

RESOLUTION NO. 2020-R-056
CASE # 20-07-014
APPLICANT: B & H Cherokee Properties, LLC

A resolution concerning the following described property:

5.9 +/- acres located in Land Lots 852 and 877 of the 3rd District, 2nd Section of Cherokee County, Georgia, and indicated as Parcel 091 on Tax Map 03N10.

WHEREAS, it is hereby found and determined that B & H Cherokee Properties, LLC filed a petition to change the zoning of the property described above from R-80 (Estate Residential) to GC (General Commercial) on April 28, 2020.

WHEREAS, the petition to change the zoning proposes commercial use to expand existing storage facility 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 July 7, 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 GENERAL COMMERCIAL (GC) WITH CONDITION.**

SO RESOLVED, this 4th day of August, 2020.

CHEROKEE COUNTY BOARD OF COMMISSIONERS



Harry B. Johnston, Chairman

ATTEST:



Christy Black, County Clerk



CONDITION:

All buffers are to be maintained to provide effective year-round screening.

Ad text :

gpn16

TCT3445

NOTICE OF PUBLIC HEARING

B & H Cherokee Properties, LLC

CASE# 20-07-014

EXHIBIT B

B & H Cherokee Properties, LLC 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 R-80 (Estate Residential) to GC (General Commercial) for public storage units. The property owned by B & H Properties, LLC is located at 7796 Cumming Highway in Land Lots 852 and 877 of the 3rd District, 2nd Section of Cherokee County, Georgia and indicated as Parcel 091 on Tax Map 03N10. A total of 6.0 +/- 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.cherokeeega.com/cherokeestatus.

The Cherokee County Municipal Planning Commission will hold a Work Session at the Cherokee County Administration Building, 1130 Bluffs Parkway on Monday, June 15, 2020 at 6:30 p.m.

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, July 7, 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, August 4, 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.

6:18, 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:

06/18/2020

RECEIVED
JUN 29 2020
PLANNING & LAND USE

Otis A. Brumby III

Subscribed and sworn to before me this

18th day of June, 2020

Teresa Reeves

Notary Public

My commission expires _____



EXHIBIT **C**



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

DATE: July 17, 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: 20-07-014
APPLICANT: B & H Cherokee Properties, LLC
ZONING: R-80 to GC
LOCATION: 7770 Cumming Highway
MAP & PARCELS: 03N10, 091
ACRES: 5.9 +/-
PROPOSED USE: Expansion of existing storage facility
COMMISSION DISTRICT: 1
FUTURE DEVELOPMENT MAP: Community Village

As a result of the public hearing held on July 7, 2020, the Cherokee County Planning Commission voted to recommend **approval** of GC (General Commercial) zoning for property located at 7770 Cumming Highway consisting of 5.9 +/- with the following conditions:

- 1) All buffers are to be maintained to provide an effectively year-round screening

5/6/20

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 852 & 877, OF THE 3RD DISTRICT, OF CHEROKEE COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE FROM A POINT AT THE LAND LOT CORNER COMMON TO LAND LOTS 876, 877, 924 AND 925; THENCE LEAVING SAID LAND LOT CORNER AND RUNNING ALONG SAID LAND LOT LINE COMMON TO LAND LOTS 876 AND 877 NORTH 00 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 605.87 FEET TO A POINT ON LINE; THENCE LEAVING SAID LAND LOT LINE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST A DISTANCE OF 325.33 FEET TO AN IRON PIN FOUND (AXLE), SAID POINT BEING THE POINT OF BEGINNING, FROM SAID POINT OF BEGINNING AS THUS ESTABLISHED: THENCE NORTH 15 DEGREES 04 MINUTES 03 SECONDS WEST A DISTANCE OF 506.71 FEET TO A (POINT); THENCE NORTH 72 DEGREES 18 MINUTES 43 SECONDS EAST A DISTANCE OF 568.98 FEET TO A POINT IN THE CENTERLINE OF A CREEK; (SAID POINT BEING DESIGNATED AS POINT "B"), THENCE ALONG SAID CENTERLINE OF CREEK AND THE MEANDERINGS THEREOF 550 FEET MORE OR LESS TO A POINT IN THE CENTERLINE OF A CREEK (SAID POINT BEING DESIGNATED AS POINT "C"), SAID POINT "B" TO POINT "C" BEING SUBTENDED BY A TIE BEARING BEING SOUTH 10 DEGREES 35 MINUTES 02 SECONDS EAST A DISTANCE OF 395.67 FEET; THENCE LEAVING SAID CENTERLINE OF CREEK SOUTH 60 DEGREES 30 MINUTES 21 SECONDS WEST A DISTANCE OF 554.95 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINING (5.861 ACRES 255,290 SQUARE FEET MORE OR LESS),