

RESOLUTION NO. 2020-R-043
CASE # 20-04-012
APPLICANT: Windsong Properties

A resolution concerning the following described property:

13.0 +/- acres located in Land Lot 889 of the 15th District, 2nd Section of Cherokee County, Georgia, and indicated as Parcel 043A on Tax Map 15N23.

WHEREAS, it is hereby found and determined that Windsong Properties filed a petition to change the zoning of the property described above from NC (Neighborhood Commercial) to RZL (Zero Lot Line) on December 12, 2019. The applicant also requests the following concurrent variances 1) eliminate the buffer adjacent to the existing commercial zoning; 2) reduce the front setback from twenty (20) feet to ten (10) feet; 3) adjust the RZL development standards setback from zero (0) feet from the property line to five (5) feet from property line with ten (10) feet between structures; 4) to allow a street to terminate without a cul-de-sac; 5) reduce the southern buffer from thirty (30) feet to twenty (20) feet; and 6) reduce the rear setback from twenty-five (25) feet to fifteen (15) feet.

WHEREAS, the petition to change the zoning proposes an age-restricted active-adult community residential development as shown on the site plan attached hereto as **Exhibit A**; and,

WHEREAS, O.C.G.A. 36-66-4 mandates any local government taking action which will result in a zoning decision shall provide for a hearing on the proposed action by causing to be published a notice in a newspaper of general circulation; and,

WHEREAS, the notice of public hearing, a copy of which is attached hereto as **Exhibit B** and incorporated herein by reference, was published more than 15 days prior to the public hearing; and,

WHEREAS, the Planning Commission held a public hearing on June 2, 2020 upon this request for change of zoning in the Commission Chambers of the Cherokee County Administration Building; and,

WHEREAS, the recommendation of the Planning Commission, attached hereto as **Exhibit C**, has been received regarding the subject property as described in the legal description, a copy of which is attached hereto as **Exhibit D** and incorporated herein by reference; and,

WHEREAS, the Cherokee County Board of Commissioners have considered the proposed petition in contemplation of the Comprehensive Plan as adopted and interpreted by the Planning Commission; and, has examined the views expressed at the public hearing, the subject property and surrounding area, the statutory zoning criteria, and the need to modify the exercise of the police power with regard to this particular property as such exercise relates to the comprehensive exercise of that power throughout the unincorporated area of Cherokee County, Georgia.

NOW THEREFORE, be it resolved by the Cherokee County Board of Commissioners that the request to rezone the property is hereby declared to be **APPROVED AS RZL WITH CONDITIONS**.

NOW THEREFORE, be it further resolved by the Cherokee County Board of Commissioners that the petition to grant variances affecting the property is hereby declared to be **APPROVED**.

SO RESOLVED, this 7th day of July, 2020.

CHEROKEE COUNTY BOARD OF COMMISSIONERS



Harry B. Johnston, Chairman

ATTEST:



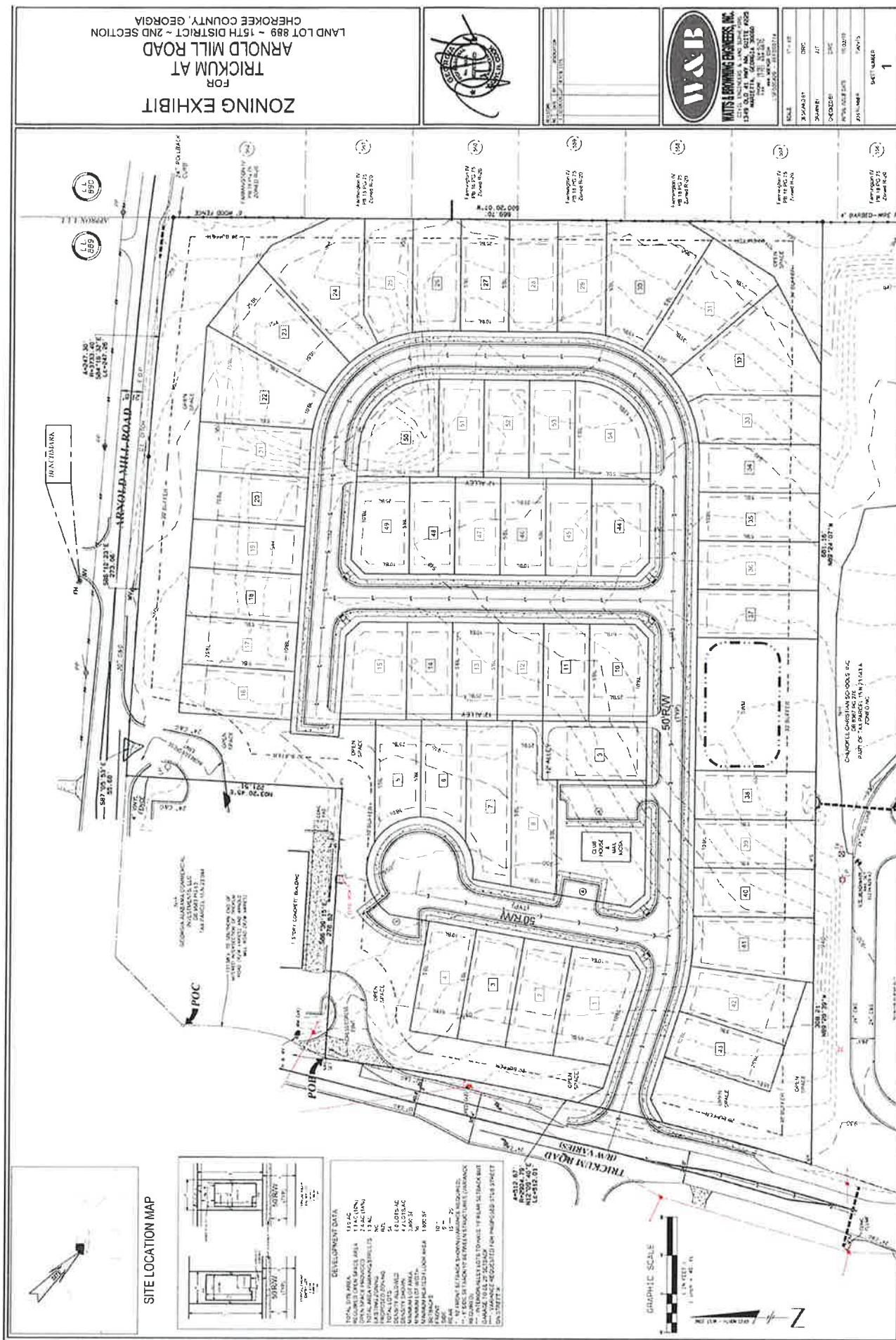
Christy Black, County Clerk



CONDITIONS – CASE # 20-04-012

1. This age-restricted development shall be in compliance with the Federal Fair Housing Act.
2. Allow buffer adjacent to the *Farmington* residential subdivision to be graded and replanted consistent with the attached letter of July 7, 2020 (**Exhibit E**).
3. The buffer shall include a six (6) foot tall wooden privacy fence along the entire eastern property line with evergreen plant screening material in the buffer area. The buffer will be graded into a slope so that the *Windsong* homes will be below grade, creating a greater separation between the *Windsong* subdivision and the *Farmington* subdivision.

A

[illegible]

Ad text :
TCT-3232
GPN-16
NOTICE OF PUBLIC HEARING
Windsong Properties
CASE# 20-04-012

EXHIBIT B

Windsong Properties has submitted a petition to the Cherokee County Board of Commissioners requesting that the official zoning map of Cherokee County, Georgia be amended to rezone property from NC (Neighborhood Commercial) to RZL (Zero-Lot-Line). If rezoned, the property may be developed as an age-restricted active-adult community of fifty-four (54) single-family detached homes. The applicant also seeks the following concurrent variances: eliminate the buffer adjacent to the existing commercial zoning; reduce the front setback from twenty (20) feet to ten (10) feet; adjust the RZL development standards setback from zero (0) feet from the property line to five (5) feet from property line with ten (10) feet between structures; to allow a street to terminate without a cul-de-sac; reduce the southern buffer from thirty (30) feet to twenty (20) feet; and reduce the rear setback from twenty-five (25) feet to fifteen (15) feet. The properties owned by Cherokee Christian Schools, Inc. are located at 3075 Trickum Road in Land Lot 889 of the 15th District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 043A on Tax Map 15N23. A total of 13.0 +/- acres is sought to be rezoned.

An exact legal description of the property is on file at the Cherokee County Department of Planning and Zoning, 1130 Bluffs Parkway, Canton, Georgia and may be reviewed along with any other information regarding this request, between 8:00 a.m. and 5:00 p.m. Monday through Friday. Information about this case is also available at www.cherokeega.com/cherokeestatus.

The Cherokee County Municipal Planning Commission will conduct a joint public hearing with the Cherokee County Board of Commissioners on the request at its meeting on Tuesday, June 2, 2020 at 7:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia. The Planning Commission will forward its recommendation to the Cherokee County Board of Commissioners based upon information presented at the public hearing.

The Cherokee County Board of Commissioners may consider this request at its meeting on Tuesday, July 7, 2020 at 6:00 p.m. in Cherokee Hall at the Cherokee County Administration Building, 1130 Bluffs Parkway, Canton, Georgia.

Meetings of the Planning Commission and the Board of Commissioners are open to the public.

Note: Georgia Law requires that all parties who have made campaign contributions to any member of the Cherokee County Board of Commissioners in excess of two hundred fifty dollars (\$250) within two (2) years immediately preceding the filing of this request, and who desires to appear at the public hearing in opposition to the application, shall, at least five (5) days prior to the public hearing, file a campaign contribution disclosure with the Cherokee County Department of Planning and Zoning.

As set forth in the Americans with Disabilities Act of 1992, the Cherokee County Government does not discriminate on the basis of disability, and will assist citizens with special needs, when given seven (7) working days advance notice.

For information, please call 678-493-6101.

5:14-2020

CHEROKEE TRIBUNE

521 East Main Street, Canton, Georgia 30114

PUBLISHER'S AFFIDAVIT

STATE OF GEORGIA - County of Cherokee

Before me, the undersigned; a Notary Public,
this day personally came Otis A. Brumby III,
who, being duly sworn, according to law, says
that he is the Publisher of Times Journal, Inc.,
publishers of the CHEROKEE TRIBUNE,
official newspaper published in said county
and State, and that the publication, of
which the annexed is a true copy, was
published in said paper, as provided by law,
on the following dates:

05/14/2020

Otis A. Brumby III

Subscribed and sworn to before me this

14th day of May, 2020

Teresa Reeves

Notary Public



My commission expires _____



**Department of Planning and Zoning
1130 Bluffs Parkway • Canton, Georgia 30114**

DATE: June 11, 2020

TO: Board of Commissioners
Jerry Cooper, County Manager
Angela E. Davis, County Attorney
Christy Black, County Clerk

FROM: Michael Chapman, Zoning Manager

RE: Recommendation of Planning Commission

CASE NUMBER:	20-04-012
APPLICANT:	Windsong Properties
ZONING:	NC to RZL w/concurrent variances
LOCATION:	3075 Trickum Road
MAP & PARCELS:	15N23, 043A
ACRES:	13.0 +/-
PROPOSED USE:	Age Restricted Active Adult Community
FUTURE DEVELOPMENT MAP:	Neighborhood Village/Suburban Living
COMMISSION DISTRICT:	2

As a result of the public hearing held on June 2, 2020, the Cherokee County Planning Commission voted to recommend **approval** of RZL (Zero Lot Line) for property located at 3075 Trickum Road consisting of 13.0 +/- acres with the condition that this age restricted development that is in compliance with the Federal Fair Housing Act. The Planning Commission also voted to recommend **approval** of the concurrent variances to 1) eliminate the buffer adjacent to the existing commercial zoning; 2) reduce the front setback from twenty (20) feet to ten (10) feet; 3) adjust the RZL development standards setback from zero (0) feet from the property line to five (5) feet from property line with ten (10) feet between structures; 4) to allow a street to terminate without a cul-de-sac; 5) reduce the southern buffer from thirty (30) feet to twenty (20) feet; and 6) reduce the rear setback from twenty-five (25) feet to fifteen (15) feet.

EXHIBIT D

LEGAL DESCRIPTION

TO ASCERTAIN THE TRUE POINT OF BEGINNING, begin at the point of intersection of the Southerly right of way of Arnold Mill Road with the East line of Land Lot 889; thence South $00^{\circ} 24' 45''$ West along the East line of Land Lot 889 a distance of 669.70 feet to an iron pin found; thence leaving said land lot line North $89^{\circ} 28' 20''$ West a distance of 660.37 feet to an iron pin set, said iron pin being the TRUE POINT OF BEGINNING; thence North $89^{\circ} 28' 20''$ West a distance of 308.26 feet to an iron pin found located on the Easterly right of way of Trickum Road; thence Northerly along the arc of a curv. along the Easterly right of way of Trickum Road (Trickum Road having a variable width right of way at this point) an arc distance of 512.75 feet (said arc having a radius of 2772.89 feet and being subtended by a chord bearing of North $12^{\circ} 10' 20''$ East along the Easterly right of way of Trickum Road a chord distance of 512.01 feet) to a nail set; thence leaving said right of way South $86^{\circ} 39' 05''$ East a distance of 278.83 feet to an iron pin set; thence South $09^{\circ} 06' 25''$ West a distance of 493.28 feet to an iron pin set and the True Point of Beginning.

The above described property is subject to the Permitted Exceptions shown on Exhibit "B" attached hereto and made a part hereof

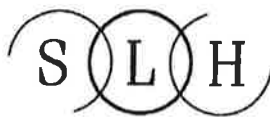


EXHIBIT E

GARVIS L. SAMS, JR
JOEL L. LARKIN
PARKS F. HUFF

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770.426.6583
FACSIMILE

July 7, 2020

VIA EMAIL AND HAND DELIVERY

Mr. Michael Chapman, AICP
Cherokee County Planning and Zoning Department
1130 Bluffs Parkway
Canton, GA 30114

Re: Application of Windsong Properties, LLC to rezone 13 acres on the east side of Trickum Road and the south side of Arnold Mill Road from Neighborhood Commercial (NC) to RZL for an active adult community

Dear Michael:

The Planning Commission recommended approval of a new Windsong neighborhood at the intersection of Arnold Mill Road and Trickum Road. At the meeting, two neighbors that live on Farmington Drive expressed concerns about the setbacks and buffers adjacent to their homes. Sean Randall, as a representative of Windsong, went to the neighbors to meet with them and the other neighbors that adjoin the proposed development. The neighbors requested that the buffer be graded and replanted consistent with the attached presented to the neighbors a cross section of the proposed buffer area showing a privacy fence along the property line with evergreen plantings in the buffer area that will be graded into a slope so the homes will be below grade, creating a greater separation between the two communities. Attached are the letter agreements with the neighbors that the applicant submits as an additional condition on the zoning approval. Please let me know if you need any additional information.

Sincerely,

SAMS, LARKIN & HUFF


Parks F. Huff

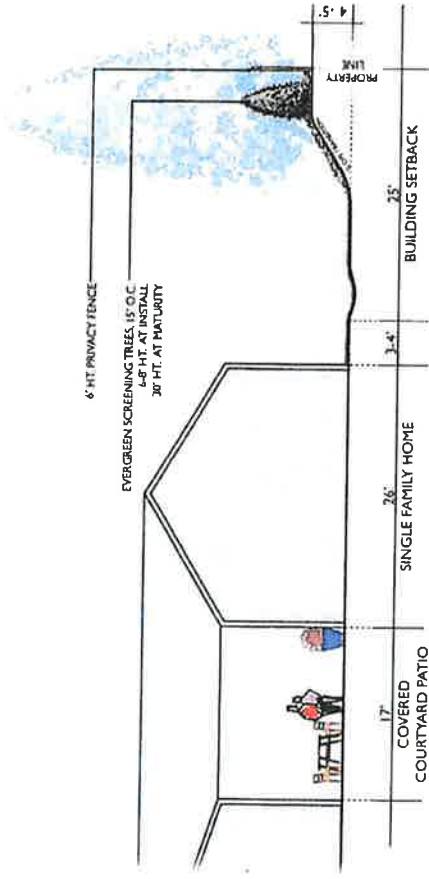
phuff@samlarkinhuff.com

PFH/lkj
Enclosures

ARNOLD MILL RD.

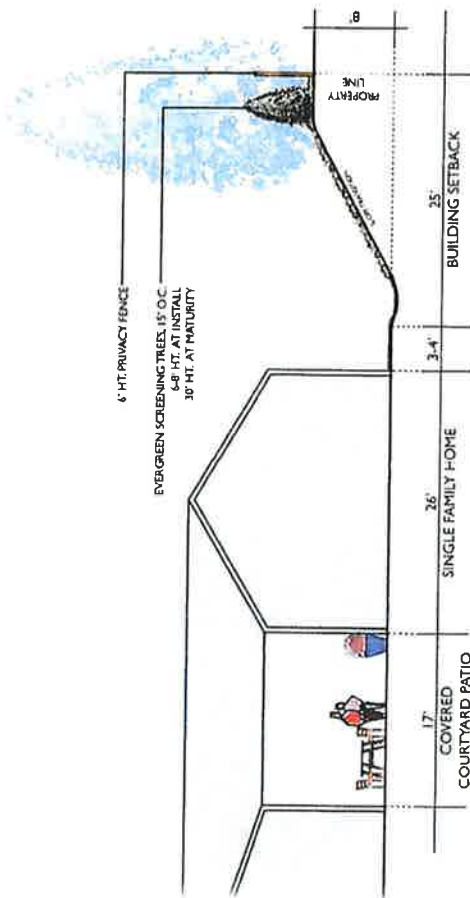


TRICKUM ROAD NE



SECTION "A", TYPICAL

1"=5'-0"



SECTION "B", TYPICAL

1"=5'-0"



Woodstock, GA
JUNE 11, 2020

WINDSONG- TRICKUM RD.
SITE CONDITION SECTIONS

June 11, 2020



Cherokee County Board of Commissioners
Cherokee County Staff.
1130 Bluffs Parkway
Canton, Georgia 30114

Re: Rezoning of Cherokee Christian School Site (12.9 acres); Case #20-04-012

Dear Commissioners and Staff:

I (we) are in support of the proposed rezoning on the Cherokee Christian School Site by Windsong Properties, LLC ("the Applicant") from NC Neighborhood Commercial to RZL Residential Zoning with the purpose of developing an Active Adult, age restricted community. I (we) are also in support of the preliminary Site Plan as produced by Watts and Browning civil engineers with 54 total single-family detached homes last updated on May 13, 2020 as well as the Applicant's commitment to installing a six (6') foot wooden privacy fence and evergreen plant material screening along the entire eastern property line associated with this proposed community. Due to site conditions, I (we) understand the Applicant will also need to grade into the 20' buffer area to enable the new residents to enjoy all slab-on-grade homes with little grade changes. This grading may necessitate the removal of the existing trees in the buffer area. The Applicant will honor the 25' building setback line along the entire eastern property line. I (we) have also seen the preliminary Site Plan with the rear yard shown with cross sections as drawn by HGOR Landscape Architects and believe this proposed project will be an excellent addition to our neighborhood.

Thus, I (we) would respectfully request the Board of Commissioners to approve this residential rezoning for the Cherokee Christina School Site and the site plan as submitted to be approved.

Sincerely,


Signature

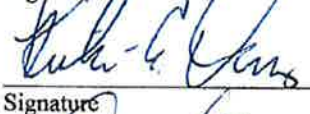
Cheryl A. Sturgis
Print Name

96 Farmington Dr.
Address


Signature

Robert Sturgis
Print Name

" "
Address


Signature

Rick E. Davis
Print Name

94 Farmington Dr.
Address


Signature

Donna (Cheryl)
Print Name

88 Farmington Dr.
Address

WHERE LIFE'S A BREEZE!

P.O. Box 1205, Woodstock, GA 30188
Ph: 770-516-3409 ~ Fx: 770-516-8159
www.WindsongLife.com

June 11, 2020



Cherokee County Board of Commissioners
Cherokee County Staff.
1130 Bluffs Parkway
Canton, Georgia 30114

Re: Rezoning of Cherokee Christian School Site (12.9 acres); Case #20-04-012

Dear Commissioners and Staff:

I (we) are in support of the proposed rezoning on the Cherokee Christian School Site by Windsong Properties, LLC ("the Applicant") from NC Neighborhood Commercial to RZL Residential Zoning with the purpose of developing an Active Adult, age restricted community. I (we) are also in support of the preliminary Site Plan as produced by Watts and Browning civil engineers with 54 total single-family detached homes last updated on May 13, 2020 as well as the Applicant's commitment to installing a six (6') foot wooden privacy fence and evergreen plant material screening along the entire eastern property line associated with this proposed community. Due to site conditions, I (we) understand the Applicant will also need to grade into the 20' buffer area to enable the new residents to enjoy all slab-on-grade homes with little grade changes. This grading may necessitate the removal of the existing trees in the buffer area. The Applicant will honor the 25' building setback line along the entire eastern property line. I (we) have also seen the preliminary Site Plan with the rear yard shown with cross sections as drawn by HGOR Landscape Architects and believe this proposed project will be an excellent addition to our neighborhood.

Thus, I (we) would respectfully request the Board of Commissioners to approve this residential rezoning for the Cherokee Christina School Site and the site plan as submitted to be approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Jason Wiren", written over a horizontal line.

Signature

JASON WIREN

Print Name

92 FARMINGTON

Address

Signature

Print Name

Address

Signature

Print Name

Address

Signature

Print Name

Address

WHERE LIFE'S A BREEZE!

P.O. Box 1205, Woodstock, GA 30188
Ph: 770-516-3409 ~ Fx: 770-516-8159
www.WindsongLife.com

June 11, 2020



Cherokee County Board of Commissioners
Cherokee County Staff.
1130 Bluffs Parkway
Canton, Georgia 30114

Re: Rezoning of Cherokee Christian School Site (12.9 acres); Case #20-04-012

Dear Commissioners and Staff:

I (we) are in support of the proposed rezoning on the Cherokee Christian School Site by Windsong Properties, LLC ("the Applicant") from NC Neighborhood Commercial to RZL Residential Zoning with the purpose of developing an Active Adult, age restricted community. I (we) are also in support of the preliminary Site Plan as produced by Watts and Browning civil engineers with 54 total single-family detached homes last updated on May 13, 2020 as well as the Applicant's commitment to installing a six (6') foot wooden privacy fence and evergreen plant material screening along the entire eastern property line associated with this proposed community. Due to site conditions, I (we) understand the Applicant will also need to grade into the 20' buffer area to enable the new residents to enjoy all slab-on-grade homes with little grade changes. This grading may necessitate the removal of the existing trees in the buffer area. The Applicant will honor the 25' building setback line along the entire eastern property line. I (we) have also seen the preliminary Site Plan with the rear yard shown with cross sections as drawn by HGOR Landscape Architects and believe this proposed project will be an excellent addition to our neighborhood.

Thus, I (we) would respectfully request the Board of Commissioners to approve this residential rezoning for the Cherokee Christina School Site and the site plan as submitted to be approved.

Sincerely,


Signature

RENATA ABUILERA
Print Name

100 FARMINGTON DR.
Address
WOODSTOCK, GA 30188

Signature

Print Name

Address

Signature

Print Name

Address

Signature

Print Name

Address

WHERE LIFE'S A BREEZE!

P.O. Box 1205, Woodstock, GA 30188
Ph: 770-516-3409 ~ Fx: 770-516-8159
www.WindsongLife.com