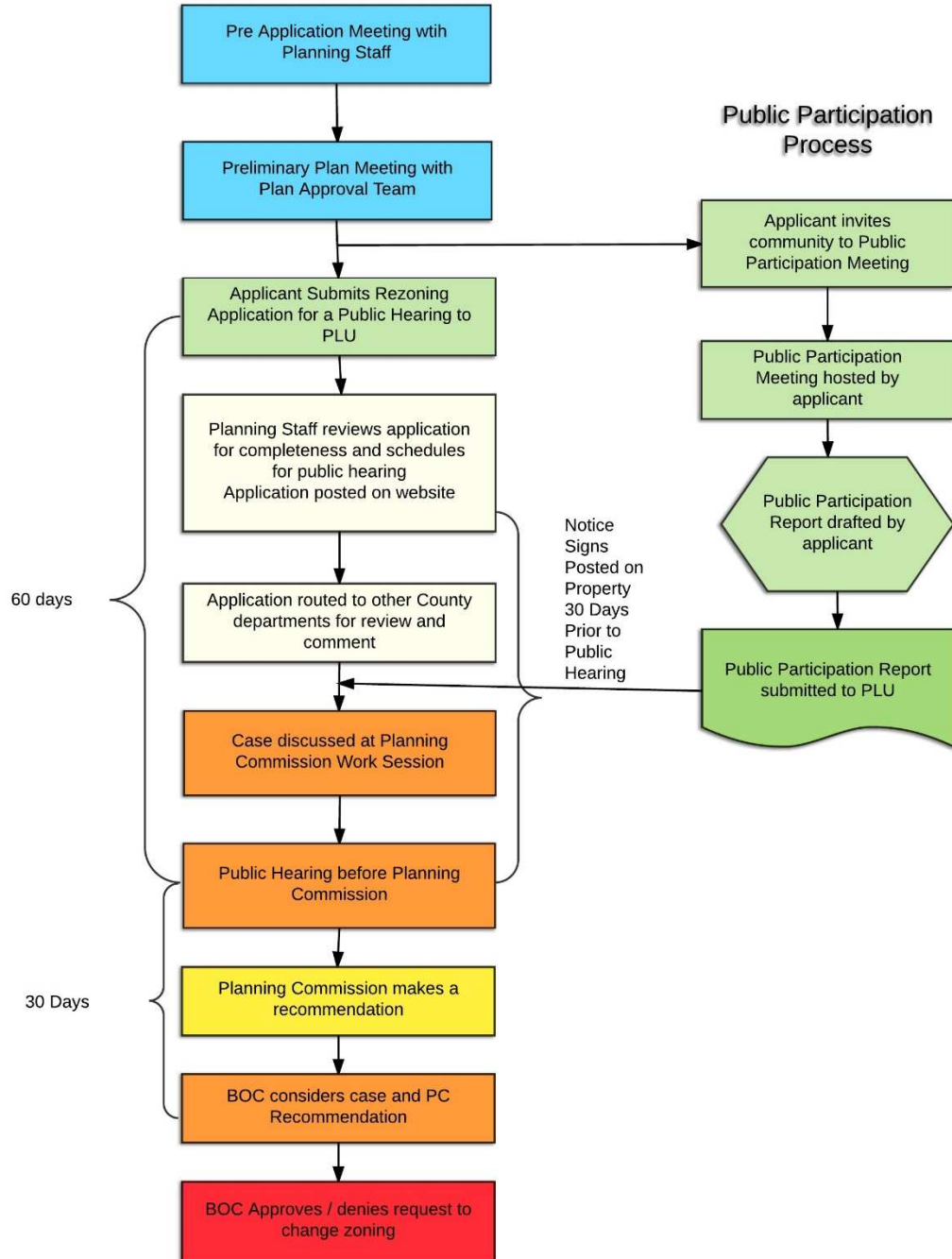
PUBLIC HEARING SCHEDULE

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
No January Hearing				
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
0-20	\$ 250.00	\$ 500.00	\$ 750.00
20-100	\$ 500.00	\$ 750.00	\$ 850.00
100+	\$ 750.00 + \$ 10 / acre	\$ 1,000.00 + \$ 10 / acre	\$ 1,000.00 + \$ 15 / acre
Max fee	\$ 2,500.00		
Modification of Zoning Conditions	\$ 175.00		

Cherokee County Zoning Process



CONTACT LIST

PLANNING & LAND USE

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

DEVELOPMENT SERVICE CENTER

ENGINEERING

FIRE MARSHAL

PLANNING COMMISSION

Amendments to Article 18

Amendments and Zoning Procedures

BOC Work Session

May 16, 2017

Current Code

- ▶ 18.1 Zoning Decision
- ▶ 18.2 Amendments
- ▶ 18.3 Zoning Procedures
 - ▶ 18.3-2 Application for Map Amendments
 - ▶ 18.3-3 Site Plan Requirements
 - ▶ 18.3-7 (d) Public Participation
 - ▶ 18.3-8A Membership of Cherokee County Municipal Planning Commission
 - ▶ 18.3-9 Conduct of Hearings
 - ▶ 18.3-10 Planning Commission Action
 - ▶ 18.3-11 Action by the Board of Commissioners
- ▶ 18.4 Resubmission
- ▶ 18.5 Copies of Policies and Procedures
- ▶ 18.6 Zoning Standards
 - ▶ 18.6-1 Factors Determining a Zoning Decision (Steinberg Criteria)
 - ▶ 18.6-2 Evaluation Criteria for Amendments

Proposed Amendment

- ▶ Proposes to repeal and replace current article
- ▶ 18.1 Administration and Legislative Bodies
- ▶ 18.2 Zoning Ordinance Text Amendments and Map Amendments
- ▶ 18.3 Special Use Permits
- ▶ 18.4 Conditional Approvals
- ▶ 18.5 Withdrawal of an Application
- ▶ 18.6 Lapse of Time Requirement for Re-Application
- ▶ 18.7 Planning Commission

Text Amendments & Map Amendments

- ▶ Text Amendments and Map Amendments
 - ▶ Two types of amendments
 - ▶ Most of Article 18 is related to Map Amendments
 - ▶ Recommend adding section to specifically address Text Amendments
- ▶ BOC should be able to hold public hearing on text amendments when necessary
 - ▶ 18.2 “This ordinance, including the Official Zoning Map, may be amended...”
 - ▶ 18.2-1 By the Commission, upon its own motion, in accordance with State Zoning Procedures and this ordinance
 - ▶ 18.3-1 (b) No amendment to this ordinance shall become effective unless it shall have been submitted to the Cherokee County Municipal Planning Commission for review and recommendation
 - ▶ Some text amendments are directed by BOC unrelated to the mission of Planning Commission but still within the zoning ordinance
 - ▶ Article 11 Signs
 - ▶ Amendment was responsive to Supreme Court decision, brought to BOC by County Attorney
 - ▶ Planning Commission required to hold public hearing regardless of not being involved
 - ▶ Recommend public hearings for text amendments promulgated by BOC may be held by BOC or, at the discretion of BOC, by the Planning Commission

Application for Map Amendment

- ▶ Application for Map Amendment currently specified in ordinance
- ▶ 18.3-2 (a)
 - ▶ Legal description
 - ▶ Site Plan
 - ▶ Present & proposed zoning district(s)
 - ▶ Name and address of property owners and agents
 - ▶ Names and addresses of abutting property owners
 - ▶ Existing Site Resource Map
- ▶ 18.3-3 Site Plan requirements
 - ▶ 3 copies
 - ▶ Format and Information
- ▶ Recommend removing the specifics for the application materials from Art. 18 and putting into an application “guidebook”

Guidebook

- ▶ Contents of Zoning Application “Guidebook”
 - ▶ Application, with instructions based on type of submittal
 - ▶ Submittal Checklist of items required
 - ▶ Site Plan / Legal Descriptions / Boundary Surveys
 - ▶ Process Work flow
 - ▶ Timeline of process
 - ▶ Fee Schedule
 - ▶ Public hearing schedule
 - ▶ Public Participation Information
 - ▶ Instructions for mailings / templates
 - ▶ Contact information
- ▶ Able to amend as necessary or as needs change

Special Use Permit

- ▶ 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
- ▶ Follow same process as a Map Amendment, except Public Participation meeting
- ▶ Special Use Review Criteria: items which might make the use “fit in
- ▶ Will need to identify uses in 7.2 Permitted Uses table Special Use
 - ▶ Example: Outdoor recreation uses in AG

Concurrent Variances

- ▶ Currently, code does not expressly prohibit nor permit
- ▶ Over the years have sanctioned concurrent variances
 - ▶ Typically, through conditions of zoning approval
- ▶ Recommend adding section to Art. 18 to allow an applicant to request a variance concurrent with a map amendment
- ▶ Only where request is:
 - ▶ Advertised with the map amendment
 - ▶ Addresses factors affecting a significant portion of the property
 - ▶ Limited to building setbacks, lot widths and zoning buffers
 - ▶ Variance of permitted use or lot size is NOT permitted

Conduct of Hearings

- ▶ 18.3-9 Conduct of Hearings
 - ▶ Specifies how the Planning Commission is to conduct the public hearing.
 - ▶ Recommend removing this section and have Planning Commission adopt their Rules of Procedure annually
- ▶ Planning Commission Action
 - ▶ Continue the case to the next scheduled public hearing date upon a request by staff, and/or of their own motion; or
 - ▶ Approve the proposed map amendment as presented; or
 - ▶ Approve the proposed map amendment with conditions; or
 - ▶ Approve a substitute zoning classification (including special uses) with or without conditions; or
 - ▶ Deny the proposed map amendment in its entirety
- ▶ Action by BOC
 - ▶ Approve the proposed map amendment as presented;
 - ▶ Approve the proposed map amendment with conditions;
 - ▶ Approve a similar or less intense use (including special uses), with or without conditions, only with the applicants' consent;
 - ▶ Deny the proposed map amendment in its entirety;
 - ▶ Remand the proposed map amendment back to the Planning Commission for re-hearing;
 - ▶ 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.

Reversion of Zoning / timing of development

- ▶ Property owners authorize someone to seek a change of zoning of their property
 - ▶ The request for a change goes through the process and is granted
 - ▶ Subsequently the deal falls through and property owner is left with a property now zoned to a different category
- ▶ Recommend adding section to require some development activity to occur based upon the approval of a request for a change of zoning within a timeframe (24 months) or be subject to review of zoning by BOC

Time from submittal to public hearing

- ▶ An application is to be submitted 45 days before the public hearing date
 - ▶ Submitted, not necessarily complete
 - ▶ Recommend (1) a 60 day calendar from time application is submitted; (2) establishing a date by which an application is to deemed complete
 - ▶ Gives staff time to review and comment, gives applicant time to make corrections

Last Filing Day	Deemed Complete by	Signs Posted	PC Work Session	PC Public Hearing	BOC Regular Meeting
7/7/2017	7/22/2017	8/6/2017	8/21/2017	9/5/2017	10/3/2017
Day 0	15	30	45	60	88

- ▶ After recommendation from Planning Commission, application is placed on BOC agenda 14 days later
 - ▶ Really 7 days after PC due to agenda requirements
 - ▶ Recommend all applications with action by Planning Commission be placed on first Tuesday meeting for BOC decision
- ▶ Public Hearings during Christmas Holiday
 - ▶ Recommend not scheduling Planning Commission Public Hearing in January (ie. Cobb)

Conditional Approvals

- ▶ Special conditions imposed by BOC 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.
- ▶ List of the types of conditions that may be applied
- ▶ Conditions must be:
 - ▶ Included in the motion to approving for adoption
 - ▶ Recorded in the resolution
 - ▶ Required of property owner and subsequent owners
- ▶ Violations of condition shall be handled as if a violation of zoning ordinance, in accordance with Article 19 of Zoning Ordinance

Public Participation

- ▶ Public Participation notices not mailed in time for neighbors to make arrangements to attend
 - ▶ Recommend requiring notices be mailed no later than 10 days before the date of the scheduled meeting. Verified by certificate of mailing
- ▶ Public Participation meeting held during Holidays
 - ▶ Recommend stating in code:
 - ▶ 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
- ▶ Public Participation meeting is to be in the community
 - ▶ Recommend stating in code:
 - ▶ 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

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 ZONING ORDINANCE TEXT AND MAP AMENDMENTS.**18.2-1 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.

18.2-2 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.

18.2-3 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.

18.2-4 Text Amendments.

- A. Public Hearing. The Board of Commissioners may schedule and conduct such public hearing, or may direct the Planning Commission to conduct a public hearing for the purpose of getting 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 denied. If a motion to recommend denial of an amendment fails, another motion would be in order.
 3. A tie vote on a motion to recommend approval of an amendment shall be deemed a recommendation for denial of the amendment. A tie vote on any other motion shall be deemed to be no action, and another motion would be in order.
 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 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.

18.2-5 Map Amendments

A. Initiation of Map Amendment.

1. Pre-Application Meeting prior to any submittal

Any person considering a request to change the zoning of their property shall first schedule a meeting with staff of the department of Planning and Land Use prior to submitting such request. 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 requesting a change of zoning, the project may be presented for 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 their respective codes will require of the proposed site / project were the project to seek a development permit as proposed.

3. Application Submitted (60 days)

Any person seeking a change of zoning of their property, having met with staff in a Pre-application meeting and subsequently presenting their project in a preliminary review meeting, may submit an application requesting a map amendment on forms provided by the Department of Planning and Land Use. The application shall be submitted a minimum of 60 days in advance of the scheduled public hearing. In addition to the application, the request for map amendment may 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.

4. Public Participation Meeting (if required)

The rezoning process, by nature, often creates a contentious atmosphere for all parties involved. This is primarily because of lack of meaningful interaction between the parties, creating an “information void”, leading to a misunderstanding of the issues at hand among the involved parties. Therefore, any 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 subject to the request for a change of zoning has been presented in both a Pre-Application meeting and a Preliminary Plan meeting.

5. Application Deemed Complete (45 days)

The Department of Planning and 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 such deficiencies no later than 45 days prior to the public hearing date, or the application may be subject to a request by staff to continue the case until the next available public hearing date.

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. This eight (8) application limit shall not apply to the number of cases heard each month by the Cherokee County Municipal Planning Commission nor the Board of Commissioners of Cherokee County

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 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.

B. Public Hearing. The Board of Commissioners may schedule and conduct such public hearing, or may direct the Planning Commission to conduct a public hearing for the purpose of getting their recommendation.

C. Public Notice for Map Amendments:

1. The legal notice, in addition to the requirements in 18.2-3 above, shall include the location of the property, the present zoning classification of the property, and the proposed zoning classification 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 seven (7) 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. 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 amendment.

D. Limitation on Permits.

Once a map amendment is initiated 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.

Provided, however, that if the Board of Commissioners does not take final action on the proposed map amendment within six (6) months from the date of initiation, 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. Standards for Evaluating Map Amendments.

1. The Board of Commissioners finds that the following standards 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 standards shall be used to evaluate map amendment 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 an application for map amendment:
 - 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 amendment, a written, documented analysis of the impact of the proposed zoning with respect to each of the matters enumerated in Section 18.2-5 E (1) a-f, above.
2. The Department shall, with respect to each such zoning proposal, investigate and make a finding with respect to each of the matters enumerated in Section 18.2-5 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, investigate and make a recommendation with respect to each of the matters enumerated in Section 18.2-5 E (1) a-f above. The Planning Commission shall make a written record of its investigation and recommendations.

G. Planning Commission Action

1. In considering a map amendment, action shall be considered by vote of the members present.
2. The Planning Commission may recommend to :
 - a. Continue the case to the next scheduled public hearing date upon a request by staff, and / or of their own motion; or
 - b. Approve the proposed map amendment as presented; or
 - c. Approve the proposed map amendment with conditions; or
 - d. Approve a substitute zoning classification (including special uses) with or without conditions; or
 - e. Deny the proposed map amendment in its entirety.
3. A motion to recommend approval or denial of a map amendment 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 a map amendment fails to get a second, another motion would be in order.
5. A tie vote on a motion to recommend approval or denial of a map amendment shall result in no action being taken.
6. If no action is taken on an amendment, it shall be considered tabled and action deferred to the next regular meeting. If no action is taken at the second meeting, the application for map amendment shall move on to the Board of Commissioners with a recommendation for denial from the Planning Commission.
7. 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 and County law and appropriate to its responsibilities. Robert's Rules of Order may be used as a procedural guide in the absence of a rule or regulation.
8. 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 a request for map amendment, the Board of Commissioners may:

1. Approve the proposed map amendment as presented;
2. Approve the proposed map amendment with conditions;

3. Approve a similar or less intense use (including special uses), with or without conditions, only with the applicants' consent ;
4. Deny the proposed map amendment in its entirety;
5. Remand the proposed map amendment 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 concept plan to scale and such other plans, elevations or additional information as the Director and this Ordinance may require, showing the proposed development and its impact on natural and built systems. Additional 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. Public Participation.

Public Participation is intended to facilitate fair, open and honest discussions between the applicant and citizens in order to defuse the contentious nature of the rezoning process. Emerging out of these discussions should be a better understanding of the issues and, therefore, 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 will have on the surrounding community.

Applicants for map amendments must illustrate in their application the extent of their public participation efforts and results. At a minimum, all property owners within 750 feet of the subject property according current tax assessor records and interested citizens must be invited to a meeting at a public location in Cherokee County, no earlier than 6:30 pm in the evening to review the contents of the application and provide feedback to the applicant. Notifications shall be mailed not later than 10 days prior to the scheduled meeting. The applicant must include certificates of mailing for the invitations and a meeting summary in their map amendment application package.

This requirement applies only to rezoning applications for commercial agriculture, office, multi-family residential, industrial and single-family residential rezoning requests for major subdivisions (6 or more lots). 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.

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

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

K. Concurrent Variances.

An application for a map amendment may include requests for variances to the provisions of the Zoning Ordinance. Concurrent variances must be advertised with the map amendment, 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.

18.2-6 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 18.2-5D. 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 18.2-5 (C) 2 .

18.2-7 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.
- B. The Board of Commissioners may review the zoning district classification of any zoning map amendment 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

3. No land disturbance permit, building permit or certificate of occupancy has been issued within 24 months of the date of approval of the map amendment.
- 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.

18.3 SPECIAL USE PERMITS.

18.3-1 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.

18.3-2 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 firm development proposals only. The Special Use Permit shall not be used for securing early zoning for conceptual proposals which may not be undertaken for some time.

18.3-3 Special Use Permit Procedure.

The application and review process for a Special Use Permit shall be the same as those contained in Section 18.2-5 Map Amendments, herein, excluding Section 18.2-5 (J) Public Participation.

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.

18.3-4 Staff Analysis.

The staff analysis on each application for a Special Use Permit shall follow the same procedures as those contained in Section 18.2-5, 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.

18.3-5 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 18.2-5, herein.

18.3-6 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 18.3-6 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.

18.3-7 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.

18.3-8 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.

18.3-9 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.

18.3-10 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.

18.3-11 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.

18.3-12 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.

18.4 CONDITIONAL APPROVALS.**18.4-1 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.

18.4-2 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.

18.4-3 Such conditions shall:

- A. Only be valid if they are included in the motion approving the amendment for adoption;
- B. Be recorded in the Resolution of the Board of Commissioners if enacted pursuant to an amendment of the Official Zoning Maps.
- C. Be continually in effect, or for the period of time specified in the amendment.
- 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.

18.4-4 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 18.4 shall be handled in accordance with Article 19.

18.5 WITHDRAWAL OF AN APPLICATION.

- 18.5-1** 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.

- 18.5-2** 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.

18.6 LAPSE OF TIME REQUIREMENT FOR REAPPLICATION.

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

- 18.6-1** 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, as appropriate, 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, as appropriate.

18.7 PLANNING COMMISSION

18.7-1 Purpose

There is hereby established a Cherokee County Planning Commission for the purposes of providing recommendations to the Board of Commissioners of Cherokee County concerning re-zoning applications, zoning, and land use.

18.7-2 Membership

The Cherokee County Planning Commission shall consist of nine (9) members. 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.

18.7-3 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.

18.7-4 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.



Cherokee County, Georgia
Agenda Request

Item#: 1.

SUBJECT:

April 17, 2017 Work Session Minutes

MEETING DATE:

6/6/2017

SUBMITTED BY:

Tamala Davis

COMMISSION ACTION REQUESTED:

FACTS AND ISSUES:

BUDGET:

Budgeted Amount:

Account Name:

Amount Encumbered:

Account #:

Amount Spent to Date:

Remaining Budget:

Amount Requested:

ADMINISTRATIVE RECOMMENDATION:



Cherokee County, Georgia
Agenda Request

Item#: 2.

SUBJECT:
May 2, 2017 Minutes

MEETING DATE:
6/6/2017

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:
